



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

Councillor Rayner –
Site Visit 1
Councillors Dyke and Ludlow –
Site Visit 2
Councillors Fordham and
Hollingworth –
Site Visit 3

10 May 2019

Dear Councillor,

Please attend a meeting of the PLANNING COMMITTEE to be held on MONDAY, 20 MAY 2019 at 3.00 pm in Committee Room 1, Town Hall, Rose Hill, Chesterfield S40 1LP, the agenda for which is set out below.

AGENDA

Part 1(Public Information)

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

Planning Committee Members should assemble in Committee Room 1 at 13:05pm. Ward members wishing to be present should attend on site as indicated below:-

1. 13:20 Rear of 14 Avenue Road
CHE/18/00859/FUL

2. 13:50 10 High Street, Staveley
CHE/19/00012/FUL

3. 14:30 Car park to the rear of Town Hall
CHE/19/00115/FUL

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

Ward members are invited to attend on site and should confirm their attendance by contacting Charlotte Kearsey on tel. 01246 345236 or via e-mail: charlotte.kearsey@chesterfield.gov.uk by 9.00 a.m. on Monday 20 May, 2019. 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 - 38)
4. Applications for Planning Permission - Plans Determined by the Committee (Pages 39 - 158)
5. Building Regulations (P880D) (Pages 159 - 162)
6. Applications for Planning Permission - Plans Determined by the Development Management and Conservation Manager (P140D) (Pages 163 - 176)
7. Appeals Report (P000) (Pages 177 - 184)
8. Enforcement Report (P410) (Pages 185 - 188)

Yours sincerely,

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

Local Government and Regulatory Law Manager and Monitoring Officer

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PLANNING COMMITTEE**Tuesday, 23rd April, 2019**

Present:-

Councillor Brittain (Chair)

Councillors	P Barr	Councillors	Hill
	Bingham		Miles
	Callan		Sarvent
	Catt		Simmons
	Dickinson		

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

CHE/19/00088/OUT - Outline application for one residential property including access at Land between 34 and 38 Lake View Avenue, Walton, Chesterfield for Mrs Helene Butler

Councillors Barr, Bingham, Brittain, Callan, Catt, Dickinson, Miles, Sarvent and Simmons.

CHE/18/00788/FUL - Erection of detached house with internal garage (coal mining risk assessment received 13.03.2019 and revised site plan received 14.03.2019) at Land Adjacent to 392 Ashgate Road, Chesterfield for Mr Roger Myddelton

Councillors Barr, Bingham, Brittain, Borrell (ward member), Callan, Catt, Dickinson, Miles, Niblock (ward member), Sarvent and Simmons.

CHE/19/00076/FUL - Erection of 6 residential dwellings within the grounds of appletrees comprising 2 x 4 bedroom detached houses and 4 x 3 bedroom semi-detached houses served by a modified access from Lancaster road (revised plans received 08/04/2019) at Appletrees, Lancaster Road, Newbold, Chesterfield, Derbyshire S41 8TP for Dr S Sanghera

Councillors Barr, Bingham, Brittain, Callan, Catt, Dickinson, Miles, Sarvent and Simmons.

CHE/19/00048/OUT - Outline application for planning permission for one dwelling tied to the existing boarding kennels at Broomhill Farm, Broomhill Road, Old Whittington S41 9EA

Councillors Barr, Bingham, Brittain, Callan, Catt, Dickinson, Miles, Sarvent and Simmons.

CHE/18/00859/FUL - Proposed – Conversion of former church into four apartments and construction of eight new semi-detached houses at St Joseph’s RC Church, Chesterfield Road, Middlecroft, Staveley, Derbyshire S43 3QF for Mr Rafiq Khan

Councillors Barr, Bingham, Brittain, Callan, Catt, Dickinson, Hill, Miles, Sarvent and Simmons.

CHE/18/00872/FUL - Full application for conversion and extension of dwelling to form two separate dwellings at 220A Manor Road, Brimington, Chesterfield for Mr K Yarnold

Councillors Barr, Bingham, Brittain, Callan, Catt, Dickinson, Hill, Miles, Sarvent and Simmons.

CHE/19/00091/REM1 - Proposed – Variation of condition 2 (substitution of approved drawings) and 11 (relocation of bin collection point) of CHE/17/00263/FUL - Erection of 34 dwellings including private amenity space, car parking provision, new access road, landscaping, drainage swale and on-site open space at the Former Saltergate Health Centre, Saltergate, Chesterfield, Derbyshire For Woodall Homes LTD

Councillors Barr, Bingham, Brittain, Brunt (ward member), Callan, Catt, Dickinson, Hill, Miles, Sarvent and Simmons.

*Matters dealt with under the Delegation Scheme

130 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Brady, Caulfield, Davenport and Wall.

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

Councillor Simmons declared an interest in agenda item 4(7) (CHE/19/00048/OUT - Outline application for planning permission for one dwelling tied to the existing boarding kennels at Broomhill Farm, Broomhill Road, Old Whittington S41 9EA) as the applicant was known to him.

132 MINUTES OF PLANNING COMMITTEE

RESOLVED -

That the Minutes of the meeting of the Planning Committee held on 1 April, 2019 be signed by the Chair as a true record.

133 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:-

Councillor Hill had not attended the site visit for the following item and left the meeting at this point.

CHE/18/00788/FUL - ERECTION OF DETACHED HOUSE WITH INTERNAL GARAGE (COAL MINING RISK ASSESSMENT RECEIVED 13.03.2019 AND REVISED SITE PLAN RECEIVED 14.03.2019) AT LAND ADJACENT TO 392 ASHGATE ROAD, CHESTERFIELD FOR MR ROGER MYDDELTON

In accordance with Minute No. 299 (2001/2002) Mr Tim Stubbins (applicant's architect) 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 (listed below) with the exception of any approved non material amendment.

- Site Plan, drawing number 18/731 2. Revision B

- Plans and Elevations, drawing number 18-731-01
 - Application form
 - Coal Mining Risk Assessment produced by Eastwood & Partners reference CAT/RW/GCB/43718-001 (dated 11.03.2019)
3. 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
4. The proposed dwelling shall not be occupied until the 3 car parking spaces shown on 'Site Plan' Drawing Number 18/731 2. Revision B (dated March 2019) are provided and thereafter shall be retained permanently for domestic car parking maintained free from any impediment to their designated use for the life of the development unless otherwise agreed in writing by the Local Planning Authority.
5. A residential charging point shall be provided for the additional dwelling with an IP65 rated domestic 13 amp socket, directly wired to the consumer unit with 32 amp cable to an appropriate RCD. The socket shall be located where it can later be changed to a 32 amp EVCP. Alternative provision to this specification must be approved in writing, by the local planning authority. The electric vehicle charging points shall be provided in accordance with the stated criteria prior to occupation and shall be maintained for the life of the approved development.
6. No gates or other barriers shall be erected across the driveway.
7. Prior to the occupation of the dwelling, new vehicular and pedestrian accesses shall be formed to Ashgate Road in accordance with the revised drawing and provided with visibility sightlines extending from a point 2.4 metres from the carriageway edge, measured along the centreline of the access, for a distance of 43 metres in both directions measured along the nearside carriageway edge. The land in advance of the visibility sightlines shall be retained throughout the life of the development free of any object greater than 1m in height (0.6m in the case of vegetation) relative to adjoining nearside carriageway channel level.
8. No development approved by this permission shall be commenced until a scheme for the provision and implementation of surface water run-

off limitation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall incorporate sustainable drainage principles and shall be implemented in accordance with the approved programme and details. There shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

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

10. 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

11. Prior to the commencement of the development hereby approved (including all preparatory work), details of all proposed Access Facilitation Pruning (see BS5837:2012 for definition) shall be submitted to and approved in writing by the Local Planning Authority. The approved tree pruning works shall be carried out in accordance with BS3998:2010. The development thereafter shall be implemented in strict accordance with the approved details.

12. Prior to the commencement of the development hereby approved (including land clearance and all preparatory work), a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the

Local Planning Authority.

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

- a) Location and installation of services/utilities/drainage. Details should include the methodology of how the services will be installed which run through the root protection areas.
- b) Details of construction within the RPA that may impact on the retained trees. This should include details and cross sectional drawing of the piling system and include existing and proposed levels. Details of the proposed new walling at the access off Ashgate Road should also be submitted.
- c) A full specification for the installation of boundary treatment works.
- d) A full specification for the construction of any access, parking areas and driveways, including details of the no-dig specification and extent of the areas of the parking areas and driveways to be constructed using a no-dig specification. Details shall include relevant sections through them. This should also include details of the proposed new walling at the access off Ashgate Road.
- e) Detailed levels and cross-sections to show that the raised levels of surfacing, where the installation of no-dig surfacing within Root Protection Areas is proposed, demonstrating that they can be accommodated where they meet with any adjacent building damp proof courses.
- f) A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing on a scaled plan.
- g) A specification for scaffolding and ground protection within tree protection zones.
- h) Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area.
- i) Details of site access and the location of temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires.

- j) Boundary treatments within the RPA.
- k) Methodology and detailed assessment of root pruning (if required).

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

13. 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.

There shall be no excavation or raising or lowering of levels within the prescribed root protection area of retained trees unless agreed in writing by the Local Planning Authority. 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).

14. Notwithstanding the details shown on the approved plan Plans and Elevations, drawing number 18-731-01 the roof light proposed in the southern roof plane facing towards No 4 The Dell to the south, shall only be fitted with a cill height above 1.7m high (measured internally) and shall thereafter be retained as such in perpetuity.

15. Before 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.

(B) That a CIL Liability notice be served for £17,652.50 as detailed in section 5.12 of the officer's report.

Councillor Simmons had declared an interest in the following item and left the meeting at this point.

CHE/19/00076/FUL - ERECTION OF 6 RESIDENTIAL DWELLINGS WITHIN THE GROUNDS OF APPLETTREES COMPRISING 2 X 4 BEDROOM DETACHED HOUSES AND 4 X 3 BEDROOM SEMI-DETACHED HOUSES SERVED BY A MODIFIED ACCESS FROM LANCASTER ROAD (REVISED PLANS RECEIVED 08/04/2019) AT APPLETTREES, LANCASTER ROAD, NEWBOLD, CHESTERFIELD, DERBYSHIRE S41 8TP FOR DR S SANGHERA

In accordance with Minute No. 299 (2001/2002) Mr Lee Barnes (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 (listed below) with the exception of any approved non material amendment.

767 101 Rev A – Plot 2 and 3

767 102 Rev A – Plot 4

767 103 Rev A – Plots 5 and 6

767 104 Rev A – Plot 7

DS-1406-02-GA-002 - Existing and Proposed Sections

DS-1406-02-PL-001 – Bin Store

DS-1406-02-PL-002 – Site Compound

DS-1406-02-PL-003 – Root Protection Area Fencing Detail

DS-1406-02-PL-004 – Proposed Planting Scheme

DS-1406-02-PL-005 – Hard Landscaping Plan

DS-1406-02-PL-006 – External Lighting Plan
DS-1406-02-PL-007 – Stone Wall Detail
DS-1406-02-PL-008 P1 – Drainage General Arrangement
DS-1406-02-PL-009 – Proposed Site Plan
DS-1406-02-PL-010 – Existing Site Plan
DS-1406-02-PL-011 – Tree Retention Plan
DS-1406-02-PL-012 – Tree Removal Plan
DS-1406-01-DR-002 – Drainage Construction Details (Sheet 1) DS-1406-01-DR-003 - Drainage Construction Details (Sheet 2)
DS-1406-01-DR-004 – Drainage Catchment Areas
DS-1406-01-DR-005 – Attenuation Tank Details

Design & Access Statement (by Haxton Koyander Architecture Ltd dated January 2019);

Supplementary Report by Wildlife Discovery Ecological Consultants dated January 2019 of Extended Phase 1 Habitat & Tree Survey Report (by Wildlife Discovery dated January 2016);

Coal Mining Risk Assessment (by Terry Lee Associates dated January 2016);

Phase II Geotechnical & Geo-Environmental Assessment Report and Mining Assessment Report (by Groundsmiths UK Ltd dated January 2019);

Phase III Remediation Method Statement (by Groundsmiths dated April 2019);

3. The development hereby approved shall be constructed in accordance with the Drainage Scheme detailed on Drawing No's DS-1406-01-DR-002 – Drainage Construction Details (Sheet 1), DS-1406-01-DR-003 - Drainage Construction Details (Sheet 2), DS-1406-01-DR-004 – Drainage Catchment Areas, DS-1406-01-DR-005 – Attenuation Tank Details, DS-1406-02-PL-008 P1 – Drainage General Arrangement. The dwellings shall not be occupied until both foul and surface water drainage works have been completed in accordance with the approved plans (unless amendment to that scheme is agreed in writing with the Local Planning Authority under the provisions of this condition).

4. A. Development shall only be undertaken on site in accordance with the conclusions of the Phase II Geotechnical & Geo-Environmental Assessment Report and Mining Assessment Report (by Groundsmiths UK Ltd dated January 2019); and the Phase III Remediation Method Statement (by Groundsmiths dated April 2019).

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.

5. The site entrance shall be formed in accordance with drawing no. DS-1406-01-PL-001 which shows the provision of a bin store adjacent to Lancaster Road. Prior to the occupation of any dwelling hereby approved the bin dwell/bin store shall be formed and be made available for bins to be sited in this location on collection day by the waste authority. Thereafter this facility shall be maintained available for use in perpetuity.

6. Before any other operations are commenced (excluding demolition/clearance) space shall be provided within the site curtilage for the storage of plant/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 set out on drawing no. DS-1406-02-PL-002- Site Compound and maintained throughout the contact period in accordance with the approved designs free from any impediment to its designated use.

7. Before any other operations are commenced a new vehicular and pedestrian access shall be create to Lancaster Road in accordance with the revised application drawings, laid out, constructed and provided with visibility splays of 2.4m x 43m in both directions, the area in advance of the sightlines being maintained throughout the life of the development clear of any object greater than 1m in height (0.6m in the case of vegetation) relative to the adjoining nearside channel level.

8. Before any other operations are commenced (excluding the creation of the new access the subject of the condition above) the existing vehicular and pedestrian access to Lancaster Road shall be permanently close with a physical barrier and the existing vehicle crossover reinstated as footway in accordance with drawing no. DS-1406-01-HW-003 (submitted and

agreed with app. CHE/19/00057/DOC).

9. The premises the subject of the application shall not be occupied until space has been provided within the application site in accordance with the revised application drawings for the parking and manoeuvring of vehicles, laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.

10. Notwithstanding the Town and Country Planning (General Permitted development) Order 1995 the garage accommodation/parking space to be provided in connection with the development shall not be used other than for the above stated purpose except with the prior permission of the Local Planning Authority granted on an application made in that regard.

11. The proposed driveway/access to Lancaster Road shall be no steeper than 1 in 14 over its entire length.

12. The dwellings hereby approved shall be constructed using the agreed materials schedule (submitted and agreed with app. CHE/19/00057/DOC) as part of the development, unless alternative materials are subsequently submitted and agreed in writing by the Local Planning Authority under the provisions of this condition.

13. 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.

14. 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.

15. Prior to any development commencing Root Protection Areas (RPA's) shall be established to all protected trees and landscape feature to be retained on the site and the adjacent sites by the placement of protective fencing in accordance with drawing no. DS-1406-01-PL-003. The fencing shall be undertaken as approved before any equipment, machinery or materials have been brought onto the site for the development and shall be maintained as approved until all equipment, machinery and surplus

materials have been removed from the site. Nothing shall be stored or placed in any areas fenced in accordance with this condition and the ground levels within these areas shall not be altered, nor any excavation made, without the prior written consent of the Local Planning Authority.

16. Prior to the occupation of any of the dwellings hereby approved, soft landscaping and ecological enhancement measures and mitigation shall be implemented to each respective plot upon completion of development in accordance with drawing no. DS-1406-01-PL-004 and the Ecological Mitigation, Compensation and Enhancement Strategy prepared by James Frith dated January 2019 (submitted and agreed with app. CHE/19/00057/DOC). All planting/measures shall be carried out in accordance with the approved details.

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

18. There shall be no removal of hedgerows, trees, shrubs, brambles or ground clearance take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of the area for active birds' nests immediately before the work is commenced. Provided that the ecologist is satisfied that no birds will be harmed, and/or that there are appropriate measures in place to protect nesting bird interest on site and the Local Planning Authority receive written confirmation of such (which shall subsequently need to be approved in writing), works will thereafter be permitted to take place in accordance with any protection measures recommended without restriction.

19. Prior to the occupation of any of the dwellings hereby approved, hard landscaping and ecological enhancement measures and mitigation shall be implemented to each respective plot upon completion of development in accordance with drawing no. DS-1406-01-PL-005 and the Ecological Mitigation, Compensation and Enhancement Strategy prepared by James Frith dated January 2019 (submitted and agreed with app. CHE/19/00057/DOC). All planting/measures shall be carried out in accordance with the approved details.

20. The boundary wall situated along the site frontage shall be rebuilt in accordance with the details set out on drawing no. DS-1406-02-PL-007.

Development shall thereafter be carried out in accordance with the approved details and shall be completed prior to the occupation of no more than 50% of the dwellings hereby approved on site.

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

22. External lighting to the shared driveway shall only be installed in accordance with drawing no. DS-1406-01-PL-006. Such approved measures should be implemented in full and maintained thereafter in perpetuity.

23. A residential charging point shall be provided for the additional dwelling with an IP65 rated domestic 13 amp socket, directly wired to the consumer unit with 32 amp cable to an appropriate RCD. The socket shall be located where it can later be changed to a 32 amp EVCP. Alternative provision to this specification must be approved in writing, by the local planning authority. The electric vehicle charging points shall be provided in accordance with the stated criteria prior to occupation and shall be maintained for the life of the approved development.

(B) That a CIL Liability notice be served for £47,116 as detailed in section 5.9 of the officer's report.

Councillor Simmons returned to the meeting.

CHE/19/00048/OUT - OUTLINE APPLICATION FOR PLANNING PERMISSION FOR ONE DWELLING TIED TO THE EXISTING BOARDING KENNELS AT BROOMHILL FARM, BROOMHILL ROAD, OLD WHITTINGTON S41 9EA

In accordance with Minute No. 299 (2001/2002) Jenifer Mark (on behalf of the applicant) and Rebecca Williams (employee of the applicant supporting the application) addressed the meeting.

That the officer recommendation not be followed and the application be approved, with all matters reserved to a future meeting of the Planning

Committee.

That a further report detailing the conditions of the permission be brought to the Planning Committee meeting on 20 May, 2019.

CHE/18/00859/FUL - PROPOSED – CONVERSION OF FORMER CHURCH INTO FOUR APARTMENTS AND CONSTRUCTION OF EIGHT NEW SEMI-DETACHED HOUSES AT ST JOSEPHS RC CHURCH, CHESTERFIELD ROAD, MIDDLECROFT, STAVELEY, DERBYSHIRE S43 3QF FOR MR RAFIQ KHAN

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

Time Limit etc

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. All external dimensions and elevational treatments shall be as shown on the approved plans (listed below) with the exception of any approved non material amendment.

01258/18 2126 – EXISTING ROOF PLAN
 01258/18 2125 – EXISTING UPPER GF WINDOWS
 01258/18 2125 – EXISTING SECTIONS
 01258/18 2124 – EXISTING CELLAR PLAN
 01258/18 2123 – EXISTING GROUND FLOOR PLAN
 01258/18 2122 – EXISTING ELEVATIONS
 18-1433 A(00)-01 LOCATION PLAN
 S9203 – TOPOGRAPHICAL SITE SURVEY
 07-0057-001 PL1 – VEHICLE TRACKING 1
 07-0057-002 PL1 – VEHICLE TRACKING 2
 18-1433 A(10)-210 REV B – PROPOSED FLOOR PLANS AND ELEVATIONS OF SEMI-DETACHED PROPERTIES
 18-1433 A(10)-110 REV B – PROPOSED GF PLAN
 18-1433 A(10)-111 REV B – PROPOSED FF AND ROOF PLAN
 18-1433 A(10)-131 REV B – PROPOSED NORTH AND EAST ELEVATIONS
 18-1433 A(10)-133 REV B – PROPOSED SOUTH AND WEST ELEVATIONS
 18-1433 A(20)-101 REV B – PROPOSED SECTIONS A-A, B-B AND C-C

(CHURCH)

18-1433 A(90)-01 REV A – PROPOSED BIN STORE DETAILS

18-1433 A(90)-05 REV C – PROPOSED SITE LAYOUT PLAN

18-1433 A(90)-21 REV B – PROPOSED SECTIONS A-A, B-B AND C-C

(SITE)

18-1433 A(90)-31 REV B – PROPOSED C/FIELD ROAD
STREETSCENE

Design & Access Statement
Drainage Strategy Report
Coal Mining Risk Assessment
Site Investigation Report
Ecological Appraisal
Residential Noise Survey

Drainage

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

4. 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 there shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to:-

- a) evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical;
- b) evidence of existing positive drainage to public sewer and the current points of connection; and
- c) the means of restricting the discharge to public sewer to the existing rate less a minimum 30% reduction, based on the existing peak discharge rate during a 1 in 1 year storm event, to allow for climate change.

Contaminated Land

5. A. Development shall only be undertaken on site in accordance with the conclusions of the Site Investigation Report by Haigh Huddleson and Associates.

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.

Highways

6. No development shall take place including any works of demolition until a construction management plan or construction method statement has been submitted to and been approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The statement shall provide for:

- Parking of vehicles of site operatives and visitors
- routes for construction traffic
- hours of operation
- method of prevention of debris being carried onto highway
- pedestrian and cyclist protection
- proposed temporary traffic restrictions
- arrangements for turning vehicles

7. The premises, the subject of the application, shall not be occupied/ taken into use until the site access/exit has been modified in accordance with the revised and approved application drawings to be provided with exit visibility sightlines (as shown) to the nearside carriageway channel in each direction and all areas in advance of the sightlines being over controlled land/existing highway and maintained clear of any obstructions greater than 1.0m in height (600mm in the case of vegetation) relative to the same channel level.

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

Ecology

9. Prior to building works commencing above foundation level, a Biodiversity Enhancement Strategy shall be submitted to and approved in writing by the Local Planning Authority to achieve a net gain in biodiversity in accordance with the NPPF 2018. Such approved measures should be implemented in full and maintained thereafter. Measures shall include:

- details of bird and bat boxes will be clearly shown on a plan (positions/specification/numbers)
- hedgehog connectivity measures will be clearly shown on a plan, such as small fencing gaps (130 mm x 130 mm), railings or hedgerows
- summary of ecologically beneficial landscaping (full details to be provided in Landscape Plans).

Landscaping

10. Within 2 months of commencement of development full details of hard landscape works for the approved development shall be submitted to the Local Planning Authority for consideration.

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

11. Within 2 months of commencement of development details of a soft landscaping scheme for the approved development shall be submitted to

the Local Planning Authority for consideration.

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

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

13. No vegetation clearance works shall take place between 1st March and 31st August inclusive, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period, and details of measures to protect the nesting bird interest on the site, have first been submitted to and approved in writing by the local planning authority and then implemented as approved.

Others

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

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

16. 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.

17. Prior to the commencement of the development, details of the existing and proposed land levels and the proposed floor levels of the dwellings hereby approved shall be 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 dwelling shall be constructed at the levels approved under this condition unless otherwise agreed, in writing, by the Local Planning Authority.

18. A residential charging point shall be provided for the additional dwelling with an IP65 rated domestic 13 amp socket, directly wired to the consumer unit with 32 amp cable to an appropriate RCD. The socket shall be located where it can later be changed to a 32 amp EVCP. Alternative provision to this specification must be approved in writing, by the local planning authority. The electric vehicle charging points shall be provided in accordance with the stated criteria prior to occupation and shall be maintained for the life of the approved development.

19. Development shall be undertaken in accordance with the mitigation measures as set out in the Residential Noise Survey by Nova Acoustics dated 26/11/2018 and no dwelling shall be occupied until all measures have been implemented.

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

21. 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.

(B) That a CIL Liability notice be served for £37,309 as detailed in section 5.9 of the officer's report and the Committee Meeting.

CHE/18/00872/FUL - FULL APPLICATION FOR CONVERSION AND EXTENSION OF DWELLING TO FORM TWO SEPARATE DWELLINGS AT 220A MANOR ROAD, BRIMINGTON, CHESTERFIELD FOR MR K YARNOLD

That the officer recommendation be upheld and the application be approved subject to the following 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 as listed below with the exception of any approved non material amendment.

17-167C; 17-167-03; 17-167-04; 17-167-05; 17-167-06;
17-167-07; 17-167-09; 17-167-10A; 17-167-11

3. There shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.
4. 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.
5. A residential charging point shall be provided for the additional dwelling with an IP65 rated domestic 13 amp socket, directly wired to the consumer unit with 32 amp cable to an appropriate RCD. The socket shall be located where it can later be changed to a 32 amp EVCP. Alternative provision to this specification must be approved in writing, by the local planning authority. The electric vehicle charging points shall be provided in accordance with the stated criteria prior to occupation and shall be maintained for the life of the approved development.

6. Prior to commencement of the development hereby approved evidence shall have been provided to and approved in writing by the local planning authority demonstrating the inclusion in the property deeds of 222 Manor Road a 2.4 metre by 47 metre visibility splay across the frontage of the property. The development shall thereafter proceed in accordance with the application drawing and the land in advance of the visibility sightline shall be retained throughout the life of the development free of any object greater than 1m in height (0.6m in the case of vegetation) relative to adjoining nearside carriageway channel level.
7. Prior to occupation of the additional dwelling hereby approved the access driveway shall be widened in accordance with the approved drawing 17-167-10A and which shall be retained as such thereafter.
8. The proposed additional dwelling shall not be occupied until space has been laid out within the site in accordance with the application drawing 17-167-10A for vehicles to be parked and manoeuvred. Thereafter, the parking and associated manoeuvring areas shall be maintained free from any impediment to their designated use for the life of the development.
9. Details of a 1.8 metre high screen fence or wall to be installed along the boundary of the site with 220 Manor Road, between points A and B shown on the attached plan, shall be submitted to the local planning authority for consideration. The details subsequently agreed in writing by the local planning authority shall have been installed on site prior to occupation of the additional dwelling and which shall be retained thereafter for the life of the development.

CHE/19/00088/OUT - OUTLINE APPLICATION FOR ONE RESIDENTIAL PROPERTY INCLUDING ACCESS AT LAND BETWEEN 34 AND 38 LAKE VIEW AVENUE, WALTON, CHESTERFIELD FOR MRS HELENE BUTLER

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

1. Approval of the details of the scale, layout, external appearance and landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
2. Application for approval of all the reserved matters shall be made to

the Local Planning Authority before the expiration of three years from the date of this permission.

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

4. 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. Details of the existing and proposed land levels and the proposed floor levels of the dwelling 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 dwelling shall be constructed at the levels approved under this condition unless otherwise agreed, in writing, by the Local Planning Authority.

6. 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.

7. 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.

8. The premises, the subject of the application, shall not be occupied until

space has been provided within the site curtilage for the parking of vehicles, located, designed, laid out and constructed all as agreed in writing by the Local Planning Authority and maintained throughout the life of the development free from any impediment to its designated use.

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

10. A residential charging point shall be provided for the additional dwelling with an IP65 rated domestic 13 amp socket, directly wired to the consumer unit with 32 amp cable to an appropriate RCD. The socket shall be located where it can later be changed to a 32 amp EVCP. Alternative provision to this specification must be approved in writing, by the local planning authority. The electric vehicle charging points shall be provided in accordance with the stated criteria prior to occupation and shall be maintained for the life of the approved development.

CHE/19/00091/REM1 - PROPOSED – VARIATION OF CONDITION 2 (SUBSTITUTION OF APPROVED DRAWINGS) AND 11 (RELOCATION OF BIN COLLECTION POINT) OF CHE/17/00263/FUL - ERECTION OF 34 DWELLINGS INCLUDING PRIVATE AMENITY SPACE, CAR PARKING PROVISION, NEW ACCESS ROAD, LANDSCAPING, DRAINAGE SWALE AND ON-SITE OPEN SPACE AT THE FORMER SALTERGATE HEALTH CENTRE, SALTERGATE, CHESTERFIELD, DERBYSHIRE FOR WOODALL HOMES LTD

That the officer recommendation be upheld and the application be approved and conditions 2 and 11 be amended/agreed and condition 23 inserted as follows:-

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

C00 REV A - SITE LOCATION PLAN
 W01 REV J - SITE LAYOUT PLAN
 C02 REV C - SITE LAYOUT PLAN
 C03 REV A - PLOTS 1 AND 26 PETWORTH
 C04 REV A - PLOTS 2, 5, 6, 12 AND 24 - ROSDENE
 C05 REV A - PLOTS 3 AND 17 PETWORTH

C06 REV B - PLOT 4 LINDISFARNE
C07 REV B - PLOTS 7 AND 15 LINDISFARNE
W09 REV F AND P03 - PLOTS 8 – 11, 19 and 21 CLAREMONT (FLATS)
C09 REV B - PLOT 14 - BUCKINGHAM
C10 REV A - PLOT 16 - WYCOMBE
P02 – PLOTS 18 AND 20 - HADDON
C12 REV B - PLOTS 22 AND 23 - HARDWICK
C13 REV B - PLOTS 25 AND 31 - WESTBURY
C14 REV B - PLOT 28 - KINGSTON
C15 REV B - PLOTS 29 AND 30 - THORNTON
C16 REV A - PLOTS 31, 32 33 AND 34 - AFFORDABLE
C18 - PLOT 27 - ROSEDENE
C22 REV B - GARAGES
C23 - GARAGE G7
C20 REV A - BOUNDARY TREATMENTS PLAN
C21 - BOUNDARY TREATMENTS DETAILS
SOFT LANDSCAPE PROPOSALS (1) L9008_03 REV F
SOFT LANDSCAPE PROPOSALS (2) L9008_04 REV F
SOFT LANDSCAPE PROPOSALS (3) L9008_05 REV E
SOFT LANDSCAPE PROPOSALS (4) L9008_06 REV B
40337/001 REV A - EXPLORATORY HOLE LOCATION PLAN
40337/012 REV B - EXTERNAL WORKS
40337/013 REV F - PLOT DRAINAGE
40337/014 REV C - LONGITUDINAL SECTIONS (SHEET 1 OF 2)
40337/015 REV A - LONGITUDINAL SECTIONS (SHEET 2 OF 2)
40337/016 REV A - MANHOLE SCHEDULES
40337/018 REV A - S104 (DRAINAGE) LAYOUT
40337/019 REV A - S102 (DRAINAGE) LAYOUT
40337/020 REV A - FOUNDATION SCHEDULE PLAN 1 OF 2
40337/021 REV A - FOUNDATION SCHEDULE PLAN 2 OF 2
40337/022 REV A - FOUNDATION SCHEDULE TABLE
40337/023 REV A - FLOOD ROUTING PLAN
40337/024 REV A - DRAINAGE DETAILS SHEET 1 OF 2
40337/026 REV A - DRAINAGE DETAILS SHEET 2 OF 2
40337/035 REV B - S278 WORKS SPENCER STREET
40337-/036 REV E - S278 WORKS SALTERGATE
40337/038 REV C - HIGHWAYS LAYOUT AND SETTING OUT - 1 OF 2
40337/039 REV C - HIGHWAYS LAYOUT AND SETTING OUT - 2 OF 2
40337 ATR1 REV A - VEHICLE TRACKING DIAGRAM
40337/044 REV A - PRIVATE CATCHPIT DETAIL
SA1 INC. STORAGE 100YR+ CC
SA2 INC. STORAGE 100YR+ CC

SA3 INC. STORAGE 100YR + CC
40337/002 - REPORT ON ADDITIONAL INVESTIGATION
08321 SITE DRAWING AND WINCAN V8 (SEWER SURVEY)
C17 REV D - FRONT BOUNDARY WALL RE-ALIGNMENT
C19 - SITE MANAGEMENT PLAN
W27 REV B - SITE COMPOUND
CONSTRUCTION METHOD STATEMENT REV A -14TH JUNE 2017 (AS
AMENDED TO EXCLUDE CONSTRUCTION TRAFFIC TO SPENCER
STREET - 04/08/2017)
LTP/19 - SECTION THROUGH ROAD AND T19 & T26
'NO DIG' CONSTRUCTION METHOD STATEMENT - 14TH JUNE 2017
DEMOLITION AND CONSTRUCTION OF RETAINING WALL METHOD
STATEMENT - 4TH JULY 2017
MMA14548/001 R2 – STREET LIGHTING DESIGN
OUTDOOR LIGHTING REPORT AND P852 SPEC
DESIGN AND ACCESS STATEMENT (UPDATED 09/06/2017)
PLANNING STATEMENT
HERITAGE STATEMENT
ECOLOGICAL APPRAISAL
TRANSPORT STATEMENT
STATEMENT OF COMMUNITY INVOLVEMENT
COAL MINING RISK ASSESSMENT
PHASE I ENVIRONMENTAL REVIEW AND PHASE II SITE
INVESTIGATION REPORT
FLOOD RISK ASSESSMENT
ECUS TREE SURVEY, ARBORICULTURAL IMPACT
ASSESSMENT AND ARBORICULTURAL METHOD STATEMENT
DATED JULY 2017
ECUS JAPANESE KNOTWEED SURVEY DATED 24TH APRIL 2017
VIABILITY APPRAISAL REV A - CONFIDENTIAL (UPDATED
05/07/2017)
PLOT MATERIALS SCHEDULE AND SITE PLAN WITH BRICK
CHOICES - 20/07/2017

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

The wording to condition 11 will not change; however the amended bin

collection details shall be subsequently approved under the provisions of the above condition and DOC application CHE/18/00644/DOC.

23. Within 2 months of the date of this consent, the pedestrian access route to Brickyard Walk shall be gated as per the original approved plans with access provided exclusively to residential dwellings on the associated estate. In addition to the secure gate a light shall be installed (either a freestanding streetlight or a wall mounted fixture) to illuminate the pedestrian access route. These features shall thereafter be retained and maintained in perpetuity by the associated private management company of the estate.

134 **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

19/00115/OTHFFP	New enterprise centre at Holywell Cross Car Park (Donut) Chesterfield S40 1UN
19/01212/DEXFP	Removal of wall to rear to insert bi-fold doors at 41 Brearley Avenue New Whittington Chesterfield S43 2DY
19/01236/DEXFP	Removal of internal wall between kitchen and dining room and patio doors in place of window at 27 Hawksley Avenue Chesterfield S40 4TJ
19/01202/DEXFP	Front extension and new patio door to rear and replacement windows at 7 Somersall Park Road Chesterfield S40 3LD
18/06544/OTHFP	Alterations to provide disabled lift and access at Central Methodist Church 38 Saltergate Chesterfield S40 1UH
19/01199/DEXFP	Loft conversion at 36 Shaftesbury Avenue Ashgate Chesterfield S40 1HN

19/00187/OTHFP	Timber office structure with commercial shell at Unit 11 Clarence Industrial Trading Estate Eastside Road Chesterfield S41 9AT
19/01463/DEXFP	Proposed internal alterations at 50 Greenbank Drive Loundsley Green Chesterfield S40 4BX
19/00365/DEXFP	Single storey rear extension at 24 Stanley Avenue Inkersall Chesterfield S43 3SU
19/01641/DEXFP	Construction of a detached garage at Oak Tree House Markham Road Duckmanton Chesterfield S44 5HP
18/06549/DOMFP	Construction of three bedroomed dwelling at land to the rear of 115 Coniston Road Newbold Chesterfield S41 8JE

135 **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/18/00768/REM	Approval of reserved matters of CHE/15/00085/OUT - residential development of 33 dwellings - revised plans received 21/02/2019 at land to the east of Rectory Road Duckmanton for Woodall Homes Ltd
CHE/18/00829/FUL	Erection of a single-storey rear extension and associated landscaping works. Removal of masonry below existing window sill to form door access between existing building and proposed extension. Demolition of existing garage with new garage to be constructed further back on the site. - revised drawings received 7 3 2019 at Long Cottage 79 High Street Old Whittington S41 9LA

for Mr Jon Carr

- CHE/18/00830/LBC Erection of a single-storey rear extension and associated landscaping works. Removal of masonry below existing window sill to form door access between existing building and proposed extension. Demolition of existing garage with new garage to be constructed further back on the site - revised drawings received 7/3/2019 at Long Cottage 79 High Street Old Whittington S41 9LA for Mr Jon Carr
- CHE/18/00869/FUL Ground floor rear extension at 129 Spital Lane Spital Chesterfield S41 0HL for Mrs Sharron Sutton
- CHE/19/00019/FUL Proposed two storey extension to rear elevation at Pottery House 21 Lancaster Road Newbold S41 8TP for Miss Kirsty Siddall
- CHE/19/00038/COU Change of use of bedroom to treatment room/salon at 10 Romford Way Barrow Hill Derbyshire S43 2PU for Mrs Nicola Farrer
- CHE/19/00044/FUL Existing boundary stone wall currently topped by wooden vertilap fence 35" height. Removal of fence and replacement wrought iron railing fence 10m in length by 800mm in height with steel plate fixings to coping stones at 22A Abercrombie Street Chesterfield S41 7LW for Mr Peter Neale
- CHE/19/00054/FUL Demolition of brick outbuilding and construction of new single storey rear extension to form lounge and enlarged kitchen at 7 Barholme Close Upper Newbold S41 8AB for Mr John Riley
- CHE/19/00056/FUL Provision of vehicular access and off road parking area and to improve pedestrian access at 96 Sycamore Road Hollingwood S43 2LP for Ms Jacqueline Marshall
- CHE/19/00061/FUL Single storey rear extension at Stonecroft High

- Street Old Whittington S41 9LA for Mr and Mrs Blackbourn
- CHE/19/00062/FUL To erect an external metal staircase to the rear of the property to access the first floor at 2 Cross Street Chesterfield S40 4SS for Mrs Katy Daly
- CHE/19/00063/FUL Proposed kitchen extension at 13 Highfield Avenue Newbold S41 7AZ for Mr and Mrs Jones
- CHE/19/00071/FUL Erection of two industrial buildings ancillary to existing operations at Medway Closures Ltd. at Riverside Works Storforth Lane Chesterfield S40 2TU for Medway Closures Ltd.
- CHE/19/00072/FUL Single storey rear lean to extension at 226 Lockoford Lane Tapton S41 0TQ for Mr and Mrs S Colley
- CHE/19/00074/OUT Erection of two new dwellings in the form of a pair of semi-detached bungalows (CMRA received 11.03.2019) at 39 Station Road Brimington S43 1JU for Mr David Martin
- CHE/19/00075/FUL Conversion of garage into sitting room with shower room, access between garage and house to be filled in to form internal corridor at 83 Chantrey Avenue Newbold S41 7DJ for Mr Simon Dunne
- CHE/19/00077/FUL Proposed two storey side and rear extension - Re-submission of CHE/18/00048/FUL at 31 Somersall Park Road Chesterfield S40 3LD for Mr Jonathan Wood
- CHE/19/00079/FUL Single storey side extension at 221 Lockoford Lane Tapton Derbyshire S41 0TG for Mr Martin Brailsford
- CHE/19/00081/FUL Single storey extension to rear, demolition of existing garden out building and small new build to top of garden, conversion of existing garage to

side and small porch extension to front at 22 Tennyson Avenue Chesterfield S40 4SW for Mr and Mrs Emmerson

- CHE/19/00109/TPO T18 - Crown lift this beech tree to 3.5m, T17 Crown lift this lime tree to 3.5m, Group 2 (Silver Birch) Canopy clean removing dead wood. Group 1 - Beech Tree overhanging road crown lift to height of phones lines. Spruce tree crown lift 2 branches to 3 meters, Lawsons Cyprus crown lift branches over drive to 3 metres and cut back from car port at 668 Chatsworth Road Chesterfield Derbyshire S40 3NU for Mrs Wendy Barnet
- CHE/19/00123/TPO T14 - Horse Chestnut - permission to have the tree downsized due to the fact that now a tree close by has been downsized so it makes it very vulnerable to high winds. Reduction in height, reduction in side branches growing to the property also crown thin at 7 Hedley Drive Brimington S43 1BF for Mr Paul Smith
- CHE/19/00147/TPO Removal of two lower branches back to main stem also the removal of branches growing towards the property. Pruning back one at Hady Primary School Hady Lane Hady S41 0DF for Mrs Ann M Thomson
- CHE/19/00158/TPO Large cherry tree next to church building requires some trimming back from building (branches touching structure). Maintain headroom for mowing and to allow erection of scaffolding to facilitate high level roof repair. (Tree 1 on plan) at Rose Hill United Reform Church Rose Hill Chesterfield S40 1JW for Rose Hill United Reformed Church
- (b) Refusals
- CHE/18/00811/FUL To build a concrete sectional apex garage 5.029m wide x 6.172m long on garden area (free standing) - Revised drawings received 01.03.19 at

60 Walton Drive Boythorpe Chesterfield S40 2PR
for Mr Stanislav Priputen

CHE/19/00053/RET The retention of an automated teller machine with added security measures and retention of associated signage - resubmission of CHE/18/00370/RET at Tasty Bites Chesterfield Road Staveley S43 3RX for Cardtronics UK Ltd, Trading As Cashzone

CHE/19/00065/RET Retention of automated teller machine with additional security measures - Light, PZ and CCTV at 39 Chatsworth Road Chesterfield S40 2AH for Cardtronics UK Ltd, trading as CASHZONE

(c) Discharge of Planning Condition

CHE/16/00522/DOC Discharge of conditions of 3, 4, 5, 7, 8, 9, 11, 15, 16 and 17 of CHE/15/00611/FUL at 59 St Augustines Road Birdholme S40 2SA for Hillcare Solutions Ltd

CHE/19/00004/DOC Discharge of condition 7 (windows and doors), condition 8 (shop front), condition 9 (security shutters and alarms), condition 10 (materials), condition 13 (hard landscaping), condition 14 (soft landscaping) and condition 15 (treatment of upper facade) of CHE/15/00676/FUL - change of use and internal refurbishment of former department store to hotel (C1), independent ground floor units (a1/A3/A4) and basement gym (D2) including new external courtyard and alterations to servicing, demolition of bridge, fire escape stair tower and single storey link block and erection of a single storey rear extension at former Department Store Knifemithgate Chesterfield Derbyshire for Jomast Developments

CHE/19/00057/DOC Discharge of planning conditions 3 (drainage), 5 (site investigation), 6 (desk top study), 7 (bin storage), 8 (site storage), 9 (vehicular and

pedestrian access), 10 (vehicular access), 14 (materials), 17 (fencing), 18 (tree planting), 19 (hard landscaping), 20 (stone boundary walls), 21 (Ecological Mitigation) and 24 (External Lighting) of CHE/16/00053/FUL - residential development of 6 dwellings and a modified access from Lancaster Road at Apple Trees Lancaster Road Newbold S41 8TP for Dr Sanghera

CHE/19/00066/DOC Discharge of Conditions Application - Conditions 25 and 26 (Replacement conditions for conditions 32 and 33 on previous planning consent CHE/13/00781/EOT) at Markham Employment Growth Zone Markham Lane Duckmanton S44 5HS for Derbyshire County Council

(d) Split decision with conditions

CHE/19/00070/TPO Crown reduction including cutting through the main stem to reduce height, ivy removal, crown thinning and uplifting at woodland to rear of 30-34 Highview Close Hady S41 0DL for Mr David Miller and Mr James Briggs

CHE/19/00110/TPO Crown lift, removal of dead wood and cross rubbing snapped branches and 25% thin and reduction to Maples T2 and T3 - Crown lift - Removal of dead wood and cross rubbing snapped branches - 25% thin and reduction.

The above works to be carried out to improve health and longevity of afore-mentioned trees.

Cross running and snapped branches to be removed for the safety of those in our garden and using public footpath #76
At 8 Westfield Close Chesterfield S40 3RS for Mrs Lucy Davies

(e) Other Council no objection without comments

CHE/19/00142/CPO Proposed replacement of the timber windows and

doors with double glazed aluminium units to the residential wings of Holly House School. Work to include replacement of fascia and rainwater goods at Holly House School Church Street North Old Whittington S41 9QR for Derbyshire County Council

136 **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/19/00070/TPO	Consent is refused to the pruning of six trees within W1 on the order map for Mr Briggs of 30 High View Close and Mr Miller of 34 High View Close, Hady.
CHE/19/00147/TPO	Consent is granted to the pruning of one Sycamore tree within W1 on the order map for Mrs Thomson of 32 High View Close, Hady.
CHE/19/00158/TPO	Consent is granted to the pruning of one Cherry tree reference T1 on the order map for Mr Frear of The Rose Hill United Reformed Church, Rose Hill.
CHE/19/00109/TPO	Consent is granted to the pruning of 6 trees reference T17 Beech, T18 Lime, 1 Beech, 1 Cypress and 1 Spruce within G1 and 1 Birch within G2 on the Order map for Mr Stout at 668 Chatsworth Road.
CHE/19/00110/TPO	Consent is refused to the pruning of 2 Maple trees reference T2 and T3 on the Order map for Mrs Davies of 8 Westfield Close, Brampton.
CHE/19/00123/TPO	Consent is granted to the pruning of 1 Horsechestnut tree reference T14 on the Order map for Mr Smith of 7 Hedley Drive,

Brimington. The tree is one sided after the adjacent tree was pollarded.

137 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.

138 ENFORCEMENT REPORT (P410)

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

***RESOLVED -**

That the report be noted.

Agenda Item 4

COMMITTEE/SUB	Planning Committee
DATE OF MEETING	20 MAY 2019
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 20TH MAY 2019**

- ITEM 1 - CHE/19/00115/FUL - Transfer of existing car boot sale from the Proact Stadium, Sheffield Road to car park to the rear of the Town Hall, Rose Hill on Sundays from 07:00 Hrs to 13:30 Hrs at car park to rear of Town Hall, Rose Hill, Chesterfield, S40 1LP – Chesterfield Borough Council.**
- ITEM 2 - CHE/18/00756/OUT – Outline application with all matters reserved for a single detached dwellinghouse on land to rear 14 Avenue Road, Whittington Moor, Chesterfield for Mr. Grant.**
- ITEM 3 - CHE/19/00048/OUT – ADDENDUM – Outline application for planning permission for one dwelling tied to the existing boarding kennels at Broomhill Farm, Broomhill Road, Old Whittington, S41 9EA**
- ITEM 4 - CHE/19/00012/FUL – Proposed change of use and external changes from A2 (Financial and Professional Services) to C3 (Dwelling) (Revised plans and Design and Access Statement received 11.03.2019) at Natwest, 10 High Street, Staveley, Chesterfield, Derbyshire, S43 3UJ for Mr D Palterman.**

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Case Officer: Rob Forrester
Tel. No: (01246) 345580
Ctte Date: 20th May 2019

File No: CHE/19/00115/FUL
Plot No: 2/1975

ITEM 1

TRANSFER OF EXISTING CAR BOOT SALE FROM THE PROACT STADIUM, SHEFFIELD ROAD TO CAR PARK TO THE REAR OF THE TOWN HALL, ROSE HILL ON SUNDAYS FROM 07:00 HRS TO 13:30 HRS AT CAR PARK TO REAR OF TOWN HALL, ROSE HILL, CHESTERFIELD. S40 1LP - CHESTERFIELD BOROUGH COUNCIL

Local Plan: Town Centre
Ward: Brockwell

1.0 CONSULTATIONS

Local Highways Authority	Comments received 21/03/2019 – no objection
CBC Strategic Planning Team	No Comments received
CBC Environmental Services	Comments received 03/04/2019 and 30.04.2019 – see report
CBC Design Services	Comments received 02/04/2019 – see report
CBC Conservation Officer	Comments received 07/05/2019 – see report
Economic Development Team	No comments received
Crime Prevention Design Advisor	Comments received 11/04/2019 – see report
CBC Urban Design Officer	Comments received 07/05/2019 – see report
Chesterfield Civic Society	No comments received
Chesterfield Cycle Campaign	Comments received 12/04/2019 – see report
Derbyshire CC	No comments received
Ward Members	No comments received
Site Notice / Neighbours	No representations received

2.0 **THE SITE**

2.1 The site the subject of the application comprises of the tarmac-surfaced car-park to the Town Hall, which fronts on to Saltergate, but is known as Rose Hill Car Park and has 242 spaces.

The car-park has an access and egress on to Rose Hill East and Rose Hill West, both being barrier controlled, and the car-park is roughly rectangular in form.

Photos showing existing car park and barrier entrances



2.2 The car-park provides public pay-on-exit and staff parking and is in regular use.

2.3 The adjacent Town Hall is a Grade II listed building and the site is a prominent one in the Conservation Area. A purple Maple in the S.W corner is covered by a Preservation Order. In addition there are a number of trees bordering the east and west verges of the car park and centrally aligning the car park bays which are protected by means of the overarching Conservation Area designation.

3.0 **RELEVANT SITE HISTORY**

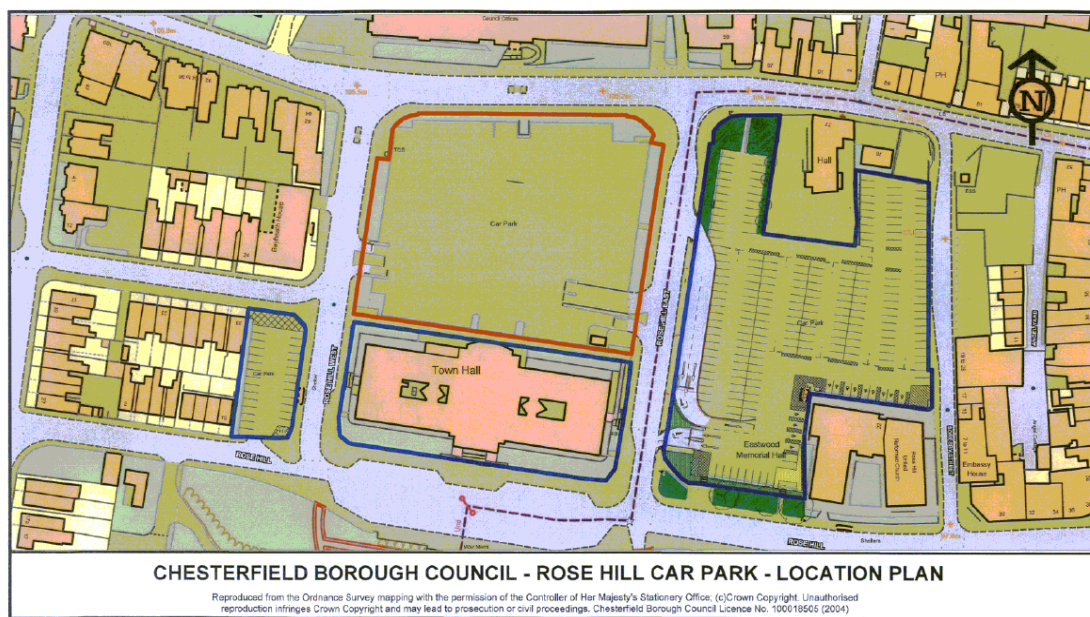
3.1 There is no relevant Planning History.

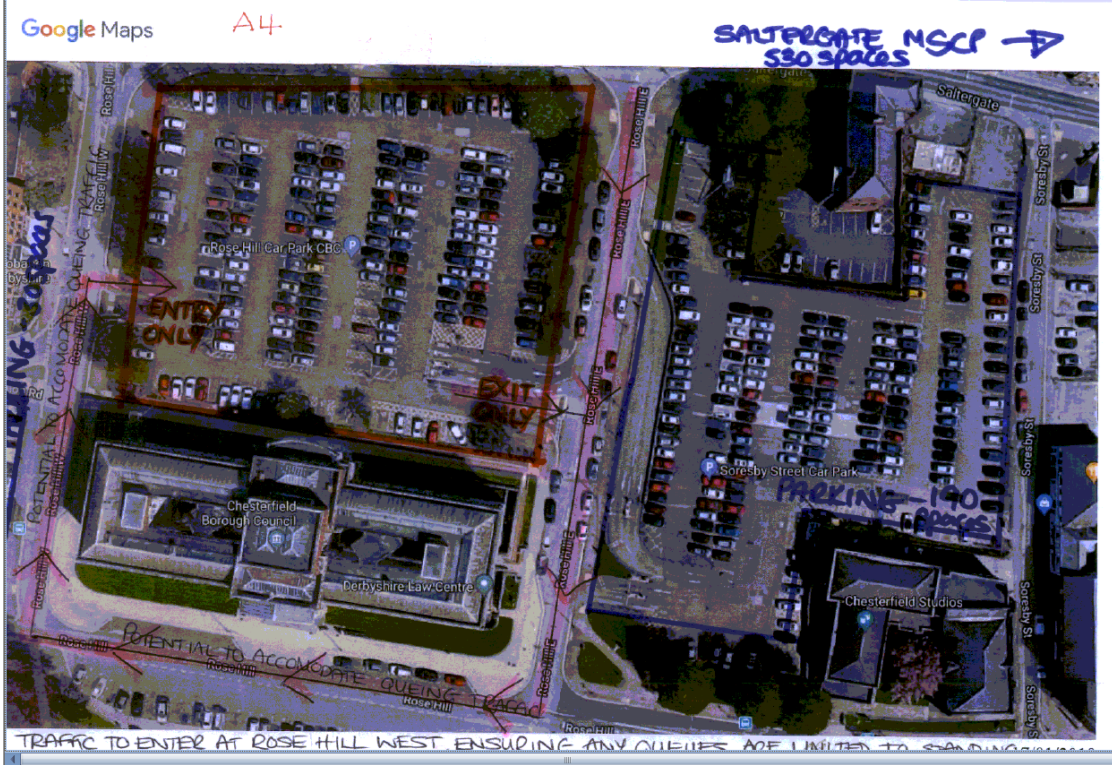
4.0 **THE PROPOSAL**

4.1 The application submitted seeks full planning permission for the use of the Town Hall Car Park as a Sunday Car-boot sale, which currently operates from The Proact Stadium, Sheffield Road.

4.2 The development will be served by the existing access point onto Rose Hill West (with egress on to Rose Hill East) in order to avoid cars queuing on Saltergate - see layout below - and the car-boot sale will allow for up to 150 stall-holders.

4.3 Site Layout and traffic management shown below





4.4 The application submission is supported by a Site Management Plan which states:-

- The car-boot sale will operate every Sunday from 08.00-13.00, with traders having access from 07.00 to set-up and will leave by 13.30 when the car-park will re-open
- The site will be controlled by barriers
- There will be 3 caterers on site
- There will be 3 Council employees present for stewarding and clean-up purposes
- There will be 3 'porta-loos' provided
- The Rose Hill West access is to be used to prevent queuing on Saltergate
- Car Booters arriving prior to 07:00 hours will be instructed to park away from Rose Hill West entrance, they will be held in the parking bays directly opposite the Town Hall on Rose Hill until 07:00 hours, to prevent noise to nearby residents
- Whilst parking would be lost, it is not highly used on Sundays and other car-parks exist nearby
- There will be no music/public address allowed
- It will be covered by CCTV

5.0 **CONSIDERATIONS**

5.1 **Planning Policy Background**

- 5.1.1 The site is situated within the defined town centre, where it is appropriate for new commercial-type development to be sited.
- 5.1.2 Being a commercial (retail) use but of a temporary nature, the proposal raises no particular concerns in relation to the quasi-retail use of the site. The site falls adjacent to but just outside of the defined retail core, but within the defined Town Centre area, and as a result, the sequential test for the siting of new retail development need not be applied, nor is a retail impact study necessary.
- 5.1.3 Whilst it is a 'legal' matter and not a material planning consideration, as the site would operate on different days from the conventional Chesterfield market, there would be no conflict with the Royal Charter that restricts other markets from operating within a defined distance of the existing market.
- 5.1.4 Having regard to the nature of the application policies CS1, CS2, CS3, CS6, CS8, CS9, CS13, CS14, CS15, CS16, CS18, CS19, CS20 and PS1 of the Core Strategy 2013 – 2031 and the National Planning Policy Framework (NPPF) apply.

5.2 **Principle of Development**

- 5.2.1 The site is within the Chesterfield Town Centre, and will add to the viability of the centre, with linked trip opportunities and would be a facility that will add to the attraction of the area for tourists and is an appropriate use for a temporary use as proposed and the proposal therefore is consistent with the Spatial Strategy set out in policies CS1, CS2, CS13, CS15, CS16, and PS1 of the Core Strategy.

5.3 **Design and Appearance and Heritage Considerations**

- 5.3.1 In respect of design, appearance and Heritage matters the application submission has been appraised by the Council's **Conservation Officer (C.O)** **Urban Design Officer (UDO)** and the **Crime Prevention Design Advisor (CPDA)** as follows:

C.O

The site is associated with, and is adjacent to, Chesterfield Town Hall, Grade II Listed. The site is located within the Chesterfield Town Centre Conservation Area

Comments:-

- *I do not object to the temporary change in use of the car park during the hours stated in the application.*
- *The site is an existing car park. There would be no permanent alterations or structural additions to enable the change of use.*
- *I do not consider that the change in temporary use would result in harm to the significance of the character or setting of the Listed Building or the Conservation Area, more than the existing use as a car park.*
- *There is no additional permanent signage to be associated with the car boot sale.*
- *The event will not require any additional bins to be located permanently on the site, and they will be cleared at the end of the event.*

UDO

No real urban design issues. I think the main consideration would be the impact on neighbour amenity/residents if it is proposed as a regular event starting early at the weekends, but this more of a planning consideration than urban design.

CPDA

Whilst there are no design matters related to the application which would materially affect crime, disorder or policing, I have sought the opinion of the area operational policing section, mindful that the proposal may have some impact upon their workload.

They have raised some concerns about the cumulative effect upon parking with the loss of this site combined with a new hotel close by, also the potential for disturbance to residents very close to the site.

I'm aware that these matters would be advised upon by separate consultees, so to that end our concerns don't amount to an objection, but I would ask that they are given due consideration in your determination of the application.

- 5.3.2 The site is currently a busy car park, although it's temporary use as a 150 place car-boot sale in lieu of 242 car parking spaces, would have little visual impact and as the use is a short-term and on Sunday mornings, the visual impact will be minimal.

- 5.3.3 As the car park already exists, and no 'physical' works are proposed, the use would not have any appreciable impact on any archaeological assets.
- 5.3.4 For the same reasons, the use would not impact to any greater degree on the health of the nearby protected tree in the corner of the car-park, or indeed, any other trees around the site.
- 5.3.5 The temporary use is not considered to be harmful to the character of the Conservation Area or it's setting, nor would there be any harmful impact on the setting of the listed Buildings surrounding the site.
- 5.3.6 It is considered that the siting, design and scale of the development proposals are acceptable having regard to the provisions of policies CS2, CS18 and CS19 of the Core Strategy.

5.4 **Highways Issues**

- 5.4.1 The original application submission has been reviewed by the **Local Highways Authority** (LHA) and the Chesterfield Cycle Campaign who both raise no objections.
- 5.4.2 Whilst there would be a temporary loss of parking spaces from a public car-park close to the Town Centre, the car parks are not heavily used on Sunday morning, and the applicant has stated:-

Although 242 parking spaces will be lost from Rose Hill car park during the car boot operation, the adjacent car parks (Soresby Street and Albion Road) provide 238 spaces to accommodate visitors to the car boot.

Alongside this there are 530 spaces at Saltergate MSCP and 255 spaces at Holywell Cross. Free parking is available using the Residents Permit at Albion Road, Holywell Cross, St Mary's Gate, Durrant Road, Theatre Lane and Devonshire Street, as such there is sufficient parking available for existing users and additional car boot users.

Current utilisation is around 50% occupancy off peak and 70%

at peak on Sunday's. As neither Rose Hill or Soresby Street are included in the Resident Parking offer neither are utilised greatly, with users choosing the free car parking available as listed. Free parking is also available to all users on street at Rose Hill and at other town centre on street locations controlled by DCC. All aforementioned parking, both on and off street, have disabled bay designated parking available.

5.4.3 The existing car-park is barrier controlled, and the proposal is to allow access via Rose Hill West only (so any traffic queues around the Town Hall and not back onto Saltergate), with egress only on to Rose Hill East.

5.4.4 On this basis, and having regard to the other matters considered above, the development proposals are considered to be acceptable in terms of Highway Safety and accord with the provisions of policies CS2, CS18 and CS20 of the Core Strategy in respect of highway safety matters.

5.5 **Flood Risk & Drainage**

5.5.1 In respect of matters of drainage and potential flood risk, there are no physical changes to the drainage of the existing car-park – which is entirely hard-surfaced - and the run-off from the site during rainy conditions will not increase, and the proposal will not impact on drainage or off-site flooding.

5.5.2 **CBC Drainage Section** have raised no objections and the development complies with the provisions of policies CS2 and CS7 of the Core Strategy.

5.6 **Land Condition/Noise(Inc. Neighbouring Impact / Amenity)**

5.6.1 The site the subject of the application comprises predominantly of hard surfaced / previously developed land, although as the site is effectively 'capped' by the tarmac surface, and the development is a similar use, it is not considered that the persons using the site would be at any greater 'risk' although in this regard therefore land condition and contamination need to be considered having regard to policy CS8 of the Core Strategy.

5.6.2 In respect of land condition the site lies outside of the Coal Authority's defined development referral area and therefore the site

is covered by their 'Standing Advice' which is issued to all sites with this regard. On this basis the application has, not been referred to the Coal Authority for comment as this is not required, however it is considered that the development complies with the provisions of policies CS2 and CS8 of the Core Strategy. There will be no excavations which may impact on any below ground issues.

- 5.6.3 The application submission was also referred to the Council's **Environmental Health Officer** (EHO) for review and whilst there was an initial concern that there could be potential for noise from queuing car-boot stall holders, for nearby residents (at Clarence Road, Rose Hill and Albion Road), the site management scheme has been revised to ensure that stall-holders arriving early, are held in the car-park on Rose Hill at the rear of the Town Hall.

As a result, the EHO states:- I had agreed this approach with the applicant and therefore no objection arises.

- 5.6.4 The submitted Site Management Plan outlines the manner in which the car-boot would operate, and in addition to the controls over early arrivals, and the restrictions to access and egress to control the traffic, the applicant also proposes – with the site management plan – additional controls over start/finish times, a lack of music or public address systems, litter, cleaning, and first-aid, in addition to the traffic management/noise limitations.

- 5.6.5 It will also be necessary, to impose a condition on any approval that the site only be developed in accordance with the submitted Site Management Plan, in order to protect the amenity of nearby neighbouring residential properties.

- 5.6.6 Subject to the above controls, the proposal would not harm the amenities of nearby residents, and the development complies with the provisions of policies CS2 of the Core Strategy.

5.7 **Other Considerations**

- 5.7.1 Having regard to the nature of the application proposals, it is not considered that the proposal would be harmful to either the health of the protect tree and other trees in the area, nor would any ecology or wildlife be harmed by the proposal which therefore complies and the development complies with the provisions of policies CS2 and CS9 of the Core Strategy.

5.7.2 Being a well-established public car-park, the site is already served by drop-kerbs, crossings, ramps and level-access areas that give appropriate access for the disabled.

6.0 **REPRESENTATIONS**

6.1 The application has been publicised by site notice posted on 23/03/2019; by advertisement placed in the local press on 21/03/2019.

6.2 As a result of the applications publicity there have been no letters of representation received.

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 Following changes to the Site Management Plan as a result of the EHO concerns, and 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 an appropriate re-use of the Town Hall Car Park on a temporary basis, and the development has been sited, detailed and designed such that the development proposals comply with the provisions of policies CS1, CS2, CS3, CS6, CS7, CS8, CS9, CS13, CS14, CS15, CS16, CS18, CS19, CS20 and PS1 of the Chesterfield Local Plan: Core Strategy 2011 – 2031.

9.2 Planning conditions have been recommended to address any outstanding matters and ensure compliance with policies CS2, CS8, CS8, 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 Limit etc

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

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

02. The development hereby approved shall only be carried out in full accordance with the approved plans (listed below) with the exception of any approved non material amendment.

Site Location Plan – Un-numbered, dated 13.02.2019;
Rose Hill Car Boot Operation - Amended Site Management Plan – Received on 01.05.2019;
Site Management Plan Photo – Received on 27.02.2019

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.

Amenity/Highway Safety

03. The site shall only operate within the hours and dates specified on the application and within the Site Management Plan, and the development shall not be brought in to use until the traffic management, stewardship and other operational requirements of the submitted, Rose Hill Car Boot Operation - Amended Site Management Plan (Received on 01.05.2019) have been instigated. Thereafter, the site shall only be operated in full accordance with the approved Amended Site Management Plan.

Reason - Reason – In the interests of residential amenity and highway safety and to comply with the provisions of Policies CS2, CS6 and CS20 of the Adopted Core Strategy 2011 – 2031.

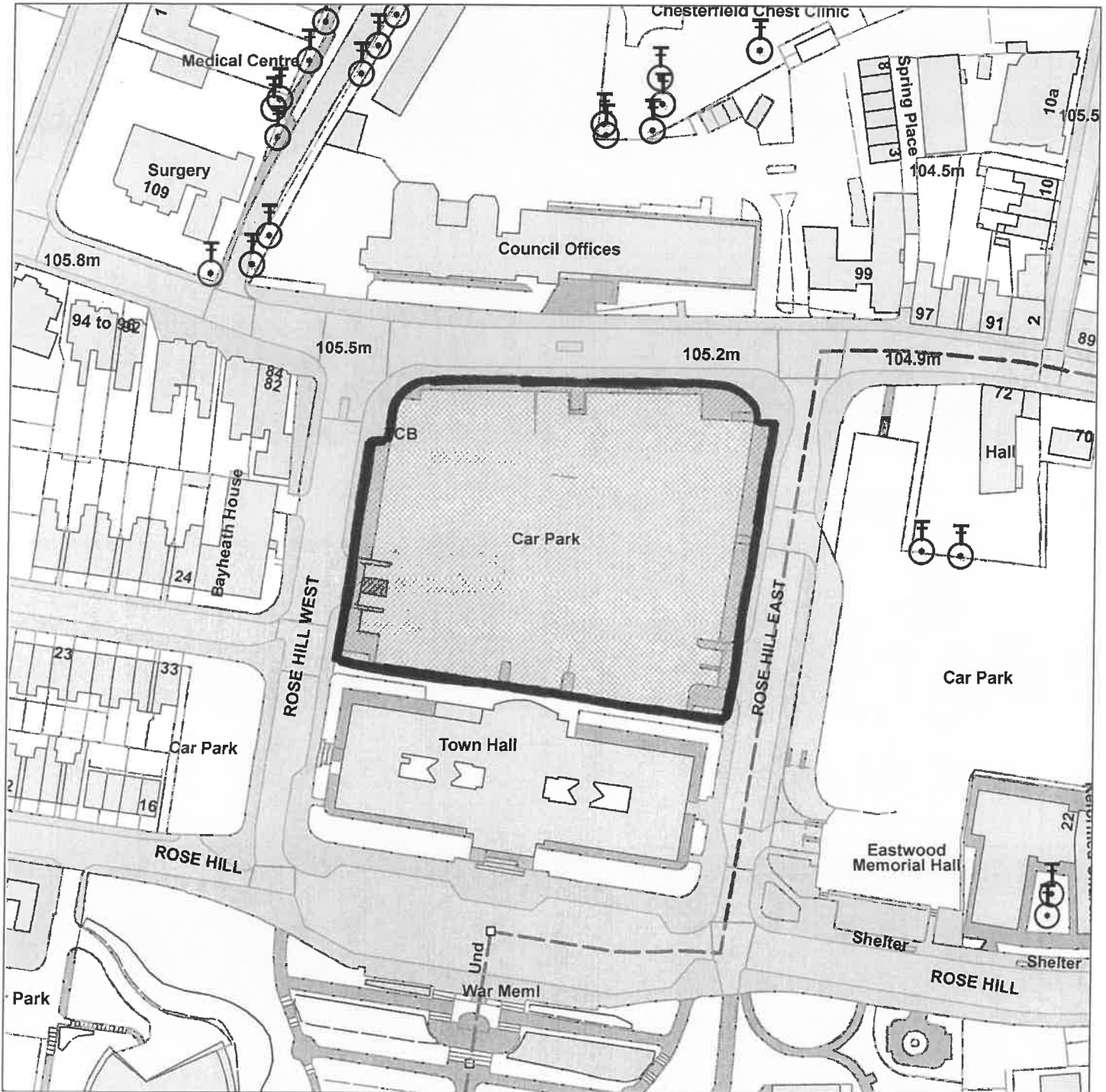
Notes

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. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

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Organisation	Not Set
Department	Not Set
Comments	
Date	10 May 2019
SLA Number	Not Set

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Case Officer: Paul Staniforth
Tel. No: (01246) 345781
Planning Committee: 20th May 2019

File No: CHE/18/00756/OUT
Plot No: 2/2668

ITEM 2

OUTLINE APPLICATION WITH ALL MATTERS RESERVED FOR A SINGLE DETACHED DWELLINGHOUSE ON LAND TO REAR 14 AVENUE ROAD, WHITTINGTON MOOR, CHESTERFIELD FOR MR GRANT

Local Plan - Unallocated
Ward - Dunston

1.0 **CONSULTATIONS**

Ward Members	No representations received
Environmental Services	Comments received recommending conditions.
Design Services	Flood Risk assessment and soakaway infiltration tests will be required.
Yorkshire Water Services	No comments to make.
Lead Local Flood Authority	No comment to make. Refer to standing advice.
Environment Agency	No comments to make
DCC Highways	Comments received – no objection in principle.
Coal Authority	No objection. Conditions requiring site investigation.
Neighbours/Site Notice	9 representations received – see report

2.0 **THE SITE**

- 2.1 The application site concerns a rectangular plot to the rear of 14 Avenue Road but which is accessed off Martins Walk. The plot is approximately 29 metres in length by 5.3 metres in width. The application site comprises a single storey building constructed partly of brick with a pitched corrugated roof and partly of concrete panels with a flat roof. The building is accessed via double doors directly off Martins Walk which is a public thoroughfare linking Avenue Road to the east through to Wordsworth Road to the south west.
- 2.2 The houses on Sandringham Close are situated to the south of and back onto Martins Walk. The site is surrounded by residential premises including the large rear garden of 14 Avenue Road which forms the northern boundary of the application site.
- 2.3 The site is separated from Martins Walk by the front section of the building wall and a palisade fence. The buildings and the ground within the site appear as neglected with significant amounts of rubbish accumulated to the detriment of the local area. Within the site there are also a number of self-set hawthorn, sycamore and alder trees to the side and rear of the building.

3.0 **RELEVANT SITE HISTORY**

- 3.1 CHE/1287/0739 – Retention of office accommodation in association with applicants Derbyshire Flooring Contractors business – Approved with conditions 16th June 1988.

4.0 **THE PROPOSAL**

- 4.1 The proposal is for an outline planning application with all matters reserved for one three bed dwelling sited within land. An indicative layout demonstrates an approximate location of the dwelling to be in line with the gable end of 24 Sandringham Close with equivalent sized areas to front and rear gardens. The dwelling is shown to be 4.5 metres wide by 7.5 metres deep. Access would be taken from Avenue Road via Martins Walk. The applicant subsequently

amended the scheme to a scheme with no on site parking provision.

5.0 **CONSIDERATIONS**

5.1 **Local Plan Issues**

5.2 The site is situated within the built settlement of Whittington Moor within a predominantly residential area and which is situated within easy walking and cycling distance to the Whittington Moor District Centre.

5.3 Having regard to the nature of the application, policies CS1, CS2 and CS18 of the Core Strategy and the wider revised 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.

5.4 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 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.
- 5.8 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).*
- 5.9 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.
- 5.10 The proposed development site is situated within easy walking and cycling distance from Whittington Moor District Centre and is therefore located close to all services and facilities available within the centre including frequent public transport links in and out of the town centre area. The site is located within a built-up area where new housing development would be considered appropriate in principle.
- 5.11 Policy CS2 sets criteria for assessing proposals for development on unallocated sites and which sets criteria for assessing proposals for such development. In relation to criteria (a), as mentioned above, the site can be considered a good walking and cycling distance from a centre, and

therefore such a scheme contributes to delivering the spatial strategy. The spatial strategy also sets out the overall housing requirement for the borough, and the proposal would also make a contribution to delivering that, albeit small. The site is within the existing built up area and is a site which is considered to be on previously developed land (criteria b). The site is also not on the best or most versatile agricultural land (criteria c). Although sustainably located being on the edge of the Whittington Moor District centre and other community facilities in the area, the proposal does not however, offer wider regeneration benefits to the area other than a tidying of what is a poorly maintained site (criteria d). Provided contributions are made to providing additional infrastructure capacity through Community Infrastructure Levy (CIL) payments the proposal would also accord with criteria (e). Whilst it is not necessary for a development to meet all of the requirements set out in policy CS2 in order for a proposal to be acceptable, weight should be given to the extent that they are able to. As such, this proposed development site is considered to be sufficiently sustainable for a development of an additional dwelling and which adheres to the policies CS1 and CS2 of the Core Strategy.

Design and Appearance (Including Neighbour Effect)

- 5.12 The site does not occupy a prominent position within the street scene and is located in a back land area between existing built up cul de sacs. It is suggested that a single two storey dwelling could replicate and continue the design and layout principles established on the neighbouring Sandringham Close scheme. A two storey dwelling would not appear dominant or overly cramped within the wider context. There would be no over bearing or overshadowing impact and the design of the building can be such that the privacy of neighbours can be safeguarded. Such a layout is reflected in the indicative scheme accompanying the application however the design and appearance of the scheme would not be considered until the reserved matters submission.
- 5.13 Removal of the existing business premises within the residential area would significantly improve the living conditions of the adjacent local residents given the buildings commercial use. The site is also a visual mess with the

accumulation of rubbish alongside the public thoroughfare and the opportunity arises to provide a proper boundary treatment and tidy up this area.

- 5.14 Overall the principle of the development of the plot of land is considered to be of an appropriate size to accommodate a single dwelling, but no further assessment can be made of the site until additional information is supplied in a reserved matters application. A proposed development is considered to be able to be provided with sufficient space standards and which responds to the provisions of policies CS2 and CS18 of the Core Strategy and the wider SPD.

Environmental Services

- 5.15 Environmental Services were consulted on this application and they have raised no objections subject to conditions requiring the terms of working hours, contaminated land and air quality. It is considered that such conditions are appropriate and can be imposed on any planning approval.

Drainage

- 5.16 Design Services requested a Flood Risk assessment which was subsequently submitted by the applicant. This was produced by UK Flood Risk Consultants and which concludes that the risk of surface water flooding to the site is low and has the potential to be improved by implementing appropriate SuDS as part of the development. The site is outside of any flood zone and the Environment Agency, Yorkshire Water and the Lead Local Flood Authority all confirm that they have no objections to the proposal. Detail of surface water and foul drainage on site will be a matter for consideration at a reserved matters stage and is a matter therefore dealt with by condition.

Highways Issues

- 5.17 The Highway Authority comment that the location is not ideal given that Martins Walk is relatively narrow and the site is somewhat constrained to provide a dwelling, parking and manoeuvring. The Highway Authority is also mindful of the current office use and this could continue or be converted

under Prior Notification procedure to a dwelling. On this basis the Highway Authority confirm that they could not sustain a recommendation for refusal and they recommend conditions covering the following:

1. A Construction Management Plan (CMP) or construction Method Statement dealing with parking of vehicles for site operatives and visitors, routes for construction traffic, hours of operation, method of preventing debris being carried onto the highway, pedestrian and cyclist protection, proposed temporary traffic restrictions and arrangements for turning vehicles.
2. Space for parking and manoeuvring of vehicles.
3. No gates or barriers on then driveway.
4. The driveway to Martins Walk being no steeper than 1 in 14 over its entire length.

5.18

It is considered that a CMP would be crucial for any development of the site given that the only access to the site is via Martins Walk which is a popular pedestrian walkway. It would be crucial to ensure space can be provided on site such that the route of Martins Walk would not be obstructed by vehicles or materials during the construction process. This would need to be designed and be required to ensure the safety of users of Martins Walk. Martins Walk varies in width along its length however it is between 3 and 4 metres wide for the majority of its length. Vehicle access to the plot is restricted to be from the Avenue Road direction because of the presence of barriers on the Wordsworth Road side of the thoroughfare. There is already a vehicular access along Martins Walk to the rear garden area of 14 Avenue Road where a double width gate exists. Unlike 14 Avenue Road, which has the space on site to turn and park vehicles, the application site is of dimensions sufficient only to provide a couple of parking spaces side by side to the frontage however it would not be possible due to the narrow width of the plot (approximately 5.3 metres) to provide useable on site turning facilities. As indicated Martins Walk is a popular and busy cut through used by residents in the area connecting housing areas to Whittington Moor commercial facilities and without appropriate turning facilities being provided, to avoid a situation where vehicles have to be reversed along the length of Martins Walk, there would be a potential situation

which would not be in the best interest of users of Martins Walk. The entrance to the plot from Martins Walk is at a corner on the thoroughfare and this appears to be the only opportunity to be able to turn a vehicle however this may well end up being a 4 point turn and which would be at a point where visibility of pedestrians and cyclists on Martins Walk will be very limited and which should therefore be avoided.

- 5.19 It is accepted however that this situation may well occur now with the office use of the existing building however it is clear that a new family 3 bed dwelling is likely to be more frequently visited by vehicles when compared with the very limited use of the existing office. Furthermore it is accepted that the General Permitted Development Order Class O introduces a Prior Approval process in connection with conversion of such an office into a C3 dwelling however the Council would be entitled to consider the transport and highway impacts of such a development and such concerns raised in the paragraph above would be material. It is not therefore considered that there is necessarily a realistic fallback position with regard to Class O in this case.
- 5.20 The junction of Martins Walk with Avenue Road has reasonable visibility in the direction towards Whittington Moor (right) however it is restricted to the left by the narrower footway, vehicle parking and the boundary treatment to the front of 14 Avenue Road and which emphasises that the use of Martins Walk by vehicles is less than desirable.
- 5.21 The applicant was advised that provision of parking on site would likely to result in manoeuvring of vehicles contrary to the interests of highway safety and on this basis the applicant revised the scheme to be a scheme with no parking provision on site. It is accepted that parking space on Avenue Road or Wordsworth Road is not restricted and can be used by residents of the area. Given that a CMP can control the construction process, the fall back position of the traffic associated with the existing commercial use, the fact that the highway authority do not recommend refusal and the sustainable location of the site close to the Whittington Moor Centre and public transport facilities, it is considered that on such a finely balanced case, the planning balance should be tipped in favour of the development. It is considered that on the principles of policies CS2 and CS18 of the Local Plan in

respect of highway safety it is considered that the development can be accepted.

Coal Mining Risk

- 5.22 In respect of potential Coal Mining Risk, the site the subject of the application is situated within the high risk area and the applicant has submitted a Coal Mining Risk Assessment. This has been accepted by the Coal Authority as appropriately considering the risks and which identifies the risk posed by unrecorded shallow workings beneath the site which could cause instability problems at the surface. Intrusive site investigations are recommended and the Coal Authority concur with the recommendations. No objections are therefore raised subject to the imposition of conditions requiring the site investigation process.

Trees

- 5.23 There are a number of self set trees on the site which together form a small group however the trees are not protected and do not contribute in any significant way to the amenity of the local area. The scheme will involve their removal which is not considered to be a planning problem.

Community Infrastructure Levy (CIL)

- 5.24 Having regard to the nature of the application proposals the development comprises the creation of 1 no. new dwelling and the development is therefore CIL Liable. The site the subject of the application lies within the medium CIL zone and therefore the full CIL Liability would be determined at the reserved matters stage on the basis of a cumulative charge of £50 per sqm (index linked) of gross internal floor area created.

REPRESENTATIONS

- 5.25 As a result of the initial neighbour consultation a letter of representation was received from 14 Avenue Road raising the following issues.

1. Parking on Avenue Road is overcrowded. This would be made worse by the scheme to develop the Travellers Rest with no parking provision.
2. Concerns regarding access by emergency services such as fire appliance due to the limited narrow access width.
3. Where will materials be stored? No 14 requires daily access, twice a day to their garage which is located at the bottom of Martins Walk. Concern that their access would be obstructed.
4. Martins Walk is a public thoroughfare used by a range of people including the elderly and young and mums with pushchairs. The development will have an impact on this relied upon access.
5. The trees provide privacy, shelter and add to ambience and support wildlife.
6. Retention of the trees would be too close to the dwelling creating a cramped relationship detrimental to amenity and adding pressure to remove the trees.
7. The development will sit on their garden boundary with no gap leading to a breach of privacy and impact on their peaceful enjoyment of their home and garden. The development will also impact unacceptable on other neighbours as a result of overlooking, loss of privacy and overbearing impact.
8. Demolition of the existing building will leave their property open and unsecure.
9. The current office is only used during normal working hours. A dwelling would require 24 hour access potentially causing noise disturbance and light pollution and which would impact on their childrens bedrooms located at the back of the house.

5.26

Subsequent re-consultation based on the revised scheme with no on site parking provision resulted in 8 letters from 14, 16, 18, 43 and 45 Avenue Road; 3 Maple Court and 8 and 9 Leicester Gardens. The following points have been made:

1. There are many existing houses on Avenue Road that do not have existing off street parking and are fully reliant upon the availability of parking spaces on Avenue Road. This in itself causes parking problems on Avenue Road. The addition of a new dwelling, that has no provision for parking, will add to this existing parking problem. Avenue Road is already beyond capacity!
2. Of the above, some of the residents are elderly and are unable to walk a long way, particularly with shopping bags etc... The addition of a new dwelling, that has no provision for parking, will add to this existing parking problem.
3. Of the existing houses with no off street parking, many of which have 2 cars. This is an increasing number, since in the past 6 months, 2 more cars have appeared due to children reaching the age of 17 and having their own cars, parked on Avenue Road. This will only escalate as more children reach the driving age - and as trends indicate, children are living with parents for considerably longer than they did in the past.
4. Avenue Road is pretty much at parking capacity most of the time. There are certain times, however (such as Chesterfield FC home matches / Stand Road events etc...), when many residents are forced to park elsewhere - far from ideal, particularly for elderly residents.
5. On the basis that Avenue Road is normally full of parked cars, what would happen if the occupying residents of the proposed new dwelling needed to carry something heavy from their car / have a home delivery etc... In my previous letter, I stated that we need 24/7 access to our garage so we can come and go from our own house when required. Should this planning be granted, I can envisage the scenario that Martins Walk becomes blocked with the residents cars / delivery vans etc, the result being that we'd be unable to drive to and from our own garage. This would be unacceptable, particularly in an emergency.

6. Last, but by no means least, the roofing on both of the existing buildings is Asbestos. It goes without saying that if any plans were passed, we'd insist on the safe removal, under controlled conditions, of this Asbestos. We have young children and we're naturally concerned that the removal of the Asbestos would release Asbestos fragments / Asbestos dust into the atmosphere. Furthermore, as Martins Walk is a public right of way, this Asbestos issue would also put members of the public - and indeed surrounding residents at risk, if it were to enter the atmosphere. Would this be overseen / Guaranteed by the Council?

5.27

Comments:

It is accepted that parking takes place on Avenue Road because there are no restrictions. The debate about the Travellers site has moved on now that the building has been demolished however whilst the scheme showed no on site parking space the planning committee imposed a condition which required on site space for parking. The proposal has to be balanced against the existing use and any fallback position of a conversion under Prior Notification procedures.

A CMP would deal with how materials are stored and delivered to the site in connection with the construction process.

The impact on users of Martins Walk is of relevance and is a concern as referred to under paragraph 5.17 – 5.21 above however the existing use has to be weighed in the balance of considerations as does the lack of support for a refusal from the Highway Authority.

See paragraph 5.22 regarding the issue of the trees.

In so far as the potential for overlooking, overshadowing and impact on outlook this would be a matter for consideration at the reserved matters stage. The security of the neighbours property would be a matter between the respective property owners and would not be an issue which influences whether planning permission is granted or not.

The reference to the gov.uk website standards is a reference to standards which have not been adopted by Chesterfield Borough Council and is not a standard which can thereby be relied upon. The objector suggests

that the proposal is 50% below the standard however this would not be the case. The applicant refers to a two storey dwelling which would have 33.75 m2 on each floor totalling 67.5 m2. The table attached to the objectors representation suggests that for a two storey 3 bed dwelling that 84 m2 would be required.

6.0 **HUMAN RIGHTS ACT 1998**

6.1 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

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

6.3 The recommended refusal is considered to be necessary in the interests of public safety and which interfere as little as possible with the rights of the applicant. The applicant has a right of appeal against a refusal.

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

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

7.1 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).

- 7.2 The proposed development conflicts with the principles of the NPPF and the relevant Development Plan policies for the reasons given in the report above.
- 7.3 Given that the proposed development does not necessarily 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.
- 7.4 The applicant / agent and any objector will be provided with copy of this report informing them of the application considerations and recommendation / conclusion.

8.0 **CONCLUSION**

- 8.1 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. In this respect there are a number of concerns concerning public safety arising from the development proposals which have led the applicant to conclude that the application should not utilise Martins Walk for access and should not therefore include any on site parking provision.
- 8.2 Given that a CMP can control the construction process, the fall back position of the traffic associated with the existing commercial use, the fact that the highway authority do not recommend refusal and the sustainable location of the site close to the Whittington Moor Centre and public transport facilities, it is considered that on such a finely balanced case, the planning balance should be tipped in favour of the

development. It is considered that on the principles of policies CS2 and CS18 of the Local Plan in respect of highway safety it is considered that the development can be accepted.

9.0 **RECOMMENDATION**

9.1 That the application be **APPROVED subject to the following conditions:**

Conditions

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

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

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.

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

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.

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

4. 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

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.

5. Details of the existing and proposed land levels and the proposed floor levels of the dwelling 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 dwelling shall be constructed at the levels approved under this condition unless otherwise agreed, in writing, by the Local Planning Authority.

Reason - In the interests of residential amenities.

6. 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.

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

7. 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.

Reason - In the interests of residential amenities

8. 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
- A compound for storage of materials and equipment
- routes for construction traffic and deliveries including arrangements for vehicle loading, unloading and turning.
- hours of operation
- method of prevention of debris being carried onto highway
- pedestrian and cyclist protection
- proposed temporary traffic restrictions

Reason – In the interests of highway safety.

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

Reason - To ensure that the development can be properly drained.

10. A residential charging point shall be provided for the additional dwelling with an IP65 rated domestic 13amp socket, directly wired to the consumer unit with 32 amp cable to an appropriate RCD. The socket shall be located where it can later be changed to a 32amp EVCP. Alternative provision to this specification must be approved in writing, by the local planning authority. The electric vehicle charging points shall be provided in accordance with the stated criteria prior to occupation and shall be maintained for the life of the approved development.

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

11. A.
 - Development shall not commence until details as specified in this condition have been submitted to the Local Planning Authority for consideration and those details, or any amendments to those details as may be required, have received the written approval of the Local Planning Authority.
 - I. A desktop study/Phase 1 report documenting the previous land use history of the site.
 - II. A site investigation/Phase 2 report where the previous use of the site indicates contaminative use(s). The site investigation/Phase 2 report shall document the ground conditions of the site. The site investigation shall establish the full extent, depth and cross-section, nature and composition of the contamination. Ground gas, groundwater and chemical analysis, identified as being appropriate by the desktop study, shall be carried out in accordance with current guidance using

UKAS accredited methods. All technical data must be submitted to the Local Planning Authority.

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

- B. If, during remediation works any contamination is identified that has not been considered in the Remediation Method Statement, then additional remediation proposals for this material shall be submitted to the Local Planning Authority for written approval. Any approved proposals shall thereafter form part of the Remediation Method Statement.

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

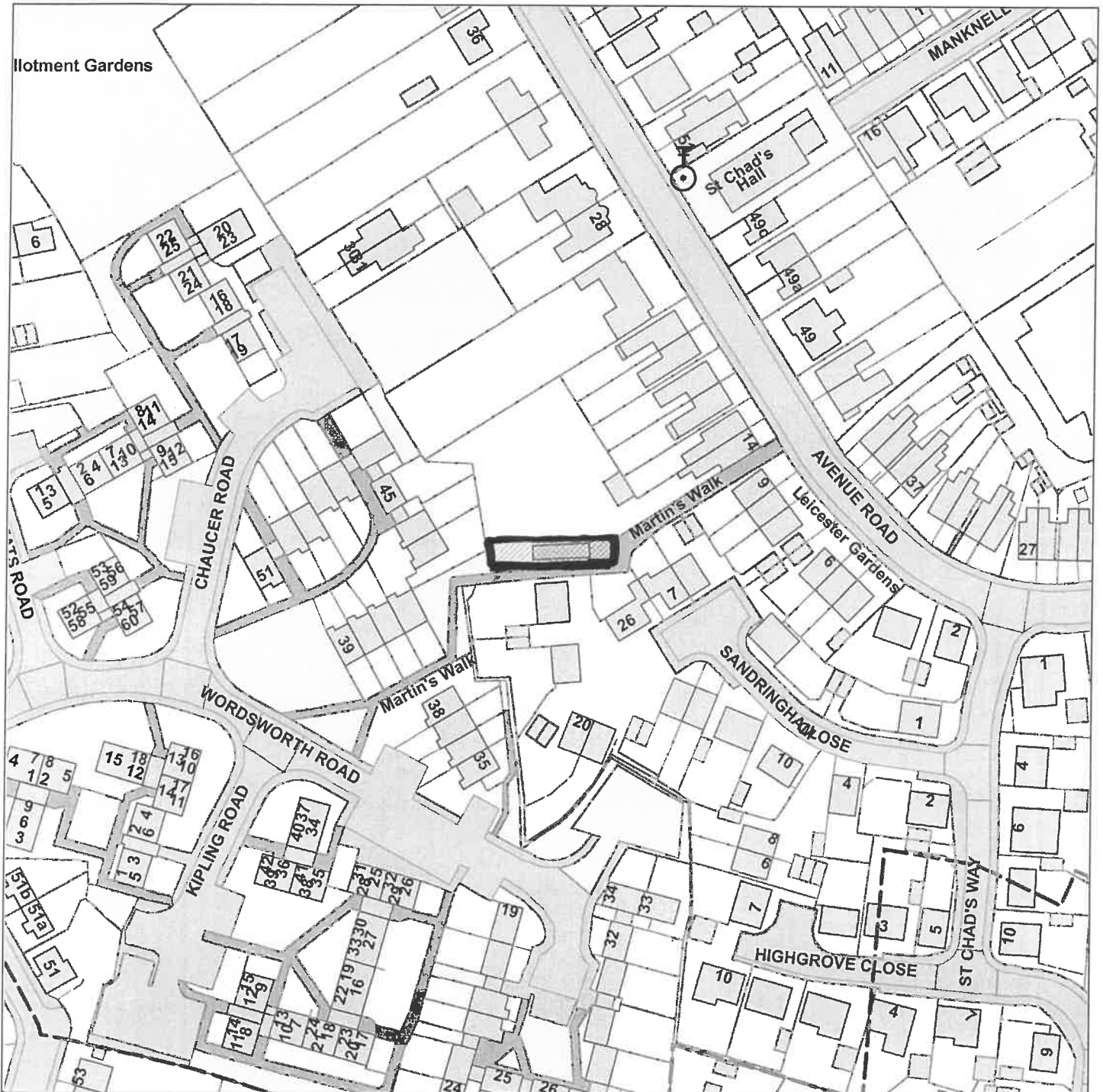
Reason - To protect the environment and ensure that the redeveloped site is reclaimed to an appropriate standard.

- 12 All external dimensions and elevational treatments shall be as shown on the approved plan as revised by amended plan received under email dated 27.03.19 with the exception of any approved non material amendment.

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

Notes

1. 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 (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.
2. You are notified that you will be liable to pay the Community Infrastructure Levy (CIL) to Chesterfield Borough Council as CIL collecting authority on commencement of development. This charge will be levied under the Chesterfield Borough Council CIL charging schedule and s211 of the Planning Act 2008. A CIL Liability Notice will be issued at the time of a detailed planning permission which first permits development, in accordance with the Community Infrastructure Levy Regulations 2010 (as amended). The extent of liability will be dependent on the permitted Gross Internal Area. This will be calculated on the basis of information contained within a subsequent detailed planning permission. Certain types of development may be eligible for relief from CIL, such as self-build or social housing, or development by charities. Further information on the CIL is available on the Borough Council's website.



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Organisation	Not Set
Department	Not Set
Comments	
Date	10 May 2019
SLA Number	Not Set

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Case Officer: Paul Staniforth
Tel. No: (01246) 345781
Planning Committee: 20th May 2019

File No: CHE/19/00048/OUT
Plot No: 2/415

ITEM 3

ADDENDUM - OUTLINE APPLICATION FOR PLANNING PERMISSION FOR ONE DWELLING TIED TO THE EXISTING BOARDING KENNELS AT BROOMHILL FARM, BROOMHILL ROAD, OLD WHITTINGTON, S419EA

Local Plan: Green Belt
Ward: Old Whittington

1.0 BACKGROUND

- 1.1 The report attached at appendix A was considered by planning committee on 23rd April 2019. Notwithstanding the officer recommendation to refuse the application, planning committee voted to accept the proposal.
- 1.2 It was agreed that a report would be produced setting out conditions which would be considered appropriate for further consideration by the committee.

2.0 STATEMENT OF POSITIVE AND PROACTIVE WORKING WITH APPLICANT

- 2.1 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).
- 2.2 The proposed development conflicts with the NPPF and with 'up-to-date' Development Plan policies, however planning committee considered on the basis of the planning balance to be appropriate development given the applicants circumstances and what was considered to be special circumstances. 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.

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

3.0 **RECOMMENDATION**

- 3.1 That the application be **APPROVED subject to the following conditions:**

Conditions

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

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

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.

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

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.

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

4. 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

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.

5. Details of the existing and proposed land levels and the proposed floor levels of the dwelling 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 dwelling shall be constructed at the levels approved under this condition unless otherwise agreed, in writing, by the Local Planning Authority.

Reason - In the interests of residential amenities.

6. 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.

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

7. The premises, the subject of the application, shall not be occupied until space has been provided within the application site for the parking of residents vehicles and which shall be provided and be maintained throughout the life of the development free from any impediment to their designated use.

Reason – In the interests of highway safety.

8. Before any other operations are commenced (excluding any demolition / clearance) space shall be provided within the site curtilage for the storage of plant / 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 a drawing to be agreed and thereafter be maintained throughout the contact period in accordance with the approved designs free from any impediment to its designated use.

Reason - In the interests of highway safety.

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

Reason - To ensure that the development can be properly drained.

10. A residential charging point shall be provided for the additional dwelling with an IP65 rated domestic 13amp socket, directly wired to the consumer unit with 32 amp cable to an appropriate RCD. The socket shall be

located where it can later be changed to a 32amp EVCP. Alternative provision to this specification must be approved in writing, by the local planning authority. The electric vehicle charging points shall be provided in accordance with the stated criteria prior to occupation and shall be maintained for the life of the approved development.

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

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

- B. If, during remediation works any contamination is identified that has not been considered in the Remediation Method Statement, then additional remediation proposals for this material shall be submitted to the Local Planning Authority for written approval. Any approved proposals shall thereafter form part of the Remediation Method Statement.

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

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

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

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

Notes

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

2. 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.

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

File No: CHE/19/00048/OUT
Plot No: 2/415

ITEM 7

**OUTLINE APPLICATION FOR PLANNING PERMISSION FOR ONE
DWELLING TIED TO THE EXISTING BOARDING KENNELS AT
BROOMHILL FARM, BROOMHILL ROAD,
OLD WHITTINGTON, S41 9EA**

Local Plan: Green Belt
Ward: Old Whittington

1.0 **CONSULTATIONS**

DCC Highways	No objection subject to condition
Environmental Services	No objection subject to condition
Planning Policy	Comments as provided generally in relation to previous application.
Design Services	No objection, require additional information during reserved matters application.
Tree Officer	No objections
Urban Design Officer	No comments received
Coal Authority	Material Consideration – see report
Ward Members	Application called to Committee by Councillor Peter Barr.
Site Notice / Neighbours	Three objection letters 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. There is a care home to the west, a large 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 numerous businesses; this includes 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 (which is being demolished and re-built), 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 is not currently utilised as a dwelling, but also this part of the site has been split from the application site.
- 2.2 The application site includes the shared access road and the proposed site of the house within the red line and within the blue line the reception area of some of the catteries and kennels, one of the private dog kennels and some of the additional land surrounding the proposed dwelling site.
- 2.3 The application site is part of an overall site that was previously known as Broomhill Farm. The overall site still retains this name, but within the farm it has 3 separate owners, with Broomhill Farm Kennels Ltd and Broomhill Farm Ltd owning the vast majority of the land to the north, with a small section of the site to the south under the ownership of JJ's Cattery. Figures 1 and 2 are drawings that were provided by the applicant to demonstrate the ownership of the site during the previous application, and these are considered helpful and relevant again in this application. Within figure 2 the two separate blue sections are different shades of blue, but it is considered that these are meant to represent the same ownership. Figure 1 represents part of the site that used to be solely under the business name of Broomhill Farm Kennels Ltd. Figure 2 shows part of the site under the ownership of Broomhill Farm Ltd.

Figure 1

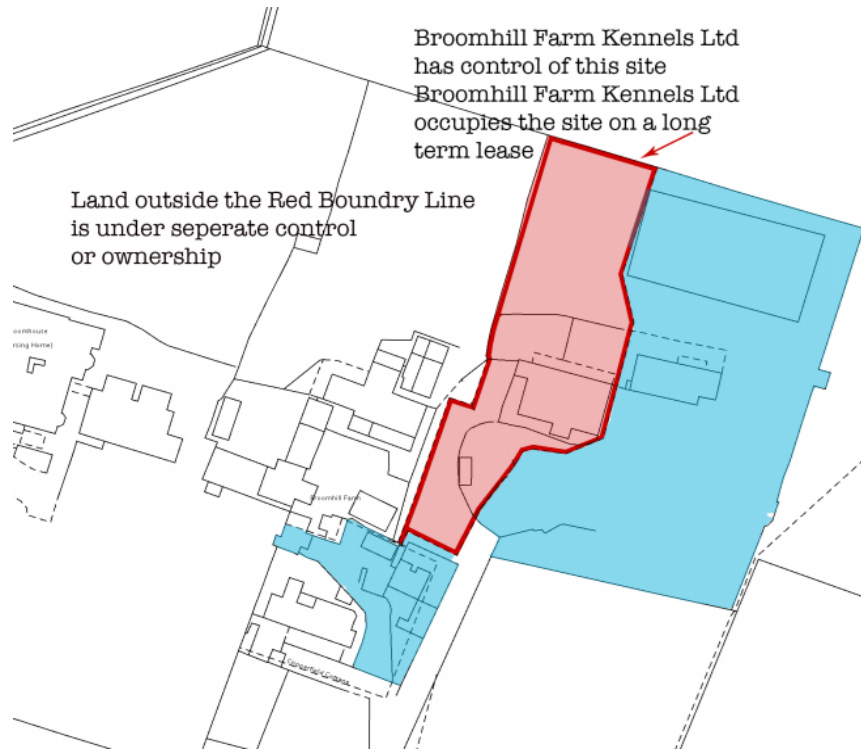
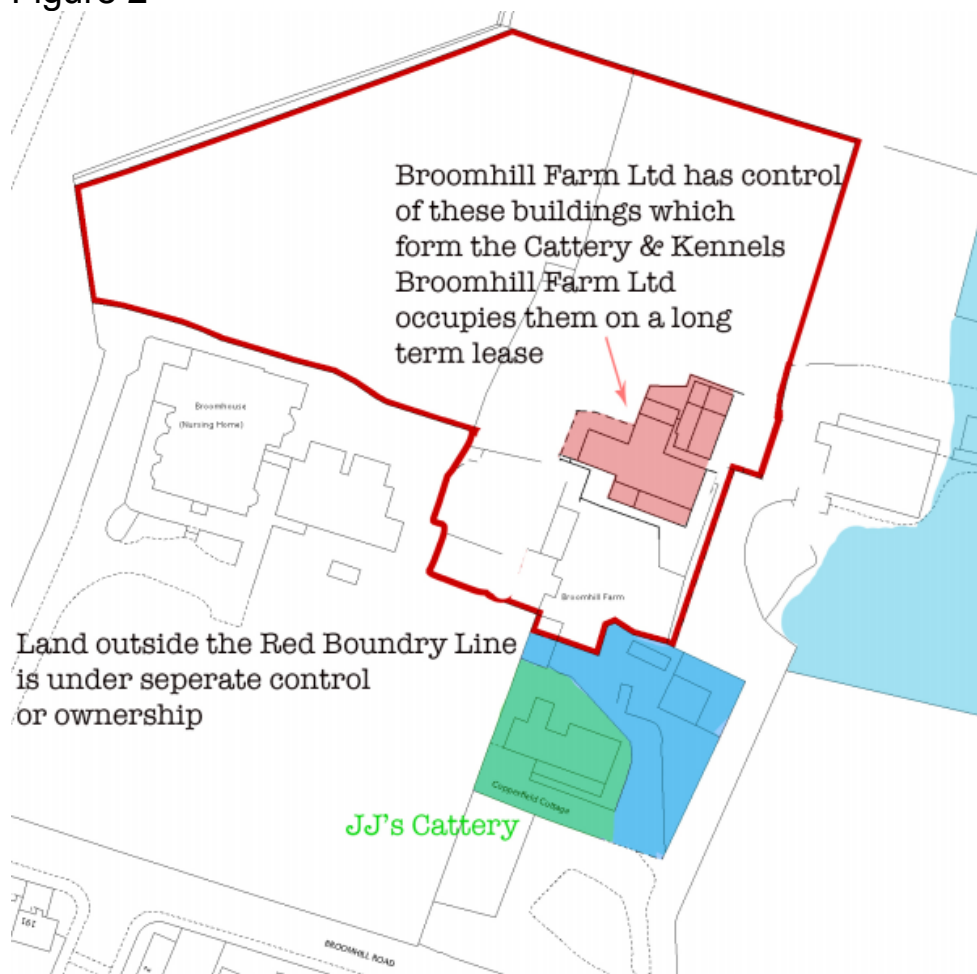


Figure 2



2.4 The overall site has a complicated planning history which is of relevance. The site history and ownership are background information that helps to provide context for the site, but fundamentally the applicant is applying for one dwelling within green belt land, so the main focus will be on the potential impact on openness and what the arguments are for very special circumstances.

3.0 **RELEVANT SITE HISTORY**

3.1 CHE/18/00307/FUL – Demolition of dwelling and erection of replacement dwelling was approved subject to conditions on 29th August 2018.

3.2 CHE/17/00839/OUT – Outline application for planning permission for one dwelling tied to the existing boarding kennels – Refused – 15.03.18

3.3 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

3.4 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.

3.5 CHE/0399/0149 - Outline application for erection of one dwelling – Refused – 18/05/99

3.6 CHE/0394/0162 - Change of use of agricultural building to additional cat pens. GRANTED 15.06.1994

3.7 CHE/0690/457 - Change of use from cow sheds to cattery at Broomhill Farm. GRANTED 13.08.90 subject to conditions requiring formalised parking and turning and improvements to visibility.

3.8 There are numerous historical applications relating to the site which were refused; some being dismissed at appeal.

3.9 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 outline planning permission for a dwelling with all matters reserved for the proposed development of the site located on land within Broomhill Farm, on Broomhill Road. Notwithstanding the fact that access is reserved for consideration at a later date, access to the development is indicated as being proposed from Broomhill Road which adjoins the site on its southern boundary and would be via the existing access point and driveway.

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

- Site Location Plan
- Block Plan
- Elevations
- Drainage Plans
- Planning Statement
- Supplementary Planning Statement
- Coal Mining Risk Assessment
- Additional Information from Agent re drainage (04/03/19)
- Additional Information re company profits (14/02/19) – not publicly accessible.

5.0 **CONSIDERATIONS**

5.1 **Planning Policy Background**

5.1.1 The site the subject of the application lies 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 revised 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, 144 and paragraph 145 of the revised NPPF (2019) state:

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

- *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.*

- *A local planning authority should regard the construction of new buildings as inappropriate in 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.

In addition to the above, the revised 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 an area, so long as they fit in with the overall form and layout of their surroundings.'

5.1.7 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.

5.2 **Principle of Development**

5.2.1 **Comments of Planning Policy Team from the previously submitted application (CHE/17/00839/OUT) with minor changes to NPPF paragraph numbers and some minor editing –**

The site is within green belt. The Chesterfield Borough Council currently has no intention to review green belt within the Borough's boundary as currently no exceptional circumstances are deemed to exist to warrant such a process. Whilst North East Derbyshire District Council has carried out a review of green belt this did not assess the application site and so has not demonstrated any exceptional circumstances and overriding need to remove the application site from green belt. Given that the site is not on PDL the proposed new housing development would represent inappropriate development in green belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances (NPPF 2019 para 143).

5.2.2 *Accordingly substantial weight should be given to the harm to green belt by reason of inappropriateness, of the proposed development for such a development to be agreed. Very special circumstances need to be demonstrated by the applicant that*

would clearly outweigh the harm by inappropriateness and any other harm from the development.

5.2.3 *Local Plan Spatial Strategy –*

The site is within reasonable walking and cycling distance of a local centre and has reasonable access to bus services to Chesterfield. As such the proposal would be located appropriately in relation to Core Strategy (CS) policy CS1 notwithstanding green belt considerations. The proposal would accord with the majority of criteria in CS policy CS2 with the exception of it not meeting criterion (b), in that the site is not within the definition of previously developed land (PDL).

5.2.4

The site's exclusion from the definition of PDL is significant in that CS policy CS10 applies and also because the proposal would be inappropriate development in green belt as assessed against the NPPF. CS policy CS10 would prevent housing development on this 'greenfield' site unless the proposal is an exception under CS policy CS2(i) i.e.

(i) needs to be in a specific location in order to serve a defined local catchment or need, to access specific resources or facilities (including transport connections) or to make functional links to other, existing uses;

5.2.5

Flexible Housing Supply

The purpose of policy CS10 is to ensure a supply of housing that meets the overall aims of the Core Strategy. Policy CS10 only permits housing-led greenfield development in the absence of a deliverable 5 year housing land supply and where proposals accord with the Local Plan spatial strategy or a specific housing need is to be met. Currently the Council can demonstrate a deliverable 5yr supply of housing land and given this the proposal would not accord with CS policy CS10, despite being in a location compatible with the spatial strategy of 'concentration and regeneration' set out in CS policy CS1.

5.2.6

Air Quality

The issue of air quality is currently in focus given the Government's recent commitment as part of a zero emission vehicle alliance to ensure that 'almost every car and van is a zero emission vehicle by 2050'. Core Strategy policy CS20 expects development such as that proposed 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. Core Strategy policy CS8 lends further weight to the requirement for provision of a charging point, given that cumulatively such small scale development is likely to materially increase vehicular emissions within the borough sufficiently to prejudice the aims of local and national air quality strategies, unless mitigation is put in place.

5.2.7

Biodiversity

Core Strategy policy CS9 requires a net increase in biodiversity where possible and the site would appear likely to be an opportunity for bird nesting and bat roosting provision should permission be granted for a dwellinghouse. The Development Management Officer should be satisfied that the site does not require further investigation of its biodiversity significance.

5.2.8

Conclusions

The development is in a location that accords with the Core Strategy in terms of the overall strategy of concentration and regeneration. If the development is clearly required for an existing land use with no realistic alternatives the site would broadly be in accordance with CS policy CS2(i), and it would be an exception to the requirements of CS policy CS10, having regard to the small amount of development and its accessible location however within the green belt the development of a new dwelling is inappropriate development (by definition) and it is necessary to consider whether any exceptions should apply.

5.2.9

Case for 'Very Special Circumstances' - Planning Policy Comments

The supporting documents to the application put forward a case for very special circumstances which broadly includes arguing a functional requirement, changed personal circumstances within the context of changes in ownership and economic and social benefits related to a boarding kennels. The considerations arising from the proposal bear similarities to those present where an agricultural workers' dwelling has been proposed in Green Belt. In this vein there appears to be little evidence of how alternative appropriate developments to meet any functional requirement (such as conversion and/or redevelopment of previously developed land) have been ruled out. It is not clear from the submission why temporary accommodation has not been proposed initially or conversion or extension of existing buildings on the site.

5.2.10 **Principle of Development – Development Management**

5.2.11 The revised 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. Notwithstanding this however the development proposals detail a new built footprint in an area of the site not previous developed within the area, and therefore the provisions of this exception are not met.

5.2.12 **Openness of the Green Belt:**
Paragraph 133 of the revised 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. Broomhill Farm has many small to medium sized buildings upon it, with numerous outbuildings related to the businesses or main dwelling on site. The area of land to the north of the site is the most open part of the site and this therefore currently contributes more significantly to the openness of the Green Belt.

5.2.13 This is an outline application with all matters reserved; an indicative drawing has been provided to show where the dwelling would be sited and how it would be designed. It is considered that if the applicant wanted some of reserved matters e.g. access, appearance, landscaping, layout or scale, to be included in this application then these items could have been part of this proposal, but they are not. The officer can only consider what is applied for, and as all items put forward with the indicative drawing would be dealt with via a reserved matters application at a later date then little weight can be attached to this information. If this proposal was approved then the proposed indicative drawing would hold no weight and a future reserved matters application could not be refused just because it is substantially different in any way to the drawing provided in this application. As this is the position then the proposal is assumed to be an average sized building in roughly the location proposed. This would introduce a larger building than the small outbuildings currently in the vicinity and present on site and thereby reduce its openness. Accordingly, the proposal would cause harm to the openness of the Green Belt.

- 5.2.14 Paragraph 134 of the Framework identifies one of the five purposes of the Green Belt is to safeguard the countryside from encroachment. The site is on the edge of the countryside as it adjoins open countryside to the north, east and west. Whilst there are many buildings within the most densely built part of the site including a dwelling which is being reconstructed, this proposal would lead to the continued expansion of the built form of the site. As such the proposed development would encroach into the countryside area, thereby harming one of the primary purposes of the Green Belt. Although the proposal is for only one house, due to the importance attached to Green Belts and the need to keep the land within them permanently open, as set out in the Framework, significant weight is attached to the harm the proposals would cause to the openness and purposes of the Green Belt.
- 5.2.15 The development can therefore only be concluded as being contrary in principle to the provisions of paragraph 145 of the NPPF which sets out acceptable development in the green belt area and those set out in criteria (a) and (e) of policy CS9 of the Core Strategy.
- 5.3 The case for Very Special Circumstances is now considered.
- 5.3.1 *Up until 2011 the application site and areas to the east and west of the application site formed part of the wider Broomhill Farm site operated by a mother and son Mrs Bentley and Mr Goldman providing boarding accommodation for both dogs and cats and also at that time had a contract with the Local Authority to house stray dogs.*
- 5.3.2 *The kennels were initially established in 1992 and there is a long history of other uses including animal sanctuary and charity shop.*
- 5.3.3 *In 2011 the site was split and Mr Goldman retained the land and buildings to the west of the current application site, with Mrs Bentley retaining the remainder. In 2013 Mrs Bentley was granted planning permission to convert one of the buildings to residential with a condition linking it to the private boarding kennel business and/or the animal sanctuary.*

- 5.3.4 *This permission reference: CHE/12/00579/FUL provides a very detailed account of the planning history and commentary on the lawful uses of the site, will be referred to within this Statement.*
- 5.3.5 *Unfortunately, Mrs Bentley died in 2016, however before she died, she sold the current application site to Mr Goldman.*
- 5.3.6 *The remaining land to the east of the current application site and the L-shaped building and associated land to the south of the application site (the L-shaped building being the building related to in CHE/12/00579/FUL) was transferred to Mrs Bentley's other son (ie not the son residing at Broomhill Farm).*
- 5.3.7 *Mr Goldman who resides at Broomhill Farm has operated the kennels within the current application site to this present day, together with his wife and son in law.*
- 5.3.8 *The kennels within the application site have been operated under a separate business known as Broomhill Farm Kennels Ltd and separately from Mr Goldman's business of dog boarding and cattery at Broomhill Farm Ltd, to the west of the current application site. Mr Goldman and his wife have provided on-site residential cover for this separate business, however, he is now at a point in his life where he and his wife wish to scale back their involvement in dog boarding to the extent where their own business based on Broomhill Farm Ltd (to the west of the current application site) will be their main business interest, and even this will be scaled back to an extent where boarding will only take place during summer months, leaving them free to concentrate on home education projects for their two children during winter months.*
- 5.3.8 *Broomhill Farm Kennels Ltd will be primarily operated by their son in law, who lives off-site and travels to the site currently.*
- 5.3.9 *Consequently, to enable the Broomhill Farm Kennels Ltd business to continue, it requires a presence on site on a 24/7 basis in order to comply with the licensing requirements, hence the need for a dwelling and for this planning application.*
- 5.3.10 *It is acknowledged that a dwelling connected to a boarding kennels would not conform to any of the exceptions detailed in paragraphs 145 and 146, and as a consequence the starting*

point would be that the proposal represents inappropriate development in the Green Belt.

- 5.3.11 *Notwithstanding, paragraph 143 refers to “inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.”*
- 5.3.12 *This application seeks to demonstrate that there are indeed very special circumstances.*
- 5.3.13 *The NPPF makes provision for agricultural and forestry buildings being an exception to inappropriate development, however, does not make provision for uses that equally require and are more appropriate to locate in more rural locations. Boarding kennels being a case in point.*
- 5.3.14 *Planning permission was granted under CHE/12/00579/FUL for the conversion of an existing building within the complex to be converted to a residential use, tied to the existing kennel business. Clearly, at this point in time, the Council acknowledged that there was a need for a dwelling on the site. Indeed, it is a requirement of the licensing conditions issued by the Borough Council Environmental Services at paragraph 86 that “a competent person must always be present to exercise supervision and deal with emergencies whenever dogs are boarded at the premise.” Paragraph 87 goes on to state that “dogs must be visited at regular intervals, as necessary for their health, safety and welfare.”*
- 5.3.15 *On a previous application CHE/399/149, planning permission was refused for the erection of a dwelling on land south of the cattery at Broomhill Farm as being contrary to Green Belt policy, however, on appeal the Inspector whilst agreeing that the development was inappropriate development in the Green Belt considered that the licence and scale of business meant that living accommodation had to be provided on site. He considered that the applicant’s family house requirement was a personal preference and not a functional need of the business. The Inspector however, considered that the cattery business at that time could be supervised by a person living over the cattery building and subsequently dismissed the appeal. Unfortunately, the option of converting a building is not available as all of the buildings are not of a permanent construction that lends them to be easily converted.*

- 5.3.16 *A subsequent application (CHE/0201/0072) for alterations and extensions to create a cottage and office were subsequently approved with the officer report at that time acknowledging the Inspector's comments that some form of residential accommodation at the site was accepted, with the report going on to state:
"Since the residential accommodation on this site could be accepted as the very special circumstances referred to in the Green belt policy, the development is not contrary to the Local Plan."*
- 5.3.17 *When considering applications for agricultural dwellings in the countryside and Green Belt, the need for a 24/7 presence on site is often governed by the care and welfare of animals and in particular to be within "sight and sound" of the animals.*
- 5.3.18 *The care and welfare of dogs that are boarded is equally an important requisite as highlighted by the conditions within the licence issued by Environmental Services.*
- 5.3.19 *The need for a new dwelling has arisen out of changes in ownership within the site, with the previous approval for the conversion to residential now being in separate ownership to the actual boarding kennels. The boarding kennels, the subject of the application, were originally acquired by Mr Goldman but are effectively a separate site and company from that operated by his wife and himself from Broomhill Farm Ltd. The company operating the application site is Broomhill Farm Kennels Limited of which Mr Goldman is a shareholder. His son in law has become more involved in the day to day operation in preparation for taking full control of the business this coming winter. Mr Goldman and his partner have been able to provide the out of hours cover to ensure that the kennels comply with the terms of the licence. Mr Goldman's son in law will take full control of the business at a point when he is able to live on site.*
- 5.3.20 *Circumstances, however, are now changing whereby Mr Goldman and his wife wish to scale back their operations at Broomhill Farm Ltd to offer boarding during the summer months only and be able to concentrate on home education projects for their two children during the winter months away from the premises. Broomhill Farm Kennels Limited who operate the application site however, still intend to continue offering a year*

round service and require that level of on-site presence. The business continues to expand and currently employs three staff all of which reside in the Chesterfield Borough Council Area. Such is the current demand for their services, the business operates 7 days a week 365 days per year.

- 5.3.21 *The residential conversion is no longer available having been separated from the application site, yet there remains a need for an on-site presence. It is against this background that these very special circumstances exist and are considered to be an exception to the normal circumstances applying to appropriate development in the Green Belt.*
- 5.3.22 *In more recent times, the need for a dwelling with a functional link to the boarding kennels was acknowledged by the Council in granting planning permission for the conversion of the existing building in December 2013 ref: CHE/12/00579/FUL.*
- 5.3.23 *Having established a functional need for a dwelling, the special circumstances are the ability to continue a successful rural business.*
- 5.3.24 *Paragraph 83 and 84 of the NPPF states that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. The first bullet point of paragraph 83 refers to:*
- 5.3.25 *“Enable the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings;”*
- 5.3.26 *The last bullet point refers to:
“Enable the retention and development of local services of community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship.”*
- 5.3.27 *The existing boarding kennels provides a valuable service, and whilst being in planning terms within a rural area, it is closely related to the urban areas of Chesterfield, making its location highly sustainable.*

- 5.3.28 *Indeed, Core Strategy Policy S3 – Presumption in Favour of Sustainable Development echoes the NPPF, in particular paragraphs 7 and 11.*
- 5.3.29 *Paragraph 8, of the NPPF refers to there being three dimensions to sustainable development: economic, social and environmental.*
- 5.3.30 *The economic role refers to contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right type to support growth and by identifying and coordinating development requirements, including the provision of infrastructure.*
- 5.3.31 *The social role involves supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being.*
- 5.3.32 *The environmental role involves contributing to protecting and enhancing our natural, built and historical environment; and, as part of this, helping to improve the biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.*
- 5.3.33 *The existing boarding kennels provides an important economic role in providing a valuable service to the community and is well located close to the urban areas of Chesterfield. Its existence and potential growth can only happen if there is a 24/7 presence on the site, therefore, economically it is important to ensure that this happens by the provision of a dwelling.*
- 5.3.34 *In terms of a social role, dogs as pets provide an important role in today’s society ensuring people are active and also providing social benefits for persons living alone and the elderly. Providing a boarding kennel facility for when people are away is a valuable asset, and again its location in close proximity to the urban area is highly sustainable.*

- 5.3.35 *In terms of the environmental role, the siting of the proposed dwelling would be such that it forms part of the existing building group thereby minimising any impact on the open character of the Green Belt. It is further intended that the ultimate dwelling would achieve high levels of energy efficiency and be designed to be a low carbon house.*
- 5.3.36 **Supplementary Planning Statement:**
- 5.3.37 Functional Requirements:
- 5.3.38 *Ultimately, it is about the functional requirements of the businesses and not the personal preferences of the persons involved and this supplementary statement seeks to address the functional needs.*
- 5.3.39 *Advice and policy does not exist in terms of specific uses such as boarding kennels, however, paragraph 79 of the NPPF refers to the essential need for rural workers to live permanently at or near their place of work in the countryside, being a special circumstance.*
- 5.3.40 *Paragraph 145 of the NPPF also refers to buildings for agriculture and forestry being an exception to inappropriate development in the Green Belt.*
- 5.3.41 *As the boarding kennels are neither for agriculture or forestry, the proposal would be inappropriate development in the Green Belt and very special circumstances would need to exist to be permissible.*
- 5.3.42 *The functional requirements have been considered to amount to very special circumstances in the past by both the Council and the Planning Inspector.*
- 5.3.43 *Notwithstanding, it is appropriate to amplify this issue.*
- 5.3.44 *The NPPF and Planning Practice Guidance offer little in the way of guidance, however, it is reasonable to take the view that boarding kennels are an appropriate rural use due to the potential for noise and there is also an animal welfare issue for requiring 24/7 cover as reinforced by the Environmental Health Licence for both establishments, which require 24/7 cover on site.*

- 5.3.45 *Previous advice on agricultural workers' dwellings was established under the Annexe to PPS 7 and it is a reasonable starting point for addressing functional need and in turn very special circumstances that may exist.*
- 5.3.46 *This previous guidance involved:*
- *Demonstrating a clearly established functional need for a full time worker to live on site.*
 - *Showing that the agricultural operation has been active for three years, profitable for at least one of them, and is likely to remain financially sound going forward.*
 - *Establishing that there is no other suitable dwelling or accommodation on site or in the area.*
 - *Satisfying other planning requirements for example relating to access, or environmental impact.*
- 5.3.47 *Dealing with these criteria in turn;*
- 5.3.48 **Demonstrating a clearly established functional need for a full time worker to live on site**
- 5.3.48.1 *This is related primarily to animal welfare and having sufficient man hours to equate to two full time employees of the business where a second dwelling is proposed.*
- 5.3.48.2 *Both James Goldman and his wife work full time on the dog boarding and cattery businesses. In addition, they employ an additional 3 full time workers and 2 part time workers, to the extent where there are a minimum of 4 workers on site during the day. Customers are leaving their prized pets in the expectation that they are well cared for and someone is on hand if they are taken ill or distressed. The Council Boarding Kennels Licence requires a check to be made on the dogs between the hours of 18:00 to 08:00am, and logically a time for this check is towards 22:30*
- 5.3.48.3 *This emphasis on animal welfare is recognised by the Council and is a requirement of the licence that a competent person is on site at all times.*

- 5.3.48.4 *The two businesses are subject to two separate licences, and without a further presence on site the business could not be sold and still comply with the licence.*
- 5.3.48.5 *In terms of man hours, these are as follows:
Broomhill Farm Kennels Ltd – man hours currently for both owners are 112 hours per week
Full time staff 112 hours
Part time staff 56 hours*
- 5.3.49 **Showing that the operation has been active for three years, profitable for at least one of them, and is likely to remain financially sound going forward**
- 5.3.49.1 *Because of the commercial sensitivity surrounding the business accounts, these are to be provided separately and are requested to be kept out of the public domain. The accounts of the two businesses have been do however demonstrate a healthy turnover of the two businesses.*
- 5.3.49.2 *Profitability does not necessarily mean large sums of money and indeed investment in buildings and infrastructure are also examples of remaining financially sound.*
- 5.3.50 **Establishing that there is no other suitable dwelling or accommodation on site or in the area**
- 5.3.50.1 *In terms of converting another building on site, all of the existing buildings are in use in connection with the businesses and many of which are unsuited due to their temporary form of construction.*
- 5.3.50.2 *On the previous application the Forward Planning Team stated that “The site is within Old Whittington, a settlement that would not justifiably be described as a rural village, its character being that of a settlement that has merged to a greater degree with the town of Chesterfield.”*
- 5.3.50.3 *The inference being that this could not be defined as a community facility in a village as per paragraph 83 of the NPPF or indeed “the sustainable growth and expansion of all types of business in rural areas”. This is somewhat perverse, the site is either in the Green Belt or it is not. Green Belt does meet the*

urban fringe, that is what it was designed to do, to prevent coalescence etc. In planning policy terms, the site would be regarded as in a rural area, if it is deemed to be part of the urban area then surely the principle of development is acceptable. Of course it is not, it is within the Green Belt and to indicate otherwise is perverse.

5.3.50.4 *Irrespective of location, it does provide a service and not being located in the depths of the countryside, but close to a significant urban population, demonstrates its sustainable credentials.*

5.3.50.5 *In terms of a permanent worker occupying a house in the nearby urban area, this would not satisfy the licence requirements, nor would it be within "sight and sound" for animal welfare purposes.*

5.3.51 **Satisfying other planning requirements, for example relating to access, or environmental impact**

5.3.51.1 *The previous application provided a Coal Mining Risk Assessment which addressed the risks from former coal mining activity and is included again with this submission.*

5.3.51.2 *The existing access was previously considered acceptable by the Highway Authority.*

5.3.51.3 *The siting of the proposed dwelling is as previously, but additional plans are submitted to demonstrate how this would be "dug into" the existing embankment, which together with the existing substantial planting to the north eastern and south eastern boundaries would ensure the impact on the openness of the Green Belt is safeguarded.*

5.3.51.4 *This area has previously been tipped on when the site was owned by Mrs Bentley. The tipping took place approximately 10 years ago and is arguably previously developed 'brownfield'.*

5.3.51.5 *Another important factor, to note is that the proposed siting is alongside the existing fenced dog exercise area which has been*

in existence since 1992 and as such is part of the “brownfield” area of the site.

- 5.3.51.6 *A recent High Court case, Euro Garages Ltd v SOS for Communities and Local Government (2018 Case no: CO/145/2018), involved a green belt case where Mrs Justice Jefford found that a greater impact on openness must involve something more than a mere change of environment. The judge considered that the inspector had approached the matter on an erroneous assumption that any change had a greater impact on green belt openness, rather than considering whether any material impact or harm had actually been wrought by the change.*
- 5.3.51.7 *As described, the proposed siting lies alongside an existing dog walking area and close to other buildings associated with the business. A substantial tree screen separates the site from the wider ‘open’ character of the green belt, beyond, to the north. Combined with the scheme to build into the embankment minimises the visual impact on the green belt to a position where the ‘openness’ is preserved.*

5.3.52 **Conclusions**

It is acknowledged that by definition, the proposal would be considered ‘inappropriate development’, however this application together with the submitted information on the previous application has sought to demonstrate that very special circumstances do exist in terms of a functional requirement to ensure that the business(es) can continue and sustainably develop.

Para 83 of the NPPF refers to planning policies and decisions enabling:

- “a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;*
- b) the development and diversification of agricultural and other land-based rural businesses;*
- d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.”*

Para 84 of the NPPF states:

“Planning policies and decisions should recognise that site to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport”.....”The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.”

In planning policy terms, the site is within the Green Belt, and from that it is entirely reasonable to consider that it is for planning purposes in the rural area. If it is not, the alternative is that it is within the urban area. To comment that it is more related to the urban area is irrelevant for planning purposes, there has to be a dividing line between the urban area and the rural area and the council has established this by defining a Green Belt boundary.

The case being made is that the proposal represents inappropriate development in the Green Belt but there are very special circumstances, namely, the functional needs of the business that outweigh the usual unacceptability of inappropriate development in the green belt.

Put simply, the Council and a planning inspector have previously considered that the operation of the business required an on-site presence, in addition to the presence of Broomhill Farm.

Nothing has changed other than a change in ownership of the business, and the functional requirements remain the same as when essentially two dwellings were considered necessary.

5.3.53

In summary the applicant considers (officer assessment):

- The principle of an additional dwelling upon the site has been approved previously.
- That the proposal is sited within a rural location, and that rural planning policies are relevant in this case. Planning policies should support economic growth in rural locations. Agricultural workers and functional requirements on site.
- Licence conditions stipulate that a competent person is required to live on site to meet the needs of the animals.
- His personal circumstances have changed, where he wishes to spend more time with his family to help home educate his children. This requires an additional person to work full time, and then reside permanently on site.
- That the proposal supports the continued growth of the business.

- That the refusal of the dwelling may lead to closing of the business and the loss of jobs.
- That the dwelling would have a minimal environmental impact.

5.4 **Very Special Circumstances – Planning Officer Assessment**

5.4.1 The applicant has stated what are considered to be the very special circumstances and these are considered below:

5.4.2 Previous planning permission on site

Within the overall site of Broomhill Farm (excluding JJ's Cattery) there was up to 2011 one dwelling on site and one business. After 2011 the business appears to have been split in two and the part of the site without a dwelling sought permission to convert an existing building into a dwelling and this received approval.

After 2016 the site was split into three, with the previously permitted dwelling no longer being utilised for accommodation relating to the (kennels ltd) business. The original dwelling on site now functions as the residence for the licence holder related to all the private catteries and kennels on the northern part of the site for the farm ltd and kennels ltd businesses. The animal sanctuary and other parts of the site that were previously attached to land owned by Mrs Joan Bentley no longer use the dwelling on site.

5.4.3 The previous permission on site for a dwelling (CHE/12/00579/FUL) was associated to the change of use of an existing building which was associated with the Animal Sanctuary and Shop on the overall site and this application was within the middle of the overall site and did not require the development of a new building. This was not considered to impact upon the openness of the greenbelt and was justified on special circumstances of requiring 24 hour presence to meet licensing requirements. This building has reverted to its previous use related to the animal sanctuary for a café/shop/reception area, but the owners of this part of the site have not sought planning permission for this change of use. This part of the site does not require a permanent on-site presence, but as the permission for a dwelling was related to the animal sanctuary and kennels business it can continue to be a dwelling on site if required, unless it is considered that this

usage has lapsed. The areas shown in blue within Figure 1 (land attached to the animal sanctuary) does not have a licence attached to the running of the organisation, or conditions or requirements that necessitate 24/7 presence on this part of the site.

5.4.4 Definition of the site in a rural location and agricultural workers
Within chapters 83 and 84 of the 2019 revised NPPF it states that:

Planning policies and decisions should enable:

- a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;*
- b) the development and diversification of agricultural and other land-based rural businesses;*
- c) sustainable rural tourism and leisure developments which respect the character of the countryside; and*
- d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.*

Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.

5.4.5 Within the comments received from the Forward Planning Team they stated that *“The site is within Old Whittington, a settlement that would not justifiably be described as a rural village, its character being that of a settlement that has merged to a greater degree with the town of Chesterfield. The 2011 Rural-Urban Classification of Local Authorities and other geographies gives Chesterfield a classification of Urban with City and Town”*. The definition of an area as rural in character is related to levels

of population in the local area, not specifically related to one site.

5.4.6 The site adjoins a housing estate that would have been part of a village previously (Old Whittington), but over time this suburb has merged with the town of Chesterfield and could now be defined as a suburb or area of the town. So although it may historically have been rural in nature in the sense that it was a farm on the edge of a village, this is no longer the case as it is within the urban fringe of a large town, with a population of over 100,000. This ensures that national planning policy comments in relation to rural businesses are not relevant in this case. This is also not considered to be a business that would be defined as a community facility in a village, as stated in paragraph 83 of the NPPF, for the previously stated reasons.

5.4.7 The applicant/agent has stated that as the site is within Green Belt it must also be defined as being in a rural location. The officer considers that Green Belts were necessary around large urban areas to restrict urban sprawl (as well other reasons), and this means that sites within the green belt are likely to be within the vicinity of a large urban area, rather than being isolated and rural in definition. The delineation of the siting of the green belt is not a line of where the urban area starts and ends, it is a line for where planning policy changes and how sites are treated differently in the concept of the vision to control uncontrolled urban sprawl. The site is called a farm and has open land to the north, but these aspects alone do not define the site being rural in nature or in planning terms. The officer considers the site to be within the urban fringe, and its use suitable and common for a location such as this one, as it is not closely surrounded by dwellings.

5.4.8 In relation to policies for agricultural workers – the site is not utilised for an agricultural use and as such is not staffed by agricultural workers. A dog kennels business is suitable to be placed in a rural location, but that has no bearing on how this particular site is defined in terms of urban/rural.

5.4.9 Licence Stipulations

The planning officer has sought clarification as to the exact situation of the licence for the business. It does appear to be the case that a competent person is required to be “on site” at all times.

- 5.4.10 Mr James Goldman is registered as the sole director of the Broomhill Farm Kennels Ltd and Ms Jenny Mark is registered as the Company Secretary, as well as being considered as the competent person on site in relation to the business's licence.
- 5.4.11 Within the licence for this business in terms of supervision conditions 86 and 87 are relevant to this application:
86. *A competent person must always be present to exercise supervision and deal with emergencies whenever dogs are boarded at the premise.*
87. *Dogs must be visited at regular intervals, as necessary for their health, safety and welfare. (Regular intervals for visiting means intervals not less than 4 hours starting at 8am to 6pm. An evening visit may be appropriate but must be balanced against the possibility of disturbing the dogs and causing a noise nuisance).*
- 5.4.12 A "competent person", in terms of a manager of the business on site, would need to be assessed as being competent by the Chesterfield Borough Council Licencing Team to ensure the person was suitable in all aspects of the licence conditions. The competent person for Broomhill Farm Kennels is Jenny Mark, with James Goldman the Company Director. No other people are currently authorised as competent people.
- 5.4.13 The applicant has stated that they are prepared to operate the kennels and cattery attached to Broomhill Farm Ltd during the summer months, but in reference to the kennels attached to Broomhill farm Kennels Ltd they do not wish to reduce its hours to the summer months, instead they wish for this to be kept open permanently. They plan to spend time away from site during the winter months; this means that they require on-site cover during these periods. The applicant is aware that this is not possible unless there is a competent person on site at all times and this would require some form of overnight accommodation to undertake their duty.
- 5.4.14 The person whom the applicant wishes to manage the kennels currently has other employment and works part time at the kennels when required. They are not presently listed as a competent person for the kennels and have no stakes in the ownership of any of the businesses on site. They are named as

a “son-in-law” within the planning statement. As they are not named on the application it is fair and realistic to assume that the projected future management of the kennels could change.

5.4.15 Personal Circumstances

The applicant has stated that their personal circumstances have changed whereby they wish to spend more time with their family. His son has special requirements and he wishes to concentrate on his children’s home education. Part of this involves travelling on educational trips. This would require another person to manage the dog boarding business on a full time basis for the business to adhere to the licence conditions. The applicant/agent states that it is clear that the two businesses on site cannot operate from one dwelling, although no information has been provided to show why not. The site has been split in separate areas, with different businesses on different parts of the site. In terms of Broomhill Farm Ltd and Broomhill Farm Kennels Ltd this is considered to operate as one site and run as one business on a day-to-day basis. These businesses are separate due to the history on site, and are considered as separate in relation to this application in seeking planning approval for a dwelling, but in reality this application is for an additional worker/cover for one business.

5.4.16 It is considered that it is not clear why the two businesses cannot operate from one dwelling, how often the proposed educational trips would be and whether these would be day trips or more lengthy excursions?

5.4.17 Additional information has not been requested or sought, but it is not clear exactly what the requirements are for the applicant’s children, and why their requirements cannot be dealt via the educational system. It is considered that the applicant has decided that he no longer wishes to maintain the full time management of a business he purchased 3 years ago; it is considered that the businesses and existing house could be sold to another person/business who wishes to run them both and arrange alternative cover on site when required without the need to build another house on site.

5.4.18 Potential closing of the business and the loss of jobs

It is accepted that the success of the proposal may lead to the continued development of the businesses on site, but it is considered that there are a variety of options available to the

applicant in terms of solutions that would still lead to the business meeting the requirements of the licence requirements. No alternative options have been presented that demonstrate the feasibility of those other options, this includes the purchase or renting of a dwelling within the neighbouring Old Whittington area and having a more temporary accommodation on site such as an annex to the existing dwelling or a caravan. When the applicant purchased the business he was aware that 24/7 on-site provision was required to meet the licence conditions; why did he choose to buy a business that required something that he no longer wished to offer?

5.4.19 It is considered that the site has a long and varied history and has numerous types of business on site, and that if the applicant wished to retain the kennels business he could find a way to maintain it without building a new dwelling on site; this is just the most preferable option to them. In terms of the loss of the availability of private dog kennels on site; there are numerous other kennels businesses within the local area for people to utilise.

5.4.20 Minimal environmental impact of dwelling
This is an outline application and indicative details have been provided in terms of the approximate size of the house, likely materials to be used and possible eco-credentials the proposed house may or may not have. Whilst this is considered to be a low energy dwelling built into the existing landscape, it would still be a change to the existing landscape and it is considered that the building of all houses has an environmental impact in terms of the loss of open land, increased energy use and the sourcing of materials for the building process. Some plans have been provided that demonstrate some of the proposed eco-friendly design credentials but no reserved matters have been included as part of this proposal, this ensures that little weight can be attached to the potential positive environmental aspects in terms of sustainable development. At a reserved matters stage all aspects of the indicative drawings could be changed, with a more standard design house replaced with this. As the principle for a dwelling would have already been decided this would no longer be part of the considerations.

5.4.21 Conclusions

It is considered that insufficient evidence has been provided which demonstrates that the very special circumstances have been met.

There are alternative options to building a dwelling on site whilst still meeting the requirements of the licence.

A previous 2012 planning application on the farm for a dwelling did conclude that a dwelling was, on balance, required for the business in place at the time. At this time, the applicant had no other accommodation on site, and the plan was to convert an existing building within the middle of the built part of the site. It did not have a significant impact upon the openness of the green belt.

It is accepted that the Licence conditions do require a competent person to be on-site 24/7, but this condition can be met in many ways, without the building of a new dwelling.

5.4.22 In reference to the change in personal circumstances - the officer raises the point that the applicant has an existing dwelling on site and during periods of time when their family would not be present on site this would be empty. Also, the proposed new manager of this part of the business is proposed to be a family member ("son-in-law"); is it not reasonable and more cost effective that during the periods of time when the applicant would be off site that their family members reside in the existing house, or an annex of it? If not, would it not a reasonable option to consider temporary accommodation such as the use of a caravan on site during these periods of time, whilst also retaining a residence elsewhere, when not required?

5.4.23 In conclusion it is clear in this case that:

- The site is in the green belt where a new dwelling is inappropriate development by definition and which is considered to be contrary to policy;
- A new dwelling extends the built up area of the site to the north onto elevated land and which would be prominent and would have an adverse impact on the openness of the area;
- It is accepted that special circumstances can arise to outweigh the policy objection to the development however it appears in this case that the applicant has control over the whole site but has split the business activity, for

whatever reason, and now wishes to step back and allow others to manage the licence whilst he travels as part of his son's education. Whilst this may be the case no evidence has been supplied which shows that the following alternatives have been considered:

- Conversion or extension of an existing building
- Occupation of the existing dwelling on the site whilst the competent person is travelling
- Temporary accommodation on the site such as a caravan
- Alternate location of the dwelling within the built settlement of the site.

5.4.24 On balance it is not considered that very special circumstances exist such that the harm to the green belt implicit in the proposal can be offset.

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

5.5.1 The application seeks outline planning permission with all matters reserved and consideration of the issues would therefore be undertaken at reserved matters stage.

5.6 **Highways Issues**

5.6.1 The application was referred by the Local Highways Authority (LHA) to their comments; they stated that they had the same comments as in the previously refused 2017 application, these were their comments:

The development plot is served by an existing access onto Broomhill Road which is a busy classified road. There is no fronting footway at this location.

As you are aware this Authority has raised concerns regarding any intensification in use of this substandard access. However it is noted that various developments have been granted consent and the uses of the access have increased.

The applicant is proposing a dwelling ancillary to the kennel operations at this location. Whilst the existing access does not conform to current design criteria it is not considered that the

proposed ancillary dwelling would result in any significant increase in traffic movements over and above existing . There are several other premises served by the access.

In light of the current planning guidance this Authority does not consider that the proposed ancillary dwelling would result in a significant increase in traffic movements over and above those that could be reasonably generated by the current uses of this access. Even where it can be demonstrated levels of traffic may be increased as a result of the development proposals, the Highway Authority still has to have evidence to demonstrate that the harm caused by the extra traffic would be so severe as to require intervention (either by mitigation or rejection of the proposals).

In this instance the Highway Authority is not aware of any existing highway safety issues that would justify a reason for refusal that could be substantiated at appeal.

On-site parking and turning will be required. Given the classified nature of Broomhill Road and the distance of the plot from the highway an area of at least 9m x 9m or other such turning facility as demonstrated by means of swept paths should be identified on revised/future drawings, clear of all parking provision.

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

- 5.6.2 Notwithstanding this the application is seeking outline permission with all matters (including access) reserved, highways considerations are limited to securing an agreement that a point of access could be achieved to serve the development. The site location plan shows that the proposed site would utilise the existing exit off Broomhill Road. Visibility would need to be designed into a reserved matters layout commensurate to this type of route. An appropriate driveway width and length and visibility splays would need to be accommodated for a single dwelling to meet the requirements of

the LHA and the provisions of policies CS2, CS18 and CS20 of the Core Strategy; this would be dealt with in a reserved matters application. The Highways Authority do not object to the principles of the scheme, as they do not consider it to lead to a significant increase on the local highway network.

5.7 **Flood Risk & Drainage**

5.7.1 The application submission is not within a high risk flood zone. In terms of drainage it is considered that this can be dealt with during the reserved matters stage. Information has been submitted by the agent regarding the options available; it is considered that this would be dealt with at a reserved matters stage.

5.8 **Land Condition / Contamination**

5.8.1 The site the subject of the application comprises of previously worked land and therefore land condition and contamination need to be considered having regard to policy CS8 of the Core Strategy.

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

“I have reviewed the proposals and confirm that the application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.

The Coal Authority records indicate recorded and unrecorded coal mining at shallow depth. In addition, our records indicate that the application site falls within the boundaries of a site where coal has been extracted using surface mining methods.

The applicant has submitted a Coal Mining Risk Assessment Report (Midland Surveying & Engineering Ltd, November 2017) which is informed by appropriate coal mining information. The Coal Authority has seen this report before for another planning

application on the same application site. The report correctly identifies that the application site has been subject to past coal mining related activities.

Specifically, the report identifies “the possibility of unrecorded workings and differential settlement in the vicinity of the opencast high wall poses a risk to the development” (section 5.1). The report recommends intrusive site investigations to determine the location of the high wall and the presence of any workings.

- 5.8.3 *The Coal Authority Recommendation to the LPA*
The Coal Authority concurs with the conclusions and recommendations of the Coal mining Risk Assessment Report (Midland Surveying & Engineering Ltd, November 2017). The exact form and extent of intrusive site investigations needs to be agreed with the Permission Section of The Coal Authority as part of the applicant’s permissions process. These intrusive site investigations need to be prepared and conducted by a suitably competent person and findings used to inform an appropriate scheme of remedial measures if necessary. In addition, it would be prudent if consideration as given to the risk posed by mine gas to application site and proposed development.”
- 5.8.4 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.
- 5.8.5 In addition to the comments of the CA, the Council’s **Environmental Health Officer** (EHO) also provided the following response having regard to potential land condition:
- “I have inspected the above application, and have no objection to the proposed end use. However, I note that the site was subject to opencast mining. With that in mind I request a contaminated land assessment with regard to the backfilling of the opencast void, and ask that the following condition be added to any permission granted: (Land Contamination)”*
- 5.8.6 Having regard to the comments of the EHO above and the provisions of policies CS2 and CS8 of the Core Strategy / NPPF it is considered appropriate that the matters raised in respect of

potential land contamination can be addressed through the imposition of planning conditions which will require appropriate studies to be undertaken. In respect of land contamination these can be required prior to the commencement of development.

5.9 **Community Infrastructure Levy (CIL)**

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

6.0 **REPRESENTATIONS**

- 6.1 The application has been publicised by site notice and by neighbour notification letters.
- 6.2 As a result of the applications publicity there have been three letters of representation received as follows:

Resident of no.175 Broomhill Road - They object to the proposal having regard to its impact upon highway safety on Broomhill Road and the continued encroachment of buildings on site. They consider that the site has been the subject of numerous applications over the last 27 years and that what has occurred on site has had a negative impact on the views, with the loss of mature trees and habitat for wildlife. In regards highways they consider that Broomhill Road is a busy road and that the area in front of this site is bottle neck for traffic including HGV traffic.

Anonymous local resident – They object to the proposal on the grounds of the impact of the continued development of the site on local utilities in the area such as drainage, gas and water. They also consider that it will have an impact on highway safety in the area as Broomhill Road is utilised by several large local businesses in the area including HGV traffic. It will also further impact the green belt. They also consider that there are numerous businesses of different ownerships on site.

Resident of Broomhill Mews – They are concerned about the possible impact of the proposal on the access for existing users. They have concerns that the large range of separate businesses on site already lead to a situation that could lead to highways safety issues, and that the proposal would exacerbate the issue. They have raised several inconsistencies in the submitted information in relation to the history of the site also.

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 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 paragraph 38 of the February 2019 National Planning Policy Framework (NPPF).

8.2 Given that the proposed development subject to conditions would conflict with the revised NPPF (February 2019) and with 'up-to-date' Development Plan policies, it is not considered to be 'sustainable development' and there is not 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 considered to be an inappropriate development within the green belt for which no very special circumstances have been provided to outweigh the harm to the openness of the green belt. As such the proposal is contrary to paragraph

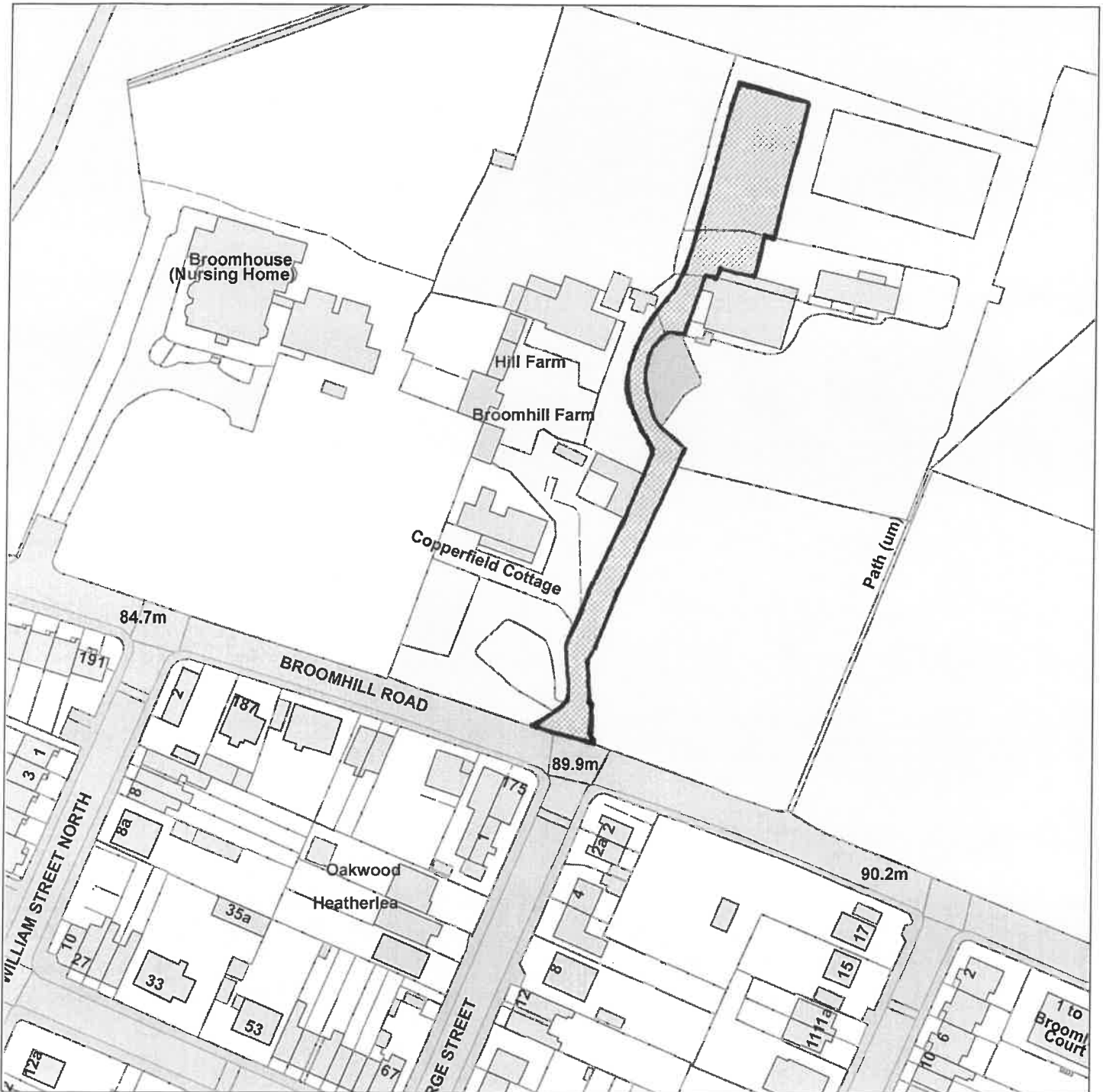
143-145 of the revised NPPF (2019) and Policy CS1 and CS9 of the Chesterfield Local Plan: Core Strategy 2011-31.

10.0 **RECOMMENDATION**

10.1 It is therefore recommended that the application **REFUSED** for the following reason:

1. The development proposed does not meet or satisfy any of the 'exception' criteria as set out in paragraph 145 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.

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Organisation	Not Set
Department	Not Set
Comments	
Date	10 May 2019
SLA Number	Not Set

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ITEM 4

PROPOSED CHANGE OF USE AND EXTERNAL CHANGES FROM A2 (FINANCIAL AND PROFESSIONAL SERVICES) TO C3 (DWELLING) (REVISED PLANS AND DESIGN AND ACCESS STATEMENT RECEIVED 11.03.2019) AT NATWEST, 10 HIGH STREET, STAVELEY, CHESTERFIELD, DERBYSHIRE, S43 3UJ FOR MR D PALTERMAN

Local Plan: Town, District and Local Centres

Ward: Middlecroft and Poolsbrook

Date: 9th May 2019

1.0 Consultations

Local Highways Authority	No objection
Ward members	No comments received
Town Council	No comments received
Forward Planning	Comments received 28/02/2019, 02/04/2019 and 03/04/2019- see report
Environmental Services	No objection
Design Services	No objection
Urban Design Officer	Comments received 08/03/2019 and 02/04/2019- see report
Site notice & neighbour consults	Objection received- see report

2.0 The Site

- 2.1 The premises, the subject of the application, is a two storey commercial building located on the eastern side of High Street, Staveley. The premises is located approximately 50 metres north of the junction between High Street and Market Street, within the main shopping area of Staveley.
- 2.2 The building is set back from the traffic calmed road by a public footway, which is approximately 3.5 metres in width. Ballard posts define the area between the public footway and the road.

- 2.3 The premises is reported to have ceased use as a bank, operated by Natwest, on 28th September 2017 and the premises have been vacant since.



Above: The application site

3.0 The Proposal

- 3.1 This application proposes the change of use of part of the ground floor area of the former bank to no.2 flats; both of which are proposed to be 1 bedroom flats. (The remaining ground floor area of the former bank has been considered for a change of use under a separate planning application of prior approval; CHE/19/00135/PNCOU).
- 3.2 The no. 2 proposed flats being considered in this application are located to the rear of the former bank area, at the most eastern side of the premises, labelled as flat 4 and 5 on drawing number KJ2900/02, Revision E.
- 3.3 Flat no. 4 is proposed to be situated on the south side of the premises. This flat is proposed to be a one bedroom flat with access to a private outdoor amenity area. The proposed outdoor amenity space will provide approximately 28 square metres of external space.

- 3.4 Flat no. 5 is proposed to be situated on the north side of the premises. This flat is also proposed to be a one bedroom flat with access to a private outdoor amenity space. The proposed outdoor amenity space will provide approximately 19 square metres of external space.
- 3.5 Also included in this application are the proposed external changes required to facilitate the proposed flats, as well external changes in relation to the prior approval application referred to above (see section 3.1).
- 3.6 The external changes required for the proposed flat labelled as flat no. 4 are as detailed below:
- The inclusion of a high level (minimum of 1.8 metres above external ground level) window. The proposed window will be situated in the bathroom of the flat on the south facing elevation of the building. The window is proposed to have dimensions of 2.2 metres x 0.4 metres.
 - There is also a proposed roof light above the kitchen area of this flat. The roof light is indicated to be 2 metres x 1 metres.
 - The removal of the south window on the east facing elevation allows for a reconfiguration of the east facing elevation. The reconfiguration includes a window to serve the bedroom area of the flat, a door way to provide the only access to the flat, and an additional window into the lounge area.
 - The amenity area associated with flat no. 4 proposes the installation of a 1.8 metre high timber panel fence. This is proposed to be installed adjacent to the existing steel palisade fencing. This proposed fencing will be situated along the south boundary (approximately 5.5 metres projection out from the rear of the premises to the site boundary). The fencing is proposed to continue northwards, along the north-south boundary for approximately 5.2 metres.

- The outdoor amenity area for flat no. 4 also indicates the inclusion of various low level, low maintenance shrubs planting to be included. There is a Crab Apple tree included too, to be situated in the south corner of the amenity area.

3.7 The proposed external changes required for flat 5 are as follows:

- The removal of the north window on the east elevation to allow a secondary access to the flat. This secondary access will open directly from the bedroom of the flat no. 5. There is also a window proposed to be added to the east elevation, situated towards the north of the east elevation. This window will also serve the bedroom in flat no. 5.
- It is also proposed that the existing fire escape door, located on the north elevation at the east of the site, will be removed and bricked up.
- On the north elevation of the premises, there is a door to access the existing first floor flat above the former bank. Adjacent to this access door, on the north facing elevation, a window to serve the lounge area and the primary access door to flat no. 5 is proposed.
- The amenity area associated with flat no. 5 proposes the installation of a 1.25 metre high facing brick wall, with a 0.5 metre high timber panel fence attached to the top. This proposed wall and fence will project 3.9 metres beyond the east facing elevation, to form a divide between the outdoor space of flat no. 4 and flat no. 5, whilst the north side of the outdoor amenity area will project 3.3 metres beyond the wall of flat no. 5.
- The outdoor amenity area for flat no. 5 indicates the inclusion of various low level, low maintenance shrubs planting to be included.

3.8 In addition to the above identified changes, the application seeks approval for further external alterations to allow the necessary changes in relation to the prior approval application that has been

received by this Local Planning Authority. These proposed changes are detailed below:

- The existing windows on the north elevation that are set back approximately 6.3 metres from the front elevation are proposed to be changed. The most east of the two windows is proposed to be changed from the existing window to an escape window. The window size will remain the same however, measuring 1 metre x 1.2 metres.
- The window immediately adjacent the above mentioned window is proposed to be converted to a door.
- The most obvious proposed external change is the change that is proposed to the front elevation of the building. Currently the building is presented with an obvious shop front elevation. The applicant is however proposing to change this frontage to include no. 4 windows that are similar in size and appearance to those already in situ on the frontage of the premises. The proposed windows will be 1.1 metres x 1.2 metres and feature stone heads to match the existing stone heads. The proposal will also seek to remove the existing aluminium shop frontage and replace with sandstone to match the remainder of the building.
- At the far south of the front of the application site (west facing elevation), where the ATM machine was once situated, a new door access and window is proposed. Both the window and door are shown to be the same size and appearance as the existing and other proposed doors and windows at the application site.
- Finally, on the south elevation the application proposes the inclusion of no. 2 additional high levels windows to match the proposed high level window that is included within flat no. 4. The no. 2 windows will be situated 1.8 metres above external ground level and each will have dimensions of 2.2 metres x 0.4 metres.

3.9 In addition to the alterations proposed within the building, the application seeks to include external changes within the site boundary. These are detailed as follows;

- Located at the north east corner of the premises, there is a planting scheme detailed. The area of such is approximately 6.2 metres x 2 metres and provides additional space for greenery within the site. Included in this area of greenery is low level, low maintenance shrubs and a Hupeh Rowan tree. This area of planting, once established, will be visible from the High Street.
- Along the west – east boundary of the site, which is situated parallel to the car parking provision area, additional outdoor planting is proposed. A new 1.8 metre high timber fence is proposed along this boundary, alongside the existing steel palisade fencing.
- The proposed planting is reflected on the most northern boundary of the site, which adjoins a car park on the northern side. The car park is shielded from view of the application site by a red brick wall.
- Along the west boundary of the application site, which forms a boundary with no. 12 High Street and is approximately 10.6 metres in length, the siting of a bin store and cycle storage facilities is proposed.
- The proposed bin storage will run parallel along the west boundary of the site. The storage is indicated to be 2.3 metres in length, with a depth of 1 metre. The storage will have a maximum height of 2.211 metres and a height to the eaves of 1.5 metres. The proposed bin storage will be constructed out of facing brick materials to match the existing boundary wall of which the store will be adjoined to. The roof will have concrete interlocking roof tiles with timber access gates. There is indicated to be provision for no. 6 bins to be stored.

- The proposed cycle storage will be situated in the far north west corner of the application site. The cycle storage is indicated to be 3.6 metres in length and 2.2 metres in depth. It will have a maximum height of 2.902 metres, with a height to the eaves of 2.1 metres. The storage is indicated to facilitate up to no. 8 bicycles (no. 4 bike hoops each holding no. 2 bicycles).
- Both of the storage areas will be situated within the outdoor amenity area. This will be defined by a block paving area, similar to those provided in the private amenity space of flats no. 4 and no. 5. The area will also be segregated from the car parking area by a 1.250 metre high brick facing wall. This brick wall will be fronted by low level, low maintenance shrubs.

4.0 Site History

- 4.1 CHE/0885/0555 – Display of illuminated projecting and fascia signs on a site at 8 - 10 High Street, Staveley, Chesterfield for National Westminster Plc.
Conditional permission granted 03/03/1985
- 4.2 CHE/0998/0488 – Internally illuminated signs
Conditional permission granted 19/10/1998
- 4.3 CHE/0988/0510 – New external shop fitting and first floor conversion from existing banking facilities to a two bedroom flat
Conditional permission granted 30/10/1998
- 4.4 CHE/1093/0571 – Erection of illuminated signs
Conditional permission granted 15/11/1993
- 4.5 CHE/0101/0031 – Installation of a 60cm satellite dish
Conditional permission granted 27/02/2001
- 4.6 CHE/0802/0514 – Erection of signage
Conditional permission granted 10/10/2002

- 4.7 CHE/04/00175/FUL – Installation of task lighting to comply with DDA Act objectives
Conditional permission granted 13/04/2004
- 4.8 CHE/15/00127/ADV – Removal of existing signage and installation of 1x 700mm high fascia with 1set 490mm high internally illuminated NatWest lettering and chevron logo, 1 x 600mm high externally illuminated hanging sign and 1x purple ATM bezel (replacement of 1 ATM insitu with new-like for like replacement) and 1x Nameplate
Conditional permission granted 29/04/2015
- 4.9 CHE/17/00379/FUL – Remove existing NatWest brand signage, ATM and night safe. Infill existing ATM and Night Safe apertures with new stainless steel blanking plate.

Conditional permission granted 20/07/2017
- 4.10 CHE/19/00013/CLOPUD – Certificate of proposed use of premises as a dwelling. Certificate of lawfulness refused 05/03/2019
- 4.11 CHE/19/00135/PNCOU– Change of use from A2 to C3.
Prior approval required, prior approval refused 09/05/2019

5.0 Considerations

5.1 Planning Policy

- 5.1.1 Section 386) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 required that, ‘applications for planning permissions 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
- CS15 - Vitality and Viability of Centres
- CS 18 - Design
- CS20 - Influencing the Demand for Travel

5.3 Other Relevant Policy and Documents

- National Planning Policy Framework (NPPF)
- SPD "Successful Places" (adopted July 2013)

5.4 Principle for Location of Development

5.4.1 The application site is situated within Staveley Town Centre, an area identified in the Core Strategy as a broad location for new housing development. The proposal would involve the redevelopment of a currently vacant premises which could aid in the delivering of "*wider regeneration and sustainability benefits to the area*" whilst maximising "*opportunities for walking and cycling and the use of public transport*". The proposal is therefore considered to be consistent with the Spatial Strategy set out in policies CS1 and CS2 of the Core Strategy.

5.4.2 The **Forward Planning** team were consulted in relation to this application, and commented (on 28/02/2019 in relation to drawings KJ2900/01 Rev A and KJ2900/02 Rev C, received on 7th January 2019) the following:

"CS2 Amenity – The external area is lacking in space, with very limited opportunities for drying clothes etc. The Residential Design Guide SPD recommends 25sqm of outdoor amenity space per flat. Many of the main living spaces are lacking in a reasonable outlook from windows.

CS6 Sustainable design – although the Code for Sustainable Homes has been abolished, the criteria a to d remain relevant and the proposal should set out how it meets these criteria.

CS18 Design – comment from the Urban Design officer should be sought. I am not convinced that the standards of amenity are appropriate in terms of dwelling sizes (approx. 50sqm per flat), natural light (particularly flat 3), outlook from windows of main living spaces and outdoor amenity space.

Planning Authorities should seek to secure ‘net gains’ in biodiversity where possible. A scheme for planting/landscaping and opportunities to provide roosting/nesting opportunities for birds/bats should be secured by condition.

To accord with CS20 and the parking guidance, there should be generous provision of secure covered cycle storage and some provision for secure motorcycle storage. The proposed vehicle parking (6 spaces) is limited but likely to be acceptable when taking into account the circumstances (location and dwelling types) of the proposal.

To conclude, although the site is sustainable, the proposal would represent the loss of a town centre use from a prominent and central location within Staveley Town centre, and as such would impact on the viability and vitality of the centre. Further information is required regarding marketing of the site for town centre uses. These concerns could potentially be outweighed by the provision of a high quality housing scheme, but the proposal is lacking in key aspects due to the design and amenity issues as noted above.”

5.4.3 Through a negotiated process and a number of revised drawings (see drawing number KJ2900/02, Rev D, received 11th March 2019), and further information provided, the revised scheme is presented under drawing number KJ2900/02, Rev E, received 29th March 2019. This is the final scheme being considered for this application.

5.4.4 The Forward Planning team’s final comments (received 3rd April 2019) in relation to this are as follows;

The full planning application for two flats to the ground floor rear of the building is broadly acceptable following the revisions that have been made to internal layout, windows, external amenity space, landscaping and cycle storage. All of which should be sufficiently conditioned.

However, the submitted information regarding marketing of the building is minimal, and provides no information on how the property was marketed, or number and nature of enquiries made. The recent Retail and Centres study by Nexus noted that:

“The draw of Morrisons, the attractive and pedestrian-friendly urban environment and the low vacancy rate provide for a vital and vibrant centre that provides well for its local resident population, given its scale.

The number of vacant units has reduced from 5 in 2008 to 3 at the time of the Nexus site visits in 2018. This equates to a 5.5% vacancy rate.

The finance and business services sector is particularly weak in Staveley. 2 banks are located on the high street (Lloyd’s and NatWest).”

Core Strategy Policy CS15 states that ‘New development should make a positive contribution to the centre’s viability and vitality, and that New housing will be permitted above ground floors uses.’

Similarly, the NPPF (paragraph 85) states that ‘Planning policies and decisions should support the role that town centres play at the heart of local communities’ and ‘Planning policies should...promote their long-term vitality and viability – by allowing them to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries, allows a suitable mix of uses (including housing) and reflects their distinctive characters’.

By allowing housing at the rear and at first floor level, this brings a suitable mix of uses whilst protecting the retail function of the centre, and for that part of High Street and the Market Place in particular which has a strong retail character.

On this basis, and to ensure compliance with Policy CS15, the external alterations to the front elevation reduce the legible retail frontage and undermine the sense of the High Street, and should not be permitted as they may inhibit future town centre uses in the building and are not necessary for development of the two flats.

5.4.5 Forward Planning's comments highlight the Nexus study that was carried out in 2018 which concluded that Staveley High Street is a vital and vibrant centre which serves the needs of Staveley well. Comments raised by the Forward Planning Officer recognise that there may be a need for mixed used premises within town centres; however these would be above ground floor uses. The officer however extends this comment, acknowledging that residential use to the rear of the premises will be suitable as the retail function of the frontage of the premises is retained.

5.4.6 Forward Planning's comments seek to ensure the retention of a commercial unit to the frontage of the application site. This would result in a mixed used site (commercial and residential) as well as a reduction in the overall commercial footprint of the premises. This reduction in commercial size may increase the commercial potential of the remaining unit.

5.4.7 This recommendation will be addressed by a planning condition on sections 9 and 10 of this report.

5.5 Design and appearance of the proposal

5.5.1 In respect of design and appearance of the proposal, the application and accompanying drawings and relevant information were initially viewed by the Council's Urban Design Officer. The Urban Design Officer's comments in relation to the initial scheme (on 28/02/2019 in relation to drawings KJ2900/01 Rev A and KJ2900/02 Rev C, received on 7th January 2019) were as follows:

1. *The provision of additional residential accommodation within town centre locations is supported in principle and has the potential to support the vitality and viability of local centres. As such, there is no objection to the principle of the conversion of the rear ground floor of No. 10 High Street.*

2. *Flats 4 and 5 measure approximately 42.3sqm and 45.6sqm respectively. Although CBC does not currently apply Technical Housing Standard - Nationally Described Space Standard (March 2015)*, this provides a useful benchmark against which the size of accommodation can be assessed. It is noted that both flats fall below the dwelling sizes defined by this standard as:
 - a. 1 bed 2 person flat = 50sqm
 - b. 2 bed 3 person Flat = 61sqm
 - c. 2 bed 4 person flat = 70sqmN/B bedroom sizes under the Nationally Described Space Standard indicate a single bedroom should achieve a minimum area 7.5sqm and a double bedroom 11.5sqm.*
3. *Flat 4 equates to a 1 bed 2 person unit and Flat 5 equates to a 2 bed 3 person unit based upon the number of bedrooms shown. Although both bedrooms in Flat 5 are shown with double beds, neither room would meet the definition of a double bedroom under the Nationally Described Space Standard (March 2015). Although some flexibility might be applied in respect of building conversions, the overall unit sizes represent a compact form of accommodation when compared to the Nationally Described Space Standard.*
4. *Flat 4 contains only two windows. One window to the bedroom looks out into the rear yard. A further narrow, high level, horizontal window is provided to the side elevation serving the lounge. Although a roof lantern is proposed above this space, the accommodation would achieve only a very limited outlook to the primary living area.*
5. *Flat 5 contains two rear facing windows but has no direct access to the rear yard.*
6. *The external spaces around the building comprise tarmac surfaced yards enclosed by high brick walls, timber fencing and galvanised palisade steel fencing to the rear of Flats 4 and 5. These areas are devoid of landscaping or interest and represent a poor quality environment and outlook from the proposed accommodation.*

Guidance contained within the residential design SPD Successful Places (2013) advises that dwellings should have a reasonable outlook that does not detract from the quality of the residential environment (sec. 3.11.21).

- 7. Successful Places (SPD) also advises that wherever possible flats should be provided with some outdoor amenity space (25sqm per flat), whether private or communal, citing the ability of ground floor flats to be designed as garden flats i.e. with their own private garden area adjacent to the flat (sec. 3.11.15). The yard to the rear of Flats 4 and 5 has the potential to be designed to provide each unit with a modest private garden that would enhance the outlook and provide an attractive external amenity space. It is recommended that such spaces should include direct access from each flat into the yard (e.g. a French door or similar), screen fencing to mitigate the existing security enclosure, a low maintenance hard surfaced area (e.g. block paving or similar) and areas of low maintenance soft planting, such as modest shrubs e.g. in raised planters etc. and small trees suited to the modest space. The introduction of planted areas would also support delivery of a net gain in biodiversity, which is a requirement of the National Planning Policy Framework.*
- 8. The area of the existing yard proposed for parking is also a stark and unappealing environment, with utilitarian enclosures, surfaces and an absence of landscaping and lighting. This area would need to be designed to ensure a better quality space is achieved. The Successful Places (SPD) advises that parking courts should be safe, convenient and attractive spaces in their own right so they form an integrated part of the residential environment (sec. 3.8.20). At present, the proposed layout would not achieve this objective.*
- 9. The parking area could potentially be reconfigured to create an attractive external space, although this would require the omission of one parking space from the north bank of parking, to allow sufficient room around the margins of this area to incorporate planted edges and fencing. The space could achieve a suitable communal area (serving all the flats), combining hard and soft landscaping to improve its appearance and timber fencing to*

screen the steel security fence. The space should also include communal a drying area and cycle storage.

10. *Secure and weather tight cycle storage would be required for the flats. This would need to be resident controlled i.e. a key coded lock or door fob control and not open store/shelter.*

5.5.2 Through a negotiated process and a number of revised drawings (see drawing number KJ2900/02, Rev D, received 11th March 2019), and further information provided, the revised scheme is presented under drawing number KJ2900/02, Rev E, received 29th March 2019. This is the final scheme being considered for this application.

5.5.3 The Urban Design Officer's comments (received on 2nd April 2019) in relation to this final scheme are as follows:

Revised Proposal

The revised submission seeks approval for the conversion of the rear ground floor area of the former Natwest Bank premises into two flats. The proposal has now changed to provide two 1-bed flats (previously one 1-bed flat and one 2-bed flat were proposed).

A separate Prior Notification submission has been made for the change of use of the front part of the former bank into three 1-bed flats (under application ref. CHE/19/00135/PNCOU). This follows the determination of a Certificate of Lawful Proposed Use Development (ref. 19/00013/CLOPUD), for which it was concluded that 'prior approval' would be required for the proposed changes.

The comments are confined to the proposal for Flats 4 and 5, situated at the rear of the building and the external physical changes (under submission 19/00012/FUL) as shown on the revised drawing (KJ2900/02 Rev. E).

External building alterations to facilitate CHE/19/00135/PNCOU

External alterations are shown on this application for changes to the front, side and rear elevations. These involve the insertion of new windows and the removal of the existing shop front. These

changes are partly required for the conversion for Flats 4 and 5, but some are also necessary in connection with the prior notification application for the creation of Flats 1-3 (CHE/19/00135/PNCOU).

Application CHE/19/00135/PNCOU only relates to the change of use of the retail part of the premises. As such, any physical changes to the external appearance of the building have been submitted under the current application (19/000012/FUL). The provision of Flats 1-3 would only be acceptable in terms of the amenity of future occupiers if the windows were installed in accordance with the physical changes shown within this submission, as the retention of large shop windows and doors would not provide a reasonable level of privacy.

It would therefore be necessary to establish whether a mechanism is available to require the physical changes proposed under application CHE/19/00012/FUL, to be implemented prior to occupation of Flats 1-3, in the event that permission is granted for the separate prior notification application CHE/19/00135/PNCOU.

Assessment

1. *Both Flats are now proposed to be 1-bed dwellings. However, both flats remain slightly less than 50sqm in area for a single flat under the National Technical Standard* (approx. Flat 4 = 45.5sqm & Flat 5 = 46sqm) and remain compact.*

Although CBC does not currently apply Technical Housing Standard - Nationally Described Space Standard (March 2015), this provides a useful benchmark against which the size of accommodation can be assessed.*

N/B bedroom sizes under the Nationally Described Space Standard indicate a single bedroom should achieve a minimum area 7.5sqm and a double bedroom 11.5sqm.

2. *Both flats have also been reconfigured internally to enable windows to be provided to the main habitable rooms (i.e. living room and bedroom) with an outlook to the outside spaces+. Kitchen areas do not have an outlook but are lit from above.*

3. *A modest external garden space is also now provided to the rear of each flat (approx. 16sqm & 32sqm respectively) with an outlook and direct access between each flat and their external space+. This is appropriate and supported.*
4. *The external spaces around the building now include areas of soft landscaping and close board fencing is shown to screen the existing steel palisade fencing. This approach would enhance the external environment of the parking area and the outlook from the proposed flats. The introduction of planted areas would also support delivery of a net gain in biodiversity, which is a requirement of the National Planning Policy Framework. Although some details of landscaping are indicated, these are not comprehensive. As such, hard and soft landscape should be subject of a suitably worded condition, together with a requirement for its implementation.*
5. *A modest communal space (serving all the flats) is shown segregated from the parking and turning area and includes a weather tight and secure cycle store and bin store facility. Although this provides mainly an access to cycle and bin storage, these are contained and arranged logically and provide essential facilities for the occupants of the future flats.*
6. *No external lighting is currently indicated to the outside areas and lighting for the convenience and safety of the occupants should be provided. This could be managed by a suitably worded condition. Lighting should be included around the bin and cycle store (potentially attached to the wall or storage structures). PIR security lights would be appropriate.*
7. *Cycle storage should be resident controlled i.e. a key coded lock or door fob control and not open store/shelter. This is indicated on the submitted plan but should be required to be provided by condition prior to occupation.*

Conclusion

The revised proposal continues to represent a compact form of accommodation, although the quality of the external environment has been enhanced an improved outlook has been achieved through the reconfiguration of the internal layout of the flats.

Although Flats 4 and 5 remain small, in light of the revised design and improvements to the external environment, on balance it is considered that the proposals would now satisfy Policy CS18 Design (Core Strategy Local Plan, 2013) and guidance contained within the Successful Places SPD (2013). Conditions should be applied in respect of hard and soft landscaping (including boundary treatments) and its implementation, external lighting and security locks for the residents cycle store.

With regard to the proposed external physical alterations to the building, a number of these are necessary in connection with the separate prior notification change of use application (CHE/19/00135/PNCOU). However, it is unclear what mechanism might be used to ensure that these changes are implemented in association with that separate application. It will therefore be necessary to establish that a suitable level of amenity for Flats 1-3 is able to be achieved.

- 5.5.4 It is evident from comparing the initial planning drawings submitted to those submitted as the final revision for consideration (KJ2900/02 Rev E) that the scheme has been considerably improved from the initial submission. The comments raised by the Urban Design Officer have been incorporated into the final scheme which has created a higher quality scheme than initially sought.
- 5.5.5 The Urban Design Officer's comments highlight the compact living that flat 4 and 5 offer. Whilst the flats are slightly smaller than the recommended size as per the National Technical Standard, this is to be used as a guide as it is not formally adopted by this Council. Furthermore, it should be acknowledged that flats 4 and 5 will provide town centre living accommodation with additional private amenity space. The private amenity space offered with these two flats is considered to be of an acceptable size with an appropriate landscaping scheme proposed.
- 5.5.6 The Urban Design Officers comments highlight the provision of other hard and soft landscaping around the application site, as well as the private amenity space. As recommended, this can be conditioned to ensure appropriate provision and delivery.

5.5.7 The requirement for an outdoor lighting scheme will also be condition as per the Urban Design Officer's comments. The inclusion of external lighting, particularly around the bin store and bicycle storage areas is considered appropriate for health and safety and security reasons. The provision of a lighting scheme will ensure an area that has potential to be a dark secluded area of the site will retain some light to deter any anti-social behaviour, theft or damage etc.

5.5.8 The external changes to the premises that have been proposed to facilitate the two flats (flats 4 and 5) that this application seeks permission for (see section 3, 3.1 – 3.7), are considered to be appropriate and in keeping with the existing building design.

5.5.9 The proposed external changes in relation to the no. 3 flats located on the front of the premises (see section 3, 3.8 for detailed external changes), which also form part of this application however are not considered to be acceptable. Application reference CHE/19/00135/PNCOU has been refused because it is considered that the loss of a prominent commercial ground floor premises and the creation of an inactive commercial frontage will cause harm to a vibrancy and vitality of the town centre.

5.5.10 Given the reason for refusal of application reference CHE/19/00135/PNCOU, it would be inappropriate, as well as contradictory to policy CS15, to grant permission to facilitate the loss of an active retail frontage within Staveley Town Centre.

5.6 Highway Safety

5.6.1 The Local Highways Authority have been consulted on this application and have raised no objections.

6.0 Representations

6.1 The application has been publicised by neighbour notification letters which were sent to boundary sharing neighbours on 6th February 2019, deadline for responses being 27th February 2019. The application was also publicised by site notice on 5th February 2019. Two letters of representation have been received as a result;

one in support of the scheme and one making objection to the scheme.

6.2 Following the revision of the scheme, all interested parties were reconsulted on 1st April 2019, deadline for responses being 15th April 2019. Whilst no further representations were received, the original objector (comments received 26th February 2019) confirmed he wished for his comments to stand in respect of the revised scheme.

6.3 The objector, who identifies his address as Harleys, Market Street, Staveley commented the following:

In principle I have no objection to the above mentioned property being converted into flats, the only concern I do have is that the appearance should be architecturally changed to look like flats in appearance and not left looking like an old disused bank.

There is an original picture of the bank before it had an extension built on the front, I feel the property should be put back to how it was originally to be in keeping with the surrounding area.

I understand that planners have problem today because the high streets are in meltdown and that old shops have got to be made into alternative use and that this is a way forward to making affordable accommodation. However, we have to got to be careful that we do not turn these old shops into buildings that looks like ghettos, this making the area a shanti town and becoming an undesirable areas.

6.4 **Officer comments:**

The objector's comments are predominantly in relation to the proposed changes to the front of the property. The objector comments that he considers the frontage of the property should be put back to the frontage prior to the extension; however this is beyond the control of the Planning Authority.

Furthermore, the objector comments that he considers the frontage should be made to look like flats, and not left looking like an old bank. However, this comment contradicts the

comments made by the Forward Planning officer, who indicated that the frontage of the premises should remain as a useable shop which contributes to the high street shopping area.

Given the comments made by the Forward Planning officer (Section 5.4) and those made in the report by the case officer in Section 5.5.9, the case officer is recommending works in relation to the proposed no. 3 flats situated at the front of the premises (the west side of the premises), should not be granted by this planning application. Further details as to reasons can be found in Section 5.4 and Section 10.

NB: The no. 3 flats proposed at the front of the building are not being considered in relation to this application, however the external works to the frontage are.

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 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 the applicant

- 8.1 The following is a statement on how the Local Planning Authority (LPA) has adhered to the requirements of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 in respect of decision making in line with paragraphs 186 and 187 of the National Planning Policy Framework (NPPF).
- 8.2 Given that the proposed development does not conflict with the NPPF or with 'up-to-date' Development Plan policies, it is considered to be 'sustainable development' and there is a presumption on the LPA to seek to approve the application. The LPA has used conditions to deal with outstanding issues with the development and has been sufficiently proactive and positive in proportion to the nature and scale of the development applied for.
- 8.3 The applicant/ agent and any objector will be provided with a copy of this report informing them of the application considerations and recommendation/ conclusion.

9.0 Conclusion

- 9.1 Overall, the proposed flats to the east of the application site (flat no. 4 and flat no. 5) are considered to be acceptable in design and appearance. The two flats which will occupy a former back office of the bank, will offer good living accommodation that is within a sustainable location as well as being set back from the high street shopping area. The private amenity space offered with the two flats provides opportunity for occupiers to have outdoor amenity provision as well as ensuring the application site to the rear of the existing building is given a meaningful use. The two flats with therefore accord with CS2, CS3, CS15, CS18, and CS20 of the Chesterfield Local Plan: Core Strategy 2011 – 2031 and the wider National Planning Policy Framework.
- 9.2 The external alterations within the application site seek to provide occupiers of the two flats proposed with further enhanced amenity space. The existing large car parking facility would be reduced in size to facilitate the provision of a bin store area and secure bike

storage area. This part of the proposal would also accord with CS2, CS3, CS15, CS15, CS18 and CS20 of the Chesterfield Local Plan: Core Strategy 2011 – 2031 and the wider National Planning Policy Framework.

- 9.3 The alterations proposed in relation to the front no.3 flats, located to the west of the application site are not considered to be acceptable in design and appearance. The loss of a retail frontage in a predominant location of a defined shopping street is considered to be unacceptable given the vibrancy and vitality offered in Staveley High Street. The proposed external works therefore (detailed in Section 3.8 of this report) do not accord with CS2, CS3, CS15, CS18 and CS20 of the Chesterfield Local Plan: Core Strategy 2011 – 2031 and the wider National Planning Policy Framework.

10.0 Recommendation

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

Conditions

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

***Reason-** The condition is 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 plan/s (drawings labelled *KJ2900/01 Rev A- Details as existing* and *KJ2900/02 Rev E- Details as proposed*) with the exception of any approved non-material amendment.

***Reason-** In order to clarify the extent of the planning permission in the light of guidance set out in “Greater Flexibility for Planning Permissions” by CLG, November 2009.*

03. Notwithstanding condition 2 above this planning consent shall not extend to the proposed external alterations to the High Street frontage proposed in connection with flats 1, 2 and 3.

Reason- *The external alterations detailed relate to the provision of no. 3 flats which were considered under application reference CHE/19/00135/PNCOU and refused planning consent. The removal of a retail frontage in a predominant high street location does not accord with policy CS15.*

04. Prior to the first occupation of the dwellings hereby approved, all hard and soft landscaping, including boundary treatments, the bin store area and the bicycle storage area, shall be implemented in accordance with the approved drawing (KJ2900/02 Rev E) and which shall be retained available for use thereafter.

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

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

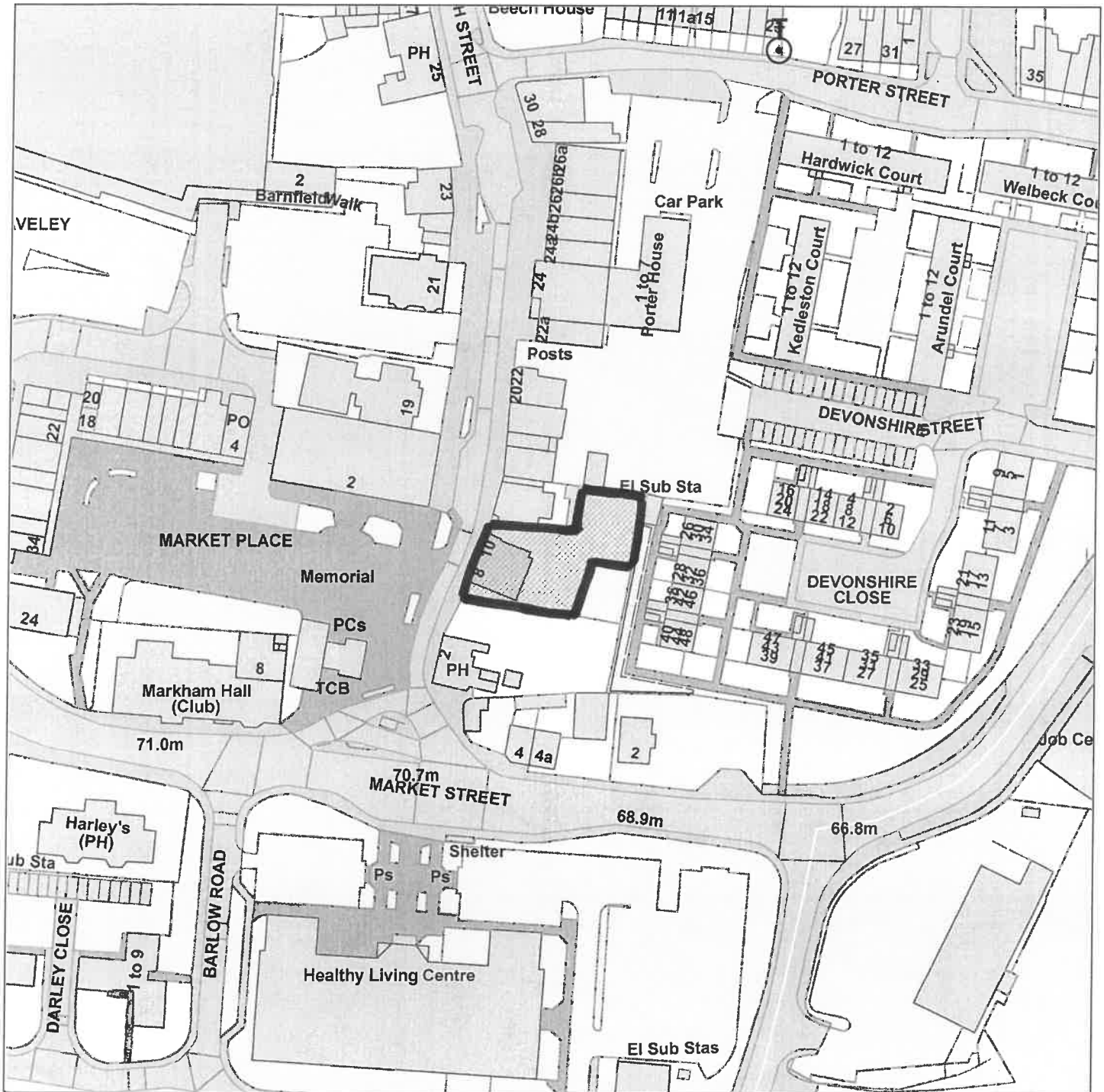
Reason- *The condition is imposed in order to enhance the appearance of the development and in the interests of the area as a whole.*

06. A lighting scheme shall be submitted to, and approved in writing by the Local Planning Authority. The lighting scheme shall be designed to provide visibility to the bin store area and the bicycle storage area. The agreed lighting scheme shall be

implemented prior to the first occupation of the dwellings hereby approved and which shall be retained thereafter.

Reason- *The condition is imposed in order to enhance the appearance of the area and in the interests of safety and security.*

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Organisation	Not Set
Department	Not Set
Comments	
Date	10 May 2019
SLA Number	Not Set

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COMMITTEE/SUB	Planning Committee
DATE OF MEETING	20 May 2019
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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Committee List - Chesterfield

Reference Number	Site Address	Description Of Work	Decision Date	Decision Type
19/01927/DEXFP	7 Chesterfield RoadBrimingtonChesterfieldS43 1AB	Ground floor rear extension	08/04/2019 A	
19/01914/DEXFP	62 Avondale RoadInkersallChesterfieldS43 3EQ	Single storey garden room extension	10/04/2019 C	
19/01702/DEXFP	12 Loxley CloseAshgateChesterfieldS40 4DQ	Single storey extension	10/04/2019 A	
19/02027/DEXFP	35 Purbeck AvenueBrockwellChesterfieldS40 4NP	Conversion of existing garage and new roof over with internal alterations	10/04/2019 C	
19/02222/DEXFP	11 Tennyson AvenueChesterfieldS40 4SN	Single storey rear extension and internal alterations	16/04/2019 A	
19/02001/DEXFP	30 Douglas RoadTaptonChesterfieldS41 0UD	Partial removal of internal wall between study and kitchen	16/04/2019 A	
19/02189/DEXFP	21 Stanford WayWaltonChesterfieldS42 7NH	First Floor Side Extension	17/04/2019 C	
19/01924/DEXFP	44 Roecar CloseOld WhittingtonChesterfieldS41 9PN	Single storey rear extension and porch	17/04/2019 A	
19/02346/DEXFP	10 Moorpark AvenueWaltonChesterfieldS40 3RL	Proposed single storey rear extension and internal alterations	25/04/2019 A	
19/02176/DEXFP	58 Walton RoadWaltonChesterfieldS40 3BY	Single Storey Rear Extension	26/04/2019 C	

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Agenda Item 6

COMMITTEE/SUB	Planning Committee
DATE OF MEETING	20 May 2019
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 FileNo	Ward	Proposal	Decision	Decision Date
CHE/18/00725/REM 2165	St Helens	Approval of Reserved Matters for demolition of existing commercial buildings and erection of 34 dwellings and conversion and change of use of existing Thornfield House to 4 flats (Revised Drawings Recieved 07.12.2018) (Revised layout drawing received 02.01.19) (Bat Survey received 21.01.19)) (Revised site layout and house types D & G received 06.02.19) (Drawings received 19.02.19) At Commerce Centre Canal Wharf Chesterfield S41 7NA For Woods and Sons Developments Ltd	CP	16/04/2019
CHE/18/00795/ADV	Holmebrook	1 set of individual letters, 1 hanging sign, 1 amenity board, 2 gable boards, 1 internally illuminated menu case At 41-43 The Royal Oak Chatsworth Road Chesterfield S40 2AH For Enterprise Inns	CP	15/04/2019
CHE/18/00826/FUL	Dunston	Erection of portal framed warehouse/showroom with associated parking and yard - Revised site plan received 18.01.19, and revised drawings received 03.04.19 At Gkn Sheepbridge Stokes Ltd Sheepbridge Lane Sheepbridge S41 9QD For Superior Spas Ltd	CP	07/05/2019

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/19/00022/FUL 2396	Moor	Extend existing roof and erect new entrance lobby to shop (revised drawing submitted drawing no.1157-02 Rev B) At The Cricketers Inn Stand Road Newbold Derbyshire S41 8SJ For Mr Amarjiy Loyal Singh	CP	17/04/2019
CHE/19/00031/FUL	Hollingwood And Inkersall	Installation of a new gas tank At Unit 74 M1 Commerce Park Markham Lane Duckmanton S44 5HS For Avanti Gas Limited	CP	30/04/2019
CHE/19/00060/DOC 1597 2880	St Leonards	Discharge of conditions 4 (Siting of compounds), 5 (LEMP) and 7 (CEMP) of CHE/17/00848/FUL (Convert and upgrade the existing 3m segregated cycle route across the Rother Washlands to create a 5m wide shared cycle route) At Land North Of Storforth Lane To The East Of Derby Road Chesterfield Derbyshire For C/o Agent	DPC	25/04/2019
CHE/19/00068/FUL	Rother	Construction of two dormer windows to the front elevation and a two storey extension to the rear (with revised drawings submitted 12/04/19, which removed the dormer windows and increased the height of rear extension on the scheme) At 54 Langer Lane Birdholme Derbyshire S40 2JG For Mr Norman Emery	CP	30/04/2019

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/19/00081/FUL	Brockwell	Single storey extension to rear, demolition of existing garden out building and small new build to top of garden, conversion of existing garage to side and small porch extension to front At 22 Tennyson Avenue Chesterfield S40 4SW For Mr and Mrs Emmerson	CP	08/04/2019
CHE/19/00085/RET	Brimington South	Retention of change of use of playroom as a beauty treatment room for running a small part time business from home three days per week At 30 Hedley Drive Brimington S43 1BF For Ms Catherine Varley	CP	26/04/2019
3576				
CHE/19/00089/FUL	West	Single storey side extension and garage conversion At 5 Lutyens Court Chesterfield Derbyshire S40 3BF For Mr James Blackburn	CP	10/04/2019
3688				
CHE/19/00090/FUL	Walton	Single storey rear extension - revised drawing received 03.04.19 At 58 Walton Road Walton Derbyshire S40 3BY For Miss Ruth Biddulph	CP	15/04/2019
2563				
CHE/19/00092/FUL	Brockwell	Single storey front / porch extension and proposed side window in gable (Revised Drawings received 18.04.2019) At 36 Shaftesbury Avenue Ashgate Chesterfield S40 1HN For Mr and Mrs Stothard	CP	07/05/2019
6503				

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/19/00094/CPO	Old Whittington	Change of use of land for the importation, storage and processing of inert excavation waste (sui generis) At Armytage Industrial Estate Station Road Old Whittington Derbyshire S41 9ET For Muktubs Skip Hire	OW	10/04/2019
CHE/19/00100/FUL 131	Loundsley Green	Proposed conversion of existing garage and provision of a new hipped roof replacing flat roof At 35 Purbeck Avenue Brockwell Chesterfield Derbyshire S40 4NP For Mrs Dawn and Mrs Victoria Martin-Siddall	CP	17/04/2019
CHE/19/00101/FUL 2916	Brimington South	Erection of non-advertising three bay enclosed bus shelter complete with hardstanding. (Shelter dimensions :- 4.52m x 1.7m x 2.6m) At Land At Hall Road Brimington Derbyshire For Chesterfield Borough Council	CP	26/04/2019
CHE/19/00106/LBC 21	Old Whittington	Replacement of the timber windows and doors with double glazed aluminium units to the residential wing of Holly House School. Work to include replacement of fascia and rainwater goods. At Holly House School Church Street North Old Whittington S41 9QR For Derbyshire County Council	CP	17/04/2019

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/19/00111/FUL 1741	Brockwell	Two storey side extension and single storey rear extension to an existing detached dwelling At 15 Cedar Avenue Brockwell Chesterfield S40 4ES For Mr and Mrs Phil and Kat Hadfield	CP	26/04/2019
CHE/19/00113/COU 3320	Brockwell	Change of use from A1 to a nail salon (Sui Generis) At 63 West Bars Chesterfield Derbyshire S40 1BA For Mr Chen Xu	CP	23/04/2019
CHE/19/00114/FUL 5063	West	First floor rear extension with single storey rear extension with new front porch to the front elevation (with revised drawings submitted 03/05/19) At 45 Storrs Road Chesterfield S40 3QA For Mr Steve Flint	CP	07/05/2019
CHE/19/00117/FUL 4270	Brimington South	Erection of a 2.4m high safeguarding fence and gates to school perimeter At Manor Infant School Manor Road Brimington Derbyshire S43 1NT For Learners Trust	CP	30/04/2019
CHE/19/00119/FUL 11	Walton	Two storey extensions to front and rear of dwelling together with single storey extension to the rear (Revised Drawing Received 17.04.2019) At 4 Guildford Avenue Walton S40 3HB For Mr & Mrs Wigfield	CP	29/04/2019

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/19/00124/FUL 5220	Hollingwood And Inkersall	Alteration and extension of dwelling At 32 Poolsbrook Road Duckmanton Derbyshire S44 5EN For Mr Wayne Bostock	CP	29/04/2019
CHE/19/00128/FUL 63	Moor	Dropped kerb crossover between proposed hardstandings at 93 and 95 St Johns Road At 93 and 95 St Johns Road Newbold Derbyshire S41 8TG For Chesterfield Borough Council	REF	01/05/2019
CHE/19/00129/FUL 2485	West	First floor side extension over existing garage At The Limes 161 Walton Back Lane Walton S42 7LT For Mr and Mrs Nigel Metham	CP	01/05/2019
CHE/19/00130/FUL 4525	Brockwell	Two storey side infill extension and removal of chimney stack At 8 Mansfeldt Crescent Newbold Derbyshire S41 7BP For Mr & Mrs G Corkhill	CP	30/04/2019
CHE/19/00145/DOC 760	Brimington South	Discharge of planning conditions 12 (storage of materials, plant, site accommodation) 13 (Vehicle Wheel cleaning facilities) and 25(Materials) of CHE/15/00344/OUT - Outline application for residential development At Land To Rear Of 292 Manor Road Brimington S43 1NX For Arncliffe Homes Ltd	DPC	12/04/2019

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/19/00160/DOC 923	Old Whittington	Discharge of planning condition 7 (parking/loading/unloading)from application CHE/17/00327/FUL - Erection of motor retail dealership comprising motor vehicle sales showroom, motor vehicle maintenance workshop and ancillary rooms, detached valet building, formation of access roads and associated hard and soft landscaping At Gordon Lamb Land Rovers Discovery Way Whittington Moor S41 9EG For Vertu Motors plc	DPC	12/04/2019
CHE/19/00164/ADV	Moor	2 illuminated fascia signs and one free standing illuminated pylon sign At Motor Seeker 468 Sheffield Road Whittington Moor Derbyshire S41 8LP For Motorseeker (UK) Ltd	CP	03/05/2019
CHE/19/00165/FUL	Hasland	Demolition of existing timber conservatory and erection of a single storey dining room extension to rear of property. At 11 Burgess Close Hasland S41 0NP For Mr Chris Hand	CP	03/05/2019

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/19/00178/NMA 536	Holmebrook	Non material amendment to 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). to allow for new vehicular access layout from Chatsworth Road and car parking layout amendments At Site Of Former Ford G K Group 240 Chatsworth Road Chesterfield Derbyshire S40 2BJ For Lidl UK GmbH	UP	29/04/2019
CHE/19/00180/FUL 3519	West	Front dormer window, rear dormer windows with julliet balconies, and house remodel At 66 Ashgate Avenue Ashgate Chesterfield S40 1JD For Hannah Leaning	CP	01/05/2019
CHE/19/00198/FUL 727	Barrow Hill And New Whittington	Replace dilapidated 2.4m high perimeter fence At Croft Yard Staveley Road New Whittington S43 2BZ For Mr John Owen	CP	03/05/2019
CHE/19/00205/DOC 163, 1637,	St Helens	Discharge of condition 5 (Bats) of CHE/18/00599 - New road bridge and access road At Land At East Of A61Known As Chesterfield Waterside Brimington Road Tapton Derbyshire For Laver Regeneration	DPC	23/04/2019

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/19/00208/DOC 29	Holmebrook	Discharge of Planning Condition No. 17 (Audit for features and materials to be salvaged and reused) on application CHE/16/00216/FUL - Residential Development & Ancillary Works At Jacksons Bakery New Hall Road Chesterfield Derbyshire S40 1HE For Mr James Blackburn	DPC	23/04/2019
CHE/19/00209/NMA 3700	West	Non material amendment to CHE/17/00370/FUL to change the materials to be used in construction At 34 Queen Mary Road Chesterfield Derbyshire S40 3LB For Mr D Strong	UP	30/04/2019
CHE/19/00211/NMA 1222	Dunston	Non-Material Amendment to CHE/18/00645/FUL for a window to the en-suite bathroom At 489 Newbold Road Newbold Derbyshire S41 8AE For Mr Robin Cotton	UP	30/04/2019

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Delegated List - Planning Applications

Key to Decisions

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

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AGENDA ITEM

APPEALS REPORT

MEETING: PLANNING COMMITTEE
DATE: 20 May 2019
REPORT BY: DEVELOPMENT MANAGEMENT AND
CONSERVATION MANAGER

FOR PUBLICATION

BACKGROUND PAPERS FOR PUBLIC REPORTS

TITLE

LOCATION

Non exempt papers on files
referred to in report

Development Management
Section
Planning Service
Town Hall
Chesterfield

1.0 PURPOSE OF REPORT

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

PAUL STANIFORTH
DEVELOPMENT MANAGEMENT AND CONSERVATION
MANAGER

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

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APPEALS

<u>FILE NO.</u>	<u>WARD</u>	<u>APPELLANT</u>	<u>CASE</u>	<u>MEMBER OFFICER</u>	<u>DATE REC</u>	<u>TYPE AND DATE</u>	<u>DECISION AND DATE</u>
2/3815	Holmebrook ward	Mr G Fountain	CHE/18/00027/OUT – Dwelling at 21a Walton Crescent Refusal	Officer delegation	05/09/18	Written Reps	Dismissed 15/04/19 see appendix A
2/1932	St Leonards ward	Mr K Hearn	CHE/18/00225/FUL – 5 No dwellings on land at Chesterfield Cattery, Crow Lane. Refusal	Planning Committee	04/01/19	Written Reps change to Hearing	
2/4072	Dunston ward	Mr and Mrs Heppenstall	CHE/18/00550/FUL – Manage at Dunston Hole Farm, Dunston Road. Refusal	Officer delegation	05/02/19	Written Reps	
2/1908	Lowgates and Woodthorpe ward	Samantha Asquith	CHE/18/00807/TPO – Felling of Ash Tree at 9 Norbriggs Road. Refusal	Officer delegation	07/02/19	Written Reps	
2/1903	Brimington South ward	Frank Sissons	CHE/18/00532/OUT – Outline for Residential Development of 150 dwellings on land west of Northmoor View, Brimington. Refusal	Planning Committee	20/2/19	Public Inquiry 2-5 th July 2019	
2/3823	Rother ward	Mr P Walters	CHE/18/00657/FUL – Rear extension at 96 Boythorpe Road. Refusal	Officer delegation	22/3/19	Written Reps (HAS)	

2/930	Old Whittington ward	Mr C Bayliss	CHE/18/00427/FUL – 2 dwellings on land to rear 11 Newbridge Street. Refusal	Officer delegation	10/4/19	Written Reps	
2/530	St Helens ward	Mr C De Girolamo	CHE/18/00772/FUL – Change of Use of garage to community café/pizzeria. Refusal	Planning Committee	8/5/19	Written Reps	

APPENDIX A

Appeal by Mr Gary Fountain

Outline for dwelling on land at 21a Walton Crescent, Boythorpe, Chesterfield.

CHE/18/00027/OUT

2/3815

1. Planning permission was refused on 15th August 2018 for outline permission for a dwelling on land at 21a Walton Crescent, Boythorpe for the following reasons:

In the opinion of the Local Planning Authority the proposal is considered to result in an over-intensive development of the plot which fails to reflect the surrounding context. The proposed development plot size is considered to be of an inadequate size to accommodate a new dwelling and is uncharacteristic of the surrounding area. As a result of the siting of the proposal it is considered that the development would be an incongruous feature in the streetscene. It is not considered that the proposal can provide an acceptable quality of amenity space which would be detrimental to potential future occupiers and does not accord with the provisions of the 'Successful Places' SPD, Core Strategy CS2 and CS18 of Chesterfield Local Plan: Core Strategy 2011 - 2031 and the wider 2018 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 issues are:-
 - (a) the effect of the proposal on the character and appearance of the surrounding area, with particular regard to the size of the plot, and intensification of use; and
 - (b) whether the proposed development would provide acceptable living conditions for future occupiers, with particular regard to private outdoor space.

Character and appearance

4. The appeal site is located close to a bend in Walton Crescent. The site is small and broadly triangular shaped. It comprises an area of hardstanding, some landscaped planting and a mature oak tree to the western boundary. The surrounding area consists predominantly of residential properties, including two storey detached, semi-detached and terraced properties. These properties are mainly set in moderate sized plots and slightly set back from the road frontage. Some of the properties have grassed front gardens whereas others have off road parking for a number of vehicles.
5. Broadly to the north of the site are a pair of small semi-detached houses, Nos. 21a and 21b Walton Crescent, which are more modern properties sitting in smaller plots. Nos. 21a and 21b are set back from the highway with hardstanding in front for car parking. Broadly to the west and south of the site are the rear gardens of residential properties on Tunstall Way and Hunloke Avenue respectively, which are bounded by a close boarded fence.
6. The proposal is for the erection of a two storey dwelling. The inspector observed that the site was highly visible when turning into Walton Crescent from Hunloke Avenue. This was partly due to the appeal site lying slightly lower than Hunloke Avenue coupled with the curvature of Walton Crescent. When travelling in a broadly southerly direction along Walton Crescent towards Hunloke Avenue, views of the site were more limited due to the siting of Nos. 21a and 21b coupled with the curvature of Walton Crescent.
7. The proposal would give rise to a more intensive, residential use of a small plot. Whilst the proposed dwelling would have a small footprint overall, it would occupy a significant portion of the entire plot width. Furthermore, from the indicative plans, it would be sited considerably in front of 21a and 21b and would therefore appear as an uncomfortable and cramped addition that would dominate the appeal site and not relate well to the neighbouring properties. Through introducing built form, it would also restrict views of the existing mature trees and landscaping in and around the site that contribute to the verdant character of the area. Accordingly, the inspector found that a residential unit on the appeal site would harm the established character and appearance of the site and its surroundings.

8. The appellant drew attention to Nos. 20 & 6 Walton Crescent both of which are set further forward than the remainder of the terraced block. However, both of these properties appear to have been originally designed to form a comparatively small bookend to each run of terraced properties. The proposed dwelling, in contrast, would be much wider than both No. 21a and No. 21b and would therefore appear as a much more dominant feature in the street scene rather than as a bookend. Accordingly, the inspector considered that Nos. 20 & 6 provide a justifiable precedent for the development proposed.
9. In addition, the appellant has argued that newer infill developments such as Tunstall Way and Tunstall Green have much smaller plot sizes than the older properties in the area. The inspector had not been provided with any other information on these other sites and was therefore unaware of the planning history associated with them. In any event, each site must be considered on its individual merits and that is the approach the inspector had taken in determining this appeal.
10. For the above reasons, the inspector considered the development would harm the character and appearance of the area, contrary to Policy CS18 of the Chesterfield Local Plan: Core Strategy 2011 – 2031 (CS). Amongst other matters, this policy seeks to ensure that development respects the character, form and setting of the site and surrounding area. It would also not be consistent with the Framework, which places an emphasis on good design.

Living conditions for the occupiers of the proposed development

11. The Successful Places Supplementary Planning Document (SPD) (2013), which has been adopted by four LPAs including Chesterfield Borough Council, provides advice on residential design. A one of two bedroom house should normally provide not less than 50 sq. m of outdoor amenity space. The SPD also seeks to ensure that where small gardens are necessary, that these are orientated to help benefit from afternoon sun and that gardens facing northerly directions benefit from being longer to compensate for overshadowing. The Council notes that around 26 sq. m of amenity space would be provided, and this figure is not disputed by the appellant. The amenity space would be limited to a small triangular area of amenity space that would be overshadowed by adjacent trees and boundary treatments. Future occupiers would not be able to benefit fully from afternoon sun. The inspector

considered that there are no substantive reasons as to why less than 50 sq. m of private amenity space should be provided in this instance.

12. Whilst the appellant has stated that there are flats in town centres that have no private or shared amenity space, no details were provided to the inspector. In any case, the SPD differentiates between flats and houses in terms of how much amenity space should be sought, with less amenity space sought for flats. The appellant refers to circumstances where a small garden may be appropriate, such as a dwelling for an elderly person who cannot maintain a garden area. There is no information before me, nor any specific mechanism, that would secure the dwelling for a particular group of people. Therefore, the inspector gave this very little weight. Although there are public open space and sports facilities within easy walking distance of the appeal site, this would not compensate for the inadequate private amenity space.
13. Taking all these matters into account, the inspector concluded that inadequate amenity space would be provided for the future occupiers of the proposed dwelling. This would be contrary to Policies CS2 and CS18 of the CS, and also the SPD. Amongst other matters, these seek to ensure that proposals do not have an unacceptable impact on the amenity of users, and that outdoor amenity space is proportionate to the type of accommodation and location that is provided.

Other Matters

14. The inspector acknowledged the site is in a residential area close to local facilities and public transport facilities where, in principle, residential development is acceptable. Furthermore, an additional dwelling would be provided that would make more efficient use of land and would help with the mix of housing through providing a smaller housing type. However, this does not overcome the harm the inspector identified above with regard to the effect on character and appearance of the area, and the insufficient amenity space that would be provided.

ENFORCEMENT REPORT

MEETING: PLANNING COMMITTEE

DATE: 20TH MAY 2019

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

WARD: As listed in the report

FOR PUBLICATION

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

BACKGROUND PAPERS

LOCATION: LEGAL SERVICES

1.0 PURPOSE OF REPORT

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

2.0 BACKGROUND

2.1 The table summarises formal planning enforcement by the Council.

3.0 INFORMAL ACTION

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

4.0 MORE INFORMATION ABOUT THE TABLE

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

5.0 RECOMMENDATION

5.1 That the report be noted.

GERARD ROGERS
LOCAL GOVERNMENT AND
REGULATORY LAW MANAGER

PAUL STANIFORTH
DEVELOPMENT MANAGEMENT
& CONSERVATION MANAGER

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

Enforcements currently Authorised: 7

ENFORCEMENT REPORT

08 May 2019

Address	Authorised <small>days from</small>	Breach	CHE/	Issued <small>days to issue</small>	Effective <small>days to (-) /from</small>	Comply <small>days to (-) /from</small>	Notes	<small>update last update</small>	Ward
Enforcement Notice		<i>Total currently Authorised: 6</i>		<i>Authorised to Issue Average: 71 days</i>					
Markham Road	Markham House 18/02/08 <small>4,098</small>	storage of commercial vehicles		20/03/08 <small>31</small>	18/04/08 <small>4038</small>	20/10/08 <small>3853</small>	Complied by 2009. Unauthorised use has started again. Prosecute.	<input type="checkbox"/> <small>04/03/19</small>	HI
Station Lane	 03/04/18 <small>401</small>	importation of materials - creation of hard surfacing		03/07/18 <small>91</small>	08/08/18 <small>274</small>	08/08/19 <small>-91</small>	Issued. In effect - no appeal. Application now received	<input checked="" type="checkbox"/> <small>08/05/19</small>	BHW
Station Lane	 03/04/18 <small>401</small>	importation of materials - industrial use		03/07/18 <small>91</small>	08/08/18 <small>274</small>	08/08/19 <small>-91</small>	Issued. In effect - no appeal. Application now received	<input checked="" type="checkbox"/> <small>08/05/19</small>	
Taton View Road	47 24/04/17 <small>745</small>	unauthorised extension	16/00648				Application for retention dismissed on appeal. Application for changes to extension CHE/17/00827/FUL approved, but unauthorised extension not removed. About to issue.	<input checked="" type="checkbox"/> <small>10/04/19</small>	SH

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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Walton Works	27/06/16 <i>1,046</i>	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"/> <i>04/04/18</i>	Wa
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York Street	2	09/10/17 <i>577</i>	conversion and extension of roof space	17/00800/FUL			Flat conversion approved 03/04/18, condition requiring removal of balcony, canopy, french windows appealed, but dismissed 18/12/18. Further enforcement if not now comply.	<input type="checkbox"/> <i>19/12/18</i>	Ha
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Stop Notice

Total currently Authorised: 1 Authorised to Issue Average: days

Walton Works	27/06/16 <i>1,046</i>	use for war and horror style games of game play					See notes for Enforcement Notice.	<input type="checkbox"/> <i>03/03/17</i>	Wa
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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

SJP - single justice procedure: prosecutions dealt with by the Magistrates Court on paper without a hearing in open court.