



Please ask for Amanda Clayton
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The Chair and Members of Planning
Committee

Councillors Blank and Huckle –
Site visits 1 and 2
Councillors J Innes and P Innes –
Site visits 3 and 4
Councillors Bagley and T Murphy –
Site visit 6

17 August 2018

Dear Councillor,

Please attend a meeting of the PLANNING COMMITTEE to be held on TUESDAY, 28 AUGUST 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 12.15pm. Ward members wishing to be present should attend on site as indicated below:-

1. 12:25 Boythorpe Road former Queens Park
CHE/18/00411/FUL
2. 12:45 Chesterfield Cattery, Crow Lane
CHE/18/00225/FUL

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

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

www.chesterfield.gov.uk

3. 13:15 140 Church Street North, Old Whittington
CHE/18/00127/FUL
4. 13:30 Broomhill Farm, Broomhill Road, Old Whittington
CHE/18/00307/FUL
5. 13:55 Travellers Rest, Sheffield Road
CHE/17/00496/FUL
6. 14:10 79 Sheffield Road, Stonegravels
CHE/17/00722/OUT

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

Ward members are invited to attend on site and should confirm their attendance by contacting Amanda Clayton on tel. 01246 345239 or via e-mail: amanda.clayton@chesterfield.gov.uk by 9.00 a.m. on Tuesday, 28 August, 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 - 32)
4. Applications for Planning Permission - Plans Determined by the Committee (Pages 33 - 228)
5. Building Regulations (P880D) (Pages 229 - 236)

6. Applications for Planning Permission - Plans Determined by the Development Management and Conservation Manager (P140D) (Pages 237 - 250)
7. Applications to Fell or Prune Trees (P620D) (Pages 251 - 254)
8. Appeals Report (P000) (Pages 255 - 262)
9. Enforcement Report (P410) (Pages 263 - 268)
10. Local Government Act 1972 - Exclusion of Public

To move "That under Section 100(A)(4) of the Local Government Act, 1972 the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 6 of Part I of Schedule 12A of the Act."

11. Unauthorised engineering operation at 10 Pottery Lane West (Pages 269 - 274)

Yours sincerely,

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

Local Government and Regulatory Law Manager and Monitoring Officer

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PLANNING COMMITTEE**Monday, 6th August, 2018**

Present:-

Councillor Simmons (Vice-Chair in the Chair)

Councillors	P Barr	Councillors	Caulfield
	Bingham		T Gilby
	Callan		Sarvent
	Catt		Miles

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

CHE/17/00359/FUL - Alterations and change of use from public house to residential use comprised of 9 flats and a separate 4 bed dwelling at Victoria Hotel, Lowgates, Staveley, Derbyshire S43 3TR for Kat Homes Ltd – amended description and plans received 10.07.2018 and 23.07.2018, arboricultural impact assessment received 23.07.2018.

Councillors P Barr, Bingham, Callan, Catt, Caulfield, T Gilby, Miles, Sarvent and Simmons.

CHE/18/00200/MA - Material amendments to plot 1 (re-siting of bungalow and bungalow to be single storey) of previously approved application CHE/07/00117/FUL at Fox's Place, Brampton, Chesterfield for Mr P Bissett.

Councillors P Barr, Bingham, Callan, Catt, Caulfield, T Gilby, Miles, Sarvent and Simmons.

CHE/18/00224/REM - Re-submission of all matters reserved application CHE/17/00281/REM - approval of reserved matters of CHE/15/00594/OUT - construction of up to ten dwellings at land surrounding No's 146 to 152 Hady Lane, Chesterfield S41 0DE for Mr Joe Stone, Mr Kevin Bailey and Mrs Katarina Bailey.

Councillors P Barr, Bingham, Callan, Catt, Caulfield, T Gilby, Miles, Sarvent and Simmons.

CHE/18/00377/FUL - Proposed wrap around industrial shed extension to east and south of existing factory unit and extension of existing car park cutting into and including retaining wall in existing bank side At Carrwood House, Carrwood Road, Sheepbridge Ind. Estate, Chesterfield, Derbyshire S41 9QB for Mintdale Engineering Ltd.

Councillors P Barr, Bingham, Callan, Catt, Caulfield, T Gilby, Miles, Sarvent and Simmons.

CHE/18/00349/FUL - Proposed residential development to form 2 no, 3 bed detached dwellings with off road parking (revised drawings received 19.07.2018) at 12 Cavendish Street North, Old Whittington S41 9DH for Mr P Kitchen.

Councillors P Barr, Bingham, Callan, Catt, Caulfield, T Gilby, Miles, Sarvent and Simmons.

*Matters dealt with under the Delegation Scheme

27 APOLOGIES FOR ABSENCE

Apologies were received from Councillors Brady, Brittain, Davenport, Hill and Wall.

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

No declarations of interest were received.

29 MINUTES OF PLANNING COMMITTEE

RESOLVED -

That the Minutes of the meeting of the Planning Committee held on 16 July, 2018 be signed by the Chair as a true record.

30 FIVE YEAR HOUSING SUPPLY POSITION 2018/19

The Strategic Planning and Key Sites Manager submitted a report to provide an update on the current Five Year Housing Supply position of the Council and the implications of the position for decision making on planning applications.

A revised National Planning Policy Framework (NPPF) was published by the Ministry of Housing, Communities and Local Government on 24 July, 2018. The NPPF continued to require local planning authorities to identify and annually update a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing.

There were a number of changes to the calculation of the housing supply introduced. An adopted local plan older than five years would need to be calculated against the Local Housing Need using the new methodology contained in the NPPF. The definition of deliverable has been changed. Previously all sites with planning permission which were deliverable in five years were included, unless there was evidence to the contrary. The new definition states any site with outline planning permission or allocation in a local plan may only be included if there is clear evidence that housing completions would begin on site within five years.

***RESOLVED –**

1. That the report be noted.
2. That the Planning Committee takes account of the updated position with regard to the five year supply of housing within Chesterfield Borough when determining future planning applications.

31 APPLICATIONS FOR PLANNING PERMISSION - PLANS DETERMINED BY THE COMMITTEE

*The Committee considered the under-mentioned applications in light of reports by the Development Management and Conservation Manager and resolved as follows:-

CHE/17/00359/FUL - ALTERATIONS AND CHANGE OF USE FROM PUBLIC HOUSE TO RESIDENTIAL USE COMPRISED OF 9 FLATS AND A SEPARATE 4 BED DWELLING AT VICTORIA HOTEL, LOWGATES, STAVELEY, DERBYSHIRE S43 3TR FOR KAT HOMES LTD – AMENDED DESCRIPTION AND PLANS RECEIVED 10.07.2018 AND 23.07.2018, ARBORICULTURAL IMPACT ASSESSMENT RECEIVED 23.07.2018

In accordance with Minute No. 299 (2001/2002) Mr Richard Piggott (applicant's agent) addressed the meeting.

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 with the exception of any approved non material amendment.

3. 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.

4. No development shall take place until full details of both hard and soft landscape works, bin storage and boundary treatments including the retention of the freestanding pub sign have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved.

5. Unless otherwise agreed in writing by the local planning authority, development shall not commence until details of the proposed windows and doors with cross sections have been submitted to the Local Planning Authority for consideration and written approval. Only the approved details shall be incorporated as part of the development, unless otherwise agreed in writing by the Local Planning Authority.

6. 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. Notwithstanding the provision of the Town and Country Planning (General Permitted) Development Order 1995 (as amended) there shall be no extensions, outbuildings or garages constructed or additional windows erected or installed at or in the development hereby approved without the prior written agreement of the Local Planning Authority.

8. The rooflights shall be laid flush with the roof and the boundary wall to the South East of the site shall be removed.
9. Prior to development commencing an Employment and Training Scheme shall be submitted to the Local Planning Authority for consideration and written approval. The Scheme shall include a strategy to promote local supply chain, employment and training opportunities throughout the construction of the development.
10. Before any operations are commenced, space shall be provided within the site curtilage for site accommodation, storage of plant and materials, parking and manoeuvring of site operative's and visitor's vehicles together with the loading / unloading and manoeuvring of goods vehicles, designed, laid out and constructed all as may be agreed with the Local Planning Authority in advance of construction work commencing and maintained free from impediment throughout the duration of construction works.
11. All parking spaces shall be formally demarcated on the ground in permanent marking materials and allocated to specific residential units. The approved scheme shall be implemented in full prior to occupation of any residential unit.
12. The parking and turning layout as shall be maintained free from any impediment to its designated use.
13. Prior to the occupation, details shall be provided to the local authority for approval in writing showing adequate bin storage and a bin dwell area for use on refuse collection days clear of the public highway, within the site curtilage clear of all access and parking and turning provision and retained thereafter free from impediment to designated use.
14. Notwithstanding the details contained within the Arboricultural Impact Assessment by Jon Coe Tree Services Ltd dated the 23rd July 2018 the 2 no. protected Cherry trees which lie adjacent to the boundary with Wateringbury Grove shall be retained as part of the scheme hereby approved. Prior to any development commencing a revised Arboricultural Impact Assessment shall be submitted to the Local Planning Authority, for approval in writing, which considers and proposes measures to protect the 2 no. protected Cherry trees that are to be retained alongside the details of the site layout as agreed. The development thereafter shall be implemented in strict accordance with the approved details within the

revised assessment.

15. Before any development or construction work begins, a pre-commencement meeting shall be held on site and attended by the developers appointed arboricultural consultant or the site manager/foreman and a representative from the Local Planning Authority to discuss details of the working procedures within the revised Arboricultural Impact Assessment (as per condition 14 above) and agree either the precise position of the approved tree protection measures to be installed OR that all tree protection measures have been installed in accordance with the approved tree protection plan. The development shall thereafter be carried out in accordance with the approved details or any variation as may subsequently be agreed in writing by the Local Planning Authority.

16. There shall be no excavation or raising or lowering of levels within the prescribed root protection area as agreed under the provisions of condition 14 above, unless agreed in writing by the Local Planning Authority.

(B) That a CIL Liability Notice be served for £12,944 detailed in section 16 of the officer's report.

CHE/18/00200/MA - MATERIAL AMENDMENTS TO PLOT 1 (RE-SITING OF BUNGALOW AND BUNGALOW TO BE SINGLE STOREY) OF PREVIOUSLY APPROVED APPLICATION CHE/07/00117/FUL AT FOX'S PLACE, BRAMPTON, CHESTERFIELD FOR MR P BISSETT

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

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

- I. A desktop study/Phase 1 report documenting the history of the site.
 - II. A site investigation/Phase 2 report where the previous indicates contaminative use(s). The site investigation/Phase 2 report shall document the ground conditions of the site. The site investigation shall establish the full extent, depth and cross-section, nature and composition of the contamination. Ground gas, groundwater and chemical analysis, identified as being appropriate by the desktop study, shall be carried out in accordance with current guidance using UKAS accredited methods. All technical data must be submitted to the Local Planning Authority.
 - III. A detailed scheme of remedial works should the presence of ground gas or other contamination. The scheme shall include a Remediation Method Statement and Risk Assessment Strategy to avoid any risk arising when the site is developed or occupied.
- B. If, during remediation works any contamination is identified that has not been considered in the Remediation Method Statement, then additional remediation proposals for this material shall be submitted to the Local Planning Authority for written approval. Any approved proposals shall thereafter form part of the Remediation Method Statement.
- C. The development hereby approved shall not be occupied until a written Validation Report (pursuant to A II and A III only) has been submitted to and approved in writing by the Local Planning Authority. A Validation Report is required to confirm that all remedial works have been completed and validated in accordance with the agreed Remediation Method Statement.
4. 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.
 5. Unless otherwise agreed in writing by the local planning authority, no development shall take place until space is provided within the site curtilage, for site accommodation, storage of plant and materials, parking and manoeuvring of site operative's and visitor's vehicles together with the loading/unloading and manoeuvring of goods vehicles. The space

shall be constructed and laid out to enable vehicles to enter and leave the site in a forward gear, in surface materials suitable for use in inclement weather and maintained free from impediment throughout the duration of construction works.

6. No part of the development hereby approved shall be occupied until space has been laid out within the site in accordance with the approved plan for cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Unless otherwise agreed in writing by the Local Planning Authority, these areas shall be retained as such thereafter free from any impediment to their designated use.

7. Notwithstanding the provision of the Town and Country Planning (General Permitted) Development Order 1995 (as amended) there shall be no extensions outbuildings or garages constructed (other than garden sheds or greenhouses of a volume less than 10 cubic metre) or additional windows erected or installed at or in the dwelling hereby approved without the prior written agreement of the Local Planning Authority.

8. Unless otherwise agreed in writing by the Local Planning Authority 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.

9. In the event it is proposed to import soil onto site in connection with the development the proposed soil shall be sampled at source and analysed in a MCERT certified laboratory, the results of which shall be submitted to the Local Planning Authority for consideration. Only the soil approved in writing by the Local Planning Authority shall be used on site.

10. Upon commencement of development, details of signs advising drivers that vehicles entering the site have priority shall be submitted to the Local Planning Authority for consideration. Only those details approved in writing by the Local Planning Authority shall be implemented as part of the development and shall be retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

11. All external dimensions and elevational treatments shall be as shown on the approved plans:

- Site Layout. Drawing no. DSC.695.A3.07 A (received July 2nd 2018),

- Email correspondence received July 19th 2018 regarding materials and parking,
 - Email correspondence received 21st May 2018 regarding walls.
 - Site Location Plan,
 - Proposed Plans, Elevations and Typical Section ;
- with the exception of any approved non material amendment.

(B) That further consideration of the CIL liability calculation be delegated to officer's.

CHE/18/00224/REM - RE-SUBMISSION OF ALL MATTERS RESERVED APPLICATION CHE/17/00281/REM - APPROVAL OF RESERVED MATTERS OF CHE/15/00594/OUT - CONSTRUCTION OF UP TO TEN DWELLINGS AT LAND SURROUNDING NOS 146 TO 152 HADY LANE, CHESTERFIELD S41 0DE FOR MR JOE STONE, MR KEVIN BAILEY AND MRS KATARINA BAILEY

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

1. All external dimensions and elevational treatments, as well as landscaping and the drainage schemes, shall be as shown on the approved plans.
2. Development shall not commence until details of the access onto Hady Lane have been submitted to the Local Planning Authority for consideration and have been approved in writing. No building shall be occupied until that junction has been constructed in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority. This will be laid out, constructed and provided with visibility sightlines extending from a point 2.4m from the carriageway edge, measured along the centre line of the access, to the extremities of the site frontage abutting the highway in each direction. The land in advance of the sightlines shall be maintained in perpetuity clear of any object greater than 1m in height (0.6m in the case of vegetation) relative to the adjoining nearside carriageway edge.
3. The premises, the subject of the application, shall not be occupied until the on-site parking spaces have been provided for in accordance with the application drawings laid out and constructed as may be agreed with the Local Planning Authority and maintained thereafter free from any impediment to designated use.

4. Upon commencement of development, details of all proposed tree and hedge planting, and the proposed times of planting shall be submitted to the Local Planning Authority for consideration. Those details, or any amendments to those details as may be required, which have received the written approval of the Local Planning Authority, shall be carried out in accordance with the approved details and times. Those trees shall be native trees to the United Kingdom.

5. Prior to the undertaking of any works in the rear garden areas of plots 1, 8 and 9 full details of the geotextile reinforcement proposed around the zone of influence of the adjacent mine entries shall be submitted to the Local Planning Authority for consideration. Only the mitigation measures and details agreed in writing by the local planning authority, following consultation with the Coal Authority, shall be constructed on site. The approved mitigation measures shall have been installed prior to the first occupation of plots 1, 8 or 9 and which shall be retained thereafter.

6. 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. The proposed bin storage areas shall be provided as shown as in the plans and maintained as such thereafter, with any changes to these areas requiring a further planning application to the Local Planning Authority.

8. Upon commencement of development details of the fencing style shall be submitted to the Local Planning Authority for consideration and those details, or any amendments to those details as may be required, will not be installed until the agent/applicant has received the written approval of the Local Planning Authority.

9. Within 2 months of commencement of development, unless otherwise agreed in writing by the Local Planning Authority, full details of soft landscaping works for the approved development shall be submitted to the Local Planning Authority for consideration. The required soft landscaping 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, or any 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.

CHE/18/00377/FUL - PROPOSED WRAP AROUND INDUSTRIAL SHED EXTENSION TO EAST AND SOUTH OF EXISTING FACTORY UNIT AND EXTENSION OF EXISTING CAR PARK CUTTING INTO AND INCLUDING RETAINING WALL IN EXISTING BANK SIDE AT CARRWOOD HOUSE, CARRWOOD ROAD, SHEEPBRIDGE IND. ESTATE, CHESTERFIELD, DERBYSHIRE S41 9QB FOR MINTDALE ENGINEERING LTD.

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.

001 Existing Plans

002 Existing Site Plan

003 Existing Elevations

005B Proposed GF Plan

006B Proposed FF Plan

007A Proposed Elevations

008 Location Plan

009 Site Sections as Existing

010 Site Sections as Proposed

Design and Access Statement

Geological and Mining Risk Assessment by Sub Surface North East Ltd

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

4. Development shall not commence until intrusive site investigations have been carried out by the developer to establish the exact situation regarding coal mining legacy issues on the site and approval for commencement of development given in writing by the Local Planning Authority. The investigation and conclusions shall include any remedial works and mitigation measures required/proposed for the stability of the site. Only those details which receive the written approval of the Local Planning Authority shall be carried out on site.
5. Before construction works commence or ordering of external materials takes place, precise specifications or samples of the walling and roofing materials to be used shall be submitted to the Local Planning Authority for consideration. Only those materials approved in writing by the Local Planning Authority shall be used as part of the development.
6. 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. No development shall take place until space is provided within the site curtilage, for site accommodation, storage of plant and materials, parking and manoeuvring of site operative's and visitor's vehicles together with the loading/unloading and manoeuvring of goods vehicles. The space shall be constructed and laid out to enable vehicles to enter and leave the site in a forward gear, in surface materials suitable for use in inclement weather and maintained free from impediment throughout the duration of construction works.
8. Within 2 months of commencement of development, unless otherwise agreed in writing by the Local Planning Authority, further details of a package of ecological enhancement measures to be implemented on site to provide compensation for the loss of soft landscaping shall be submitted to the Local Planning Authority for consideration.

Ecological enhancement measures shall include bird and bat boxes and the formation of habitat piles (created from the felled broad leaved trees to be removed to facilitate the development). Only those details agreed in writing shall be implemented on site prior to the development hereby approved being brought into first use.

B. That authority to consider any representations received between 6 August and 9 August, 2018 in response to the public notice placed in the local press be delegated to the Principle Planner.

CHE/18/00349/FUL - PROPOSED RESIDENTIAL DEVELOPMENT TO FORM 2 NO, 3 BED DETACHED DWELLINGS WITH OFF ROAD PARKING (REVISED DRAWINGS RECEIVED 19.07.2018) AT 12 CAVENDISH STREET NORTH, OLD WHITTINGTON S41 9DH FOR MR P KITCHEN

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
- 'Site Survey' Drawing number S9026, dated January 2018 produced by Haycock + Todd Land Survey Consultants Architectural Surveyors
 - Revised 'Site layout' Drawing number PL33, dated 18.05.2018
 - Revised 'House Type' Drawing number PL34, dated 18.05.2018
 - 'Street Elevation' Drawing number PL35, dated 18.05.2018
3. 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.
4. 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.
5. The premises, the subject of the application, shall not be occupied until space has been provided within the application site in accordance with the approved application drawings for the parking/ loading and unloading/ manoeuvring of residents/ visitors/ service and delivery vehicles, laid out,

surfaced and maintained throughout the life of the development free from any impediment to its designated use.

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

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

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

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

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

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

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

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

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

9. Prior to the occupation of the development hereby approved, details of all boundary treatments shall be provided to the Local Planning Authority for written approval. The approved boundary treatments shall be maintained at all times in that position, unless written approval to any variation is given by the Local Planning Authority.

10. Notwithstanding the details shown on the approved plan Revised 'House Type' Drawing number PL34, dated 18.05.2018 the first floor windows proposed in the north (side) elevation, serving the landing and side (south) elevation serving the en-suite bathroom shall be installed obscurely glazed and shall only be with an opening above 1.7m high relative to internal floor level and shall thereafter be retained as such in perpetuity.

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

(B) That a CIL Liability Notice be served for £10,401, detailed in section 5.11.2 of the officer's report.

(A) CHE/17/00569/FUL - PROPOSED EARTHWORKS ON DEVELOPMENT LAND (FURTHER INFORMATION REGARDING LANDSCAPING, DRAINAGE AND BIODIVERSITY RECEIVED 11.07.2018)

(B) CHE/17/00645/FUL - PROPOSED BODYSHOP, WASH AND VALET BUILDINGS (FURTHER INFORMATION REGARDING LANDSCAPING, DRAINAGE, LIGHTING AND BIODIVERSITY RECEIVED 11.07.2018)

(C) 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, AMENDED

PLANS FOR SALES BUILDING RECEIVED 11.07.2018 AND 24.07.2018, FURTHER INFORMATION REGARDING LANDSCAPING, DRAINAGE AND BIODIVERSITY RECEIVED 11.07.2018 AND 25.07.2018)

AT LAND OFF EASTSIDE PARK, EASTSIDE ROAD, CHESTERFIELD S41 9BU FOR PENDRAGON PLC

That the officer recommendation be upheld and the revisions to the scheme as detailed are accepted and the revisions should be incorporated into the decisions issued subject to the satisfactory completion of the S106 agreement and the amended conditions below as follows:-

(A) CHE/17/00569/FUL

4. Delete

5. The submitted Biodiversity Management Plan and Biodiversity Enhancement Strategy (REC reference 104379EC1R1, dated July 2018) are hereby approved. The hereby approved Biodiversity Management Plan and Biodiversity Enhancement Strategy shall be implemented on site in accordance with the submitted details on commencement of development.

6. Delete.

10. Development shall be undertaken in accordance with the submitted written scheme of investigation as detailed in Eastside Park Archaeological Evaluation, Report No. Y341/18, produced by Jamie Walker on behalf of CFA Archaeology. The hereby approved written scheme of investigation incorporates the following;

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.

12. Ref. changed from A to 10.

15. Delete

16. Delete

(B) CHE/17/00645/FUL

5. Delete

6. The submitted Biodiversity Management Plan and Biodiversity Enhancement Strategy (REC reference 104379EC1R1, dated July 2018) are hereby approved. The hereby approved Biodiversity Management Plan and Biodiversity Enhancement Strategy shall be implemented on site in accordance with the submitted details on commencement of development.

13. The soft landscaping scheme shown on drawings UJPPCH-WW-02 dated 14th March 2018 is hereby approved. Full details of the remaining northern section of the site (bodyshop) including 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 and densities where appropriate shall be submitted within 2 months of commencement of the development on this part of the site. An implementation programme and a schedule of landscape maintenance for a minimum period of five years shall have been submitted prior to first occupation of the site and shall have been approved in writing prior to the carrying out of the scheme. Those details, or any approved amendments to those details shall be carried out in accordance with the implementation programme.

14. The hard landscape works for the approved development on the application site shown on drawing Site Plan 2879/21A dated August 2017 is hereby approved. The agreed works shall be carried out on the particular plot, as approved, prior to the occupation of the buildings hereby approved.

(C) CHE/17/00647FUL

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

- 'Floor Plans as proposed' Drawing number 2878/100, dated July 2018
- 'Elevations as proposed' Drawing number 2878/101, dated July 2018
- 'Wash and Valet Bay as proposed' Drawing number 2878/102, dated June 2018
- 'Sales Site Plan as proposed' Drawing number 2878/44D, dated 4th July 2018
- Revised site plan 2878/21/A Revision A
- Revised site plan 2878/22/A Revision A
- Revised plans and elevations 2878/24/A Revision A
- Valet bay proposed 2878/25
- Site details proposed 2878/26

5. Delete

6. The submitted Biodiversity Management Plan and Biodiversity Enhancement Strategy (REC reference 104379EC1R1, dated July 2018) are hereby approved. The hereby approved Biodiversity Management Plan and Biodiversity Enhancement Strategy shall be implemented on site in accordance with the submitted details on commencement of development.

14. The soft landscaping scheme shown on drawings UJPPCH-WW-01-C dated 15th December 2017 and UJPPCH-WW-03 dated 25th July 2018 are hereby approved. An implementation programme and a schedule of landscape maintenance for a minimum period of five years shall have been submitted prior to first occupation of the site and shall have been approved in writing prior to the carrying out of the scheme. Those details, or any approved amendments to those details shall be carried out in accordance with the implementation programme.

15. The hard landscape works for the approved development on the application site shown on drawings Sales Site Plan 2878/44D dated 4th July 2018 and 2878/22/A dated 4th December 2017 are hereby approved. The agreed works shall be carried out on the particular plot, as approved, prior to the occupation of the buildings hereby approved.

32 **BUILDING REGULATIONS (P880D)**

*The Chief Building Control Officer reported that pursuant to the authority delegated to him he had determined the under-mentioned plans under the Building Regulations:-

Approvals

18/03563/DEXBN	Kitchen extension to include downstairs toilet at 107 Hucknall Avenue Loundsley Green Chesterfield S40 4BZ
18/03708/DEXBN	Removal of internal wall at 48 St Thomas Street Chesterfield S40 3AH
18/03724/DEXBN	Single storey conservatory to the rear at 131A Station Road Brimington Chesterfield S43 1LJ
18/03746/DEXBN	Conversion of existing garage, store room and WC to bedroom and wet room for disabled person's use at 1 Peak View Road Loundsley Green Chesterfield S40 4NW
18/03749/DEXBN	Upgrade of thermal element (re-roof) at Grove Hill 136 St Johns Road Newbold Chesterfield S41 8TW
18/03781/DEXBN	Removing internal wall and chimney stack at 6 New Queen Street Chesterfield S41 7EU
18/03709/DEXFP	Two storey side extension at 35 Purbeck Avenue Brockwell Chesterfield S40 4NP
18/03699/DEXRG	Removal of internal wall and creation of side window opening at 596A Chatsworth Road Chesterfield S40 3JX
18/03784/DEXRG	Replacement windows and doors at 633 Chatsworth Road Chesterfield S40 3NT
18/03594/IND	Two storey and single storey rear extension at 36 Springfield Avenue Chesterfield Derbyshire S40 1DJ
18/03602/IND	Side single storey extension at 7 Spital Brook Close Spital Chesterfield S41 0GD
18/03635/IND	Removal of internal walls, chimney and new beams at 22 Norwood Avenue Hasland Chesterfield S41

ONW

- 18/03649/IND Conversion of an existing conservatory into a habitable space, with a small extension forming a utility room, single storey at 59 Yew Tree Drive Somersall Chesterfield S40 3NB
- 18/03693/IN Industrial building at land adjacent to IMI SSF Ltd Broombank Road Sheepbridge Industrial Estate Chesterfield Derbyshire
- 18/03688/IND Ground floor extension and conversion of outhouse to utility room at 42 Blandford Drive Newbold Chesterfield S41 8QT
- 18/03704/IND Conservatory roof replacement with Supa-Lite roof system at 31 Springfield Avenue Chesterfield S40 1HL
- 18/03717/IND Single storey rear extension at 147 Langer Lane Birdholme Chesterfield S40 2JP
- 18/03718/IND Rear detached garage block (single storey) at 135 High Street Old Whittington Chesterfield S41 9LQ
- 18/03750/IND Single storey rear extension at 3 Pine Street Hollingwood Chesterfield S43 2LG
- 18/03795/IND Proposed mezzanine to rear of property at 178 Handley Road New Whittington Chesterfield S43 2ER
- 18/03803/IND Two storey side extension and single storey rear extension at 8 Newbold Drive Newbold Chesterfield S41 7AP

33 **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/18/00150/FUL | Erection of 5 bed dwelling house and garage - CMRA received at land to the east of 14A Spital Lane Spital S41 0HJ for Mr Taylor |
| CHE/18/00195/FUL | Two storey rear extension at 26 Malvern Road Brockwell Chesterfield for Mr and Mrs Garner |
| CHE/18/00223/FUL | Raised mezzanine/patio decking and access steps at 178 Handley Road New Whittington S43 2ER for Mrs D Smith |
| CHE/18/00246/FUL | Erection of new close boarded wooden fence on existing stone wall to eastern boundary at 35 Ashgate Valley Road Chesterfield S40 4AX for Mr Brian A Jones |
| CHE/18/00259/FUL | Proposed demolition of existing single storey outhouse with new single storey rear extension to form kitchen/dining room and a new decking area at 79 Hawksley Avenue Chesterfield S40 4TJ for Mr Ian Looe |
| CHE/18/00262/FUL | Single storey rear extension to form garden room, new front porch extension and balcony doors (revised plans received 06.07.2018) at 36 Brookside Glen Chesterfield S40 3PF for Mr Matthew Ward |
| CHE/18/00263/FUL | Two storey structure at side of property to provide additional first floor bedroom (revised plans received 05.07.2018) at 3 Private Drive Hollingwood S43 2LB for Mrs Nicola Loughlin |
| CHE/18/00289/FUL | Single storey rear extension to form additional surgery and patient waiting area (revised drawings provided 28/06/18) at 38 High Street Staveley S43 |

	3UX for Mr Vasileios Orliaklis
CHE/18/00300/FUL	Re-submission of CHE/17/00870/FUL - Two storey side extension, single storey rear extension with new front porch (revised materials 22/06/18) at 7 High Street Old Whittington S41 9JS for Mr Steve Clarke
CHE/18/00301/FUL	Extension and alteration to existing dwelling at 4 Miriam Avenue Somersall S40 3NF for Mr and Mrs E Totty
CHE/18/00309/FUL	Two storey side and single rear extension (revised drawing and parking plan received 12.07.2018) at 8 Newbold Drive Newbold S41 7AP for Mr Jordan
CHE/18/00314/FUL	Two storey side extension at 11 Bodmin Way Loundsley Green Chesterfield S40 4LR for Mr Mark Simms
CHE/18/00323/FUL	Single storey side and rear extension, including demolition of existing garage at 45 Broomfield Avenue Hasland S41 0LU for Mr S Corbett
CHE/18/00326/FUL	Demolition of existing conservatory and erection of ground floor rear extension at 126 Hady Hill Hady S41 0EF for Mr Neil Bouden
CHE/18/00327/OUT	Outline application for erection of a dwelling and attached garage at 34 Queen Street Brimington Derbyshire for Mr David Banister
CHE/18/00329/FUL	Ground floor extension to side and rear at 42 Blandford Drive Newbold Derbyshire S41 8QT for Mr Paul Rothwell
CHE/18/00330/FUL	Two storey side extension forming garden store at lower level with garage over at 20 Cromford Drive Staveley S43 3TB for Mr and Mrs Webster
CHE/18/00331/FUL	New conservatory on the side of the house at 20A Gloucester Road Stonegravels Chesterfield S41

- 7EQ for Mrs Jane Bradley
- CHE/18/00339/FUL Single storey side and rear extension and detached double at 14 Milford Road Inkersall S43 3ET for Mr Patterson
- CHE/18/00340/LB Single storey rear extension to form additional surgery and patient waiting area (revised drawings provided on 28/06/18 and email correspondence 04/07/18) at 38 High Street Staveley S43 3UX for Mr Vasileios Orliaklis
- CHE/18/00341/FUL Porch, conversion of garage to habitable room including raising of garage roof at 42 Glenthorne Close Chesterfield S40 3AR for Mr and Mrs Pearson
- CHE/18/00342/FUL Installation of a NatSol Compus Twin full access composting toilet at Mastin Moor Community Garden Bolsover Road Mastin Moor for Mr John Hempshall
- CHE/18/00347/TPO Proposed work is to allow natural light into the garden and allow further regrowth of trees Cherry Tree - Pruning and removal of deadwood branches, Oak Tree - Crown lift and crown thin and Alder Trees - Removal of three lower branches overhanging property at Care Centre 9 Victoria Street Brimington for Mr Jon Lawson
- CHE/18/00357/FUL Single storey side extension at 17 Darwent Road Tupton S41 0UE for Miss Jodie Lane
- CHE/18/00358/FUL Single storey rear extension at 558 Chatsworth Road Chesterfield S40 3JS for Mrs Judy Jones Gill
- CHE/18/00362/FUL Extension to south west elevation of the existing building at Aldi Foodstore Lockoford Road Whittington Moor S41 7EW for Aldi Stores Ltd
- CHE/18/00364/FUL Two storey rear extension at 49 Circular Road

- Staveley S43 3QX for Mr and Mrs P Crookes
- CHE/18/00369/FUL Proposed rear sunroom at 10 Ringwood View
Brimington S43 1PW for Mr and Mrs Pass
- CHE/18/00380/FUL Ground floor rear family room extension and front
porch at Pebble House 30 Ralph Road Staveley
for Mr and Mrs Hollinshead
- CHE/18/00393/FU Two storey side extension to include new living
room at ground floor and master bedroom with en
suite bathroom at first floor, demolition of existing
rear conservatory and creation of a new rear
single storey flat roof open plan kitchen/dining
area to the rear, new alignment of access steps to
the front entrance, with re-configuration of the
front window/door arrangement and new pitched
roof to be formed over existing double garage at
11 Sandiway Walton Chesterfield S40 3HG for Mr
Paul Berresford
- CHE/18/00395/ADV 1 hanging swing sign - black wrought iron swing
brakes with a 700 x 580 x 20mm double sided
swing panel, vinyl window decals and lettering on
arch at front at 86 Saltergate Chesterfield S40
1LG for Mr Stephen Jenkins
- CHE/18/00419/TPO One Ash Tree - Crown lift and crown clean at 22
Ulverston Road Newbold S41 8EW for Mrs Mavis
Radford
- CHE/18/00454/TPO Crown lift sycamore, crown lift lime, dead wood
and crown lift low branches of field maple, crown
lift low branches of lime and crown lift low
branches of sycamore all of which over hang
school playground at Brampton Primary School
School Board Lane Chesterfield S40 1DD for
Derbyshire County Council
- CHE/18/00457/TPO Blue Cedar - Crown lift and removal of dead
branches at 303 Ashgate Road Chesterfield
Derbyshire S40 4DB for Mr Christopher Booth

CHE/18/00466/TPO Crown thinning and crown lifting to the whole of G1 at former Ringwood Centre Victoria Street Brimington S43 1HY

34 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 the felling and pruning of trees:-

- CHE/18/00347/TPO Consent is granted to the pruning of 4 trees reference T18 Cherry, T20 Oak and T22 and T24 Alder on the Order map for Mr Jon Lawson of 2 Ringwood Meadows, Brimington.
- CHE/18/00454/TPO Consent is granted to the pruning of five trees reference T4, T6 and T8 Lime and T5 and T7 Maple on the Order Map and which are situated in the grounds of Brampton Primary School, Brampton for Derbyshire County Council.
- CHE/18/00457/TPO Consent is granted to the pruning of one Cedar tree reference T36 on the Order map for Mr & Mrs Booth of 303 Ashgate Road.
- CHE/18/00429/TPO Consent is refused to the pruning of six trees reference T4 Lime, T8 and T11 Horsechestnut and T12 Maple on the Order Map and which are situated in the grounds 5 and 7 Hedley Drive, Brimington.
- Consent is granted to crown lift, crown thin and reduce branches growing towards the property.
- CHE/18/00446/TPO Consent is granted to the pruning of 7 trees within G1 on the Order map for Mr Gaduzo of William Saunders at the former Ringwood Centre now known as Ringwood Meadows.

CHE/18/00440/TPO Consent is granted to the felling of two Ash trees reference T56 and G13 on the Order map for Dronfield Tree Services on behalf of Mrs Ashton of 18 Lancaster Road.

A condition has been attached to plant two new trees on the south boundary of the site in the next available planting season.

CHE/18/00459/TPO Consent is granted to the felling of one purple Plum tree reference T18 on the Order map for Mr Jefferies of 39 Vincent Crescent, Brampton.

The duty to plant a replacement tree has been dispensed with on this occasion due to insufficient room and other trees in the garden.

35 **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.

36 **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.

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

RESOLVED –

That under Section 100(A)(4) of the Local Government Act 1972 the public be excluded from the meeting for the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 6a of Part 1 of Schedule 12A of the Act.

38 UNAUTHORISED VENDING MACHINES AT 1 YORK STREET, HASLAND, CHESTERFIELD

The Development Management and Conservation Manager submitted a report on the unauthorised developments at 1 York Street, Hasland.

***RESOLVED –**

1. That authority be granted for the issue of an Enforcement Report requiring the removal of the two vending machines from the forecourt of the property at 1 York Street, Hasland, Chesterfield, Derbyshire.
2. That the period for compliance be 28 days.

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Agenda Item 4

COMMITTEE/SUB	Planning Committee
DATE OF MEETING	28 TH AUGUST 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 28TH AUGUST, 2018**

- ITEM 1 - CHE/18/00225/FUL** – Erection Of 5 Detached Dwellings And Demolition Of Redundant Dutch Barn (Coal Mining Risk Assessment Rec'd 11/05/2018 And Preliminary Ecological Appraisal Rec'd 08/07/2018) At Chesterfield Cattery, Crow Lane, Chesterfield, Derbyshire, S41 0EQ For D Thomas And K Hearn
- ITEM 2 - CHE/18/00411/FUL** – Proposed Artificial Turf Pitch And Associated Landscaping, Boundary Treatments, Footpaths, Fencing And Lighting On The Site Of The Former Leisure Centre Within Queens Park (Revised Plans Received On The 03/08/2018 And 07/08/2018) At Former Queens Park Sports Centre, Boythorpe Road, Boythorpe, Chesterfield, Derbyshire For Chesterfield Borough Council
- ITEM 3 - CHE/17/00496/FUL** – Conversion Of The Travellers Rest Into 12 Residential Apartments Including Conversion Of The Attached Retail Unit Linked To The Original Building, Together With A New Three Storey Rear Extension And New Roof Over The Existing Building To Incorporate Additional Rooms Within The Roof Space – Amended Noise, Odour And Air Quality Assessment Received 29.05.2018, Amended Plans Received 29.05.2018 And 10.07.2018 At The Travellers Rest , 425 Sheffield Road, Whittington Moor, S41 8LT For Mr Shrimpton.
- ITEM 4 - (A) CHE/17/00569/FUL** - Proposed Earthworks On Development Land (Further Information Regarding Landscaping, Drainage And Biodiversity Received 11.07.2018)
- (B) CHE/17/00645/FUL** - Proposed Bodyshop, Wash And Valet Buildings (Further Information Regarding Landscaping, Drainage, Lighting And Biodiversity Received 11.07.2018)

Continued/

(C) 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, Amended Plans For Sales Building Received 11.07.2018 And 24.07.2018, Further Information Regarding Landscaping, Drainage And Biodiversity Received 11.07.2018 And 25.07.2018)

ITEM 5 - CHE/18/00307/FUL - Demolition Of Existing Dwelling And Erection Of A Replacement Dwelling At Broomhill Farm, Broomhill Road, Old Whittington, S41 9EA

ITEM 6 - CHE/18/00127/FUL - Proposed Conversion And Extension Of Existing Garage To Domestic Living Accommodation At 140 Church Street North, Old Whittington, S41 9PQ For Mr R Gascoyne

ITEM 7 - CHE/17/00722/OUT - Outline application to construct 10 dwellings and associated parking and access arrangements at Land to the rear of 79 Sheffield Road, Stonegravels, Chesterfield

Case Officer: Sarah Kay
 Tel. No: (01246) 345786
 Ctte Date: 28th August 2018

File No: CHE/18/00225/FUL
 Plot No: 2/1932

ITEM 1

ERECTION OF 5 DETACHED DWELLINGS AND DEMOLITION OF REDUNDANT DUTCH BARN (COAL MINING RISK ASSESSMENT REC'D 11/05/2018 AND PRELIMINARY ECOLOGICAL APPRAISAL REC'D 08/07/2018) AT CHESTERFIELD CATTERY, CROW LANE, CHESTERFIELD, DERBYSHIRE, S41 0EQ FOR D THOMAS AND K HEARN

Local Plan: Open Countryside / Other Open Land
 Ward: St Leonards

1.0 **CONSULTATIONS**

Local Highways Authority	Comments received 26/04/2018, 29/05/2018 and 05/06/2018 – see report
Environmental Services	Comments received 02/05/2018 and 24/05/2018 – see report
Design Services	Comments received 02/05/2018 – see report
Yorkshire Water Services	Comments received 24/04/2018 – see report
Strategic Planning Team	Comments received 30/05/2018, 05/06/2018 and 15/06/2018 – see report
Coal Authority	Comments received 04/05/2018 and 23/05/2018 – see report
Conservation Officer	Comments received 27/04/2018 – see report
Derby & Derbyshire DC Archaeologist	Comments received 11/05/2018 – see report
Derbyshire Wildlife Trust	Comments received 21/05/2018 and 16/07/2018 – see report
Ward Members	No comments received
Site Notice / Neighbours	One representation received

2.0 **THE SITE**

2.1 The application relates to the site of Chesterfield Cattery, located off Crow Lane in Chesterfield, which comprises of a residential property (converted barn) and associated barns / outbuildings which have in part been converted to operate as a cattery business. The remainder of the barns / outbuildings are used as stables and there is a large dutch barn and equestrian ménage located to south / south east of the buildings footprint.

2.2 Access to the site is formed with a dedicated driveway connecting to Crow Lane north east of the premises. There are grass paddocks positioned either side of the driveway access and also south of the ménage which lie in the applicants ownership. Beyond the application boundary the site is adjoined by Dobbin Clough Farm (a Grade II listed building) to the north and is surrounded by Tapton (Dobbin Clough) Golf Course.

Figure 1: Aerial Photograph



3.0 **RELEVANT SITE HISTORY**

3.1 CHE/1002/0609 - Extension to provide kitchen/preparation room and isolation unit for adj. cattery. Conditional permission 03/12/2002.

- 3.2 CHE/0102/0036 - Change of use from stables to cattery. Conditional permission 02/05/2002.
- 3.3 CHE/1299/0705 - New vehicular access to riding centre. Conditional permission 23/02/2000.
- 3.4 CHE/0599/0235 – Oil tank for heating system. Conditional permission 07/07/1999.
- 3.5 CHE/0198/0032 - Alterations to existing stables and residence/store. Conditional permission 27/03/1998.
- 3.6 CHE/0198/0033 - Listed Building Consent for alterations to residence/store. Conditional permission 27/03/1998.
- 3.7 CHE/0594/0252 - Listed Building Consent for erection of a chimney. Conditional permission 22/07/1994.
- 3.8 CHE/0390/0213 - Erection of chimney and installation of fire and boiler. Conditional permission 13/06/1990.
- 3.9 CHE/0285/0095 - Permission for extension to stable block to form riding school office change of use of hayloft to clubroom toilet and kitchen re-siting of tack room and managers bedsit and temporary residential caravan. Conditional permission 13/06/1985.
- 3.10 CHE/0684/0357 - Permission for bungalow and garage. Conditional permission 13/09/1984.

4.0 **THE PROPOSAL**

- 4.1 This is an application, submitted in full, for the proposed erection of 5 no. detached dwellings on land at Chesterfield Cattery, off Crow Lane.
- 4.2 The development proposed will replace the existing ménage, stable block and dutch barn and will be formed as a row of new development aligned west to east annotated as Plots 1 – 5 facing the principle elevation of the converted barn. The cattery barn is also to be retained however the cattery business will cease. The livery business will also cease. Access to the new dwellings will be taken from the existing driveway, which is located west of the

development proposals and exits onto Crow Lane on the outside of the bend of the existing highway.

- 4.3 Two different house types are proposed within the scheme (type 1 and 2) with a number of subtle variances to these house types on each plot (handed design, attached / detached garages etc). A breakdown of the plot arrangement is as follows:

Plot 1 will comprise of house type 1, but instead of an attached garage (as shown on drawing 217.48.1) it will have a detached double garage and four bedrooms.

Plot 2 will comprise of house type 2 which has an attached double garage and four bedrooms.

Plot 3 will comprise of house type 1 which has an attached double garage and five bedrooms.

Plot 4 will comprise of house type 2 which has an attached double garage and four bedrooms.

Plot 5 will comprise of house type 2 which has an attached double garage and four bedrooms.

- 4.4 The application submission is supported by the following plans / drawings and documents:

- Site Location Plan
- Proposed Site Plan - 217.48.6
- Proposed Street Scenes – 217.48.6
- House Type 1 Floor Plans – 217.48.1
- House Type 1 Elevations – 217.48.2
- House Type 2 Floor Plans – 217.48.3A
- House Type 2 Elevations – 217.48.4
- Plot 1 Detach Garage – 217.48.7

- Design and Access Statement
- Traffic Count – Existing and Proposed (update rec'd 31/05/2018)
- Coal Mining Report and Coal Mining Risk Assessment (rec'd 11/05/2018)
- Preliminary Ecological Appraisal (rec'd 08/07/2018)

In addition to these documents the applicant has provided further correspondence / responses to consultees on the following dates 01/05/2018, 02/05/2018, 08/05/2018, 24/05/2018, 25/05/2018, 31/05/2018, 01/06/2018, 12/06/2018, 15/06/2018, 18/06/2018 and 17/07/2018.

5.0 **CONSIDERATIONS**

5.1 **Planning Policy Background**

5.1.1 The site the subject of this application is in a location identified in saved policy EVR2 of the Replacement Chesterfield Borough Local Plan (2006) as Open Countryside.

5.1.2 Having regard to the nature of the application proposals policies CS1, CS2, CS3, CS4, CS7, CS8, CS9, CS10, CS18 and CS20 of the Core Strategy (2013), policy EVR2 of the Local Plan (2006), the National Planning Policy Framework (updated 24 July 2018) and the Council's adopted Supplementary Planning Document 'Successful Places: Housing Layout and Design apply.

5.2 **Principle of Development**

5.2.1 The site is located within the Open Countryside area as per the Local Plan: Core Strategy policies map. Policy EVR2 (saved from the 2006 Local Plan) states:

'Within the areas of open countryside and other open land planning permission will only be granted for new development which is necessary for the needs of agriculture and forestry or is related to recreation, tourism or other types of farm or rural diversification provided that:

(a) the location of the development outside the settlement framework is sustainable;

(b) the proposal would not detract from an area where the open character of the countryside is particularly vulnerable because of its prominence or narrowness (including the quality of the landscape and any nature conservation interest); and

- (c) the scale, siting, design, materials and landscape treatment are such that the visual effect of the proposal is minimised and buildings are in keeping with their surroundings and reflect local character; and**
- (d) the proposal would not lead to undue disturbance by the creation of excessive noise or traffic or the attraction of large numbers of people.**
- (e) the proposed development including any activities outside the building would avoid unnecessary urbanisation and sprawl and not materially harm the rural landscape**

Planning permission will be granted for the conversion or change of use of existing buildings in areas of open countryside provided that criteria (a) to (e) above are met and that the building is suitable for the intended use without the need for significant extension or major reconstruction. Proposals for conversion or change of use of rural buildings for housing purposes will only be acceptable if evidence is submitted to show that efforts have been made to secure re-use which furthers employment or if employment use would be inappropriate in that location or that building.

Planning permission will be granted for the redevelopment of existing buildings in areas of open countryside only for uses which are necessary for the needs of agriculture and forestry or are related to recreation, tourism or other types of farm or rural diversification provided that criteria (a) to (e) above are met and that:

- (f) the proposed building does not have a greater impact on the open character of the countryside and the purpose of including land within it than the existing buildings and does not occupy a materially larger area of the site than the existing buildings.**

Planning permission will be granted for the replacement of existing dwellings with new dwellings provided that criteria (c) and (f) above are met.'

5.2.2 Clearly the development proposed is not necessary for the needs of agriculture and forestry and is not related to recreation, tourism or other types of farm or rural diversification. On this basis the development is clearly contrary to the provisions of policy EVR2. The development does not propose conversion or change of use of existing buildings and does not replacement any dwelling and therefore none of the subsequent criteria of policy EVR2 are met.

5.2.3 In reviewing the development plan in its entirety the provisions of the EVR2 designation are carried alongside policy CS10 of the Core Strategy which states:

‘Planning permission for housing-led greenfield development proposals on unallocated sites will only be permitted if allocated land has been exhausted or if annual monitoring shows that there is less than a 5-year supply of deliverable sites and where:

- a) they accord with the strategy of ‘Concentration and Regeneration’ as set out in policy CS1 and the criteria set out in policy CS2; or
- b) a specific housing need can be demonstrated that can only
- c) be met within a particular location

Specific sites for residential development will be identified within the Local Plan; Sites and Boundaries. Large residential developments will be subject to a masterplanned approach.’

5.2.4 First and foremost it must be considered whether any parts of the site are considered to be previously developed land (PDL) / brownfield. In this case the NPPF is explicit in its definition of PDL as follows:

‘Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or has been occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures; land in built-up areas such as private residential gardens, parks, recreation grounds and allotments; and land that was previously-developed

but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time.'

- 5.2.5 Looking at the application site it is accepted that it does consist of some elements of PDL, however agricultural buildings (such as the dutch barn) and the fields / paddocks beyond do not fall within the definition and therefore the development as a whole is regarded as greenfield led development.
- 5.2.6 In the context of the policy background set out above, on the 24 July 2018 the revised National Planning Policy Framework was published which amended the way in which Local Planning Authorities are required to calculate their 5 year housing land supply.
- 5.2.7 Following the publication of the revised NPPF the Council updated its position on the 5 year housing land supply; based upon the new criteria set out. This was necessary to ensure that any decisions taken are considered against the most up to date guidance. A report was presented to Planning Committee on 06 August 2018, which was accepted by the committee and which confirmed the updated Annual Monitoring Report (AMR) (now published) that the Council are able to evidence a 5 year housing supply and therefore all relevant policies of the Core Strategy which relate to the supply of housing are considered to be 'up to date' for the purposes of decision taking.
- 5.2.8 The site is currently designated as Open Countryside under saved policy EVR2 of the 2006 Local Plan. This policy has been saved until the Local Plan; Sites and Boundaries SPD has been adopted. Under policy EVR2 residential development would not normally be permitted. Policy CS10 of the recently adopted Local Plan Core Strategy (adopted July 2013), also states that residential development on greenfield sites not in an adopted Local Plan will not normally be permitted whilst the Council is able to demonstrate a supply of deliverable housing sites sufficient for five years.
- 5.2.9 Other policies of the Local Plan continue to apply, the most relevant in this case being CS1 'Spatial Strategy', CS2 'Principles of Location of Development' and CS9 'Green Infrastructure and Biodiversity'. Indeed, all proposals for development must accord with CS1 and CS2 to be acceptable, regardless of whether it is a residential proposal and/or whether the council can demonstrate a

5 year supply of housing land. Furthermore other provisions of the revised NPPF which relate to the control of housing in rural areas are also of relevance.

5.2.10 Having regard to the provisions of policies CS1 the new dwellings would not be within walking distance of a centre (the nearest being Chesterfield Town Centre, approximately 1.5km away, with a significant proportion via unlit roads without pavements). The proposals are therefore also in conflict with the provisions of policy CS1. Furthermore the revised NPPF states:

Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;

b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;

c) the development would re-use redundant or disused buildings and enhance its immediate setting;

d) the development would involve the subdivision of an existing residential dwelling; or

e) the design is of exceptional quality, in that it:

- is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and

- would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.

5.2.11 Having regard to the provisions of the NPPF above criteria a) to d) are not met. Furthermore giving consideration to the design, siting and layout of the scheme presented it is not considered that the proposals are of such a high architectural quality that are truly outstanding or innovative such that criteria e) is demonstrably met.

5.2.12 In summary, Policy CS10 states that “planning permission for housing-led greenfield development proposals on unallocated sites will only be permitted if allocated land has been exhausted or...there is less than a 5 year supply of deliverable sites”. As the council is currently able to demonstrate a five year supply of deliverable housing sites, a strict interpretation of policy CS10 would indicate that planning permission should not be granted.

Policy CS10 must also be read in combination with policy CS1, the spatial strategy, and the principle of development is not acceptable as the proposal fails to accord with the Policy CS1 which requires development to be within walking and cycling distance of centres.

5.2.13 Given the above, the principle of development is not acceptable and the application should be refused on this basis.

5.3 **Design and Appearance Considerations (inc. Heritage Impacts)**

5.3.1 The application site concerns the Chesterfield Cattery, which operates from a late 20th Century barn conversion which used to form part of Dobbin Clough Farm. The planning unit of the Chesterfield Cattery operation is separated from the older Dobbin Clough Farmhouse, which is a grade II listed building. As part of the listing both the attached barn to the main farmhouse and the barn currently in operation as the main cattery unit within the application site also feature in the formal listing.

5.3.2 Dobbin Clough Farm itself is a fairly typical historic farmstead with main farmhouse and ancillary buildings (e.g. former barns and stables). The Farmhouse forms a visual backdrop to the actual application site and the wider open countryside setting provides an attractive and bucolic backdrop.

5.3.3 Beyond the cluster of buildings which create the courtyard enclosure of Chesterfield Cattery (the barn, the cattery unit and the stables) there is a much larger modern dutch barn and also a surfaced ménage which are both surrounded by areas of hardstanding which connect to the main driveway access.

5.3.4 As part of the application consideration both the Council's **Conservation Officer (CO)** and the **Derby & Derbyshire DC Archaeologist (DCC Arch)** were consulted on the application proposals.

5.3.5 The DCC Arch confirmed that, *'the proposed development is on the site of an existing modern building (dutch barn) and yard area. The development location is also beyond the footprint of the original traditional farmstead on this site. For these reasons I would not consider that the proposed development would have any*

archaeological impact and I would not wish to comment further on the scheme’.

5.3.6 The CO commented, ‘*Pre-application discussion took place about potential residential development on this site in September 2016. The focus, according to drawings and discussion, was on a residential conversion of the existing cattery block and redevelopment of the existing stables as some form of residential terrace. My view was that subject to scale and materials, which respected or enhanced the setting of the historic buildings, this would be acceptable from a conservation perspective as it offered the opportunity for appropriate relatively small-scale re-development.*

There was also an indicative proposal for large detached dwellings with double garages on and around where the existing hay storage structure is situated. Whilst the loss of the latter would not be an issue (it has no architectural merit) my feeling was that large detached dwellings might be incongruous in this setting, but much would depend on the design concept put forward.

The applicant appears to have abandoned the proposal to convert the existing Cattery bloc and redevelopment of the stable as a terrace. The proposal for the large detached dwellings was the least attractive element of what was being proposed in my view, given that the standard house types could potentially be slotted into a sensitive site with little consideration given to context.

The proposed house types do reflect rural vernacular and design, i.e. random facing stone; quoins, arched windows and garage doors (presumably to reflect carriage arches), though other elements are less successful: UPVC windows and riven appearance slate (I’m assuming this is artificial slate). There are also no drawings or descriptions of boundary treatments, landscaping and surfacing, which should be importance design considerations in this context. The Design & Access Statement is weak on this as well as heritage value (it does not acknowledge the listed building for instance).

Notwithstanding wider planning issues (such as whether this type of development in open countryside would be acceptable in principle) my view is that the house types put forward have responded to a certain extent to the setting of the listed and

historic buildings and wider open countryside, but a that thorough and creative attempt to blend the proposed housing in with the wider environment is lacking. In terms of NPPF policy, this would probably be classed as 'less than substantial harm', hence any harm should be weighed against the public benefits of the proposal (see paragraphs 134 & 135 of the NPPF). There is also the issue over additional vehicle movements created from any new housing. Crow Lane is essentially a narrow and windy county lane that has not been designed for modern traffic movements.'

- 5.3.7 Notwithstanding the comments which have been made by the CO above, pre-application advice is offered without prejudice to the formal planning application process and the fact the applicant has chosen to progress a scheme differing slightly to what was previously discussed is of no detriment / consequence.
- 5.3.8 Clearly the scheme as submitted seeks to retain the existing barn conversion and the outbuilding to the west of the site and intends to recreate a courtyard enclosure with the siting of the 5 no. new dwellings centred around a shared courtyard, access and turning area. Having regard to the extent of the built site and associated development in situ (dutch barn / ménage) it is not considered that the 5 no. dwellings proposed extend substantially into land which is considered to contribute an amenity value to the setting of the nearby heritage asset. Furthermore it is considered that subject to prior approval, the chosen materials of construction and the finish to windows and doors could ensure that the development proposals are sympathetic to those of the listed building and barns associated therewith. It would be necessary to control the choice of boundary treatments where these face the open countryside to ensure that they are appropriate (stone boundary walls or hedgerows will be favoured) and furthermore permitted development rights for any future extensions to the dwellings could be restricted to control any further encroachment into the open countryside without appropriate control / approval.
- 5.3.9 Having regard to the provisions of policy CS18 and CS19 of the Core Strategy and the guidance contained in the adopted SPD 'Successful Place – Housing Layout and Design' specific to design and appearance considerations, if permission were to be given, the overall design of the development proposals are considered to be appropriate.

5.4 Neighbouring Impact / Amenity

- 5.4.1 Having regard to the proposed site layout details, there are only two existing neighbouring properties which could potentially be impacted upon by the development proposals. These are Dobbin Clough Farm and the residential property operating alongside the existing Chesterfield Cattery (owned by the applicant).



- 5.4.2 In respect of Dobbin Clough Farm (seen in the background of the LH photograph above) there is only one upper floor window opening facing the site of the application proposals. The boundary of Dobbin Clough Farm is set at least 26m away from the footprint of the closest proposed dwelling, with this window being sited well within the ground of Dobbin Clough itself. On this basis it is considered that, if permission were granted, there would be a sufficient degree of separation between this neighbour and the development proposals to ensure an appropriate level of amenity and / or privacy is maintained.
- 5.4.3 In respect of the dwelling which operates as Chesterfield Cattery (whose principle elevation is seen in the RH photograph above) this property would continue to front onto a new shared courtyard which is to be created between this property and the new dwellings. The principle elevation will predominantly face the frontage of Plots 2 and 3, which would be located south. Relative separation distances of 19m and 17m respectively will be attained between these plots and the existing dwelling; which is accepted is a little below a standard separation distance usually sought of 21m. Notwithstanding this, the SPD accepts that these distances can be relaxed where there are mitigating factors to take into account.

- 5.4.4 In this case one such factor would be that the separation distances will affect frontage windows facing onto a communal courtyard, where people would be able to stand in closer proximity to the actual windows and look into the properties anyway. On this basis it is argued that this development would not present a scenario any different to houses fronting an ordinary street or highway. Furthermore the applicant also owns the property potentially affected by this slight compromise.
- 5.4.5 In regard to the southerly orientation of the development proposals relative to both Dobbin Clough Farm and the Cattery barn conversion it will be necessary to condition the submission of levels details to fully appraise the relationship to be created between the new dwellings and the existing properties. Levels remain relatively consistent over the site (achieved by the expanse of the ménage which is already level) as such it is safe to assume the development proposals (at two storey) will not be adversely overbearing however further conditional cross section details will confirm the final built relationship.
- 5.4.6 Overall it is considered that, if permission were to be granted, the proposed site layout would achieve an acceptable level of neighbouring amenity, furthermore the relative siting of the new dwellings are such that they would create a linear pattern of development that will allow for adequate levels of amenity to be achieved between the new dwellings as well. In this regard the development proposals would be considered to comply with the requirements of policies CS2 and CS18 of the Core Strategy, the wider NPPF and the adopted SPD where they relate to neighbouring amenity considerations.

5.5 **Highways Issues**

- 5.5.1 In the late 1990's planning permission was granted for a new access to the site, which was provided when the site was operating as a riding school. Previously access had been shared with Dobbin Clough Farm. The formation of the new access, which is to the outside bend of Crow Lane, provided the greatest degree of visibility and provided a safer and wider access / egress to the site.



- 5.5.2 Alongside the application submission the applicant provided details of existing and proposed traffic movements to and from the site. This comparison was made between the site which currently operates a cattery and livery business with 1 no. residential property against the retention of the 1 no. residential property and 5 no. new dwellings. The data provided indicated that traffic movements at the site would drop from 55.80 / day to 36.36 / day. The applicant confirmed (31 May 2018) that the cattery and livery business are to cease if permission is granted and the development takes place.
- 5.5.3 The details of the application submission were reviewed by the **Local Highways Authority** (LHA) and a narrative of comments was provided in three separate responses between the applicant, the LHA and the LPA.
- 5.5.4 The conclusive advice given by the LHA advised that although the existing access does not conform to current design criteria, on the basis that the business uses would cease the traffic movements associated with 5 no. new dwellings would be commensurate to those of the sites current operation; and on this basis the LHA would not object to the proposals. The LHA indicated that they would seek to impose a series of conditions as follows:
1. No development shall take place including any works of demolition until a construction method statement has been submitted to and been approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:

- parking of vehicles of site operatives and visitors
 - routes for construction traffic
 - hours of operation
 - method of prevention of debris being carried onto highway
 - pedestrian and cyclist protection
 - proposed temporary traffic restrictions
 - arrangements for turning vehicles
2. Prior to commencement of any works the applicant shall submit a revised parking and turning layout for the prior written approval of the Local Planning Authority, the revised layout shall comprise at least 3 parking spaces per unit, including the existing dwelling and proposed new-build and a turning facility suitable for service delivery vehicles. The approved scheme shall be fully implemented and be available for use prior to occupation of any dwelling and shall be maintain thereafter free from any impediment to its designated use.
 3. Prior to commencement of any works the applicant shall submit a scheme for the bin storage and bin dwell area. The storage area shall be clear of all access, parking and turning area and the bin dwell area shall be suitable for use on refuse collection days and shall be provided clear of the public highway, access, parking and turning areas. The approved scheme shall be fully implemented and be available for use prior to the occupation of any dwelling, and shall thereafter be maintained free from any impediment to its designated use.
 4. For avoidance of doubt the equine and cattery operations i.e livery, boarding, stabels and menage shall cease on site.

5.5.5 Having regard to the comments of the LHA made above, it is accepted that the development proposed would result in a reduction of traffic movements to and from the site. As such, whilst the site access is below standard, a refusal of planning permission on this basis could not be substantiated. Whilst there is a network of public footpaths surrounding the site to which future occupiers would have access, it is clear that any future occupiers will be heavily reliant upon the use of a private car to access local

amenities. Particularly as there are no pedestrian footpaths located along Crow Lane. It is clear however that there is no opportunity for the applicant to propose any improvement to this circumstance as the highway margin is already restricted / limited to single carriageway.

- 5.5.6 Having regard to the provisions of policy CS20 of the Core Strategy the development proposals offer an appropriate level of off street parking per unit (each dwelling will have a double garage and driveway parking for a further 2 no. vehicles in advance) and thus criteria c) will be met. In addition through the imposition of planning condition (see section 5.6 below) it will be appropriate to require each dwelling to provide facilities for electric vehicle charging which would secure compliance with criteria e).
- 5.5.7 Given the limitations in scale and the relative site location, compliance with criteria b) and d) of policy CS20 could not be secured for the reasons given above and the fact there is no public transport serving Crow Lane.
- 5.5.8 Overall, looking solely at matters of highway safety, whilst it is accepted that (as set out in section 5.2 above) the principle of development is not acceptable given the sites isolated location (policy CS1); it is not considered that a refusal of planning permission could be justified on the basis of an adverse impact upon highway safety. By car the site can be accessed safely and sufficient parking on site is proposed.

5.6 **Flood Risk & Drainage**

- 5.6.1 Having regard to the provisions of policy CS7 (Managing the Water Cycle) of the Core Strategy the application submission was referred to **Yorkshire Water Services** (YWS) and the Council's **Design Services** (DS) team for comments in respect of drainage and flood risk.
- 5.6.2 The DS team commented, *'We would like to see detailed drainage proposals of how the developer intends to dispose of surface water. These should conform to CBC's Minimum Development Control Standards (copy attached). If soakaways are to be used, soil 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. Any connections to a public sewer will require approval from Yorkshire Water. Any connections to existing drainage on site may require Building Control approval.'

5.6.3 YWS commented, *'The site is remote from the public sewerage network and so if the intention is to drain foul sewage to public sewer, this should be confirmed. Otherwise, if the site will be drained to a private system, YWS has no comment to make on the application.'*

5.6.4 In response to the comments made by both the DS team and by YWS the applicant confirmed that the development would comprise soakaway surface water connections and a private package treatment foul connection (likely to be separate from the current system serving the Cattery and Dobbin Clough Farm). On this basis the package treatment details to handle foul connections would need to be agreed through Building Regulations; however the surface water connections would need to be the subject of further review. Soil infiltration testing will need to be undertaken to demonstrate the ground conditions are appropriate for the scale and nature of the development being proposed to ensure that surface water discharge from the site is handled appropriately. If soil infiltration reveals a soakaway system is not appropriate the applicant will need to investigate whether an alternative connection can be secured to a local watercourse or as a last resort to a public sewer. An appropriate planning condition can be imposed on any permission issued to require these details to be agreed.

5.7 **Land Condition & Contamination / Noise / Air Quality**

5.7.1 Having regard to the characteristics of the site and what currently stands in situ land condition and contamination need to be considered having regard to policy CS8 of the Core Strategy and the wider NPPF.

5.7.2 In respect of land condition the **Coal Authority (CA)** were consulted on the application submission and made an initial request for the applicant to provide a Coal Mining Risk Assessment (CMRA) given the site fell within their designated referral area.

5.7.3 A CMRA was subsequently submitted by the applicant and the CA provided further comment on that assessment as follows:

'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.

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.'*

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

5.7.5 In respect of land condition the Council's **Environmental Health Officer** (EHO) was consulted on the application submission and had the following comments to make:

'I have no objections to this application in principle. I do have the following recommendations:

Noise - To minimise noise impacts on the existing residential dwellings, I recommend that 'construction work' shall only be carried out between the hours of 8:00 am to 6:00 pm Monday to Friday and 9:00 am to 5:00 pm on a Saturday. Construction work shall not be carried out on Sundays or Public Holidays. The term 'construction work' shall include mobile and fixed plant/machinery, (e.g. generators) radios and the delivery of construction materials.

NB - The above condition takes into account current guidance issued by Derbyshire County Council, Highways Agency and all Utility companies.

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

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

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

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

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

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

5.7.7 With regard to noise it is an ordinary planning practice to restrict construction hours to protect neighbouring amenity. It is not clear why the EHO has made reference to PPS23 in respect of lighting as this national policy document was replaced by the National Planning Policy Framework in March 2012 and was further updated in July 2018 but a requirement for the applicant to submit details of any proposed external lighting (over shared areas etc) would ensure that the impact of any lighting was localised so as

not to cause nuisance or glare to the nearby highway or other residents / biodiversity.

- 5.7.8 Under the provisions of policy CS8 of the Core Strategy a requirement by the applicant to undertake appropriate site investigation work will not only establish land condition (required by the CA) but also it will identify if its condition could also be adversely affected by contamination or gas migration.
- 5.7.9 Finally in respect of electric charging points, these are now proactively being conditioned as a requirement of all new dwellings given the current national direction and this approach is supported by the provisions of policy CS20 of the Core Strategy.

5.8 **Ecology & Landscaping**

- 5.8.1 The applications site is in a rural location, surrounded by woodland, pasture and golf course and therefore the development proposals are required to have regard to the provisions of policy CS9 of the Core Strategy and the wider NPPF.
- 5.8.2 Initially no ecology information accompanied the application however having received an initial comment from **Derbyshire Wildlife Trust** (DWT) the applicant had a Preliminary Ecological Appraisal Survey (Prelim EA) undertaken.
- 5.8.3 The PrelimEA was reviewed by DWT who provided the following comments / advice:

'The survey work appears in accordance with best practice guidelines and it is considered that sufficient information has been provided to determine the planning application.

Three active swallow nests were recorded in the stable block and therefore this building must not be demolished during the nesting season (March-August inclusive). Mitigation will be required for the loss of this nesting opportunity. Swallow nest cups are a suitable option that could be incorporated on site, however it should be noted that swallow nest cups are designed for use inside the shelter of open-fronted buildings or structures and the feasibility of this should be considered at an early stage. A net gain for biodiversity is encouraged in the NPPF 2012 and supported by the Trust.

Should the council be minded to approve the application, we advise that the following conditions are attached:

Nesting Birds - No tree/shrub/hedgerow removal or building demolition shall take place between 1st March and 31st August inclusive, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and details of measures to protect the nesting bird interest on the site have first been submitted to and approved in writing by the Local Planning Authority and then implemented as approved.

Mitigation and Enhancement Plan - Prior to the commencement of development, a Mitigation and Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority to ensure no net loss for biodiversity and aim for a net gain (NPPF 2012). This must adequately compensate for the loss of swallow nesting opportunities in the existing stable block (if demolition is required). Such approved measures should be implemented in full and maintained thereafter. Measures may include:

- details of bird and bat boxes (positions/specification/numbers).*
- measures to maintain connectivity for hedgehogs between gardens.*
- ecologically beneficial landscaping.*
- sensitive lighting.'*

5.8.4 On the basis of the comments and considerations above it is considered that appropriate conditions could be imposed on any subsequent decision issued to secure biodiversity enhancements in accordance with Policy CS9 of the Core Strategy.

5.9 **Community Infrastructure Levy (CIL)**

5.9.1 Having regard to the nature of the application proposals the development comprises the creation of 5 no. new dwellings and the development is therefore CIL Liable.

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

		A	B	C	D	E
Proposed Floorspace (GIA in Sq.m)	Less Existing (Demolition or change of use) (GIA in Sq.m)	Net Area (GIA in Sq.m)	CIL Rate	Index (permis sion)	Index (charging schedule)	CIL Charge
Plot 1 – 245sqm	0	1231	£50 (Mediu m Zone)	317	288	£67,748
Plot 2 – 247sqm						
Plot 3 – 245sqm						
Plot 4 – 247sqm						
Plot 5 – 247sqm						
Total = 1,231sqm						

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

5.9.3 The calculation set out above may be subject to change if the CIL Officer agrees to discount the floorspace of any ancillary buildings subject to demolition to facilitate the development.

6.0 **REPRESENTATIONS**

6.1 The application has been publicised by site notice posted on 24/04/2018; by advertisement placed in the local press on 03/05/2018; and by neighbour notification letters sent on 24/04/2018.

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

Dobbin Clough Farm

My major concern would be that the proposed plans would set a harmful precedent for future building proposals to the south eastern paddock leading to gross over-development of the site.

Observations:

- Is the proposal within the Green Belt?
- A septic tank would be required, where would this be sited and where would its output go? The site is surrounded by public footpaths on 3 sides and buildings on the 4th.
- A soak away is proposed for drainage resulting from new buildings, hard standings, courtyard etc. Where would this be sited and how would its capacity be calculated, if it overflowed where would its output go? Footpaths in the south western corner are already subject to flooding. How would the surface water from the front paved areas of the new houses be directed to the soak away and not allowed to flow in a northerly direction to the adjoining property. Are there guidelines that cover this scenario?
- Would provisions be made to ensure that the above 2 outputs would not go in the direction of neighbouring properties.
- Electricity and water supplies to existing properties pass under the proposed site for the new houses, how would this be preserved. A new water supply would be needed for the proposed development as can be witnessed by occasional pressure drops with the existing setup. Is the electricity supply sufficient to cater for the additional houses?
- The new site sits above the 'current dwelling' which appears from the drawings that it would be dwarfed by the new houses. The site slopes from south to north.
- Grey(?) slates are proposed to roof the new houses, this represents a sharp contrast to the historic surrounding buildings all tiled in orange/red. The stone walls are a good fit.
- Considering that the new houses proposed sit within the curtilage of Grade 2 listed buildings there is a sharp contrast between the size of the windows. The slates and windows

are of a very modern appearance and do not appear to blend in with the existing buildings.

- The proposal allows for the demolition of the stable block; however, this has been the nesting site for swallows returning from Africa for at least the last 30+ years. Shame as I suspect they are not a protected species.
- The application does not indicate the plans for the existing 1 bedroom flat and the barn marked as cattery, this makes it difficult to estimate the full impact of the number of car journeys that can be made in and out of the new development. If the cattery business continues then in total there would be a lot more traffic than at present.
- Crow Lane is very busy these days particularly at peak morning and afternoon periods. The existing traffic from the cattery is mainly during off peak times. The new proposals represent a clearly different scenario, 4 and 5 bedroom houses would fit younger working families with children of different ages. There may, therefore, be more than 2 cars per household all leaving/returning for work, college or school etc. at peak times. In addition, there may well be multiple delivery vehicles. This will exasperate an already busy traffic situation. In addition, further peak traffic journeys could result from any future developments for the 2 existing buildings. There are almost certainly likely to be more visitor car journeys to the new houses. Reducing the number of houses would alleviate the problem to some extent.
- The plan allows for an additional car parking for 10 but gives no indication of location. Can this not be adjacent to the boundary with Dobbin Clough Farm to ensure surface water is directed to the proposed soak away and that noise is kept to a minimum.
- At present vehicle access is restricted to the eastern side located around the dutch barn. The proposal would effectively result in a cul-de-sac running from the east to the west boundary creating a disturbance to the adjoining property. It is estimated the cattery (30 pens) would generate at least 120 in and out traffic movements a week (assuming the 2nd cattery under the dutch barn is not replaced). It would be beneficial for vehicle access/garaging to be similarly restricted to the east side of the development particularly for noise and pollution emissions and be more eco friendly for both new and existing properties.

- There are certain covenants in the deeds of the property which may have an impact on the proposals e.g. causing a nuisance or annoyance to surrounding neighbours and may impact on property development. Can building work have a definite time frame? An example is the development at Hady Hill (opposite Hady Lane) which seems to have been going on for a very long time and would result in high levels of noise and dust over a considerable period. Drilling for potential mine shafts/gas can continue for a very long extended period as witnessed recently in Blacksmith Lane, causing a definite nuisance.
- It may be beneficial to the potential owner of plot 1 to check the western boundary location. In 1985 the council stated that the boundary fence was about 2 metres to far out in a westerly direction and offered to sell the piece of land.
- Dobbin Clough Farm is essentially a 2 storey building with high ceilings and not as described by the applicants.
- In order to make a judgement on the plans 3 things need to be clarified. To make an accurate assessment of traffic flows in and out of Crow Lane, details of the future plans for the 'existing dwelling' and 'cattery' are required. The location of the septic tank and 10 space carpark are not shown but are critical in terms of the impact on neighbouring properties. If either were to be placed in the parcel of land to the west of the 'cattery' it would be very detrimental to the neighbouring property.

You will note that I mention surface water a few times. When the existing driveway was installed gaps were left in the retaining blocks allowing surface water to flow into my garden. I have since been advised that this is not good practice. The plot as a whole slopes south to north.

In my Observations I mentioned the deeds to the property for which planning is being applied for. I have attached the Schedule of restrictive covenants applied by Chesterfield Council in 1981. This could be interpreted to mean restrictions apply to property development which in addition would certainly cause a nuisance and annoyance over an extended period of time to occupiers of neighbouring land.

6.3

As a result of reviewing the representation made above the applicant submitted a number of rebuttal emails and photographs dated 24/05/2018, 26/05/2018 and 27/05/2018. Notwithstanding these comments the Officer Response to the representation made is as follows:

- ***The site is not located on Green Belt; it is located in the open countryside.***
- ***Issues in respect of drainage are dealt with in section 5.6 above. Details of the suitability for soakaways will be handed through the imposition of an appropriate planning condition. Any septic tank / package treatment plant installation will be required to meet current Building Regulations and no dwelling will be permitted to be occupied until such solutions are operational.***
- ***Matters concerning electricity and water supply are Building Control matters, which are not dealt with by Planning. A separate application for building regulations approval will need to be sought.***
- ***Design and neighbouring issues have been considered in section 5.3 and 5.4 of the report above.***
- ***Matters concerning parking, access and highway safety have been considered in section 5.5 of the report above.***
- ***The presence and / or otherwise of restrictive covenants are not a material consideration. Nor is boundary position / ownership which is a civil matter.***

7.0

HUMAN RIGHTS ACT 1998

7.1

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

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

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

7.3 The applicant has the right to appeal the final decision.

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 paragraph 38 of the National Planning Policy Framework (NPPF) – 24 July 2018.

8.2 The proposed development conflicts with principles of the NPPF and the relevant Development Plan policies for the reasons given in the report above.

8.3 The conflict with Development Plan policies has led the LPA to conclude the development is not fully regarded as meeting the definitions of "sustainable development" having regard to local character and amenity and a presumption on the LPA to seek to approve the application is not considered to apply.

9.0 **CONCLUSION**

9.1 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'. In this context the application has been considered against all up to date development plan policies and the wider national planning policy framework as detailed in the report above.

9.2 The site the subject of the application is on land allocated under policy EVR2 of the 2006 Local Plan (a saved designation of the Chesterfield Local Plan: Core Strategy 2011 – 2031) as open countryside. Policy CS10 of the Chesterfield Local Plan: Core Strategy 2011 – 2031 states that greenfield led housing

development will not be accepted where the Local Planning Authority is able to demonstrate a 5 year housing land supply.

- 9.3 On the basis that the Local Planning Authority is currently able to demonstrate a 5 year housing land supply the development would be contrary to the provisions of policy CS10 and EVR2 of the Chesterfield Local Plan: Core Strategy 2011 – 2031, the wider provisions of the National Planning Policy Framework and it is therefore unacceptable.
- 9.4 The site is situated in a rural location and having regard to its specific characteristics, under the provisions of Policy CS1 the new dwellings would not be within walking distance of a centre (the nearest being Chesterfield Town Centre, approximately 1.5km away, with a significant proportion via unlit roads without pavements). The proposals are therefore also in conflict with the provisions of policy CS1.
- 9.5 Whilst it is accepted that in all other respects the applicant has proactively sought to address all other materials considerations and technical issues arising throughout the application process, there are no special or exceptional circumstances demonstrated which would allow greater weight to be weighed in favour of an approval to justify setting aside the principle policy objections set out above.

10.0 **RECOMMENDATION**

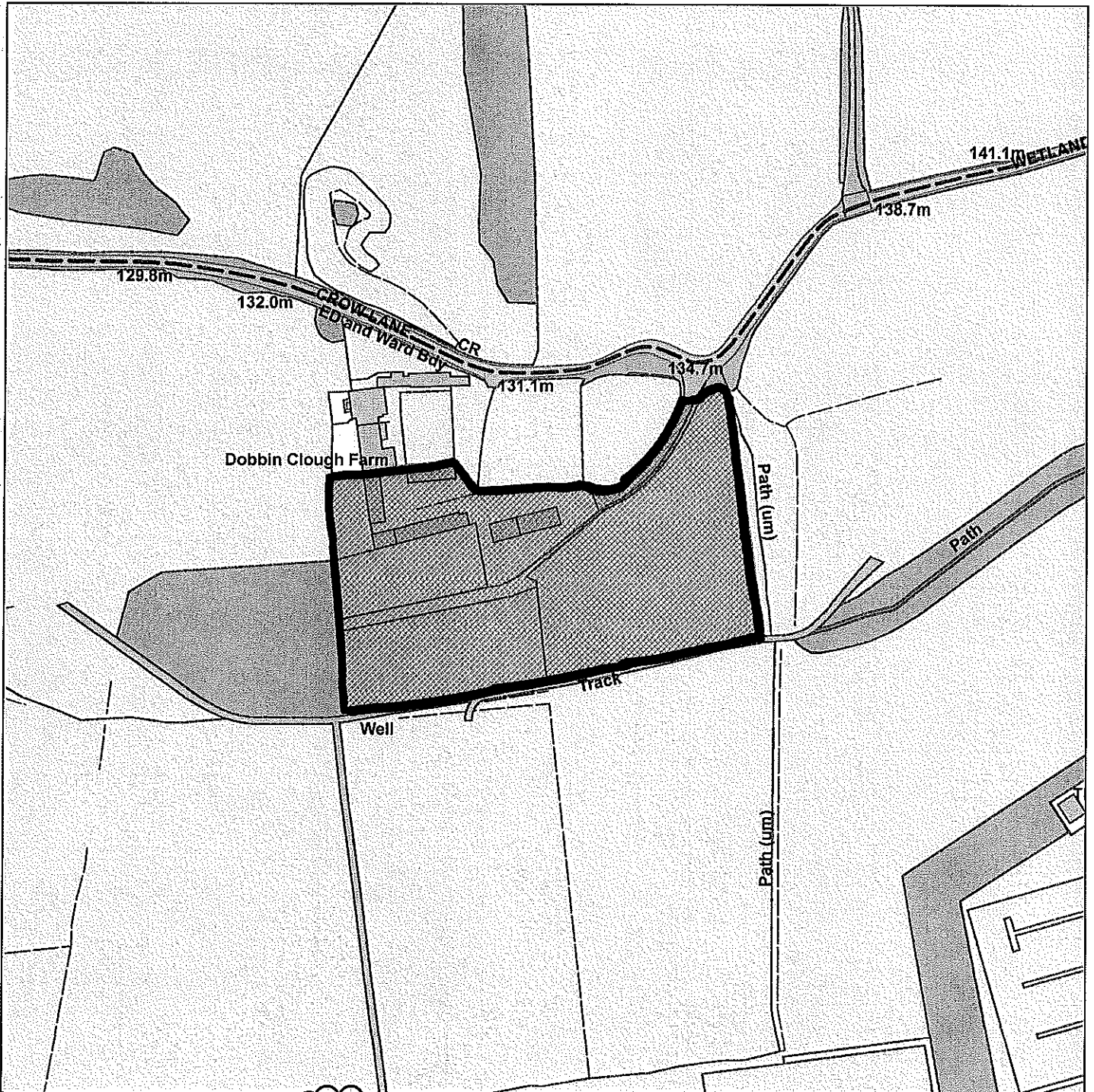
- 10.1 It is therefore recommended that the application be **REFUSED** for the following reasons:

01. The site the subject of the application is on land allocated under policy EVR2 of the 2006 Local Plan (a saved designation of the Chesterfield Local Plan: Core Strategy 2011 – 2031) as open countryside. Policy CS10 of the Chesterfield Local Plan: Core Strategy 2011 – 2031 states that greenfield led housing development will not be accepted where the Local Planning Authority is able to demonstrate a 5 year housing land supply. On the basis that the Local Planning Authority is currently able to demonstrate a 5 year housing land supply the development would be contrary to the provisions of policy

CS10 and EVR2 and the wider provisions of the National Planning Policy Framework 2018.

02. The site is situated in a rural location and having regard to its specific characteristics, under the provisions of Policy CS1, the new dwellings would not be within walking distance of a centre (the nearest being Chesterfield Town Centre, approximately 1.5km away, with a significant proportion via unlit roads without pavements). On this basis the proposals fail to meet the provisions of Policy CS1 of the Chesterfield Local Plan: Core Strategy 2011 – 2031 and the wider provisions of the 2018 National Planning Policy Framework.

Not Set



Scale : 1:1892

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Organisation	Not Set
Department	Not Set
Comments	Not Set
Date	16 August 2018
SLA Number	Not Set

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Case Officer: Sarah Kay
Tel. No: (01246) 345786
Ctte Date: 28th August 2018

File No: CHE/18/00411/FUL
Plot No: 2/2011

ITEM 2

PROPOSED ARTIFICIAL TURF PITCH AND ASSOCIATED LANDSCAPING, BOUNDARY TREATMENTS, FOOTPATHS, FENCING AND LIGHTING ON THE SITE OF THE FORMER LEISURE CENTRE WITHIN QUEENS PARK (REVISED PLANS RECEIVED ON THE 03/08/2018 AND 07/08/2018) AT FORMER QUEENS PARK SPORTS CENTRE, BOYTHORPE ROAD, BOYTHORPE, CHESTERFIELD, DERBYSHIRE FOR CHESTERFIELD BOROUGH COUNCIL

Local Plan: Existing Parks & Open Spaces
Ward: St Leonards

1.0 CONSULTATIONS

Local Highways Authority	Comments received 07/08/2018 – see report
Strategic Planning Team	Comments received 23/07/2018 and 06/08/2018 – see report
Environmental Services	Comments received 13/07/2018 and 13/08/2018 – see report
Design Services	Comments received 10/07/2018 – see report
Leisure Services	No comments received
Yorkshire Water Services	Comments received 27/06/2018 – no objections
Derbyshire Constabulary	Comments received 04/07/2018 – see report
Lead Local Flood Authority	Comments received 04/07/2018 and 10/08/2018 – refer to standing advice
Chesterfield Civic Society	No comments received
Chesterfield Cycle Campaign	Comments received 06/08/2018 – see report
Coal Authority	Comments received 16/07/2018 – see report
Tree Officer	Comments received 15/08/2018 – see report

Conservation Officer	Comments received 24/07/2018 – see report
Derbyshire Wildlife Trust	Comments received 16/07/2018 – see report
Derbyshire Archaeologist	No comments received
Historic England	Comments received 13/07/2018 and 09/08/2018 – see report
Sport England	Comments received 04/07/2018, 20/07/2018 and 07/08/2018 – see report
Friends of Queens Park	No comments received
The Gardens Trust	No comments received
Ward Members	No comments received
Site Notice / Neighbours	One letter of representation received

2.0 **THE SITE**

- 2.1 The site of the application is that of the former Queens Park Sports Centre, which was demolished in 2017. It shares a boundary / frontage to both Boythorpe Road and Queens Park, with the existing public car parks (council owned) situated to the north and south.
- 2.2 The site area measures 0.79ha in area and is currently enclosed with a temporary metal fencing / hoarding which was erected following the demolition of the previous centre. The site was left, post demolition, covered in a surface of crushed materials.





3.0 **RELEVANT SITE HISTORY**

- 3.1 CHE/16/00805/DOC – Discharge of condition 3 of CHE/16/00399/FUL. Approved on 04/01/2017.
- 3.2 CHE/16/00399/FUL and CHE/16/00400/DEM - application giving prior notification of the proposed demolition of the former queens park sports centre (under schedule 2 part 11 of the 2015 GPDO); and subsequent application seeking full planning permission for the demolition of the former queens park sports centre and implementation of a new landscaping proposal. Prior approval refused; but planning permission approved on 31/08/2016.
- 3.3 CHE/09/00218/FUL - Installation of new air handling plant including 3 vent grilles and a pair of doors in the external walls (facing the north side car park). Approved on 01/06/2009.
- 3.4 CHE/05/00170/FUL - Refurbishment of male wetside changing room, revised plans received 25th April 2005. Approved 03/05/2005.
- 3.5 CHE/1184/0711 - Permission for alterations and extensions to swimming pool to form sports centre with car parking and all weather pitch and temporary provision of entrance foyer and offices. Approved on 22/02/1985.
- 3.6 CHE/0503/0378 - Photovoltaic glazing and roof panels to existing building. Approved 11/07/2003.

4.0 **THE PROPOSAL**

4.1 The application submitted seeks full planning permission for the proposed erection of an artificial turf pitch and associated landscaping, boundary treatments, footpaths, fencing and lighting on the site of the former leisure centre within Queens Park.

4.2 As detailed in the original application submission the development proposals comprise of the following components:

1. 7x7 3G Artificial Turf Pitch, 61m x 43m (to edge of run-offs, excluding goal recesses) to FA requirements – green coloured carpet with painted markings.
2. Spectator area (width reduced to 1.72-3.72m wide to maximise planting opportunities).
3. Possible small secure store within spectator area.
4. 4.5m high fence to perimeter of pitch (around outline of pitch and goal recesses (note –no reduced height fence to spectator area)).
5. Two escape gates – grass area kept clear of planting and trees for access.
6. Existing sub-station to be demolished and existing/new electricity cabling to be routed to new sub-station and CBC cabinet at location 20.
7. Location for possible future support building (office and store approximately 4x4m).
8. Hardstanding outside secure sports pitch entrance. Entrance and fences to reflect the height of boundary wall, with this to be determined to provide suitable security measures.
9. Existing public footway widened to provide new pedestrian entrance to Park and sports pitch.
New wall constructed as a facing brick and railing wall with stone piers to reflect the original entrance feature, with new lockable park gates bearing the historic Chesterfield crest to match those existing. Two existing trees will need to be felled to allow for the new entrance to be created.

10. Low wall and railings constructed along Boythorpe Road boundary, together with shrub and tree planting. The new boundary treatment will tie in with the existing to provide public footpath access to the car park.
11. New footpath connecting Boythorpe Road to the Park, aligned with the existing bandstand and connecting to existing Park footpath. The surrounding landscaped area will reflect the original Park design with trees, ornamental shrub planting and grassland.
12. Listed gate piers to be refurbished and connected to the new boundary wall and railings.
13. Existing landscape framework of mature trees and hedgerows to be supplemented with new planting to provide an attractive setting for the ATP.
14. Proposed trees to enhance the footpath boundary and provide screening, as well as ornamental shrub planting and grassland to the original Park design.
15. Shrub/hedge/tree planting to soften and screen the appearance of pitch from within the Park (existing planter to be demolished).
16. New boundary wall and railings to tie in to existing wall (exact location to be confirmed).
17. Existing public footway re-aligned to remove redundant lay-by, so providing a straight footpath and boundary wall.
18. Existing raised planters demolished, and existing tree felled.
19. Maintenance access to sports pitch from existing car park.
20. Proposed new sub-station and CBC cabinet with 24-hour access from northern car park.
21. Open landscape area to recreate the original intention of Queen's Park, with shrub and tree planting.

- 4.3 In response to consultee comments received during the application process, amendments were made to the scheme proposed as follows:
- A. The layby and associated pavement widening on the Boythorpe Road frontage is retained, with a section of retaining wall required to overcome the level difference between the highway and the pitch – at this point the pitch fence will be immediately adjacent to the proposed wall and railing.
 - B. the goal recess for the southern 5-a-side pitch has been relocated slightly further north and so is not immediately behind the in-play position.
 - C. the spectator area is relocated to the northern end of the strip between the pitch and the Boythorpe Road footway, with a new entrance to this area at its northern end – part of this spectator zone will provide secure storage.
 - D. the access road and pathway at the north end of the pitch are rearranged in order to provide both pedestrian (including accessible) and vehicular access to the appropriate pitch entrances – the precise alignment of the paths may need to be altered following further site investigation and reconsideration of levels.
 - E. provision is made for three ‘Sheffield-type’ bicycle racks on a hard-paved area immediately adjacent to the pedestrian entrance to the spectator zone – in this location they can be easily reached from the nearby cycle route.
 - F. the vehicular access to the north car park from Boythorpe Road is amended to ensure the safety of people using both the ATP and the adjoining entrance to the Park (subject to further detailed design).
 - G. the new substation is relocated to the east of the vehicular access route, suitably screened with appropriate planting.
 - H. at the southern end of the pitch, the ‘dog-leg’ access path formerly required to access the spectator area is removed.

- I. the new path from Boythorpe Road to the principal Park pathway is realigned to a more east-west route, starting from alongside the existing pedestrian refuge in Boythorpe Road and providing 'desire line' links to the orbital path – this requires relocation and rearrangement of the new gates.
- J. a tarmac path is located along the south side of the pitch fencing with a link onto the main park path (subject to levels) – the grass slope here provides an informal viewing area.
- K. the landscaping scheme is adjusted to suit the new layout.



4.4 As amended the application submission is supported by the following plans / documents:

- Topographical Survey
- Site Location Plan - 12321-DB3-S01-ZZ-DR-A-90001
- Existing Site Plan - 12321-DB3-S01-ZZ-DR-A-90002
- Existing Site Sections - 12321-DB3-S01-ZZ-DR-A-90003
- Existing Site Elevations - 12321-DB3-S01-ZZ-DR-A-90004
- Illustrative Sections and Elevations - 122564-PG-8003

- Illustrative Sections and Elevations - 122564-PG-8004
- Details Sheet 1 - 12321-DB3-S01-ZZ-DR-A-20102
- Details Sheet 2 - 12321-DB3-S01-ZZ-DR-A-20103
- Proposed Site Sections - 12321-DB3-S01-ZZ-DR-A-90105
- Proposed Site Elevations - 12321-DB3-S01-ZZ-DR-A-90106
- Proposed Elevations - 12321-DB3-S01-ZZ-DR-A-90107
- Proposed Site Plan - 12321-DB3-S01-ZZ-DR-A-90101 P3
- Proposed Pitch Setting Out – 12321-DB3-S01-ZZ-DR-A-20101 P2
- Landscape Proposals Plan – 122564-PG-8002 Rev B
- Lighting Plan – UKS16068-2 and Lighting Details

- Design and Access Statement
- Flood Risk and Drainage Strategy
- Geo-Environmental Desk Study
- Heritage Statement
- Extended Phase I Report
- Arboricultural Implications Assessment and Tree Survey Report
- Supplementary Statement to accompany Revisions (Aug 2018)

5.0 **CONSIDERATIONS**

5.1 **Planning Policy Background**

5.1.1 The site the subject of the application lies within Queens Park in St Leonards ward, which is an allocated Existing Park and Open Space as defined in the Chesterfield Local Plan: Core Strategy 2011 – 2031. Queens Park is also a Grade II* Listed Park and Garden and Conservation Area.

5.1.2 Having regard to the nature of the application proposals and the site allocations set out above policies CS1, CS2, CS3, CS4, CS6, CS7, CS8, CS9, CS13, CS14, CS17, CS18, CS19 and CS20 of the Chesterfield Local Plan: Core Strategy 2011 – 2031 and wider National Planning Policy Framework (July 2018) and Planning Practice Guidance apply.

5.2 **Principle of Development**

5.2.1 The proposal is for the Borough Council on land within its ownership for a new sports facility. It would be for a 'third

generation' artificial grass pitch (3G AGP), for sports use. The pitch would be of a size suitable for adult training (primarily football) and for formal football matches for under 10s) and would consist of markings showing one larger pitch and two smaller pitches. The use of the open space would be by reservation only and so would not serve as open space for informal public use. The site is within an area identified as public open space in the Core Strategy 2011-2031 and also within flood risk zone 2 on the EA's most recent flood risk mapping. The site is also within a Conservation Area and a Grade II* Historic Park and Garden, there also being listed buildings adjacent and nearby.

Local Plan Spatial Strategy

- 5.2.2 Whilst the Council's Playing Pitch and Outdoor Sports Strategy (2014), is in need of an update (and is currently being undertaken), it is still reasonable to assume that the latent demand for an artificial pitch(s) still exists. This is the latest information available on which a decision can be based. The proposed use should, by meeting some of the identified sports need in the Borough, enable a more active population within the Borough with consequent health and well-being benefits.
- 5.2.3 The location of the site fits well with the spatial strategy in the Core Strategy, being central and accessible by alternative modes of transport to the car and also within walking distance of the Town Centre (Core Strategy policies CS1 and CS2). Whilst part of the site is within flood risk zone 2 (river/fluvial) the proposed use would be compatible with the level and type of flood risk identified, as required by Core Strategy policy CS7 and the NPPF.
- 5.2.4 The proposal is on the demolition site of the former Queens Park Sports Centre building (its facilities now replaced to a degree by a new centre nearby) and is in a location where a variety of open spaces types are present (play, amenity, sports and to a lesser degree semi-natural open space). Currently there is insufficient evidence that there are any other competing open space needs for the site (in terms of quantity). Hence the proposal arguably would not lead to a loss of an opportunity to meet other competing open space needs. As such the proposal would not conflict with Core Strategy policy CS9 or the elements of the NPPF relating to healthy communities and open spaces.

National Planning Policy Framework

- 5.2.5 The proposal would address some of the identified need for artificial sports pitches in the Borough, that need being a key issue identified in the Council's Playing Pitch and Outdoor Sports Strategy (2014). As such it would lead to an improvement in sports provision within the Borough and can provide the opportunity for a more active population and other community/cultural benefits of organised sports especially those involving children given the size of pitches proposed. In these respects the proposal meets elements of the NPPF in relation to healthy communities and also to a lesser degree indirectly would contribute positively to the local economy.

Infrastructure and Planning Obligations

- 5.2.6 Existing infrastructure with the exception of cycling provision should be adequate and there is no CIL requirement. Given that the proposal would cater for a Borough wide catchment (and potentially beyond) it should in particular demonstrate how it would meet the requirements of policy CS20, bearing in mind its location near the Hipper Valley Trail.

Conclusions

- 5.2.7 At face value the proposal would enhance sports provision in the Borough and meet a need for facilities, with benefits primarily to communities health, well-being and to a lesser degree safety and economy.

5.3 Open Space, Play Provision and Sports Facilities

- 5.3.1 Under the provisions of policy CS9 of the Core Strategy where a need is identified, development must contribute to sports and play provision and in this particular case the Council's latest Pitch and Sports Strategy identified a need for artificial pitches within the Borough.

- 5.3.2 As a site designated as an existing park, which proposes a new playing pitch, **Sport England** (SE) were consulted on the application submission and provided the following comments:

The proposal would involve the construction of an enclosed and floodlit 7 v 7 61 metre x 43 metre (including run-offs) third generation '3G' artificial grass pitch (AGP) on the site of the former Queen's Park Leisure Centre. There are no toilet or changing

facilities included in the scheme, or detailed proposals for storage provision.

Sport England provided comments on previous draft proposals in 2016, when the 'preferred option' for the site at that time incorporated two 3G AGPs, and potentially a small changing/refreshment pavilion. Given the physical constraints of the site, it was recognised at that time that it would not be possible to accommodate a full sized adult pitch within the available space.

As referenced in Sport England's comments back in 2016, the Council adopted a Sports Strategy in early 2015 which included recommendations in respect of artificial pitch provision within the Borough of Chesterfield. A key recommendation was to seek to develop a new 3G pitch as a focus for football. The rationale for this was that there was only one full sized 3G pitch in the Borough along with a second smaller facility.

The evidence gathered to inform the Strategy highlighted shortages of 3G AGPs as being a concern, and it was identified that some clubs were travelling outside the Borough to use facilities. Existing facilities were noted to be operating at capacity midweek. The lack of 3G pitches also meant that there was minimal scope to use 3G pitches as an alternative to natural turf pitches for competitive fixtures. Overall, demand for additional AGPs (particularly 3G) was one of the main issues emerging through the consultation and a particular geographical deficit for AGP provision was identified in the eastern part of the Borough.

Within the Strategy, one of the actions emanating from this was to explore the potential of developing a 3G pitch on the old Queen's Park Sports Centre site (the current application site), with a view also to enabling more flexible programming of the sports hall within the new facility and increasing capacity by moving some football use outdoors.

In principle, the current proposal therefore accords with the adopted Strategy, although it should be noted that the Strategy is now over 3 years old and therefore requires review and potential updating to reflect current circumstances. In addition, because the proposal is for a 7 v 7 pitch, rather than a full sized adult pitch, it would only have the potential to partially address the identified

deficiency in 3G capacity and would only be able to host formal match play up to under 9 / under 10 age groups.

Having reviewed the documents submitted in support of the application, it is noted that further stakeholder consultation on the proposals for the site was carried out in 2017, and whilst the reported feedback from this was generally positive in terms of the need for the facility, in line with the above assessment it was highlighted by the Football Focus Group that although the pitch would serve a training purpose, it would be limited in terms of its use for matches due to its constrained dimensions.

Prior to preparing this response, Sport England has sought the views of relevant National Governing Bodies of Sport (NGBs). In reply, the Football Foundation (on behalf of the Football Association (FA)) has commented:

- The Playing Pitch Strategy (PPS) completed in 2014 indicated a shortfall of one AGP, although neither Derbyshire FA or the Football Foundation are aware that any refresh of the PPS has been undertaken since;*
- The local area benefits from strong grassroots club structures with many providing youth to adult football provision. Demand for additional access to 3G pitches was highlighted as a key issue in the PPS. The PPS detailed a shortfall of 3G provision and that consideration should be given to one additional pitch at Queen's Park Sports Centre or Netherthorpe School and a key action was for consultation to take place around these two potential sites;*
- The Council completed some consultation in 2016 around Queen's Park Sports Centre. The Council were considering building a new full-sized 3G pitch on this site but feasibility concluded that a full-sized pitch could not be accommodated;*
- Following dialogue with Derbyshire FA, the Football Foundation are unaware of any consultation around the alternative site at Netherthorpe School;*
- Will changing and toilet facilities be provided at the site;*

- *The size of the proposed AGP meets the FA recommended size for 7 v 7 football. In respect of the design and construction, generally the AGP design appears to be in line with the FA's recommendations but it should be checked against The FA Guide to Football Turf Pitch Design Principles and Layouts. The applicant should also note the following detailed points:*
- *Construction Quality - The pitch should be constructed to FIFA Quality Concept for Football Turf – FIFA Quality (old FIFA 1*) accreditation or equivalent International Match Standards (IMS) as a minimum.*
- *Testing - The AGP should be tested and subsequently FA registered (on completion and then every three years for grassroots football and every 1 year for football in the National League System). This will enable the AGP to be used for league matches and therefore help the AGP to be used to its maximum potential by programming matches at peak times;*
- *Pricing - Pricing policies must be affordable for grassroots football and should be agreed with the local County Football Association. This should include match-rate at weekends equivalent to the Local Authorities price for natural turf pitches;*
- *Sinking Fund - Ensure that a sinking fund (formed by periodically setting aside money over time to cover the resurface and replacement life-cycle costs) is in place to maintain AGP quality in the long term;*
- *Line marking – The Football Foundation recommends that over-markings are made to allow different formats of football (e.g. 5v5, 7v7, 9v9 and 11v11). Over-marking should adhere to The FA Guide to Football Turf Pitch Design Principles and Layouts;*
- *Recessed Fencing - The FA recommends that the fencing is recessed to allow for safe and easy goal storage;*
- *Fence Height - The FA recommends the fence height on all sides of a 3G AGP is 4.5 m;*
- *Run-off - A minimum safety run off of 3 m should be provided.*

Views on the scheme have also been received from the Rugby Football Union (RFU), which advised that there are identified shortfalls of rugby union capacity close to this site and access to an AGP may help to address these, particularly in terms of midweek training requirements. However, the AGP dimensions would restrict any Rugby Union activity to simply training or for Mini Rugby, and as the AGP would not appear to be constructed to World Rugby Regulation 22, it cannot be confirmed as an appropriate surface for Rugby Union.

Taking into account the above, on balance Sport England considers that although the proposal would not deliver additional full sized adult AGP capacity, it would help to address some of the identified need for AGP provision in the Borough and therefore deliver benefits to sport.

However, whilst Sport England recognises the site constraints within which the scheme has been framed, in addition to the restricted size of the facility the absence of on-site toilet provision is also considered likely to inhibit the operational effectiveness of the facility to some extent and therefore the overall level of sports benefits achieved. It is therefore recommended that arrangements for toilets and also potentially changing accommodation, is given further consideration, noting that in earlier draft proposals a small changing/refreshment pavilion was referenced.

Finally, it is noted that there are residential properties in the vicinity of the proposal and as highlighted in pre-application comments, Sport England published guidance on the acoustic implications of AGPS in 2015, which you may find of assistance in assessing the proposal (available via the following link: <http://www.sportengland.org/facilities-planning/tools-guidance/design-and-cost-guidance/artificial-sports-surfaces/>).

Assessment of noise is clearly a matter for the Local Authority, and Sport England is not seeking to suggest a need for any restrictions on use. Nevertheless, it is important to have an understanding of the scope and hours of use that could be delivered as this would be linked to the viability and sustainability of the facility.

In conclusion, Sport England judges that the development would provide sports benefits in line with Sport England's 'Provide' objective. Sport England therefore offers its in principle support for

the application but recommends that consideration is given to the detailed points raised above in order to ensure that overall benefits to sport are maximised and the scheme is sustainable in the long term.

The absence of an objection to this application, in the context of the Town and Country Planning Act, cannot be taken as formal support or consent from Sport England or any National Governing Body of Sport to any related funding application, or as may be required by virtue of any pre-existing funding agreement.

- 5.3.3 In response to the comments made by SE above, it is understood that the new pitch will be managed from and by the existing Queens Park Sports Centre which is located south of the site on Boythorpe Road. Users of the facility will be able to use the changing and toilet/shower facilities provided at the Centre.
- 5.3.4 Given the limitations of the site and the need to balance the impacts of the development upon the listed park adjacent, a decision was taken to minimise the extent of built development to allow for elements of the park to be restored. This has meant that ancillary buildings providing such facilities were deemed inappropriate and on balance the use of such facilities at the adjacent Centre were considered an acceptable compromise.
- 5.3.5 Overall, despite the limitations highlighted by SE above, it is considered that the facility will provide sports benefits, which will address an identified need / deficiency for the Borough. Having regard to the principles of policy CS9 of the Core Strategy, the wider NPPF and objectives of SP the development proposals are considered to be acceptable.

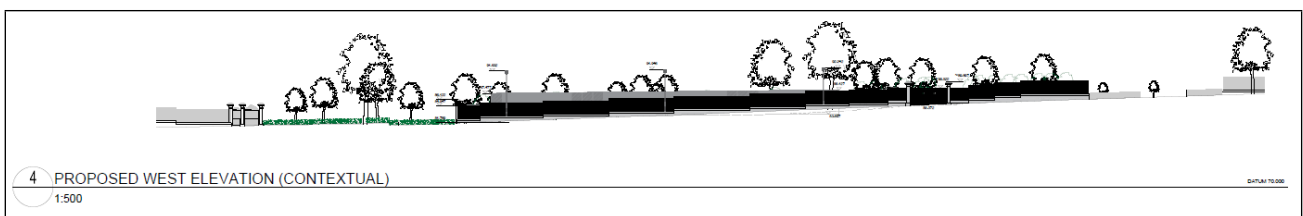
5.4 **Design and Appearance Considerations (inc. Neighbouring Amenity)**

- 5.4.1 The site the subject of the application fronts onto Boythorpe Road, occupying a prominent location on a busy classified road on the edge of the Town Centre. Views of the site are available from within the Queens Park itself, which is a listed park and garden with conservation area status.

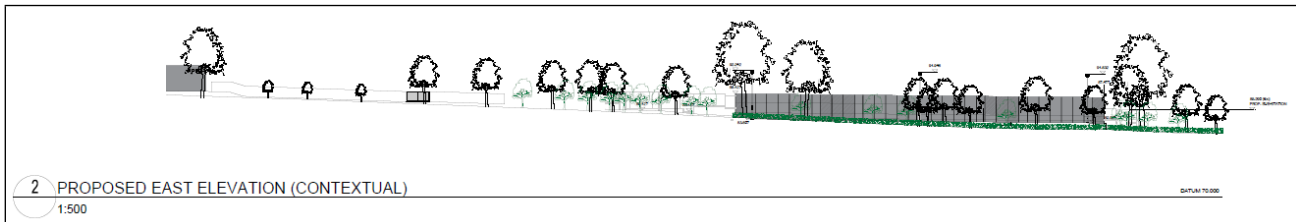
5.4.2 In terms of design and appearance considerations the demolition of the former Centre has opened up the park and setting to Boythorpe Road, where previously it provided enclosure / segregation. This has provided an opportunity to re-consider the relationship of the western edge of Queens Park to Boythorpe Road.

5.4.3 In place of the former buildings of the Centre new enclosure fencing to the artificial pitch, flood lighting columns and a new boundary wall and railing will be created which will redefine the streetscene character of Boythorpe Road and from within Queens Park.

View from Boythorpe Road



View from Queens Park



5.4.4 The opportunity to create a new boundary definition to the Boythorpe Road frontage is welcomed, as this will assist to redefine the extent of Queens Park. Boundary walls and railings are shown to match others around the park and which are appropriate. Extension of the parks boundary treatment as described will ensure the park can continue to be secured out of hours to discourage anti-social behaviour.

5.4.5 The new pitch facility is to be formed behind the new boundary wall to Boythorpe Road and whilst operationally it will be secured and with key-pad accessible only, it will also require a higher fence enclosure (to contain balls) and flooding lighting columns (to allow evening, winter use). The visual impacts of these features are not considered to be unacceptable in the context.

5.4.6 In respect of the design and proposals, the **Crime Prevention and Design Advisor** (CPDA) reviewed the application submission and offered the following advice:

There are no objections to the proposal of siting an artificially surfaced and fenced games area at this location.

The detail submitted with the application is appropriate to the context.

In respect of community safety and crime matters there are some details yet to be determined, an extension to the existing CCTV coverage and access control provision for the enclosure for

example. (parts 4.9.7 and 4.9.8 of the supporting design and access statement)

In respect of CCTV I would recommend an additional camera placed at the northern end of the site, probably to the edge of the retained smaller section of Queens Park North car park.

The existing cameras sited at the south eastern corner of the development site and north eastern corner of Queens Park North car park do not provide adequate cover of either the northern section of the proposal site, nor large sections of the existing Queens Park North car park.

A more centrally located speed dome or PTZ camera would resolve this omission.

Access control of a similar form to the existing provision on the smaller MUGA to the south, i.e. magnetic locks with pin pad release for day to day access, and padlocking on closure to the public, would be acceptable.

It would also be assumed that boundaries forming the final periphery of the site enable the continued securing of the park at public closing times.

- 5.4.6 Beyond the new pitch itself the area surrounding will be carefully re-landscaped with a design complimentary and sympathetic to Barron's former design of the historic park (see Heritage section below). Over time new soft landscaping will establish to soften the visual impacts of the scheme further. Ongoing management and maintenance of the facility and surrounding landscaping will ensure and landscaping is complementary to operational requirements of the park (CCTV coverage etc).
- 5.4.7 Having regard to amenity impacts there are residential properties located on the opposite side of Boythorpe Road that will potentially be impacted upon by the development proposals. In this respect the **Environmental Services** (ES) team were invited to comment on the application submission and the following comments were received:

I have inspected the above application and have concerns regarding floodlighting and noise in relation to the housing directly across the road.

The floodlighting has been modelled to cause illumination of the facades of Park Studios and 13/15 Boythorpe Road. I request that there should be some means of shielding/shrouding to minimise this.

The orientation of the pitches makes it very likely that there will be noise from football striking the fence around the pitches (missed shots on goal etc), and I am concerned that we have had to close such pitches, where they have be located close to dwellings for precisely this reason. I ask that some means of control be devised to minimise the disturbance from balls striking the fence.

- 5.4.8 In respect of the comments made above it will be appropriate to require that the floodlighting is shrouded to ensure that overspill and glare from the floodlights do not adversely impact upon the facing neighbouring properties. It is suggested that appropriate conditions could be imposed to positively address the concerns of the EHO without refusing planning permission.
- 5.4.9 Having regard to the issue highlighted by the EHO concerning balls striking the facility fencing and causing noise nuisance, the choice of an appropriate fencing material and support posts would mitigate this impact and whilst this detail is not provided in the application submission it is possible to condition the final material and finish of the facility fencing to ensure it is of an appropriate design. This is more often achieved through the use of plastic fittings, instead of traditional metals ones.
- 5.4.10 Overall it is considered that the design and appearance of the development proposals are acceptable having regard to the provisions of policies CS2 and CS18 of the Core Strategy.

5.5 **Heritage Impact**

- 5.5.1 Queens Park is a grade II* listed Historic Park & Garden and conservation area, hence it is a significant heritage asset. The Park was opened in 1893 and designed by William Barron & Sons, respected park designers of the Victorian era. Notwithstanding some changes over the years, Queens Park has retained much of

its original layout and character. In addition to the grade II* listing of the Park itself, the Park's bandstand (1), conservatory (2) and entrance gates, piers and railings (3) are separate grade II listed buildings.

- 5.5.2 Having regard to the series of designated heritage assets potentially affected by the development proposals, the application submission was supported by a Heritage Statement (prepared by Darnton B3 Architecture) and consultations were also sent to the statutory national bodies / organisations for development affecting a historic grade II* listed Park & Garden and also local bodies / organisations who have expressed an interest in applications of such a nature.
- 5.5.3 As a result of the application publicity comments were received from **Historic England** (HE) and the Council's own **Conservation Officer** (CO). No comments were received from the Gardens Trust, local Civic Society or Friends of Queens Park group. Both HE and the CO were also involved in pre-application discussions prior to the applications formal submission.
- 5.5.4 Looking in turn at each response received, Historic England's comments (which were reiterated when re-consultation took place) were made as follows:

Significance

Queen's Park is included on Historic England's Register of Parks and Gardens of Special Historic Interest at Grade II - denoting particular importance of more than special interest. When first registered in 2000 the park was designated at Grade II. Its recent upgrade to II* is because of the largely unchanged layout of c.1887, the retention of some listed 19th century structures and fine, mature planting, which all contribute to its national significance. The park was designed by William Barron & Sons, one of the principal landscape designers of the mid 19th century and promoter of public parks. The park is located within the Queens Park Conservation Area.*

Impact

We have previously provided advice regarding potential uses for the site in our letters of 11th December 2013, 11th January 2016, 2nd July 2016 and 13th September 2016 and attended a meeting on the 27th September 2017. In our previous advice we highlighted

that the demolition of the existing leisure centre provided an opportunity to reveal/restore this part of the registered park, and that a sensitively designed scheme would provide an opportunity to better reveal the significance of this important highly graded park and garden as outlined in paragraph 137 of the NPPF as well as enhance the character and appearance of the conservation area. We advised that we would be supportive of such an approach. We also urged the Borough Council to consider both the restoration of this part of the registered park and a wider scheme beyond that of the current site to include other structures within the park. In particular the listed gate piers on the Boythorpe Road side are divorced in a parking area and it would be desirable to re-intergrate them within the park and undertake conservation/repair works, as they are currently in a poor state of repair.

The current proposal is for an artificial turf pitch and associated landscaping, boundary treatments, footpaths, fencing and lighting. As advised at the pre-application stage, the installation of an all-weather pitch, which would include the installation of mesh fencing and associated lighting would have an adverse visual impact in relation to both the PAG and the conservation area, and would be harmful to their overall significance. This harm is acknowledged within the supporting Heritage Statement as less than substantial, we agree that the level of harm would be less than substantial, requiring clear and convincing justification.

The accompanying Design and Access statement sets out the various options the Borough Council has considered in developing its proposals on the site of the former leisure centre. Other options for siting all weather pitches have been considered within the annexe and are considered to be impractical. Other layout options have also been considered. As part of the mitigation in relation to the current scheme, the proposal is to restore and reinstate the boundary treatment to Boythorpe Road, providing a brick wall with a stone coping and railings to match the original. It is also proposed to provide a pedestrian gate to provide access to the park to match the existing.

Whilst restoring this area of the park back to Barron's original design intention would be our preferred option, we consider that the proposed re-instatement of the boundary treatment and planting scheme would reduce the impact of the proposed development on both the PAG and Conservation Area and could

provide a significant enhancement to this area. The proposed wall and railings would provide a better sense of enclosure along Boythorpe Road, and enhance both the character and appearance of this important PAG, as would an appropriate scheme of planting. However, this would be dependent on the detailed design of the proposed boundary treatment and an appropriate planting scheme. The current drawings do not indicate the design of the gates and railings in sufficient detail.

In particular the planting scheme would need to reflect the character of Barron's original design intention, with a scheme of appropriate planting informed by the historical research and the remaining planting from the original design. In relation to the proposed boundary treatment we note that there is an area outside the red line boundary to the south where the current car-park is located. This is currently bounded by low hoop style fencing. We would strongly encourage the Borough Council to extend the proposed boundary treatment to the area, to give a consistent approach. We advise that you seek further advice from your in-house conservation officer.

Policy

As the proposal affects the setting of listed buildings and the conservation area, the statutory requirement to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses (section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act, 1990) and to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area (s.72, 1990 Act) must be taken into account by your authority when determining this application.

The importance attached to significance with respect to heritage assets is recognised by the Government's National Planning Policy Framework (NPPF) and in guidance, including The Planning Practice Guidance. The NPPF defines significance as 'The value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic.

The determining authority should aim to achieve the objective of sustainable development which in this context means guiding development towards a solution that achieves economic, social

and environmental gains jointly and simultaneously (paragraph 8, NPPF).

The importance attached to setting is recognised by the principal Act, by the NPPF, by the accompanying practice guide and in the sector wide Historic Environment guidance.

In determining this planning application, the determining body should take account of the desirability of sustaining and enhancing the significance of heritage assets [paragraph 131]. When considering the impact of the proposed development on the significance of a designated heritage asset, great weight should be given to its conservation and the more important the asset, the greater the weight should be [paragraph 132]. No higher sense of importance is described in the NPPF.

Where the harm is judged to be less than substantial, harm should be weighed against the public benefit of the proposal [paragraph 134]. Your authority would therefore need to be satisfied the harm caused to the significance of the conservation area and PAG is outweighed by the public benefits including the reinstatement on the boundary and an appropriate planting scheme.

Recommendation

Historic England has no objection to the application on heritage grounds, subject to the detailed design, in particular the design of the proposed boundary treatment and specification of an appropriate planting scheme to reflect Barron's original design intention in relation to the character of this important PAG.

In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

- 5.5.5 Since the receipt of the comments from HE above, the National Planning Policy Framework was revised (24 July 2018) and therefore the paragraph references contained therein have been

superseded. Notwithstanding this fact, the principles set in national planning policy and the protection / assessment of designated heritage assets were not significantly changed by the revisions. The policy was if anything strengthened to provide greater clarity in protection and assessment of impact.

5.5.6 Having regard to the comments made by HE, it is clear that they have undertaken a thorough assessment of the impacts of the development proposals and whilst HE acknowledge that they would have favoured a scheme which restored the PAG to the original Baron design; they offer an opinion and judgement which is pragmatic to the approach and direction of the applicant. HE express a desire to see further detailed designs of both the boundary wall / gate proposals and soft landscaping to ensure that these are given an appropriate finish and harmonise with the principles of Baron's original design. Appropriate planning conditions can be imposed on any permission granted to require these details to be developed further and agreed prior to their implementation (before the development is brought into first use / or in the first planting season available).

5.5.7 In addition to the comments made by HE, the Council's own CO also provided the following response:

'My view is that if the proposals are approved, then it should be on the basis that the new facility will blend in with Queens Park and its setting as much as possible. This will require careful attention to design, including any boundary treatments (i.e. fencing, gates and walls); related infrastructure (e.g. lighting); landscaping; and surfacing.

The applicant's Design & Access Statement (page 20) states that the design of the proposals would include the following:

- Restoration of the Boythorpe Road boundary including the provision of walls, railings and a new pedestrian gate into the Park immediately to the north of the southern car park.*
- The pitch located on a flattened 'platform' which will see the playing surface below existing ground level at its southern end, so making the 'heavier-duty' lower portion of the fencing less visible from the Park.*
- Fencing and floodlighting designed to be as unobtrusive as possible, utilising dark colours and appropriate mesh sizes.*

It also proposes restoration of the existing gate piers at the north-western corner of the park, but it seems this is a mistaken reference. It is the gate piers off Boythorpe Avenue that are grade II listed, not those facing Boythorpe Road.

The whole area around the new pitch would be comprehensively landscaped, utilising a mixture of trees, shrubs, bedding and lawns to blend it into the existing Park. This would include ornamental planting, trees and hedges within the internal layout of the Park as well as reinforced formal tree avenue planting along the internal circular path between the existing car park/boating lake and along the new access route. Tree planting would also be introduced along the Boythorpe Road frontage to the north and south of the pitch.

The applicant's Heritage Statement includes a Mitigation Strategy (p.18) which states how the visual impacts of the proposals are to be minimised and mitigated. This provides important and useful information about materials and colours for elements such as new fencing & fence posts/gates; lighting columns; retaining walls; footpaths; hard surfacing; handrails; boundary walls; and a proposed sub-station.

It's clear that the applicant has carefully considered how the new facilities can be designed to cause as little visual impact on the character and setting of the Park as possible. Consequently any impacts that might arise are likely to be less than substantial in my view. On that basis I would not object to what is being proposed, but this would be subject to conditions ensuring the following are submitted:

- A detailed soft landscaping scheme (this should identify exact locations and types of planting being proposed with clear links to a layout plan)*
- A detailed hard landscaping scheme (this should identify exact location, size and material of the types of hard landscaping being proposed, including boundary treatments and lights, with clear links to a layout plan)*

I would also recommend that consideration is given to how the proposed new boundary wall and entrance gates facing Boythorpe Road would be compatible in design terms with the existing green modern metal hooped car park fencing to the south. The new boundary wall of Boythorpe Road is an important element of the

proposed scheme because it will have significant visual impact. It would be regrettable if this new wall formed a visual relationship with the existing hooped fencing. I would recommend, if possible, that the Council replace the hooped fencing by extending the proposed boundary wall.'

5.5.8 Having regard to the comments of the CO set out above, and those originally made by HE, it is considered that whilst there is a recognised impact upon the grade II* PAG and other designated heritage assets resulting from the development proposals; the impact has been assessed (with the support of HE and the CO) and it is concluded that the level of harm identified is to be 'less than substantial'. There is recognition of there being potential for some enhancements to the heritage assets in the form of new boundary treatments and landscaping in mitigation of this harm. In supporting the development proposals and striking this balance it would contribute positively to local and national planning objectives and also to meeting priorities in the Council Plan 2017/18. In this instance, it is considered that the public benefits of the scheme outweigh the harm identified and therefore it is considered that the development proposals accord with the provisions of policy CS19 of the Core Strategy and wider 2018 NPPF.

5.6 **Highways Issues**

5.6.1 As part of the first round of publicity the application proposals were reviewed by the **Local Highways Authority** (LHA) and **Chesterfield Cycle Campaign** (CCC), who both provided observations on the scheme which generated a requirement for further consideration and review.

5.6.2 Initially the scheme detailed the proposed closure of the layby which is positioned on Boythorpe Road adjacent to the old entrance point to the former Leisure Centre to allow the proposed new boundary wall to the site to follow a continuous alignment along the frontage. However as part of initial discussions with the LHA it was confirmed that this layby was part of the adopted highway and therefore it would have required a formal 'stopping up' process to be followed to allow these works to take place. Albeit not an issue which prevented the development taking place, this would have delayed progress of the scheme and a further complication arose as a result of statutory undertakers' apparatus being identified as being located within the adopted highway (BT

cabinets) which would be affected by these works. Moving such apparatus could also create unnecessary delay / objection to a 'stopping up' process, which the applicant wished to avoid. Furthermore the CCC had raised concerns over the lack of cycle parking being provided as part of the scheme and the lack of thought / connection to the strategic cycle network.

5.6.3 As a result of receiving this initial feedback from the LHA and CCC, it was proposed that the development be amended and this resulted in the package of revised plans being received.

5.6.4 When re-consulted on the revisions, the CCC confirmed, '*We note the revised drawings for the sports pitches at Queen's Park and are pleased to see that cycle parking as close as possible to the Hipper Valley Trail is now included. The Cycle Campaign has no objection to the plans as shown on the revised plans dated 3rd August 2018.*'

5.6.5 The following comments were also then received from the LHA as follows:

'I am now in receipt of the revised scheme for the above.

Publicly maintainable highway and highway rights - *For clarification this Authority did not object to the earlier scheme which included the removal of the lay-by; it did however draw to your Authority's attention that it is considered to form part of the publicly maintainable highway and that its removal would therefore require formal stopping up. As part of that process any statutory undertakers' equipment would most likely need to be relocated at your Authority's expense as applicant.*

Notwithstanding the plan showing the extent of the publicly maintainable highway supplied to your Authority, you will appreciate that there is a wide expanse of hard paving (referred to as associated footway widening in the Supplementary Statement) that has been open to the public for years and which has remained open even after the recent demolition works. As such you are advised to clarify whether or not this area has accrued highway rights and if necessary pursue the formal stopping-up process to extinguish these rights prior to any works enclosing this area. It is also likely that statutory undertakers' equipment, including street lighting equipment, is located within this area and again such

equipment would most likely need to be relocated at your Authority's expense.

Demarcation of the publicly maintainable highway – once the above matter is suitably resolved this Authority will require the formal demarcation of the publicly maintainable highway in an appropriate manner to be agreed in consultation with the Highway Authority.

Fronting Wall and Retaining Wall - Drawing Ref

12321.DB3.S01.ZZ.DR.A.20101 Rev P2 shows that the fronting boundary wall to Boythorpe Road is to be 'retaining at a 'low level'. Please clarify the proposed height and what is being retained. Additionally another proposed retaining wall is shown abutting this and, as such, the rear of the publicly maintainable highway. This Authority will require sight of design calculations, material and construction details, cross sections etc for any retaining structure adjacent to or close to the publicly maintainable highway.

In addition should a wall be retaining the publicly maintainable highway further information will be required. In both cases this Authority requires further details including the proposed extent of excavations and location of any proposed footings. You will appreciate that there should be no excavation or footings within or under the public highway.

Photographic Baseline Survey - It is recommended that a pre-commencement photographic baseline survey of the publicly maintainable fronting the development site Boythorpe Road is undertaken with DCC's Clerk of Works present so that any damage attributable to the construction of the proposed scheme can be identified. The developer would of course be liable for such damage and must take the appropriate steps to rectify matters. Please note that the repair of the public highway would of course require the express permission of the Highway Authority and legal agreement under the Highways Act 1980.

Floodlights - The proposals include the installation of floodlights and whilst drawing Ref 12321.DB3.S01.ZZ.DR.A.20101 Rev P2 shows floodlights M1, 3 and 5 facing away from the public highway the remaining floodlights M2, 4 and 6 face Boythorpe Road. Please clarify how these floodlights will not cause glare and distraction to passing motorists on the adjacent busy classified

road. The light spillage document does not appear to have been updated to show the revised layout.

Additionally any third party external lighting installation adjacent the public highway should be designed and maintained in accordance with ILP 'Guidance Notes for the Reduction of Obtrusive Light GN01 2011'. To fully assess the lighting installations impact on the surrounding environment your Authority may wish to consider a night time survey which should be carried out by a competent independent lighting engineer at the applicant's expense. Please clarify whether or not the above document has been referred to in the preparation of the proposed scheme.

Ball-proof fencing/roof netting - Drawing Ref 12321.DB3.S01.ZZ.DR.A.20101 Rev P2 shows pitch perimeter fencing at only 4.5m in height. This authority recommends that significantly higher fencing and possibly roof netting is installed to prevent errant balls reaching the public highway detrimental to the safety of passing highway users. It would appear that the author of the scheme also considers it likely that balls will leave the pitch given the inclusion of 'escape ball retrieval gates'.

Southern pedestrian access to Boythorpe Road - the relocation of the pedestrian path to align with the pedestrian refuge is noted. Please clarify what the black line in the public highway in front of the gates is - see drawing Ref 12321.DB3.S01.ZZ.DR.A.90104 Rev P3. The gates should open inwards only.

Construction management plan - a construction management plan is recommended. Details should include; parking of vehicles of site operatives and visitors, routes for construction traffic including arrangements for turning vehicles, including, abnormal loads/cranes etc, hours of operation, method of prevention of debris being carried onto highway, pedestrian and cyclist protection, proposed temporary traffic restrictions etc. The applicant should contact DCC's Traffic Management Team on 01629 0538686 for advice and procedure.'

- 5.6.6 Having regard to the comments made by the LHA above, it is noted that they are seeking further clarity on certain aspects of the proposals; however these outstanding matters should not prevent progression of the application to determination. The issues in the LHA comments above are responded to in turn below.

5.6.7 **Publicly maintainable highway and highway rights** - When initial discussions took place with the LHA on the scheme submission the following map was supplied by the LHA showing the extent of the public highway.



5.6.8 The areas of tarmac beyond the publically maintainable highway were provided to allow people access to the Sports Centre from the public highway (not as an extension to the public highway) and therefore it is not clear how the LHA could suggest these areas may now have also ascertained ‘highway rights’. Furthermore this hardsurface has now been removed and is a rubble surface following demolition of the centre. This is a matter which will need to be clarified by the applicant and does not prevent planning permission being granted.

5.6.9 **Demarcation of the publicly maintainable highway** – the new boundary wall to the site will act as formal demarcation of the publically maintainable boundary.

5.6.10 **Fronting Wall and Retaining Wall** – it is not unusual for the LHA to require a condition seeking further details of any boundary wall or retaining feature positioned adjacent to the public highway and an appropriate condition can be imposed on any decision issued.

5.6.11 **Photographic Baseline Survey** – it is suggested that if DCC require photographic evidence of the state of the public highway prior to the development commencing they do this themselves. It is entirely unreasonable to suggest this requirement should a Grampian condition, let alone a condition placed upon the developer at all.

- 5.6.12 **Floodlights** – these points are addressed by the recommended conditions as set out in section 5.4 above, which require further details to be submitted.
- 5.6.13 **Ball-proof fencing/roof netting** – it is considered that 4.5m high fencing to similar such facilities has been accepted in the past and the LHA has not submitted any evidence to suggest the fence design is deficient (comparisons etc). The applicant is not aware that the adjacent MUGA pitch causes similar such problems and therefore it is suggested that an appropriate response to this would be a condition on any decision issued to require a period to monitor the facilities once they are operational and only if a justified record of incidents occurs should measures of mitigation be required.
- 5.6.14 **Southern pedestrian access to Boythorpe Road** - the black line on the plan to which the LHA refer is actually a letter 'l' which is referred to in the plans key.
- 5.6.15 **Construction management plan** – this is standard requirement and can be imposed on any decision issued.
- 5.6.16 Overall in respect of the commentary provided above it is not considered that the development proposals pose any significantly adverse impacts upon highway safety. Under the provisions of policies CS2, CS18 and CS20 of the Core Strategy they are considered (subject to appropriate conditions where necessary) to be acceptable.

5.7 **Land Condition / Contamination**

- 5.7.1 The site the subject of the application comprises of previously developed land and therefore land condition and contamination need to be considered having regard to policy CS8 of the Core Strategy.
- 5.7.2 The application submission is supported by a Geo Environmental Desk Study and in respect of land condition the **Coal Authority (CA)** were consulted on the application submission and provided the following response:

'The Coal Authority concurs with the recommendations of the Phase 1 Geo-Environmental Desk Study; that a recorded mine entry located within the site and shallow mine workings pose a risk

to both public safety and the stability of the proposed development. Consequently, further intrusive site investigation works should be undertaken in order to establish the exact situation regarding them.

The Coal Authority recommends that the LPA impose a Planning Condition should planning permission be granted for the proposed development requiring these site investigation works prior to commencement of development.

In the event that the site investigations confirm the need for remedial works to treat the mine entry 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.

The condition should also ensure that any remedial works identified by the site investigation to consolidate any shallow mine workings are undertaken prior to commencement of the development.

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

- * The undertaking of appropriate schemes of intrusive site investigations for both the mine entry and the shallow workings;*
- * 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.*

The Coal Authority therefore has no objection to the proposed development subject to the imposition of a condition or conditions to secure the above'.

5.7.3 Having regard to the comments detailed above from the CA appropriate conditions can be imposed to this effect, if permission is granted, to ensure compliance with policy CS8 of the Core Strategy and the wider NPPF in respect of land condition.

5.7.4 It is noted that no comments were made by the Council's EHO in respect of land condition or potential contamination. Their comments made related to noise and nuisance matters which have a direct relationship with neighbouring amenity, which has already been considered in section 5.4 above.

5.8 Ecology & Trees

- 5.8.1 The majority of the application site is cleared land, which has been created following demolition of the former Queens Park Sports Centre, however the site shared a common boundary with Queens Park and as part of its demolition much of the mature landscaping located around the former Centre was retained given its protection under the parks Conservation Area status.
- 5.8.2 The application submission is accompanied by both a Tree Survey Report, Arboricultural Implications Assessment and Extended Phase I Ecological Report (all undertaken by EcoNorth Ecological Consultants having regard to the provisions of policy CS9 of the Core Strategy and wider requirements of the NPPF).
- 5.8.3 The application submission has been reviewed by **Derbyshire Wildlife Trust** (DWT) and the Council's **Tree Officer** (TO) and the following comments were received:

DWT - The application area is of relatively low ecological value, with the previous buildings now demolished. The ecology report identifies some limited potential to support nesting birds and roosting bats, with foraging badger also a possibility.

It is essential that lightspill is minimised beyond the area of the pitch to maintain the suitability of the adjacent park habitat for nocturnal wildlife, including foraging bats. The details provided in the Design and Access Statement and lighting design (Abacus Lighting Ltd) appear broadly acceptable and the Trust support measures including timers and additional planting to buffer the adjacent habitats.

The ecology report identifies five trees with moderate suitability for roosting bats, several of these have bat boxes. The report states "This is a draft report and is not currently suitable to support a planning application". Whilst the report does contain a good level of information, clarification should be provided as to whether these trees will either be removed or subject to increased lightspill. If so, they should be subject to aerial inspection and the report should be updated with the results. Impacts to trees with low potential should also be clarified and appropriate felling methods detailed, where required.

Other than this minor clarification, we advise that sufficient information has been provided to determine the application and recommend that the following conditions are attached to any permission:

Nesting Birds

No removal of trees or shrubs shall take place between 1st March and 31st August inclusive, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and details of measures to protect the nesting bird interest on the site have first been submitted to and approved in writing by the Local Planning Authority and then implemented as approved.

Badger

Due to the known presence of badger activity in the local area and suitable habitat adjacent to the application area in the wider Queens Park, an update survey for any recently excavated badger setts on the site or within 30 metres of the site boundary should be undertaken prior to the commencement of any groundworks on the site and submitted to the LPA for approval.

Lighting

The lighting design proposed by Abacus Lighting Ltd (Ref: UKS16068-2 / 20.03.18) shall be implemented in full to ensure that lightspill to surrounding habitats is minimised and the functionality for nocturnal wildlife is maintained.

TO – The new development will have little impact of the existing trees and shrubs surrounding the site, however it is proposed that the Maple in the raised planting bed to the frontage of the site is removed to facilitate the development however in the Arboricultural Assessment this tree is shown as retained. There are no objections to the trees removal as long as a good landscaping scheme is proposed in mitigation which includes new tree planting.

An arboricultural Implications Assessment by Eco North Ecological Consultants dated 26th January 2018 has been submitted with the application. The proposed works will entail the removal and protection of some trees as indicated in the survey recommendations.

Some construction work will occur within the RPA of trees as shown on the survey tree constraints plan. The tree protection measures detailed in the assessment should therefore be attached as a condition for the protection of the retained trees and vegetation.

The phases of construction are unlikely to have a detrimental effect upon the health of the retained trees assuming the recommendations made in the assessment are adhered to at all times by the contractors e.g. the positioning of the protective fencing between the retained trees and construction activities is placed prior to commencement of works and remains intact and in position throughout the duration of the construction activities. A pre work commencement meeting is therefore advised and a condition attached to discuss the location of the fencing and any other arboricultural implications.

BS5837 recommends that retained trees (and areas suitable for new planting) are incorporated into Construction Exclusion Zones (CEZ's) and suitably protected throughout the development process. The CEZ's are clearly marked on the Tree Protection Plan, modified by EcoNorth Ltd.

The development includes new landscaping proposals around the site using a mixture of trees, shrubs and grassed areas to blend into the existing landscape at Queens Park. It is also proposed that new tree planting is carried out to the north and south of the sports pitch as shown on drawing 122564/8002 Rev B titled Landscape Proposal Plan dated 6th March 2018.

I have no objections to the application and if the application is approved then the following conditions should be attached to safeguard the retained trees and landscaping on the site:

Tree Protection

The tree protection measures and tree protection plan outlined in the arboricultural Implications Assessment by Eco North Ecological Consultants is adhered to at all times and as a condition.

Pre-commencement Meeting

Before any development or construction work begins, a pre-commencement meeting shall be held on site and attended by the developers appointed arboricultural consultant, the site

manager/foreman and a representative from the Local Planning Authority (LPA) to discuss details of the working procedures and agree either the precise position of the approved tree protection measures to be installed OR that all tree protection measures have been installed in accordance with the approved tree protection plan. The development shall thereafter be carried out in accordance with the approved details or any variation as may subsequently be agreed in writing by the LPA.

Landscaping

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

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

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

- 5.8.4 Having regard to the comments made by DWT above the 5 no. trees identified in the ecological survey which already have bat boxes present are actually located outside of the application site boundary in an area of woodland adjacent to the boating lake in Queens Park. Any works to these trees would not be covered by this application submission; nor could it reasonably be a requirement that they are subject to further survey prior to the development of this site. The lighting plan submitted shows that lighting spill decreases from the application site boundary before reaching the area where these trees are located. In respect of all other conditions sought by DWT these are considered to be reasonable and can be imposed as appropriate conditions of any permission granted.
- 5.8.5 Having regard to the comments made by the TO above it is noted that the details of proposed tree protection etc are based upon the layout of the previously submitted scheme and these documents have not been updated since the layout of the pitch was amended.
- 5.8.6 It will be necessary to ensure that these documents are updated to reflect the correct proposals and therefore it is considered that appropriate conditions are imposed to secure these updates alongside those being sought by the TO in his comments.
- 5.8.7 Overall however it is considered that the scheme offers an appropriate degree of new landscaping to compensate for the loss of trees required to facilitate the development. Under the provisions of policy CS9 of the Core Strategy a biodiversity gain can be secured (alongside other identified heritage gains) within the park to accept the development proposals.

5.9 **Flood Risk & Drainage**

- 5.9.1 The application submission is supported by a Flood Risk Assessment and Drainage Strategy (undertaken by Fairhurst) (FRA and DS) which has regard to the fact part of the application site lies within flood risk zone 2 and is identified to be at risk from both fluvial (zone 2) and surface water (low zone) flooding.
- 5.9.2 The FRA and DS has been reviewed by the **Lead Local Flood Authority (LLFA)**, **Yorkshire Water Services (YWS)** and the Council's own **Design Services (DS)** team having regard to the impacts of the development upon flood risk and drainage.

5.9.3 YWS confirmed that they had no comments to make on the application proposals. The LLFA also had no specific comments to make and requested that the developer be referred to their 'standing advice' note. The DS team commented, *'Part of the site is shown to be located within Flood Zone 2 on the Environment Agency flood maps, indicating there is a low risk of flooding to the site. The proposed use of the site however would be classed as less vulnerable and would be compatible for use within this level of risk under the NPPF. It is noted in the submitted flood risk assessment that the site is assumed to be impermeable and that surface water drainage and attenuation are to be installed as part of these works. However no details have been provided of a surface water drainage design and discharge point at this stage. These would need to be submitted prior to full approval and construction'*.

5.9.4 The comments of the DS team made above are noted and under the provisions of policy CS7 of the Core Strategy an appropriate planning condition can be imposed requiring any necessary drainage details / strategy and calculations to be submitted for further consideration / approval prior to any development commencing on site.

6.0 **REPRESENTATIONS**

6.1 The application has been publicised by site notice posted on 18/06/2018; by advertisement placed in the local press on 28/06/2018; and by neighbour notification letters sent on 26/06/2018. Neighbours were also re-notified of the receipt of revised plans on 06/08/2018 giving 14 days for any further comments.

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

A Local Resident (by email)

I support the proposed sports pitches & landscaping and feel that the opportunity to improve the western edge of Queen's Park and the views into the park from Boythorpe Road has been taken. I feel it is important that the proposed development maintains & enhances the Grade II* Listed park's character & appearance. The proposed sports pitches appear consistent with the existing ones at the south-west corner of the park.

Although not part of this application, I would like to suggest gating off the car parks overnight to prevent unauthorised use by travellers etc.

6.3 ***Officer Response: Noted.***

7.0 **HUMAN RIGHTS ACT 1998**

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

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

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

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

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 paragraph 38 of the National Planning Policy Framework (NPPF).

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

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

9.0 **CONCLUSION**

9.1 The proposed development is considered to be appropriately sited, detailed and designed such that the development proposals comply with the provisions of policies CS1, CS2, CS3, CS4, CS6, CS7, CS8, CS9, CS13, CS14, CS17, CS18, CS19 and CS20 of the Chesterfield Local Plan: Core Strategy 2011 – 2031 and wider National Planning Policy Framework (July 2018)

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

10.0 **RECOMMENDATION**

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

Conditions

Time limits etc

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

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

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

- Topographical Survey
- Site Location Plan - 12321-DB3-S01-ZZ-DR-A-90001
- Existing Site Plan - 12321-DB3-S01-ZZ-DR-A-90002
- Existing Site Sections - 12321-DB3-S01-ZZ-DR-A-90003

- Existing Site Elevations - 12321-DB3-S01-ZZ-DR-A-90004
- Illustrative Sections and Elevations - 122564-PG-8003
- Illustrative Sections and Elevations - 122564-PG-8004
- Details Sheet 1 - 12321-DB3-S01-ZZ-DR-A-20102
- Details Sheet 2 - 12321-DB3-S01-ZZ-DR-A-20103
- Proposed Site Sections - 12321-DB3-S01-ZZ-DR-A-90105
- Proposed Site Elevations - 12321-DB3-S01-ZZ-DR-A-90106
- Proposed Elevations - 12321-DB3-S01-ZZ-DR-A-90107
- Proposed Site Plan - 12321-DB3-S01-ZZ-DR-A-90101 P3
- Proposed Pitch Setting Out – 12321-DB3-S01-ZZ-DR-A-20101 P2
- Landscape Proposals Plan – 122564-PG-8002 Rev B
- Lighting Plan – UKS16068-2 and Lighting Details
- Design and Access Statement
- Flood Risk and Drainage Strategy
- Geo-Environmental Desk Study
- Heritage Statement
- Extended Phase I Report
- Arboricultural Implications Assessment and Tree Survey Report
- Supplementary Statement to accompany Revisions (Aug 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.

Drainage

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

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

Site Investigations

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

Reason - To fully establish the presence and / or otherwise of any 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.

Ecology / Trees

05. No removal of trees or shrubs shall take place between 1st March and 31st August inclusive, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and details of measures to protect the nesting bird interest on the site have first been submitted to and approved in writing by the Local Planning Authority and then implemented as approved.

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

06. Prior to commencement of development a further survey for recently excavated badger setts on the site or within 30 metres of the site boundary should be undertaken. Only once those survey findings have been submitted to and approved in writing by the Local Planning Authority shall ground works on the site be permitted to commence.

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

07. The lighting design proposed by Abacus Lighting Ltd (Ref: UKS16068-2 / 20.03.18) shall be implemented in full to ensure that lightspill to surrounding habitats is minimised and the functionality for nocturnal wildlife is maintained.

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

Heritage – Boundary Treatments and Planting

08. Prior to commencement of development, further details of the proposed boundary wall, gates, gate piers, railings and fencing (including materials, finishes, profiles and any renovation works to existing connecting features) shall be submitted to the Local Planning Authority for further consideration. Only those details which are agreed in writing by the Local Planning Authority shall be implemented on site and maintained thereafter as per the agreed scheme.

Reason – In the interests of the affected designated heritage assets and to accord with policy CS19 of the Local Plan: Core Strategy 2011-2031 and the National Planning Policy Framework.

09. Upon commencement of development and prior to the facility being brought into first use, further details of the proposed soft landscaping shall be submitted to the Local Planning Authority for further consideration. Only those details which are agreed in writing by the Local Planning Authority shall be implemented on site and maintained thereafter as per the agreed scheme in accordance with an accompanying implementation programme.

Reason – In the interests of the affected designated heritage assets and to accord with policy CS19 of the Local Plan: Core Strategy 2011-2031 and the National Planning Policy Framework.

Cycle Parking

10. The premises, the subject of this application, shall not be brought into use until space has been provided within the site curtilage for the cycle storage as per the application drawings. Thereafter the facility shall be maintained available for use throughout the life the development.

Reason – In accordance with the requirements of policy CS20 of the Core Strategy and in the interests of promoting sustainable means of travel.

Lighting / Amenity

11. The floodlighting hereby agreed shall not be used between the hours of 22:00 and 07:00 on any day.

Reason – In the interests of neighbouring amenity.

12. Prior to their installation a revised lighting scheme which takes account of the revised site layout (submitted 03/08/2018 and 07/08/2018) shall be submitted to the Local Planning Authority for consideration. All the lighting columns shall be shrouded to prevent glare to adjoining properties and / or the highway. Only those details which are subsequently agreed in writing shall be implemented on site and retained thereafter as approved.

Reason – In the interests of neighbouring amenity and highway safety.

13. If within a period of 12 months from the lighting installation being implemented, any complaints are received about glare / overspill, the lights causing the effect shall be immediately turned off. Before the installation is allowed to be switched back on a lighting survey shall be undertaken to assess the full impact of the installation and remedial measures shall be submitted to the Local Planning Authority for consideration and written approval. Thereafter those remedial measures shall be implemented with immediate effect and retained thereafter as approved.

Reason – In the interests of neighbouring amenity and highway safety.

14. Prior to its installation the final design of the facilities enclosure fencing shall be submitted to the Local Planning Authority for consideration and approval in writing. The details shall include measures to mitigate any adverse noise / nuisance impacts from balls striking the fencing. Only those details which receive approval in writing shall be implemented on site and maintained thereafter throughout the life of the development.

Reason – In the interests of neighbouring amenity and highway safety.

Highways

15. Prior to the commencement of the development full structural details for the proposed boundary / retaining walls positioned on land adjacent to the public highway shall be submitted to and approved in writing by the Local Planning Authority, the structure being constructed in accordance with the approved scheme prior to the retained areas being brought into use

Reason - In the interests of highway safety.

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

Reason – In the interests of highway safety.

17. For a period of 12 months following the development being first brought into use, the functionality of the 4.5m high fencing enclosure shall be monitored to ensure it serves as an effective barrier to prevent balls straying onto the adjacent public highway. If any such incidents are reported where balls have strayed onto the public highway to the detriment of public safety, a mitigation strategy to retain balls within the playing arena shall be submitted to Local Planning Authority for consideration. Only those details which receive written approval shall be implemented on site in accordance with a timeframe agreed under the terms of this condition and which shall be retained thereafter.

Reason – In the interests of highway safety.

Landscaping

18. Prior to commencement of development the Arboricultural Implications Assessment shall be reviewed and updated to reflect the revisions to the site layout plan hereby agreed (submitted on 03/08/2018 and 07/08/2018). The tree protection measures and tree protection plan shall be updated and submitted to the Local Planning Authority for consideration and written approval. Only those details which receive written approval shall be implemented on site (in accordance with condition 18 below) and shall be maintained thereafter throughout the construction phase.

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

19. Prior to completion of the development hereby approved, details of treatment of all parts on the site not covered by buildings shall be submitted to and approved in writing by the Local Planning Authority. The site shall be landscaped strictly in accordance with the approved details in the first planting season after completion of the development. Details shall include:
- 1) a scaled plan showing all existing vegetation and landscape features to be retained and trees and plants to be planted;
 - 2) location, type and materials to be used for hard landscaping including specifications, where applicable for:

- a) permeable paving
- b) tree pit design
- c) underground modular systems
- 3) a schedule detailing sizes and numbers/densities of all proposed trees/plants;
- 4) specifications for operations associated with plant establishment and maintenance that are compliant with best practise; and
- 5) types and dimensions of all boundary treatments

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

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

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

Notes

01. If work is carried out other than in complete accordance with the approved plans, the whole development may be rendered unauthorised, as it will not have the benefit of the original planning permission. Any proposed amendments to that which is approved will require the submission of a further application.

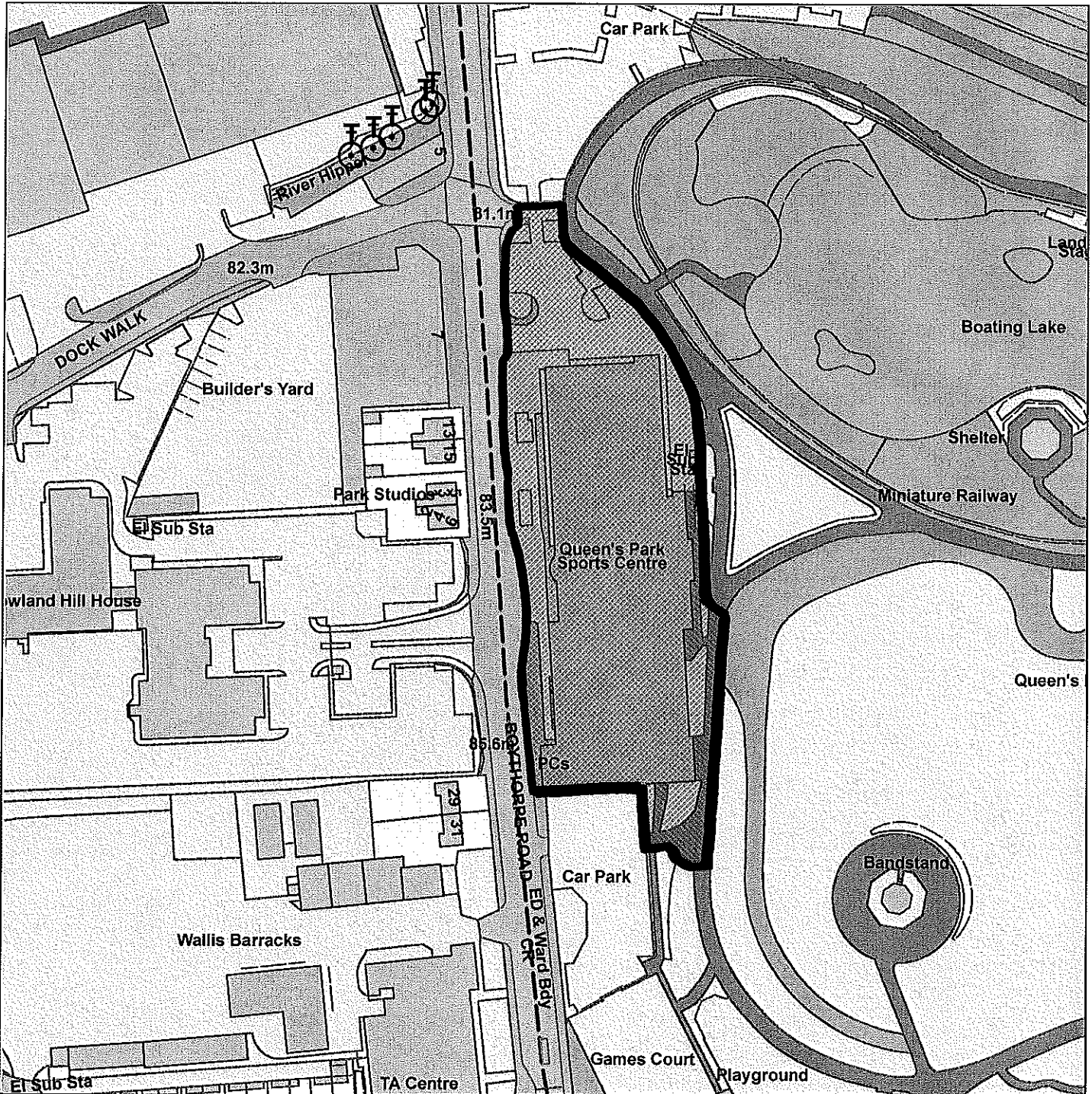
02. This approval contains condition/s which make requirements prior to development commencing. Failure to comply with such conditions will render the development unauthorised in its entirety, liable to enforcement action and will require the submission of a further application for planning permission in full.
03. Construction works are likely to require Traffic Management and advice regarding procedures should be sought from Dave Bailey, Traffic Management at Derbyshire County Council - telephone 01629 538686.
04. Pursuant to Section 163 of the Highways Act 1980, where the site curtilage slopes down towards the public highway measures shall be taken to ensure that surface water run-off from within the site is not permitted to discharge across the footway margin. This usually takes the form of a dish channel or gully laid across the access immediately behind the back edge of the highway, discharging to a drain or soakaway within the site.
05. Pursuant to Section 278 of the Highways Act 1980, no works may commence within the limits of the public highway without the formal written Agreement of the County Council as Highway Authority. Advice regarding the technical, legal, administrative and financial processes involved in Section 278 Agreements may be obtained from the Strategic Director of Economy Transport and Community at County Hall, Matlock (tel: 01629 538658). The applicant is advised to allow approximately 12 weeks in any programme of works to obtain a Section 278 Agreement.
06. Under the provisions of the New Roads and Street Works Act 1991 and the Traffic Management Act 2004, all works that involve breaking up, resurfacing and / or reducing the width of the carriageway require a notice to be submitted to Derbyshire County Council for Highway, Developer and Street Works. Works that involve road closures and / or are for a duration of more than 11 days require a three months notice. Developer's Works will generally require a three months notice. Developers and Utilities (for associated services) should prepare programmes for all works that are required for the development by all parties such that these

can be approved through the coordination, noticing and licensing processes. This will require utilities and developers to work to agreed programmes and booked slots for each part of the works. Developers considering all scales of development are advised to enter into dialogue with Derbyshire County Council's Highway Noticing Section at the earliest stage possible and this includes prior to final planning consents.

07. Attention is drawn to the attached notes on the Council's 'Minimum Standards for Drainage'.
08. In relation to the any works / conditions regarding trees the following British Standards should be referred to:
 - a) BS: 3998:2010 Tree work – Recommendations
 - b) BS: 5837 (2012) Trees in relation to demolition, design and construction – Recommendations.

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Scale : 1:1560

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Organisation	Not Set
Department	Not Set
Comments	Not Set
Date	16 August 2018
SLA Number	Not Set

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Case Officer: Joe Freegard
Tel. No: (01246) 345580
Committee Date: 28th August 2018

File No: CHE/17/00496/FUL
Plot No: 2/1123

ITEM 3

Conversion of The Travellers Rest into 12 residential apartments including conversion of the attached retail unit linked to the original building, together with a new three storey rear extension and new roof over the existing building to incorporate additional rooms within the roof space – amended noise, odour and air quality assessment received 29.05.2018, amended plans received 29.05.2018 and 10.07.2018 at The Travellers Rest , 425 Sheffield Road, Whittington Moor, S41 8LT for Mr Shrimpton.

Local Plan: Town District and Local Centre
Ward: Moor

1.0 CONSULTATIONS

Ward Members	No comments
Strategy Planning Team	Comments received
Environmental Services	Comments received
Design Services	No comments
Economic Development	Comments received
Yorkshire Water Services	No comments
Derbyshire Constabulary	Comments received
DCC Strategic Planning	Comments received
DCC Highways	No objections
Coal Authority	No objections
Urban Design	No objections
Derbyshire Wildlife Trust	Comments received

Archaeology	No objections
Neighbours/Site Notice	2 representations received.

2.0 **THE SITE**

2.1 The property concerned is the Travellers Rest, located at 425 Sheffield Road in the Whittington Moor area of Chesterfield. This is a large former public house of some historic interest. The property is semi-detached, and is brick-built, with a part hipped and part pitched slate roof behind an ornate stone parapet. The building has predominantly UPVC windows and doors, with stone detailing and two chimney stacks. The property is set over two levels, and incorporates a small gable end that projects from the side of the hipped roof. The Western front of the property abuts the pavement on Sheffield Road, and part of this elevation comprises a shopfront that was separate to the main pub use. Various signs associated with the pub use are attached to the front of the building.

2.2 An access way is situated to the Northern side of the property, and leads to the rear of the site. The rear of the site comprises a large yard area, which is in a poor state of repair. The rear of the property has been extended, with single storey and two storey additions in materials to match. Brick walls and neighbouring buildings form the boundaries to the yard area, and the boundaries to all other elevations remain open. The access way and an Italian Restaurant are situated to the North of the site, a steel castings factory is situated to the East of the site, a hot food takeaway is situated to the South of the street, and the roadway of Sheffield Road is situated to the West of the site. The pub and shop are currently closed.





3.0 **RELEVANT SITE HISTORY**

3.1 A pre-application enquiry response was issued in February 2017 with regards to plans for the retention of the pub and the conversion and extension of the property to create apartments. It was advised that a scheme of such a nature was likely to be acceptable, subject to correspondence from consultees.

4.0 **THE PROPOSAL**

4.1 A full application has been made for the conversion of The Travellers Rest into 12 residential apartments including conversion of the attached retail unit linked to the original building, together with a new three storey rear extension and new roof over the existing building to incorporate additional rooms within the roof space. The application includes amended noise, odour and air quality assessments and amended plans received 29.05.2018 and 10.07.2018.

- 4.2 The plans originally included a different noise assessment and air quality assessment, and were for a scheme of a different design. Concerns were raised with regards to noise, air quality and design, which resulted in the submission of amended plans.
- 4.3 The amended plans indicate that the property would be converted into 12 residential apartments including the conversion of the attached retail unit linked to the original building, together with a new three storey rear extension and new roof over the existing building to incorporate additional rooms within the roof space. Externally it is proposed to install six ornate dormer windows within the roofline to the front elevation, to match those seen on the adjoining property to the South. These are proposed to be lead faced with UPVC windows. It is also proposed to make alterations to the roofline, to enable a fully pitched roof form to be created using materials to match. At ground floor level, it is proposed to infill the existing shopfront with brickwork and three windows to match the rest of the property. The existing pub signage is proposed to be removed.
- 4.4 To the rear of the property, it is proposed to attach a substantial three storey extension with a roughly L-shaped footprint. This is proposed to be flat roofed in form, and would cover the entirety of the rear elevation of the property. The demolition of the existing rear extensions would be required to cater for this proposed development, and the new extension would be attached to the rear roofline of the property. The extension is proposed to be constructed using matching brickwork, slate effect cladding, white render, and timber cladding. Windows and doors are proposed across all three levels to the side and rear elevations of the property. These are proposed to be aluminium framed, and a variety of sizes and styles would be utilised. To the rear of the property it is proposed to create a landscaped area, block paving patio and cycle shelter. A new acoustic wall is proposed to be erected to the East of the site, and an acoustic fence is proposed to be erected between the property and the adjoining building. The existing access way to the Northern side of the property is proposed to be retained.

- 4.5 Internally it is proposed to provide 12 apartments, with some of these being one bedroom and others being two bedroomed. The apartments are proposed to be situated at ground floor, first floor and second floor, with some of these comprising dormer windows. All of the flats are proposed to comprise living/kitchen, bathroom and bedroom areas. Four apartments are proposed on each level, with a centrally located staircase and hallway providing access. Entry to the property is proposed via an existing doorway to the front elevation and a rear doorway is also proposed to the rear. The internal spaces appear to be appropriate and fit for purpose.
- 4.6 The application is assessed on the basis of the Application Form, Design & Access Statement, Amended Noise, Odour & Air Quality Assessment, Coal Mining Risk Assessment, Site Location Plan, and the amended plans and elevations.

5.0 **CONSIDERATIONS**

5.1 **Local Plan Issues**

- 5.2 The site is situated within the built settlement of Whittington Moor. The immediate area mainly contains a mix of commercial and residential properties, and is well served by public transport, services and facilities. Having regard to the nature of the application, policies CS2 and CS18 of the Core Strategy and the wider National Planning Policy Framework (NPPF) apply. In addition, the Councils Supplementary Planning Document on Housing Layout and Design 'Successful Places' is also a material consideration.

- 5.3 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 new 2018 NPPF places emphasis on the importance of good design stating:

‘In determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in the area, so long as they fit in with the overall form and layout of their surroundings.’ (para131)

“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, taking into account any local design standards or style guides in plans or supplementary planning documents” (para 130).

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 Whittington Moor Centre and is on previously developed land. The site is located within a built-up area where new housing development would be considered appropriate in principle. As such, this proposed development site is considered to be

sufficiently sustainable for a development of this nature and is a logical housing location.

6.0 **Strategy Planning Team**

- 6.1 The Strategy Planning Team was consulted on this application and made the following concluding comments; 'The proposed loss of main town centre uses and the loss of 'active commercial frontage' of the premises would be likely to have a detrimental effect on the vitality and viability of the Whittington Moor District Centre. There is insufficient information on vacancy of the units and marketing for such considerations to be weighed favourably in the balance. There is insufficient evidence provided in the application that there is no reasonable prospect of the premises being re-used for main town centre uses or redeveloped for a mix of residential and main town centre uses with commercial use at ground floor. The proposal as submitted is contrary to strategic objective S3 and policy CS15 of the CBCCSLP. It would also conflict with the aims of the NPPF. There are other issues raised by the proposal including; the localities pollution levels from an existing industrial use, Sheffield Road and nearby commercial uses; design and visual amenity; amenity levels for future occupiers; land stability and contamination; heritage impact. However, consideration of these matters is for the Development Management process.
- 6.2 In response to these comments the submitted Design & Access statement states 'the public house in question has struggled to remain financially viable for a number of years and has been the subject of a number of attempts to run at a profit by numerous landlords and owners. Additionally, it is considered an acceptable loss to the surrounding community in this instance given the high number of other public houses in close proximity, with The Derby Tup and Chester's Working Mans Club both located nearby whilst The Victoria Club and Red Lion are a short walk to the north and the Rose & Crown / The Spireite and Donkey Derby also within easy walking distance to the south and all located on Sheffield Road'. In addition, the Design & Access Statement states 'the mix of a public house at ground floor and residential use above would create an un easy and

problematic relationship between, in particular the unsocial hours and noise associated with a public house would likely prove to be impractical and intrusive to residents above'. The comments made in the Design & Access Statement are agreed with. It is considered that the existing pub use is no longer viable, there are several other pub uses located in close proximity to the site, and the pub use would potentially have an adverse impact on any residential use above. It is considered that the property is currently in a poor state of repair and is in need of a new use. As such, it is considered that the proposed plans are sustainable and adhere to policy CS17.

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

7.1 It is considered that the design of the proposed alterations to the property are acceptable, subject to the imposition of conditions, and would have no adverse impact on the character of the property or the surrounding area. It is not considered that the proposed new openings or extensions would result in any significant adverse impact on the character of the property, and the scheme would result in the site being tidied up and improved significantly. It is important that this vacant building is given a new appropriate use, as it has started to fall into disrepair. It is considered that the alterations to the property and the new windows and doors to the front elevation should match the materials of the existing property. It is considered that conditions should be imposed requiring the submission of material samples, landscaping, and boundary treatments. These conditions are required in the interests of the character and appearance of the property.

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 the commercial and industrial properties situated to the North, East and South of the site. It is worth highlighting that this application relates to an existing building however, and that the nearest residential properties are situated several metres away. As such, it is not considered that these plans would result in any issues in terms of overlooking, overshadowing or an overbearing impact for neighbours. It is considered that the design of the proposed

alterations, the layout of the site, and the level of separation from neighbours would ensure that these proposals would result in no significant adverse impact for neighbours.

7.3 An area of landscaped outdoor space is proposed to serve the new apartments, however this is not intended to be used as garden space. An appropriately designed timber clad, flat roofed cycle and bin store structure is proposed to the East of the site. As previously mentioned, it is considered that a condition should be imposed requiring the provision of landscaping and boundary treatment details for approval. The plans indicate walls and fences to the North, East and South of the outdoor area, however details are vague.

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 would be designed to prevent any significant adverse impact upon the privacy and/or outlook of 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 objected. Concerns were raised in relation to air quality, odour and noise. The concerns with regards to air quality were raised as a result of the presence of a metal processing facility situated to the East of the site. The concerns with regards to odour were raised as a result of the presence of a hot food takeaway and extraction flue at the adjoining property to the South of the site. The concerns with regards to noise were raised as a result of road traffic, the extraction equipment on the neighbouring hot food takeaway premises, and the metal processing premises to the rear of the site. Extensive consultation took place with

the Environmental Services and the agent handling this application in an attempt to overcome the issues. This resulted in the submission of revised air quality, noise and odour assessment in May 2018.

- 8.2 The revised noise, air quality and odour assessment resulted in the following concluding comments; 'A BS 4142:2014 assessment has indicated the extraction fans operating from an Italian restaurant, fish & chip take-away and metal fabrication premises at the rear (eastern) aspect of the application area indicates there would be a significant adverse impact. There is to be no outside amenity space associated with these apartments. An area of soft landscaping will be provided to the rear of the apartments. However, there will be no rear doors from the apartments into this area and all of the external windows will be non-opening. At the rear (east) and side (north) windows, glazing units comprising of 4mm/6-16mm/4mm should be specified. At the front of the building (west) glazing units including 6mm /16mm argon/8.8 mm Pilkington Optiphon Rw (Ctr) 34 should be specified. When these glazing units (or equivalent) are installed, the daytime dining and night-time sleeping criteria in BS 8233:2014 will be met. Internal ventilation will be provided by using a Titon HRV 1.25 Q Plus MVHR system connected to a Titon Trimbox NO2 filter. With the use of F7 and G4 filters NO2 and PM2.5/PM10 from external sources will be reduced by between 95 and 100%. When the combined operation of the glazing attenuation and noise level of the MVHR units is taken into account, predicted internal noise level do not exceed the daytime dining room criteria of 40 dB LAeq,16h and the night-time sleeping criteria of 30 dB LAeq,8h in BS 8233:2014. As the rear masonry wall of one of the apartments is close to the fish and chip shop extraction unit, the internal noise level was predicted using the attenuation gained from a brick/cavity wall. This was found to be below the lowest night time criteria in BS 8233:2014. A Noise Rating Curve (NR) assessment was conducted for the apartments exposed to the extraction units at the rear and side elevations. The NR 30 curve (applicable to residential dwellings) was met when using 4mm/6-16mm/4mm glazing units.

8.3 The Environmental Services Officer was consulted on this revised noise assessment and confirmation has been received raising no objections in relation to noise and no comments in relation to odour. He stated that 'I am happy that the proposed noise insulations works should provide sufficient acoustic protection from noise at both the front and rear of the premises'. In relation to air quality, the Environmental Services Officer stated that 'proposals are made regarding providing filtration to control dust from the Foundry, and also NO₂ from the passing traffic. I am not familiar, nor have I been able to find any information on the efficacy of this method of preventing NO₂ exposure. Some means of filter medium management will have to be put in place to ensure the efficiency of the filtration'.

8.2 The response from Environmental Services is accepted. It is considered that the proposed plans would not result in any adverse issues for residents in relation to noise or odour, subject to the plans contained within the noise, air quality and odour assessment being implemented in full. As such a condition should be imposed to this effect. The response from Environmental Services in relation to air quality is non-committal, however it is acknowledged that some means of filter medium management will have to be put in place to ensure the efficiency of the filtration. It is not considered appropriate to issue a refusal on air quality grounds, when there is no indication that air quality would necessarily be a concern.

9.0 **Design Services**

9.1 Design Services was consulted on this application and they made no comments. It is not considered to be necessary to impose a condition requiring the submission of drainage details in this instance, as this application is for conversion and extension rather than a new building.

10.0 **Economic Development**

10.1 The EDU is supportive of the application in part as it increases residential use in the area and the nature of the proposal presents employment, training and supply chain opportunities created during the construction phase. However, the EDU express concern over the loss of active ground floor units, including the loss of the retail unit. Whilst it is accepted that this public house has struggled to remain financially viable in recent years and that there are a number of other public houses in the vicinity, we would welcome evidence that shows that the applicant has considered and tested the viability of other leisure and retail uses to retain active usage of the ground floor and safeguard longer term employment use.

10.2 In response to the comments from the Economic Development Unit, it is considered appropriate to impose a local labour condition. The concerns with regards to the loss of the active ground floor units have already been addressed in this report in response to the comments from the Strategy Planning Team.

11.0 **Derbyshire Constabulary**

11.1 Derbyshire Constabulary comment that there are no objections to the principle of conversion to residential use for this site, conversely occupancy and ownership of the site should stop the degeneration and misuse which is apparent at present. I would ask that approval is conditional upon an adequate enclosure and security specification, which needs fleshing out from current detail. The rear yard is currently shown with open access, leading to the adjacent access track, industrial units and the unsecured rear garden of the neighbouring restaurant. Leaving the private rear gardens, bin store and cycle store open in this manner will offer unsecured access to non-residents and consequently presents an avoidable risk of crime and nuisance. The yard should be secured with gating for pedestrian, cycle and bin access, with a locking schedule which allows entry only for residents and service personnel. Given the size of the development a workable provision for vetting visitors and mail delivery needs to be detailed at the main Sheffield Road

entrance. A call and intercom provision for all 12 apartments prior to the initial set of inward opening double doors is recommended. The lobby between these doors and the second set of outward opening doors would look most suitable for individually allocated secure mail boxes, potentially with the need to reverse the secondary doors to inward opening for adequate space. The bin and cycle stores are shown to be provided with a pair of steel louvred doors. The specification and locking schedule for both of these stores should be a condition of approval. As a residential conversion the development falls into the requirements of building regulation approved document Q, in respect of the security of all communal doors, individual apartment doors and accessible windows. I'd ask that the applicants are made aware of this requirement by way of an informative note.

11.2 The response from Derbyshire Constabulary is accepted. It is considered that the concerns with regards to access to the rear yard and cycle storage can be addressed by imposing a condition requiring the submission of boundary treatment details for approval. There is an expectation that the boundary treatments would result in the rear yard being enclosed and therefore alleviating any security concerns. The other concerns highlighted by Derbyshire Constabulary can be addressed by adding informatives.

12.0 **DCC Strategic planning**

12.1 DCC Strategic Planning was consulted on this application and raised no objections. The response states that no Section 106 contributions would be required in this instance, but highlights the need for a CIL contribution.

12.2 *The response from DCC Strategic Planning is accepted. It is not considered that a Section 106 Agreement is required, however the new floorspace created as a result of the proposed extensions would be CIL liable.*

13.0 **DCC Highways**

13.1 DCC Highways has raised no objections. A condition is recommended in relation to the provision of cycle parking facilities prior to the development being occupied.

13.2 The response from DCC Highways is accepted. No parking provision is proposed to serve this development, however there is no scope to do so due to the substandard visibility splays serving the existing access route. The property is situated in a sustainable location that is well served by public transport and amenities, and as such it is not considered that parking provision is essential. The suggested cycle parking condition would be incorporated into the standard conditions on any approval.

14.0 **Coal Authority**

14.1 The Coal Authority concurs with the recommendations of the Coal Mining Risk Assessment and Phase 1 Geotechnical & Geo-Environmental 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. 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 submission of a scheme of intrusive site investigations for approval;
- * The undertaking of that scheme of intrusive site investigations (subject to agreement with the Coal Authority's Permitting Team);
- * 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.

14.2 The response from The Coal Authority is accepted. It is considered that the suggested conditions are necessary in the interests of coal mining legacy and safety.

15.0 **Urban Design**

15.1 The Urban Design Officer confirms that no objections are raised to the scheme. The concluding comments stated that 'it is recommended that advice from the EHO on the principle of residential development in this location is sought. Furthermore, the suitability of the access for further traffic should be advised by the DCC Highway Engineer. Details in respect of entrances, potential external spaces, balconies and roof terraces should also be explored together with the provision of secure and weathertight external cycle parking'.

15.2 The response from the Urban Design Officer is accepted. It is considered that the issues with regards to environmental health and highways have been addressed earlier in this report. The external spaces have been largely removed from this scheme as a result of environmental health concerns, and the other matters raised can be dealt with by condition.

16.0 **Derbyshire Wildlife Trust**

16.1 Derbyshire Wildlife Trust confirm no records of protected species exist for the site or its immediate surrounds. Due to the proposed works on site, it would be recommended as a minimum that a day time building assessment for bats and birds is undertaken by a suitably qualified ecologist (<http://www.cieem.net/members-directory/search>). The format and content of the ecology report should follow current guidelines - such as CIEEM Ecological Report Writing, British Standards BS:42020 and Bat Conservation Guidelines (Collins, 2016). In addition the reports, where possible, should include mitigation and enhancement measures that may be required, to secure as a condition of any permission. Where appropriate this should include a detailed method statement for undertaking works that would avoid harm to protected species and appropriate mitigation and compensation. It should be noted if the building are found to have potential for bats, further surveys will be required prior to determination.

16.2 The response from Derbyshire Wildlife Trust is accepted. It is considered appropriate to impose a condition requiring a bat survey, in the interests of ecology.

17.0 **REPRESENTATIONS**

17.1 As a result of neighbour notification, 3 letters/emails have been received. 1 of these is from HI Quality Steel Castings Ltd and another is from the occupant of Unit 1 Substation Lane, both neighbouring properties to the East of the site. A third letter of support has been received from an individual at an un-named address.

17.2 1 of the letters/emails raises concerns with regards to noise and dust created by HI Quality Steel Castings Ltd causing issues for residents. Another of the letters raises concerns with regards to Substation Lane being used by residents for parking and blocking access for other users. The third letter is in support of the application and makes comments.

17.3 ***With regards to noise and dust created by HI Quality Steel Castings Ltd, Environmental Services was consulted on the revised application and raised no objections in relation to noise. The response from Environmental Services in relation to air quality is non-committal, however it is acknowledged that some means of filter medium management will have to be put in place to ensure the efficiency of the filtration. In response to these comments, it is not considered appropriate to issue a refusal on air quality grounds, when there is no indication that air quality would necessarily be a concern. In relation to the use of Substation Lane being used by residents for parking, there is no intention for this road to be used for anything other than pedestrian and cycle access. There is therefore no justification for making an assumption that this road would be used for the parking of cars, and there have been no objections from DCC Highways in relation to these plans.***

18.0 **COMMUNITY INFRASTRUCTURE LEVY**

18.1 With regards to this particular application the CIL Regulations state that any building / existing floor space which has not been occupied with a legitimate planning use for a period of 6 months within the last 3 years becomes liable for CIL when a new planning permission is granted and implemented. In this case whilst the existing building appears to have been used over the last 3 years however the scheme involves a large extension and creation of space above the building at second floor level which will all be CIL liable.

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

		A	B	C	D	E
Proposed new Floorspace (GIA in Sq.m)	Less Existing (Demolition or change of use) (GIA in Sq.m)	Net Area (GIA in Sq.m)	CIL Rate	Index (permission)	Index (charging schedule)	CIL Charge
876	383	493	£50 (Medium Zone)	317	288	£27,132

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

19.0 **HUMAN RIGHTS ACT 1998**

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

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

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

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, design and layout, and would have no adverse impact on the character of the property, neighbours, the health and amenity of residents, the vitality of the area, ecology, parking or highway safety. Although the loss of the pub is regrettable, the building is likely to continue to deteriorate and suffer from neglect without a viable use. The proposed residential use is considered to be appropriate in this sustainable location. It is considered that conditions are required detailing material samples, landscaping, boundary treatments, coal mining legacy, and local labour. The proposed development site is in a sustainable location that is well served by public transport and amenities. As such, the proposal accords with the requirements of policies CS2, CS10, CS15, CS17, CS18 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 CS8 and CS9 of the Core Strategy and the wider NPPF in respect of ecology, landscaping and materials.

22.0 **RECOMMENDATION**

22.1 That a CIL Liability Notice be served as per Paragraph 18.0 of this report.

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. 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.
4. No development shall take place until full details of both hard and soft landscape works 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.
5. 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.
6. Prior to development commencing an Employment and Training Scheme shall be submitted to the Local Planning Authority for consideration and written approval. The Scheme shall include a strategy to promote local supply chain, employment and training opportunities throughout the construction of the development.
7. Development shall take place in complete accordance with the amended noise, air quality and odour assessment dated 17th May 2018.
8. 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
9. Prior to commencement, a day time building assessment for bats and birds shall be submitted to the local authority for approval in writing. The assessment shall be undertaken by a suitably qualified ecologist (<http://www.cieem.net/members-directory/search>). The format and content of the ecology report should follow current guidelines - such as CIEEM Ecological Report Writing, British Standards BS:42020 and Bat Conservation Guidelines (Collins, 2016). In addition the reports, where possible, should include mitigation and enhancement measures that may be required, to secure as a condition of any permission. Where appropriate this should include a detailed method statement for undertaking works that would avoid harm to protected species and appropriate mitigation and compensation. It should be noted if the building are found to have potential for bats, further surveys will be required.

Reasons

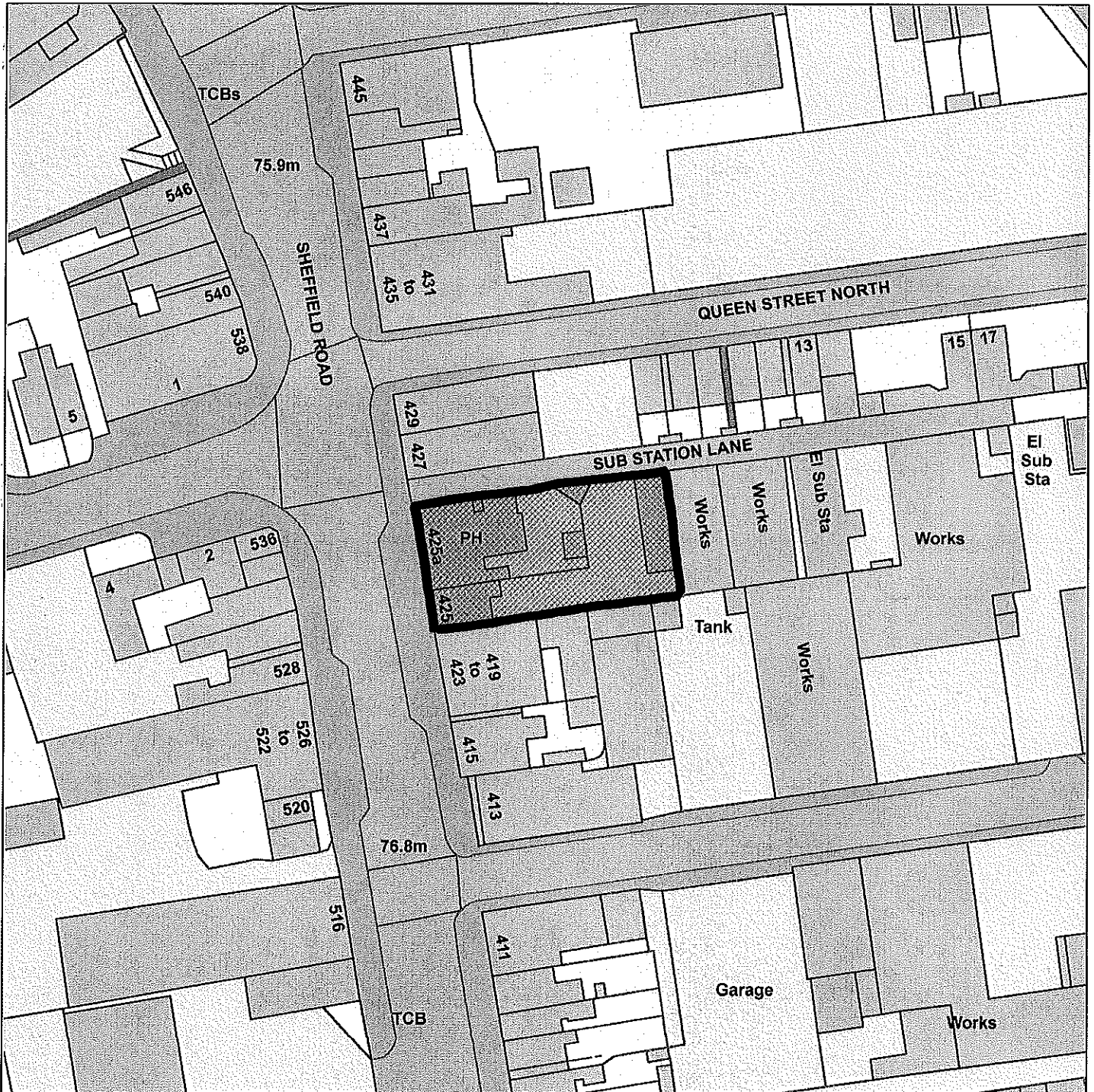
1. The condition is imposed in accordance with section 51 of the Planning and Compensation Act 2004.
2. In order to clarify the extent of the planning permission in the light of guidance set out in "Greater Flexibility for planning permissions" by CLG November 2009.
3. The condition is imposed in order to ensure that the proposed materials of construction are appropriate for use on the particular development and in the particular locality.
4. The condition is imposed in order to enhance the appearance of the development and in the interests of the area as a whole.
5. In the interests of residential amenities.
6. In order to support the regeneration and prosperity of the Borough, in accordance with the provisions of Policy CS13 of the Core Strategy.

7. In the interests of the health and amenity of residents.
8. In the interests of coal mining legacy and safety.
9. In the interests of ecology.

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

05. Connection to the public sewerage system requires prior consent from Yorkshire Water. Connections to the existing drainage may require Building Control approval.
06. The development falls into the requirements of building regulation approved document Q, in respect of the security of all communal doors, individual apartment doors and accessible windows.



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Organisation	Not Set
Department	Not Set
Comments	Not Set
Date	16 August 2018
SLA Number	Not Set

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Case Officer: Eleanor Casper File No: CHE/17/00569/FUL (A)
CHE/17/00645/FUL (B)
CHE/17/00647/FUL (C)
Tel. No: (01246) 345785 Plot No: 2/60
Ctte Date: 28th August 2018

ITEM 4

ADDENDUM REPORT

(A) CHE/17/00569/FUL PROPOSED EARTHWORKS ON DEVELOPMENT LAND (FURTHER INFORMATION REGARDING LANDSCAPING, DRAINAGE AND BIODIVERSITY RECEIVED 11.07.2018)

(B) CHE/17/00645/FUL PROPOSED BODYSHOP, WASH AND VALET BUILDINGS (FURTHER INFORMATION REGARDING LANDSCAPING, DRAINAGE, LIGHTING AND BIODIVERSITY RECEIVED 11.07.2018)

(C) 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, AMENDED PLANS FOR SALES BUILDING RECEIVED 11.07.2018 AND 24.07.2018, FURTHER INFORMATION REGARDING LANDSCAPING, DRAINAGE AND BIODIVERSITY RECEIVED 11.07.2018 AND 25.07.2018)

AT LAND OFF EASTSIDE PARK, EASTSIDE ROAD, CHESTERFIELD, S41 9BU FOR PENDRAGON PLC

Local Plan: Unallocated
Ward: Old Whittington

1.0 BACKGROUND

- 1.1 On the 8th January 2018, 25th June 2018 and 6th August 2018 the above three planning applications were reported to Planning Committee with a series of recommendations.
- 1.2 The last recommendation to Planning Committee on the 6th August 2018 reported a package of additional information which the applicant had provided to address some of the matters the subject of recommended conditions as well as minor alterations to the layout of the vehicle sales proposals.

2.0 **CORRECTION / CONSIDERATIONS**

- 2.1 At the Planning Committee meeting held on 6th August 2018 an addendum report was presented to Members at the meeting alongside the publicised report.
- 2.2 Members voted unanimously in favour of accepting the recommendation (as amended) as detailed in the minutes of the meeting however it was later discovered that a drafting error meant that the wrong condition numbers had been listed for amendment under applications CHE/17/00569/FUL (A) and CHE/17/00647/FUL (C). The report recommended conditions 15 and 16 of CHE/17/00569/FUL and 14 and 15 of CHE/17/00647/FUL be changed; when in fact these conditions were numbers 14 and 15 of CHE/17/00569/FUL and 13 and 14 of CHE/17/00647/FUL.
- 2.3 As advised by the Legal / Monitoring Officer this further report is required to formally correct the errors to clarify that the following list of conditions are those of the three applications as envisaged, corrected / amended:

CHE/17/00569/FUL

04. Delete

05. The submitted Biodiversity Management Plan and Biodiversity Enhancement Strategy (REC reference 104379EC1R1, dated July 2018) are hereby approved. The hereby approved Biodiversity Management Plan and Biodiversity Enhancement Strategy shall be implemented on site in accordance with the submitted details on commencement of development.

06. Delete

10. Development shall be undertaken in accordance with the submitted written scheme of investigation as detailed in Eastside Park Archaeological Evaluation, Report No. Y341/18, produced by Jamie Walker on behalf of CFA Archaeology. The hereby approved written scheme of investigation incorporates the following;

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.
- 11.** No development shall take place other than in accordance with the archaeological Written Scheme of Investigation approved under condition 10.
- 12.** 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 10 and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.
- 14.** Delete
- 15.** Delete

CHE/17/00645/FUL

- 05.** Delete
- 06.** The submitted Biodiversity Management Plan and Biodiversity Enhancement Strategy (REC reference 104379EC1R1, dated July 2018) are hereby approved. The hereby approved Biodiversity Management Plan and Biodiversity Enhancement Strategy shall be implemented on site in accordance with the submitted details on commencement of development.

- 13.** The soft landscaping scheme shown on drawings UJPPCH-WW-02 dated 14th March 2018 is hereby approved. Full details of the remaining northern section of the site (bodyshop) including 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 and densities where appropriate shall be submitted within 2 months of commencement of the development on this part of the site. An implementation programme and a schedule of landscape maintenance for a minimum period of five years shall have been submitted prior to first occupation of the site and shall have been approved in writing prior to the carrying out of the scheme. Those details, or any approved amendments to those details shall be carried out in accordance with the implementation programme.
- 14.** The hard landscape works for the approved development on the application site shown on drawing Site Plan 2879/21A dated August 2017 is hereby approved. The agreed works shall be carried out on the particular plot, as approved, prior to the occupation of the buildings hereby approved.

CHE/17/00647/FUL

- 02.** All external dimensions and elevational treatments shall be as shown on the approved plans (including the revised drawing listed below) with the exception of any approved non material amendment.
- 'Floor Plans as proposed' Drawing number 2878/100, dated July 2018
 - 'Elevations as proposed' Drawing number 2878/101, dated July 2018
 - 'Wash and Valet Bay as proposed' Drawing number 2878/102, dated June 2018
 - 'Sales Site Plan as proposed' Drawing number 2878/44D, dated 4th July 2018
 - Revised site plan 2878/21/A Revision A
 - Revised site plan 2878/22/A Revision A
 - Revised plans and elevations 2878/24/A Revision A
 - Valet bay proposed 2878/25
 - Site details proposed 2878/26

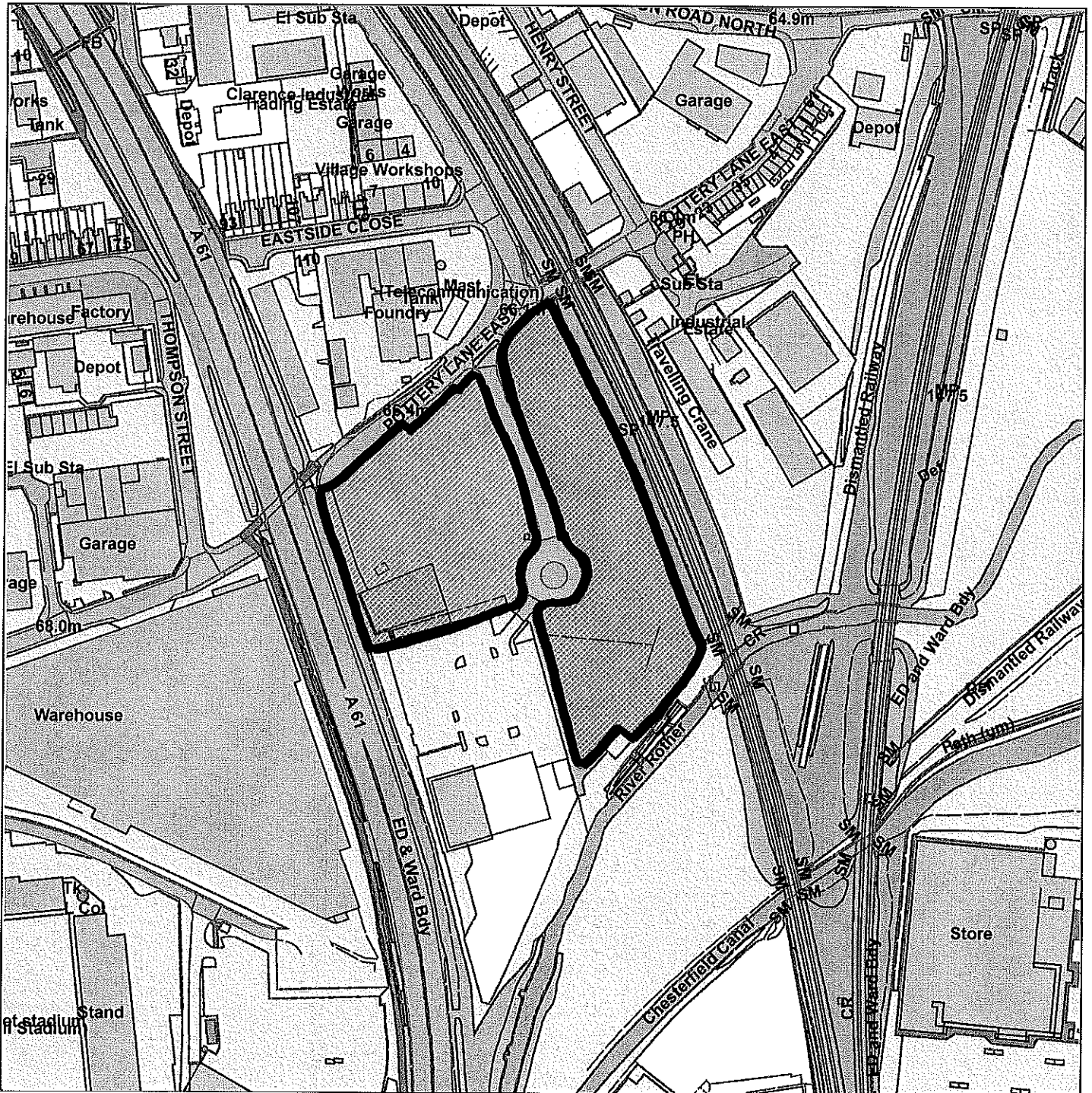
- 05.** Delete
- 06.** The submitted Biodiversity Management Plan and Biodiversity Enhancement Strategy (REC reference 104379EC1R1, dated July 2018) are hereby approved. The hereby approved Biodiversity Management Plan and Biodiversity Enhancement Strategy shall be implemented on site in accordance with the submitted details on commencement of development.
- 13.** The soft landscaping scheme shown on drawings UJPPCH-WW-01-C dated 15th December 2017 and UJPPCH-WW-03 dated 25th July 2018 are hereby approved. An implementation programme and a schedule of landscape maintenance for a minimum period of five years shall have been submitted prior to first occupation of the site and shall have been approved in writing prior to the carrying out of the scheme. Those details, or any approved amendments to those details shall be carried out in accordance with the implementation programme.
- 14.** The hard landscape works for the approved development on the application site shown on drawings Sales Site Plan 2878/44D dated 4th July 2018 and 2878/22/A dated 4th December 2017 are hereby approved. The agreed works shall be carried out on the particular plot, as approved, prior to the occupation of the buildings hereby approved.

3.0 **RECOMMENDATION**

- 3.1** That the corrections to the condition numbers as detailed are accepted by Members and the revisions should be incorporated into the decisions issued subject to the satisfactory completion of the S106 agreement.

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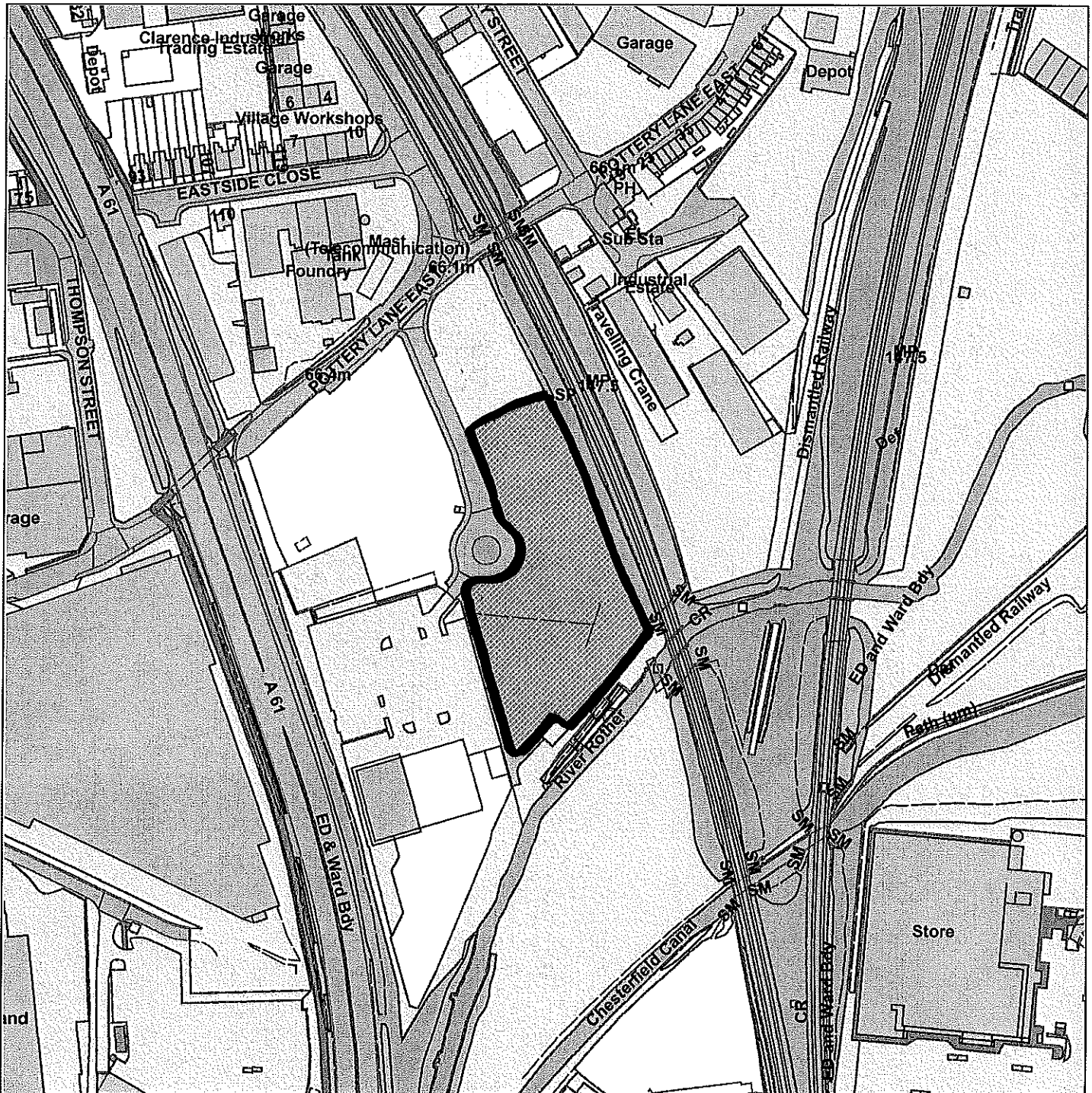
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Department	Not Set
Comments	Not Set
Date	16 August 2018
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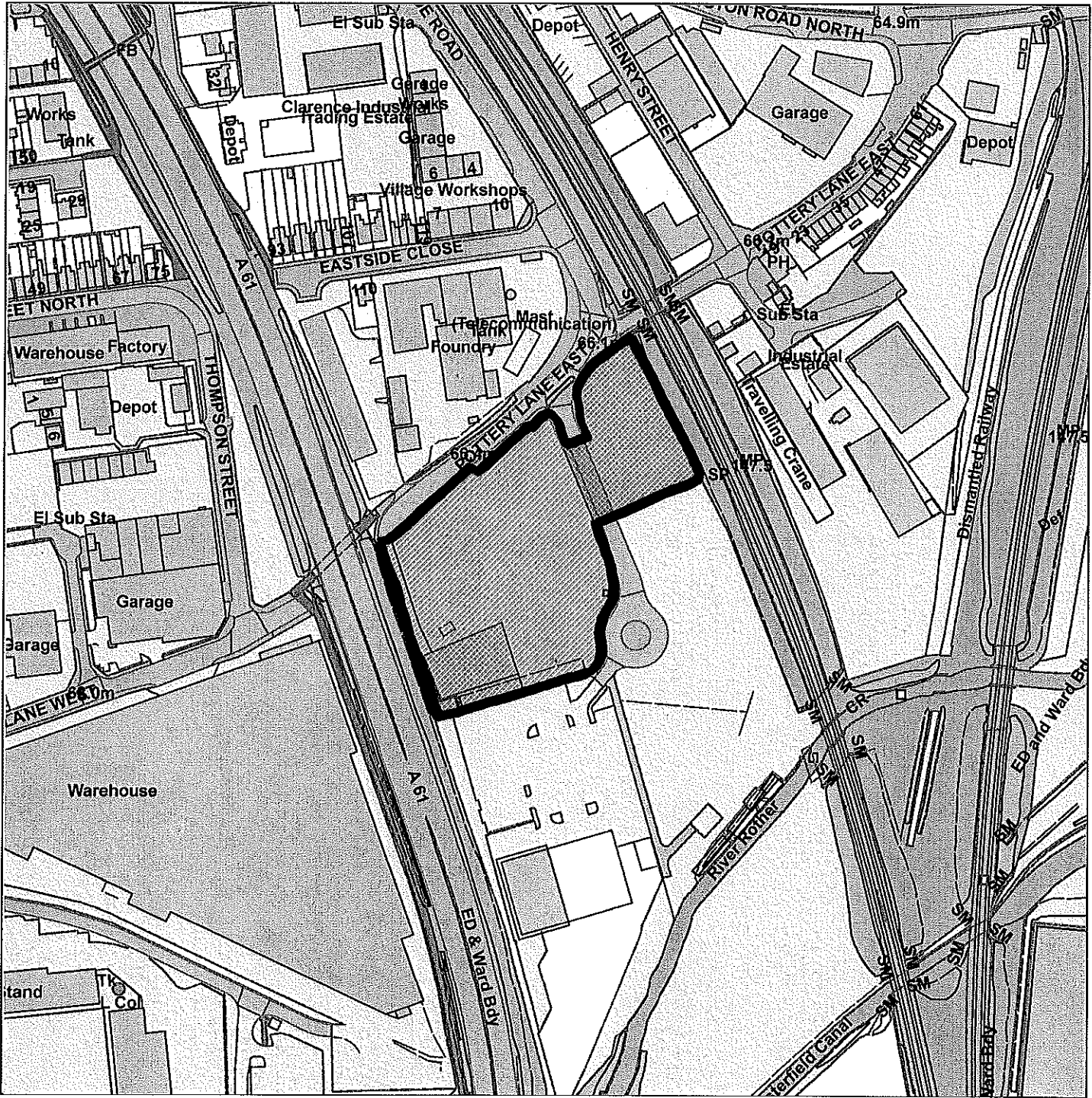
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Comments	Not Set
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Date	16 August 2018
SLA Number	Not Set

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

File No: CHE/18/00307/FUL
Plot No: 2/415, 792

ITEM 5

DEMOLITION OF EXISTING DWELLING AND ERECTION OF A REPLACEMENT DWELLING AT BROOMHILL FARM, BROOMHILL ROAD, OLD WHITTINGTON, S41 9EA

Local Plan: Green Belt
Ward: Old Whittington

1.0 **CONSULTATIONS**

DCC Highways	No objection
Design Services	No objection
Planning Policy	No objection
Coal Authority	Material Consideration – no objection
Ward Members	No comments received
Site Notice / Neighbours	Two letters of representation received

2.0 **THE SITE**

2.1 The application site is the central section of land within Broomhill Farm, including access off Broomhill Road. The overall site is positioned to the north of Broomhill Road in Old Whittington and which is surrounded by a care home to the west, a large turn of the century housing area to the south and open countryside to the north and east. There are numerous buildings on the overall site, with 3 separate owners of separate businesses including a pet sanctuary, two catteries, two private dog kennels, a stray dog kennels, a country store/shop, some agricultural buildings, a gun shop and three dwellings. The three dwellings include the original farmhouse, a residential unit sited above JJ's Cattery and a dwelling conversion that was given planning permission on condition that it was directly related to Broomhill Farm Kennels. This dwelling conversion was carried out at the time however this unit has now ceased to be a dwelling as the accommodation is currently used as a shop/café (former use). Furthermore this part of the site has been split from the overall application site.

2.2 The application site includes the shared access road, various outbuildings and the existing farmhouse which is the proposed site of the replacement house all within the red line and within the blue line one of the private dog kennels and some of the additional open land surrounding the proposed dwelling site.

3.0 **RELEVANT SITE HISTORY**

3.1 CHE/17/00839/OUT – Outline application for planning permission for one dwelling tied to the existing boarding kennels – Refused – 15/03/18

Reason for refusal - The development proposed does not meet or satisfy any of the 'exception' criteria as set out in paragraph 89 of the National Planning Policy Framework and there are no very special circumstances which can be accepted which outweigh the harm to the green belt area and the proposal is therefore considered to be unacceptable. The development by virtue of its siting would adversely impact upon the openness of the Green Belt within an area of the site which has previously remained open and undeveloped. It is considered that the development proposals will introduce a pattern of built form which is uncharacteristic of the area and therefore imposes an adverse degree of visual harm upon the openness of the Green Belt contrary to the provisions of Policy CS1 and criteria (a) and (e) of Policy CS9 of the Chesterfield Local Plan: Core Strategy 2011 - 2031 and the requirements of the National Planning Policy Framework.

3.2 CHE/12/00579/FUL - Conversion of an Existing Animal Charity Shop and Bedroom to a Kennel Operator Dwelling tied to existing Kennel Business – Conditional Permission – 10/12/13. This dwelling was related to Mrs Joan Bentley, the previous owner of Broomhill Farm Kennels, and a condition was included to ensure the use of this dwelling was tied to the kennels and the animal sanctuary – see para 2.1.

3.3 CHE/0201/0072 - Alterations to cattery building to create cottage and office and conversion of office to cat pens at Broomhill Farm. GRANTED 11.4.2001.

3.4 CHE/394/0162 - Change of use of agricultural building to additional cat pens. GRANTED 15.06.1994

- 3.5 CHE/690/457 - Change of use from cow sheds to cattery at Broomhill Farm. GRANTED subject to conditions requiring formalised parking and turning and improvements to visibility where the site
- 3.6 There are numerous historical applications relating to the site which were refused; some being dismissed at appeal.
- 3.7 It is accepted that there are buildings on the site which are unauthorised but which may have become immune from any enforcement action because they have existed for more than 4 years.

4.0 **THE PROPOSAL**

- 4.1 The application submitted seeks to demolish the existing dwelling and to build a new replacement dwelling on the same footprint, albeit with two small porch extensions to the front and rear and an increase in the roof height by 1m on the northern section of the building. To facilitate the 1st floor bedrooms there would also be several dormer and velux windows in the roof.
- 4.2 The existing building is built out of a mixture of natural stone, brick and render. The proposed dwelling will be brick built to the front and right hand side elevation, with stone porches, stone lintels and a rendered rear.
- 4.3 The proposal is required because high levels of radon gas have been discovered, and due to the age of the property a retrofitting solution it is not an easy or cheap option.



5.0 **CONSIDERATIONS**

5.1 **Planning Policy Background**

5.1.1 The site the subject of the application is located on the edge of the built settlement of Old Whittington north of Broomhill Road on land allocated as Green Belt. Having regard to the nature of the application proposals policies CS1, CS2, CS9, CS10 and CS18 of the Core Strategy and the wider National Planning Policy Framework (NPPF) apply. In addition the Council's Supplementary Planning Document on Housing Layout and Design 'Successful Places' is also a material consideration.

5.1.2 Policy CS1 (Spatial Strategy) states that the Green Belt will be maintained and enhanced.

5.1.3 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.

5.1.4 Policy CS9 (Green Infrastructure and Biodiversity) states that development proposals should not harm the character or function of the Green Belt, should conserve or enhance the local distinctiveness and character of the landscape, and should protect and increase tree cover in suitable locations.

In addition to the above, paragraphs 143 - 145 of the 2018 NPPF state:

143. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

144. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

145. A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

a) buildings for agriculture and forestry;

b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;

c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;

d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;

e) limited infilling in villages;

f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and

g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

– not have a greater impact on the openness of the Green Belt than the existing development; or

– not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

- 5.1.5 Policy CS10 (Flexibility in Delivery of Housing) states that planning permission for housing-led greenfield development proposals on unallocated sites will only be permitted if allocated land has been exhausted or if annual monitoring shows that there is less than a 5-year supply of deliverable sites and where: a) they accord with the strategy of ‘Concentration and Regeneration’ as set out in policy CS1 and the criteria set out in policy CS2; or b) a specific housing need can be demonstrated that can only be met within a particular location.
- 5.1.6 Policy CS18 (Design) states that all development should identify, respond and integrate with the character of the site and its surroundings and development should respect the local character and the distinctiveness of its context. In addition it requires development to have an acceptable impact on the amenity of neighbours.
- 5.1.7 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 promote high levels of sustainability, or help raise the standard of design more generally in the area, so long as they fit in with the overall form and layout of their surroundings.’ (para131)
“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, taking into account any local design standards or style guides in plans or supplementary planning documents” (para 130).
- 5.1.8 It is also the case that 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.

5.2 **Principle of Development**

- 5.2.1 This proposal relates to a replacement dwelling in the Green Belt and in this respect the main policy considerations are:
- Core Strategy - Policy CS9 (Green infrastructure and Biodiversity)
 - Core Strategy – Policy CS18 (Design) and
 - National Planning Policy Framework

- 5.2.2 From a policy perspective, the main issue is whether the proposal can meet the criteria relating to the construction of new buildings in the green belt, as set out in paragraph 143 - 145 of the NPPF. This states that “A local planning authority should regard the construction of new buildings as inappropriate in Green Belt however exceptions to this include the replacement of a building provided that it is in the same use and not materially larger than the one it replaces.
- 5.2.3 The NPPF states that limited infilling of previously developed sites, where the development would not have a greater impact on the openness of the Green Belt can be accepted.
- 5.2.4 The majority of the proposal will be positioned on the footprint of the existing dwelling, albeit with two small extension to the front and rear, as well as lifting the roof of the northern section of the building by 1m. The additional footprint area amounts to approximately 12 square metres. It is within the built settlement of the buildings within the farm, and from the vast majority of locations the change in the size of the dwelling will be unnoticeable. The current dwelling forms part of a cluster of buildings. Given the extent, layout and size of the surrounding buildings, and the modest increase in footprint and mass, it is considered that the proposed dwelling will not be materially larger than the one it replaces. The proposal is for residential purposes, therefore has the same use as the original house. The increase in height by 1 metre on a part of the building and over the same footprint area is similarly not considered to be significant within the sites specific location and context.
- 5.2.5 The Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Therefore, its openness is an essential characteristic of the Green Belt. The replacement of the existing dwelling with the proposed dwelling is not considered to be contrary to this policy objective.
- 5.2.6 In terms of policy CS9, although it is accepted that the proposal would have some visual impact it would not harm the character or function of the Green Belt in any significant manner. Additionally the NPPF highlights that the planning system should aim to achieve ‘net gains for nature’. Given the site’s proximity to open countryside there are opportunities with this site to incorporate

elements into the design to encourage bird and/or bat roosting, for example.

5.2.7 Additionally, policy CS7 requires the use of Sustainable Drainage techniques however no information is provided in the application. Details need to be submitted.

5.3 **Design & Appearance (inc. Neighbouring Impact / Amenity)**

5.3.1 The application seeks to re-build an existing dwelling on site. It would be designed in an almost identical manner to the existing dwelling, with similar materials although used in different proportions. The front of the existing dwelling is predominantly natural stone with brick additions, the proposed dwelling would use the materials the other way round, with reclaimed brick the predominant material and natural stone used on the porch. It is also proposed to have stone lintels above and below the windows. Several dormer roofs will be placed in the roof; these are small dormers and are considered to be acceptable.

5.3.2 The proposal is set within a collection of buildings within the farm and is not significant on streetscene terms. In visual terms the proposal is acceptable. In residential amenity terms the proposal is not considered to impact upon other residents and the proposal is acceptable in this regard.

5.4 **Highways Issues**

5.4.1 The Highway Authority has confirmed that they have no objection to the proposal. As the proposal has adequate parking spaces to the front of the site (over 4 spaces) it is considered to have suitable parking facilities and is acceptable in terms of the provisions of policies CS2, CS18 and CS20 of the Core Strategy.

5.5 **Flood Risk & Drainage**

5.5.1 The application submission is not within a high risk flood zone. In terms of drainage detail will be required however it is considered that this can be dealt with by condition.

5.6 Land Condition / Contamination

5.6.1 The site the subject of the application comprises land that was developed many years ago when the existing dwelling was built. The officer received verbal comments from the Environmental Services team stating that there is no need for a land contamination condition having regard to policy CS8 of the Core Strategy.

5.6.2 In respect of land condition the **Coal Authority (CA)** were consulted on the application submission (which included a Coal Mining Risk Assessment) and they provided the following response:

“Having reviewed the available coal mining and geological information the Coal Mining Risk Assessment concludes that there is a potential risk posed to the development by past coal mining activity. The report therefore recommends that intrusive site investigations are carried out in order to establish if coal mining legacy issues are present on the site. In the event that shallow mine workings are encountered, The Coal Authority considers that due consideration should also be afforded to the potential risk posed by mine gas to the proposed development.

The intrusive site investigations should be designed by a competent person and should ensure that they are adequate to properly assess the ground conditions on the site in order to establish the exaction situation in respect of coal mining legacy and the potential risks posed to the development by past coal mining activity. The nature and extent of the intrusive site investigations should be agreed with the Permitting Section of the Coal Authority as part of the permissions process. The findings of the intrusive site investigations should inform any remedial measures which may be required.”

The Coal Authority Recommendation to the LPA

5.6.3 *“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.*

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.”*

5.6.4 Having regard to the comments detailed above from the CA appropriate conditions can be imposed to this effect, if permission is granted, to ensure compliance with policy CS8 of the Core Strategy and the wider NPPF in respect of land condition.

5.7 **Community Infrastructure Levy (CIL)**

5.7.1 Having regards to the nature of the application proposals the development comprises the creation of new residential accommodation and the development is therefore CIL Liable. The CIL Regulations state that any building / existing floor space which has not been occupied with a legitimate planning use for a period of 6 months within the last 3 years becomes liable for CIL when a new planning permission is granted and implemented. In this case the building has been occupied in the last 3 years and therefore floor space can be discounted however the scheme is CIL liable.

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

		A	B	C	D	E
Proposed Floorspace (GIA in Sq.m)	Less Existing (Demolition or change of use) (GIA in Sq.m)	Net Area (GIA in Sq.m)	CIL Rate	Index (permission)	Index (charging schedule)	CIL Charge
372	265	107	£50 (Med Zone)	317	288	£5,888

6.0 REPRESENTATIONS

6.1 The application has been publicised by site notice and by neighbour notification letters.

6.2 Two letters of representation have been received as follows:

175 Broomhill Road – The respondent considers that the proposal will be much bigger than the existing dwelling. It could add to the continued overdevelopment of the site and lead to increased traffic problems in the area.

179 Broomhill Road - Objected to the proposal in regards to its impact upon highway safety and the continued encroachment of buildings upon the site. It would also be considerably larger than the existing dwelling. The proposal will also lead to increased deliveries of building materials to the site.

6.3 ***Officer Response: Noted – Consideration of these points is included in the report above.***

7.0 HUMAN RIGHTS ACT 1998

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

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

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

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

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

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

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

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 not considered to be materially larger than the existing dwelling and is acceptable as an exception under paragraph 145 of the 2018 NPPF. As such the proposal is acceptable in terms of the NPPF and Policy CS1 and CS9 of the Chesterfield Local Plan: Core Strategy 2011-31.

10.0 **RECOMMENDATION**

10.1 That a CIL Liability Notice be issued in line with the paragraph 5.7 above

10.2

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

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

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

02. All external dimensions and elevational treatments shall be as shown on the approved plans:

- Proposed Floor plans (Drawing 2)
- Proposed Elevations (Drawing 1)
- Existing Elevations (Drawing 1)
- Existing Floorplan (Drawing 2)
- Site Location Plan
- Block Plan
- Email regarding materials sent on 05/06/18

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

Reason - To fully establish the presence and / or otherwise of any coal mining legacy affecting the application site.

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

Reason - In the interests of reducing emissions in line with policies CS20 and CS8 of the Core Strategy.

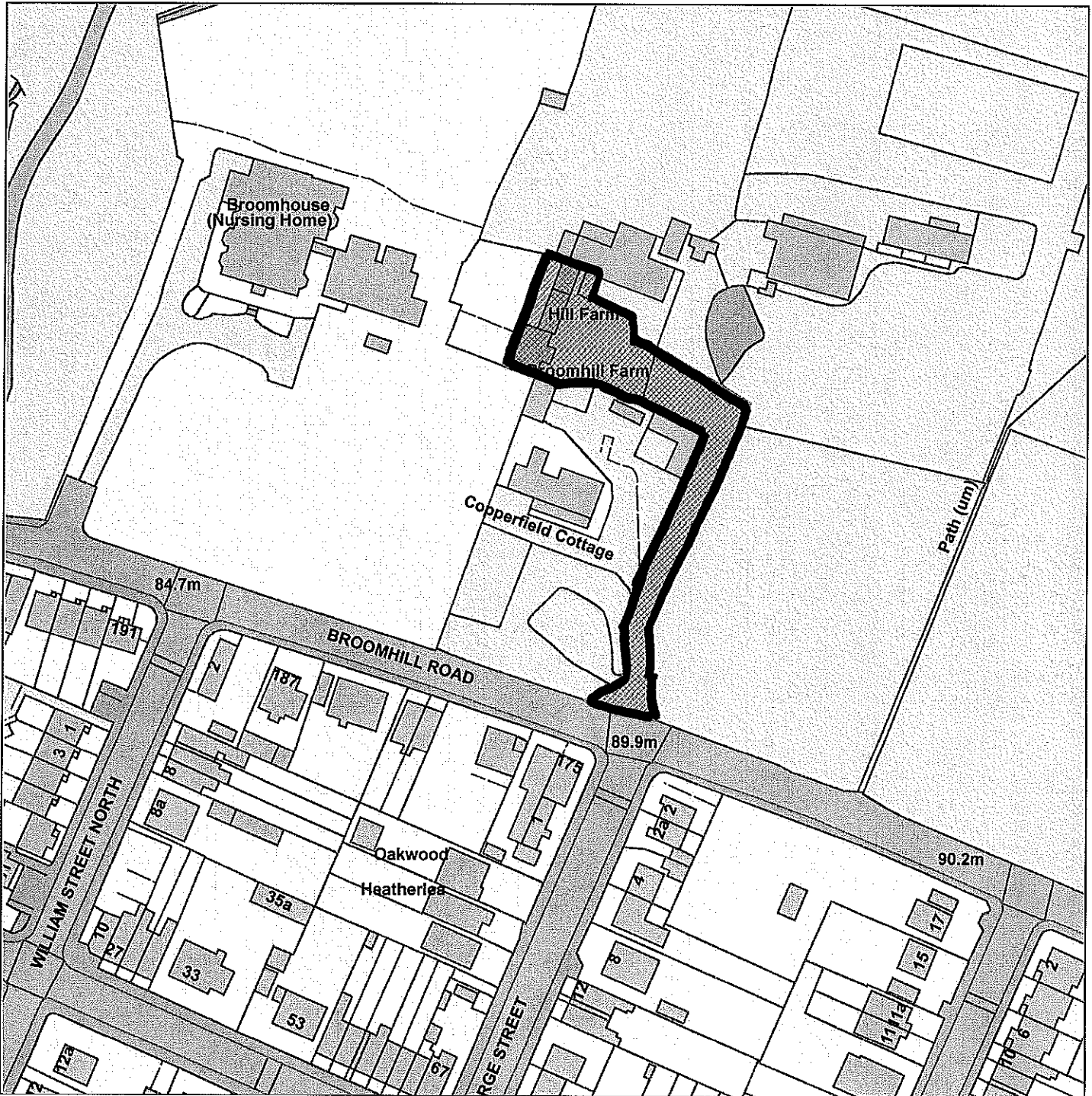
- 05 No development shall take place until details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved in writing by The Local Planning Authority. This shall include percolation tests if soakaways are proposed.

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

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 planning application.

Not Set



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Date	16 August 2018
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Case Officer: Eleanor Casper
Telephone No: 01246 345785
Report Date: 16.08.2018

File No: CHE/18/00127/FUL
Plot No: 2/392
Committee Date: 28.08.2018

ITEM 6

PROPOSED CONVERSION AND EXTENSION OF EXISTING GARAGE TO DOMESTIC LIVING ACCOMMODATION AT 140 CHURCH STREET NORTH, OLD WHITTINGTON, S41 9QP FOR MR R GASCOYNE

Local Plan: Unallocated
Ward: Old Whittington

1.0 CONSULTATIONS

DCC Highways Authority	Objection received - see report
Design Services (Drainage)	Comments received, no objection – see report
Environmental Health	Comments received, no objection – see report
Forward Planning/Policy Team	Comments received - see report
Ward Members	No comments received
Yorkshire Water	No comments received
Neighbours	No representation received – see report

2.0 THE SITE

- 2.1 The site the subject of the application is located on the east side of Church Street North and consists of an existing detached garage building situated to the east of No 140 Church Street North.
- 2.2 No 140 was formerly 'The Poplar Inn' and was converted to a residential dwelling around 2002. The existing garage building was granted permission in 2006 (see application CHE/06/00375/FUL). The existing building is formed of three floors with ground floor

garage space, a lower basement and a room with the eaves at first floor level. The existing building is 7.7m x 7.7m in footprint and formed of a dual pitched roof (see photographs below)

- 2.3 The application site forms part of the garden curtilage of No 140 and submitted plans shows the garden being split into two to provide a separate garden/private amenity space for the proposed dwelling. Overall the garden/private amenity space serving the proposal measures approximately 25m in length and a maximum of 10m in width (approximately 250 sqm in area).



Photo taken from Church Street North highway facing north east



Site Location Plan



Photo taken facing east towards the principle elevation of the existing garage



Photo taken facing west, south/west towards the rear elevation of the garage

- 2.4 The surrounding streetscene on Church Street North is mixed residential in character formed of dwellings which vary in age and architectural style. Open countryside/agricultural land bounds the site to the east.

3.0 RELEVANT SITE HISTORY

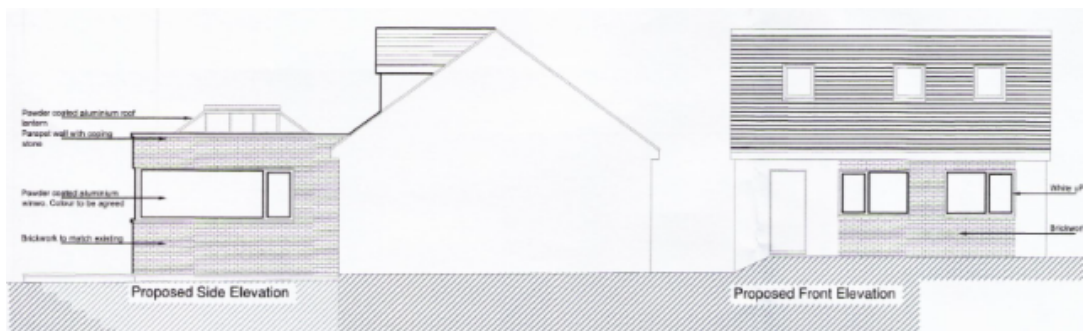
3.1 CHE/06/00375/FUL - New garage and games room at 140 Church Street North – **CONDITIONAL PERMISSION (17.07.2006)**

3.2 CHE/0902/0576 - Change of use from public house to private dwelling at 140 Church Street North – **CONDITIONAL PERMISSION (27.11.2002)**

3.3 CHE/0694/0363 - First floor domestic extension at The Poplar Inn, 140 Church Street North – **CONDITIONAL PERMISSION (12.08.1994)**

4.0 THE PROPOSAL

4.1 The application submitted seeks full planning permission for the proposed conversion of the existing garage building into residential accommodation including the erection of a single storey rear extension (see proposed elevational drawing below).



Proposed side (north) elevation

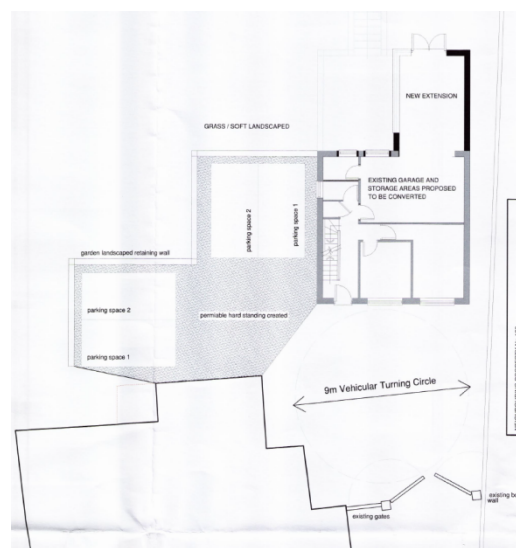
Proposed principle (west) elevation



Proposed side (south) elevation

Proposed rear (east) elevation

- 4.2 The proposal incorporates minor alterations to the principle elevation of the building, removing the garage door and installing two windows at ground floor level. The majority of the alterations are proposed to the rear of the building. Two dormer windows are proposed at first floor level within the rear roof plane. The application incorporates the erection of a single storey flat roof extension adjacent to the southern boundary of the site. The proposed extension measures 3.8m x 5m in footprint and 3m in height. The proposed extension incorporates a large window within the north elevation and french/patio doors within the east elevation. Two windows are proposed at ground floor level within the east elevation of the existing building facing towards the rear garden of the application site. The living accommodation at basement level will be served by french/patio doors facing on to the sunken terrace to the east.
- 4.3 Internally the ground floor of the proposed dwelling consists of a kitchen diner with attached sunroom and two bedrooms. The basement level provides a large living room and the first floor incorporates a third bedroom with separate bathroom. The proposal will create approximately 148sqm of internal living accommodation floorspace.
- 4.4 The proposed dwelling and No 140 Church Street North will each have two off-street parking spaces and will share a frontage turning area (see plan below).



Proposed parking arrangements

- 4.5 The application submission is supported by the following plans / documents:
- ‘Planning Drawing’ Drawing number 17:071-01A (dated 28.03.18)

5.0 CONSIDERATIONS

5.1 Planning Policy Background

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

5.2 Chesterfield Local Plan: Core Strategy 2011 – 2031 (‘Core Strategy’)

- CS1 Spatial Strategy
- CS2 Principles for Location of Development
- CS3 Presumption in Favour of Sustainable Development
- CS6 Sustainable Design
- CS7 Managing the Water Cycle
- CS8 Environmental Quality
- CS9 Green infrastructure and biodiversity
- CS18 Design
- CS20 Influencing the demand for travel

5.3 Other Relevant Policy and Documents

- National Planning Policy Framework (July 2018)
- SPD ‘Successful Places: A Guide to Sustainable Housing Layout and Design’ (adopted July 2013)

5.4 Key Issues

- Principle of development (section 5.5)
- Design and appearance of the proposal (section 5.6)
- Impact on neighbouring residential amenity (section 5.7)

- Highways safety and parking provision (5.8)
- Flood risk and drainage (5.9)
- Land quality (5.10)

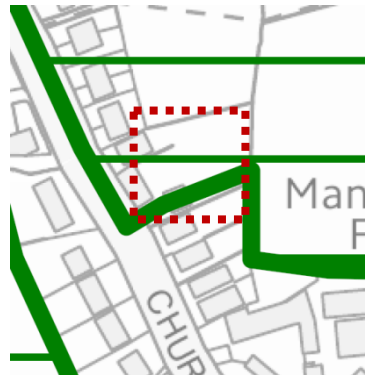
5.5 Principle of Development

Relevant Policies

- 5.5.1 *Policy CS1 states that ‘The overall approach to growth will be to concentrate new development within walking and cycling distance of centres.’*
- 5.5.2 *Policy CS2 states that when ‘assessing planning applications for new development not allocated in a DPD, proposals must meet the following criteria / requirements:*
- a) adhere to policy CS1*
 - b) are on previously developed land*
 - c) are not on agricultural land*
 - d) deliver wider regeneration and sustainability benefits*
 - e) utilise existing capacity in social infrastructure*
 - f) maximise walking / cycling and the use of public transport*
 - g) meet sequential test requirements of other national / local policies’*
- ‘All development will be required to have an acceptable impact on the amenity of users or adjoining occupiers taking into account noise, odour, air quality, traffic, appearance, overlooking, shading or other environmental, social or economic impacts.’*
- 5.5.3 The Strategy Planning Team (Forward Planning Team) were consulted on the proposal and provided comments on the principle of development with respect to planning policy (see paragraphs 5.5.6 to 5.5.13 below)
- 5.5.4 ***‘Principle of Development:*** *The proposal is for the conversion and extension of an existing garage that sits outside of the green belt. Half of the plot is depicted as being within the green belt boundary on the Regulation 22 Submission Policies Map 2013 (see extract outlined in red below). This discrepancy is a result of the Ordnance Survey Positional Accuracy Improvement (PAI) programme which was undertaken nationally in 2006. As the green belt boundary was digitised prior to the PAI programme being*

undertaken it no longer exactly aligns to current plots or OS MasterMap Topography layer, running through the garage as opposed to alongside a plot boundary as originally intended. The plot of the proposed development is not considered to fall within the green belt.'

Extract from Regulation 22 Submission Policies Map 2013:



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- 5.5.5 *'The site of the proposed dwelling is within walking distance (approx. 0.5 miles) of Old Whittington Local Centre and close to regular bus routes to Chesterfield Town Centre. The principle of development therefore meets the requirements of the council's Spatial Strategy as expressed in policies CS1 and CS2.'*
- 5.5.6 *'Detailed design proposals should meet the requirements for sustainable design and construction set out in Policy CS6. The opportunity for biodiversity enhancements such as bird and bat roosting using boxes or brick should be explored to meet the requirements of CS9. The design of the development should be assessed against the criteria set out in the council's design policy, CS18, and the adopted Residential Design SPD 'Designing Great Places'. 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. Core Strategy policy CS20 expects development to demonstrate the provision of opportunities for charging electric vehicles where appropriate. Provided there are no overriding material considerations such as viability, a charging point should be secured by condition as required by policy CS20.'*
- 5.5.7 *'CIL Requirement - As new build floorspace is proposed that would result in the creation of a new dwelling, the new build floorspace would be liable for Community Infrastructure Levy (CIL) at £50 per square metre subject to index linking and any exemptions for self-build.'*

Principle of Development

- 5.5.8 The site is located within a reasonable walking distance of a centre, less than 400m from the defined local centre of Old Whittington and close to bus routes in and out of Chesterfield. The site is therefore considered to be sustainably located and accords with the principles of policy CS1 and CS2.
- 5.5.9 Comments received from the Strategy Planning Team also reference policy CS6 and suggest that detailed design proposal should meet the requirements of CS6. Local Plan policy CS6 requires that residential development meets level four of the Code for Sustainable Homes (Level 5 will be required if built from 2017), however following the Deregulation Act and removal of the Code for Sustainable Home, this is no longer a requirement that can be applied. Criteria a to d of policy CS6 are now covered by different legislation, predominately Building Regulations. It is therefore not considered necessary to require the applicant to submit further information to satisfy policy CS6 to the proposal.
- 5.5.10 Consideration of the principle of development in respect of the design/appearance of the proposal and potential impact on neighbours (CS18 and CS2) will be covered in the following sections (5.6 and 5.7). Consideration of issues relating to drainage (CS7) will be covered in section 5.9. Consideration of policy CS20 with respect to electrical charging provision will be covered in section 5.8.

5.6 Design and Appearance of the Proposal

Relevant Policies

- 5.6.1 Policy CS18 (Design) states that *'all development should identify, respond to and integrate with the character of the site and its surroundings and respect the local distinctiveness of its context'* and development should have *'an acceptable impact on the amenity of users and neighbours.'*
- 5.6.2 Core Strategy Policy CS2 states that *'all developments will be required to have an acceptable impact on the amenity of users or adjoining occupiers, taking into account things such as noise, odour, air quality, traffic, appearance, overlooking, shading or other environmental, social or economic impacts'*.

- 5.6.3 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.

Design and Appearance

- 5.6.4 The proposal incorporates minimal alterations to the principle elevation of the existing garage building. The proposed extension, dormer windows and alterations are located to the rear (east) elevation.
- 5.6.5 The proposal will provide approximately 148 sqm of internal accommodation for future occupiers. The 'Successful Place' SPD details the minimum size outdoor amenity space required for a new dwelling. A three bedroom house requires a minimum of 70m² therefore the proposal meets the requirements of the 'Successful Places' SPD in terms of size, this is considered to be acceptable.
- 5.6.6 Overall the design of the proposal with respect to its massing, scale and appearance is considered to be acceptable. The proposed living accommodation is considered to provide an acceptable level of outlook and amenity for future occupiers. The proposal is considered to be acceptable with respect to layout and design and would not result in significant adverse impacts on the visual amenity and character of the area. The proposal will therefore accord with the design provisions of policy CS2 and CS18 of the Core Strategy and the wider NPPF. Potential impacts of the amenity of adjoining residents will be discussed in section 5.7 below.

5.7 Impact on Neighbouring Residential Amenity

- 5.7.1 Core Strategy Policy CS18 states that all development will be expected to *'have an acceptable impact on the amenity of users and neighbours'*
- 5.7.2 The application site is adjoined by No 140 Church Street North to the north/north west and No 128 Church Street North to the south. No's 157, 159 and 161 Church Street North face the application site to the west/south west situated on the opposite side of Church Street North highway.

Impact on No 140 Church Street North

- 5.7.3 No 140 is a detached two storey, detached dwelling situated to the west of the application site.



Photo taken facing west towards the rear elevation of No 140

- 5.7.4 The proposal is situated to the east of the dwellinghouse therefore potential impacts of overshadowing are considered to be minimal. No windows are proposed within the side (north) elevation of the existing building and existing roof lights will be retained within the principle elevation. A large window is proposed within the side (north) elevation of the single storey rear extension, due to the orientation and siting of the window within the proposed dwelling potential adverse impacts of overlooking and loss of privacy arising as a result are also considered to be minimal.

Impact on No 128 Church Street North

- 5.7.5 No 128 Church Street North is a detached one and half storey dwelling, situated to the south of the application site.



Photo taken facing southwest towards the rear elevation of No 128

5.7.6 No windows are proposed within the side (south) elevation of the proposed dwelling therefore potential adverse impacts of direct overlooking are considered to be minimal. Due to the orientation of the proposal with respect to No 128 potential adverse impact of overshadowing are also considered to be minimal.

Impact on all other boundary sharing neighbours

5.7.7 Due to the scale and orientation of the proposed development relative to the adjoining dwellings, it is not considered that the development would cause any significant injury to the residential amenity of the neighbours.

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

5.8 Highway Safety and Parking Provision

5.8.1 The application submission has been reviewed by the Local Highways Authority and the following comments were provided; *'It is noted that work has already started some considerable time ago. The access serving the site has severely substandard visibility particularly in the critical direction. Whilst it is appreciated that the existing premises used to be a public house and it appears that there was a one-way system through the site, this use has long since ceased.'*

5.8.2 *'It is considered, therefore, that the proposal will intensify the use of a substandard access and on this basis the Highway Authority recommends refusal for the following reason.'*

- 1. The proposed development, if permitted, would lead to the significant intensification in use of an existing substandard access to Church Street North, where visibility, particularly in the critical direction is severely restricted due to the lack of highway margin and the location of the existing building immediately to the rear of the carriageway, thereby leading to potential danger and inconvenience to other highway users.'*

- 5.8.3 The Planning Policy Team also highlight requirements for electric charging points on all new dwellings. It is therefore recommended that a condition be attached requiring the installation of electric charging points as part of the build phase.
- 5.8.4 The above comments have been noted. The access to the application site already serves one dwelling with three/four vehicles spaces. The proposal will provide dedicated turning space within the curtilage of the site which can be safeguarded by condition of any approval and which allows vehicles to enter and leave the site in a forward gear. It is accepted that the visibility is limited to the right by the presence of the existing building immediately to the back of the carriageway with no nearside footway however in view of the existing use and previous extant use as a public house, it is not considered reasonable to refuse the application on this basis. The development of the new dwelling does not necessarily increase the vehicular activity at the site entrance since there will be no additional parking space provided and the opportunity to park and to access the site is limited by the space available. The arrangements for exiting the site remain unchanged and the opportunity to add a condition which maintains the parking and turning facilities on site clear of obstructions suggests that a planning permission should be given.

5.9 Flood Risk and Drainage

- 5.9.1 Having regard to the provisions of policy CS7 (Managing the Water Cycle) of the Core Strategy the application submission was referred to Yorkshire Water Services (YWS) and the Council's Design Services (DS) team for comments in respect of drainage and flood risk.
- 5.9.2 Design Services (Drainage) were consulted on this application and raised no objection to the proposal. The site is not shown to be located within an area at risk of flooding on the Environment Agency flood maps. The Design Services (Drainage) Officer also highlighted that if soakaways are to be used as a means of surface water disposal. Percolations tests should be carried out and sizing 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. This matter can be considered under a condition.

5.9.3 Yorkshire Water were consulted on the proposal, no comments were received.

5.9.4 Based on the comments listed above, the proposal is considered to accord with policy CS7 of the Core Strategy.

5.10 Land Quality

5.10.1 Having regard to land condition and the requirements of the NPPF and policy CS8 of the Core Strategy the planning application site lies in an area covered by the Coal Authority’s standing advice area and as such it was not necessary to consult The Coal Authority on the proposal, standing advice should be attached to a decision as an informative note.

5.10.2 The Environmental Health Officer requested that a desk based study be undertaken to ensure the site is suitable for residential use and free from contamination. It is recommended that a condition be attached requiring this to be undertaken prior to the commencement of works.

5.10.3 On the basis of a condition requiring the completion and submission of a contamination desk study. The proposal is therefore considered to accord with policy CS8 of the Core Strategy.

5.11 Community Infrastructure Levy (CIL)

5.11.1 The application proposes the creation of new dwellings and the development is therefore CIL Liable.

5.11.2 The site the subject of the application lies within the medium CIL zone (£50/sqm) and therefore the CIL Liability would be based on the calculations of gross internal floor space on this basis.

		A	B	C	D	E
Development Type	Proposed Floor space (GIA in Sq.m)	Net Area (GIA in Sq.m)	CIL Rate	Index permission	Index charging schedule	CIL Charge
Residential (C3)	148	148	£50 Medium Zone	317	288	£8145

$$\frac{\text{Net Area (A) x CIL Rate (B) x BCIS Tender Price Index (at date of permission) (C)}}{\text{BCIS Tender Price Index (at date of Charging Schedule) (D)}} = \text{CIL Charge (E)}$$

$$\frac{148 \times 50 \times 317}{288} = \text{£8145}$$

6.0 REPRESENTATIONS

6.1 The application has been publicised by neighbour notification letters sent on 16.04.2018, deadline for responses 07.05.2018. A site notice was also displayed on 09.05.2018, deadline for responses 30.05.2018. No letters of representation have been received as a result.

7.0 HUMAN RIGHTS ACT 1998

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

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

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

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

7.4 Whilst, in the opinion of the highway authority, the development affects highway safety, 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 paragraph 38 of the July 2018 National Planning Policy Framework (NPPF).

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

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

9.0 **CONCLUSION**

9.1 Overall the proposal is considered to be acceptable in design and appearance terms. The proposed dwelling is considered to be in keeping with the character of the surrounding area. The location of the proposed development site is relatively sustainable, sited within a residential area with access to local services. It is not considered that that the proposal would result in significant impact on the residential amenity of the neighbouring properties. Therefore, the proposal is considered to accord with policy CS1, CS2, CS7, CS8 and CS18 of the Chesterfield Local Plan: Core Strategy 2011 – 2031 and the wider National Planning Policy Framework. This application would be liable for payment of the Community Infrastructure Levy

10.0 **RECOMMENDATION**

10.1 That a CIL Liability Notice be served in line with paragraph 5.11 above.

10.2 That the application be **GRANTED** subject to the following conditions and notes:

Conditions

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

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

02. All external dimensions and elevational treatments shall be as shown on the approved plans 'Planning Drawing' Drawing No 17:071-01A (dated 28.03.2018), with the exception on any approved non material amendment

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

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

Reason – In the interests of highway safety.

04. 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 and associated turning circle hereby permitted shall be retained as such and shall not be used for any purpose other than the parking of private motor vehicles associated with the residential occupation of the property without the grant of further specific planning permission from the Local Planning Authority.

Reason – In the interests of highway safety.

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

Reason - In the interests of reducing emissions in line with policies CS20 and CS8 of the Core Strategy.

06. A. Development shall not commence until details as specified in this condition have been submitted to the Local Planning Authority for consideration and those details, or any amendments to those details as may be required, have received the written approval of the Local Planning Authority.
- I. A desktop study/Phase 1 report documenting the previous land use history of the site.
- II. A site investigation/phase 2 report where the previous use of the site indicates contaminative use(s). The site investigation/phase 2 report shall document the ground conditions of the site. The site investigation shall establish the full extent, depth and cross-section, nature and composition of contamination. Ground gas, ground water and chemical analysis, identified as being appropriate desktop study, shall be carried out in accordance with current guidance using UKAS accredited methods. All technical data must be submitted to the Local Planning Authority.
- III. A detailed scheme of remedial works should the investigation reveal the presence of ground gas or other contamination. The scheme shall include a Remediation Method Statement and Risk Assessment Strategy to avoid any risk arising when the site is developed or occupied.
- B. If, during remediation works any contamination is identified that has not been considered in the Remediation Method Statement, then additional remediation proposals for this material shall be submitted to the Local Planning Authority for written

approval. Any approved proposals shall thereafter form part of the Remediation Method Statement.

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

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

07. No development approved by this permission shall be commenced until a scheme for the provision and implementation of surface water run-off limitation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall incorporate sustainable drainage principles and shall be implemented in accordance with the approved programme and details

Reason – To prevent the increased risk of flooding

Notes

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

in accordance with the Community Infrastructure Levy Regulations 2010 (as amended).

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

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

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

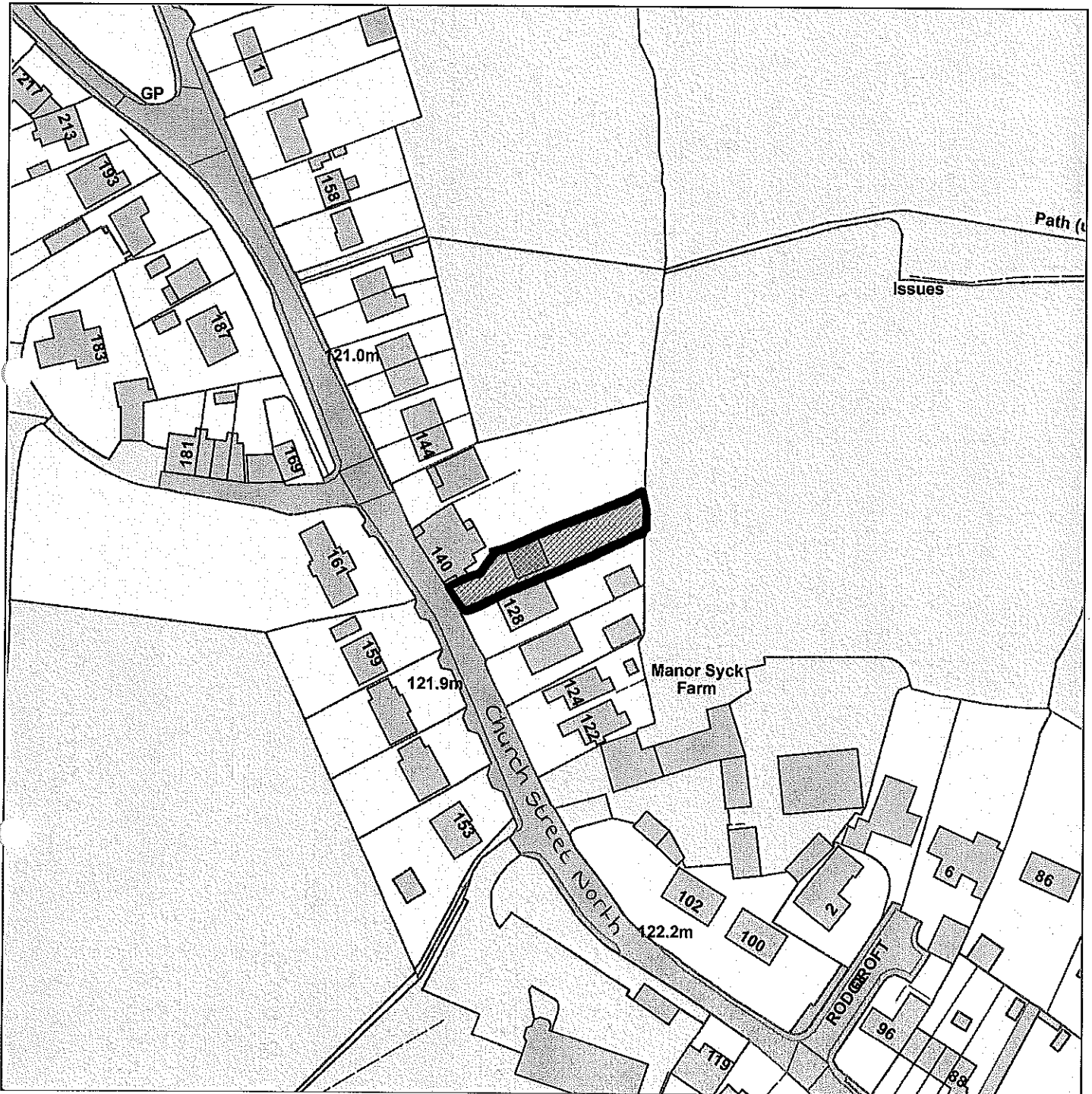
Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com

06. Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1991 prior notification shall be given to the Department of Economy Transport & Environment at County Hall, Matlock regarding access works within the highway. Information, and relevant application forms, regarding the undertaking of access works within highway limits is available by email ETENetmanadmin@derbyshire.gov.uk, telephone Call Derbyshire on 01629 533190 or via the County Council's website http://www.derbyshire.gov.uk/transport_roads/roads_traffic/development_control/vehicular_access/default.asp

07. The Highway Authority recommends that the first 6m of the proposed access driveway should not be surfaced with a loose material (i.e. unbound chippings or gravel etc.). In the event that loose material is transferred to the highway and is regarded as a hazard or nuisance to highway users the Authority reserves the right to take any necessary action against the landowner.

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Organisation	Not Set
Department	Not Set
Comments	Not Set
Date	16 August 2018
SLA Number	Not Set

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7Case Officer: Chris Wright
Tel. No: (01246) 345787
Ctte Date: 28th August 2018

File No: CHE/17/00722/OUT
Plot No: 2/2165

ITEM 7

Outline application to construct 10 dwellings and associated parking and access arrangements at Land to the rear of 79 Sheffield Road, Stonegravels, Chesterfield

Local Plan: Open countryside and other open land
Ward: St Helens

1.0 **CONSULTATIONS**

Ward Members	No comments
Strategy Planning Team	Contrary to policy CS10
Environmental Services	Air quality assessment required in reserved matters application and electric charge points required. Land contamination report required.
Design Services	Additional information sought during reserved matters application.
Economic Development	Supportive of scheme, but labour/supply chain clause to be conditioned.
Housing Services	As this is part 2 of the overall scheme affordable housing is required.
Leisure Services	No comments
Environmental Agency	No comments

Yorkshire Water	Additional information sought in terms of drainage during reserved matters stage.
Derbyshire County Council Strategic Planning	Request payments for education.
Lead Local Flood Authority	Holding objection – requiring more information.
DCC Highways	Alterations required to access road. Below required numbers for parking, but no objection subject to condition.
Chesterfield Civic Society	No comments
Chesterfield Cycle Campaign	No comments
Coal Authority	No objection subject to condition.
Tree Officer	No objection subject to condition
Urban Design Officer	No objections, subject to a detailed reserved matters application.
Derbyshire Wildlife Trust	The biodiversity loss on site can be mitigated, but if it is not mitigated then it will not be compliant with CS9. Requested conditions in relation badger setts, appropriate felling.
Derbyshire County Archaeologist	No objections
NHS	Require payments for local health services.

Derbyshire Fire Officer	Building Regulations Compliance required.
Neighbours/Site Notice	3 representations received – see report.

2.0 **THE SITE**

- 2.1 The site comprises an ‘L’ shaped area of woodland to the east of Sheffield Road at Stonegravels. The western boundary comprises a brick wall (approx 1.4m in height). The land beyond appears heavily wooded from the street and when viewed in the wider area. The site includes a number of mature trees as well as a dense understorey of self-set saplings and undergrowth. From Sheffield Road it has the appearance of a densely wooded area.
- 2.2 The western part of the site is relatively level, although narrow and which is before a steep embankment down to the rear parking courts and back gardens of houses located on Haslam Court to the east. This is currently separated by a mesh fence. An existing large substation is positioned adjacent to the northwest corner of the land. In addition, five TPO protected trees are located along the eastern boundary with Thornfield House.
- 2.3 The site is located within the built up area of Chesterfield and is alongside a main bus route between Chesterfield and Sheffield, with various facilities and amenities within walking distance (within 700m of Chesterfield town centre and 700m of Tesco at Lockoford Lane). As such the area is considered to be sustainably located in respect of accessibility. The current Local Plan (2013) identifies the site as protected open space (Policy CS9), whereas the emerging Local Plan (Feb. 2017) identifies the land as a potential housing allocation (Policy CS10, site ref. H50).
- 2.4 The site is adjacent to a residential housing estate to the north-east which includes a development of 19 units by the same developer as the current proposal.

2.5 Historic maps of the area show that there were previously buildings on this site (likely to be terraced housing) in the late 19th century, but the land appears to have been cleared prior to the turn of the 20th Century, and has not been built on since this point.

3.0 **RELEVANT SITE HISTORY**

3.1 The application site has not been the subject of any proposals for development however the adjacent plots of land have either been developed or been the subject of planning applications for residential development. Westbury Homes developed the land to the south (CHE/1102/0694). Beauchief Homes Ltd are implementing a scheme on land immediately to the north (15/00464/FUL) and a resolution was recently granted to approve residential development on land at Thornfield House (CHE/16/00653/OUT) subject to the completion of S106 Legal Agreement. These submissions are summarised below:

- CHE/18/00041/NMA – Non-material Amendment to Planning Application No. CHE/15/00464/FUL
- CHE/17/00510/NMA - Non-Material Amendment to Planning Application No. CHE/15/00464/FUL
- CHE/17/00685/OUT – Outline Application for erection of up to 42 residential units - Pending
- CHE/16/00763/FUL - Non material amendment to CHE/15/00464/FUL - setting out of plots 4 to 8 and plot 9 adjusted to suit existing on site electrical and telecomm services easements
- CHE/16/00653/OUT - Retention and conversion of Thornfield House and the demolition of other associated buildings and redevelopment for residential use - resubmission of CHE/16/00653/OUT. Resolution to approve subject to s.106.
- CHE/16/00381/REM1 – Variation of Condition 8, 8 and 17 of Planning Application No, CHE/15/00464/FUL
- CHE/15/00464/FUL - Residential development of 9 x 3 bedroom houses and 10 x 2 bedroom flats. Approved. 02/08/17.
- 15/00464/FUL - Proposed residential development of 9 x 3 bedroom houses and 10 x 2 bedroom flats. Approved. 29/03/16.

- CHE/1102/0694 - Erection of 72 dwellings with associated roads and sewers. Approved 24/09/2002.

4.0 **THE PROPOSAL**

4.1 Outline Planning Permission is sought for 10 residential units on the northern end of the site. The application reserves access, layout and scale for consideration as reserved matters.

4.2 The indicative scheme shows four semi-detached dwellings positioned to the north east of the site as an extension of the terraced housing under construction further to the north together with a block of 6 No 2 bed flats in a three storey building fronting Sheffield Road to the south of the El Sub Station. The plan shows that the area between the proposed dwellings would be landscaped parking and manoeuvring area.

4.3 The flats would be provided with 10 associated parking spaces on site, and a communal bin store and cycle parking building. The houses are shown to have 2 parking spaces per dwelling 8.

4.4 The proposal also includes a soft landscaping that includes a woodland management scheme and a pedestrian footpath.

4.5 The proposal has been amended on numerous occasions. The original scheme included 18 units including 3 separate buildings for 14 flats and 4 separate detached houses. This was then amended to 13 units, then 14, and now 10. As well as this, the positioning of the flats and houses has been revised.

5.0 **CONSIDERATIONS**

5.1 **Local Plan Issues**

5.2 The site is situated within the built settlement of Stonegravels in Chesterfield. The area surrounding the site is mixed in uses, with a bus depot and its surrounding land to the west, several businesses and residential property. The site is

considered to be a sustainable location close to services and facilities and public transport routes.

- 5.3 Having regard to the nature of the application, policies CS1, CS2, CS3, CS4, CS7, CS8, CS9, CS10, CS11, CS13, CS18 and CS20 of the Core Strategy and the wider revised National Planning Policy Framework (NPPF 2018) apply. In addition, the Council's Supplementary Planning Document on Housing Layout and Design 'Successful Places' is also a material consideration.
- 5.4 Policy CS1 (Spatial Strategy) states that the overall approach to growth will be to concentrate new development within walking and cycling distance of centres, and to focus on areas that need regenerating.
- 5.5 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
- 5.6 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.
- 5.7 Policy CS3 (Presumption in favour of sustainable development) states that "*when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean that proposals can be*

approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.”

- 5.8 Policy CS4 (Infrastructure Delivery) states that *“where the provision of infrastructure is considered to be a strategic need and is included in the Council’s Infrastructure Delivery Plan (or CIL Regulation 123 list) then development, if liable, will be expected to contribute via the Community Infrastructure Levy (CIL). Liability and levy rates will be shown in the council’s CIL Charging Schedule when it becomes effective.”*
- 5.9 Policy CS7 (Managing the Water Cycle) states that *“the council will require flood risk to be considered for all development commensurate with the scale and impact of the proposed development.”*
- 5.10 Policy CS8 (Environmental Quality) states that *“the quality of the environment will be recognised at all levels of the planning and development process with the aim of protecting and enhancing environmental quality.”*
- 5.11 Policy CS9 (Green Infrastructure and Biodiversity) states that: *“Chesterfield borough’s green infrastructure network will be recognised at all levels of the planning and development process with the aim of protecting and enhancing the network. Development proposals will be expected to demonstrate that they will not adversely affect, or result in the loss of, features of recognised importance. Development proposals are required to meet the following criteria where appropriate, and should:*
- a) not harm the character or function of the Green Belt, Green Wedges and Strategic Gaps, and Local Green Spaces*
 - b) enhance connectivity between, and public access to, green infrastructure*
 - c) increase the opportunities for cycling, walking and horse riding*
 - d) enhance the multi-functionality of the borough’s formal and informal parks and open spaces*

- e) *conserve or enhance the local distinctiveness and character of the landscape*
- f) *enhance the borough's biodiversity and where possible link habitats*
- g) *Protect existing ancient and non-ancient woodland and increase tree cover in suitable locations in the borough*
- h) *in cases where loss of a green infrastructure asset is unavoidable, include provision of alternative green infrastructure, on site where possible, to ensure a net gain in quantity, quality or function”.*

- 5.12 Policy CS10 (Flexibility in Delivery of Housing) states that planning permission for housing-led greenfield development proposals on unallocated sites will only be permitted if they accord with the strategy of ‘Concentration and Regeneration’ as set out in policy CS1 and the criteria set out in policy CS2 (as stated above).
- 5.13 Policy CS11 (Range of Housing) states that *“on sites totalling 15 or more dwellings (including phases of those sites) and where there is evidence of need and subject to viability assessment, up to 30% of affordable and, where appropriate, special needs housing, will be sought by negotiation. The tenure of the affordable accommodation will be split between social rented accommodation and intermediate accommodation in accordance with the assessment of need. Where appropriate a financial contribution will be sought for provision off-site.”*
- 5.14 Policy CS13 (Economic Growth) states that *“development should deliver sustainable economic growth by supporting existing jobs and businesses and delivering inward investment.”*
- 5.15 Policy CS18 (Design) states that all development should identify, respond and integrate with the character of the site and its surroundings and development should respect the local character and the distinctiveness of its context. In addition it requires development to have an acceptable impact on the amenity of neighbours.

5.16 In addition to the above, the revised NPPF places emphasis on the importance of good design, in chapter 12 it states:

‘The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities..... (and) 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, taking into account any local design standards or style guides in plans or supplementary planning documents’

5.17 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.

5.18 The proposed development site is situated within walking and cycling distance from Chesterfield Town Centre and is adjoining a residential area. The site is close to bus stops on Sheffield Road which is a popular public transport route and is located within a built-up area where new housing development would be considered appropriate in principle. As such, this proposed development site is considered to be sufficiently sustainable for a development of this nature and adheres to the policies CS1, CS2 in this sense. In relation to loss of biodiversity, design, flooding/drainage and range of housing these issues will be considered in more detail within this report.

6.0 **Strategy Planning Team**

6.1 The Strategy Planning Team were consulted on this application and they provided comments at several points of the process.

6.2 Their initial comments regarding the application, concluded that an ecological survey was required to assess whether the site is of high environmental value. Following the submission

of an Ecological Impact Assessment, a separate Badger Survey report and a Tree Protection Plan and the subsequent analysis of these reports by DWT, they confirmed that in DWT's consultation response (reference DWTCHE292b), they state that "the proposal will result in adverse impacts to woodland at a local scale", and reiterate that the development of a small woodland is questionable. Overall their opinion is that the proposal will result in "a net loss of woodland, the destruction of two holes likely to be used by badger and the loss of 6 x trees with features of low bat roost potential".

6.3 Given the concerns raised by DWT, it is clear that the site is of some environmental value. In terms of assessing whether the proposal meets the criteria (b) of Policy CS2, an assessment needs to be made as to whether or not the site is of high environmental value. Notwithstanding the proposal's compliance with CS2, the proposal is considered to be contrary to Policy CS9 given DWT's concerns. Specifically the adverse impact to the woodland and criteria (g) which relates to the protection of woodland.

6.4 After revisions to the scheme and additional information have been provided the Strategy Planning Team confirm that: *It seems to be clear from DWT's response that they consider "that the loss of the badger sett and the net loss of woodland remain residual impacts" and "if these are not addressed then the proposals will result in a net loss of biodiversity and adverse impacts to green infrastructure".*

*Therefore the policy team consider that proposal, as submitted, is considered to be **contrary** to Policy CS9 given DWT's concerns however this is discussed in more detail in paragraph 12 below.*

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

7.1 The Council's Urban Design Officer provided the following comments on the latest proposals:

7.1.1 *The layout comprises an extension of the road stub approved as part of the development immediately to the north. The development proposes 2-storey houses and 3-*

storey flats and the scale of development is acceptable in principle although the elevated nature of the site and the relationship with nearby neighbouring properties raises the potential for impacts on neighbour amenity. Landscaping and appearance are reserved matters and this would be considered at a later date. The revised layout has responded to the previous suggestion to reposition the flats 3m west of its previously shown location, in order to reduce its scale and presence in relation to the dwellings on Haslam Court, which sit below the site. This adjustment is now considered to achieve a more satisfactory relationship with the neighbouring properties.

7.1.2 *Based upon the revised details (received 28/06/18) no objection arises to the principle of the scheme on urban design grounds however should the application be recommended for approval, conditions should be imposed in respect of:*

- *External materials.*
- *Hard and soft landscaping.*
- *Boundary treatments.*
- *The pedestrian link to Sheffield Road (including sections and gradients),*
- *The design and appearance of bin and cycle storage.*
- *An advice note advising that elevations facing towards Sheffield Road should be designed as primary elevations and address the street frontage.*

7.2 In so far as the nearest neighbours on Haslam Court the revised scheme provides an opportunity to design buildings which safeguard the amenity of the neighbours without adverse overlooking, overshadowing or massing impacts.

7.3 In terms of access, layout and scale, it is considered that the proposal in conjunction is acceptable in principle. The scheme for 10 units would not be inappropriate, however a further assessment of the design, appearance and landscaping will need to be made at the reserved matters stage. Overall the proposed development is considered to be appropriately designed in terms of scale, layout and

access to respond to the provisions of policies CS2 and CS18 of the Core Strategy, the wider SPD and the revised NPPF.

8.0 **Environmental Services**

8.1 Environmental Services were consulted on the application and they confirmed they had no objection subject to conditions to be imposed to restrict the hours of building work, required electric charging points and that a land contamination desk top study is provided. These are considered to be necessary and acceptable and can be required via condition on any permission.

9.0 **Drainage**

9.1 Design Services, Yorkshire Water and the Lead Local Flood Authority (LLFA) were consulted on the application. Design Services stated that the site is not known to be an area at risk of flooding. Yorkshire Water requested a condition to be attached regarding foul and surface water drainage details for the site. The LLFA have requested that a drainage strategy is included as part of this proposal, and they cannot supply further comments until this has been done. After reviewing the case it was considered that this could be dealt with by condition at a reserved matters stage.

10.0 **Highways Issues**

10.1 The Highway Authority was consulted on the application and they stated:

10.1.1 *This is an extension of a site previously granted planning permission, all accessed from Sheffield Road. For the previous development a vehicular dropped crossing to Sheffield Road was accepted. Given the level of development proposed on this part of the site, however, it is considered that the junction with Sheffield Road should now be provided with kerbed radii. It is noted that this is within land in the ownership/control of the applicant and presumably, therefore, can be conditioned.*

The layout is not acceptable for adoption as highway maintainable at public expense and the Highway Authority

will look for a management company to be established and responsible for the future maintenance of the site.

Whilst the entry/exit of a refuse vehicle to/from Sheffield Road has previously been demonstrated it is noted that there is encroachment into the opposing traffic lane on a busy major route into and out of Chesterfield. The alteration and widening of the access, if necessary, to kerbed radii would assist with this issue.

The level of off-street parking is still below that generally looked for. Whilst this is not an ideal situation, in view of the proximity of public transport in particular, it is considered it would be difficult to sustain an objection on this issue alone.

10.2 It is considered that the proposal accessed from the existing scheme to the north would not lead to significant negative impact upon highway safety in the area and having regard to the principles of policies CS2 and CS18 of the Local Plan in respect of highway safety it is not considered that the development proposals pose any adverse risk to highway safety. It is also considered that the level of parking indicated is sufficient having regard to the development proposed and the sustainable location of the site.

11.0 **Coal Mining Risk**

11.1 In respect of potential Coal Mining Risk the proposal is within a high risk area and the Coal Authority stated:

11.1.1 *The planning application is now supported by a Coal Mining Risk Assessment, dated 29 November 2017 and prepared by Eastwood & Partners Consulting Engineers. This report has been informed by an appropriate range of sources of information.*

Having reviewed the available coal mining and geological information the author of the Coal Mining Risk Assessment concludes that there is a potential risk posed to the development by past coal mining activity. The report therefore recommends that intrusive site investigations are carried out on site in order to establish the exact situation in respect of coal mining legacy issues.

The intrusive site investigations should be designed by a competent person and should ensure that they are adequate to properly assess the ground conditions on the site in order to establish the exaction situation in respect of coal mining legacy and the potential risks posed to the development by past coal mining activity. In the event that shallow mine workings are encountered, due consideration should also be afforded to the potential risk posed by mine gas to the proposed development. The nature and extent of the intrusive site investigations should be agreed with the Permitting Section of the Coal Authority as part of the permissions process. The findings of the intrusive site investigations should inform any remedial measures which may be required.

The Coal Authority would also expect the applicant to afford due consideration to the prior extraction of any remnant shallow coal as part of any mitigation strategy, in line with National Planning Policy. Prior extraction of remnant shallow coal can prove to be a more economically viable method of site remediation than grout filling of voids.

11.2 It is considered that, subject to condition, that the proposal is acceptable in reference to coal mining risk.

12.0 **Biodiversity and Trees**

12.1 The Local Authority Tree Officer has made the following comments on the proposal:

12.1.1 *There are 3 protected trees to the east of the development site reference T16 & T18 Lime and T17 Sycamore that may be affected by the application along with a wooded area to the frontage of the site located between 67 and 73 Sheffield Road.*

The application has been amended reducing the development from 18 to 10 units and retaining some of the wooded area to the frontage.

A tree protection plan drawing reference SRC2 03 Rev A has been submitted which shows the trees proposed for removal, the retained trees and their root protection areas and the location of the protective fencing to be installed during land clearance and construction.

Four new dwellings are proposed to the west of T16-T18. The footprint on the new builds will be outside the root protection areas of the trees. I therefore have no objection to these dwellings as long as the tree protection measures in the Weddle Tree Protection Plan are attached as a condition.

12.1.2 *The block of flats comprising of 6 units is proposed to the frontage of the site off Sheffield Road which would result in some of the wooded area being removed to facilitate the development but unlike the previous proposals the impact to the wooded area is reduced substantially. There would also be some further loss of woodland to the edge of the unit to enable the tall storey of trees to be removed and create new woodland edge using native trees such as Hazel and Holly which would also add diversity and addition wildlife benefits to the site.*

The overall layout of the development is in general, now acceptable and I withdraw my previous objections to the application as long as the following conditions are attached for the reserved matters.

- The provision of a more detailed woodland management scheme for the retained woodlands as shown on drawing PA2 03 Rev H and drawing SRC2 06 by Weddle Landscapes dated May 2018.*

The woodland management plan should demonstrate the following;

- a) A detailed long term woodland management plan for the wooded area providing management priorities along with short and long term management proposals*
- b) to show the works required immediately to facilitate the development along with a plan of the areas affected*

- c) and the proposed restocking of the area which should all be of a native species to enhance the biodiversity of the wooded area.*

- The retained trees within the woodland area shown within the blue hatched line on drawing SRC2 06 by Weddle Landscapes dated May 2018 shall be retained, undeveloped and protected throughout the land clearance and development phases unless otherwise agreed in writing by the local planning authority. • A revised tree protection plan should be submitted for*

approval before and land stripping and development commences.

- Further details of the proposed accesses through the boundary wall to the block of flats off Sheffield Road shall be submitted. Where the access effects the retained trees further details should be provided showing any change in levels, trees to be removed and cross sectional drawing to demonstrate how this can be achieved. Only those details agreed in writing shall be implemented.*
- Along with a woodland management plan a condition should be attached for soft landscaping works for the site and along the Sheffield Road frontage where the new flat unit is proposed. A landscape drawing has been provided however within the Design and access statement it is indicated that this is a reserved matter. The following condition should therefore be attached:*

Landscape

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

- a) a scaled plan showing vegetation to be retained and trees and plants to be planted:*
- b) proposed hardstanding and boundary treatment:*
- c) a schedule detailing sizes and numbers of all proposed trees/plants*
- d) Sufficient specification to ensure successful establishment and survival of new planting.*

Any new tree(s) that die(s), are/is removed, become(s) severely damaged or diseased shall be replaced and any new planting (other than trees) which dies, is removed, becomes severely damaged or diseased within five years of planting shall be replaced. Replacement planting shall be in accordance with the approved details (unless the Local Planning Authority gives its written consent to any variation).

Reason: Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and bio-diversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality.

• Along with the details already provided in drawing SRC2 05 Landscape masterplan further details of the proposed footpath (woodland walk) through the wooded area shall be submitted and include the width of the path including any addition working/construction area, the construction materials and final surface finish and any proposed changes in levels (cross sectional drawings will be required). The construction of the path and final surface material should be sympathetic to the setting.

12.2 The Council also requested for the Derbyshire Wildlife Trust to provide comments, on the 3rd November 2017 they provided these comments:

12.2.1 *The application area appears fully wooded and it is vital that no tree removal takes place before a planning decision is made. Prior to determination, a Preliminary Ecological Appraisal should be produced by a suitably qualified ecologist to make a judgement on the ecological value of the site.*

As well as potentially valuable habitat, the site may be suitable to support protected species such as badgers or roosting bats. Paragraph 99 of Circular 06/2005 states “it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before planning permission is granted, otherwise all material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances”.

The woodland strip contributes to a green link either side of the B6057. Linear tree cover extends alongside and to the rear of the Stagecoach Bus depot to the west of the B6057 and eastwards to the A61. The impacts of developing this site to Local Green Infrastructure should be considered as part of the Ecological Appraisal.

- 12.3 An appropriate Ecological Appraisal was subsequently submitted and DWT provided the additional comments:
- 12.3.1 *Regarding the development of the Sheffield Road part of the site, we advise that the redesign of the site and the mitigation measures will partially mitigate the impacts and will allow some development of the site, whilst also retaining some habitat for wildlife and maintaining a contribution to green infrastructure. However, the Trust consider that the loss of the badger sett and the net loss of woodland remain residual impacts. If these are not addressed then the proposals will result in a net loss of biodiversity and adverse impacts to green infrastructure and therefore are not compliant with local planning policy CS9 and the aims of the national planning policy framework and the application could be refused on these grounds. A way forward would be to secure offsite compensation, in addition to the measures already proposed. One way to do this is to use biodiversity metrics, which provide a quantifiable way of assessing the biodiversity impact and what would be required to fully compensate for this.*
- 12.4 This comment reflects that within the Strategic Planning comments that the proposal is against policy CS9. The main policy issues considered applicable are from CS9 (Green Infrastructure and Biodiversity), which include:
- (f) enhance the borough's biodiversity and where possible link habitats,
 - (g) Protect existing ancient and non-ancient woodland and increase tree cover in suitable locations in the borough.
- 12.5 The Council's Tree Officer has stated that he has no objection to the proposal so long as they produce a woodland management plan in the future, as it is considered that this could lead to a better longer term solution to this woodland being sustainable. It is currently unmanaged and has lots of self-set trees. The proposal would lead to the thinning out of the woodland including the removal of dangerous trees and the potential planting of native trees.

- 12.6 The Biodiversity Officer comments (from Derbyshire Wildlife Trust) have stated that the proposal currently leads to the loss of badger sett and reduction of woodland on site will lead to the net loss of biodiversity on site, and this against policy CS9. There is the possibility of securing off-site compensation such as tree planting in other parts of the district.
- 12.7 After further assessments of the badger sett by the ecologist it was concluded that it was no longer in use. The woodland is not considered to be an ancient woodland or of high biodiversity value. It appears to be a collection or planted non-native trees and self-set trees. The proposal would lead to the thinning out of the woodland and long term management in the future and this is considered to be an improvement to the existing situation creating a better long term solution for sustainable management of the woodland. It is accepted that some loss of woodland coverage is regrettable and this will lead to some loss of wildlife and biodiversity on site, especially during the construction phase. The proposal will ensure that a significant proportion of the woodland is retained and managed, and that what is left will be considered to be an attractive place to visit, including a walkway through for local residents. After the construction phase is completed and the initial woodland management works are completed it is likely that the bats and birds that currently visit the site will return. It is considered that the opportunity to explore and secure offsite compensation using biodiversity metrics, which provide a quantifiable way of assessing the biodiversity impact and what would be required to fully compensate for this, in addition to the measures already proposed. This would be explored by under the s106 agreement which is required
- 12.8 On this basis the proposal is considered to be in line with policy CS9.
- 13.0 **Community Infrastructure Levy (CIL) and Infrastructure**
- 13.1 Having regard to the nature of the application proposals the development comprises the creation of 10 no. new dwellings and the development is therefore CIL Liable. The site the subject of the application lies within the low CIL zone and

therefore the full CIL Liability would be determined at the reserved matters stage on the basis of a cumulative charge of £20 per sqm (index linked) of gross internal floor area created.

- 13.2 North Derbyshire Clinical Care Group provided comment on the application and requested a contribution towards health, due to the extra demands put on their services at Whittington Moor Surgery and Newbold Surgery from the development. These practices are looking to expand to be able to cope with additional demand on their services. On the basis of the CCG calculation the sum required on the back of a 10 unit residential scheme is £3,804 and this can be secured via a s106 agreement in connection to the application.
- 13.3 Derbyshire County Council has requested that £32,375.28 is provided as part of the development for provision of 2 primary school places at Abercrombie Community Primary School. Education is included on the Regulation 123 list for CIL and this would therefore be covered under the CIL contribution and cannot be required.
- 13.4 Percent for Art – The Council requires that developers of major developments costing in excess of £1 million are required to either include works of art into their proposals or pay a fee towards off-site. This scheme is not considered to be over £1 million scheme.
- 13.5 Affordable housing – This is triggered by a scheme for 15 or more residential units. This scheme is for 10 units so affordable housing is not a requirement. The Council's Housing Team has provided comments in relation to the original 18 unit scheme, suggesting that affordable units should be included however no comments have been provided in relation to the 10 unit scheme. The site is owned by the same developer who owns the site to the north, which is currently being built-out however this scheme was not required to supply any affordable housing based on a viability assessment which was provided.

14.0 REPRESENTATIONS

14.1 As a result of neighbour notification and site notices, letters of representation were received from the residents of 3 houses:

14.1.1 Resident of 27 Haslam Court (whose comments were received after the first collection of drawings) – They have found the previous works on the adjacent site to be disruptive to their sleep patterns. They are also of the opinion that the area behind their house is full of wildlife including bats, birds and owls. They would like there to be a barrier between themselves and the development and the existing bushes and older trees to be kept.

14.1.2 Local resident (no address given) – They have no objection to the proposed creation of new houses, but they believe building works began on site prior to this application and that some TPO trees may have been felled without going through the correct process.

14.1.3 Resident of 5 Hazelhurst Avenue – they have provided comments in relation to the neighbouring site, which has already received planning permission.

14.2 ***The issues regarding biodiversity/wildlife are dealt with in the report. The issues regarding works on site and TPO trees are related to the adjoining site, which has already received planning permission and TPO applications were received and agreed by the LPA. A condition can be imposed limiting hours of construction in the interests of the amenity of the nearest neighbours.***

15.0 HUMAN RIGHTS ACT 1998

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

- Its action is in accordance with clearly established law
- The objective is sufficiently important to justify the action taken
- The decisions taken are objective and not irrational or arbitrary

- The methods used are no more than are necessary to accomplish the legitimate objective
- The interference impairs as little as possible the right or freedom

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

15.3 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.

15.4 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

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

16.1 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 paragraph 38 of the July 2018 National Planning Policy Framework (NPPF).

16.2 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.

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

17.0 **CONCLUSION**

17.1 The proposals are considered to be appropriate in principle, as it is considered that there is adequate space on site for 10 units and which retains sufficient of the woodland area. The location of the proposed development site is sufficiently sustainable, in a built up area and is adequately served by public transport and amenities. As such, the proposal accords with the requirements of policies CS1, CS2, CS3, CS4, CS7, CS8, CS9, CS10, CS11, CS13, CS18 and CS20 of the Core Strategy and the wider National Planning Policy Framework.

17.2 Furthermore subject to the imposition of appropriate planning conditions the proposals are considered to demonstrate wider compliance with policies CS7, CS8, CS9, CS10, CS18 and CS20 of the Core Strategy and the wider revised NPPF in respect of Highways, drainage, materials, biodiversity, impact on neighbours, land contamination, coal mining risk and air pollution. This application would be liable for payment of the Community Infrastructure Levy at a reserved matters stage.

18.0 **ADDITIONAL RECOMMENDATION**

18.1 That a s106 legal agreement be negotiated to secure:

- CCG contribution of £3,804 towards health care facilities;
- An opportunity to explore and secure offsite compensation using biodiversity metrics, providing a quantifiable way of assessing the biodiversity impact.

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

Conditions

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

2. Application for approval of all the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
3. The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
4. Details of the existing and proposed land levels and the proposed floor levels of the dwellings hereby approved shall be submitted in writing concurrently with any application for the reserved matters being submitted to the Local Planning Authority for consideration. The details submitted shall include sufficient cross sections to fully assess the relationship between the proposed levels and immediately adjacent land/dwellings. The dwellings shall be constructed at the levels approved under this condition unless otherwise agreed, in writing, by the Local Planning Authority.
5. Concurrent with the submission of a reserved matters application, precise specifications or samples of the walling and roofing materials to be used shall be submitted to the Local Planning Authority for consideration. Only those materials approved in writing by the Local Planning Authority shall be used as part of the development unless otherwise agreed by the Local Planning Authority in writing.
6. Unless otherwise approved in writing by the Local Planning Authority demolition, remediation or construction work to implement the permission hereby granted shall only be carried out on site between 8:00am and 6:00pm Monday to Friday, 9:00am to 1:00pm on a Saturday and no work on a Sunday or Public Holiday. The term "work" will also apply to the operation of plant, machinery and equipment.
7. 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. If discharge to public sewer is proposed, the information shall include:

- i) evidence that other means of surface water drainage have been properly considered and why they have been discounted; and
- ii) ii) the means by which the discharge rate shall be restricted to a maximum rate of 3 (three) litres per second.

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 .

- 8. Electric Vehicle Charging Points shall be installed as part of the build phase and which shall be retained available for use for the life of the development.
- 9. The reserved matters submission shall include a woodland management scheme (LEMP) for the retained woodlands as shown on drawing PA2 03 Rev H and drawing SRC2 06 by Weddle Landscapes dated May 2018. The scheme shall demonstrate the following;
 - a) A long term woodland management plan for the wooded area providing management priorities along with short and long term management proposals
 - b) to show the works required immediately to facilitate the development along with a plan of the areas affected
 - c) the proposed restocking of the area with native species to enhance the biodiversity of the wooded area.
 - d) Description and evaluation of features to be managed.
 - e) Ecological trends and constraints on site that might influence management.
 - f) Aims and objectives of management.
 - g) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
 - h) Details of the body or organization responsible for implementation of the plan.
 - i) Ongoing monitoring and remedial measures, including monitoring visits and targets.
 - j) Locations of bat boxes, bird boxes and habitat piles (include specifications/installation guidance/numbers)

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the

plan will be secured by the developer with the management body(ies) responsible for its delivery.

The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the scheme agreed in writing by the local planning authority.

10. The retained trees within the woodland area shown within the blue hatched line on drawing SRC2 06 by Weddle Landscapes dated May 2018 shall be retained and protected in line with a tree protection plan which has previously been agreed in writing by the local planning authority. The tree protection measures shall be retained in place throughout the land clearance and development phases unless otherwise agreed in writing by the local planning authority.
11. Further details of the proposed accesses through the boundary wall to the block of flats off Sheffield Road shall be submitted. Where the access affects the retained trees further details should be provided showing any change in levels, trees to be removed and cross sectional drawing to demonstrate how this can be achieved. Only those details agreed in writing shall be implemented.
12. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. The details shall include proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units; signs, lighting etc); proposed and existing functional services above and below ground (e.g. drainage power, communication cables, pipelines etc, indicating lines, manholes, supports etc); retain historic

landscape features and proposals for restoration where relevant.

13. Along with the details already provided in drawing SRC2 05 Landscape masterplan further details of the proposed footpath (woodland walk) through the wooded area shall be submitted and which shall include the width of the path including any addition working/construction area, the construction materials and final surface finish and any proposed changes in levels (cross sectional drawings will be required).
14. Before any other operations are commenced, the existing access to Sheffield Road shall be modified in accordance with details to be submitted and approved, in writing, by the Local Planning Authority in consultation with the Highway Authority demonstrating a kerbed radii junction, laid out, constructed and provided with visibility splays of 2.4m x 47m in both directions, the area in advance of the sightlines being maintained clear of any object greater than 1m in height (0.6m in the case of vegetation) relative to the adjoining nearside carriageway channel level.
15. The premises, the subject of the application, shall not be occupied until space has been provided within the site curtilage for the parking and manoeuvring of vehicles, located, designed, laid out and constructed all as agreed in writing with the Local Planning Authority and maintained throughout the life of the development free from any impediment to its designated use.
16. Before any other operations are commenced (excluding demolition/site clearance), space shall be provided within the site curtilage for storage of plant and materials, site accommodation, loading and unloading of goods vehicles, parking and manoeuvring of site operatives and visitors vehicles, laid out and constructed in accordance with detailed designs to be submitted in advance to the Local Planning Authority for written approval and maintained throughout the contract period in accordance with the approved designs free from any impediment to its designated use.

17. There shall be no gates or other barriers on the access.
18. The proposed access to Sheffield Road shall be no steeper than 1:14 for the first 5m from the nearside highway boundary and 1:10 thereafter.
19. Development shall not commence until intrusive site investigations have been carried out by the developer to establish the exact situation regarding coal mining legacy issues on the site and approval for commencement of development given in writing by the Local Planning Authority. The investigation and conclusions shall include any remedial works and mitigation measures required/proposed for the stability of the site. Only those details which receive the written approval of the Local Planning Authority shall be carried out on site.
20. A. Development shall not commence until details as specified in this condition have been submitted to the Local Planning Authority for consideration and those details, or any amendments to those details as may be required, have received the written approval of the Local Planning Authority.
 - I. A desktop study/Phase 1 report documenting the previous land use history of the site.
 - II. A site investigation/Phase 2 report where the previous use of the site indicates contaminative use(s). The site investigation/Phase 2 report shall document the ground conditions of the site. The site investigation shall establish the full extent, depth and cross-section, nature and composition of the contamination. Ground gas, groundwater and chemical analysis, identified as being appropriate by the desktop study, shall be carried out in accordance with current guidance using UKAS accredited methods. All technical data must be submitted to the Local Planning Authority.
 - III. A detailed scheme of remedial works should the investigation reveal the presence of ground gas or other contamination. The scheme shall include a Remediation Method Statement and Risk Assessment Strategy to avoid any risk arising when the site is developed or occupied.

- B. If, during remediation works any contamination is identified that has not been considered in the Remediation Method Statement, then additional remediation proposals for this material shall be submitted to the Local Planning Authority for written approval. Any approved proposals shall thereafter form part of the Remediation Method Statement.
- C. The development hereby approved shall not be occupied until a written Validation Report (pursuant to A II and A III only) has been submitted to and approved in writing by the Local Planning Authority. A Validation Report is required to confirm that all remedial works have been completed and validated in accordance with the agreed Remediation Method Statement.
21. No site clearance or ground works should take place until a period of monitoring has been undertaken to determine if the 2 x hole badger sett located on site is active. This should be undertaken by an experienced ecologist. If the sett is considered active, a licence must be obtained from Natural England to close the holes. If the sett is considered disused, the holes should be dug out under the supervision of an ecologist
22. Trees with low bat roost potential should be felled by an Arboriculturalist experienced in working on trees with bat roost potential. The Arboriculturalist should be alerted to the possibility of bats being present and the need for vigilance during pruning/felling activities, possibly with precautionary measures such as careful cutting and lowering of limbs.
23. No development shall commence until a detailed lighting strategy has been submitted to and approved in writing by the LPA to safeguard bats. This should clearly show lux levels of lightspill around the proposed buildings and provide details of the type of lighting and any mitigating features such as shields, hoods, timers etc. Guidelines can be found in Bats and Lighting in the UK (BCT, 2009). Such approved measures will be implemented in full.

Reasons for Conditions

1. The condition is imposed in accordance with article 3 (1) of The Town and Country Planning (General Development Procedure) Order 1995 (as amended).
2. The condition is imposed in accordance with sections 91, 56 and 93 of the Town and Country Planning Act 1990.
3. The condition is imposed in accordance with sections 91, 56 and 93 of the Town and Country Planning Act 1990.
4. In the interests of residential amenities.
5. The condition is imposed in order to ensure that the proposed materials of construction are appropriate for use on the particular development and in the particular locality.
6. In the interests of residential amenities.
7. To ensure that the development can be properly drained.
8. In the interests of reducing emissions in line with policies CS20 and CS8 of the Core Strategy.
9. In the interests of biodiversity on site
10. Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and bio-diversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality.
11. Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and bio-diversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality.
12. The condition is imposed in order to enhance the appearance of the development and in the interests of the area as a whole.

13. Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and bio-diversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality.
14. In the interests of highway safety.
15. In the interests of highway safety.
16. In the interests of highway safety.
17. In the interests of highway safety.
18. In the interests of highway safety.
19. To fully establish the presence and / or otherwise of any coal mining legacy affecting the application site.
20. To protect the environment and ensure that the redeveloped site is reclaimed to an appropriate standard.
21. In the interests of biodiversity.
22. In the interests of biodiversity.
23. In the interests of biodiversity.

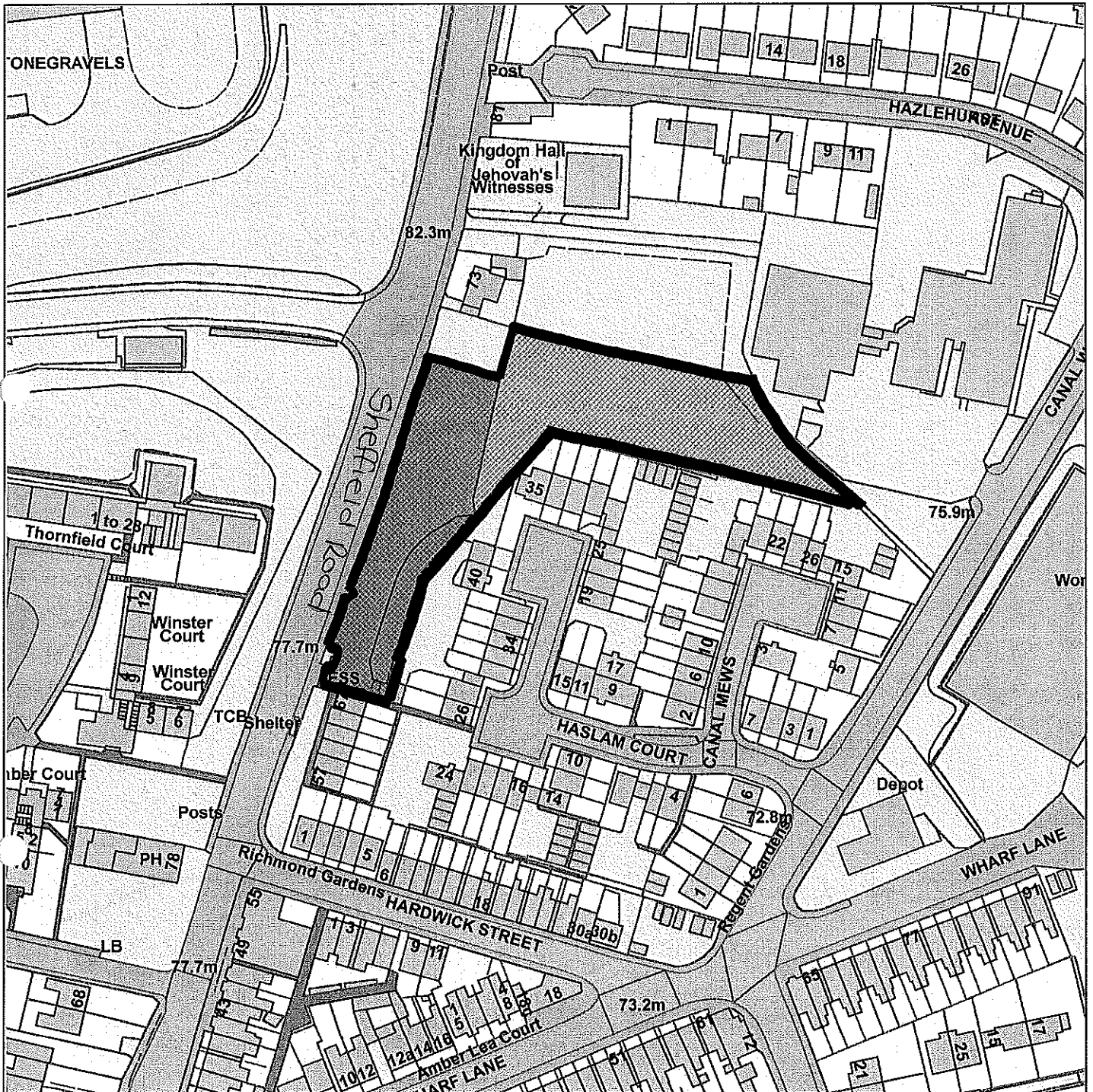
Notes

1. Any new drainage for the proposed building and any amendments to the existing building drainage may require Building Control approval. Consultations with Yorkshire Water will be required should the applicant wish to discharge to a public sewer.
2. Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1991 prior notification shall be given to the Department of Economy, Transport and Environment at County Hall, Matlock regarding access works within the highway. Information and relevant application forms regarding the

undertaking of access works within highway limits is available via the County Council's website http://www.derbyshire.gov.uk/transport_roads/roads_traffic/development_control/vehicular_access/default.asp E-mail highways.hub@derbyshire.gov.uk or Telephone Call Derbyshire on 01629 533190

3. The Highway Authority recommends that the first 5m of the proposed driveways should not be surfaced with a loose material (i.e. unbound chippings or gravel PUBLIC etc.). In the event that loose material is transferred to the 'highway' and is regarded as a hazard or nuisance to highway users, the Authority reserves the right to take any necessary action.
4. Car parking provision shall be made in accordance with the Phase 2 Site Plan drawing (PA2)03 Revision G.
5. Pursuant to Sections 219/220 of the Highways Act 1980, relating to the Advance Payments Code, where development takes place fronting a new estate street the Highway Authority is obliged to serve notice on the developer, under the provisions of the Act, to financially secure the cost of bringing up the estate streets to adoptable standards at some future date.
6. You are notified that you will be liable to pay the Community Infrastructure Levy (CIL) to Chesterfield Borough Council as CIL collecting authority on commencement of development. This charge will be levied under the Chesterfield Borough Council CIL charging schedule and s211 of the Planning Act 2008. A CIL Liability Notice will be issued at the time of a detailed planning permission which first permits development, in accordance with the Community Infrastructure Levy Regulations 2010 (as amended). The extent of liability will be dependent on the permitted Gross Internal Area. This will be calculated on the basis of information contained within a subsequent detailed planning permission. Certain types of development may be eligible for relief from CIL, such as self-build or social housing, or development by charities. Further information on the CIL is available on the Borough Council's website.

Not Set



Scale : 1:1537

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Organisation	Not Set
Department	Not Set
Comments	Not Set
Date	16 August 2018
SLA Number	Not Set

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Agenda Item 5

COMMITTEE/SUB	Planning Committee
DATE OF MEETING	28 TH AUGUST 2018
TITLE	DELEGATION
PUBLICITY	For Publication
CONTENTS	Items approved by the Group Leader, Development Management under the following Delegation references:- Building Regulations P150D and P160D, P570D, P580D
RECOMMENDATIONS	Not applicable
LIST OF BACKGROUND PAPERS	Relevant applications

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

Building Regulations	Stuart Franklin	345820
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Decisions made under the Building Regulations

List Produced 17/08/2018

Building Notices

BR Number	18/03813/DEXBN	Deposited Date	26/07/2018
Location	2 Park Drive Spital Chesterfield S41 0RS		
Proposal	Replacing wooden floor with insulated concrete and relocating bathroom		
Decision	Accepted BN, IN, RG, PRL	Commencement Date	
Decision Date	26/07/2018	Completion Date	
Applicant			
Agent			

BR Number	18/03823/DEXBN	Deposited Date	27/07/2018
Location	53 Old Road Chesterfield S40 2QZ		
Proposal	One Replacement Window		
Decision	Accepted BN, IN, RG, PRL	Commencement Date	
Decision Date	27/07/2018	Completion Date	
Applicant			
Agent			

BR Number	18/03856/DEXBN	Deposited Date	30/07/2018
Location	5 Hoylake Avenue Walton Chesterfield S40 3NQ		
Proposal	Removal internal wall		
Decision		Commencement Date	
Decision Date		Completion Date	
Applicant			
Agent			

BR Number	18/03875/DEXBN	Deposited Date	31/07/2018
Location	27 Willow Garth Road Newbold Chesterfield S41 8BL		
Proposal	Conversion of Community Hall - Removal of 3no. Windows to Make 1no. Large window and Installation of a concrete beam. Removal of Double Fire Doors to the Rear of Community Hall and Replacement With Composite Frame and Door.		
Decision	Accepted BN, IN, RG, PRL	Commencement Date	
Decision Date	31/07/2018	Completion Date	
Applicant			
Agent			

BR Number	18/02982/DEXBN	Deposited Date	08/08/2018
Location	31 Sanforth Street Newbold Chesterfield S41 8RS		
Proposal	To remove an existing stone arch which separates the lounge from the dining room with a modern squared off version built of blocks and reinforced with a 4x7 inch steel lintel.		
Decision	Accepted BN, IN, RG, PRL	Commencement Date	
Decision Date	08/08/2018	Completion Date	
Applicant			
Agent			

BR Number	18/03970/DEXBN	Deposited Date	03/08/2018
Location	9 Blueberry Close Inkersall Chesterfield S43 3GG		
Proposal	Garage Conversion		

Decision	Accepted BN, IN, RG, PRL	Commencement Date
Decision Date	03/08/2018	Completion Date
Applicant		
Agent		

BR Number	18/04020/DEXBN	Deposited Date	08/08/2018
Location	Handleywood Lodge Whittington Road Barrow Hill Chesterfield S43 2PW		
Proposal	Septic Tank		
Decision	Accepted BN, IN, RG, PRL	Commencement Date	
Decision Date	08/08/2018	Completion Date	
Applicant			
Agent			

BR Number	18/04061/DEXBN	Deposited Date	09/08/2018
Location	1 Oakwood Way Mastin Moor Chesterfield S43 3FD		
Proposal	Single storey rear extension		
Decision	Accepted BN, IN, RG, PRL	Commencement Date	
Decision Date	09/08/2018	Completion Date	
Applicant			
Agent			

BR Number	18/04098/DEXBN	Deposited Date	10/08/2018
Location	33 Netherleigh Road Ashgate Chesterfield S40 3QJ		
Proposal	Replacement windows		
Decision	Accepted BN, IN, RG, PRL	Commencement Date	
Decision Date	10/08/2018	Completion Date	
Applicant			
Agent			

Full Plans

BR Number	18/03775/DEXFP	Deposited Date	26/07/2018
Location	26 Franklyn Road Brockwell Chesterfield S40 4AY		
Proposal	Two Storey Rear Extension to form Kitchen/Diner with Two Bedrooms above		
Decision		Commencement Date	
Decision Date		Completion Date	
Applicant			
Agent			

BR Number	18/03848/DEXFP	Deposited Date	02/08/2018
Location	17 Darwent Road Tapton Chesterfield S41 0UE		
Proposal	Single storey side extension		
Decision	Approved Conditionally FP PSI	Commencement Date	
Decision Date	06/08/2018	Completion Date	
Applicant			
Agent			

BR Number	18/03927/DEXFP	Deposited Date	02/08/2018
Location	3 Private Drive Hollingwood Chesterfield S43 2LB		
Proposal	Side extension		
Decision		Commencement Date	02/08/2018
Decision Date		Completion Date	
Applicant			
Agent			

BR Number	18/03998/DEXFP	Deposited Date	06/08/2018
Location	22 Victoria Avenue Staveley Chesterfield S43 3UB		
Proposal	Extension		

Decision	Commencement Date
Decision Date	Completion Date
Applicant	
Agent	

BR Number	18/04002/DOMFP	Deposited Date	07/08/2018
Location	Hady Miners Welfare Club Houldsworth Drive Hady Chesterfield S41 0BS		
Proposal	6 New Dwellings		
Decision		Commencement Date	
Decision Date		Completion Date	
Applicant			
Agent			

BR Number	18/04076/DEXFP	Deposited Date	09/08/2018
Location	2 Selby Close Walton Chesterfield S40 3HA		
Proposal	Single Storey Kitchen Extension and Formation of Cloak Room		
Decision	Plans Approved FP PSI	Commencement Date	
Decision Date	13/08/2018	Completion Date	
Applicant			
Agent			

BR Number	18/04103/OTHFP	Deposited Date	10/08/2018
Location	Multi Storey Car Park Saltergate Chesterfield S40 1UJ		
Proposal	Erection of a New Multi Storey Car Park		
Decision		Commencement Date	
Decision Date		Completion Date	
Applicant			
Agent			

Partnership PI

BR Number	18/03888/DEXPI	Deposited Date	31/07/2018
Location	5 Springwell Park Drive Inkersall Chesterfield S43 3GJ		
Proposal	Replace conservatory roof with Guardian solid roof system		
Decision		Commencement Date	
Decision Date		Completion Date	
Applicant			
Agent			

Partnership PV

Regularisation

BR Number	18/04072/DEXRG	Deposited Date	09/08/2018
Location	4 Malia Road Tapton Chesterfield S41 0UF		
Proposal	Replacement Four Windows and Two Doors		
Decision	Accepted BN, IN, RG, PRL	Commencement Date	09/08/2018
Decision Date	09/08/2018	Completion Date	
Applicant			
Agent		Lion Windows	

BR Number	18/04106/DOMRG	Deposited Date	10/08/2018
Location	Phase 2 Ringwood Centre Victoria Street Brimington Chesterfield		
Proposal	Phase 2 - 11 new dwellings plot 12-22		
Decision	Accepted BN, IN, RG, PRL	Commencement Date	
Decision Date	10/08/2018	Completion Date	
Applicant			
Agent			

Initial Notices

BR Number	18/03821/IND	Deposited Date	26/07/2018
Location	5 Westbourne Grove Ashgate Chesterfield S40 3QD		
Proposal	Single storey rear extension		
Decision	Accepted BN, IN, RG, PRL	Commencement Date	
Decision Date	27/07/2018	Completion Date	
Applicant			
Agent			

BR Number	18/03841/IND	Deposited Date	27/07/2018
Location	5 The Stables Erin Road Poolsbrook Chesterfield S44 5HQ		
Proposal	New brickwork skin around property		
Decision	Accepted BN, IN, RG, PRL	Commencement Date	
Decision Date	30/07/2018	Completion Date	
Applicant			
Agent			

BR Number	18/03891/IND	Deposited Date	31/07/2018
Location	St Marys R C High School Newbold Road Newbold Chesterfield S41 8AG		
Proposal	Upgrading of Electrical and Fire Alarm Systems With Some Suspended Ceiling Works		
Decision	Accepted BN, IN, RG, PRL	Commencement Date	
Decision Date	31/07/2018	Completion Date	
Applicant			
Agent			

BR Number	18/03897/IND	Deposited Date	31/07/2018
Location	Land Adjacent To 2 Hazel Drive Walton Chesterfield S40 3EN		
Proposal	New Build 2 Bedroom detached bungalow with parking and access		
Decision	Accepted BN, IN, RG, PRL	Commencement Date	
Decision Date	01/08/2018	Completion Date	
Applicant			
Agent			

BR Number	18/03898/IND	Deposited Date	31/07/2018
Location	118 Kirkstone Road Newbold Chesterfield S41 8HE		
Proposal	Single storey rear extension and internal alterations		
Decision	Accepted BN, IN, RG, PRL	Commencement Date	
Decision Date	01/08/2018	Completion Date	
Applicant			
Agent			

BR Number	18/03916/IND	Deposited Date	01/08/2018
Location	64 Dukes Drive Newbold Chesterfield S41 8QE		
Proposal	Internal Structural Alterations and New Bi-fold Door Opening		
Decision	Accepted BN, IN, RG, PRL	Commencement Date	
Decision Date	06/08/2018	Completion Date	
Applicant			
Agent			

BR Number	18/03930/IND	Deposited Date	02/08/2018
Location	Land At Foxbrook Drive/ Breckland Road Walton Chesterfield S40 3JR		
Proposal	Construction of 5 new detached dwellings		
Decision	Accepted BN, IN, RG, PRL	Commencement Date	
Decision Date	16/08/2018	Completion Date	
Applicant			

Agent

BR Number	18/03935/IND	Deposited Date	02/08/2018
Location	21 Manor Avenue Brimington Chesterfield S43 1NQ		
Proposal	Singlr storey rear extension and association internal openings and alterations		
Decision	Accepted BN, IN, RG, PRL	Commencement Date	
Decision Date	06/08/2018	Completion Date	
Applicant			
Agent			

BR Number	18/03939/IND	Deposited Date	02/08/2018
Location	Hady Lane Farm 144 To 152 Hady Lane Hady Chesterfield S41 0DQ		
Proposal	New dwellings		
Decision	Accepted BN, IN, RG, PRL	Commencement Date	
Decision Date	06/08/2018	Completion Date	
Applicant			
Agent			

BR Number	18/03984/IND	Deposited Date	06/08/2018
Location	44 Rayleigh Avenue Brimington Chesterfield S43 1JP		
Proposal	Single storey rear and side extension		
Decision	Accepted BN, IN, RG, PRL	Commencement Date	
Decision Date	06/08/2018	Completion Date	
Applicant			
Agent			

BR Number	18/04043/IND	Deposited Date	08/08/2018
Location	24 Newbold Avenue Newbold Chesterfield S41 7AT		
Proposal	Structural alterations to include wall and chimney removal and installation of french doors		
Decision	Accepted BN, IN, RG, PRL	Commencement Date	
Decision Date	08/08/2018	Completion Date	
Applicant			
Agent			

BR Number	18/04081/IN	Deposited Date	08/08/2018
Location	Plot 5 South Greaves Close Markham Lane Duckmanton Chesterfield		
Proposal	Erection of new Industrial unit with ancillary single storey offices		
Decision	Accepted BN, IN, RG, PRL	Commencement Date	
Decision Date	10/08/2018	Completion Date	
Applicant	Priority Space (Vale) Ltd		
Agent			

BR Number	18/04085/IND	Deposited Date	09/08/2018
Location	77 Ashgate Avenue Ashgate Chesterfield S40 1JD		
Proposal	Single Storey Rear Extension and Internal Alterations		
Decision	Accepted BN, IN, RG, PRL	Commencement Date	
Decision Date	10/08/2018	Completion Date	
Applicant			
Agent			

Demolitions

Dangerous Structures

BR Number	18/04054/DS	Deposited Date	08/08/2018
Location	5 -12 Railway Terrace Chesterfield S41 0RF		
Proposal	Damaged wall		

Decision
Decision Date
Applicant
Agent

Commencement
Date
Completion Date

Agenda Item 6

COMMITTEE/SUB	Planning Committee
DATE OF MEETING	28 TH AUGUST 2018
TITLE	DELEGATION
PUBLICITY	For Publication
CONTENTS	Items approved by Development Management and Conservation Manager under the following Delegation references:- Planning Applications P020D, P200D to P250D, P270D to P320D, P350D to P370D, P390D, P420D to P440D Agricultural and Telecommunications P330D and P340D
RECOMMENDATIONS	Not applicable
LIST OF BACKGROUND PAPERS	Relevant applications

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

Planning Applications	Paul Staniforth	345781
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Delegated List
Planning Applications

Code No File No	Ward	Proposal	Decision	Decision Date
CHE/18/00306/RET 3470	St Helens	Change of use from accountants to beauty salon including bar for use by guests/clients and bona fide guests of customers. Sequential assessment received 17.07.2018. At 42 Sheffield Road Stonegravels Chesterfield Derbyshire S41 7LL For Faceit Aesthetics	CP	13/08/2018
CHE/18/00332/FUL 3236	Holmebrook	Rear / side ground floor extension to form rear open plan living space. (Revised Drawing recieved) At 14 Manor Road Brampton S40 1HX For Mr James Slater	CP	31/07/2018
CHE/18/00338/MA 319	West	Material amendment to CHE/17/00830/FUL and CHE/18/00080/REM1 - various external changes including, installation of external lighting, reduction in chimney height, raise eaves on proposed extension, barrier along car park. At Crispin Inn Ashgate Road Chesterfield S40 4AW For Co-op Group	CP	10/08/2018

Code No File No	Ward	Proposal	Decision	Decision Date
CHE/18/00353/DOC	Hasland	Discharge of conditions 3 (traffic calming), 5 (closing vehicular and pedestrian access), 8 (storage of plant and machinery), 12 (site investigations), 13 (hard and soft landscaping), 14 (foul and surface water drainage), 15 (materials) and 16 (fencing and walling) of CHE/17/00437/FUL - Erection of 3 bungalows on land at the green, in place of the existing Methodist church which has been granted demolition At Q House The Green Hasland S41 0LJ For Mr Richard Palfreyman	DPC	03/08/2018
CHE/18/00354/FUL 3652	Brimington South	Single storey rear extension At 21 Westmoor Road Brimington S43 1PT For Mr Robert Walker	CP	02/08/2018
CHE/18/00363/DEM 1277	Hasland	Demolition of existing unit in order to build 6 new units as per planning application CHE/17/00721/FUL At 1 Burley Close Chesterfield Derbyshire S40 2UB For Mr Roger Whittaker	PANR	06/08/2018
CHE/18/00365/FUL 6170	Brimington South	Single storey outbuilding to replace existing garage At 71 Manor Road Brimington S43 1NN For Mr and Mrs Ward	CP	31/07/2018

Code No File No	Ward	Proposal	Decision	Decision Date
CHE/18/00379/FUL 544	Hollingwood And Inkersall	Erection of a pallet storage structure - additional information received 26/07/2018 At Inspirepac Markham Vale Markham Lane Chesterfield S44 5HS For Inspirepac Markham Vale	CP	30/07/2018
CHE/18/00388/FUL 3240	West	Two storey side extension to replace existing single storey garage, single storey rear extension and external wall insulation and render to elevations and re-roofing At 62 Vincent Crescent Chesterfield S40 3NP For Mr and Mrs Walsh	CP	02/08/2018
CHE/18/00390/ADV 544	Lowgates And Woodthorp	Two building mounted fascia signs and one ground level totem style At Plot 13A Markham Lane Duckmanton Derbyshire For Sterigenics UK Limited	UP	30/07/2018
CHE/18/00395/ADV 1983	Brockwell	1 hanging swing sign - black wrought iron swing brackets with a 700 x 580 x 20mm double sided swing panel, vinyl window decals and lettering on arch at front At 86 Saltergate Chesterfield S40 1LG For Mr Stephen Jenkins	UP	23/07/2018

Code No File No	Ward	Proposal	Decision	Decision Date
CHE/18/00396/DOC 2057	Lowgates And Woodthorp	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 - Outline residential development on 3.66 hectares of land for up to 75 dwellings including means of access At Land At Cranleigh Road Woodthorpe Derbyshire For Avant Homes (England) Limited	DPC	25/07/2018
CHE/18/00398/CLOPUD 1518	West	Single storey side extension, single storey rear extension, dormer to rear and velux to front elevation At 26 Orchard View Road Loundsley Green Chesterfield Derbyshire S40 4BU For Mr James Boot	GR	31/07/2018
CHE/18/00399/NMA 5744	West	Non material amendment to CHE/17/00613/FUL (rear extension and removal of existing garage) to fit small obscurely glazed window to side left elevation At 1 Poplar Avenue Somersall Derbyshire S40 3JT For Mrs S Gretton	UP	03/08/2018
CHE/18/00401/FUL 216	St Leonards	Replacement of an existing effluent tank with a silo At Tannery and Premises Clayton Street Spital Chesterfield Derbyshire S41 0DU For Joseph Clayton & Sons (Chesterfield) Ltd	CP	02/08/2018

Code No File No	Ward	Proposal	Decision	Decision Date
CHE/18/00402/CLOPUD 1395	Walton	Lawful development certificate for rear single storey extension to existing dwelling At 29 Errington Road Chesterfield Derbyshire S40 3ER For Mr Andrew Peppitt	GR	02/08/2018
CHE/18/00404/CLOPUD	Brimington South	Certificate of proposed development for construction of new single storey rear extension and demolition of existing garage. At 21 Manor Avenue Brimington S43 1NQ For Mr Matthew Cluer	GR	03/08/2018
CHE/18/00406/FUL 126	St Leonards	Orangery style extension to rear of house At Hady House 75 Hady Hill Hady S41 0EE For Mr Fletcher	CP	09/08/2018
CHE/18/00407/LB 126	St Leonards	Orangery style extension to rear of house At Hady House 75 Hady Hill Hady S41 0EE For Mr Fletcher	CP	09/08/2018
CHE/18/00412/FUL 5624	Loundsley Green	Two storey front extension At 1 Rodsley Close Holme Hall Chesterfield Derbyshire For Mr Timothy Booker	CP	02/08/2018
CHE/18/00416/FU 182	Brockwell	Single storey rear extension At 26 Oakley Avenue Brockwell Chesterfield Derbyshire For Mr Rocco Guerriero	CP	07/08/2018

Code No File No	Ward	Proposal	Decision	Decision Date
CHE/18/00418/DOC 4	Hasland	Discharge of Condition Nos. 8 (Construction Management Plan), 13 (Drainage) and 16 (Materials) - Planning Application No. CHE/17/00893/FUL At R S P C A 137 Spital Lane Spital Chesterfield Derbyshire S41 0HL For RSPCA Chesterfield and North Derbyshire	DPC	07/08/2018
CHE/18/00420/DOC 544	Lowgates And Woodthorp	Discharge of planning condition8 (sprinkler tank and pump house) of CHE/17/00182/REM At Plot 13A Markham Lane Duckmanton Derbyshire For Sterigenics UK Limited	DPC	23/07/2018
CHE/18/00425/DOC 319	West	Discharge of condition 9 (Service Management Plan) of CHE/17/00830/FUL and CHE/18/00080/REM1 - Change of use from Public House (Class A4) to retail use (Class A1), alterations to site including demolition of extension, construction of new extension, alterations to entrance and shopfront, service yard and new plant area and associated At Land At Former Crispin Inn 240 Ashgate Road Chesterfield S40 4AW For Croft Transport Planning and Design	DPC	30/07/2018

Code No File No	Ward	Proposal	Decision	Decision Date
CHE/18/00426/DOC 1229	Brockwell	Discharge of conditions 8 and 9 (Biodiversity Enhancement Strategy)Condition 10 (Arboricultural Method Statement, Arboricultural Survey Plan 01, Tree Protection Plan 01 - RJ) and Condition 13 (materials) of CHE/18/00136/FUL - New multi-storey car park providing 530no. spaces over five storeys, including 2no late pay spaces, 32no. disabled parking spaces, 15no. parent and child spaces, 6no. active electric vehicle charging spaces and 10no. passive (for future activation) electric vehicle charging spaces, with staff office and welfare facilities on the ground floor, and associated landscaping and public realm works to the immediate surroundings At Former Saltergate Multi Storey Car Park Saltergate Chesterfield Derbyshire For Chesterfield Borough Council	DPC	08/08/2018
CHE/18/00433/DOC 1229	Brockwell	Discharge of conditions 6 (Construction Method Statement) 7 (Scheme of Investigation) and 15 (Employment and Training Scheme) of CHE/18/00136/FUL - New multi-storey car park providing 530no. spaces over five storeys At Former Saltergate Multi Storey Car Park Saltergate Chesterfield Derbyshire For Chesterfield Borough Council	REF	08/08/2018
CHE/18/00440/TPO	Dunston	Fell T1 (ash) and T2 (ash) due to extensive damage to driveway At Lansdowne 18 Lancaster Road Newbold Derbyshire S41 For Mrs Maureen Ashton	CP	25/07/2018

Code No File No	Ward	Proposal	Decision	Decision Date
CHE/18/00447/DOC 536	Holmebrook	Discharge of planning conditions 3 (surface water), 8 (lighting strategy), 9 (ecological strategy), 11 (vehicular and pedestrian access), 12 (construction management plan), 16 (cycle parking facilities), 18 (bin storage), 19 (prevention of water on to highway), 23 (materials), 26 (hard landscaping) and 27 (Employment and Training scheme) of CHE/17/00209/FUL - Demolition of existing buildings and structures apart from the retention of the former Sunday School building, erection of foodstore and creation of new/alterations to existing accesses, with associated parking, servicing and landscaping. At Perrys Ford Garage Chatsworth Road Chesterfield Derbyshire S40 2BJ For Lidl UK GmbH	DPC	08/08/2018
CHE/18/00456/DOC 1229	Brockwell	Discharge of conditions 3 (drainage) 4 (surface water) and 5 (surface water drainage) of CHE/18/00136/FUL -New multi-storey car park providing 530 At Former Saltergate Multi Storey Car Park Saltergate Chesterfield Derbyshire For Chesterfield Borough Council	DPC	10/08/2018
CHE/18/00459/TPO West	West	Fell one prunus tree At 39 Vincent Crescent Chesterfield Derbyshire S40 3NW For Mr David Jefferies	UP	26/07/2018

Code No File No	Ward	Proposal	Decision	Decision Date
CHE/18/00460/TPO	St Leonards	To trim overhanging branches of a Turkey Oak (T23) and sycamore (T24). Fell elm tree that is strangled by Ivy At Brambling House Hady Hill Hady Derbyshire S41 0EF For Mr Peter Stokes	CP	26/07/2018
CHE/18/00488/NMA	Dunston	Plots 80 and 81 updated to semi detached. Brick type 1 updated from Terca Oakwood to Terca Blended Red for application CHE/17/00351/REM for the erection of 99 dwellings and associated public open space, landscaping and surface water balancing (Phase At Land To The West Of Dunston Lane Newbold Derbyshire For William Davis Ltd	UP	23/07/2018
218				
CHE/18/00490/LB	Old Whittington	Internal alterations to the property comprise the part removal of the existing separating wall between the kitchen & lounge area at ground floor level to provide open plan living accommodation & importantly improve means of escape from first floor level. Create natural stone patio in front garden area to the At 12 Church Street North Old Whittington Derbyshire For Mr Gary Fletcher	CP	13/08/2018
410				
CHE/18/00521/TP	Lowgates And Woodthorp	Ash Tree - Crown lift to 5.2m: clean crown; remove ivy At 1 Meadow View Worksop Road Mastin Moor Derbyshire S43 3DN For Miss Rita Packwood	CP	13/08/2018

Code No File No	Ward	Proposal	Decision	Decision Date
CHE/18/00524/TPO	St Leonards	Tree is to be felled due to damage to the main stem At Land To Rear Of 264 - 272 Hady Hill Hady Derbyshire For Trueman Tree Services	CP	27/07/2018

Delegated List - Planning Applications

Key to Decisions

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

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COMMITTEE/SUB	Planning Committee
DATE OF MEETING	28 TH AUGUST 2018
TITLE	DELEGATION
PUBLICITY	For Publication
CONTENTS	Items approved by the Development Management and Conservation Manager under the following Delegation references:- Felling and Pruning of Trees P100D, P120D, P130D
RECOMMENDATIONS	Not applicable
LIST OF BACKGROUND PAPERS	Relevant applications

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

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

<u>CODE NO</u>	<u>DESCRIPTION OF PROPOSAL</u>	<u>TERMS OF DECISION</u>
CHE/18/00460/TPO TPO 4901.117 26/07/18	The pruning of 2 trees reference T23 Oak and T24 Sycamore on the Order map for Mr Stokes of 100 Hady Crescent, Hady. The trees are in the grounds of St Peter St Paul school and hangover the rear garden of the property.	Consent is granted to crown lift the two trees to 3.5 metres from ground level pruning back to suitable replacement branches.
CHE/18/00524/TPOEXP TPO 4901.193 27/07/18	The felling of one Oak tree reference T2 on the Order map for Trueman Tree Services Ltd on behalf of The Royal Hospital NHS Trust, Calow. The tree is located to the rear of 272 Hady Hill and one large limb failed and also split the main stem down the middle leaving the tree dangerous.	Consent is granted to the felling of one Oak tree with a duty to plant a new Oak in the first available planting season 2018-2019.
CHE/18/00521/TPO TPO 4901.166 13/08/18	The pruning of one Ash tree reference T4 on the Order map for Underwood Tree Surgeons on behalf of Miss Packwood of 1 Meadow View, Worksop Road, Mastin Moor.	Consent is granted to the crown lifting of one Ash tree by 5.2 metres to clear the highway and the crown cleaning to remove dead wood.
CHE/18/00453/TPO	The felling of one Sycamore tree reference T29 on the Order map for Mr	Consent is refused to the felling of one Sycamore tree. The tree has good amenity

<p>TPO 4901.14</p> <p>15/08/18</p>	<p>James Allsop of 44 Netherleigh Road. The tree is allegedly causing light issues and may cause damage to the property.</p>	<p>value and is part of a group of trees to the rear of the properties along Netherleigh Road. The removal of the tree would create a significant gap in the tree line. It is considered that felling is an excessive action in order to overcome the perceived problems and it is therefore recommended that a new application is submitted to crown thin the tree to alleviate the light issues. No evidence was submitted with the application to support the claim that damage may occur to the property.</p>
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AGENDA ITEM

APPEALS REPORT

MEETING: PLANNING COMMITTEE
DATE: 6TH AUGUST 2018
REPORT BY: DEVELOPMENT MANAGEMENT AND
CONSERVATION MANAGER

FOR PUBLICATION

BACKGROUND PAPERS FOR PUBLIC REPORTS

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

1.0 PURPOSE OF REPORT

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

**PAUL STANIFORTH
DEVELOPMENT MANAGEMENT AND CONSERVATION
MANAGER**

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

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

APPEALS

<u>FILE NO.</u>	<u>WARD</u>	<u>APPELLANT</u>	<u>CASE</u>	<u>MEMBER OFFICER</u>	<u>DATE REC</u>	<u>TYPE AND DATE</u>	<u>DECISION AND DATE</u>
2/3991	Hasland ward	Mr N Chadwick	CHE/17/00800/FUL – Retention of external works at 2 York Street - Conditions	Planning Committee	26/04/18	Written Reps	
2/2126	St Leonards ward	Mr Paul Singh	CHE/18/00167/FUL – Replacement of windows to rear 9-21 Stephenson Place - Refusal	Officer delegation	29/06/18	Written Reps	
2/1497	West ward	D J Atkinson Construction Ltd	CHE/17/00725/FUL – Demolition of buildings and 2 dwellings at Proctors Nursery - Refusal	Planning Committee against officer advice	12/07/18	Written Reps	
2/5302	Lowgates and Woodthorpe ward	Mr and Mrs Needham	CHE/18/00230/OUT – Residential Development at 1 Bridle Road	Officer delegation	2/8/18	Written Reps	
2/5145	West ward	Mr J Wood	CHE/18/00048/FUL – Side and Rear extension at 31 Somersall Park Road - Refusal	Officer delegation	14/5/18	Written Reps (HAS)	Dismissed 8/8/18 see Appendix A

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Appendix A

Appeal by Mr J Wood

Extensions at 31 Somersall Park Road, Chesterfield.

CHE/18/00048/FUL

2/5145

1. Planning permission was refused on 29th March 2018 for the development of a side and rear extension at 31 Somersall Park Road for the following reasons:
The proposed extension as a result of its design that does not include a step back would produce a larger dwelling that would be out of character with the existing house and surrounding dwellings, which would appear out of keeping in the area and would be incongruous in the street scene. The proposal would be a negative impact upon visual amenity and be contrary to the Council's Supplementary Planning Document 'Successful Places' (3.16 Building Design), policy CS18 of the Chesterfield Borough Local Plan and paragraph 17 ('always seek a high quality of design') and paragraph 58 ('are visually attractive as a result of good architecture') of the National Planning Policy Framework.
2. An appeal against the decision has been determined by the written representation appeal method and has been dismissed.
3. The main issue is the effect on the character and appearance of the area. The Council's concern was that as the side extension would be flush with the existing front building line, rather than set back, it would detract from the original form of the dwelling and would be overly dominant within the plot. No concerns have been raised with regard to the other elements of the proposal and the inspector therefore addressed only the design concerns raised with regard to the impact of the proposal on the character and appearance of the area.
4. The area is characterised by properties of differing sizes but relatively consistent period detailing. This property has a distinctive two storey bay to the front with a tiled hipped roof. These elements are common in the vicinity. The bay provides the property with a strong vertical emphasis to its design. To the side of this feature there would have been a relatively

narrow side element that contained the front door with a window above. This narrow element would complement the vertical emphasis of the wider main area of frontage and would, because of its limited width, remain subservient, ensuing that the full height bay remained the dominant design feature of the house.

5. The original proportions have been eroded to some extent by the existing side extension. It has increased the width of the area to the side to a similar width as the area of the feature bay. This has resulted in a change to the vertical emphasis of this section and this wider area now competes with the scale of the bay frontage. It emphasises the lack of design quality and uncharacteristic proportions of this side element.
6. This proposal would further extend the property to the side. It has been designed to assimilate with the first extension. This would result in a much more substantial area of unrelieved development with little design interest. In terms of scale, it would have a greater width than the bay front area. The increased height of the roof over this and the original extension would further emphasise its uncharacteristic proportions. The inspector considered that it would represent poor design in this particular context. It would also extend much closer towards the neighbouring property and the inspector agreed with the Council that without some set back and relief in the frontage, this would also detract from the existing relationship with that dwelling.
7. The particular detailing and scale of this proposal would fail to respond to and integrate with the character of the house and surroundings and would fail to respect local distinctiveness. It would therefore conflict with Policy CS18(a&b) of the Local Plan: Core Strategy 2013. As the policy generally accords with the design requirements of the *National Planning Policy Framework 2018*, the inspector afforded it considerable weight. The Supplementary Planning Document: Successful Places 2013 advises that buildings should be designed with sensitivity to their setting and should respect local characteristics and neighbouring buildings. This proposal would undermine the quality of the existing architecture and would fail to respect the original form and proportions of the dwelling.

8. Reference was been made to a number of other extensions in the area. It has not been made clear when these decisions were taken. The inspector did not find any to be entirely comparable with regard to the scale of the combined additions and the overall proposed design. The extension at 26 Somersall Park Road appears to be the most similar although the overall roof form differs and the scale of the side addition appears to be more in keeping with the original extension to the appeal property. It is not clear what circumstances existed that led to that decision or when it was taken. However, it does not represent a good reason for accepting this proposal which would be of an unsatisfactory design and would conflict with the development plan policy and the design guidance.
9. The inspector considered the matters put forward by the appellant and accepted that the concerns relate only to the side extension proposed. However, the matters put forward were not sufficient to outweigh concerns with regard to the design of the side extension.

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FOR PUBLICATION Agenda Item 9

ENFORCEMENT REPORT

MEETING: PLANNING COMMITTEE
DATE: 28TH AUGUST 2018
REPORT BY: LOCAL GOVERNMENT AND REGULATORY LAW MANAGER
DEVELOPMENT MANAGEMENT & CONSERVATION MANAGER
WARD: As listed in the report

FOR PUBLICATION

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

BACKGROUND PAPERS

LOCATION: LEGAL SERVICES

1.0 PURPOSE OF REPORT

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

2.0 BACKGROUND

2.1 The table summarises formal planning enforcement by the Council.

3.0 INFORMAL ACTION

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

4.0 MORE INFORMATION ABOUT THE TABLE

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

5.0 RECOMMENDATION

5.1 That the report be noted.

GERARD ROGERS
LOCAL GOVERNMENT AND
REGULATORY LAW MANAGER

PAUL STANIFORTH
DEVELOPMENT MANAGEMENT
& CONSERVATION MANAGER

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

ENFORCEMENT REPORT

Enforcements currently Authorised: 9

14 August 2018

Address	Authorised <small>days from</small>	Breach	CHE/	Issued <small>days to issue</small>	Effective <small>days to (-) /from</small>	Comply <small>days to (-) /from</small>	Notes	update <small>last update</small>	Ward
Enforcement Notice		<i>Total currently Authorised: 6</i>		<i>Authorised to Issue Average:</i>		<i>66 days</i>			
Pottery Lane West	10 09/01/17 <small>583</small>	excavation - engineering works		25/01/17 <small>16</small>	13/12/17 <small>245</small>	13/03/18 <small>155</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>134</small>	importation of materials - creation of hard surfacing		03/07/18 <small>91</small>	08/08/18 <small>7</small>	08/08/19 <small>-358</small>	Issued.	<input type="checkbox"/> <small>03/07/18</small>	BHW
Station Lane	03/04/18 <small>134</small>	importation of materials - industrial use		03/07/18 <small>91</small>	08/08/18 <small>7</small>	08/08/19 <small>-358</small>	Issued.	<input type="checkbox"/> <small>03/07/18</small>	

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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		27/06/16 779	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	1	06/08/18 9	2 vending machines					2 unauthorised vending machines. Moved from 2 York Street.	<input type="checkbox"/> 14/08/18	

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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	09/10/17 310	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"/> 11/06/18	Ha

Stop Notice

Total currently Authorised: 1 Authorised to Issue Average: days

Walton Works		27/06/16 779	use for war and horror style games of game play					See notes for Enforcement Notice.	<input type="checkbox"/> 03/03/17	Wa
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TPS Prosecution

Total currently Authorised: 2 Authorised to Issue Average: days

Pomegranate Road (rear of)	51	02/05/18 105	wilful damage to limb of T7 (s.210(4)) on Avant Homes site					Instructed and discussing with Planning	<input type="checkbox"/> 02/05/18	N
Victoria Street	Ringwood Centre (former)	21/12/17 237	Damage to roots of T18 and T19					Trial 22 and 23/10/18.	<input checked="" type="checkbox"/> 13/08/18	BN

Address	Authorised <i>days from</i>	Breach	CHE/	Issued <i>days to issue</i>	Effective <i>days to (-) /from</i>	Comply <i>days to (-) /from</i>	Notes	update <i>last update</i>	Ward
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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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By virtue of paragraph(s) 6b of Part 1 of Schedule 12A of the Local Government Act 1972.

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