



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

Councillors Mannion-Brunt and T  
Murphy –

Site Visit 1

Councillors D Collins and L Collins –  
Site Visit 2

Councillors Bellamy and P Gilby –  
Site Visit 3

Councillors J Innes and P Innes –  
Site Visit 4

Councillor Rogers –  
Site Visit 5

Councillor Coy –  
Site Visit 6

Councillors P Niblock and S Niblock –  
Site Visit 7

Councillors P Niblock and S Niblock –  
Site Visit 8

Councillor K Falconer –  
Site Visit 9

31 May 2019

Dear Councillor,

Please attend a meeting of the PLANNING COMMITTEE to be held on  
MONDAY, 10 JUNE 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.**

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

Telephone: 01246 345 345, Text: 07960 910 264, Email: [info@chesterfield.gov.uk](mailto:info@chesterfield.gov.uk)

[www.chesterfield.gov.uk](http://www.chesterfield.gov.uk)

Planning Committee Members should assemble in Committee Room 1 at 10:50am. Ward members wishing to be present should attend on site as indicated below:-

1. 11:00 Waterside CHE/19/00007/REM
2. 11:30 All Inn, Lowgates CHE/19/00083/FUL
3. 11:55 Oldfield Farm, Wetlands Lane  
CHE/18/00764/FUL
4. 12:20 12 Cavendish Street North  
CHE/19/00096/REM1
5. 12:45 St Hugh's Church, Littlemoor  
CHE/19/00073/FUL
6. 13:10 Moorlea, Ashgate Road CHE/19/00043/OUT
7. 13:30 2 Westfield Close CHE/19/00021/FUL
8. 13:50 Park Hall Farm, Walton Back Lane  
CHE/18/00691/FUL
9. 14:10 St Mark's Vicarage, St Mark's Road  
CHE/19/00200/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](mailto:charlotte.kearsey@chesterfield.gov.uk) by 9.00 a.m. on Monday 10 June, 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 - 22)
4. Applications for Planning Permission - Plans Determined by the Committee (Pages 23 - 370)
5. Building Regulations (P880D) (Pages 371 - 374)
6. Applications for Planning Permission - Plans Determined by the Development Management and Conservation Manager (P140D) (Pages 375 - 384)
7. Applications to Fell or Prune Trees (P620D) (Pages 385 - 390)
8. Appeals Report (P000) (Pages 391 - 394)
9. Enforcement Report (P410) (Pages 395 - 398)
10. Five Year Housing Supply Position 2019/20 (Pages 399 - 454)

Yours sincerely,



Local Government and Regulatory Law Manager and Monitoring Officer

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## PLANNING COMMITTEE

Monday, 20th May, 2019

Present:-

Councillor Callan (Chair)

Councillors	Barr	Councillors	Caulfield
	Bingham		Davenport
	Borrell		Kelly
	Brady		Marriott
	Catt		Simmons

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

**CHE/18/00756/OUT** - Outline application with all matters reserved for a single detached dwelling-house on land to rear 14 Avenue Road, Whittington Moor, Chesterfield for Mr Grant

Councillors Barr, Bingham, Borrell, Brady, Callan, Catt, Caulfield, Davenport, G Falconer, Kelly, Marriott and Simmons.

**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

Councillors Barr, Bingham, Borrell, Brady, Callan, Catt, Caulfield, Davenport, G Falconer, Kelly, Marriott and Simmons.

**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

Councillors Barr, Bingham, Borrell, Brady, Callan, Catt, Caulfield, Davenport, G Falconer, Fordham (ward member), Kelly, Marriott and Simmons.

\*Matters dealt with under the Delegation Scheme

**1 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Mann, Miles and T Gilby.

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

Agenda item4(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)

- Councillor G Falconer declared an interest as she is an elder at Rose Hill United Reformed Church which has made representations on the application.
- Councillor Davenport noted that she is a member of the Rose Hill United Reformed Church congregation but had not discussed or expressed an opinion on the application and had no interest to declare.

**3 MINUTES OF PLANNING COMMITTEE**

**RESOLVED -**

That the Minutes of the meeting of the Planning Committee held on 23 April, 2019 be signed by the Chair as a true record.

**4 APPLICATIONS FOR PLANNING PERMISSION - PLANS DETERMINED BY THE COMMITTEE**

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

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

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

In accordance with Minute No. 299 (2001/2002) Mr Andy Bond (applicant's representative) was available to answer questions.

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. 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

Amenity/Highway Safety

3. 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.

Councillor Falconer returned to the meeting.

CHE/18/00756/OUT - OUTLINE APPLICATION WITH ALL MATTERS RESERVED FOR A SINGLE DETACHED DWELLING-HOUSE ON LAND TO REAR 14 AVENUE ROAD, WHITTINGTON MOOR, CHESTERFIELD

## FOR MR GRANT

That the officer recommendation be upheld and the application be approved subject to the following 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.
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. 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
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. 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

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. DELETED.

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.

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.

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

That the officer recommendation be upheld and the application previously considered by the committee on 23 April, 2019 be approved subject to the following 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.
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. 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
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. 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.
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.
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 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.
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.

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

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

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 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.
3. 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.
4. 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.
5. 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.
6. 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.

## **5 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

19/01927/DEXFP	Ground floor rear extension at 7 Chesterfield Road Brimington Chesterfield
19/01914/DEXFP	Single storey garden room extension at 62 Avondale Road Inkersall Chesterfield
19/01702/DEXFP	Single storey extension at 12 Loxley Close Ashgate Chesterfield
19/02027/DEXFP	Conversion of existing garage and new roof over with internal alterations at 35 Purbeck Avenue Brockwell Chesterfield
19/02222/DEXFP	Single storey rear extension and internal alterations at 11 Tennyson Avenue Chesterfield
19/02201/DEXFP	Partial removal of internal wall between study and kitchen at 30 Douglas Road Tapton Chesterfield
19/02189/DEXFP	First floor side extension at 21 Stanford Way Walton Chesterfield
19/01924/DEXFP	Single storey rear extension and porch at 44 Roecar Close Old Whittington Chesterfield
19/02346/DEXFP	Proposed single storey rear extension and internal alterations at 10 Moorpark Avenue Walton Chesterfield
19/02176/DEXFP	Single storey rear extension at 58 Walton Road Walton Chesterfield

**6     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/18/00725/REM	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 received 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
CHE/18/00795/ADV	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
CHE/18/00826/FUL	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
CHE/19/00022/FUL	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
CHE/19/00031/FUL	Installation of a new gas tank at Unit 74 M1 Commerce Park Markham Lane Duckmanton S44 5HS for Avanti Gas Limited
CHE/19/00068/FUL	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

CHE/19/00081/FUL	Single storey extension to rear, demolition of existing garden outbuilding 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/19/00085/RET	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
CHE/19/00089/FUL	Single storey side extension and garage conversion at 5 Lutyens Court Chesterfield Derbyshire S40 3BF for Mr James Blackburn
CHE/19/00090/FUL	Single storey rear extension - revised drawing received 03.04.19 at 58 Walton Road Walton Derbyshire S40 3BY for Miss Ruth Biddulph
CHE/19/00092/FUL	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
CHE/19/00100/FUL	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
CHE/19/00101/FUL	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
CHE/19/00106/LBC	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 South Old Whittington S41 9QR for Derbyshire County Council
CHE/19/00111/FUL	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
CHE/19/00113/COU	Change of use from A1 to a nail salon (sui generis) at 63 West Bars Chesterfield Derbyshire S40 1BA for Mr Chen Xu
CHE/19/00114/FUL	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
CHE/19/00117/FUL	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
CHE/19/00119/FUL	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 and Mrs Wigfield
CHE/19/00124/FUL	Alteration and extension of dwelling at 32 Poolsbrook Road Duckmanton Derbyshire S44 5EN for Mr Wayne Bostock
CHE/19/00129/FUL	First floor side extension over existing garage at The Limes 161 Walton Back Lane Walton S42 7LT for Mr and Mrs Nigel Metham
CHE/19/00130/FUL	Two storey side infill extension and removal of chimney stack at 8 Mansfeldt Crescent Newbold Derbyshire S41 7BP for Mr and Mrs G Corkhill

CHE/19/00164/ADV	2 illuminated fascia signs and one freestanding illuminated pylon sign at Motor Seeker 468 Sheffield Road Whittington Moor Derbyshire S41 8LP for Motorseeker (UK) Ltd
CHE/19/00165/FUL	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
CHE/19/00178/NMA	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 food store 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 GK Group 240 Chatsworth Road Chesterfield Derbyshire S40 2BJ for Lidl UK GmbH
CHE/19/00180/FUL	Front dormer window, rear dormer windows with Juliet balconies, and house remodel at 66 Ashgate Avenue Ashgate Chesterfield S40 1JD for Hannah Leaning
CHE/19/00198/FUL	Replace dilapidated 2.4m high perimeter fence at Croft Yard Staveley Road New Whittington S43 2BZ for Mr John Owen
CHE/19/00209/NMA	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
CHE/19/00211/NMA	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

## (b) Refusal

CHE/19/00128/FUL      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

## (c) Discharge of Planning Conditions

CHE/19/00060/DOC      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

CHE/19/00145/DOC      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

CHE/19/00160/DOC      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

CHE/19/00205/DOC      Discharge of condition 5 (Bats) of CHE/18/00599 - New road bridge and access road at land at east of A61 known as Chesterfield Waterside Brimington Road Tapton Derbyshire for Laver Regeneration



CHE/19/00208/DOC Discharge of Planning Condition No. 17 (Audit for features and materials to be salvaged and reused) on application CHE/16/00216/FUL - Residential Development and Ancillary Works at Jacksons Bakery New Hall Road Chesterfield Derbyshire S40 1HE for Mr James Blackburn

(d) Other Council no objection without comments

CHE/19/00094/CPO 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

## **7 APPEALS REPORT (P000)**

The Development Management and Conservation Manager reported on the current position in respect of appeals which had been received.

**\*RESOLVED -**

That the report be noted.

## **8 ENFORCEMENT REPORT (P410)**

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

**\*RESOLVED -**

That the report be noted.

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COMMITTEE/SUB	Planning Committee
DATE OF MEETING	10 JUNE 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 10 JUNE 2019**

- ITEM 1 - CHE/18/00764/FUL – Re-development of previously developed site for 2 self build dwellings and garages )revised plans received 02/05/2019) at Oldfield Farm, Wetlands Lane, Brimington for Mr P and Mr R Walters.**
- ITEM 2 CHE/19/00021/FUL – Erection of a none bedroom detached bungalow to provide self contained accommodation ancillary to existing dwelling (revised drawings received 16/05/2019) at 2 Westfield Close, Chesterfield for Ms Dawn Anderson.**
- ITEM 3 CHE/19/00043/OUT – Outline application for residential development (additional information received 09/05/2019) at Moorlea, Ashgate Road, Chesterfield for Mrs Lardge.**
- ITEM 4 CHE/19/00200/FUL – Residential development of 6 dwellings with access from Sydney Street and Springfield Avenue at St Marks Vicarage, 15 St Marks Road, Chesterfield for the Derby Diocesan Board of Finance.**
- ITEM 5 CHE/18/00691/FUL & CHE/18/00692/LBC- Full Planning Application For Renovation And Conversion Of Part Of A Grade Ii Listed Stone Barn To Create Two Dwellings; And Construction Of A New Single Storey Dwelling In Grounds With Associated Landscaping Works (Additional Information Received 23/05/2019)  
And  
Application For Listed Building Consent The Works To Renovate And Convert Part Of The Grade Ii Listed Stone Barn Into Two Dwellings At Barns To The Rear Of Park Hall Farm, Walton Back Lane, Walton, Chesterfield, Derbyshire, S42 7lt For Mr M Taylor**

- ITEM 6**      **Conversion Of Existing Pub Into 6 No. 1 Bed Flats, One New 2.5 Storey Building To Front For 6 No. 1 Bed Flats, Two New Single Storey Blocks Arranged Parallel To The East And West Site Boundaries For 2 No. 1 Bed Flats And One 1.5 Storey Building To North Of Site For 2 No. 1 Bed Flats (Revised Plans Received 15/05/2019, Viability Appraisal Rec'd 23/05/2019 And Ecological Survey Received 24/05/2019) At All Inn, Lowgates, Staveley, Chesterfield, Derbyshire, S43 3tx For A-Rock Construction**
- ITEM 7**      **CHE/19/00007/REM - Reserved Matter Application For Che/18/00083/Rem1 – Erection Of 173 Dwellings And Associated Landscaping And Infrastructure (Additional Information And Revised Plans Received 18/04/2019 And 25/04/2019 And 02/05/2019) On Land East Of A61 Known As Chesterfield Waterside, Brimington Road, Tapton, Chesterfield, Derbyshire For Avant Homes (Central).**
- ITEM 8**      **CHE/19/00096/REM1 - Variation of condition 2 of CHE/17/00586/FUL (Erection of a two storey dwelling ) to allow the use of larger (40ft) shipping containers instead of previously approved 30ft shipping containers - revised plans received 16/5/2019 – Land adjacent to 12 Cavendish Street North, Old Whittington, Chesterfield. S41 9DH**
- ITEM 9**      **CHE/19/00073/FUL - Hard Surfacing With Drainage And Street Lighting To Provide An Additional 2165 Sq.M Of Car Parking Area. Revised Plans Received 26.03.2019 With Amended Layout And Surfacing Plan, Amended Drainage And Tree Protection Layout And Statement Regarding Usage And Traffic Patterns. Alterations Proposed To The Main Building, Including An Entrance Canopy, Two New Entrance Doors And Cladding To The South West Elevation. Revised Lighting Plan Received 24.04.2019 And 23.05.2019, Revised Layout And Surfacing Plan 29.05.2019 And Proposed Drainage Layout 24.05.2019 And Arboricultural Report Revision A 28.05.2019 At St Hugh's Rc Church, Littlemoor, Newbold, Derbyshire, S41 8qp**



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Case Officer: Sarah Kay  
Tel. No: (01246) 345786  
Ctte Date: 10<sup>th</sup> June 2019

File No: CHE/18/00764/FUL  
Plot No: 2/3655

## **ITEM 1**

### **PROPOSED REDEVELOPMENT OF A PREVIOUSLY DEVELOPED SITE FOR 2 NO. SELF BUILD DWELLINGS AND GARAGES (REVISED PLANS RECEIVED 02/05/2019) AT OLDFIELD FARM, WETLANDS LANE, BRIMINGTON, DERBYSHIRE, S43 1QG FOR MR P AND R WALTERS**

Local Plan: Open Countryside / Other Open Lane (EVR2 / CS10)  
Ward: Brimington South

#### 1.0 **CONSULTATIONS**

<b>Local Highways Authority</b>	Comments received 08/01/2019 – see report
<b>CBC Environmental Health</b>	Comments received 12/12/2018 – see report
<b>CBC Design Services (Drainage)</b>	Comments received 13/12/2018 – see report
<b>Yorkshire Water Services</b>	No comments received
<b>CBC Tree Officer</b>	Comments received 18/12/2018 – see report
<b>Derbyshire Wildlife Trust</b>	Comments received 04/01/2019 – see report
<b>DCC Archaeology</b>	No comments received
<b>Ward Members</b>	No comments received
<b>Brimington Parish Council</b>	Comments received 17/12/2018 – see report
<b>Site Notice /Neighbours</b>	Twenty one representations received

#### 2.0 **THE SITE**

2.1 The application site is Oldfield Farm (previously known as Stonepit House), a former pastoral farm located on the western edge of Brimington Common off Westmoor Road / Wetlands Lane. The site is approximately 0.39ha in area, is roughly rectangular in shape and comprises mainly of existing farm buildings (inc. farm house / barns etc), outbuildings, areas of hardstanding and some existing pasture land.

Figure 1: Aerial Photograph



- 2.2 The site is bounded to the North by fields/pasture land; to the East by fields/pasture land (where there is a ditch/stream running along most of this boundary); to the South by Westmoor Road / Wetland Lane; and to the West by pasture land (where there is a public right of way running almost parallel to this boundary).
- 2.3 The site lies on the boundary of the built settlement of Brimington Common. To the north and west of the site lies open countryside. Elevated to the east and visible from the site lies the built settlement of Brimington Common, separated from the site by a field. To the south of the site, beyond Westmoor Road / Wetlands Lane, lies Plover Wood, an area of mature woodland.
- 2.4 There is currently vehicular and pedestrian access to the site via a private drive from Westmoor Road / Wetlands Lane. There are no footways outside the site.

### 3.0 **RELEVANT SITE HISTORY**

- 3.1 CHE/18/00765/PNCOU - Change of use of existing agricultural building to class C3 (Dwellinghouse) including creation of domestic curtilage and vehicle parking area. Approved 21/12/2018.

3.2 CHE/17/00257/FUL - Demolition of existing farmhouse and dilapidated ancillary buildings and replacement with 5 dwellings. Refused on 08/08/2017 for the following reasons:

01. *The application site is located in the Open Countryside (as designated by Policy EVR2 of the 2006 Local Plan) and in an area identified under policy CS1 of the 2013 Core Strategy to serve as a Strategic Gap between Brimington and Tapton.*

*In the context of the policy framework above it is considered that the development proposals, by virtue of their scale and mass, are unacceptable. The development proposals are considered to have a far greater impact upon the open character of the countryside as they will occupy an area materially larger than the site of the existing buildings; and the height of the dwellings proposed are in excess of the height of the existing buildings on site such that the visual impact of the development does not reflect the local character and the development is not in keeping with the surrounding area. For these reasons it is considered that the development proposals are contrary to the provisions of policies CS1 of the Chesterfield Local Plan: Core Strategy 2011 - 2031; policy EVR2 of 2006 Local Plan (which is a retained designation in the Core Strategy); and the wider provisions of the National Planning Policy Framework.*

#### 4.0 **THE PROPOSAL**

4.1 The application submitted seeks full planning permission for the proposed development of the site described in section 2.0 above for 2 no. self-build dwellings and garages.

4.2 The development proposals see the retention of the existing farmhouse building located within the application site boundary; and the proposed erection of 2 no. new dwellings (Unit A and B) on land to the rear of the existing farmhouse with associated garages and shared driveway parking.

4.3 The application submission is supported by the following plans and reports / documents:

18.272.01 – Location Plan

18.272.02A – Existing Layout Plan

P12\_A – Existing Elevations Sheet 1  
 P13\_A – Existing Elevations Sheet 2  
 18.272.03A – Site Layout Plan  
 18.272.04A – Unit A Proposed Plans and Elevations  
 18.272.05A – Unit B Proposed Plans and Elevations  
 18.272.06A – Garages Timber  
 18.272.07A – Garages Stone  
 19.272.07 – Notional Streetscene  
 Design and Access Statement  
 Arboricultural Survey Report & Method Statement (John Booth)  
 Ecology Appraisal and Bat Survey (Baker Consultants)  
 Geo-Environmental Assessment – Phase 1 (Idom Merebrook)  
 Coal Mining Risk Assessment (Idom Merebrook)  
 Speed Survey and Topographical Survey for Visibility

- 4.4 The proposed site layout plan indicates that the development will be served by a single shared driveway access which will be modified from the current site access point onto Westmoor Road / Wetlands Lane.
- 4.5 Unit A is a four bedroom property comprising of entrance hall, laundry and cloak room, master bedroom (with dressing room, en-suite and sitting room), bedroom 2, bedroom 3, bedroom 4 and family bathroom at ground floor; and open plan kitchen, dining area, living area with terrace and cloakroom / w.c at first floor.
- 4.6 Unit B is a three bedroom property comprising of entrance hall, laundry and cloak room, master bedroom (with dressing room and en-suite), bedroom 2, bedroom 3, family bathroom and games / movie room at ground floor; and open plan kitchen, dining area, living area, office and separate living area and cloakroom / w.c at first floor.
- 5.0 **CONSIDERATIONS**
- 5.1 **Planning Policy**
- 5.1.1 The site the subject of this application is in a location identified in saved policy EVR2 of the Replacement Chesterfield Borough Local Plan (2006) as Open Countryside and the adopted Core Strategy (2013) indicates the broad location of a Strategic Gap within the area.

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

5.2 **Principle of Development / Background**

- 5.2.1 The site the subject of the application comprises of a farmhouse / dwelling and outbuildings associated therewith. For the purposes of establishing a planning policy context the sites last use was agricultural. It is understood however that the farmhouse is currently occupied solely as a domestic property and the outbuildings are not currently being used or occupied for agricultural purposes.
- 5.2.2 Towards the end of 2018 the applicant made an application under the provisions of Class Q of the GPDO to change one of the buildings on site to dwelling; making a case that the site has an established agricultural use. The agricultural use is therefore accepted.
- 5.2.3 Having established the sites agricultural use, under the provisions of the NPPF this means that despite there being an argument that the character of the site appears 'previously developed' (given the extent of outbuildings and areas of hardstanding) the site cannot be regarded as previously developed land (or brownfield land) as defined in the NPPF.
- 5.2.4 If the site is not PDL or brownfield the principles of new residential development on this site must be considered against policies CS1, CS2, CS9 and CS10 of the Core Strategy; policy EVR2 of the Local Plan; and the wider provisions of the NPPF which relate to new housing. These matters are discussed in more detail below.

**Policy CS10 – Delivery of Housing**

- 5.2.5 The site is currently designated as Open Countryside under saved policy EVR2 of the 2006 Local Plan. Under policy EVR2 residential development would not normally be permitted. Policy CS10 of the recently adopted Local Plan Core Strategy (adopted July 2013), also states that residential development on greenfield

sites will not normally be permitted whilst the Council is able to demonstrate a supply of deliverable housing sites sufficient for five years. It is the case that the Council are currently able to demonstrate a supply of deliverable sites (2019 supply statement).

- 5.2.6 Other policies of the Local Plan continue to apply, the most relevant in this case being CS1 'Spatial Strategy', CS2 'Principles of Location of Development' and CS9 'Green Infrastructure and Biodiversity'. Indeed, all proposals for development must accord with CS1 and CS2 to be acceptable, regardless of whether it is a residential proposal and/or whether the council can demonstrate a 5 year supply of housing land. Furthermore other provisions of the revised NPPF which relate to the control of housing in rural areas are also of relevance.

Policy CS1 and CS2 – Walking and Cycling

- 5.2.7 Having regard to the provisions of policies CS1 the property is a 2.5km (30 minute) walk to the nearest local centre (Brimington), which would not be considered a suitable walking and cycling distance from centre to residential development. A recommended distance of 800 metres is considered an appropriate distance which should include a safe pedestrian route based on guidance within the "Guidelines for Journeys on Foot" (Institution of Highways and Transportation).

- 5.2.8 Having regard to the above the site is within walking and cycling distance of some local facilities, including a Primary School, pubs, bus stops and convenience store in Brimington Common. Although not strictly in a designated local centre the Council must be mindful that an argument based upon the strict CS1 and CS2 parameters was not supported by the Planning Inspector for a 2016 appeal for 3 dwellings on the site just opposite the application (land adj 33 Westmoor Road - APP/A1015/W/15/3133464) as follows:
- The proposed development is at the edge of the settlement and is functionally linked to an established residential area which has access to regular bus services to the settlements of Chesterfield and Brimington, via Calow. In addition, whilst the appeal site is not located within walking distance of an allocated retail centre, future occupants would be within walking and cycling distance of a primary school, pub, church, convenience store and post office which are located within Calow. These could provide for their day to day needs. Whilst the spatial strategy of the CS set out within*

*Policy CS1 is to concentrate development within walking and cycling distance of centres, this does not mean that the location of all new development, irrespective of scale, such as the construction of three dwellings is required to be restricted within those parameters. Consequently, I conclude that the proposed development is in line with Policy CS1 of the CS.*

- 5.2.9 It is therefore considered that an objection on the grounds of non-compliance with policies CS1 and CS2 in respect of walking and cycling distances is unlikely to be substantiated in this case. However it is accepted that an occupier of this site would if choosing to walk / cycle to the centre the Inspector had regard, be required to walk along the carriageway of Wetland Lane / Westmoor Road for a distance of approximately 107m to reach a footpath.

- 5.2.10 Policy EVR2 / NPPF – New Dwellings in Open Countryside  
Looking in turn at the principle of new dwellings in the open countryside policy EVR2 (saved from the 2006 Local Plan) states that:  
*“Within the areas of open countryside... planning permission will only be granted for new development which is necessary for the need of agriculture and forestry or is related to recreation tourism or other types of farm or rural diversification”.*

- 5.2.11 The proposed development fails this test and therefore parts c) and f) of policy EVR2 are required to be considered:  
*Planning permission will be granted for the replacement of existing dwellings with new dwellings provided that criteria (c) and (f) are met:*  
*(c) the scale, siting, design, materials and landscape treatment are such that the visual effect of the proposal is minimised and reflect local character; and*  
*(f) the proposed building does not have a greater impact on the open character of the countryside and the purpose of including land within it than the existing buildings and does not occupy a materially larger area of the site than the existing buildings”.*

- 5.2.12 In addition to this the latest NPPF states:  
*Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:*

*a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;*  
*b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;*  
*c) the development would re-use redundant or disused buildings and enhance its immediate setting;*  
*d) the development would involve the subdivision of an existing residential dwelling; or*  
*e) the design is of exceptional quality, in that it:*  
*- is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and*  
*- would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.*

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

#### Procedural Matters

- 5.2.14 As part of a previous application for the entire re-development of this same site for 5 no. dwellings (see site history above) the officer report associated therewith argued a series of considerations against the criteria of policy EVR2, which gave a greater weight to a comparative exercise of the extent of the sites 'developed' character and the visual impact of the development being proposed against criteria c) and f). Notwithstanding this the decision maker (planning committee) took a different view (to which they were entitled to do so) and this led to the application being refused on the basis the decision maker considered the development to have a far greater impact upon the open character of the area by virtue of scale and mass.
- 5.2.15 In respect of these matters it is considered necessary to clarify that the previous officer report didn't have correct regard to the definition of PDL as set out in the NPPF. The officer gave greater weight in their deliberations of the site to the suitability of the scale of the development proposals, based upon an opinion of the extent the site had been previously used, however the definition set out in



the NPPF would not support this view given the site overarching agricultural use.

Policy CS1 / CS9 and EVR2 – Strategic Gap / Impact upon Open Countryside

5.2.16 The Core Strategy Key Diagram set the board locations of strategic gaps which are shown as an ellipsis in the diagram.

5.2.17 Although the site the subject of this application does not appear to lie directly within the ellipsis on the diagram, its purpose was to be diagrammatic and the boundaries are to be determined at a later stage in the Local Plan process. The text of policy CS1 and CS9 which refer to the strategic gap carry the most weight.

**Policy CS1** - Strategic gaps give distinct identity to different areas, prevent neighbouring settlements from merging into one another, and maintain open space. Green Wedges provide access to the countryside from urban areas. The open character of Strategic Gaps will be protected from development between:

- Brimington and Tapton
- Ringwood and Hollingwood
- Lowgates / Netherthorpe and Woodthorpe / Mastin Moor
- Woodthorpe and Markham Vale
- Old Whittington and New Whittington
- Brimington North

**Policy CS9** - Development proposals are required to meet the following criteria where appropriate, and should:

- a) not harm the character or function of the Green Belt, Green Wedges and Strategic Gaps, and Local Green Spaces
- b) enhance connectivity between, and public access to, green infrastructure
- c) increase the opportunities for cycling, walking and horse riding
- d) enhance the multi-functionality of the borough's formal and informal parks and open spaces
- e) conserve or enhance the local distinctiveness and character of the landscape
- f) enhance the borough's biodiversity and where possible link habitats
- g) Protect existing ancient and non-ancient woodland and increase tree cover in suitable locations in the borough
- h) in cases where loss of a green infrastructure asset is unavoidable, include provision of alternative green infrastructure,

on site where possible, to ensure a net gain in quantity, quality or function

- 5.2.18 Looking at the potential impact of the development proposals upon the Strategic Gap it is noted that Oldfield Farm sits on the edge of the area broadly identified. Given the fact the development proposals centre around the replacement of existing structures, the impact on the function of the gap as a whole is unlikely to be significant in the context of policies CS1 and CS9.
- 5.2.19 The development proposals will remain a concentrated pocket of development within the Strategic Gap but that does not mean that its acceptance weakens the status or purpose of such a designation. The development proposals the subject of this application are to some degree unique. They do not take the form of a high density urban / settlement extension which would weaken the defensible boundary of a strategic gap. They are a concentrated pocket of redevelopment proposals on a site which already includes buildings / structures. Such sites can make a positive contribution in the form of new housing without being harmful to the character and appearance of the surrounding area. A nearby example of such a development of the same constraints and designations being debated is the residential development located at Ploverhill Farm (on the opposite side of Wetlands Lane to the south of this site).
- 5.2.20 Turning to the potential impact of the development upon the open countryside (policy EVR2) the degree of impact on the openness and local character of the open countryside will be integral to whether the development is considered to be materially harmful. The proposed re-development is within the existing agricultural site boundary but does not strictly follow the footprint of the existing layout.
- 5.2.21 Under the provisions of policy EVR2 f) the impact the development will have on the open character of the countryside (its urbanising effect) should be considered alongside the provisions that the development should not be materially larger than the existing site.
- 5.2.22 The photographs and maps included below show the extent of the site as it appears today as well as how the site was developed historically.

Figures 2: Historic Map; and Figure 3: Site Photograph of Hard Surfacing

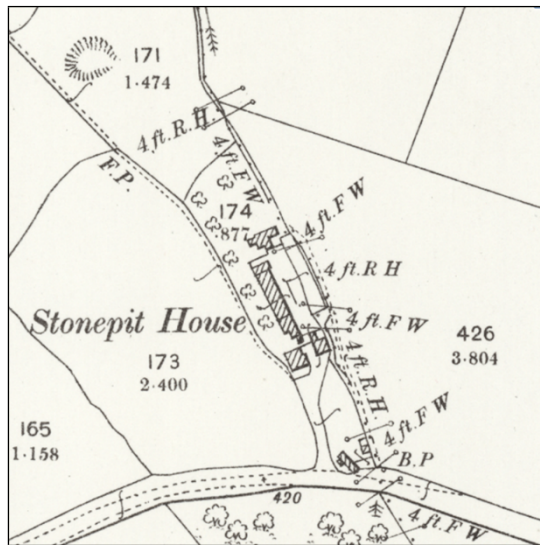


Figure 4: Photographs looking west at edge of building footprint



Figure 5: Photographs looking east at edge of building footprint



- 5.2.23 It is accepted that the development will alter the character of the site by design and shift the built footprint arrangement; however the wording of policy EVR2 does not preclude a contemporary design solution to a sites redevelopment taking place. The applicant has sought to detail the material finish of the proposed dwellings in line with those of an agricultural finish and of a scale that is now no greater that the scale / height of the existing farmhouse which is to be retained. It is therefore considered that it could be argued that the visual effect of the development proposals will be of no greater detriment to the open countryside than that of the existing site and buildings; having regard to criteria c) and f) of EVR2.

#### Conclusion

- 5.2.24 It is clear given the arguments presented above that the development proposals are finely balanced and therefore the decision maker must carefully balance all of the issues (positive and negative) to formulate a final conclusion.
- 5.2.25 It is clear that the Council's own Spatial Strategy acknowledges the importance of creating additional dwellings within the Borough and the decision maker is required to accord weight to proposals that provide social and economic benefits, such as regeneration of a predominantly brownfield site which is no longer utilised or required for its purpose as agricultural.
- 5.2.26 There is no doubt that the principles of policy EVR2 are important in that they assist to protect the character of the open countryside

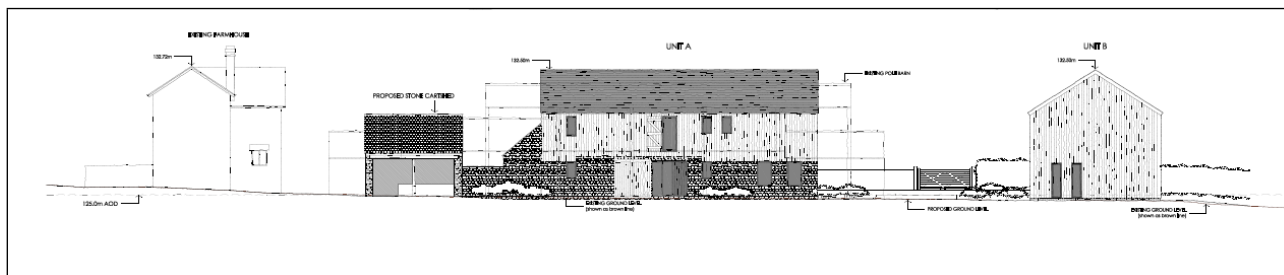
and promote sustainable patterns of development alongside policies CS1 and CS2; however there will be sites such as this one which are an exception. The characteristics of this site and the buildings thereon exist in an arrangement which does not lend itself to be easily converted and therefore redevelopment in the manner being proposed presents a facilitating solution which takes into account parameters of the overriding designations and works with them to provide what is considered to be a high quality design solution. The relationship of the site to the surrounding will undoubtedly change as a result of the development but it is considered that the benefits of the scheme outweigh any acknowledged adverse impact such that there is a presumption in favour of sustainable development and the principle of development can be accepted.

### 5.3 **Design and Appearance Considerations (inc. Neighbouring Impact / Amenity)**

- 5.3.1 The proposal has been carefully designed from the outset to address the concerns of members of the Planning Committee regarding the scale and impact of the previously-refused scheme. The previous application was refused owing to the fact that the proposal would occupy a materially larger area of the site, and be taller than, the existing buildings on the site and thus would have a greater impact on the open character of the countryside and not be in keeping with the surrounding area.
- 5.3.2 The scheme now being considered retains the farmhouse and agricultural building to the front of the site and involves only the replacement of the existing cow shed, dutch barn, stables and garage with 2no. new (self-build) dwellings and garaging. The footprint of the buildings to be removed (the cow shed, dutch barn, stables and existing garage) extend to some 376sqm. The footprint of the 2no. new dwellings and garages is 385sqm – representing an overall increase of just over 2%.
- 5.3.3 The proposal is substantially smaller than the scheme refused on the site in 2017. The scheme now proposed has a floor space less than half of the previously refused scheme (672 sqm as opposed to 1389 sqm) and also a volume less than half of the refused scheme (2263m<sup>3</sup> compared to 4591m<sup>3</sup> ).



- 5.3.4 The heights of the 2no. new dwellings have also been kept at a similar level to the existing farmhouse and are lower than the height of Unit 5 of the refused scheme.



- 5.3.5 Having regard to the above, the proposal will not occupy a materially larger area of the site (or be materially taller) than historic development within the site - and is significantly smaller than the previously refused scheme. As such, it will have a similar impact on the character of the countryside as the existing development and is therefore acceptable in relation to Policy EVR2.
- 5.3.6 In addition to the above, it is also considered that the layout and design of the individual buildings proposed also represent a much more sensitive and appropriate development than the previously-refused scheme which ensure that the proposal reflects and reinforces the character and agricultural origins of the site and does not appear prominent or incongruous within its countryside setting.
- 5.3.7 Having regard to the provisions of policy CS18 of the Core Strategy and the guidance contained in the adopted SPD 'Successful Place – Housing Layout and Design' the overall design of the development proposals are considered to be appropriate.
- 5.3.8 The nearest residential neighbours to the site will be the properties located on Barry Road and Wheathill Close which are located to the east and north east of the application site boundary. At its closest point the edge of the application site boundary is no less than 50m from the boundary of the nearest neighbour and therefore the development proposals do not result in the introduction of any adverse overlooking, overshadowing or overbearing impacts to these nearby neighbouring properties. Internally the development proposals are designed and laid out

such that they offer each other appropriate protect and levels of amenity.

- 5.3.9 Overall the development proposals detail a high quality contemporary design solution to the redevelopment of the site. There is no doubt that the scheme will have a differing appearance to the existing agricultural cluster of development currently in situ on the site; however there is merit to support the entire redevelopment of the site if it results in an comprehensive high quality development pocket which delivers housing to the Borough. The detailed architectural design of the dwellings will use a mixture of external finishes and materials which will route the development into the landscape, alongside appropriate boundary treatments; both of which can be the subject of planning conditions to secure their individual detail and approval.

#### 5.4 **Highways Issues**

- 5.4.1 The application proposals were reviewed by the **Local Highways Authority** (LHA) who provided the following comments:  
*'The site is located off Westmoor Road, a non-classified road on the outskirts of Brimington and is subject to the national speed limit adjacent the site.*

*The site has been the subject of a previous planning application (CHE/17/00257/FUL), which sought the demolition of the existing farmhouse and construction of 5 replacement dwellings. Whilst this application was ultimately refused, the Highway Authority during the consultation process considered achievable sightlines to be in excess of those required to accommodate 85%ile approach speeds (based on speed readings) from the existing access location onto Westmoor Road. Accordingly, visibility onto Westmoor Road is considered acceptable.*

*Internally within the site, the existing access is shown as being widened, in accordance with current guidance.*

*With regard to parking, a timber cartshed to serve the new dwellings and stone cartshed to serve the existing farmhouse are proposed. Whilst acceptable in principle, the internal dimensions to these buildings are considered too small to accommodate vehicles, with guidance taken from Delivering Streets and Places*

*recommending standard dimensions for a single garage of 3.6m x 6.5m and for a double garage 7.2m x 6.5m.*

*In addition to the above, in view of the number of bedrooms proposed the Highway Authority would recommend that 3 parking spaces be provided per new dwelling. Concerning the existing farmhouse, the same level of parking should be retained as is currently provided.*

*There would appear to be ample space within the control of the applicant to provide parking in accordance with the above and the Highway Authority would therefore recommend that revised parking be provided.*

*Finally, in the interest of safety for future occupants of/visitors to the site, creation of a footway link with that which exists to the east of the site should be explored and, if feasible, provided. Such a facility was noted in previous comments provided by the Highway Authority in relation to the earlier residential development proposed.*

*Accordingly, before making my formal recommendations I would be obliged if you could ask the applicant to revise the proposal in view of the above comments and in the meantime please hold the application in abeyance until revised plans have been submitted.'*

- 5.4.2 Having regard to the comments made above it is clear that there is more than enough space within the boundary of the application site to provide ample parking provision for the 2 no. new dwellings and the retained farmhouse. This is reflected on the site layout plan submitted and a further condition can be imposed requiring the maintenance of 3 no. parking space per dwelling in perpetuity. It is also appropriate under the provisions of policy CS20 of the Core Strategy that the provision of electric vehicle charging points are secured for the 2 no. new dwellings.
- 5.4.3 The LHA acknowledge that a Speed Survey and Visibility Splay Topographical Survey previously undertaken adequately demonstrates that site visibility commensurate with vehicle speeds is achievable and an appropriate condition can be imposed on any permission issued to secure these access amendments in connection with the development proposals and policy CS20 of the Core Strategy.



- 5.4.4 It is noted in the comments of the LHA above they suggest investigation into a connection of the footway on Westmoor Road to the east, along the verge to the application site. The image below (Figure 6) shows the point of Westmoor Road where the footpath currently ends and upon further investigation it is considered that a large proportion of the soft verge and vegetation leading down to the application site boundary would have to be removed to secure a very limited width of footway.

Figure 6: Street View Extract



- 5.4.5 Looking further down towards the application site there are also pinch points in the actual carriageway width where the creation of a new footway in addition might encroach and thus would not meet highway standards (Figure 7). The LHA would be unlikely to accept the creation of a substandard footway in highway limits and furthermore it is considered that the introduction of footway would be harmful to the character of the lane which clearly changes at the edge of the built settlement. On balance it is considered that the development site itself offers appropriate levels of off-street parking (which is acknowledged achievable by the LHA) such that on balance the visual harm and substandard nature of any such provision outweighs the limited benefits of this facility.

Figure 7: Street View Extract

\* See next page



- 5.4.6 It is accepted that concerns about highway safety, congestion / additional vehicles from the development site and vehicle speeds / highway user safety in the vicinity of the development have been raised. Notwithstanding this the applicant / agent have provided all of the details commensurate with the LHA requirements to demonstrate the development can be appropriately served by adequate parking and exit visibility as part of an amended access point to the local highway network. The fall-back position being that the site is agricultural and albeit no longer in operation, could be re-occupied as such without any further permission being needed which would also generate a significant number of vehicular movements from the existing access. This scheme as proposed offers an improvement to that which accords overall with the provisions of policy CS20 of the Core Strategy and is acceptable.

## 5.5 **Heritage / Archaeology**

- 5.5.1 The property the subject of the application is not recognised as being of any historical / heritage value and the wider application site is not influenced by any heritage designation.
- 5.5.2 The previous application proposed the demolition of the existing farmhouse; whereas this latest application does not. It is retained with the 2 no. new dwellings located on land behind the farmhouse building.
- 5.5.3 DCC Archaeology were consulted on the latest application proposals; however no comments were received. Notwithstanding

this however their comments on the previous application confirmed the following position:

*‘Oldfield Farm is shown on historic mapping as early as Sanderson’s map of 1835, when it is identified as ‘Oldfield’, although the mapping between 1880-1915 shows the site as ‘Stonepit House’. There is no documentary evidence to place the origins of the site much earlier than this. ‘Oldfield’ is identified in the 1849 Brimington Tithe Map as the names of the field to the west of Dark Lane, and it may be that the farm took its name from this (and perhaps ultimately from a division of the medieval open field in this area).*

*The site lies just within the unparished area of Chesterfield at the edge of Brimington Common, and in the former township of Tapton. This is a marginal location at the edge of common land and it is likely therefore that the farm site originates in encroachment onto former common land during the late 18<sup>th</sup> or early 19<sup>th</sup> century. Photographs of the site are provided in the applicant’s Design and Access Statement – the farmhouse seems to have a modern frontage but retains some earlier features to the rear which on map evidence seem to date from the late 19<sup>th</sup> century. The north-south range of farm buildings in the middle of the site may originate earlier still – this arrangement is shown on the 1835 map. The farm buildings are re-roofed but retain some historic features, but are not of particular architectural significance.*

*The site therefore has no potential for below-ground archaeological remains of any significance, and the very modest vernacular buildings – much altered – do not merit historic building recording under the NPPF.’*

- 5.5.4 On the basis of the comments received above it is considered that the new development proposals are acceptable in the context of policy CS19 of the Core Strategy.

## 5.6 **Ecology and Trees**

- 5.6.1 As detailed in the application site description the site comprises mainly of existing farm buildings (inc. farm house / barns etc), outbuildings, areas of hardstanding and some existing pasture land which is flanked on its eastern boundary with mature trees and an open ditch / watercourse.

- 5.6.2 The application submission is accompanied by an ecological appraisal, arboricultural survey and bat survey which have been reviewed by the **Derbyshire Wildlife Trust** (DWT) and the Council's **Tree Officer** (TO) alongside the details of the development proposals.
- 5.6.3 **Derbyshire Wildlife Trust** commented as follows:  
*'As per our previous comments on this application (dated 23.06.17), additional information should be provided to demonstrate the mitigation strategy to maintain roosting opportunities for brown long-eared bats on site. This should give the LPA confidence that 'three tests' can be met and that Natural England are likely to approve the mitigation licence. As part of this mitigation strategy, we advise that the applicant should demonstrate how mitigation for both swallows and little owl will also be incorporated. Once this additional level of detail has been provided, the mitigation and licensing can be secured through planning conditions, which we would be happy to recommend.'*
- 5.6.4 DWT's comments dated 23/06/2017 were as follows:  
  
*'The updated ecological surveys have concluded brown long-eared bat roost on site. The proposed development works at the site have the potential to destroy bat roost using the building(s). This is considered a significant impact and detrimental to the favourable conservation status of common species of bats at a local level for brown long-eared bats.*  
  
*Ideally, the ecology report would provide sufficient details on bat mitigation such as capture and exclusion, detailed design of the bat loft\* (the report discusses bat box, but the proposals include garages and a bin store which can easily accommodate a bat loft); Post development monitoring, additional information such as timber treatments, roofing felt (breathable roofing membranes should not be used in bat mitigation), materials to be used etc. Only two activity surveys have been undertaken with ten day spacing; ideally surveys should be spaced two weeks apart and a confirmed bat roost should have a total of three nocturnal surveys.*  
  
*\*Although the roost is of low conservation significance, the proposals could easily accommodate additional enhancements for*



*bats by utilising the communal buildings. In addition these building could provide enhancement for swallows and other bird species.*

*Following standard advice from NE and subsequent government standard planning guidance, Local Authorities and NE are now required to request information that demonstrated the maintenance and longevity of a species' Favourable Conservation Status where proposals affect, or are likely to cause an effect on individual or population status. Therefore the Local Authority must satisfy themselves that the development proposals address potential impacts on the species and demonstrate suitable and adequate mitigation in order to maintain favourable conservation status of brown long-eared bats. The mitigation strategy therefore must provide sufficient confidence and satisfying these requirements, as well as inclusion for aspects of biodiversity enhancement, at present, this information is lacking.*

*The LA must be confident in the approach, as well as satisfying the three tests and Natural England. The mitigation strategy should follow standard industry practices and will be transposed to a subsequent EPSL that must be secured before any development of this site. It is intended to provide confidence to the Local Authority, that in determining the planning application for this site, it will be developable within certain constraints with respect to bats (and birds). Ultimately this site cannot be legally developed (with respect to bats) in absence of an EPSL which can only be granted once planning has been approved for the site. In order to apply for an EPSL application must be made within 2 years of the last survey. Survey data in excess of 2 years will not be accepted by NE and the surveys undertaken will need to be repeated to inform the EPSL, if there are any further delays.*

*The report correctly states that an EPS Bat Mitigation Licence from Natural England will be required in order to derogate from the legal protection afforded to bats. At present, it is considered that insufficient mitigation has been submitted, however, the proposals can clearly accommodate mitigation and enhancements on site. The mitigation is considered to be achievable on site, however, a detailed mitigation strategy should be submitted and conditioned, if planning permission is granted.*

*It is recommended that if the Council are minded to grant planning permission for this development that the following conditions are attached:*

- 1. No works shall commence on site until a copy of the Natural England Bat Licence Application has been submitted to and approved in writing by the LPA, in advance of submission to Natural England.*
- 2. No work shall commence on site until a detailed bat mitigation, compensation and enhancement strategy has been submitted to and approved in writing by the LPA. Such approved measures should be implemented in full and retained thereafter.*
- 3. No works shall commence until a detailed external lighting scheme has been submitted to and approved in writing by the LPA. Such approved measures should be implemented in full and maintained thereafter.*
- 4. No works shall commence until a copy of the Natural England EPS Bat Mitigation Licence has been submitted to and approved in writing by the LPA.*
- 5. The bat and bird mitigation measures will be monitored for a minimum of two years after construction with reports submitted to the LPA, Derbyshire Wildlife Trust and Derbyshire Bat Conservation Group immediately following completion of each survey.*
- 6. No works to buildings or structures or removal of vegetation that may be used by breeding birds 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.*
- 7. No work shall commence on site until a bird mitigation, compensation and enhancement strategy for nesting birds (and in particular swallow) has been submitted to and approved in writing by the LPA. Such approved measures shall be implemented in full and maintained thereafter.*

*8. Retain habitats such as trees, hedgerows and water course should be protected throughout the works, and where possible enhanced. Pollution prevention measures and best practices should be adhered to and maintained.'*

5.6.5 The **Tree Officer** commented as follows:

*'There are six trees to the frontage of the site that are covered by the above mentioned provisional tree preservation order which may be affected by the development. In general the proposed development does not affect the retained trees on site and I therefore have no objections to the application, however further details are required along with more details of the tree protection measures to be implemented during the demolition and construction phases.'*

#### **Access**

*It is proposed that a new access and driveway are to be constructed off Wetlands Lane/Westmoor Road which may have an effect on the adjacent trees within G1 and T1 Ash to the west of the access. It is proposed that part of the existing stone wall is removed and the access curved into the new driveway. This shouldn't be a problem however more details should be provided of the construction method including cross sectional drawings with existing and proposed levels to show how this affects the adjacent trees.*

#### **Drainage and other services**

*No details of the drainage layout for the development have been provided with the application. Any service runs should be outside the root protection areas (RPA's) of the retained trees as outlined in the Arboricultural Report by John Booth.*

#### **Tree Protection**

*If consent is granted to the application then a condition should be attached requiring a Tree Protection Plan (TPP) and detailed Arboricultural Method Statement (AMS). This should include the follow:*

*Prior to the commencement of the development hereby approved (including demolition 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.*
  - b) Methods of demolition within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees.*
  - c) Details of construction within the RPA or that may impact on the retained trees.*
  - d) a full specification for the installation of boundary treatment works.*
  - e) a full specification for the construction of any roads, parking areas and driveways, including details of the no-dig specification and extent of the areas of the roads, parking areas and driveways to be constructed using a no-dig specification. Details shall include relevant sections through them.*
  - f) 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.*
  - g) A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing.*
  - h) a specification for scaffolding and ground protection within tree protection zones.*
  - i) Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area.*
  - j) details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires*
  - k) Boundary treatments within the RPA*
- The development thereafter shall be implemented in strict accordance with the approved details.*

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



- 5.6.6 Having regard to the comments received from DWT in respect of the development proposals the resulting impact on the bat roost and bat population are noted, as are the initial concluding remarks of DWT which accept there is sufficient space and scope with the development site to incorporate appropriate bat mitigation. Their comments highlight the necessary steps required by any prospective developer to ascertain a license from Natural England to undertake works which affect the identified bat roost and they suggest that a copy of that license is submitted to the LPA prior to development commencing in order for the LPA to be satisfied that an appropriate mitigation strategy is achieved.
- 5.6.7 The LPA support the recommendations as they are aware that the steps required ascertaining the license include demonstration to Natural England that appropriate and proportionate mitigation can be secured. Furthermore, given that the steps described above encourage the bat population to co-habit the development site in the future the further steps recommended by DWT which relate to complimentary lighting design and other biodiversity enhancements measures to promote biodiversity should also be secured in the interests of policy CS9 of the Core Strategy.
- 5.6.8 It is noted that in their comments DWT suggest that the mitigation measures agreed and implemented should be monitored for a period of two years and the survey works should be submitted to the LPA and them under an appropriate planning condition however it is not considered that such a requirement would be reasonable. If planning permission is given, the necessary license from NE ascertained and the mitigation measures implemented; it is unclear what benefit the survey work would secure? Planning conditions are only supposed to be imposed where they are necessary to make a permission acceptable on planning grounds and therefore what planning purpose would the monitoring / survey secure if permission is granted and the measures had already been deemed acceptable to best mitigate the impact. Imposition of such a condition would fail the tests of the NPPG.
- 5.6.9 Looking in turn therefore to the impact of the development upon trees the Tree Officer is accepting of the recommendations made in the Arboricultural Report and subject to condition he is happy that the development proposals will not adversely impact upon the protected trees. In this context appropriate conditions can be secured as per his recommendations to allow the trees to be

retained coincidental to the development. This approach is supported by the provisions of policy CS9 of the Core Strategy.

## 5.7 **Flood Risk and Drainage**

5.7.1 Having regard to flood risk and drainage matters the application site is identified to be at low risk of surface water flooding in the Environment Agency flood maps. The site is however not within flood risk zones 2 or 3 so a site specific flood risk assessment would not be required.

5.7.2 Notwithstanding the need for detailed flood risk assessment, the site must detail an appropriate drainage solution which considers (where feasible) sustainable drainage features in its design and the finished floor levels of the dwellings must be raised above ground level to mitigate any potential impacts from the identified surface water flood risk. Both **Yorkshire Water Services** (YWS) and the Council's own **Design Services** (DS) team were invited to review the planning application proposals; however comments were only received back from the DS team as follows:

*'The EA flood maps demonstrate a low level of potential surface water flooding on the site. As a minimum, floor levels should be raised 150mm above the adjacent ground levels.'*

*'We would like to see proposed drainage layouts for the development. The application form indicates foul drainage is proposed to discharge to a main sewer. However, the nearest public sewer is located away from the site. Surface water should be disposed so as not to increase flood risk downstream.'*

5.7.3 The application submission does indicate that the development proposals are to main connected to foul drainage, however given the comments received from the DS team it is not clear if this type of connection is available. Regardless whether a mains connection is available or not, the issue of foul drainage is not insurmountable as a package treatment solution is a clear alternative solution for this type of development and this matter can be clarified through appropriate planning condition accordingly.

5.7.4 Having full regard to the comments detailed above and the requirements of policy CS7 of the Core Strategy relating to flood risk and drainage it is considered that the development proposals

are acceptable. Appropriate pre-commencement planning conditions can be imposed to secure the necessary drainage solution detail required.

## 5.8 **Land Condition / Contamination / Noise**

- 5.8.1 In respect of land condition the site the subject of the application lies within a defined 'standing advice' area of the **Coal Authority** which means there is a lower risk of the site being affected by the presence of unrecorded coal mining legacy. In such areas the Coal Authority does not require a Coal Mining Risk Assessment and they simply ask that if permission is granted an advisory note be appended to any planning decision notice as follows:

*'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](http://www.gov.uk/government/organisations/the-coal-authority)'*

- 5.8.2 In respect of potential land contamination and noise / nuisance issues arising from the development the Council's **Environmental Health Officer** reviewed the application proposals and aside no objections in principle to the development subject to the following:

*'Should planning consent be granted, the hours of construction shall be limited to 8:30am to 5:00pm Monday to Friday and 9:30am to 4:00pm Saturday. Construction shall not take place on a Sunday or Public Holiday.*

*Given the location of the site, there is the possibility of soil contamination. I advise that a desk study is carried out and if necessary a site investigation.*

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

5.8.3 Having regard to the comments detailed above from the EHO appropriate planning conditions can be imposed on any permission issued to ensure compliance with policy CS8 of the Core Strategy and the wider NPPF in respect of land condition, air quality and noise. However in respect of the timing on works this control must be consistent with the standard hours condition applied across the Borough which is set 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.

## 5.9 **Community Infrastructure Levy (CIL)**

5.9.1 Having regard to the nature of the application proposals the development comprises the creation of 2 no. new dwellings and the development is therefore CIL Liable.

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

		<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>
<b>Proposed Floorspace (GIA in Sq.m)</b>	<b>Less Existing (Demolition or change of use) (GIA in Sq.m)</b>	<b>Net Area (GIA in Sq.m)</b>	<b>CIL Rate</b>	<b>Index (permission)</b>	<b>Index (charging schedule)</b>	<b>CIL Charge</b>
<b>566</b>	339	227	£50 (Medium Zone)	307	288	<b>£12,099</b>

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

5.9.3 The applicant has however indicated that they will be making an application for CIL exemption for self build dwellings, if permission is granted.

## 6.0 **REPRESENTATIONS**

- 6.1 The application has been publicised by site notice posted on 27/11/2018; by advertisement placed in the local press on 13/12/2018; and by neighbour notification letters sent on 04/12/2018.
- 6.2 As a result of the applications publicity there have been twenty one letters of representation received and comments from Brimington Parish Council as follows:

**Brimington Parish Council**

Stance: Customer objects to the Planning Application

Comment Reasons:

- Traffic or Highways

Comment: Concern raised that the development would increase traffic on an unsuitable narrow lane.

**1. 56 Barry Road**

Stance: Customer objects to the Planning Application

Comment Reasons:

- Traffic or Highways

- Visual

Comment: Still wanting 4 units which is 1 less than before. Unit B is still outside the current footprint.

**2. 44 Barry Road**

Stance: Customer objects to the Planning Application

Comment Reasons:

- Traffic or Highways

- Visual

Comment: Yet more additional traffic on a totally unsuitable road. Buildings do not fit the environment.

**3. 42 Barry Road**

Stance: Customer objects to the Planning Application

Comment Reasons:

- Noise

- Traffic or Highways

- Visual

Comment: the damage to the ECO system would be catastrophic to the area its a small holding run it as that NO

**4. 52 Barry Road**

Stance: Customer objects to the Planning Application

Comment Reasons:

- Noise
- Policy
- Residential Amenity
- Traffic or Highways
- Visual

Comment: I wish to show my objection to this proposal

## **5. 11 Westmoor Road**

I believe this plan needs to consider the narrow lane which is beyond capacity at the moment and needs to be widened before any more properties are given acceptance.

## **6. 12 Westmoor Road**

I object to the proposed development on the grounds of:

1. Increased traffic - Westmoor Road and Crow Lane are already excessively busy at peak times when it is used as a rat run.
2. Increased noise and pollution due to the above.
3. Further load on local services (NHS) and schools.
4. Effect on wildlife etc.

## **7. 1 Occupation Close, Barlborough**

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I support as this replaces old outhouses with unique housing designs which complement the landscape

## **8. A Local Resident**

### **1. Summary of Objection**

1.1 I object to this planning application on the grounds that:

(1) The proposed two houses are an inappropriate form of development in principle in this countryside location. The existing site of the agricultural buildings proposed to be replaced by housing does not constitute 'previously developed land' (PDL). The opportunity therefore does not arise to confer PDL status on the application site to justify an exception to the policy approach of not allowing housing in the countryside except in specific circumstances. As such the proposal is contrary to Policy CS1 of the Chesterfield Local Plan Core Strategy 2011-2031, Policy EVR2 of the Local Plan 2006 and the National Planning Policy Framework (NPPF).

(2) The proposed siting, scale, massing and appearance of the proposed houses will have a materially greater impact on the rural character of the site than the existing agricultural buildings they replace thereby harming the rural character of the site and the surrounding area. As such the proposal is contrary to Policy CS1 of the Chesterfield Local Plan Core Strategy 2011-2031, Policy EVR2 of the Local Plan 2006 and the NPPF.

(3) It has not been demonstrated how the proposal will be a genuinely self-build scheme in accordance with the planning application description. As such the proposal is contrary to the NPPF.

1.2 Sections 2 to 4 of this representation address the grounds of objection in more detail.

1.3 Section 5 raises concern over the potential for a judicial review of a grant of planning permission of the proposal.

## **2. Ground of Objection number 1: The proposed two houses are an inappropriate form of development in principle in this countryside location**

2.1 The application site is located in open countryside as designated by Policy EVR2 of the Local Plan 2006, and is located in the Strategic Gap between Brimington and Tapton as identified under Policy CS1 of the Chesterfield Local Plan Core Strategy 2011-2031. As such, the countryside policies of the development plan and the NPPF should apply to this proposal. The Local Plan and Core Strategy policies cited here and the NPPF clearly state that new housing development should not be allowed in the countryside unless specific circumstances apply. These circumstances do not include the redevelopment of farm buildings for housing, especially given that farm buildings do not constitute previously developed land.

2.2 I contend that the major part of the application site, which comprises the agricultural buildings being demolished to make way for the two new houses, does not constitute 'previously developed land'. The Glossary in Annex 2 of the NPPF 2018 specifically states that the definition of previously developed land excludes "land that is or was last occupied by agricultural or forestry buildings." This definition recognises that agricultural buildings have a fundamentally rural character which does not prejudice the essential openness of the countryside. I believe that this proposal would introduce an urbanised character into a countryside location in contravention of national and local planning policy.

2.3 I believe there are no mitigating circumstances which would justify an exception being made to this national and local policy

framework such that housing could be considered in principle in this location. Paragraph 15 of the NPPF states that “The planning system should be genuinely plan-led”. I do not see any content in the Local Plan, Core Strategy and NPPF which would allow an exception to the policy approach of resisting the redevelopment of agricultural buildings for housing.

2.4 I have concerns over how the planning officer’s Committee report which considered the previous application for 5 houses on this site (17/00257/FUL) in 2017 addressed this issue of principle. Paragraph 5.2.1 of the report recognised that the proposal for 5 houses did not meet the key test of Policy EVR2 of the Local Plan which states that housing in open countryside is only allowed under certain circumstances: these circumstances do not include the redevelopment of farm buildings. Paragraph 5.2.2 of the report went on to suggest that the proposal was subject to parts (c) and (f) of Policy EVR2 which referred to how the visual impact of a new dwelling should be minimised. I ask that this approach to the interpretation of Policy EVR2 be reviewed when considering the current application for 2 houses. This would be on the grounds that parts (c) and (f) only apply when residential development replaces existing residential development. This is not the case with this current proposal where residential development is replacing agricultural buildings. Similarly, paragraph 5.2.19 of the Committee report stated that “This site is a predominantly brownfield site”. As referred to above, I do not believe that this site is brownfield/previously developed land.

**3. Ground of Objection number 2: The proposed siting, scale, massing and appearance of the proposed houses will have a materially greater impact on the rural character of the site than the existing agricultural buildings they replace thereby harming the rural character of the site and the surrounding area**

3.1 The proposed two houses will result in built form extending over a greater length of the application site and with a greater height and massing than the existing agricultural buildings. This would have a significantly greater impact on the open character of the countryside than the existing agricultural buildings. This would be contrary to Local Plan, Core Strategy policies and the NPPF which seek to limit the visual impact of development on the countryside. In particular:

a) House A would have a height to the ridge of around 8m and a length of around 18m. This height of around 8m will be substantially greater than the height to the ridge of around 4.2m of



both the existing cow shed and stable. It will also be higher than the height to the ridge of the existing barn which extends to around 6.5m. It should be noted that the barn has no walls and only comprises a few struts and a roof being mostly made up of a void. Most views towards the barn in a westerly direction look through it towards the green fields beyond. The key conclusion here is that it is the cowshed and stables, and not the barn, which contribute the main bulk of built form and massing on this part of the site and they are significantly lower than House A.

b) House B would have a similar height of around 8m and a length of around 20m. Notably, House B would introduce this significant bulk into the northern part of the application site which is currently not occupied by buildings. Its bulk would extend built form into the countryside around 13m further north than the existing stables and 18m further north than the existing cow shed.

3.2 This increase in the height and area of built form would harm a wide range of rural views including those south-west from Barry Road and west from Wheathill Close, those north-west, north and north-east from Westmoor Road and Wetlands Lane, and those eastwards from the public footpath to the west of Oldfield Farm.

3.3 House B would extend over an area currently occupied by hardstanding. I contend that this area of hardstanding does not constitute an area of built form with a distinct massing against which the bulk of the proposed could be measured. Any building on the hardstanding would have a far greater impact on the openness of the countryside than the hardstanding and any low wall around it. I also note that the garden of House B would extend northwards into an area of pasture. This would introduce a residential character into what is clearly countryside.

3.4 The proposed two houses would have an appearance which is residential. This combined with the increase in the built envelope of the site and the height of the buildings would introduce a significantly urbanised character into the countryside.

#### **4. Ground of Objection number 3: It has not been demonstrated how the proposal will be a genuinely self-build scheme in accordance with the planning application description**

4.1 The description of the planning application refers to 2 no. 'self-build' dwellings. Nothing has been submitted as part of the documentation accompanying the application which proposes how these houses would be genuinely self-build in accordance with the definition in Annex 2 of the NPPF. This definition states that self-build is "Housing built by an individual, a group of individuals, or

persons working with or for them, to be occupied by that individual. A legal definition, for the purpose of applying the Self-build and Custom Housebuilding Act 2015 (as amended), is contained in section 1(A1) and (A2) of that Act.” The application description should be amended to remove the reference to self-build or the applicant should propose how the self-build status of the houses will be secured. If the self-build status of the proposal is not secured then the Council should take care not to attribute any weight to these houses being self-build in coming to its decision. In any event, I suggest that even if these two houses were genuinely self-build, that this should not weigh against the harm caused by the proposal to the countryside character of the site and the area.

4.2 Given the lack of transparency over whether the proposed houses are genuinely self-build, one can only surmise that the likely outcome of any grant of planning permission is that the site would be sold to the highest bidder who would, in turn, build the two houses to be sold to whoever came forward with the highest price.

4.3 I also find the use of inverted commas around the term ‘self-build’ in the planning application description rather curious. Are these commas highlighting the genuine (but unproven and unsecured) self-build status of the houses? Or are these commas an ironic and confusing admission that these houses are, indeed, not truly self-build?

## **5. Concern over the potential for the judicial review of any grant of planning permission of the proposal**

5.1 I am concerned that a decision by the Council to grant planning permission for this proposal may run a significant risk of being subject to a judicial review in the courts if the application is not considered and determined with due care. A number of potential scenarios arise which may give rise to a case for judicial review. A judicial review could consider whether the planning permission should be quashed on the following grounds:

- a) That the Council, as local planning authority, had failed to take into account all material considerations, or had alternatively committed a mistake of fact, in the event that it did not recognise that the site of the agricultural buildings being replaced is not previously developed land.
- b) That the Council, as local planning authority, had made an irrational decision (sometimes known as Wednesbury unreasonableness) in the event that it did recognise that the site is not previously developed land but then attached an irrationally low level of weight to that observation in coming to its decision.

c) That the Council, as local planning authority, had committed procedural unfairness due to its public consultation on the planning application including a misleading and prejudicial description of the proposal which referred to the site being 'previously developed' and 'self-build'.

5.2 Concerns (a) and (b) are self explanatory. I would also draw attention here to the points made in paragraph 2.4 of this representation where I note the arguments made in the planning officer's report on the previous scheme for 5 houses (17/00257/FUL). I have grave concerns that any repetition of some of the arguments made in that report would leave the council open to judicial review. In particular, I note the curious step to apply parts (c) and (f) of Local Plan Policy EVR2 to the redevelopment of non-residential buildings with residential uses which I consider could be a mistake of fact or irrational given that the policy expressly only addresses the redevelopment of existing residential uses with residential uses. I also note the reference in the report to the site being predominantly brownfield which I consider could be a mistake of fact or irrational as discussed above.

5.3 I now turn to concern (c) which relates to the potential for procedural unfairness given how the description of the planning application refers to 'a previously developed site'. The description of a planning application should be limited to simple statements of fact about the use, type and quantum of development. I contend that the description's reference to 'a previously developed site' is highly misleading and prejudicial to the proper consideration of the application. The term 'previously developed site' is very similar to the term 'previously developed land', the latter having a specific meaning in planning terms with significant implications for the potential for development. It would be an understandable, but erroneous, step to assume that a 'previously developed site' has the same status in planning terms as 'previously developed land'.

5.4 I suggest that a member of the public with no expertise in town and country planning (or even many professionals in the fields of development, the environment and planning for that matter), could be misled into thinking that the term 'previously developed site' in the description meant the same as 'previously developed land'. If a member of the public had investigated the significance of 'previously developed land' in planning terms, then they could be forgiven for thinking that the Council itself had already come to a view about the existing status of the site. They could be misled into thinking that the Council was of the view that this was a 'previously developed site' and was 'previously developed land'. Such a view

is especially understandable when it is recognised that it is the Council which has advertised and consulted on the planning application and, indeed, formally conferred that description upon the application. Such a description, with its inherently premature judgement upon the planning status of the site, can only serve to mislead the public on the planning merits of the case and prejudice the proper consideration of the application.

5.5 An alternative scenario arises where it is determined that the use of the term 'previously developed site' has always been intended, for practical purposes, by the applicant and the Council to mean 'previously developed land'. In this case, I suggest that the same arguments apply: that it would be an inherently premature judgement by the Council to confer this PDL status on the site. This would result in a misleading and prejudicial consultation exercise on the application.

5.6 Similar confusion, and prejudice to the proper consideration of the application, arises with the use of the term 'self-build' in the planning application description when no proposal has been put forward as to how the self-build status of the houses is justified or is to be secured.

5.7 I suggest that the application description is amended to omit any references to 'a previously developed site' or 'self-build' and that a new public consultation exercise be undertaken on this basis. If this step is not undertaken, I would ask the Council to very carefully consider whether a claim to quash any planning permission on the grounds of procedural unfairness could be pursued given the misleading and prejudicial nature of the description.

## **6. The Way Forward**

6.1 I am confident that if the redevelopment of the site was limited to one large house on the site of the existing farmhouse, and with a sizeable garage block, then this would be acceptable in planning terms and would generate sufficient funds to enable the restoration of the rest of the site.

## **9. 58 Barry Road**

Stance: Customer objects to the Planning Application

Comment Reasons:

- Noise
- Policy
- Residential Amenity
- Traffic or Highways
- Visual

Comment: Extra traffic on a road without pavements. outside the existing footprint impact on landscape

**10. 58 Barry Road**

Stance: Customer objects to the Planning Application

Comment Reasons:

- Noise
- Policy
- Residential Amenity
- Traffic or Highways
- Visual

Comment: Extra traffic on unsuitable rd buildings outside existing footprint visual impact on countryside

**11 and 12. 50 Barry Road (x2)**

Stance: Customer objects to the Planning Application

Comment Reasons:

- Policy
- Visual

Comment: I object to the application on the grounds that:

(1)The proposed two houses are an inappropriate form of development in principle in this countryside location, and especially given that the site is not previously developed land.

(2)The proposed siting, scale, massing and appearance of the proposed houses will have a greater impact on the rural character of the site than the existing agricultural buildings they replace thereby harming the rural character of the site and the surrounding area.

(3)It has not been demonstrated how the proposal will be genuinely self-build.

**13. 43 Barry Road**

Stance: Customer objects to the Planning Application

Comment Reasons:

- Policy
- Traffic or Highways

Comment: Development outside current footprint, access onto narrow lane

**14. 35 Barry Road**

Stance: Customer objects to the Planning Application

Comment Reasons:

- Traffic or Highways

- Visual

Comment: Traffic: Narrow road, no pavements. Dangerous for pedestrians. Visual: Won't fit into surroundings.

**15, 16 and 17. 37 Barry Road (x3)**

Stance: Customer objects to the Planning Application

Comment Reasons:

- Noise
- Policy
- Residential Amenity
- Traffic or Highways
- Visual

Comment: Plans are outside existing footprint encroaching upon strategic gap. Highway too narrow for more cars

**18, 19, 20 and 21. 282 Manor Road and 41 Barry Road**

I wish to strongly object based on the following:

- The houses will harm the countryside character of the site and surrounding area;
- The proposed siting, scale, massing and appearance of the proposed houses will have a greater impact on the rural character of the site than the existing agricultural building they replace thereby harming the rural character of the site and surrounding;
- This southern end of Brimington Common is not a suitable or sustainable location for development having few shop and facilities;
- There will be dangers to road safety as a result of more traffic coming out onto a hazardous stretch of lane;
- More pressure will be placed on already stretched schools, doctors, dentists and other facilities;
- It has not been demonstrated how the proposal will be genuinely self build; and
- One other important issue to consider is the effect of the development on local wildlife (bats, foxes, badgers, herons, pheasants, rabbits and wild birds).

6.3 ***Officer Response: See section 5.0 above and all material planning considerations set out.***

7.0 **HUMAN RIGHTS ACT 1998**

- 7.1 Under the Human Rights Act 1998, which came into force on 2<sup>nd</sup> October 2000, an authority must be in a position to show:
- Its action is in accordance with clearly established law
  - The objective is sufficiently important to justify the action taken
  - The decisions taken are objective and not irrational or arbitrary
  - The methods used are no more than are necessary to accomplish the legitimate objective
  - The interference impairs as little as possible the right or freedom
- 7.2 It is considered that the recommendation is objective and in accordance with clearly established law.
- 7.3 The recommended conditions are considered to be no more than necessary to control details of the development in the interests of amenity and public safety and which interfere as little as possible with the rights of the applicant.
- 7.4 Whilst, in the opinion of the objector, the development affects their amenities, it is not considered that this is harmful in planning terms, such that any additional control to satisfy those concerns would go beyond that necessary to accomplish satisfactory planning control.
- 8.0 **STATEMENT OF POSITIVE AND PROACTIVE WORKING WITH APPLICANT**
- 8.1 The following is a statement on how the Local Planning Authority (LPA) has adhered to the requirements of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 in respect of decision making in line with paragraph 38 of the National Planning Policy Framework (NPPF).
- 8.2 Given that the proposed development does not conflict with the NPPF or with 'up-to-date' Development Plan policies, it is considered to be 'sustainable development' and there is a presumption on the LPA to seek to approve the application. The LPA has used conditions to deal with outstanding issues with the development and has been sufficiently proactive and positive in proportion to the nature and scale of the development applied for.

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

9.0 **CONCLUSION**

- 9.1 The proposals have been considered against the principles of policy EVR2 of the 2006 Local Plan; policies CS1 (Spatial Strategy), CS2 (Location of Development), CS3 (Presumption in favour of Sustainable Development), CS4 (Infrastructure Delivery), CS6 (Sustainable Design), CS7 (Management of the Water Cycle), CS8 (Environmental Quality), CS9 (Green Infrastructure and Biodiversity), CS18 (Design), CS19 (Historic Environment) and CS20 (Demand for Travel) of the Core Strategy. In addition consideration has been given to the wider National Planning Policy Framework (NPPF) and the Councils Supplementary Planning Document on Housing Layout and Design 'Successful Places'.
- 9.2 It is considered that although some conflicts have been identified with policy EVR2; the proposed development can be considered in broad compliance with policies CS1, CS2, CS3 and CS4 of the Core Strategy in so far as its connection to social, economic and environmental infrastructure and the key benefits of supporting the development are such that it meets the definitions of sustainable development and there is a presumption in favour of its approval.
- 9.3 The application submission is supported by the preparation of assessment and reports which illustrates the proposed developments ability to comply with the provisions of policies CS6, CS7, CS8, CS9, CS11, CS13, CS18, CS19 and CS20 of the Core Strategy and where necessary it is considered that any outstanding issues can be mitigated and addressed in any appropriate planning conditions being imposed.

10.0 **RECOMMENDATION**

- 10.1 That a CIL Liability notice be issued as per section 5.9 above.
- 10.2 That the application be **GRANTED** subject to the following conditions / notes:

**Conditions**



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

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

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

18.272.01 – Location Plan  
18.272.02A – Existing Layout Plan  
P12\_A – Existing Elevations Sheet 1  
P13\_A – Existing Elevations Sheet 2  
18.272.03A – Site Layout Plan  
18.272.04A – Unit A Proposed Plans and Elevations  
18.272.05A – Unit B Proposed Plans and Elevations  
18.272.06A – Garages Timber  
18.272.07A – Garages Stone  
19.272.07 – Notional Streetscene  
Design and Access Statement  
Arboricultural Survey Report & Method Statement (John Booth)  
Ecology Appraisal and Bat Survey (Baker Consultants)  
Geo-Environmental Assessment – Phase 1 (Idom Merebrook)  
Coal Mining Risk Assessment (Idom Merebrook)  
Speed Survey and Topographical Survey for Visibility

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

### Drainage

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

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

04. 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 by the local planning authority. Furthermore, unless otherwise approved in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works.

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

#### Environmental

05. 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.*

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

*Reason - In the interests of residential amenities.*

#### Ecology

07. No removal of trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Local Planning Authority.

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

08. Prior to the commencement of development a detailed lighting strategy shall be submitted to and approved in writing by the LPA. Such approved measures must be implemented in full and maintained thereafter.

This is to ensure that a sensitive lighting is designed in line with guidance within Paragraph 125 of the NPPF.

*Reason – To ensure that any ecological interest on site is appropriately addressed and can be mitigated against, prior to any development taking place, in accordance with policy CS9 and the wider NPPF.*

09. Prior to the commencement of development a detailed enhancement strategy that provides details of enhancement measures for roosting bats and nesting birds shall be submitted to and approved in writing by the LPA. Such approved measures must be implemented in full and maintained thereafter.

Please note that it is expected that provision is made within the new dwellings (as integral boxes) rather than in retained trees to ensure that the roost and nest boxes cannot be tampered with and are secure in the long-term.

*Reason – To ensure that any ecological interest on site is appropriately addressed and can be mitigated against, prior to any development taking place, in accordance with policy CS9 and the wider NPPF.*

10. No works shall commence on site, including demolition or site clearance, until a copy of the Natural England Licence has been submitted to and acknowledged by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

*Reason - To safeguard the ecological interest of the site and to accord with policy CS9 of the Local Plan: Core Strategy.*

11. Prior to the commencement of the development hereby approved (including demolition 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.

- b) Methods of demolition within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees.
  - c) Details of construction within the RPA or that may impact on the retained trees.
  - d) a full specification for the installation of boundary treatment works.
  - e) a full specification for the construction of any roads, parking areas and driveways, including details of the no-dig specification and extent of the areas of the roads, parking areas and driveways to be constructed using a no-dig specification. Details shall include relevant sections through them.
  - f) 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.
  - g) A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing.
  - h) a specification for scaffolding and ground protection within tree protection zones.
  - i) Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area.
  - j) details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires
  - k) Boundary treatments within the RPA
- The development thereafter shall be implemented in strict accordance with the approved details.

*Reason – In the interests of protecting the rooting environment of any retained and protected trees; maintaining their health and wellbeing in accordance with policy CS9 of the Core Strategy and wider NPPF; and to satisfy the Local Planning Authority that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality.*

Materials / PD / Landscaping

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

*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.*

13. 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.

*Reason - In the interests of the amenities of occupants of adjoining dwellings.*

14. Within 2 months of commencement of development, unless otherwise agreed in writing by the Local Planning Authority, full details of hard and soft landscape works for the approved development shall be submitted to the Local Planning Authority for consideration. The hard landscaping scheme shall take account of any established root protection areas to retained trees on site and may require alternative measures of construction and finishes to be considered. Hard landscaping includes proposed finished land levels or contours; means of enclosure; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.) retained historic landscape features and proposals for restoration, where relevant. These works shall be carried out as approved prior to the occupation of the dwelling.

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

### Highways

15. Before any other operations are commenced a new vehicular and pedestrian access shall be formed to Westmoor Road / Wetland Lanes in accordance with the revised drawing RBS-17/0888/001 and provided with visibility sightlines extending from a point 2.4 metres from the carriageway edge, measured along the centre line of the access for a distance of 90 metres in the critical direction and 105 metres in the non-critical direction. The area in advance of the visibility sightlines shall be retained throughout the life of the development free of any object greater than 1 metre in height (0.6 metre in the case of vegetation) above ground level.

*Reason – In the interests of highway safety.*

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

*Reason – In the interests of highway safety.*

17. The premises the subject of the application shall not be occupied until space has been provided within the application site in accordance with the 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.

*Reason – In the interests of highway safety.*

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

*Reason – In the interests of highway safety.*

19. 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.*

### **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.

### **Coal Authority**

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](http://www.gov.uk/government/organisations/the-coal-authority)

## Highways

04. Under the provisions of the New Roads and Street Works Act 1991 and the Traffic Management Act 2004, all works that involve breaking up, resurfacing and / or reducing the width of the carriageway require a notice to be submitted to Derbyshire County Council for Highway, Developer and Street Works. Works that involve road closures and / or are for a duration of more than 11 days require a three months notice. Developer's Works will generally require a three months notice. Developers and Utilities (for associated services) should prepare programmes for all works that are required for the development by all parties such that these can be approved through the coordination, noticing and licensing processes. This will require utilities and developers to work to agreed programmes and booked slots for each part of the works. Developers considering all scales of development are advised to enter into dialogue with Derbyshire County Council's Highway Noticing Section at the earliest stage possible and this includes prior to final planning consents.
05. The Highway Authority recommends that the first 6m of the proposed access driveway(s) should not be surfaced with a loose material (i.e. unbound chippings or gravel etc.). In the event that loose material is transferred to the highway and is regarded as a hazard or nuisance to highway users the Authority reserves the right to take any necessary action against the landowner.
06. Pursuant to Section 163 of the Highways Act 1980, where the site curtilage slopes down towards the public highway measures shall be taken to ensure that surface water run-off from within the site is not permitted to discharge across the footway margin. This usually takes the form of a dish channel or gully laid across the access immediately behind the back

edge of the highway, discharging to a drain or soakaway within the site.

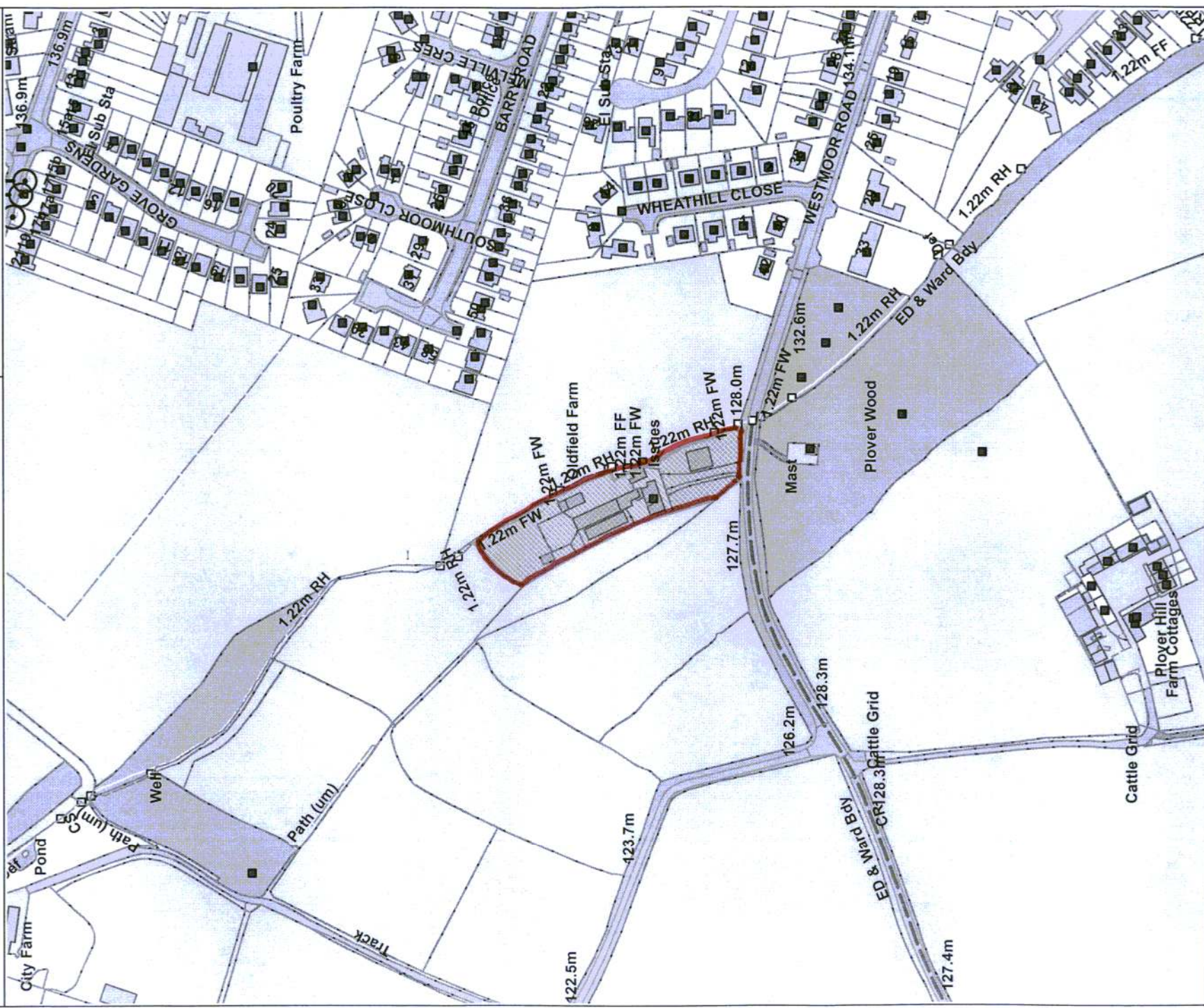
07. Pursuant to Section 278 of the Highways Act 1980, no works may commence within the limits of the public highway without the formal written Agreement of the County Council as Highway Authority. Advice regarding the technical, legal, administrative and financial processes involved in Section 278 Agreements may be obtained from the Strategic Director of Economy Transport and Community at County Hall, Matlock (tel: 01629 538658). The applicant is advised to allow approximately 12 weeks in any programme of works to obtain a Section 278 Agreement.

#### Drainage

08. Attention is drawn to the attached notes on the Council's 'Minimum Standards for Drainage'.

CHE/18/00764/FUL

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Case Officer: E Casper  
Report Date: 23<sup>rd</sup> May 2019

Application No: CHE/19/00021/FUL  
Committee Date: 10<sup>th</sup> June 2019

## **ITEM 2**

### **ERECTION OF A ONE BEDROOM DETACHED BUNGALOW TO PROVIDE SELF CONTAINED ACCOMMODATION ANCILLARY TO THE EXISTING DWELLING. REVISED DRAWINGS RECEIVED 16.05.2019 INCLUDING A REVISED PARKING PLAN AND REVISED LAYOUT AND FRONT ELEVATION AT 2 WESTFIELD CLOSE, CHESTERFIELD, DERBYSHIRE, S40 3RS FOR MS DAWN ANDERSON**

Local Plan: Unallocated  
Ward: West  
Plot No: 2/1909

#### **1.0 CONSULTATIONS**

DCC Highways	Comments received – see report
Ward Members	No comments received
Design Services Drainage	No objection – see report
The Coal Authority	Comments received – see report
Neighbours and Site notice	Representations received from 9 neighbours (11 letters in total)

#### **2.0 THE SITE**

- 2.1 The site subject of this application is situated on the north side of Westfield Close and consists of a detached 2 storey dwelling, set back from the public highway. The application site was previously known as '43 Vincent Crescent' and has been renamed '2 Westfield Close'.
- 2.2 The site is bound by Westfield Infant School to the west and a residential development known as 'Spruce Close' to the north and east. Residential dwellings also face the application site to the south, on the opposite side of Westfield Close highway. The surrounding streetscene is mixed in age and character.

- 2.3 The existing dwelling is faced in brick and stone with white u-PVC windows and brown pan roof tiles. The site is served by off-street driveway parking for two vehicles and a small integral garage.



Photo taken facing north towards the application site and the principle elevation of No 2 Westfield Close



Photo taken from the application site facing south/south west showing the location of the proposed development

### 3.0 **APPLICATION SITE PLANNING HISTORY**

- 3.1 CHE/07/00158/FUL - New dormer window to front elevation at No 43 Vincent Crescent – **CONDITIONAL PERMISSION (03.04.2007)**

### **SURROUNDING SITE HISTORY**

- 3.2 CHE/0102/0057 - Glenhurst Nurseries, 4 Westfield Close - Outline application for residential development – **CONDITIONAL PERMISSION (23.06.2003)**
- 3.3 CHE/05/00297/REM - Glenhurst Nurseries, 4 Westfield Close - Residential development (19 houses) – **CONDITIONAL PERMISSION (04.04.2006)**

### 4.0 **THE PROPOSAL**

- 4.1 The application proposes the erection of a detached annex within the front garden of the application site. The proposed development will create self-contained living accommodation, consisting of an entrance porch, bedroom, shower room, kitchen and separate sitting/dining room.
- 4.2 The proposal measures a maximum of 6.6m x 9m in footprint. The structure is formed of a dual pitched roof measuring approximately

2.4m to the eaves and a maximum of 4.05m to the ridge and a smaller intersecting dual pitched gable to the north elevation.

- 4.3 Revised plans show the south elevation faced in brick with the remaining elevations faced in render with brick quoins. The proposal features three windows within the west elevation including a high level window serving the sitting room an obscurely glazed window serving the shower room and a larger window serving the bedroom. A secondary smaller window is proposed to serve the bedroom within the north elevation. The west elevation features a single window serving the kitchen and french/patio doors serving the sitting room.
- 4.4 Pre-application advice was sought by the applicant prior to the submission of the application. It was concluded that the principle of development could be acceptable and the design of the proposal was considered to reflect existing outbuildings within the streetscene.
- 4.5 The application submission is supported by the following plans and documents;
- Application form
  - Design and Access Statement (dated January 2019)
  - Site Plan (received 28.01.2019)
  - Block Plan (received 28.01.2019)
  - Mining Report and Assessment (dated January 2019)
  - ~~Vehicle Parking Layout, drawing number DSC.691.A3.04 (dated October 2018) - superseded~~
  - ~~Proposed Layout and front elevation, drawing number DSC.691.02 Revision (dated October 2018) – superseded~~
  - Proposed Layout and front elevation, drawing number DSC.691.02 Revision A (dated May 2019)
  - Proposed Layout and elevations, drawing number DSC.691.03 (dated July 2018)
  - Vehicle Parking layout, drawing number DSC.691.A3.04 Revision A (dated May 2019)

## **5.0 CONSIDERATIONS**

### **5.1 Planning Policy**

- 5.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 require that, 'applications for planning permission must be determined in

accordance with the development plan unless material considerations indicate otherwise'. The relevant Development Plan for the area comprises of the saved policies of the Replacement Chesterfield Local Plan adopted June 2006 (RCLP) and the adopted Chesterfield Borough Local Plan: Core Strategy (2011-2031).

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

- CS1 Spatial Strategy
- CS2 Principles for Location of Development
- CS3 Presumption in Favour of Sustainable Development
- CS18 Design

## 5.3 **Other Relevant Policy and Documents**

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

## 5.4 **Key Issues**

- Principle of development and design of the proposal;
- Impact on neighbouring residential amenity;
- Highways safety and parking provision;
- Coal mining risk;
- Flood risk and drainage

## 5.5 **Principle of development and design of the proposal;**

5.5.1 The application site is positioned within a residential area wherein the principle of development, in particular works to a domestic property, is considered to be generally acceptable subject to policies CS1, CS2 and CS18 of the Core Strategy, as well as the wider objectives of the NPPF.

5.5.2 Core Strategy Policy CS1 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.'*

5.5.3 Core Strategy Policy CS2 states that *'All developments will be required to have an acceptable impact on the amenity of users or adjoining occupiers, taking into account things such as noise, odour,*



*air quality, traffic, appearance, overlooking, shading or other environmental, social or economic impacts.'*

- 5.5.4 Core Strategy Policy CS18 states that *'all development should respect the character, form and setting of the site and surrounding area by virtue of its function, appearance and architectural style, landscaping, scale, massing, detailing, height and materials'*
- 5.5.5 The application proposes the erection of a single storey annex forward of the principle elevation of the host dwelling and the existing building line. The existing dwelling is set back from the public highway and a large pavement separates the site from the carriageway. The application site is the first residential property on the north side of Westfield Close and is of a different age and character to the nearest residential dwelling (No 2 Spruce Close). The front garden of the site is enclosed by hedging to east and west boundaries and the southern boundary is relatively open with a low brick wall along the frontage.
- 5.5.6 Observation of the surrounding streetscene identifies multiple examples of attached and detached garage structures which are forward of the principle elevation of the associated dwelling houses. It is acknowledged that the proposal is not for a detached garage but the overall design and character of the scheme has visual similarities. A key example is the detached garage serving No 1 Spruce Close which occupies a prominent corner location, at the junction of Spruce Close and Westfield Close. The garage structure is visible from the application site (see photo below). The introduction of a similar style structure at No 2 Westfield Close is therefore considered to respond to the character of the surrounding streetscene, reflecting the existing detached outbuilding and serving to terminate the run of dwellings. The site is also set back further from the carriageway which is considered to lessen the visual impact and prominence of the proposal.



Photo taken facing north east towards the application site and garage at No 1 Spruce Close



Photo taken on Spruce Close showing example of another detached garage



Photo taken on Westfield Close showing examples of other garage structures forward of the principle elevation of the host dwelling

- 5.5.7 The application form and associated plans state that the proposal will be faced in render with brick quoins and the south elevation of the structure will be faced in brick. The facing brick on the south elevation is considered to respond to the character of the host dwelling and lessen the visual appearance. The introduction of render on the remaining elevations is not out of character within the wider streetscene, particularly on Vincent Crescent.
- 5.5.8 On balance, whilst the proposed development will be forward of the principle elevation of the existing building, it is considered that the overall character reflects outbuildings within the vicinity of the site. The north side of Westfield Close has a fragmented building line and as the application site forms the first residential dwelling it is relatively isolated from the surrounding properties.
- 5.5.9 Having regard to the observations above the proposal is considered to be appropriately designed and would not cause significant adverse impacts on the visual amenity and character of the area. It is recommended that a condition be attached to the decision requiring the submission of material prior to construction in accordance with the application drawings. The proposal will therefore accord with the provisions of policies CS1, CS2 and CS18 of the Core Strategy.

## **5.6 Impact on Neighbouring Residential Amenity**

- 5.6.1 Core Strategy Policy CS18 states that all development will be expected to *'have an acceptable impact on the amenity of users and neighbours'*.
- 5.6.2 Core Strategy Policy CS2 states that *'All developments will be required to have an acceptable impact on the amenity of users or adjoining occupiers, taking into account things such as noise, odour,*

*air quality, traffic, appearance, overlooking, shading or other environmental, social or economic impacts.'*

- 5.6.3 The application site is adjoined by Westfield Infant School to the west and Nos 2 and 4 Spruce Close to the north and east. No 39 Vincent Crescent faces the application site to the south, situated on the opposite side of the public highway.

### **Impact on boundary sharing neighbours**

- 5.6.4 The application proposes the installation of windows within the east and west elevations facing towards No 2 Spruce Close and Westfield Infant School. The site is enclosed by existing hedges along the east and west boundaries therefore restricting potential adverse overlooking. The proposed development is situated adjacent to the western boundary therefore potential adverse impacts of overshadowing are considered to be directed towards the grounds of Westfield Infant School and are considered to be minimal.
- 5.6.5 Due to the siting and orientation of the proposed development relative to the other boundary sharing neighbours, it is not considered that the development would cause any significant injury to the amenity of the adjoining occupiers in terms of overlooking or overshadowing.
- 5.6.6 Having consideration for the observations above, the proposal is not considered to cause significant adverse impacts on residential amenity of the adjoining neighbours. The proposal will therefore accord with the provisions of policies CS2 and CS18 of the Core Strategy.

## **5.7 Highways Safety and Parking Provision**

- 5.7.1 The Local Highways Authority Derbyshire County Council (DCC) Highways Team were consulted on the proposal and they provided the following comments;
- 5.7.2 *'Comments are given on the basis that the garage is of adequate internal dimensions to be counted as a car parking space. Currently internal dimensions should be a minimum 3m x 6m. The parking layout indicated on drawing number DSC.691.A3.04 could not be accommodated based on spaces measuring a minimum 2.4m x 5.5m although in front of a garage this should be increased to 6.5m unless a roller shutter door or similar is conditioned and required to be maintained. The Highway Authority would, therefore, consider that*

*only two off-street spaces could be provided within the site curtilage. It is felt, however, that as ancillary accommodation with one bedroom it would be difficult to sustain an objection in the event no additional car parking was provided.'*

5.7.3 *'In view of the above, there are no objections to the proposal and it is recommended that the following conditions are included in any consent.*

*1. Before any other operations are commenced, the existing access to Westfield Close shall be modified in accordance with the application drawings.*

*2. The annexe shall only be used in conjunction with the main house and shall not be occupied, let, sold or otherwise disposed of as a separate dwelling.*

*3. A minimum of two off-street parking spaces shall be maintained within the site curtilage for cars to be parked and such spaces shall be maintained free from any impediment to their designated use for the life of the development.*

*4. 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 existing garage 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.*

*5. There shall be no gates or other barriers on the access/driveway.'*

5.7.4 *'In addition, the following notes shall be included for the benefit of the applicant.*

*1. Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1991 prior notification shall be given to the Department of Economy, Transport & Environment at County Hall, Matlock regarding access works within the highway.*

*Information, and relevant application forms, regarding the undertaking of access works within highway limits is available via the County Council's website*

*[http://www.derbyshire.gov.uk/transport\\_roads/roads\\_traffic/development\\_control/vehicular\\_access/default.asp](http://www.derbyshire.gov.uk/transport_roads/roads_traffic/development_control/vehicular_access/default.asp) E-mail*

*[highways.hub@derbyshire.gov.uk](mailto:highways.hub@derbyshire.gov.uk) or Telephone Call Derbyshire on 01629 533190.*

*2. The Highway Authority recommends that the first 5m of the proposed access/driveway should not be surfaced with a loose material (i.e. unbound chippings or gravel etc.). In the event that loose*

*material is transferred to the highway and is regarded as a hazard or nuisance to highway users, the Authority reserves the right to take any necessary action against the householder.*

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

- 5.7.5 The comments from the Highways Officer have been noted. The Agent submitted a revised parking plan (received 16.05.2019) showing parking provision for 3 vehicles. It is recommended that a condition be attached to the decision requiring the parking to be made available prior to the occupation of the annex and maintained free from impediment from its intended use. It is not considered necessary to restrict the permitted development rights in relation to the garage as this will no longer be classified as a parking space. It is also recommended that a standard condition be attached to the decision requiring the development to remain ancillary to the host dwelling. The recommended notes should also be incorporated within the decision notice.

## **5.8 Coal Mining Risk**

- 5.8.1 Core Strategy Policy CS8 states that *'The quality of the environment will be recognised at all levels of the planning and development process with the aim of protecting and enhancing environmental quality.'*
- 5.8.2 The application site is located within an area defined as a referral zone and as such requires consultation with The Coal Authority. The Coal Authority were consulted and initially raised concerns regarding the information submitted with the application (letter dated 20.02.2019). The Agent liaised with The Coal Authority and revised comments were received on 29.04.2019, see below;
- 5.8.3 *'The applicant has submitted a Mining Report and Assessment, dated January 2019. This report identifies that there is the possibility of shallow coal mine workings being present beneath the site. The report author therefore recommends that a thorough ground investigation is carried out on site, including the drilling of boreholes, to establish whether or not shallow coal workings are present. The intrusive site*

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

5.8.4

*'The Coal Authority Recommendation to the LPA*

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

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

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

*\* Implementation of those remedial works.'*

5.8.5

*'The Coal Authority therefore has **no objection** to the proposed development **subject to the imposition of a condition or conditions to secure the above**. The following statement provides the justification why the Coal Authority considers that a pre-commencement condition is required in this instance: The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in*

*accordance with paragraphs 178 and 179 of the National Planning Policy Framework’.*

- 5.8.6 Subject to the imposition of a condition covering the above, the proposal accords with the provisions of policy CS8. The Agent confirmed via email on the 17.05.2019 that the required pre-commencement condition would be acceptable.

## **5.9 Flood Risk and Drainage**

- 5.9.1 Having regard to the provisions of policy CS7 (Managing the Water Cycle) of the Core Strategy the Council’s Design Services (DS) team for comments in respect of drainage and flood risk and provided the following comments;
- 5.9.2 *‘Regarding this application; the site is not shown to be at risk of flooding, according to the Environment Agency Flood Maps. Any alterations to existing drainage on site may require Building Control approval. Any new connections to the public sewerage network, will require prior consent from Yorkshire Water.’*
- 5.9.3 Based on the comments listed above, the proposal is considered to accord with policy CS7 of the Core Strategy.

## **6.0 REPRESENTATIONS**

- 6.1 The application has been publicised by neighbour notification letters sent to 7 boundary sharing neighbours on 07.02.2019, deadline for responses 28.02.2019. A site notice was also displayed on 19.02.2019, deadline for responses 12.03.2019. As a result of the neighbour notification processes 11 letters of representation were received from 9 neighbours and the main points are summarised below;
- 6.2 **10 Spruce Close (12.02.2019)**
- Objection raised regarding traffic/highways and visual impacts
  - Will add to the traffic chaos already on this road/junction with Spruce Close.
  - Will be unsightly.
- 6.3 **8 Spruce Close (13.02.2019)**
- Objection raised regarding traffic or highways and visual impacts



- Will add to the traffic chaos already on this road/junction with Spruce Close.
- Will be unsightly.

#### 6.4 **16 Spruce Close (14.02.2019 and 19.02.2019)**

- Objection raised regarding residential amenity, traffic or highways and visual impacts
- Unsightly and shanty town looking if given permission spoil approach to surrounding houses
- Traffic
- The bungalow is at the side of Westfield Infants school a very busy place at drop off and pick up, the worry is reversing out from the bungalow that is already there is dangerous this will be increased two fold.
- The approach to our estate Spruce close and Westfield close will be blighted by the erection of a farcical building in some ones front garden and will affect the value of our homes.
- There are no buildings of this kind in front gardens in the surrounding area, ie: Vincent Crescent, Stores Road, Chatsworth Road, Spruce Close, Westfield Close, so why allow this application to go through.

#### 6.5 **4 Spruce Close (15.02.2019)**

- Objection raised regarding traffic or highways and visual impacts
- Further the traffic chaos and access to Spruce Close.
- Unsightly.
- Compromise access to the school.

#### 6.6 **18 Spruce Close (19.02.2019 and 20.02.2019)**

- Objection raised regarding noise, policy, traffic or highways and visual impacts.
- The site is inadequate for this development and the proposals are inappropriate.
- There would be a very detrimental visual impact on the area and existing properties
- There would be a lowering of property values of Westfield and Spruce Closes.
- The proposals must surely be outside the regulations/restrictions/guide lines covering "building lines". If approved this development could open the door to similar applications.
- There would be significant detrimental and dangerous effects on highway users. The proposals would result in aggravating problems



with parking at and associated with the school. This would be particularly difficult and dangerous during any site investigation and construction as materials and construction plant and traffic would have to use [block?] the footway and possibly the highway over a period of 3-6 months probably. There would be appreciable danger to pupils at Westfield and Brookfield schools as this is a very busy route to and from the schools.

- The parking capacity indicated is questionable. At present if there is more than one car at the property the other car [s] park on the highway now. The impact outlined above would therefore continue after construction.

**6.7 10A Queen Street (28.02.2019)**

- Objection raised regarding traffic or highways and visual impacts
- Obstruction for traffic on busy road
- Bad to build in front garden, set poor precedent, add to rear.

**6.8 Neighbour, No address provided (11.03.2019)**

- I am aware that local authorities have a duty to ensure adequate housing is provided and under national governance CBC must grant approval for a certain number of new homes be built locally over the coming years. However, this application does not fall under any policy to supply such housing. This is simply a poor perception that a front garden could be deemed a building plot.
- The immediate area has lots of homes with front gardens equal to, or greater than the plot proposed in this planning application - how visually horrendous would the whole area be if everyone were to do the same, if the precedent was set by allowing this development.
- The property (number 2 Westfield) is situated directly next to the school vehicular access and a few metres from the junction of Spruce Close; therefore the safety and traffic impact would be extremely dangerous. The proposed building application - if granted - would block the view of the road, in both directions for those vehicles entering and exiting the school site and the 20 houses on Spruce Close. This would be so dangerous for the safety of those using the footpath and vehicles in the immediate area. The footpath is used by many school children daily for both the immediate infant school and those of Brookfield Community School, adding an obstruction like this would be particularly dangerous for those trying to cross at an already busy pinch point.
- I am concerned that Highways hasn't raised this in their response to the planning application.

6.9

**6 Spruce Close (20.02.2019)**

- The erection of a bungalow in the front garden would appear to be totally unreasonable and unwise as for a start it is in front of the building line of the two existing properties and would therefore block the view onto a busy road of vehicles coming out of the school service area to other road users.
- Also with the school run in term time this road is blocked by car users parking irresponsibly all over the side roads around the school, some car users even park on the corners of the Close at various times of day.
- if you allow this one then other people will also want to do the same.

6.10

**39 Vincent Crescent (18.02.2019)**

- Visually the bungalow in the front garden will not be aesthetically pleasing, it will look incongruous. The view from the road of a bungalow with a house in the immediate background will not be pleasant. It will be close to the road and very close to the existing house, the view from the lounge window of the existing house will be very unpleasant, the bungalow will be very close to the window. The view from the house next door of the bungalow in the front garden will be unpleasant (2, Spruce Close). The bungalow will be rendered and hence different from the other houses in the neighbourhood.
- Traffic will be increased in an area already giving traffic problems at the start and end of the school day
- The house next door to the bungalow will have reduced sunlight in its front garden
- If people are allowed to build houses in their front gardens many very pleasant roads in Chesterfield could soon look very higgledy piggledy.

6.10.1

**Officer comments in response to the main points raised, see below.**

- **Highways/traffic, access/safety and parking – DCC**  
Highways were consulted on the proposal and they raised no concerns regarding potential obstruction or safety issues. The site is set back from the existing carriageway and a larger than average pavement provides further separation. The agent has submitted a revised parking plan showing 3 off-street parking spaces, this is considered to provide a sufficient parking for the existing dwelling and the one bedroom annex. See section 5.7.

- **Impact on building line, design/visual impacts and materials**  
– The Officer visited the site and noted a number of detached and attached garage/outbuildings which are situated forward of the respective principle elevations. Viewed from the application a detached double garage/converted outbuilding is visible and the proposal is of a similar character. The south elevation of the building will be faced in brick to match the host dwelling and the remaining elevations will be faced in render. Render is a feature of the wider streetscene and is not considered to be out of character. Each application is considered on its own merits and taking into account the site context, the proposal is considered to be acceptable. See section 5.5.
- **Residential amenity and loss of sunlight** – The proposal is situated adjacent to the western boundary of the site and as such potential adverse impacts of overshadowing are considered to be minimal. An existing hedge forms the eastern boundary and prevents direct overlooking. See section 5.6.
- **Building a house in front garden** – The application is for a dependent relative annex not a separate dwelling and the application states it is for a relative. It is therefore recommended that a condition be attached to the decision restricting the use. Future occupiers of the property would also be required to comply with the condition which would prevent the building being used as a dwelling separate to 2 Westfield Close. The condition requires self-contained annexes to *‘Only be occupied by persons with a familial link or demonstrable relationship to the occupants of the main dwelling; not be identified or addressed as a separate postal address; not be occupied in the event the main dwelling is unoccupied; and not be occupied under any form of contract’*.
- **Disruption and disturbance as a result of building works and site investigations** – disruption during the construction period is regarded as a ‘non-material’ planning consideration and cannot be given any weight in the determination of a planning application
- **Impact on house value** – this is also a ‘non-material’ planning consideration and cannot be given any weight in the determination of a planning application

- 7.1 Under the Human Rights Act 1998, which came into force on 2<sup>nd</sup> October 2000, an authority must be in a position to show:
- Its action is in accordance with clearly established law
  - The objective is sufficiently important to justify the action taken
  - The decisions taken are objective and not irrational or arbitrary
  - The methods used are no more than are necessary to accomplish the legitimate objective
  - The interference impairs as little as possible the right or freedom
- 7.2 It is considered that the recommendation is objective and in accordance with clearly established law.
- 7.3 The recommended conditions are considered to be no more than necessary to control details of the development in the interests of amenity and public safety and which interfere as little as possible with the rights of the applicant.
- 8.0 STATEMENT OF POSITIVE AND PROACTIVE WORKING WITH APPLICANT**
- 8.1 The following is a statement on how the Local Planning Authority (LPA) has adhered to the requirements of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 in respect of decision making in line with paragraph 38 of the July 2018 National Planning Policy Framework (NPPF).
- 8.2 Given that the proposed development does not conflict with the NPPF or with 'up-to-date' Development Plan policies, it is considered to be 'sustainable development' and there is a presumption on the LPA to seek to approve the application. The LPA has used conditions to deal with outstanding issues with the development and has been sufficiently proactive and positive in proportion to the nature and scale of the development applied for. The applicant took advantage of the opportunity to discuss matters at a pre application stage.
- 8.3 The applicant / agent and any objector will be provided with copy of this report informing them of the application considerations and recommendation / conclusion.
- 9.0 CONCLUSION**

- 9.1 Overall the proposal is acceptable in design and appearance terms. It is not considered that that the proposal would result in an unacceptable impact on neighbouring properties in terms of overshadowing and overlooking. The proposal would not compromise parking arrangements or highway safety. Therefore, the proposal complies with CS1, CS2 and CS18 of the Chesterfield Local Plan: Core Strategy 2011 – 2031 and the wider National Planning Policy Framework.

## 10.0 **RECOMMENDATION**

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

### **Conditions**

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

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

2. All external dimensions and elevational treatments shall be as shown on the approved plan/s (listed below), with the exception of any approved non material amendment.
  - Proposed Layout and front elevation, drawing number DSC.691.02 Revision A (dated May 2019)
  - Proposed Layout and elevations, drawing number DSC.691.03 (dated July 2018)
  - Vehicle Parking layout, drawing number DSC.691.A3.04 Revision A (dated May 2019)
  - Design and Access Statement (dated January 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.***

3. The self-contained accommodation hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling on the application site, presently known as 2 Westfield Close in that it shall: -

- Only be occupied by persons with a familial link or demonstrable relationship to the occupants of the main dwelling;
- Not be identified or addressed as a separate postal address;
- Not be occupied in the event the main dwelling is unoccupied;
- Not be occupied under any form of contract.

***Reason*** - *The provision of an independent unit of living accommodation would not safeguard a sufficient degree of residential amenity for the occupants of either the existing dwelling or the proposed accommodation*

4. The proposed self-contained accommodation shall not be occupied until the 3 car parking spaces shown on 'Vehicle Parking layout, drawing number DSC.691.A3.04 Revision A (dated May 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.

***Reason*** – *In the interests of highway safety*

5. 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 coal mining legacy and to ensure that the site is remediated if necessary to an appropriate standard prior to any other works taking place on site.*

6. 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.

***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.*

### **Informative Notes**

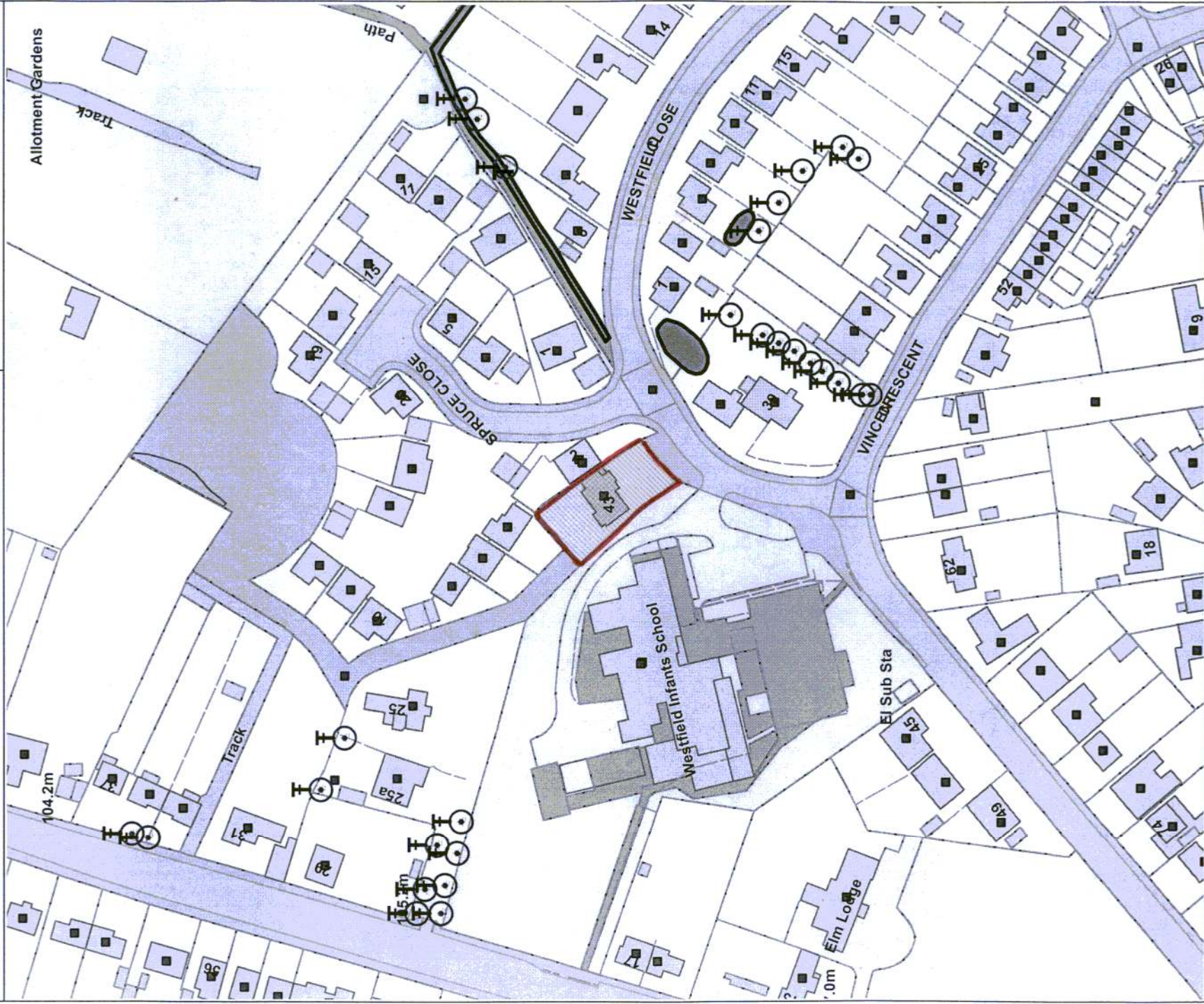
1. If work is carried out other than in complete accordance with the approved plans, the whole development may be rendered unauthorised, as it will not have the benefit of the original planning permission. Any proposed amendments to that which is approved will require the submission of a further application.
2. Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1991 prior notification shall be given to the Department of Economy, Transport & Environment at County Hall, Matlock regarding access works within the highway. Information, and relevant application forms, regarding the undertaking of access works within highway limits is available via the County Council's website  
[http://www.derbyshire.gov.uk/transport\\_roads/roads\\_traffic/development\\_control/vehicular\\_access/default.asp](http://www.derbyshire.gov.uk/transport_roads/roads_traffic/development_control/vehicular_access/default.asp) E-mail [highways.hub@derbyshire.gov.uk](mailto:highways.hub@derbyshire.gov.uk) or Telephone Call Derbyshire on 01629 533190.
3. The Highway Authority recommends that the first 5m of the proposed access/driveway should not be surfaced with a loose material (i.e. unbound chippings or gravel etc.). In the event that loose material is transferred to the highway and is regarded as a hazard or nuisance to highway users, the Authority reserves the right to take any necessary action against the householder
4. Pursuant to Sections 149 and 151 of the Highways Act 1980, steps shall be taken to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.

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CHE/19/00021/FUL

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Case Officer: Sarah Kay  
Tel. No: (01246) 345786  
Ctte Date: 10<sup>th</sup> June 2019

File No: CHE/19/00043/OUT  
Plot No: 2/5910

### **ITEM 3**

## **OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT (ADDITIONAL INFORMATION RECEIVED 09/05/2019) AT MOORLEA, ASHGATE ROAD, ASHGATE, CHESTERFIELD, DERBYSHIRE FOR MRS LARDGE**

Local Plan: Unallocated  
Ward: West

### **1.0 CONSULTATIONS**

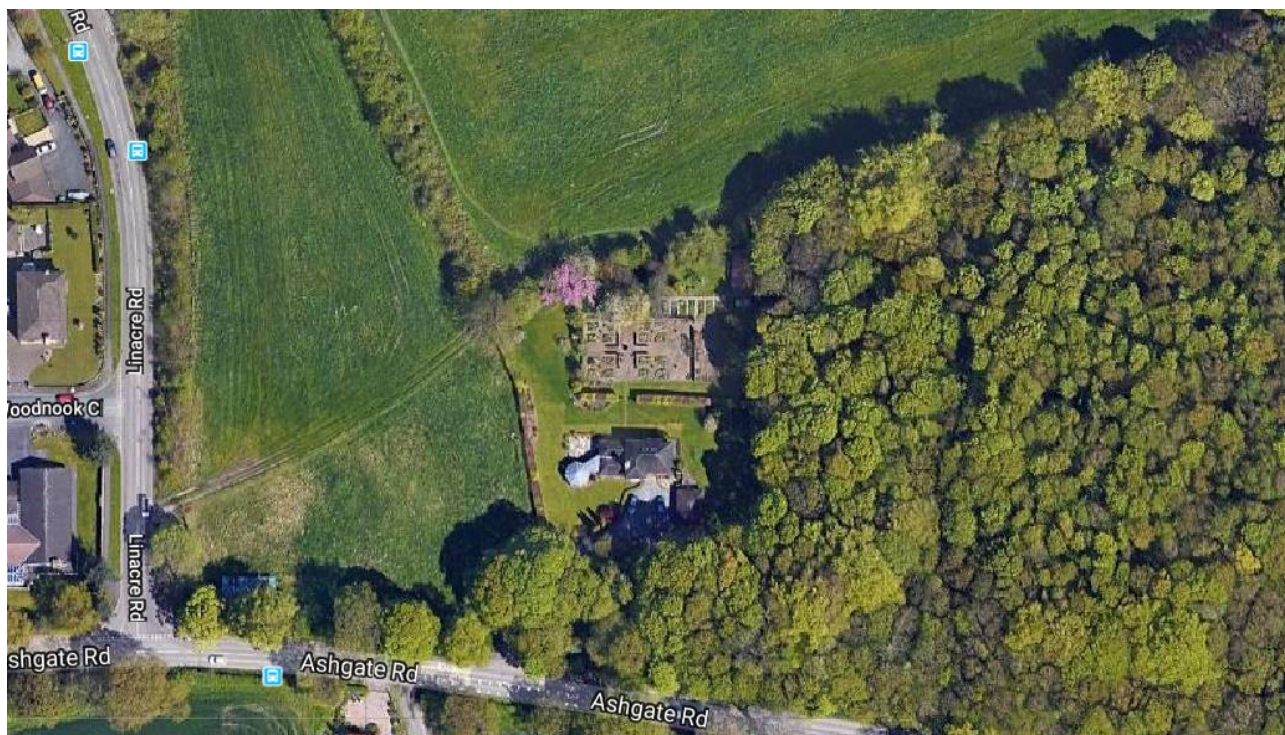
<b>Local Highways Authority</b>	Comments received 07/02/2019 – see report
<b>DCC Archaeology</b>	Comments received 25/02/2019 – see report
<b>CBC Design Services</b>	Comments received 20/02/2019 – see report
<b>Yorkshire Water Services</b>	Comments received 22/02/2019 – see report
<b>CBC Environmental Services</b>	Comments received 05/02/2019 – see report
<b>CBC Tree Officer</b>	Comments received 26/02/2019 – see report
<b>Derbyshire Wildlife Trust</b>	Comments received 20/02/2019 and 14/05/2019 – see report
<b>Coal Authority</b>	Comments received 08/02/2019 – see report
<b>Crime Prevention Design Advisor</b>	Comments received 15/02/2019 – see report
<b>North Derbyshire CCG</b>	No comments received
<b>DCC Planning Policy</b>	Comments received 22/02/2019 – see report
<b>CBC Planning Policy</b>	Comments received 18/03/2019 – see report
<b>Lead Local Flood Authority</b>	Comments received 05/02/2019 – see report
<b>CBC Estates (Kier)</b>	No comments received



<b>Ward Members</b>	No comments received
<b>Neighbours / Site Notice</b>	Five representations received

## 2.0 **THE SITE**

- 2.1 The site to which this application relates concerns a property and its extended garden curtilage called Moorlea which is a large two storey detached dwelling positioned on the northern side of Ashgate Road in Linacre. The property is served by a dedicated driveway access leading off Ashgate Road which sweeps into the site to an area of hardstanding and a detached double garage which are both positioned in advance of the properties principle elevation.





- 2.2 The site and garden curtilage are enclosed to the south and east by mature trees with Ashgate Plantation (a TPO protected woodland) aligning the eastern boundary. To the north and west of the site are open fields (arable agricultural land). There is a variety of outbuildings positioned in the extended garden curtilage which are concentrated to the northern half of the site.

### 3.0 **RELEVANT SITE HISTORY**

- 3.1 CHE/15/00678/OUT - Outline application for residential development. Conditional permission 15/03/2016 (permission expired 14/03/2019).
- 3.2 CHE/0692/0335 - Proposed garden room. Conditional permission 14/07/1992.
- 3.3 CHE/0492/0269 - Change of use from agricultural to garden land Conditional permission 09/06/1992.

### 4.0 **THE PROPOSAL**

- 4.1 The application submitted outline planning permission with all matter except access reserved for a development of up to 7 detached dwellings.
- 4.2 Access is shown to be provided at the same position as the existing driveway access with 2.4m x 103m ((critical) / 8.2m (non-critical) visibility splays provided.



4.3 The application is accompanied by an indicative site layout drawing and site sections / streetscene elevations which shows how the development could be laid out in the format described above.

4.4 The application submission is accompanied by the following plans / documents:

15-003 A(01)-01 Existing Site Plan  
15-003 A(01)-02 Existing Site Location  
ML/TH/JH/001 Ground Level Survey  
15-003 A(00)-01 Rev A – Proposed Indicative Site Layout  
15-003 A(00)-002 – Proposed Indicative Site Sections / Streetscene Elevations

Supporting Planning Statement by Stainton planning dated October 2018

Preliminary Ecological Appraisal by ML Ecology dated November 2018

Design Ethos by Taylor Holmewood dated September 2015

Phase I Desk Top Study by Arc Environmental dated September 2015

## 5.0 **CONSIDERATIONS**

### 5.1 **Planning Policy Background**

5.1.1 The site is situated within West ward in an area which unallocated in the Local Plan and is predominantly residential in nature.

5.1.2 Having regard to the nature of the application proposals policies CS1 (Spatial Strategy), CS2 (Location of Development), CS3 (Presumption in favour of Sustainable Development), CS4 (Infrastructure Delivery), CS6 (Sustainable Design), CS7 (Management of the Water Cycle), CS8 (Environmental Quality), CS9 (Green Infrastructure and Biodiversity), CS10 (Flexibility in delivery of Housing), CS18 (Design) and CS20 (Demand for Travel) of the Core Strategy and the wider National Planning Policy Framework (NPPF) apply. In addition the Councils Supplementary Planning Document on Housing Layout and Design ‘Successful Places’ is also a material consideration.

### 5.2 **Principle of Development**

### **Local Plan Spatial Strategy**

- 5.2.1 The main policy considerations relating to the principle of development are Core Strategy policies CS1, CS2 and CS10. These policies are viewed to be in date and relevant to the proposal.
- 5.2.2 **CS1** sets out that the overall approach is to concentrate new development within walking and cycling distance of centres and focus on areas that need regenerating. In terms of walking distance, the site is around 980m of the Holme Hall Local Service Centre and Primary school via a well-used and lit route. Given the distance and route, this could be considered reasonable in terms of distance from a centre, as set out in CS1. However some weight can also be given to the Chartered Institute of Highways and Transport guidance and the residential design SPD, which makes reference to “800m” being a ‘walkable neighbourhood’. There is a bus stop in close proximity. The policy identifies 6 Regeneration Priority Areas (RPA) of which Holme Hall is one. The proposal accords with the policy in that, with reference to paragraph 4.38 of the Core Strategy, the scheme could deliver wider regeneration benefits to the Holme Hall area (although no evidence has been submitted with the application which demonstrates what benefits could be achieved).
- 5.2.3 **CS2** (Principles for Location of Development) sets criteria for assessing proposals for development on unallocated sites. In relation to criteria a, as mentioned above, the site is within a reasonable walking distance from a centre, and therefore contributes to delivering the spatial strategy in this regard. The spatial strategy also sets out the overall housing requirement for the borough, and the proposal would make a contribution, albeit small, to delivering that.
- 5.2.4 **CS10** states that “planning permission for housing-led greenfield development proposals on unallocated sites will only be permitted if allocated land has been exhausted or...there is less than a 5 year supply of deliverable sites.” As the council is currently able to demonstrate a five year supply of deliverable housing sites, policy CS10 would indicate that planning permission should *not* be granted for the development of residential gardens or small scale greenfield urban infill plots such as that proposed. Accordingly the proposal would not accord with policy CS10.

- 5.2.5 Given that the Local Plan has relevant policies that are not out of date there is no requirement to apply the approach to the presumption in favour of sustainable development set out in policy CS3 and paragraph 11 of the NPPF.
- 5.2.6 In this case when considering policies CS1, CS2 and CS10 together, there appears to be a tension between policy CS1 and CS10. The proposal would accord with policy CS1 and the majority of the criterion in policy CS2 would also met. However, it would not accord with CS10. In such a circumstance it is for the decision maker to attribute weight to the policies taking into account the facts of the particular case. In this instance it would seem reasonable to apply greater weight to policy CS1 than CS10 on the basis that (in a cumulative manner): -
- The majority of criteria in policy CS2 are met.
  - The site is within reasonable walking distance of a local centre
  - The site is not on land protected by the Local Plan for Green Infrastructure, Biodiversity or 'open countryside' functions so its loss would not have an impact on the intrinsic character and openness of the countryside or the general level of amenity of the locality
  - The site is in the locality of the Holme Hall RPA
  - The application site is adjacent a large site identified for residential purposes. The site could be considered as a small extension to this. Additionally the development of this area could bring about shorter walking distances to the local centre.
  - Given the above the proposal would not prejudice the spatial strategy and strategic objectives.
- 5.2.7 Having regard to the above therefore the proposal would not accord with policy CS10 and criterion (b) of CS2 due to it not being previously developed land, however, the proposal is in accordance with the Spatial Strategy and policy CS1 and meets the majority of criteria in policy CS2.
- 5.2.8 Whilst weight should be given to policies CS10 and CS2, it seems reasonable to give greater weight to policy CS1 (when considering purely the principle of development) in this particular instance, having regard to the small scale of the proposed development, its location and the degree to which it otherwise meets the requirements of CS1 and CS2 and the NPPF and therefore it is



considered that on balance the principle of development is acceptable.

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

- 5.3.1      Paragraph 124 comments that good design is a key aspect of sustainable development and is indivisible from good planning. Furthermore policy CS18 of the Core Strategy comments that proposals for new development should respect the character and form of the site by virtue of its appearance and architectural style and have an acceptable impact on the amenity of neighbours. This policy notes that proposals should contribute to the distinct character of the Borough and enrich the quality of existing places. Furthermore the Councils adopted SPD – Successful Places (July 2013) sets out objectives for residential design. This document comments that it is important to ensure that new residential development is designed on the basis of an understanding of its context and which recognises and enhances the local distinctiveness of the area.
- 5.3.2      Matters of detailed design have been reserved for consideration at a later date.
- 5.3.3      Core Strategy Policy CS18 also comments that development will be expected to have an acceptable impact on the amenity of users and neighbours. The Council's SPD 'Successful Places' provides further guidance in respect of privacy, day light and sunlight, overshadowing and external amenity space.
- 5.3.4      It considered that site is of a sufficient size to accommodate a residential development. This view is supported by the indicative plan submitted with the application which demonstrates a scheme for up to 7 no. units without causing detrimental harm to amenity. Site layout and amenity are to be considered at a later date however there are no neighbours which are likely to be impacted by any redevelopment of the site.
- 5.3.5      It is considered that the proposed development can be appropriately designed to reflect the character and appearance of the streetscene and to preserve appropriate levels of amenity and privacy to adjoining and adjacent neighbouring properties in the context of policies CS2 and CS18 of the Core Strategy. As further

designs are developed they will need to take account on the observations made above and also the advice which is contained in the Council's adopted Supplementary Planning Document for Housing Layout and Design.

#### 5.4 **Highways Issues**

##### 5.4.1 The **Local Highways Authority** (LHA) has been consulted on the application and provided the following comments:

*From a highway viewpoint the submitted details are almost identical to those approved under the earlier consent of planning app. CHE/15/00678/OUT i.e a development of 7 no. dwellings served by a modified existing access with Ashgate Road, therefore its considered that the comments and recommendations made with respect of this proposals remain generally the same.*

*However, the submitted details would still appear to demonstrate use of kerbed radii for the modified access whereas a dropped kerb crossing of the footway is considered to be more appropriate for a shared private driveway serving the scale and nature of development proposed.*

*A driveway width of 5.0m is considered to be acceptable although, whilst the internal layout is indicative, it should be noted that to comply with current guidance (i.e the delivering streets and places design guide) an overall corridor width of 7.5m should be available for developments in excess of 5 no. dwellings (e.g a level margin, or margins, totalling an additional 2.5m on one or both sides of the driveway).*

*As stated previously the entire access will need to be re-constricted in accordance with this Authority's current materials and constriction specification for a strengthened footway in order to cater for the additional vehicular use generated by the proposals.*

*Its noted that exit visibility sightlines complying with the Highway Authority's recommendations have been demonstrated and its assumed that the applicant has satisfied themselves that these may be delivered by accurate on site measurements. However, it should also be demonstrated that the nearside carriageway channel can be observed from a 2.4m set back distance over the*

*full extent of requisite visibility to the right when existing all areas in advance of the sightline being within control / existing highway.*

*Its appreciated that the internal layout submitted is an indicative one and as such no comment will be made with respect to this other than any subsequent reserved matters or full application should include details demonstrating a layout meeting current design criteria i.e width, off set parking and manoeuvring space, waste bins storage and collection areas etc.*

*Therefore should you be minded to approve these proposals it's recommended that the following conditions are included within the consent:*

- 1. Space shall be provided within the site curtilage for storage of plant and materials/ site accommodation/ loading and unloading of goods vehicles/ parking and manoeuvring of site operatives and visitors vehicles throughout the demolition and construction period, laid out and constructed in accordance with detailed designs to be submitted in advance to the Local Planning Authority for written approval and maintained throughout the contract period in accordance with the approved designs free from any impediment to its designated use.*
- 2. Prior to the construction compound (the subject of Condition 1 above) being brought into use, detailed designs shall be submitted to the Local Planning Authority for written approval indicating the proposed site access, shared driveway, manoeuvring and off-street parking layout.*
- 3. Prior to the construction compound (the subject of Condition 1 above) being brought into use, the vehicular access to Ashgate Road shall be modified in accordance with the approved design, the subject of Condition 2, with the areas in advance of the exit visibility 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 adjoining nearside carriageway channel level.*
- 4. No development shall take place until construction details of the shared driveway (including layout, levels, gradients, surfacing and means of surface water drainage) have been*

*submitted to and approved in writing by the Local Planning Authority.*

- 5. The proposed shared driveway shall be constructed in accordance with Condition 4 above up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access from the driveway. The driveway shall be constructed up to and including base course surfacing to ensure that each dwelling prior to occupation has a properly consolidated and surfaced route between the dwelling and the existing highway. Until final surfacing is completed, the driveway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions. The driveway in front of each dwelling shall be completed with final surface course within three months from the occupation of such dwelling, unless otherwise agreed in writing by the Local Planning Authority.*
- 6. The premises, the subject of the application, shall not be occupied until space has been provided within the site curtilage for the parking/ loading and unloading/ manoeuvring of residents/ visitors/ service and delivery vehicles, located, designed, laid out and constructed all as agreed in writing with the Local Planning Authority and maintained throughout the life of the development free from any impediment to its designated use.*
- 7. There shall be no gates or other barriers within 12m of the nearside highway boundary and any gates shall open inwards only, unless otherwise agreed in writing by the Local Planning Authority.*
- 8. 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.*
- 9. No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed shared driveway within the*

*development have been submitted to and approved by the Local Planning Authority. The shared driveway shall thereafter be maintained in accordance with the approved management and maintenance details until such time as a private management and maintenance company has been established.*

- 5.4.2 Having regard to the comments of the LHA above (and on the basis of this being an outline application) it is considered that the development proposals can be appropriately serviced by driveways and a dedicated access junction such with space to provide the necessary highway visibility splays such that the development does not give rise to any adverse highway safety concerns. Appropriate driveway widths and length can be accommodated, alongside appropriate visibility splays and parking provision to meet the requirements of the LHA and the provisions of policies CS2, CS18 and CS20 of the Core Strategy.

## 5.5 **Flood Risk / Drainage**

- 5.5.1 In respect of matters of drainage and potential flood risk (having regard to policy CS7 of the Core Strategy), it is noted that the application site lies within flood risk zone 1 and therefore is unlikely to be at risk from flooding. In respect of drainage, the application details that the development is to be connected to existing mains drains and SuDS for surface water. Proposed foul connections are currently unknown but given the proposed end use would either be mains or package treatment / septic tank.
- 5.5.2 The Council's **Design Services** (DS) team and **Yorkshire Water Services** (YWS) were both consulted on the application and no objections were received. Details of the proposed site drainage strategy will need to be submitted for approval in accordance with the Council 'Minimum Standards for Drainage'.
- 5.5.3 Full drainage details have not been submitted for consideration as part of the planning application submission however these matters are ordinarily dealt with by appropriate planning condition (which in this case would be pre-commencement requirement – as agreed with the applicant).

## 5.6 **Land Condition / Contamination**

- 5.6.1 The site the subject of the application comprises of a mixture of domestic garden / hard surfacing / previously developed land and therefore land condition and contamination need to be considered having regard to policy CS8 of the Core Strategy.
- 5.6.2 In respect of land condition the **Coal Authority** (CA) were consulted on the application submission and the following comments were received:

*The Coal Authority records indicate that the site has been subject to both recorded and historic unrecorded coal mine workings at shallow depth.*

*We note from the Planning Statement which accompanies this application that this is a resubmission of an extant planning permission (CHE/15/00678/OUT). The Coal Authority was consulted on the above application where the applicant provided a Phase I: Desk Top Study Report (dated 1 September 2015) prepared by Arc Environmental and the Coal Authority raised no objection subject to the imposition of an appropriate planning condition for site investigation works to be undertaken, as per the recommendations of the report author.*

*The same Report accompanies this current application. Accordingly, as it would appear that no intrusive ground investigations have yet been undertaken our comments remain the same and we would have **no objection** to this proposal, subject to the LPA imposing a Planning Condition (as per Condition 14 of issued consent: CHE/15/00678/OUT).*

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

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

*\* The undertaking of an appropriate 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.*

5.6.4 In addition to the comments of the CA, the Council's **Environmental Health Officer** (EHO) was consulted and raised no objections subject to the construction hours of the development being restricted to protect the amenity of nearby residential neighbours and the dwellings being equipped with electric vehicle charging points.

5.6.5 Having regard to the comments detailed above from the CA and EHO appropriate planning conditions can be imposed on any permission issued to ensure compliance with policy CS8 of the Core Strategy and the wider NPPF in respect of land condition, air quality and noise.

## 5.7 **Ecology / Trees**

5.7.1 Upon the initial request of the **Derbyshire Wildlife Trust** (DWT) (original response received 20/02/2019) the applicant was required to undertake a bat survey report and the results were submitted on 09/05/2019) for further consideration. DWT responded (14/05/2019) as follows:

*A Preliminary Bat Roost Assessment undertaken in April 2019 assessed the main house on site to display low potential to support roosting bats. In accordance with best practice guidelines (Collins, 2016) a single nocturnal bat survey was undertaken to determine presence/absence of roosting bats. None were recorded and no further survey or specific mitigation is required to determine the application.*

*We still advise that a Tree Survey and Arboricultural Impact Assessment should be undertaken. The proposed site plan does not indicate which trees will be lost and retained and from the Ecological Appraisal and aerial mapping, there appear to be numerous established trees on site. Effort should be made to retain features of ecological value within the scheme design (mitigation hierarchy: avoid, mitigate, compensate). Information on the retention and loss of native hedgerows should also be provided.*

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

### Enhancement Plan

*Prior to building works commencing above foundation level, a Biodiversity Enhancement Plan 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 2019. Such approved measures shall be implemented in full and maintained thereafter. Measures shall include (but are not limited to):*

- 1xSchwegler 1FR bat tube per dwelling will be clearly shown on a plan (positions/specification/numbers).*
- details of building and/or tree-mounted bird boxes will be clearly shown on a plan (positions/specification/numbers).*
- measures to maintain connectivity for hedgehogs shall be clearly shown on a plan (fencing gaps 130 mm x 130 mm and/or railings and/or hedgerows).*
- summary of ecologically beneficial landscaping (full details to be provided in Landscape Plans).*

### Lighting Strategy

*Prior to building works commencing above foundation level, a detailed lighting strategy shall be submitted to and approved in writing by the LPA to safeguard bats and other nocturnal wildlife. This should provide details of the chosen luminaires and any mitigating features such as dimmers, PIR sensors, timers, tinted glazing or recessed lighting fixtures. Consideration should be given to avoiding lightspill to the Local Wildlife Site woodland immediately to the east. Guidelines can be found in Guidance Note 08/18 - Bats and Artificial Lighting in the UK (BCT and ILP, 2018). Such approved measures will be implemented in full.*

- 5.7.2 Having regard to the comments received above, the Council's **Tree Officer** (TO) was also consulted on the application submission who made the following comments:

*There are two tree preservation orders in force adjacent to the site on the east and southern boundaries. To the frontage of the site on the southern boundary is a Derbyshire County Council tree preservation order No.52 reference Woodland 1 and Group 2 either side of the existing access. To the east is a Chesterfield Borough Council tree preservation order 4901.64 reference Woodland 1 which is a managed deciduous woodland.*



*The indicative layout proposes 7 dwellings on the site. No tree survey has been submitted with the application and the indicative site layout plan is not to scale so it is unclear at this stage where the tree constraints are on the site and whether the proposed dwellings would be located within the calculated root protection areas. If a tree survey was submitted this would have highlighted any tree issues. It is clear from the submitted drawings that at least plot 5 is too close to the woodland edge so either the number of plots should be reduced or the size of the dwellings reduced to avoid any RPA's. The orientation of the dwellings should also be sited to avoid any perceived nuisance from shading, lack of light and leaf fall.*

*There are no details provided to with the application to show if the existing access will remain the same or be upgraded. Further details should be provided as the protected trees in this area may be affected.*

*I have no objection to the outline application in general; however the following tree protection conditions should be attached if consent is granted to the application to safeguard the trees during demolition and development.*

**Tree protection**

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

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

- a) Location and installation of services/ utilities/ drainage.*
- b) Methods of demolition within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees.*
- c) Details of construction within the RPA or that may impact on the retained trees.*
- d) a full specification for the installation of boundary treatment works.*
- e) a full specification for the construction of any roads, parking areas and driveways, including details of the no-dig specification*

*and extent of the areas of the roads, parking areas and driveways to be constructed using a no-dig specification.*

*Details shall include relevant sections through them.*

*f) 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.*

*g) A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing.*

*h) a specification for scaffolding and ground protection within tree protection zones.*

*i) Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area.*

*j) details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires*

*k) Boundary treatments within the RPA*

*l) Methodology and detailed assessment of root pruning*

*m) Methods to improve the rooting environment for retained and proposed trees and landscaping*

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

*Reason: Required prior to commencement of development to satisfy the Local Planning Authority that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality, in accordance to section 197 of the Town and Country Planning Act 1990*

*Informative:*

*The following British Standards should be referred to:*

*a) BS: 3998:2010 Tree work – Recommendations*

*b) BS: 5837 (2012) Trees in relation to demolition, design and construction – Recommendations*

### **Landscape**

*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:*

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

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

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

### **Tree Pruning**

*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.*

*Reason:*

*Required prior to commencement of development to avoid any irreversible damage to retained trees pursuant to section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality.*

*Informative:*

*The following British Standards should be referred to:*

*a) BS: 3998:2010 Tree work – Recommendations*

*b) BS: 5837 (2012) Trees in relation to demolition, design and construction - Recommendations*

- 5.7.3 Under the provisions of policy CS9 of the Core Strategy new development is required to secure a net gain in biodiversity enhancements and therefore in accepting the principle of the development proposals it will be necessary to require this site to contribute ecological enhancement. Measures such as bird and bat boxes can be required along with appropriate compensatory soft landscaping and boundary treatments including any hard boundary fences which allow small mammal passage (hedgehog highway).
- 5.7.4 Having regard to the comments made by DWT and TO about the absence of a tree survey and their ability to judge the appropriateness of the indicative site layout, it should be noted that the site layout submitted is only indicative (given the outline nature of the application).
- 5.7.5 It is noted that the TO raises observations about particular plots, to which the applicant should refer should outline consent be granted and a reserved matters application be forthcoming. As the outline permission would be for a development of up to 7 dwellings the site layout could be adjusted and the density reduced to overcome these initial observations. It would be expected that any subsequent reserved matters application would be accompanied by the necessary tree survey to demonstrate how and what trees are affected / protected from the most up to date site layout proposals.
- 5.7.6 Overall therefore it is considered that subject to the imposition of appropriate conditions the provision of policy CS9 of the Core Strategy and wider NPPF can be met in respect of ecological

impacts and retention / protection and enhancement of trees and soft landscaping.

## 5.8 **Heritage / Archaeology**

5.8.1 The site the subject of the application is not affected by any specific heritage designations however given it is a greenfield site, matters concerning potential below ground archaeology are a material consideration having regard to para. 199 of the NPPF and policy CS19 of the Core Strategy.

5.8.2 In respect of the above, the **DCC Archaeology** (DCC Arch) team were consulted on the application submission and the following comments were received:

*The site is directly to the south of a larger area which has been the subject of archaeological evaluation in recent years (Linacre Road, Ashgate). Desk-based research and geophysical survey of this area identified significant evidence of 19th century coal mining and iron stone working within this area. These remains were characterised by mine shafts and bell pits, some of which were recorded on 19th century colliery plans. Recent field evaluation (autumn 2018 ) confirmed the existence of these features, along with ditch features which may have been of medieval or Roman origin. Detailed reports on this work are in preparation.*

*Taking in to account the fact that land to the north of the current application site is of industrial archaeological significance, and that there is a strong possibility of other such remains occurring on the land in question, we would recommend that the following condition be attached to any grant of planning permission for this scheme:*

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

- 1. The programme and methodology of site investigation and recording*
- 2. The programme for post investigation assessment*

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

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

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

*This requirement is in line with NPPF para 199 which requires developers to record and advance understanding of the significance of any heritage assets which are to be lost.*

5.8.3 Having regard to the comments received above it is not considered that the development proposals are unacceptable. Clearly DCC Arch is satisfied that whilst the site may hold some below ground archaeological interest an appropriate planning condition imposed as a pre-commencement condition would ensure this was investigated. Thereafter any findings would be recorded in accordance with a written / prescribed scheme of investigation. On the basis of these conclusions it is not considered that the development would be contrary to the provisions of policy CS19 of the Core Strategy or the wider NPPF in respect of heritage considerations.

## 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 dwellings and the development is therefore CIL Liable.

- 5.9.2 The site the subject of the application lies within the high CIL zone and its final liability would be calculated at the stage when reserved matters or a full planning application are received.

6.0 **REPRESENTATIONS**

- 6.1 The application has been publicised by site notice posted on 05/02/2019.

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

**Oak Tree Cottage**

We are the only property close to Moorlea, being situated diagonally on the other side of Ashgate Road;

We do not object to the development but in the documents viewed some of the terminology appears vague which may allow for some changes / flexibility in the development which takes place. We would object to changes as follows:

- An increase in the number of properties being proposed;
- A change in house type mix;
- Removal of the tree line to Ashgate Road as they provide privacy; and
- Any changes to the access road onto Ashgate Road.

**4 Woodnook Close**

This development would increase the density of housing hugely on the adjacent development. The houses have been planned to be much more densely packed than their nearest neighbours;

We understood the same principles of low density would apply to both side on Linacre Road when / if further development occurred; Additional traffic on Ashgate Road will cause more pollution and risk of congestion; and

Please record this as an objection to further development it the Ashgate Area.

**5 Woodnook Close**

The development would increase the density of the house by 2.33% more than the existing adj development (Woodnook Close); At the time Woodnook Close was approved it was on the understanding that housing density would be maintained at a low ratio and be tapered from The Meadows / Holme Hall

Development. We were informed the same principle would be applied to the development on the opposite side of Linacre Road; Notwithstanding the above, with Moorlea you have a single property in a little over a 1acre plot which the owners have enjoyed; but now they are done with it they are applying to pack as many properties on it as possible;  
We would expect the planning department to ensure this does not happen however if consent is granted for whatever density then the local authority should share the benefit of the increased value of the land; and  
As there will be additional vehicles onto Ashgate in a 40mph, what are the plans for roads and the adjacent land when it is developed?

### **8 Woodnook Close**

I would like to object to the development as primarily this development and the development of land near Home Hall will severely impinge on the area in which I live;  
The development will impact upon traffic up and down Ashgate Road (which is used as a rat run) and cannot cope with anymore traffic. I live in a supposedly 'quiet' area but the development would impact upon this quiet;  
When the houses were built on Woodnook Close we were all given firm assurances any developments in close proximity would be built to a similar size / density / ratio. This is not the case with the development at Moorlea.

### **1 Woodnook Close**

This development would increase density by nearly 2.5% more than the existing adjacent development site (a scale plan has already been submitted by our neighbours demonstrating this);  
Part of the land the subject of this application was agricultural land until 1992, does this mean that any other land adjacent to Moorlea will be given permission at this density;  
When Woodnook Close was approved and sold to individuals we were assured that development around use would only take place at the same density; and  
If this such density is agreed for other sites around Ashgate the increase in traffic on this already busy road would be unacceptable. To the west it turns into a country road with tight corners.

6.3 ***Officer response: See section 5.0 above.***



## 7.0 **HUMAN RIGHTS ACT 1998**

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

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

- 8.1 The following is a statement on how the Local Planning Authority (LPA) has adhered to the requirements of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 in respect of decision making in line with paragraph 38 of the National Planning Policy Framework (NPPF).
- 8.2 Given that the proposed development does not conflict with the NPPF or with 'up-to-date' Development Plan policies, it is considered to be 'sustainable development' and there is a presumption on the LPA to seek to approve the application. The LPA has used conditions to deal with outstanding issues with the development and has been sufficiently proactive and positive in proportion to the nature and scale of the development applied for.

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

9.0 **CONCLUSION**

- 9.1 The proposals have been considered against the principles of policies CS1 (Spatial Strategy), CS2 (Location of Development), CS3 (Presumption in favour of Sustainable Development), CS4 (Infrastructure Delivery), CS6 (Sustainable Design), CS7 (Management of the Water Cycle), CS8 (Environmental Quality), CS9 (Green Infrastructure and Biodiversity), CS10 (Flexibility in the Delivery of Housing), CS18 (Design), CS19 (Historic Environment) and CS20 (Demand for Travel) of the Core Strategy. In addition consideration has been given to the wider National Planning Policy Framework (NPPF) and the Councils Supplementary Planning Document on Housing Layout and Design 'Successful Places'.
- 9.2 It is considered that although some conflicts have been identified with policy CS10; the proposed development can be considered in broad compliance with policies CS1, CS2, CS3 and CS4 of the Core Strategy in so far as its connection to social, economic and environmental infrastructure and the key benefits of supporting the development are such that it meets the definitions of sustainable development and there is a presumption in favour of its approval.
- 9.3 The application submission is supported by the preparation of assessment and reports which illustrates the proposed developments ability to comply with the provisions of policies CS6, CS7, CS8, CS9, CS18, CS19 and CS20 of the Core Strategy and where necessary it is considered that any outstanding issues can be mitigated and addressed in any appropriate planning conditions being imposed.

10.0 **RECOMMENDATION**

- 10.1 That the application be **GRANTED** subject to the following conditions / notes:

Time Limit etc

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

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

02. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

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

03. 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.*

#### Drainage

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

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

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

surface water from the development prior to the completion of the approved surface water drainage works.

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

### Highways

06. Space shall be provided within the site curtilage for storage of plant and materials/ site accommodation/ loading and unloading of goods vehicles/ parking and manoeuvring of site operatives and visitors vehicles throughout the demolition and construction period, laid out and constructed in accordance with detailed designs to be submitted in advance to the Local Planning Authority for written approval and maintained throughout the contract period in accordance with the approved designs free from any impediment to its designated use.

*Reason – In the interests of highway safety.*

07. Prior to the construction compound (the subject of Condition 6 above) being brought into use, detailed designs shall be submitted to the Local Planning Authority for written approval indicating the proposed site access, shared driveway, manoeuvring and off-street parking layout.

*Reason – In the interests of highway safety.*

08. Prior to the construction compound (the subject of Condition 6 above) being brought into use, the vehicular access to Ashgate Road shall be modified in accordance with the approved design, the subject of Condition 7, with the areas in advance of the exit visibility 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 adjoining nearside carriageway channel level.

*Reason – In the interests of highway safety.*

09. No development shall take place until construction details of the shared driveway (including layout, levels, gradients,

surfacing and means of surface water drainage) have been submitted to and approved in writing by the Local Planning Authority.

*Reason – In the interests of highway safety.*

10. The proposed shared driveway shall be constructed in accordance with Condition 9 above up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access from the driveway. The driveway shall be constructed up to and including base course surfacing to ensure that each dwelling prior to occupation has a properly consolidated and surfaced route between the dwelling and the existing highway. Until final surfacing is completed, the driveway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions. The driveway in front of each dwelling shall be completed with final surface course within three months from the occupation of such dwelling, unless otherwise agreed in writing by the Local Planning Authority.

*Reason – In the interests of highway safety.*

11. The premises, the subject of the application, shall not be occupied until space has been provided within the site curtilage for the parking/ loading and unloading/ manoeuvring of residents/ visitors/ service and delivery vehicles, located, designed, laid out and constructed all as agreed in writing with the Local Planning Authority and maintained throughout the life of the development free from any impediment to its designated use.

*Reason – In the interests of highway safety.*

12. There shall be no gates or other barriers within 12m of the nearside highway boundary and any gates shall open inwards only, unless otherwise agreed in writing by the Local Planning Authority.

*Reason – In the interests of highway safety.*

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

*Reason – In the interests of highway safety.*

14. No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed shared driveway within the development have been submitted to and approved by the Local Planning Authority. The shared driveway shall thereafter be maintained in accordance with the approved management and maintenance details until such time as a private management and maintenance company has been established.

*Reason – In the interests of highway safety.*

#### Archaeology

15. a) No development shall take place until a Written Scheme of Investigation for archaeological work has been submitted to and approved by the local planning authority in writing, and until any pre-start element of the approved scheme has been completed to the written satisfaction of the local planning authority. The scheme shall include an assessment of significance and research questions; and
1. The programme and methodology of site investigation and recording
  2. The programme for post investigation assessment
  3. Provision to be made for analysis of the site investigation and recording
  4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
  5. Provision to be made for archive deposition of the analysis and records of the site investigation
  6. Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation

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

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

*Reason - This requirement is in line with NPPF para 199 which requires developers to record and advance understanding of the significance of any heritage assets which are to be lost.*

#### Land Condition

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

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

#### Ecology

17. No removal of vegetation that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of the vegetation for active birds' nests immediately before the vegetation is cleared and

provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

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

18. Prior to building works commencing above foundation level, a Biodiversity Enhancement Plan 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 2019. Such approved measures shall be implemented in full and maintained thereafter. Measures shall include (but are not limited to):
- 1xSchwegler 1FR bat tube per dwelling will be clearly shown on a plan (positions/specification/numbers).
  - details of building and/or tree-mounted bird boxes will be clearly shown on a plan (positions/specification/numbers).
  - measures to maintain connectivity for hedgehogs shall be clearly shown on a plan (fencing gaps 130 mm x 130 mm and/or railings and/or hedgerows).
  - summary of ecologically beneficial landscaping (full details to be provided in Landscape Plans).

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

19. Prior to building works commencing above foundation level, a detailed lighting strategy shall be submitted to and approved in writing by the LPA to safeguard bats and other nocturnal wildlife. This should provide details of the chosen luminaires and any mitigating features such as dimmers, PIR sensors, timers, tinted glazing or recessed lighting fixtures. Consideration should be given to avoiding lightspill to the Local Wildlife Site woodland immediately to the east. Guidelines can be found in Guidance Note 08/18 - Bats and Artificial Lighting in the UK (BCT and ILP, 2018). Such approved measures will be implemented in full.



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

## Trees

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

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

- a) Location and installation of services/ utilities/ drainage.
- b) Methods of demolition within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees.
- c) Details of construction within the RPA or that may impact on the retained trees.
- d) a full specification for the installation of boundary treatment works.
- e) a full specification for the construction of any roads, parking areas and driveways, including details of the no-dig specification and extent of the areas of the roads, parking areas and driveways to be constructed using a no-dig specification.  
Details shall include relevant sections through them.
- f) 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.
- g) A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing.
- h) a specification for scaffolding and ground protection within tree protection zones.
- i) Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area.

j) details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires

k) Boundary treatments within the RPA

l) Methodology and detailed assessment of root pruning

m) Methods to improve the rooting environment for retained and proposed trees and landscaping

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

*Reason - To ensure that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality, in accordance to section 197 of the Town and Country Planning Act 1990*

21. 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:
- 1) a scaled plan showing all existing vegetation and landscape features to be retained and trees and plants to be planted;
  - 2) location, type and materials to be used for hard landscaping including specifications, where applicable for:
    - a) permeable paving
    - b) use within tree Root Protection Areas (RPAs);
  - 3) a schedule detailing sizes and numbers/densities of all proposed trees/plants;
  - 4) specifications for operations associated with plant establishment and maintenance that are compliant with best practise; and
  - 5) types and dimensions of all boundary treatments
- 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. Unless required by a separate landscape management condition, all soft landscaping shall have a written five year

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

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

22. 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.

*Reason - To avoid any irreversible damage to retained trees pursuant to section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality.*

#### Others

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

*Reason - In the interests of residential amenities.*

24. Before construction works commence or ordering of external materials takes place, precise specifications or samples of the walling and roofing materials to be used shall be

submitted to the Local Planning Authority for consideration. Only those materials approved in writing by the Local Planning Authority shall be used as part of the development.

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

25. 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.

*Reason - In the interests of the amenities of occupants of adjoining dwellings.*

26. 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.*

### **Notes**

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

02. This approval contains condition/s which make requirements prior to development commencing. Failure to comply with such conditions will render the development unauthorised in its entirety, liable to enforcement action and will require the submission of a further application for planning permission in full.
03. You are notified that you will be liable to pay the Community Infrastructure Levy (CIL) to Chesterfield Borough Council as CIL collecting authority on commencement of development. This charge will be levied under the Chesterfield Borough Council CIL charging schedule and s211 of the Planning Act 2008. A CIL Liability Notice will be issued at the time of a detailed planning permission which first permits development, in accordance with the Community Infrastructure Levy Regulations 2010 (as amended). 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 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.
04. The Highway Authority recommends that the first 6m of the proposed access driveway should not be surfaced with a loose material (i.e. unbound chippings or gravel etc.). In the event that loose material is transferred to the highway and is regarded as a hazard or nuisance to highway users the Authority reserves the right to take any necessary action against the landowner.
05. Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1991 prior notification shall be given to the Department of Economy Transport & Environment at County Hall, Matlock regarding access works within the highway. Information, and relevant application forms, regarding the undertaking of access works within highway limits is available by email [highways.hub@derbyshire.gov.uk](mailto:highways.hub@derbyshire.gov.uk), telephone Call Derbyshire on 01629 533190 or via the County Council's website

[http://www.derbyshire.gov.uk/transport\\_roads/roads\\_traffic/development\\_control/vehicular\\_access/default.asp](http://www.derbyshire.gov.uk/transport_roads/roads_traffic/development_control/vehicular_access/default.asp).

06. Pursuant to Section 163 of the Highways Act 1980, where the site curtilage slopes down towards the public highway measures shall be taken to ensure that surface water run-off from within the site is not permitted to discharge across the footway margin. This usually takes the form of a dish channel or gully laid across the access immediately behind the back edge of the highway, discharging to a drain or soakaway within the site.
07. Car parking provision should be made on the basis of 2no. or 3no. off-street spaces per 2/3 or 4/4+ bedroom dwelling respectively. Each parking bay should measure a minimum of 2.4m x 5.5m (2.4m x 6.5m where located in front of garage doors) with an additional 0.5m of width to any side adjacent to a physical barrier e.g. Wall/ fence/ hedge/ etc., and adequate space behind each space for manoeuvring.
08. Under the provisions of the New Roads and Street Works Act 1991 and the Traffic Management Act 2004, all works that involve breaking up, resurfacing and / or reducing the width of the carriageway require a notice to be submitted to Derbyshire County Council for Highway, Developer and Street Works. Works that involve road closures and / or are for a duration of more than 11 days require a three months notice. Developer's Works will generally require a three months notice. Developers and Utilities (for associated services) should prepare programmes for all works that are required for the development by all parties such that these can be approved through the coordination, noticing and licensing processes. This will require utilities and developers to work to agreed programmes and booked slots for each part of the works. Developers considering all scales of development are advised to enter into dialogue with Derbyshire County Council's Highway Noticing Section at the earliest stage possible and this includes prior to final planning consents.
09. The applicant is advised that to discharge Condition 14 that the Local Planning Authority requires a copy of the constitution and details of a Private Management and

Maintenance Company confirming funding, management and maintenance regimes. Such proposals should include indemnity insurance in the event that the management company should fail whereupon a replacement would be appointed. It follows, therefore, that the developer would not be liable to secure the works with advanced payments under of the Highways Act, and that the Highway Authority would issue an exemption notice upon notification of building regulation approval from the Local Planning Authority. The developer will need to advise Statutory Undertakers that the road will not be adopted for the provision of services.

10. The following British Standards should be referred to:
  - a) BS: 3998:2010 Tree work – Recommendations
  - b) BS: 5837 (2012) Trees in relation to demolition, design and construction – Recommendations

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CHE/19/00043/OUT

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BOROUGH COUNCIL

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Case Officer: Rob Forrester  
Tel. No: (01246) 345580  
Ctte Date: 10<sup>th</sup> June 2019

File No: CHE/19/00200/FUL  
Plot No: 2/3168

#### **ITEM 4**

**Residential development of six dwellings in two terraces of three units, designated off road parking with new access from Sydney Street and Springfield Avenue, bin-stores and garden sheds and landscaping at St Mark's Vicarage, 15 St Mark's Road, Chesterfield. S40 1DH**

Local Plan: Unallocated  
Ward: Holmebrook

#### 1.0 **CONSULTATIONS**

<b>Local Highways Authority</b>	Comments received 30/04/2019 – no objection, advises 3 conditions
<b>CBC Tree Officer</b>	Comments received 03/04/2019 – see report
<b>Derbyshire Wildlife Trust</b>	Comments received 08/05/2019 repeats earlier comments – see report
<b>Yorkshire Water Authority</b>	Comments received 23/04/2019 – advises 2 conditions
<b>Coal Authority</b>	Comments received 25/04/2019 – previous mining report still valid – no objections advises 1 condition
<b>Crime Prevention Design Advisor</b>	Comments received 02/05/2019 – no objections
<b>DCC Lead Flood Authority</b>	Comments received on 26/04/2019 - as this is a minor dev – no formal comment required
<b>CBC Drainage</b>	Comments received 29/04/2019 – Site not at flood-risk. Drainage details required
<b>CBC Environmental Health</b>	Comments received 01/05/2019 – no adverse comments – advises 1 condition



<b>Ward Members</b>	No comments received
<b>Site Notice / Neighbours</b>	3 representations received

## 2.0 **THE SITE**

- 2.1 The site the subject of the application comprises an open area of land to the east of St Mark's Vicarage, on which there is a current outline permission for the erection of 4 dwellings.
- 2.2 The site is within a residential area close to a primary school and has 2 road frontages on to Springfield Avenue and Sydney Street.

Photos showing existing site and road frontages/proposed entrances



- 2.3 Each road frontage is dominated by mature hedgerows, and Sydney Street is narrow with roadside parking. The roads are congested at school start/leaving times.

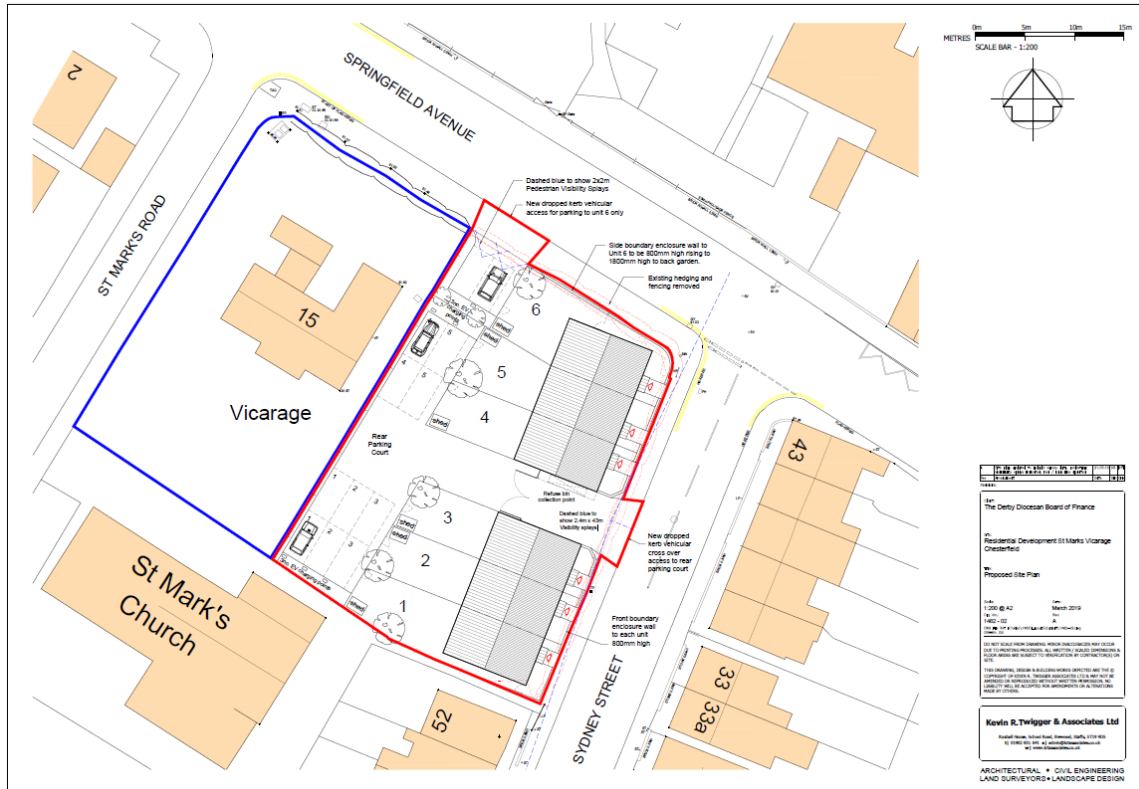
- 2.2 The surrounding land is in residential use and is within the Holmebrook area of Chesterfield. The immediate surroundings of the site are defined by the terraced housing, most having no off-road parking.

3.0 **RELEVANT SITE HISTORY**

- 3.1 The only relevant Planning History is the previous permission - CHE/18/00697/OUT - Erection of four houses with enclosed gardens, designated off road car parking and communal bin stores with new access from Sydney Street - Approved 08.01.2019

4.0 **THE PROPOSAL**

- 4.1 The application submitted seeks full planning permission for the erection of 6 dwellings in 2 blocks of 3 houses, of 2-storey proportions.
- 4.2 The development will be served by 2 new accesses on to Sydney Street and Springfield Avenue. The main access on to Sydney Street is to serve 5 of the 6 units - with a communal turning area - and each dwelling has 2 parking spaces (as tandem parking), access to the rear garden, a storage shed and a bin-storage area.
- 4.3 The dwellings are 3 bedroomed units with a front entrance porch and modest rear gardens.
- 4.4 The terraced dwelling at the northern end of the site has its own access drive on to Springfield Avenue, with 2 parking spaces as a side-by-side arrangement, a larger garden access to the rear garden, a storage shed and a bin-storage area. It would be private by means of an enclosing side wall 1.8m in height.
- 4.5 The Proposed Site Layout is shown below



The proposed plans and elevations are shown below:-



4.6 The application submission is supported by a Design and Access Statement which concludes that:-

- The development will make a positive contribution to the character of the area. The proposal has taken into account the design considerations of the surrounding area and existing site. It is considered sympathetic to the character and appearance of the surrounding area, creating a community with a 'sense of place';
- The development will provide Quality of Design;
- Create a sense of place by responding to the character and appearance of the existing residential area;
- Integration with the community;
- Reflect the existing density, form, height, materials of the local area;
- Create a development which respects the amenities and privacy of the surrounding houses;
- Create suitable access point and entrance feature into the site;
- Integrate the development into its surroundings and the local community;
- Access and Movement and Car Parking;
- Provide a safe access with low traffic speeds;
- Provide sufficient off street parking for residents;
- The details set within this design and access statement considers that the proposed scheme will positively integrate within the neighbourhood and provide additional housing for Chesterfield.

## 5.0 **CONSIDERATIONS**

### 5.1 **Planning Policy Background**

5.1.1 The site is situated within West ward in an area which is unallocated in the Local Plan and is predominantly residential in nature.

5.1.2 Having regard to the nature of the application proposals policies CS1 (Spatial Strategy), CS2 (Location of Development), CS3 (Presumption in favour of Sustainable Development), CS4 (Infrastructure Delivery), CS6 (Sustainable Design), CS7 (Management of the Water Cycle), CS8 (Environmental Quality),

CS9 (Green Infrastructure and Biodiversity), CS10 (Flexibility in delivery of Housing), CS18 (Design) and CS20 (Demand for Travel) of the Core Strategy and the wider National Planning Policy Framework (NPPF) apply. In addition the Councils Supplementary Planning Document on Housing Layout and Design ‘Successful Places’ is also a material consideration.

## 5.2 **Principle of Development**

### **Local Plan Spatial Strategy**

- 5.2.1 The main policy considerations relating to the principle of development are Core Strategy policies CS1, CS2 and CS10. These policies are viewed to be in date and relevant to the proposal.
- 5.2.2 **CS1** sets out that the overall approach is to concentrate new development within walking and cycling distance of centres and focus on areas that need regenerating. In terms of walking distance, the site is around 950m to the west of Chesterfield Town Centre and 150m to the north of the Chatsworth Road District Centre and is close to the Primary school via a well-used and lit route. Given the distance and route, this is considered reasonable in terms of distance from a centre, as set out in CS1. However some weight can also be given to the Chartered Institute of Highways and Transport guidance and the residential design SPD, which makes reference to “800m” being a ‘walkable neighbourhood’. There are bus stops in close proximity and good cycle routes to the centres.
- 5.2.3 **CS2** (Principles for Location of Development) sets criteria for assessing proposals for development on unallocated sites. In relation to criteria a, as mentioned above, the site is within a reasonable walking distance from a centre, and therefore contributes to delivering the spatial strategy in this regard. The spatial strategy also sets out the overall housing requirement for the borough, and the proposal would make a contribution, albeit small, to delivering that.
- 5.2.4 **CS10** states that “planning permission for housing-led greenfield development proposals on unallocated sites will only be permitted if allocated land has been exhausted or...there is less than a 5 year supply of deliverable sites.” As the council is currently able to demonstrate a five year supply of deliverable housing sites, policy



CS10 would indicate that planning permission should *not* be granted for the development of residential gardens or small scale greenfield urban infill plots such as that proposed. Accordingly the proposal would not strictly accord with policy CS10, and whilst favouring the development of previously developed sites, the NPPF is not so restrictive as to rule-out the development of greenfield sites.

5.2.5 In this case the use of this land for housing purposes has already been accepted with an outline planning permission granted this year. It is the case however that the current application is a full submission rather than a reserved matters submission and local plan policy on the principle can therefore still be taken account of. Given that the Local Plan has relevant policies that are not out of date there is no strict requirement to apply the approach of the presumption in favour of sustainable development as set out in policy CS3 and paragraph 11 of the NPPF.

5.2.6 In this case when considering policies CS1, CS2 and CS10 together, there is a tension between policy CS1 and CS10. The proposal would accord with policy CS1 and the majority of the criterion in policy CS2 would also be met. However, it would not accord with CS10. In such a circumstance it is for the decision maker to attribute weight to the policies taking into account the facts of the particular case and in this instance it would seem reasonable to apply greater weight to policy CS1 than CS10 on the basis that (in a cumulative manner): -

- The majority of criteria in policy CS2 are met;
- The site is within reasonable walking distance of a local centre;
- The site is not on land protected by the Local Plan for Green Infrastructure, Biodiversity or 'open countryside' functions so its loss would not have an impact on the intrinsic character and openness of the countryside or the general level of amenity of the locality;
- The application site is situated within a residential area close to a school;
- It would add to the availability of housing land – boosting supply as required by the NPPF, and provides modest-sized 3 bedroomed family housing;
- The site already has the benefit of an extant consent which establishes the principle of development of the site;

- Given the above the proposal would not prejudice the spatial strategy and strategic objectives.

5.2.7 Having regard to the above therefore whilst the proposal would not accord with policy CS10 and criterion (b) of CS2 due to it not being previously developed land, the proposal is in accordance with the Spatial Strategy and policy CS1 and meets the majority of criteria in policy CS2.

5.2.8 Whilst weight should be given to policies CS10 and CS2, it seems reasonable to give greater weight to policy CS1 (when considering purely the principle of development) in this particular instance, having regard to the small scale of the proposed development, its location and the degree to which it otherwise meets the requirements of CS1 and CS2 and the NPPF and therefore on balance it is considered that the principle of development is acceptable.

### 5.3 **Design and Appearance**

5.3.1 In respect of design and appearance matters the application, the site provides 3-bedroomed family housing in a compact form and the 2 storey terraced blocks as proposed to reflect closely the surrounding character of the terraced houses in Sydney Street.

5.3.2 The dwellings are set-back slightly from the highway with a modest front forecourt with an 800mm high boundary wall and which is similar to the existing housing on the street.

5.3.2 The design is considered to be appropriate in the street scene and the off-road parking, bin-stores and sheds are well screened at the rear and the scheme is visually acceptable.

5.3.4 There are no design matters related to the application which would materially affect crime, disorder or policing,

5.3.4 It is considered that the siting, design and scale of the development proposals are acceptable having regard to the provisions of policies CS2 and CS18 of the Core Strategy, the wider NPPF and the Successful Places Design Guide.

### 5.4 **Highways Issues**

- 5.4.1 Whilst the representations received make particular reference to highway safety and in particular, traffic and parking concerns, the development provides adequate visibility splays at the accesses, and off-road parking for each dwelling.
- 5.4.2 The amended plans provide improved pedestrian visibility for the single dwelling access on to Springfield Avenue and the site already benefits from permission for 4 dwellings utilising a similar access arrangement. The Local Highways Authority (LHA) raise no objections to the scheme.
- 5.4.3 Whilst there would be a minor loss of on-street parking at the access points, the proposal is acceptable in highway safety terms.
- 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, the site does not fall within a flood-risk zone, and the run-off from the site during rainy conditions can be controlled, and the proposal will not impact on drainage or off-site flooding.
- 5.5.2 Whilst **CBC Drainage Section** have indicated that drainage details have not been provided, Yorkshire Water have no objections and drainage can be subject to conditions, 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 the former garden area of the adjacent St Mark's Vicarage, and not considered to be 'at risk' from contamination, 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 high-risk area and a mining report was provided with the previous application, and whilst intrusive investigation will

be needed to determine the type of foundations needed, the site is not one where development should be restricted and subject to conditions. It is considered that the development complies with the provisions of policies CS2 and CS8 of the Core Strategy.

5.6.3 The Council's **Environmental Health Officer** (EHO) raises no objection subject to a working-hours condition for the construction.

5.6.4 The position of the dwellings is such that no unacceptable impact on the amenities of the neighbours arising from a loss of light or privacy and no undue noise/disturbance would arise from the use of the accesses.

5.6.5 Subject to the above controls identified above, 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 Ecology - The only other issue is the loss of the boundary hedging (the trees on the site had previously been cleared as they were not protected), and the impact on wildlife habitat, although the loss of the hedges would have resulted from the 'approved' scheme, granted permission at the January Committee, however, being the garden to the Vicarage, they are not subject to control under the Hedgerow Regulations and could be removed in any event, and the Council has no control over their removal.

5.7.2 The CBC Tree Officer and Derbyshire Wildlife Trust expressed concerns that the previous scheme would result in a loss of habitat, although it was considered that this could be off-set by new landscaping and the use of mitigation measures (nest-boxes).

5.7.3 Subject to conditions – as previously imposed - it is not considered that any ecology or wildlife be harmed by the proposal which therefore complies with the provisions of policies CS2 and CS9 of the Core Strategy.

## 5.8 **Community Infrastructure Levy (C.I.L)**

5.8.1 Having regard to the nature of the application proposals the development comprises the creation of new dwellings and the development is therefore CIL Liable.

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

Proposed Floorspace (GIA in Sq.m)	Less Existing (Demolition or change of use) (GIA in Sq.m)	Net Area (GIA in Sq.m)	CIL Rate	Index (permission)	Index (charging schedule)	CIL Charge
469	0	469	£50 (medium Zone)	307	288	£24,997

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

## 6.0 REPRESENTATIONS

6.1 The application has been publicised by means of neighbour letters (publicity period expired 06 May 2019).

6.2 As a result of the applications publicity, 2 letters of objection have been received from residents of Sydney Street along with an un-addressed letter of support, which make the following points:-

- Support the buildings appearance, they are in-keeping with the surrounding areas
- Object to the above planning application on the following grounds:-
- The only entrance to the development needs to be on Springfield Avenue because Sydney Street is too narrow to allow safe entry and exit from the site, the traffic at school drop off and pick up times is already chaotic and dangerous. The highways department need to review this as a matter of urgency;
- The parking on Sydney Street is already very limited with few residents having off-road parking and losing space will impact on all the residents on the street. Our cars are often damaged when parked in the street – the Sydney Street access will only worsen the situation;

- School staff also use the limited roadside parking. Suggest that you return and visit the street at school start or finish times to see for yourself what chaos already exists?
- I fear that there will be accidents and that a child may be hurt if the entrance is not on Springfield Rd which is wider, quieter and has a better view of oncoming traffic. Children already struggle to cross with many 'near-misses';
- The noise and pollution levels from increased traffic activity on Sydney St will be harmful to health and disruptive to sleep for the night workers who live opposite the proposed development;
- The beautiful hedge will be lost which is home to many species of birds and small animals. We have already lost the trees and do not want to lose the hedge and the birds - Why can the hedge not be preserved?
- The trees have been lost and they had Tawny-Owls residing in them – other wildlife would be lost from the hedges
- The row of six houses will create lack of privacy for the residents living in them and opposite them. Why can the development not face Springfield Avenue preserving everyone's privacy?

6.3 The above comments are responded to in the main report above and do not raise issues which can justify a reason for refusal.

## 7.0 **HUMAN RIGHTS ACT 1998**

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

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

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

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 Layout as a result of pedestrian visibility 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 objectors/supporter will be notified of the Committee date and invited to speak, and this report informing them of the application considerations and recommendation /conclusion is available on the web-site.

9.0 **CONCLUSION**

- 9.1 The proposed development is considered to be an appropriate re-use of this infill site, which already has the benefit of outline permission, 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, CS18, and CS20 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, C9, CS18 and CS20 of the Chesterfield Local Plan: Core Strategy 2011 – 2031 and therefore the application proposals are considered to be sustainable and acceptable.

10.0 **RECOMMENDATION**

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

**Conditions**

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
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.
- Drawing Number - 1482-01 Rev A - Location/Site Plan;  
Drawing Number - 1482-02 Rev A - Proposed Site Plan;  
Drawing Number - 1482-03 Rev A - Proposed Ground and First Floor Plans and Elevations,  
Drawing Number - 1482-04 - Indicative External Shed.
03. No development shall occur above floor-slab/D.P.C level until details of the existing and proposed land levels and the proposed floor levels of the dwellings hereby approved have been submitted to, and approved in writing by the Local Planning Authority. The details submitted shall include sufficient cross sections to fully assess the relationship between the proposed levels and immediately adjacent land/dwellings. The dwellings shall be constructed at the levels approved.
04. No development above floor-slab/D.P.C level shall be carried out until the precise specifications or samples of the walling and roofing materials to be used shall be submitted to and approved in writing by the Local Planning Authority. Only those materials approved in writing by the Local Planning Authority shall be used as part of the development.
05. Demolition, remediation or construction work to implement the permission hereby granted shall only be carried out on site between 8:00am and 6:00pm in any one day on Monday to Friday, 9:00am to 3:30pm on a Saturday and at no time on a Sunday or Public Holiday. The term "work" will also apply to the operation of plant, machinery and equipment.



06. Prior to the occupation of the dwellings hereby approved, the proposed vehicular accesses to Sydney Street and Springfield Avenue, shall be created in accordance with the application drawings, laid out, constructed and provided with 2.4m x 4.3m visibility splays in both directions, and with 2m x 2m pedestrian splays, 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 adjoining nearside carriageway channel level.
07. There shall be no gates or other barriers within 5m of the nearside highway boundary at the vehicular access and all gates shall open inwards only.
08. No dwelling shall be occupied until the area shown on the approved plans as reserved for parking, garaging, circulation and standing of vehicles shall be provided in accordance with the approved details. Thereafter the area shall be used for those purposes only and maintained free from any impediment to its designated use.
09. No development above floor-slab/D.P.C level 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. These details shall conform to the Chesterfield Borough Council Minimum Development Control Standards for Flood Risk.
10. The site shall be developed with separate systems of drainage for foul and surface water on and off site.
11. 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
  - i) evidence that other means of surface water drainage have been properly considered and why they have been discounted; and
  - ii) the means by which the discharge rate shall be restricted to a maximum rate of 3.5 litres per second.

12. 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;
- o The submission of a scheme of intrusive site investigations for approval;
  - o The undertaking of that scheme of intrusive site investigations;
  - o The submission of a report of findings arising from the intrusive site investigations;
  - o The submission of a scheme of remedial works for approval; and
  - o Implementation of those remedial works.
13. No development above floor-slab/D.P.C level shall take place until details for the 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 trees and plants to be planted:
  - b) proposed hardstanding and boundary treatment:
  - c) a schedule detailing sizes and numbers of all proposed trees/plants
  - d) Sufficient specification to ensure successful establishment and survival of new planting.
- Any new tree(s) that die(s), are/is removed, become(s) severely damaged or diseased shall be replaced and any new planting (other than trees) which dies, is removed, becomes severely damaged or diseased within five years of planting shall be replaced. Replacement planting shall be in accordance with the approved details.
14. No development above floor-slab/D.P.C level shall take place until an ecological survey report for the site shall be submitted to and approved in writing by the Local Planning Authority. This shall be undertaken by a suitably experienced and qualified ecologist, to not only determine the existing ecological interest of the site but to also devise a strategy that enhances the ecological interest of the site, in line with guidance within Paragraph 175d of the NPPF. This

could include native landscaping, retention of existing features of ecological value (such as the hedgerow) and incorporation of bat and bird boxes into the new dwellings.

15. A residential charging point shall be provided for each 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.

### **Reasons for Conditions**

01. The condition is imposed in accordance with section 51 of the Planning and Compulsory Purchase Act 2004.
02. 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. In the interests of residential amenities.
04. 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 in the interest of visual amenity.
05. In the interests of residential amenities.
06. In the interests of highway safety.
07. In the interest of Highway safety
08. In order to ensure adequate parking in the interest of free-flow of traffic and highway safety.
09. To ensure that the development can be properly drained.
10. In the interest of satisfactory and sustainable drainage.

11. To ensure that no surface water discharges take place until proper provision has been made for its disposal.
12. In the interests of coal mining legacy and safety. This condition is a 'pre-commencement' condition and is required to be so in the interest of public safety, as the construction of the dwellings may need to involve special foundations or other measures, that would only be apparent following completion of the required investigation.
13. In order to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and bio-diversity benefits and to enhance its setting within the immediate locality.
14. In the interests of ecology.
15. In the interests of reducing emissions in line with policies CS20 and CS8 of the Core Strategy.

### **Informatives**

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.



CHE/19/00200/FUL

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Case Officer: Sarah Kay  
Tel. No: (01246) 345786  
Ctte Date: 10<sup>th</sup> June 2019

File No: CHE/18/00691/FUL  
CHE/18/00692/LBC  
Plot No: 2/2485

## **ITEM 5**

### **FULL PLANNING APPLICATION FOR RENOVATION AND CONVERSION OF PART OF A GRADE II LISTED STONE BARN TO CREATE TWO DWELLINGS; AND CONSTRUCTION OF A NEW SINGLE STOREY DWELLING IN GROUNDS WITH ASSOCIATED LANDSCAPING WORKS (ADDITIONAL INFORMATION RECEIVED 23/05/2019)**

### **AND APPLICATION FOR LISTED BUILDING CONSENT THE WORKS TO RENOVATE AND CONVERT PART OF THE GRADE II LISTED STONE BARN INTO TWO DWELLINGS**

**AT BARNS TO THE REAR OF PARK HALL FARM, WALTON BACK LANE,  
WALTON, CHESTERFIELD, DERBYSHIRE, S42 7LT FOR MR M TAYLOR**

Local Plan: Unallocated  
Ward: West

## **1.0 CONSULTATIONS**

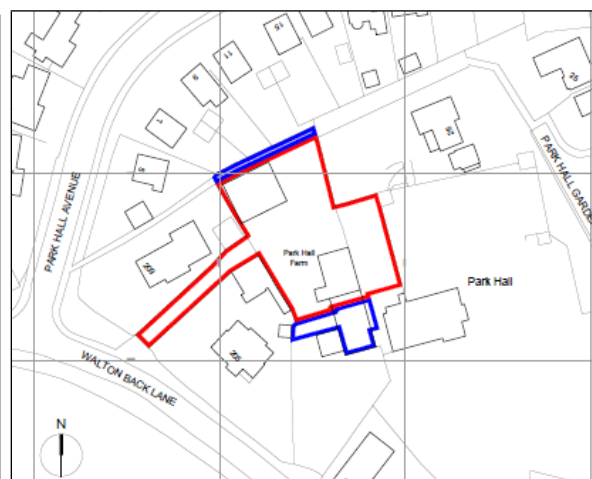
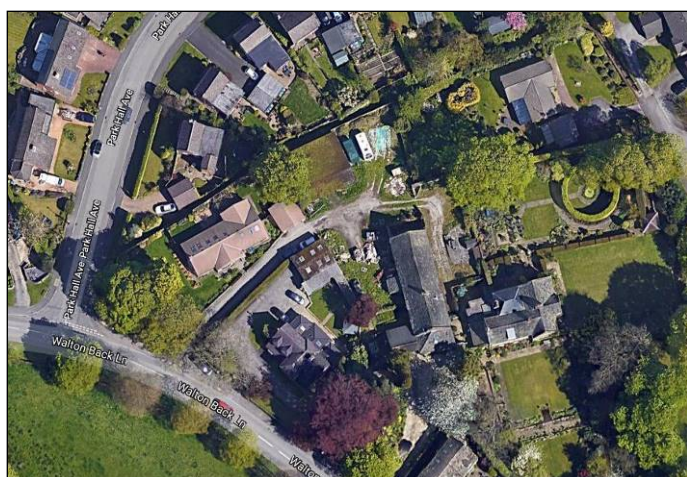
<b><u>CHE/18/00691/FUL</u></b>	
Local Highways Authority	Comments received 29/11/2019 – see report
CBC Environmental Services	Comments received 07/11/2018 – see report
CBC Design Services	Comments received 08/11/2018 – see report
Yorkshire Water Services	No comments received
CBC Tree Officer	No comments received
DCC Tree Officer	No comments received
CBC Conservation Officer	Comments received 23/11/2018 – see report
Derbyshire Wildlife Trust	Comments received 26/11/2018 and 29/05/2019 – see report
DCC Archaeologist	Comments received 14/11/2018 – see report
Chesterfield Civic Society	No comments received

Ward Members	No comments received
Site Notice / Neighbours	Six representations received

<b>CHE/18/00692/LBC</b>	
CBC Conservation Officer	Comments received 23/11/2018 – see report
DCC Archaeologist	Comments received 14/11/2018 – see report
Chesterfield Civic Society	No comments received
Ward Members	No comments received
Site Notice / Neighbours	Six representations received

## 2.0 **THE SITE**

- 2.1 The site the subject of the application comprises of the barn (in part) and land associated therewith located to the rear of Park Hall Farm, off Walton Back Lane in Walton. The site (which is approx. 0.16ha in area) is accessed off Walton Back Lane by a driveway leading between Park Hall Farm (No. 205) and 209 Walton Back Lane. In addition to the older barn itself there is a more modern free standing open sided barn also located in the northern portion of the site.



- 2.2 The older barn which is the subject of the application is known as Park Hall Barn which is a grade II listed building (listed in 1977) which is associated with its former connections to the adjoining Park Hall which is also grade II listed (listed in 1968). The listing of Park Hall Barn is described as follows:



*C17/early C18. large barn of coursed stone rubble with quoins and stone slate roof (some patching). Coped gables. Eastern facade has end doors with massive quoins and lintels. Centre door also with quoins originally but now partly filled in with brick and a window. Opposite this former western wagon entrance projects under stone slate roof. A cottage contrived in the south end of the barn probably during the earlier C19.*



2.3 The site itself is predominantly overgrown and the barn the subject of the application vacant. The exception is that of the cottage located in the southern end of the barn building, identified in the submission as Unit 1. Externally there is varied paraphernalia stored / in situ around the older barn building, on the site and in the other open side barn.

2.4 There are a number of mature trees located in the gardens and grounds immediately adjoining the application site boundary which are protected by Tree Preservation Order (DCC Order 52 – Area 8).





### 3.0 **RELEVANT SITE HISTORY**

- 3.1 CHE/0990/0641 - Outline application for the erection of one bungalow. Refused 19/02/1991.
- 3.2 CHE/0990/0642 - Conversion of barn into two residential units. Conditional permission approved 19/02/1991.

### 4.0 **THE PROPOSAL**

#### 4.1 **CHE/18/00691/FUL**

- 4.1.1 This application seeks full planning permission for the proposed partial conversion of the listed barn (part of the barn is already converted into Unit 1) into two dwellings; and the erection of a new bungalow in the curtilage of the listed building.
- 4.1.2 In respect of the proposed conversion of the barn the works proposed will create 2 no. four bedroom dwellings (identified on the plans as Unit 2 and 3).

**Unit 2** will be the dwelling positioned in the centre portion of the listed barn comprising of entrance hall to front and rear doors, bedroom 2, bedroom 3, bedroom 4, utility and bathroom at ground floor; open plan kitchen / diner and bedroom 1 at first floor; and gallery lounge at second floor.

**Unit 3** will be the dwelling positioned in the northern / end portion of the listed barn comprising of entrance hall to front and rear doors, utility, bedroom 1 (with en-suite), bedroom 2, bedroom 3,

bedroom 4 and bathroom at ground floor; open plan kitchen / diner and living space to first floor; and gallery to second floor.

4.1.3 In respect of the proposed new build this development (**Unit 4**) will stand in place of the existing open sided barn located in the northern portion of the site curtilage. The development comprises a three bedroom bungalow with entrance hallway, utility, open plan kitchen / diner and lounge, bedroom 1, bedroom 2, bedroom 3 and bathroom; and a detached single garage. The principle elevation of the bungalow will face south onto the driveway shared with Units 1, 2 and 3.

4.1.4 The application submission is supported by the following plans / documents:

138 P-01 – Site and Block Plan (inc. Location Plan)

138 P-02 – Existing Barn Plans

138 P-03 – Existing Barn Elevations

138 P-04 – Proposed Barn Plans

138 P-05 – Proposed Barn Elevations

138 P-06 – New Build Unit 4

Heritage, Design and Access Statement – John Botham Architect

Structural Investigation – Gary Pagdin 10<sup>th</sup> November 2017

Bat Activity Survey Report by ML – Ecology 20<sup>th</sup> May 2019

4.2 CHE/18/00692/LBC

4.2.1 This application seeks listed building consent for the proposed works that will facilitate the conversion of the listed barn into two dwellings (as detailed in the associated full planning application above).

4.2.2 The listed building consent works deal exclusively with any works to the fabric of the listed barn and include the following:

- Insertion of new floors and subdividing walls
- Insertion of new windows, doors and glazing screens
- Insertion of velux roof lights (6 no. in total)
- Insertion of new stone heads, cills and surrounds
- Insertion of new oak lintels
- Erection of a new roof to single storey side lean to
- New guttering and downpipes
- Punctual of stonewall for new boiler flue and extraction fans



The application submission is supported by the following plans / documents:

## 138 P-02 – Existing Barn Plans

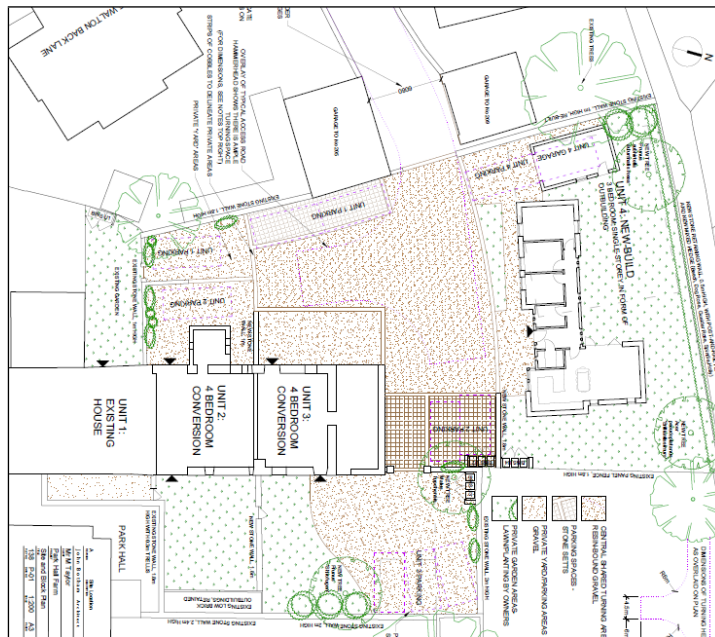
## 138 P-04 – Proposed Barn Plans

## 138 P-06 – New Build Unit 4

# Structural Investigation – Gary Pagdin 10<sup>th</sup> November 2017

## Bat Activity Survey Report by ML – Ecology 20<sup>th</sup> May 2019

The extract below is taken from the site layout and block plan and shows both the proposed conversion of the barn and the new build element.



## CONSIDERATIONS

## Planning Policy Background

The site is situated within West ward in an area which unallocated in the Local Plan and is predominantly residential in nature.

Having regard to the nature of the application proposals policies CS1 (Spatial Strategy), CS2 (Location of Development), CS3 (Presumption in favour of Sustainable Development), CS4 (Infrastructure Delivery), CS6 (Sustainable Design), CS7

(Management of the Water Cycle), CS8 (Environmental Quality), CS9 (Green Infrastructure and Biodiversity), CS10 (Flexibility in delivery of Housing), CS18 (Design), CS19 (Historic Environment) and CS20 (Demand for Travel) of the Core Strategy and the wider National Planning Policy Framework (NPPF) apply. In addition the Councils Supplementary Planning Document on Housing Layout and Design 'Successful Places' is also a material consideration.

## 5.2 **Principle of Development**

- 5.2.1 The site the subject of the application is unallocated and lies within the built settlement of West ward surrounded by residential properties.
- 5.2.2 Having regard to the nature of the application proposals the site the subject of the application has no clear associated agricultural use and therefore should be considered as previously development land (PDL) for the purposes of establishing the appropriateness of the principle of development.
- 5.2.3 Policies CS1 and CS2 of the Core Strategy set the Councils overall spatial strategy and the principles for the location of new development stating that all new development and growth should be located in areas which are within walking and cycling distances of centres. In regard to the sites spatial setting, the site is within walking / cycling distance of the Walton Local Centre and Chatsworth Road District Centre (Policy CS1) and it is therefore considered in principle to be an appropriate infill development site for new development.

## 5.3 **Design and Appearance Considerations (inc. Neighbouring Amenity)**

- 5.3.1 The application sits as a fairly anomalous use in an area that has evolved into what is now a predominantly residential area and therefore it has neighbouring dwellings on all aspects. Some are more modest in scale than others.
- 5.3.2 Having regard to the proposed design and appearance of the development proposals this section will consider the detail of the scheme simply in this context, with the prospective heritage and archaeological issues being considered in more detail in section 5.4 below.

- 5.3.3 Putting aside the fact the barn is listed, the overall design and layout of the proposals have been considered in the context of the Council's adopted SPD on Housing Layout and Design (accepting that some compromise is inevitable due to the listed nature of the building being converted) and the provisions of policies CS2 and CS18 of the Core Strategy.
- 5.3.4 Units 2 and 3 are associated with the conversion of the barn building and they form 4 bedroom properties respectively. Of the two units proposed there is a clear compromise in the level of outdoor amenity space available to Unit 2 which is provided to the east of the site, however it is not usual to accept the level of compromise when the proposals are constrained by an associated listing which means a clean slate cannot be achieved. The proposals do secure an area of amenity which is afforded privacy and on balance this compromise can be accepted. Unit 3 is presented with a much larger area of outdoor amenity space which appears as a rear garden and incorporates their own secure parking through a gated access which is acceptable.
- 5.3.5 Unit 4 establishes its own curtilage within the development site, fronting onto the shared driveway and turning area to the barn conversion and Units 1, 2 and 3. The level of outdoor amenity space afforded to this unit is acceptable albeit predominantly north facing. As a single storey bungalow the development will not adversely impact upon adjoining or adjacent neighbouring properties and adequate separation distances are secured between the development and all neighbours. The bungalow itself is utilitarian and simple in design, which is not considered inappropriate in the setting of the adjacent listed building. The proposed finishes (stone, slate and timber cladding) to the new build unit are also appropriate in the context of the character and appearance of the surrounding area.
- 5.3.6 Having regard to the conversion of the barn into residential use, the use will introduce a domestic use into a building which already has upper floor windows / openings but an occupation which differs from the relationship the building currently has with the adjoining and adjacent neighbours. Notwithstanding this however, given that opportunities for inter-visibility between existing openings in the barn and the neighbours own windows already exist it is not considered that a justification to refuse planning permission on the

grounds of overlooking could be sustained. Separation distances between the openings and neighbours windows at their least 20m and therefore this would almost comply with the 21m separation distance recommendation of the adopted SPD.

- 5.3.7 In the context of the provisions of Policies CS2 and CS18 of the Core Strategy and the material planning considerations in relation to neighbour impact, it is concluded the proposals will not impact upon the privacy and/or outlook of the adjoining and/or adjacent neighbours and are acceptable in terms of these policies. Notwithstanding this however, it is noted that due to the proximity of some of the adjoining and adjacent neighbouring properties it could be possible that permitted development extensions may pose a threat to privacy and amenity and therefore it is considered necessary to impose a condition removing these rights to maintain control over the future relationship any such extensions or alterations would have upon the neighbours.
- 5.3.8 Given that the site the subject of the application is entirely adjoined by neighbouring residential properties it would be necessary to control any hours of construction works associated with the development proposals in the interests of neighbouring amenity.

#### 5.4 **Heritage and Archaeology**

- 5.4.1 Given that a component part of the full planning application affects a grade II listed building, and the accompanying listed building consent application seeks to agree changes to the building to facilitate its change of use both the Council's **Conservation Officer** (CO) and the **DCC Archaeologist** (DCC Arch) have been consulted on both applications. The following comments were received respectively:

##### Conservation Officer

*No objections.*

*I met with the applicant and the agent (John Botham Architects) on site in 2015 to discuss proposals for a residential conversion of the grade II listed barn and to provide clarity as to what would be acceptable from a conservation perspective should a listed building consent application be submitted. It was clear to me that the proposals then being put forward were sound and the approach was very much one which would protect as much of the character*

*and appearance of the barn as possible (albeit within the acknowledgement that this would be a contemporary residential conversion). It should be noted that externally the barn is in something of a dilapidated state (although internally any damage has been kept to a minimum given the soundness of the existing roof).*

*The focus of the discussion on site in 2015 included the need to protect and repair where necessary the following:*

- The original natural stone elevations.*
- The stone slate roof.*
- Existing window and ventilation openings.*
- The internal roof timbers (much of which, including the larger purlins, looks to be original and add a great deal of character to the building).*

*There was an emphasis on avoiding internal over-compartmentalisation with the aim of retaining a sense of openness and exposing the existing roof timbers. There was also a consensus that any proposed separate new build (to replace the existing modern open barn structure to the north) should respect the character and setting of the listed building in its massing, scale and materials.*

*I have read the applicant's Design & Access Statement (which is supported by an accompanying structural survey of the barn) and I feel it is robust and contains enough detail and information to make a proper assessment of what is being proposed. It is also consistent with discussions in 2015, namely the requirement to put forward a design philosophy which focuses on retaining the barn's historic fabric and character. It also clearly highlights proposed changes and any new materials. It confirms the following:*

- The separation of the barn into two separate residential units.*
- Retention and repair of existing elevations (including rebuilding a part of the western elevation (which is bulging) and the northern lean-to (the latter has collapsed)).*
- Retention of existing stone slates (with introduction of breathable membrane when re-laid).*
- Retention of existing windows and ventilation openings with introduction of new timber casement windows.*
- New timber and cast iron guttering/downpipes.*
- New timber doors (heavily glazed for introduction of light).*
- Conservation roof lights (laid flush with the roof slates).*



- Internal oak joinery where appropriate.
- Lime based mortar for repointing.

*I note there has been a focus on reducing compartmentalisation on the upper storey (bedrooms are on the ground floor) to retain some openness and expose the existing timber trusses, including purlins. This is a sound approach and one I would support. The applicant is proposing to remove the existing upper storey floor (timber floorboards and joists) on the basis that there is rot, it is uneven and was introduced in the 1960s (and replace presumably with a new timber floor). I would normally encourage the retention of original timber floors in listed buildings, but in this case it is a later addition and sections are in poor condition, so I would not object. The existing ground floor is to be excavated and re-laid, again this would not involve the loss of any character or significance (the existing ground floor is largely concrete).*

*The only regrettable part of the conversion in my view is the introduction of internal timber stud walls on the interior skin. These attractive internal natural stone walls could be left exposed and repointed in lime mortar or lime plastered which would retain authenticity and add character to the building. It would also allow the solid walls to breath effectively and there would be no requirement for the proposed 'electro-osmotic damp proof course' (which in any case have largely been discredited and should be avoided in my view). However timber stud walls are easily removed so this would not result in a loss of historic fabric.*

*I have read the accompanying Structural Investigation report (by Gary Pagdin B.Eng Hons) and note that it estimates that 10-20 percent of the roof timbers have been lost to decay and woodworm which means that the roof can be salvaged and strengthened, hence the report recommends repair and strengthening of the existing roof timbers rather than wholesale introduction of new timbers (this approach is as confirmed and reflected in the Design & Access Statement). There will inevitably be some uncertainty as to the exact condition of the timber roof until it is more closely inspected as the proposed works progress, hence the applicant should be reminded that if there is a requirement to begin to comprehensively replace the roof then it is likely a new listed building consent would be required. I would be happy to provide any further advice or guidance to the agent or applicant as work progressed.*

*Regarding the proposed separate dwelling, I have no objections. In terms of scale, design and materials it is appropriate in my view and will enhance the setting of the barn (given that the existing structure on the site is a functional corrugated agricultural building with no character or significance).*

DCC Archaeologist

*Park Hall Farm contains two Grade II Listed Buildings, the 17th century house at Park Hall itself, dating from 1661 (Derbyshire HER 3957 and an associated barn thought to date between the 17th and early 18th century, with a cottage 'contrived in the south end of the barn probably during the earlier 19th century'. The north end of the barn forms the subject of the current applications. The ensemble represents an early focus of activity within the former medieval deer park at Walton (HER 14619).*

*Because the building is Grade II Listed, the local planning authority should be advised by its conservation officer in relation to the sufficiency of heritage information submitted to establish its significance against NPPF para 189, and in terms of the planning balance to be applied against NPPF paras 194-196.*

*Should the local planning authority be minded to grant consent against these policies, I submit that there will be a loss of historic fabric, legibility and authenticity to the historic building, meriting production of a pre-conversion historic building record as indicated at NPPF para 199. There will also be impacts to below-ground archaeology associated with the early post-medieval activity on and around the site, occasioned by the lowering of ground levels within the barn and other external groundworks to create access, landscaping and the new build dwelling. These should also be addressed by archaeological recording (monitoring during groundworks) in line with NPPF para 199.*

*The following condition should therefore be attached to any planning consent:*

*"No development shall take place until a written scheme of investigation (WSI), for archaeological monitoring and historic building recording, has been submitted to and approved by the local planning authority in writing. For land that is included within*

*the WSI, no development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives; and:*

- The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works*
- The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.”*

5.4.2 Having regard to the comments received above, it is clear that the Conservation Officer is accepting of the proposed changes to the listed building to facilitate the conversion and he is satisfied that where compromises exist they are acceptable in the interests of securing a viable and future use to a building which is falling into disrepair. With this in mind the comments of the DCC Archaeologist are noted and the need to record the building is supported alongside the imposition of the condition he recommends.

5.4.3 In respect of the full planning application, the condition sought by the DCC Archaeologist would need to be imposed on any respective permission of that application; whereas the specific details and finishes to the listed building which the Conservation Officer has suggested will need further detail / approval these will need to be conditions of the accompanying listed building consent.

## 5.5 **Highways Issues**

5.5.1 The application proposals were reviewed by the **Local Highways Authority** (LHA) who provided the following comments:

*The submitted details demonstrate conversion of an existing outbuilding into 2no. 4 bedroom units with a further 3 bedroom new build all served via the existing access to the site.*

*The footway fronting the access is of considerable width offering adequate exit visibility over land within the existing highway. Whilst the Highway Authority recommends that areas for standing of waste bins on refuse collection days are provided clear of the highway, given the footway width, it's suggested that placement of*

*bins at the rear of footway on collection days would be unlikely to cause obstruction to sightlines or passage of other users.*

*Whilst the driveway is of substandard width to meet current recommendations for the scale of development served, widened areas at each end are intervisible and it's considered that any objection on such grounds would be likely to prove unsustainable.*

*The turning facility demonstrated on the Site and Block Plan is considered to be suitable for use by service and delivery vehicles and the proposed level of off-street parking clear of this is considered to be acceptable. All off-street parking spaces appear to be of 2.4m x 5.5m dimension although it should be noted that, whilst this meets current guidance for general space dimensions, spaces in front of garage doors should be 2.4m x 6.5m minimum dimension; internal single garage dimensions should be 3.0m x 6.0m minimum; and 0.5m of additional width should be provided to any side adjacent to a physical barrier e.g. wall, fence, hedge, etc.*

*It would appear that the proposals will be likely to result in a greater area of impermeable surfacing within the site. Should this be the case, the applicant should be requested to submit details of how the additional surface water run-off will be prevented from entering the highway e.g. dished channel with gully, or levels falling away from the highway, etc.*

*Therefore, if you are minded to approve the proposals, it's recommended that the following Conditions are included within the Consent:-*

- 1. Space shall be provided within the site throughout the entire construction period for storage of plant and materials, site accommodation, loading, unloading and manoeuvring of goods vehicles, parking and manoeuvring of employees and visitors vehicles, laid out and constructed in accordance with detailed designs first submitted to and approved in writing by the Local Planning Authority. Once implemented the facilities shall be retained free from any impediment to their designated use throughout the construction period.*
- 2. The premises, the subject of the application, shall not be occupied until space has been provided within the application site in accordance with the approved application drawings for*

*the parking/ loading and unloading/ manoeuvring of residents/ visitors/ service and delivery vehicles, laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.*

- 3. 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/parking of private motor vehicles associated with the residential occupation of the property without the grant of further specific planning permission from the Local Planning Authority.*
- 4. There shall be no gates or other barriers within 6.0m of the nearside highway boundary and any gates shall open inwards only, unless otherwise agreed in writing by the Local Planning Authority.*
- 5. 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.*
- 6. Prior to the commencement of the development details shall be submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of water from the development onto the highway. The approved scheme shall be undertaken and completed prior to the first use of the access and retained as such thereafter.*

5.5.2 Having regard to the comments received from the LHA above the conditions recommended can be imposed in the interests of highway safety. It is concluded that the site can be appropriately developed with an acceptable driveway layout and connection to the shared driveway leading from / to Walton Back Lane with more than sufficient visibility in both directions being provided without detriment to highway safety and in compliance with policies CS18 and CS20 of the Core Strategy.

## 5.6 **Flood Risk and Drainage**

- 5.6.1 In respect of matters of drainage and potential flood risk (having regard to policy CS7 of the Core Strategy), it is noted that the application site lies within flood risk zone 1 and therefore is unlikely to be at risk from flooding. In respect of drainage, the application details that the development is to be connected to existing mains drains and SuDS for surface and foul water.
- 5.6.2 The Councils **Design Services** (DS) team and **Yorkshire Water Services** (YWS) were both consulted on the application and no objections were received. Details of the proposed site drainage strategy will need to be submitted for approval in accordance with the Council 'Minimum Standards for Drainage' and infiltration tests should be carried out and calculations provided in accordance with BRE Digest 365 to a 1 in 30 year standard to demonstrate suitability of SuDS proposals.
- 5.6.3 Full drainage details have not been submitted for consideration as part of the planning application submission however these matters are ordinarily dealt with by appropriate planning condition (which in this case would be pre-commencement requirement – as agreed with the applicant).

## 5.7 **Land Condition and Contamination / Noise**

- 5.7.1 In respect of land condition the site the subject of the application lies within a defined 'standing advice' area of the **Coal Authority** which means there is a lower risk of the site being affected by the presence of unrecorded coal mining legacy. In such areas the Coal Authority does not require a Coal Mining Risk Assessment and they simply ask that if permission is granted an advisory note be appended to any planning decision notice as follows:

*'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](http://www.gov.uk/government/organisations/the-coal-authority)'*

- 5.7.2 In respect of potential land contamination the Council's **Environmental Health Officer** reviewed the application proposals and confirmed that they had no objections to the application proposals.

5.8 **Ecology and Trees**

- 5.8.1 Under the provisions of policy CS9 of the Core Strategy and the wider NPPF the site characteristics were considered to have potential ecological value and therefore the application submission was referred to **Derbyshire Wildlife Trust** (DWT) for their comments.
- 5.8.2 In their initial response DWT advised (29/11/2108) that a Bat and Bird Survey was required to be undertaken and submitted for further consideration before the application could be determined and this led to a delay in the determination of the application as the Bat Survey window generally runs from May – August.
- 5.8.3 On the 23/05/2019 a Bat Activity Survey Report was submitted which was subsequently reviewed by DWT who provide the following comments:

*A bat report (ML-Ecology, May 2019) has now been submitted for the above site, detailing the results of a building inspection and subsequent nocturnal bat survey. No evidence of roosting bats was recorded during either visit. Sufficient information has been provided to determine the planning application, however the applicant should be advised to proceed with caution given the size and age of the building. This is particularly important when re-pointing and undertaking any works to the roof and eaves. If roosting bats are found at any time during works, works must stop and the project ecologist called for advice.*

*To secure a net biodiversity gain, we advise that the following conditions are attached to any permission:*

**Nesting Birds**

*No works to the barn shall take place between 1st March and 31st August inclusive, unless preceded by a nesting bird survey undertaken by a competent ecologist. If nesting birds are present, an appropriate exclusion zone will be implemented and monitored*

*until the chicks have fledged. No works shall be undertaken within exclusion zones whilst nesting birds are present.*

Enhancements

*Prior to the completion of works to the barn, two bat boxes e.g. Vivara Pro WoodStone Bat Box or Beaumaris Woodstone Maxi, shall be attached to the barn. Southerly aspects shall be favoured, if possible, and the boxes attached at eaves level. In addition, a sparrow terrace shall also be attached at eaves level, avoiding southerly aspects. The type and location of boxes shall be approved by the LPA and a photograph of the boxes in situ shall be submitted to fully discharge the condition.*

- 5.8.4 Having regard to the comments received from DWT above it is noted that they are now satisfied sufficient information has been provided to enable the application to be progressed to determination.
- 5.8.5 Under the provisions of policy CS9 of the Core Strategy and wider NPPF a net gain in biodiversity enhancement measures should be secured is the development proposals are to be accepted. These enhancements would come in the form of tree planting and bird / bat boxes, whose detail could be reserved for approval by appropriate planning conditions. Nesting birds are afforded statutory protection therefore in addition to these measures a condition (as recommended by DWT) to limit works in the nesting season can also be imposed.
- 5.8.6 Moving on to the matter of trees the **Tree Officer** at DCC (Ruth Baker) was consulted on the application on 20/11/2018 however she did not reply or offer any comments on the application proposals. Notwithstanding the absence of any specialist comments the potential impact of the development upon the protected trees was considered by the case officer. In this regard the only trees in proximity which has the potential to be affected by the development proposals are those which stand in the rear garden of No 209 Walton Back Lane and those which are positioned in front gardens of No 209 Walton Back Lane and Park Hall Farm, 205 Walton Back Lane either side of access driveway.
- 5.8.7 Looking at each of these trees in turn the single tree standing in the rear garden of 209 Walton Back Lane which appears to be a sycamore will potentially be impacted upon by the foundations of



the single garage. On the site layout plan the garage structure is shown to be within the canopy of the neighbouring tree which means it is likely that the foundations of the garage will encroach into the root protection area of this tree. This does automatically mean that the garage is unacceptable, but it will be necessary to determine and calculate the exact root protection area of the tree and then explore whether the garage foundations can be designed so as not to sever any roots of this tree and thus jeopardise its stability and health. Clearly the development is not solely dependent upon the garage and therefore it is considered that the information deemed necessary can be required by the imposition of an appropriate planning condition.

5.8.8 The two trees located either side of the driveway in the front gardens of No's 205 and 209 will not be directly impacted upon by any of the development proposals, however they could be impacted by construction traffic / deliveries to the site. From the case officers site visit the crown of both trees were relatively high but it will be prudent to advise the applicant that any such deliveries to the site should be observed by a banksman to ensure the tree canopies are not clipped by higher vehicles. Works to crown lift the trees would need to be the subject of a separate application to the Tree Officer at DCC.

5.8.9 Overall however on the basis of the above observations it can be concluded that the development proposals and their impacts upon the adjacent protected trees are acceptable.

## 5.9 **Community Infrastructure Levy (CIL)**

5.9.1 Having regard to the nature of the application proposals the development comprises the creation of 3 no. new dwellings and the development is therefore CIL Liable.

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

		<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>
<b>Proposed Floorspace (GIA in</b>	<b>Less Existing (Demolition or</b>	<b>Net Area (GIA in Sq.m)</b>	<b>CIL Rate</b>	<b>Index (permission)</b>	<b>Index (charging schedule)</b>	<b>CIL Charge</b>

Sq.m)	change of use) (GIA in Sq.m)					
Unit 2 & Unit 3 – 343sqm  Unit 4 – 107sqm		450	£80 (High Zone)	307	288	<b>£38,375</b>

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

## 6.0 **REPRESENTATIONS**

6.1 Both applications have been publicised by site notice posted on 31/10/2018; by advertisement placed in the local press on 08/11/2018; and by neighbours notification letters sent on 07/11/2018.

6.2 As a result of the applications publicity there have representations received from six neighbouring properties as follows:

### **1. A Local Resident**

I agree with the Design & Access Statement and support the proposed renovation & conversion of these derelict listed farm buildings; and

I feel it is important that Listed Buildings are used & maintained to stop them becoming derelict.

### **2. 26 Park Hall Gardens**

Our main concerns are whether any windows will overlook us and noise issues during the work inc. music and radios being played by the builder while working.

Having studied the proposed development at Park Hall Farm, we are of the opinion that the proposed conversion of the barn is of a density that is not in keeping with the surrounding buildings in the

immediate locality and that a single larger unit will be more appropriate than the two units proposed for the barn conversion under the planning application.

### **3. Park Hall, Walton Back Lane**

There are two points which we would like to draw to your attention:

- On the existing barn plans there are marked four ventilation holes. I can see no evidence of these holes and therefore if they are opened up as shown on the proposed elevations these should be no larger than 8ins by 12ins and one no larger than 16ins by 20ins as drawn.
- The site and block plan shows a new prunus shirofugen tree against the Park Hall wall. This is large tree 20ft wide with a 30ft spread. Its roots could damage our wall and there are a number of trees already in the surrounding area so there is no need for any more trees.

### **4. 209 Walton Back Lane**

The proposed development has, in part, to be commended as the area for development is currently unsightly and has an air of dereliction;

However access to our property is via the private driveway leading to the development and there will be a significant increase in the passage of vehicles down a relatively narrow driveway (potentially 11 vehicles associated with the development);

Traffic turning left out of Park Hall Ave does so at speed so we and our neighbours are already at risk in spite of exercising caution; We therefore object to the magnitude of development because of the consequential increase in traffic;

The existing sycamore tree behind the garage at No 209 has a girth of 2.4m and canopy diameter of approx. 11m and has a preservation order. The garage will overlay its root system; and The proposed units 2 and 3 have roof windows which appear intrusive as they directly overlook No 205.

This resident also provided details of their deeds showing that they have a right of access over the driveway leading to the development site. They believe their deeds show that the driveway is owned by the applicant, but they are the second owner.

## **5. Park Hall Farm, 205 Walton Back Lane**

Our first concern about the above planning application is the fact that we live at and own Park Hall Farm. Land registry will confirm this for you. The barn and surrounding area is not Park Hall Farm. The existing cottage normally carry's the name Gardeners Cottage. If this is to become four separate dwellings they will need correct addresses- If the cottage is rented out I often end up being their postman due to badly addressed mail or tired postman, I certainly don't want to become postman for four properties if this area is not given a correct name and address for each dwelling and it is not Park Hall farm.

We do carry a major concern about the windows of dwellings of unit 2 and 3 these windows which at the moment are hay barn doors will look directly into our living room and kitchen and upstairs bedrooms. This will completely invade our personal space and privacy. Bearing in mind the eyes of straw and hay don't cause offence normally and even the family of bats that inhabit the barns don't normally cause us offence, but the eyes of Mr and Mrs interested and all their family will totally invade on our privacy. To say nothing of the whole unit full of eyes and noses taking up the other property.

We have sent you two photos one from upstairs and one from the living room window just to show you how close the windows would be to us. It would totally overlook our property.

We also carry a concern about the number of vehicles using the drive and the danger of the exit onto Walton back Lane as this is a busy and fast road and vehicles also turning and leaving Park Hall Avenue so close to this exit.

The barn and the surrounding yard area has been in a very bad state of repair and an eyesore with old vehicles rubbish etc. it has been more like a dumping ground for Michael Taylor for some time a haven for rats and other not so pleasant creatures which pay us a visit from time to time. We would carry concern that lives of the bats and owls that we have seen in the barn are properly rehoused.

We are not against the idea of upgrading this area as it has been a most unpleasant view for a long time with no consideration to what has been dumped there but we do want the above issues to be addressed as we cannot agree to this application otherwise.

Stance: Customer objects to the Planning Application

Comment Reasons:

- Visual

Comment: Proposed elevation, the windows will look straight in to our property invading our privacy!

### **6. 9 Park Hall Avenue**

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

- Visual

Comment: I feel replacing breeze block barn & caravan storage with bungalow will be a big improvement.

**6.3 Officer Response: See section 5.0 above.**

## **7.0 HUMAN RIGHTS ACT 1998**

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

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

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

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

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

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

8.1 The following is a statement on how the Local Planning Authority (LPA) has adhered to the requirements of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 in respect of decision making in line with paragraph 38 of the National Planning Policy Framework (NPPF).

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

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

9.0 **CONCLUSION**

9.1 **CHE/18/00691/FUL**

9.1.1 The proposed conversion of the building to residential use is supported by the principles of policies CS1, CS2, CS15, CS18, CS19 and CS20 of Core Strategy and the wider National Planning Policy Framework (NPPF) without giving rise to any adverse design and appearance, neighbouring amenity or highway safety concerns. Appropriate conditions can be imposed on any consent to address any outstanding matters to secure further compliance with the development plan requirements.

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

- 9.1.3 Furthermore subject to the imposition of appropriate planning conditions the proposals are considered to demonstrate wider compliance with policies CS7, CS8, CS9 and CS10 of the Core Strategy and the wider NPPF in respect of drainage, flood risk, land condition and contamination.

9.2 CHE/18/00692/LBC

- 9.2.1 The proposed conversion of the building to residential use is supported by the principles of policies CS2, CS18 and CS19 of Core Strategy and the wider National Planning Policy Framework (NPPF) in respect of the historic environment and heritage assets. Works to facilitate the conversion of the building are limited to minimal intervention and where it is necessary it is considered that appropriate conditions can be imposed to secure the provision of further information / details to address any outstanding matters.

10.0 **RECOMMENDATION**

- 10.1 That a CIL Liability notice be issued as per section 5.9 above; and
- 10.2 That both the full planning application and application for listed building consent be approved subject to the following conditions respectively:

**CHE/18/00691/FUL**

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

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

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

138 P-01 – Site and Block Plan (inc. Location Plan)  
138 P-02 – Existing Barn Plans  
138 P-03 – Existing Barn Elevations  
138 P-04 – Proposed Barn Plans  
138 P-05 – Proposed Barn Elevations  
138 P-06 – New Build Unit 4

Heritage, Design and Access Statement – John Botham  
Architect

Structural Investigation – Gary Pagdin 10<sup>th</sup> November 2017  
Bat Activity Survey Report by ML – Ecology 20<sup>th</sup> May 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.*

### Drainage

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

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

04. 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 by the local planning authority. Furthermore, unless otherwise approved in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works.

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

### Archaeology

05. No development shall take place until a written scheme of investigation (WSI), for archaeological monitoring and historic building recording, has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives; and:
- The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works



- The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

*Reason - This requirement is in line with NPPF para 199 which requires developers to record and advance understanding of the significance of any heritage assets which are to be lost.*

### Ecology

06. Prior to the commencement of development a detailed enhancement strategy that provides details of enhancement measures for roosting bats and nesting birds shall be submitted to and approved in writing by the LPA. Such approved measures must be implemented in full and maintained thereafter.

Please note that it is expected that provision is made within the new dwellings (as integral boxes) rather than in retained trees to ensure that the roost and nest boxes cannot be tampered with and are secure in the long-term.

*Reason – To ensure that any ecological interest on site is appropriately addressed and can be mitigated against, prior to any development taking place, in accordance with policy CS9 and the wider NPPF.*

07. No removal of trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Local Planning Authority.

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

## Highways

- 08 Space shall be provided within the site throughout the entire construction period for storage of plant and materials, site accommodation, loading, unloading and manoeuvring of goods vehicles, parking and manoeuvring of employees and visitors vehicles, laid out and constructed in accordance with detailed designs first submitted to and approved in writing by the Local Planning Authority. Once implemented the facilities shall be retained free from any impediment to their designated use throughout the construction period.

*Reason – In the interests of highway safety.*

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

*Reason – In the interests of highway safety.*

10. 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/parking of private motor vehicles associated with the residential occupation of the property without the grant of further specific planning permission from the Local Planning Authority.

*Reason – In the interests of highway safety.*

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

*Reason – In the interests of highway safety.*

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

*Reason – In the interests of highway safety.*

13. Prior to the commencement of the development details shall be submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of water from the development onto the highway. The approved scheme shall be undertaken and completed prior to the first use of the access and retained as such thereafter.

*Reason – In the interests of highway safety.*

### Trees

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

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

- a) Location and installation of services/ utilities/ drainage.
- b) Methods of demolition within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees.
- c) Details of construction within the RPA or that may impact on the retained trees.
- d) a full specification for the installation of boundary treatment works.
- e) a full specification for the construction of any roads, parking areas and driveways, including details of the no-dig specification and extent of the areas of the roads, parking areas and driveways to be constructed using a no-dig specification.

Details shall include relevant sections through them.

f) 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.

g) A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing.

h) a specification for scaffolding and ground protection within tree protection zones.

i) Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area.

j) details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires

k) Boundary treatments within the RPA

l) Methodology and detailed assessment of root pruning

m) Methods to improve the rooting environment for retained and proposed trees and landscaping

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

*Reason - To ensure that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality, in accordance to section 197 of the Town and Country Planning Act 1990*

15. 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:
- 1) a scaled plan showing all existing vegetation and landscape features to be retained and trees and plants to be planted;

- 2) location, type and materials to be used for hard landscaping including specifications, where applicable for:
  - a) permeable paving
  - b) use within tree Root Protection Areas (RPAs);
- 3) a schedule detailing sizes and numbers/densities of all proposed trees/plants;
- 4) specifications for operations associated with plant establishment and maintenance that are compliant with best practise; and

- 5) types and dimensions of all boundary treatments

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.

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

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

16. 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.

*Reason - To avoid any irreversible damage to retained trees pursuant to section 197 of the Town and Country Planning*

*Act 1990 and to protect and enhance the appearance and character of the site and locality.*

Others

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

*Reason - In the interests of residential amenities.*

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

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

19. 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.

*Reason - In the interests of the amenities of occupants of adjoining dwellings.*

20. 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.*

### **Notes**

01. If work is carried out other than in complete accordance with the approved plans, the whole development may be rendered unauthorised, as it will not have the benefit of the original planning permission. Any proposed amendments to that which is approved will require the submission of a further application.
02. This approval contains condition/s which make requirements prior to development commencing. Failure to comply with such conditions will render the development unauthorised in its entirety, liable to enforcement action and will require the submission of a further application for planning permission in full.
03. You are notified that you will be liable to pay the Community Infrastructure Levy (CIL) to Chesterfield Borough Council as CIL collecting authority on commencement of development. This charge will be levied under the Chesterfield Borough Council CIL charging schedule and s211 of the Planning Act 2008. A CIL Liability Notice will be issued at the time of a detailed planning permission which first permits development, in accordance with the Community Infrastructure Levy Regulations 2010 (as amended). 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 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.

04. 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](http://www.gov.uk/government/organisations/the-coal-authority)
05. The Highway Authority recommends that the first 6m of the access driveway should not be surfaced with a loose material (i.e. unbound chippings or gravel etc.). In the event that loose material is transferred to the highway and is regarded as a hazard or nuisance to highway users the Authority reserves the right to take any necessary action against the landowner.
06. Pursuant to Section 163 of the Highways Act 1980, where the site curtilage slopes down towards the public highway measures shall be taken to ensure that surface water run-off from within the site is not permitted to discharge across the footway margin. This usually takes the form of a dish channel or gully laid across the access immediately behind the back edge of the highway, discharging to a drain or soakaway within the site.
07. The application site is adjacent to a Public Right of Way (Footpath number 157 Chesterfield on the Derbyshire Definitive Map). The route must remain unobstructed on its legal alignment at all times and the safety of the public using it must not be prejudiced either during or after development works take place. Advice regarding the temporary (or permanent) diversion of such routes may be obtained from the Strategic Director of Economy Transport and Environment at County Hall, Matlock (tel: 01529 580000 and ask for the Rights of Way Officer).
08. Car parking spaces should measure 2.4m x 5.5m (2.4m x 6.5m where in front of garage doors) with an additional 0.5m of width to any side adjacent to a physical barrier e.g. fence, hedge, wall, etc. Single garages should be of 3.0m x 6.0m minimum dimension to be included as a part of off-street parking provision.



**CHE/18/00692/LBC**

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

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

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

138 P-01 – Site and Block Plan (inc. Location Plan)

138 P-02 – Existing Barn Plans

138 P-03 – Existing Barn Elevations

138 P-04 – Proposed Barn Plans

138 P-05 – Proposed Barn Elevations

138 P-06 – New Build Unit 4

Heritage, Design and Access Statement – John Botham  
Architect

Structural Investigation – Gary Pagdin 10<sup>th</sup> November 2017

Bat Activity Survey Report by ML – Ecology 20<sup>th</sup> May 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.*

- 03 There shall be no works undertaken to any existing external windows or doors until a windows and doors schedule of works has been submitted to the Local Planning Authority for consideration and written approval. This schedule shall include any proposed changes to existing windows and doors throughout the building and include the proposed design and materials for any new windows and doors. Robust justification to the satisfaction of the Local Planning Authority will be required to justify the replacement of any windows and doors with historic and architectural value. Only those details approved in writing by the Local Planning Authority shall be implemented on site in strict accordance with the approved schedule.

*Reason – In the interests of preserving and protecting the special character and appearance of the listed building, in*

*accordance with policy CS19 of the Core Strategy and wider NPPF.*

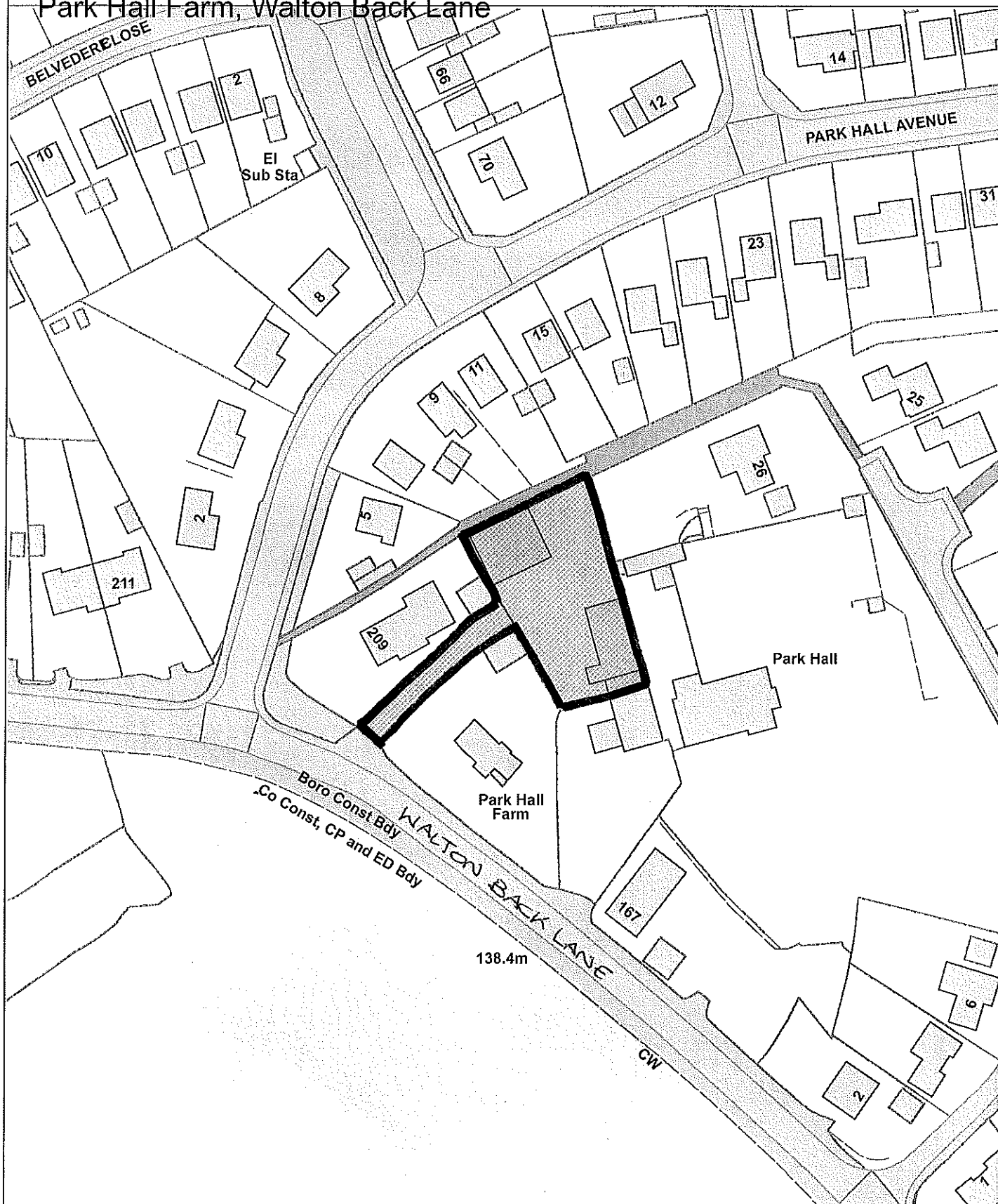
- 04 There shall be no works undertaken concerning the renovation, reinstatement or repair of features or fabric of the listed building without prior approval by the Local Planning Authority. Prior to any such works being undertaken a Schedule of Works / Methodology shall be prepared and submitted (the submission of which can be phased) to detail:
- a) any roofing repair
  - b) any repair / replacement rainwater goods
  - c) any repair / repointing to external stonework
  - d) punctuation of the external stonework for any extraction flues or fans
  - e) installation of any boiler / heating system (inc. radiators and pipework)
  - f) location and details of any new services which may require removal / punctuation of floors or wall internally or externally
- Only those details approved in writing by the Local Planning Authority shall be implemented on site in strict accordance with the approved schedule.

*Reason – In the interests of preserving and protecting the special character and appearance of the listed building, in accordance with policy CS19 of the Core Strategy and wider NPPF.*

### **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.

Planning Committee - CHE/18/00691/FUL and CHE/18/00692/LBC -  
Park Hall Farm, Walton Back Lane



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Case Officer: Sarah Kay  
Tel. No: (01246) 345786  
Ctte Date: 10<sup>th</sup> June 2019

File No: CHE/19/00083/FUL  
Plot No: 2/5569

## **ITEM 6**

**CONVERSION OF EXISTING PUB INTO 6 NO. 1 BED FLATS, ONE NEW 2.5 STOREY BUILDING TO FRONT FOR 6 NO. 1 BED FLATS, TWO NEW SINGLE STOREY BLOCKS ARRANGED PARALLEL TO THE EAST AND WEST SITE BOUNDARIES FOR 2 NO. 1 BED FLATS AND ONE 1.5 STOREY BUILDING TO NORTH OF SITE FOR 2 NO. 1 BED FLATS (REVISED PLANS RECEIVED 15/05/2019, VIABILITY APPRAISAL REC'D 23/05/2019 AND ECOLOGICAL SURVEY RECEIVED 24/05/2019) AT ALL INN, LOWGATES, STAVELEY, CHESTERFIELD, DERBYSHIRE, S43 3TX FOR A-ROCK CONSTRUCTION**

Local Plan: Unallocated  
Ward: Lowgates & Woodthorpe

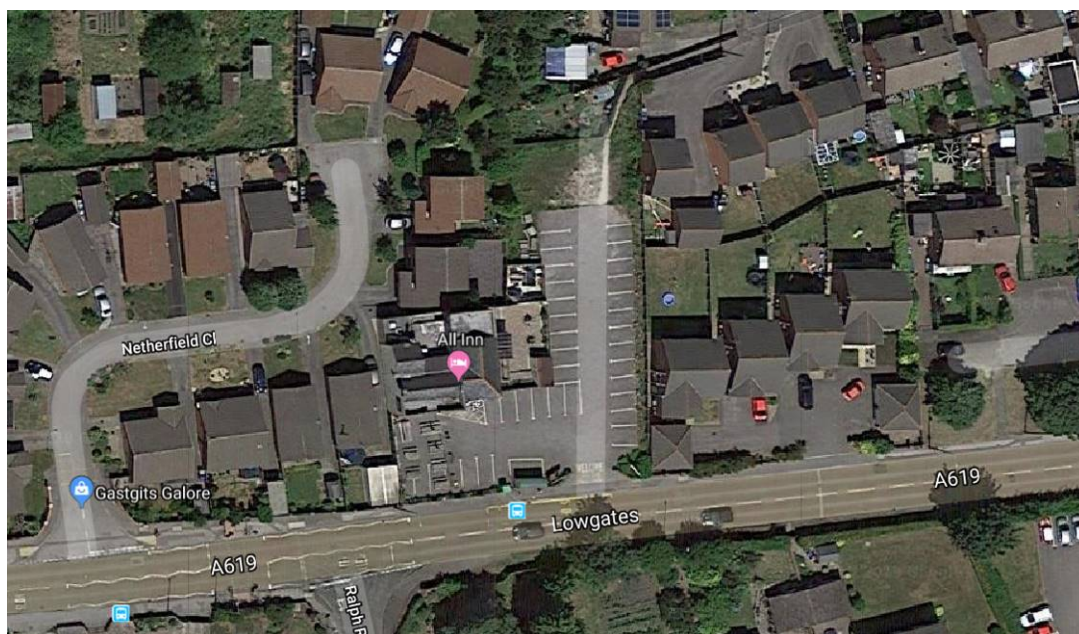
### 1.0 **CONSULTATIONS**

<b>DCC Highways</b>	Comments received 18/03/2019 – see report
<b>CBC Strategic Planning</b>	Comments received 25/03/2019 – see report
<b>CBC Environmental Health</b>	No comments received
<b>CBC Design Services</b>	Comments received 07/03/2019 – see report
<b>CBC Economic Development</b>	Comments received 20/02/2019 – see report
<b>CBC Housing</b>	Comments received - see report
<b>Yorkshire Water Services</b>	Comments received 08/03/2019 – see report
<b>Derbyshire Constabulary</b>	Comments received 05/03/2019 – see report
<b>DCC Strategic Planning</b>	Comments received 12/03/2019 – see report
<b>Lead Local Flood Authority</b>	Comments received 11/03/2019 – see report
<b>CBC Urban Design Officer</b>	Comments received 09/04/2019 and 15/05/2019 – see report
<b>Derbyshire Wildlife Trust</b>	Comments received 07/03/2019

	– see report
<b>Derbyshire Fire Officer</b>	No comments received
<b>Coal Authority</b>	Standing advice applicable
<b>North Derbyshire CCG</b>	No comments received
<b>Staveley Town Council</b>	Comments received 25/3/2019 – see report (section 6.2)
<b>Ward Members</b>	No comments received
<b>Site Notice / Neighbours</b>	11 representations received

## 2.0 **THE SITE**

- 2.1 The site the subject of the application encompasses the All Inn PH and its associated car park and grounds which are located off Lowgates in Staveley. The site is 'L' shaped and extends to approx. 0.16ha in area which slopes slightly down to the east and north and a footpath enters the site in the northeast corner from White Close.



- 2.2 Residential properties are situated in close proximity around the site, with bungalows to the west and houses to the north and east of the pub and carpark. The site is relatively open to the front being defined by low level planters and railings, with a low stone wall either side of the entrance. The remaining boundaries are enclosed by a mixture of walls and fences. Lowgates passes along the southern boundary and a bus stop is located on the highway at the front of the site.

- 2.3 The All Inn PH itself is a red brick building with attractive stone detailing and two distinctive parapet elements with stone coping. The pub makes a positive contribution to the appearance of the streetscene.

### 3.0 **RELEVANT SITE HISTORY**

- 3.1 CHE/11/00719/FUL - Proposed snooker room extension and store to rear. Conditional permission approved 12/12/2011.
- 3.2 CHE/1185/0735 - Display of illuminated advertisement signs. Conditional permission approved 18/12/1985.

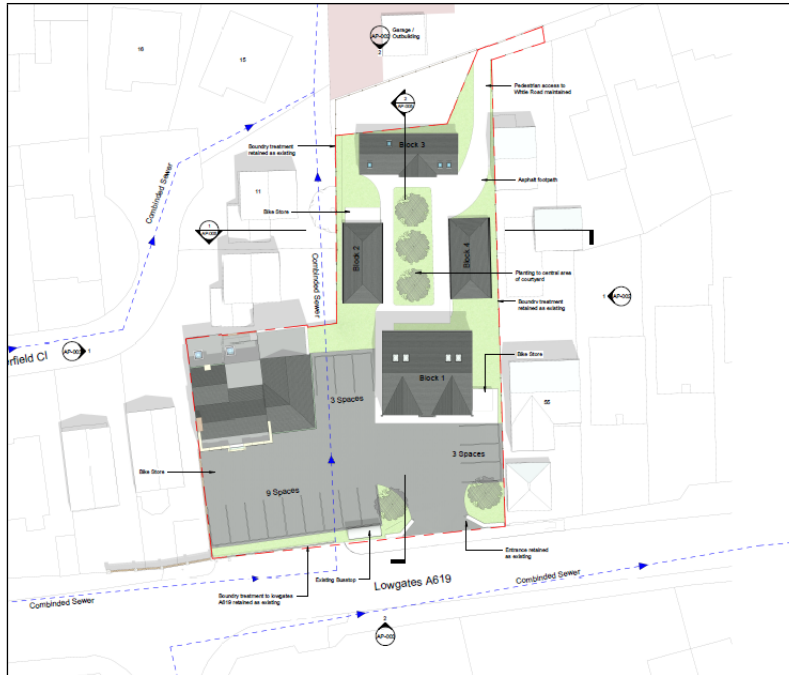
### 4.0 **THE PROPOSAL**

- 4.1 The application submitted seeks full planning permission for the proposed conversion of the existing public house into 6 no. one-bedroom flats; and the erection of 10 no. one-bedroom flats in four separate buildings within the grounds of the pub on the area of its current car park.



- 4.2 The four separate new build components of the development proposals comprise:
- Block 1: Two and half storey building to the front of the site containing 6-one bed flats;
  - Block 2: Single storey 1-bed flat adjacent to west boundary;
  - Block 3: One and half storey building adjacent to north boundary containing two 1-bed flats; and

- Block 4: Single storey 1-bed unit adjacent to east boundary.



- 4.3 The new build blocks are arranged around a central courtyard area with a pedestrian access from the car park. The existing pedestrian link to White Close is retained in the northeast corner. The scheme also includes proposals for 15 no. parking spaces, a cycle store and bin storage.

- 4.4 The application submission is supported by the following plans / documents (revised 15/05/2019):

- AE-101 – Existing Floor Plans  
AE-102 – Existing Elevations  
AP-000 – Site Location Plan  
AP-001 – Proposed Site Plan  
AP-002 – Proposed Site Elevations  
AP-003 – Proposed Site Elevations  
AP-004 – Proposed Floor Plans  
AP-005 – Proposed Site Sections  
AP-006 – Existing Site Levels  
AP-007 – Proposed Site Levels  
AP-008 – Site Containment
- AP-102 – Pub – Proposed Floor Plans  
AP-103 – Pub – Proposed Elevations  
AP-201 – Block 1 – Proposed Floor Plans / Elevations



AP-202 – Block 3 – Proposed Floor Plans / Elevations  
AP-203 – Block 2 and 4 – Proposed Floor Plans / Elevations

Design and Access Statement  
Viability Valuation – *private and confidential* (received 23/05/2019)  
Ecological Appraisal (received 24/05/2019)

## 5.0 **CONSIDERATIONS**

### 5.1 **Planning Policy Background**

- 5.1.1 The site is situated within the built settlement of Lowgates and Woodthorpe ward, in an area predominantly residential in nature.
- 5.1.2 Having regard to the nature of the application policies CS1, CS2, CS3, CS4, CS7, CS8, CS9, CS11, CS13, CS17, CS18, CS19 and CS20 of the Core Strategy 2013 – 2031 and the National Planning Policy Framework (NPPF) apply.
- 5.1.3 In addition the Councils Supplementary Planning Document on Housing Layout and Design ‘Successful Places’ is also a material consideration.

### 5.2 **Principle of Development**

- 5.2.1 The application proposes 16 one bedroom dwellings through the conversion of an existing public house and the construction of blocks on the associated car parking area. The application site lies within 200m of the Lowgates Local Centre (as proposed in the Pre-Submission Local Plan) and within 800m of Staveley Town Centre. The proposal accords with the Spatial Strategy (Policy **CS1**), which focuses new housing development close to centres and regeneration areas.
- 5.2.2 In addition to the above Policy **CS17** requires that the loss of social infrastructure can only be accepted if there is an equivalent facility available in the locality or it can be demonstrated that the current use is economically unviable. In this case, there are other public houses within the immediate area including the Speedwell Inn, and therefore the proposal would accord with this policy.
- 5.2.3 Having regard to the policy background and the ‘principle’ considerations set out above the development proposals are

considered to be appropriate and acceptable. More detailed consideration of specific material considerations in respect of the remaining policy background are set out below.

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

#### 5.3.1 As initially submitted the application proposals were reviewed by both the **Urban Design Officer** (UDO) and **Crime Prevention Design Advisor** (CPDA) who provided the following comments respectively:

##### ***UDO - Conversion of existing pub***

*The use of the site for residential development is potentially acceptable in principle, subject to meeting the requirements of Policy CS17 (Social Infrastructure).*

*The site is also considered to be a sustainable location in relation to public transport and access to local facilities.*

*Subject to satisfying Policy CS17, there is no design objection to the conversion of the existing building, which is considered to make a positive contribution to the streetscene and its retention is supported. Making use of existing openings and limiting opportunities for overlooking towards the neighbouring properties is appropriate. However, the new build element raises a number of design concerns.*

##### ***Layout and Design***

##### ***Block 1: Proposed 3-storey building***

*The proposed 3-storey building (Block 1) would be sited slightly behind the building line of the pub. However, its form, height and scale would be greater than the surrounding development and Block 1 would appear visually challenging within the streetscene and in relation to the neighbouring property in particular. In addition, the 3-storey element would also appear imposing and visually marginalise the primacy of the original All Inn building.*

*The change in levels to the rear Block 1 further exacerbates its scale, mass and perceived height, as experienced from the back and internal part of the site, creating a visually imposing building and dominating the outlook of the neighbouring houses and gardens to the east.*

*In light of these concerns it is recommended that the top floor of Block 1 is removed from the scheme and the building is lowered to two storeys in height.*

#### *Blocks 2 and 4*

*Blocks 2 and 4 are single storey buildings, set back from the side garden boundaries by 1m and enclosing the east and west sides of the central courtyard.*

*The south elevation of Block 2 and the north elevation of Block 4 include two gable windows to overlook the approaches to the courtyard from both the car park and the footpath link from White Close respectively. This is appropriate and supported in principle.*

*Although Blocks 2 and 4 are single storey in height, the relationship between these blocks and the adjacent properties remains close and could be further improved through the introduction of hipped roofs to these units. This would assist in reducing their visual presence from the adjacent properties and allow more light to reach their modest gardens between the blocks.*

#### *Block 3*

*Block 3 is a two-storey unit positioned centrally adjacent to the north boundary. As with Blocks 2 and 4, the use of hipped or half hipped roofs would assist in moderating the scale and presence of the block and allow more light to reach the areas around the building.*

*The first floor flat in Block 3 has no outlook and is only lit using rooflights. The introduction of a first floor window / half dormer to the central part of the living area (south elevation) is recommended. Provided this is a modest opening and located centrally this should not unduly impact on neighbour amenity and would provide an outlook from the flat, as well as create a focal point on the building when viewed from the courtyard.*

#### *Footpath Link to White Road*

*The footpath link from the site to White Road is retained and the remains relatively open. The inclusion of two side facing windows to ground floor of Block 3 will provide passive surveillance over this route and assist in maintaining a safe and appealing connection. Nevertheless, the Police Designing Out Crime Officer has identified the existing link as a potential source of nuisance. As such, the*

*status of the link should be established and possible options explored to close the link to general use.*

### *Parking*

*Concerns from the DCC Highways regarding the amount of parking on-site are noted. Scope may exist to include two additional parking bays in front of Block 1, perpendicular to the east boundary. This would require repositioning the bin store and reconfiguring the layout to accommodate access and turning within the site.*

*If combined with a reduction in the amount of development, as recommended above (by removing the top floor from Block 1), this would improve the ratio of parking to accommodation.*

### *Bin and Cycle Storage*

*Provision of bin and cycle storage is indicated. Cycle storage should be weathertight and secure and details of their design and appearance could be managed by condition. Bin stores should also be screened with landscaping to assist in reducing its visual presence.*

*It is noted that the Police Designing Out Crime Officer and Yorkshire Water have both made comments in respect of the nature and location of the cycle store. It is therefore recommended that secure purpose designed cycle stores (such as a simple lean-to with door fob or coded access) are located on the blank end/side wall(s) of Blocks 2, 3 and/or 4. Repositioning cycle parking away from the sewer would maintain the easement, better integrate these elements of the design into the scheme and to promote more direct sense ownership of the cycle stores by the occupants of the development.*

*In addition, it would also enable the 2 parking spaces located between the pub and Block 1 to be set slightly further back (north) from their current position and enable the formation of a more functional turning area within the site.*

### *Landscaping*

*In the event that planning permission is recommended for approval, details of landscaping, together with its implementation and retention would need to be managed by suitably worded condition.*

*Details of any external lighting should also be specified to for safety and convenience of the future occupants of the development and in the interests of preserving the amenity of neighbouring residents.*

#### *Materials*

*Details of external materials should be managed by condition.*

#### *Conclusion*

*In their current form the proposals represent an overdevelopment of the site, with Block 1 likely to appear imposing, dominate the outlook from neighbouring properties and incongruous within the streetscene.*

*Development at the front of the site should be limited to 2-storeys in height to ensure this reflects the scale and mass of the surrounding context. Adjustments to the smaller blocks would also assist in improving the relationship between the buildings and the neighbouring properties, together with revised proposals for cycle storage, parking and whether the link to White Close might be omitted from the scheme.*

*Subject to securing appropriate revisions to the scheme, conditions requiring details of external materials, hard and soft landscaping, external lighting and bin storage are recommended.*

**CPDA** - *Whilst there are no objections to developing this site for residential occupation in principle, in my view the proposed retention of residential access through the site between Lowgates and White Road would sufficiently affect the amenity of new residents to make the development unacceptable on grounds of community safety policy.*

*As this route is currently used for public house parking there are no significant existing issues regarding use and space hierarchy.*

*As proposed the route runs around enclosed semi-private space, close to a number of private residential curtilages, and emerges onto White Road through a narrow fenced corridor with limited sight lines. There are current and historical indications of damage to fencing around this link. I accept that it probably presents a convenient route to Lowgates and the nearby school to some residents on White Road, but in design it has all of the features*

*associated with problematic transition points, so to combine with, and lead into a private residential courtyard with an open approach to the definition of space is likely to be a generator of anti-social behaviour and nuisance for new residents in my experience. The legal position of the route isn't explored within supporting documents, nor clearly indicated on site. I note that some pre-application discussion has taken place over the site, so would have thought that it's desirability, or otherwise, as a link must have been discussed.*

*Beyond this point the development is acceptable as proposed with note that:*

*The east facing elevation of block 1 has no outlook at all over the footpath route adjacent.*

*Historically external cycle stores were often included for apartment developments as a requirement of the former code for sustainable homes, but proved unpopular and often sat empty and unused. If the proposed store between existing building and block 1 is a necessity, its form and fittings should be specified to be secure and encourage use, with a masonry, roofed and communally securable outer skin, and ground anchored Sheffield hoops internally (the only detail indicated on elevation drawings looks to show close boarded construction)*

*As a residential conversion all communal entrances, apartment doors and ground floor windows of the former All Inn should meet the requirements within building regulations approved document Q, relating to the resistance to forced entry. The retention of any existing doors or windows which don't meet with this specification is not permissible. Secure mail delivery provision will need to be included for the public house conversion and new apartment block 1.*

- 5.3.2 In response to the comments received from the UDO and CPDA above the applicant met with the Local Planning Authority case officer and UDO to discuss potential amendments to the scheme to address the concerns which had been raised (and those of other consultees also detailed in this report).
- 5.3.3 The prospect of overdevelopment and the adverse impacts upon adjoining neighbouring properties were discussed with suggestions to the design of the scheme to eliminate unacceptable impacts to

neighbouring amenity. A revised package of plans were subsequently received (15/05/2019) following these discussions.

- 5.3.4 The primary concerns of the UDO related to the presentation of the scheme in respect of block 1 and its three storey design and resulting relationship to the neighbours and streetscene. A solution to this was to reconfigure the floor layout of block 1 and move the accommodation of the third floor into the roof space of the building to give it a more appropriate two and half storey mass / scale respective to the streetscene.
- 5.3.5 In respect of blocks 2 and 4 the roofscape of this development was amended to incorporate the hipped lines suggested by the UDO to lessen the visual impact to the immediate adjoining neighbours.
- 5.3.6 In respect of block 3 the roof scape was amended to incorporate the hipped lines suggested by the UDO alongside the introduction of a feature gable to the upper floor unit to provide amenity and outlook.
- 5.3.7 Amendments were also made to the layout and configuration of the site plan, to incorporate amended cycle parking proposals and additional car parking. Outlook to the footpath link to the rear of the site to White Road was also improved; despite the objections made by the CPDA for this route to be closed. It was considered that this route; although not a statutory connection is one used locally and should be retained if possible. The applicant did suggest that they would be amenable to its closure if this was considered necessary but their preference was to maintain the route if necessary. Despite the CPDA's concerns it was considered that the retention of the route adjacent to new properties would improve its status and introduce natural surveillance.
- 5.3.8 Upon the receipt of the revised plans the **UDO** commented:  
*The revisions appear to be visually better and follow our discussions. One comment re. bike stores is that I would expect these to be secure and weather tight lean-to style additions to the buildings as per my previous sketch. As shown, they appear to be timber enclosures which will not be adequate or visually appropriate and are likely to become tatty in the longer term. A bin store close to the entrance is also recommended. This should landscaped to soften its presence in the streetscene.*

- 5.3.9 In respect of these comments it is considered that appropriate conditions can secure the necessary detailing of the cycle and bin storage alongside more detailed hard / soft landscaping to achieve an appropriate final appearance. Furthermore final details of external materials finishes etc can also be the subject of planning condition (as recommended by the UDO).
- 5.3.10 Overall it is considered that as revised the design and appearance of the development proposals are acceptable and they present an appropriate solution to the site redevelopment, whilst preserving the amenity, outlook and privacy of the adjoining and adjacent neighbouring properties. In the context of policies CS2 and CS18 of the Core Strategy, wider NPPF and the Council's adopted Housing Layout and Design SPD 'Successful Places' the proposals are considered to be acceptable.

#### 5.4 **Highways Issues**

- 5.4.1 The application submission has been reviewed by the **Local Highways Authority** (LHA) who initially provided the following comments:

*'Although the secure cycle storage is welcomed, the Highway Authority considers that the main issue in respect of this proposal is the extremely limited off-street parking proposed at less than one space per unit and where the Highway Authority would generally look for the provision of one and a half spaces per unit.*

*Visibility from the access is not ideal which is onto a major classified busy highway. The existing use is appreciated and it is acknowledged that this will generate a number of vehicular movements to and from the site, however, 16 No. flats will also, potentially, generate a significant number of vehicular movements, a proportion of which will be at peak times. It is not felt that limiting the number of parking spaces within the site will necessarily reduce vehicular movements on the basis that there is the potential for vehicles to enter the site and immediately have to exit if there were no spaces available. Vehicular movements for the current and proposed use of the site should be comparable. It was also noted that there are no parking restrictions in the immediate vicinity of the site on Lowgates and there is, therefore, the potential for*



*vehicles to park on Lowgates thereby disrupting the free and safe flow of traffic on a busy major route.*

*In view of the above, the Highway Authority recommends refusal of the proposal for the following reason.*

*No adequate provision is included in the application proposals for the parking of vehicles clear of the public highway which would be likely to result in parking on the public highway which is against the best interests of highway safety and could interfere with the safe and efficient movement of traffic on Lowgates.*

*In the event you are minded to grant planning permission I would be obliged if you could revert back to the Highway Authority for further comments.'*

- 5.4.2 Having regard to the comments received above (and other matters raised in the application process) the applicant has revisited the site layout proposals with a view of maximising car parking and cycle parking provision on site to address the initial concerns of the LHA. As a result of site layout revisions the scheme has increased on site parking provision from 11 no. spaces up to 15 no. spaces. In addition the proposed site layout also includes a structure which will provide secure cycle parking on site.
- 5.4.3 Whilst it is accepted that the 15 no. spaces now included in the scheme still equates to just below 1 no. space per unit (16 no. units in total) the site is located in Staveley Town Centre, within walking distance of local amenities and on a main road which is a bus route (the bus stop is located immediately outside the application site). In this regard under the provisions of policy CS1 and CS20 of the Core Strategy and the wider NPPF a scheme with no on site parking provision could be accepted in this location. It is therefore considered given the type of accommodation being proposed, the sites proximity to the town centre and local amenities and the level of on-site parking which can be provided, the perceived impacts of the development proposals upon highway safety are not substantiated and the scheme should be accepted. The presence of the bus stop prevent parking on street immediately in advance of the application site, and beyond that it is unlikely that a vehicle would choose to park on the A619 / Lowgates given the high levels of traffic. Vehicles may overspill onto adjacent streets, but

realistically the type of accommodation proposed is unlikely to equate to a 1:1 car ownership ratio.

- 5.4.4 The concerns of the LHA in relation to the exit visibility from the site are noted; however whilst the level of visibility is unlikely to meet current highway standards the access is currently in use serving the car park of the public house and its associated 33 no. car parking spaces. The images below show the level of visibility available, which is better in the critical direction that the non-critical direction but given the fall-back position of the site current use (and deemed use class changes) it is not considered that this could sustain a defensible reason for refusal. Overall therefore it is not considered that a defensible reason for refusal on the grounds of highway safety could be sustain against these development proposals and therefore the provisions of policies CS2 and CS20 of the Core Strategy are met. It would however be necessary to require the car parking and cycle parking to be provided in accordance with the developments proposals by appropriate planning condition (to be retained thereafter in perpetuity).



## 5.5 Flood Risk / Drainage

- 5.5.1 The application submission indicates the developers intention to connect the new development to existing mains drainage and in this regard having regard to the provisions of policy CS7 of the Core Strategy the application submission has been reviewed by the Council's **Design Services** (DS) team, the **Lead Local Flood Authority** (LLFA) and **Yorkshire Water Services** (YWS). The following comments have been received:

*DS - The site is not shown to be at risk of flooding on the Environment Agency flood maps. A public combined sewer is shown to run through the site, which the applicant seems aware of and is noted on their layout drawings. Yorkshire Water may require an easement for access to this sewer, with an area where no building is permitted to be constructed. Yorkshire Water should be consulted on this. We would wish to see drainage details for this site prior to full approval.*

*LLFA - We are recommending a holding objection on the proposed development as it is not possible to provide an informed comment until such a time that the applicant has submitted further information.*

*As a statutory consultee for surface water the minimum details required on all major planning applications are as follows:*

- Site plan and impermeable area*
- Topographic survey of the site*
- Appropriate evidence to support how the site will drain, including confirmation of where the surface water will outfall to (photographs / maps / a confirmation letter from a water company)*
- Basic calculations of the greenfield/brownfield runoff and discharge rates, (refer to Point J in the Advisory Notes)*
- A quick storage estimate to show the required storage volume of surface water on site and an indication of the likely location*
- Calculations should include allowances for the current Environment Agency guidance for climate change and urban creep (Refer to Point J in the advisory notes)*
- Basic ground investigation (desktop survey as a minimum)*
- Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate (as per National Planning Policy Framework 165). These details are required at the early planning stage to demonstrate that the proposed site is able to drain and that due consideration has been given to the space required on site for surface water storage.*

*Please note the level of detail submitted should be proportionate to the size and scale of the development.*

*YWS - On the Statutory Sewer Map, there is a 300mm diameter public combined sewer recorded to cross the site. It is essential that the presence of this infrastructure is taken into account in the design of the scheme and a stand-off distance of 3 (three) metres is required at each side of the sewer centre-line.*

*It appears from the submitted site layout shown on drawing AP-001 that has been prepared by Brightman Clarke Architects that the bike store will be sited over the public sewerage system located within the site. This could jeopardise Yorkshire Water's ability to maintain the public sewerage network and is not acceptable. We therefore OBJECT to the development layout as currently shown. Prior to determination of this application, the site layout should be amended to allow for adequate protection of the sewers. A re-submitted drawing should show the site-surveyed position of the public sewer crossing the site and the required building stand-off from public sewer.*

5.5.2 Having regard to the comments received above, it is noted that whilst a general survey of the application site with existing drainage infrastructure is included in the application submission plan; a full drainage strategy is yet to be prepared. The applicant has included in their revised site layout plan the necessary 3m easement to the public sewer crossing the site to address the objection of YWS, and an appropriate planning condition can be imposed on any permission issued to ensure the easement is protected in the future. Furthermore they have indicated that a full drainage strategy would be developed if planning permission was to be ascertained, but the survey details submitted on the revised layout plan show that connections are available in the immediate locality.

5.5.3 Despite the holding objection from the LLFA, it is not unusual for the drainage strategy to be developed post permission in accordance with a pre-commencement planning condition and the applicant has indicated they would accept the imposition of such a condition. The details of such a strategy are likely to include site investigation works (percolation testing) and attenuation calculations for any surface water drainage connections. This approach would be in accordance with policy CS7 of the Core Strategy and the wider NPPF and is sufficient to overrule the holding objection of the LLFA and YWS to make the development acceptable.

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

5.6.1 In respect of land condition the site the subject of the application lies within a defined 'standing advice' area of the **Coal Authority**

which means there is a lower risk of the site being affected by the presence of unrecorded coal mining legacy. In such areas the Coal Authority does not require a Coal Mining Risk Assessment and they simply ask that if permission is granted an advisory note be appended to any planning decision notice as follows:

*‘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](http://www.gov.uk/government/organisations/the-coal-authority)’*

5.6.2 In respect of potential land contamination and noise issues arising from the development the Council’s **Environmental Health Officer** (EHO) was consulted on the application submission, however they did not provide a response to the consultation.

5.6.3 Notwithstanding the above, given the proximity of the development proposals to existing residential neighbours it would be appropriate to control construction hours of any new development in the interests of neighbouring amenity.

## 5.7 **Biodiversity**

5.7.1 The site the subject of the application is located in the built up area, where the biodiversity value of the site is low having regard to its current status and land use. As a previously developed site there is little in the way of soft landscaping (trees / hedgerows) to preserve or enhance; but the development proposals will offer an opportunity to incorporate some new soft landscaping and biodiversity enhancement measures (such as bird and bat boxes) onto the new buildings. Policy CS9 of the Core Strategy requires all new developments to achieve a net gain in biodiversity.

5.7.2 **Derbyshire Wildlife Trust** (DWT) were also invited to examine the application submission having regard to the provisions of policy CS9 of the Core Strategy and the following comments were received:

*The application area appears to be of generally low ecological value, being dominated by hardstanding. The Trust do not hold any records of protected species or notable habitats on or immediately*

*adjacent to the site, although multiple Local Wildlife Sites and potential Local Wildlife Sites are present in the local area, providing optimal foraging habitat for bats.*

*Given the re-development of the pub building, it is recommended as a minimum that a Preliminary Bat Roost Assessment is undertaken prior to determination by a suitably qualified ecologist (<http://events.cieem.net/ProfessionalDirectory/Professional-Directory.aspx>). Evidence of nesting bird activity should also be recorded.*

*The results of the assessment should be presented in accordance with current guidelines, such as Ecological Report Writing (CIEEM, 2017), British Standard BS 42020: 2013 and Bat Conservation Guidelines (Collins, 2016). The report should make clear the requirement for any further survey work and it should be noted that if further survey is required, this should be undertaken prior to determination of the planning application.*

*As planning decisions should aim to achieve a net biodiversity gain (NPPF 2019), the report should include any requirement for licensing and details of mitigation and enhancement measures appropriate to the site.*

- 5.7.3 Having regard to the comments made by DWT above the applicant commissioned an Ecological Assessment of the existing building and this was submitted on 24/05/2019 for further consideration.
- 5.7.4 At the time of writing this report DWT had not returned their comments on the Ecological Assessment however it can be reported that this Assessment included inspection of the building by a suitably qualified ecologist who concluded that the building was not the subject of any existing bat roosting activity. The assessment made recommendations in respect of bird and bat boxes which should be incorporated into the development to mitigate and enhance the scheme and secure ecological / biodiversity enhancement in accordance with the provisions of policy CS9 of the Core Strategy and the wider NPPF.

## 5.8 Community Infrastructure Levy (CIL)

5.8.1 Having regard to the nature of the application proposals the development comprises the creation of 16 no. new dwellings and the development is therefore CIL Liable.

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

		<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>
<b>Proposed Floorspace (GIA in Sq.m)</b>	<b>Less Existing (Demolition or change of use) (GIA in Sq.m)</b>	<b>Net Area (GIA in Sq.m)</b>	<b>CIL Rate</b>	<b>Index (permission)</b>	<b>Index (charging schedule)</b>	<b>CIL Charge</b>
<b>691</b>	303	388	£20 (Low Zone)	307	288	<b>£8,272</b>

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

5.8.3 In respect of the above calculation the existing floorspace of the public house can be discounted from the CIL liability, if the floorspace remains in a lawful use for a period of no less than 6 months in the last 3 years (from the date the development becomes CIL liable).

## 5.9 Other Considerations

### S106 / Planning Obligations

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

- 5.9.2 Consultation has therefore taken place with the Councils own **Economic Development** team, the **County Council (DCC) Strategic Planning** team and the **North Derbyshire Care Commissioning Group (CCG)** on the development proposals to ascertain what specific contributions are triggered.
- 5.9.3 The responses have been collaborated to conclude a requirement to secure a contribution in respect of Affordable Housing (Policy CS11); up to 1% of the overall development cost for a percent for art scheme (Policy CS18); and it will be necessary to look to secure the requirement for local labour (best endeavours), which is standard approach taken to deal with local labour / supply as required by the provisions of policy CS13 for all major development schemes.
- 5.9.4 The DCC Planning team has also responded setting out the infrastructure needs arising from the development proposals; which relate to broadband and waste. The DCC Planning team have confirmed that a development of solely one bed flats would not trigger an education contribution as they assume families will not occupy this type of accommodation. Broadband provision is now dealt with under building regulations and waste dealt with by separate matters / initiatives.
- 5.9.5 Turning to the matters of contributions to affordable housing the scheme proposes a total of 16 no. units and therefore triggers the provisions of policy CS11 that requires that all new developments for 15 or more new dwellings deliver up to 30% of them as affordable and/or special needs housing. In addition, the NPPF requires (paragraph 64) that where major development involving the provision of housing is proposed, planning decisions should expect at least 10% of the homes to be available for affordable home ownership, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups. Exemptions to this 10% requirement should also be made where the site or proposed development:
- a) provides solely for Build to Rent homes;
  - b) provides specialist accommodation for a group of people with specific needs (such as purpose-built accommodation for the elderly or students);
  - c) is proposed to be developed by people who wish to build or commission their own homes; or



d) is exclusively for affordable housing, an entry-level exception site or a rural exception site.

- 5.9.6 The Council's own **Housing Services** team were invited to review the application submission and in subsequent conversation with them the case officer established that it was unlikely the type of accommodation being proposed was something that was not already provided for in the local area by local housing stock. Furthermore given the fact the scheme was for 16 no. units, they advised it unlikely a registered provider would be interested in taking on such a small pocket of units (30% max. contribution would = 4.8 units) and therefore if anything in the way of an Affordable Housing contribution was to be sought a commuted sum would be the most appropriate / feasible in this case.
- 5.9.7 Given the location of the site and the Council's own knowledge of viability undertaken as part of establishing a CIL charging schedule, it is understood that sites in Staveley have low viability and therefore it is known that despite the up to 30% policy requirement set in policy CS11, a benchmark of up to 10% is a more realistic figure of affordable housing delivery in these locations (the low zone for CIL).
- 5.9.8 In respect of the above Policy CS11 allows for the submission of a viability appraisal to negotiate the appropriateness of such contributions, as the LPA should be mindful sites like the one proposed are highly likely to developed by smaller scale developers who already take much smaller profit margins and higher risks to deliver development than volume house builders. In this case (also mindful of the triggered need for a percent for art contribution (policy CS18) as well) the developer was invited to provide this information and on the 23/05/2019 a viability appraisal was received from the applicant. The details submitted (although private and confidential) have been appraised by the LPA and it is clear that this site is finely balanced in terms of its viability without factoring in any planning obligation contributions.
- 5.9.9 It is already the case that the scheme is CIL liable and CIL is a non-negotiable charge to the developer. Taking this into account the appraisal reveals that the developer looks to only make a 4% profit on the development of this site, without factoring in an affordable housing and percent for art contribution, and if such

charges were imposed the scheme would become unviable and the site would not be developed.

- 5.9.10 Having regard therefore to the issues set out above it is considered that a contribution to affordable housing and percent for art cannot reasonably be required on this development proposal. On balance however it is considered that despite the requirements of policy CS11 and the NPPF, greater weight should be given to other material considerations. On balance it is considered that there are outweighing social, environmental and economic benefits for accepting the scheme without securing the contributions being sought.

## 6.0 **REPRESENTATIONS**

- 6.1 The application has been publicised by site notice posted on 20/02/2019; by advertisement placed in the local press on 28/02/2019; and by neighbour notification letters sent on 19/02/2019.

- 6.2 As a result of the applications publicity there have been 11 representations received and comments made by Staveley Town Council as follows:

### **Staveley Town Council**

Two Councillors have expressed concern about potential increased traffic onto the main road;  
One asked for clarification about the future of the public footpath at the rear of the pub;  
One raised concern that previous pub conversion schemes have not been progressed (Elm Tree and the Victoria); and  
The issue of capacity for parking for tenants on site was raised.

#### **1. A Local Resident**

I agree with the Design & Access Statement and support the proposed buildings' appearance, including the references to the All Inn building. However, similar applications at the Victoria and the Elm Tree have not started at present, despite the granting of planning permission.

#### **2. 55 Lowgates**

I write to express my concern over the proposed block 3 on the site. This block will be adjacent to our property which has three

rooms to this side elevation which rely on light from that side of the building.

Room 1 - Kitchen.

Room 2 - Main family bathroom.

Room 3 - Ensuite Bathroom.

These rooms rely upon light from these windows as their only source and we are concerned that block 3 will block light to these rooms.

Would it be possible to have some clarification on the exact location of this proposed building please? My objection is not to the building but to the loss of light into our property dependent upon it's location. If it were to be moved back slightly to allow the light to remain I believe this would remove this issue. Alternatively please advise on the current standards in terms of property proximity for lighting related matters.

I would welcome an assessment from inside my property to fully understand the issue that I have raised.

### **3. 40 White Road**

Block 3 which backs onto our garden appears to butt up to our boundary fence which would make maintenance difficult, could you please give some indication as to how close it is. On drawing AP001 it shows the extent of our garden as a L shape in pink, our garden also includes the section to the north of the site which doesn't seem to be designated as ours.

The above planning application indicates 16 properties and only 11 parking spaces which is a shortfall as the Government guidance on Housing encourages Local Planning Authorities to develop parking policies for residential developments in their plan area. The Local Planning Authority recognises that many households now have more than one car and therefore the following figures are expressed as minimum requirements,

Apartments 1 – 2 bedrooms 1.5 spaces plus an element of visitor parking calculated at one space per 5 dwellings (commencing at 5 dwellings).

Could you please indicate where the overspill would park.

### **4. 6 Ralph Road**

Stance: Customer objects to the Planning Application

Comment Reasons:

- Policy
- Traffic or Highways

Comment: Insufficient parking spaces will result in chaos on Ralph road especially with the school situation

### **5. 25 Netherthorpe**

Stance: Customer objects to the Planning Application

Comment Reasons:

- Noise
- Residential Amenity
- Traffic or Highways

Comment: Very busy - school - danger to children 16 units but 9 parking spaces, antisocial behaviour tenants.

### **6. 15 Marshfield Grove**

I object to the planning application for the following reasons:

1. Local Economic Need – Staveley is dominated by social type housing and the development of 1 bed flats are assumed to be for the rental market. Staveley needs good quality private housing to lift the market and redress the balance. Private housing brings disposable income for economic recovery – this development contributes nothing. The Victoria PH already has permission to be converted to cover any need;
2. Employment - No jobs will be created as the developer will sue their existing workforce;
3. Local Character – The PH is bordered on all side by private housing and therefore building 1 bed flats in this predominantly private housing area will be out of character with the immediate area. I understand the PH was once a house and I would urge the Council to put this historic building back into its former use.
4. Anti Social Behaviour – Staveley already has numerous blocks of flats with ASB problems, they are well known for drugs and alcohol as many residents are single, unemployed males who are involved. Building another set of flats will no doubt facilitate this kind of behaviour and bring it to communities living either side.
5. Traffic and Highways – there are more flats than on site parking so where will vehicles park? Ralph Road is already congested and at peak times there is high demand due to the proximity to the school.

I urge planning committee to take local views into account and reject the development or ask for design changes to meet local needs and challenges. The site could be redesigned for semi-detached or town houses as starter homes for young, which I'm sure will not generate any objections.

### **7. 7 Netherfield Close**

The proposed conversion of the all inn and the building of a new 3 storey building are not in keeping with the existing properties i.e. bungalows, semi and detached houses.

The proposal is to build 16 flats this raises the issue of parking.

There's a possibility for each flat to have 2 adult occupants each of which could own a motor vehicle this would give a total of 32. The plans show that there is parking for only 11 vehicles, where would the remaining 21 vehicles park. Consideration should also be given to where visitors would park.

There is also the issue of antisocial occupants.

### **8. Milton Lodge, Milton Place**

Stance: Customer objects to the Planning Application

Comment Reasons:

- Traffic or Highways

Comment: Congested now! Junction/residents/Netherthorpe

School/scrap yard. Inadequate

Parking!!! Child safety

### **9. 8 Netherthorpe**

Stance: Customer objects to the Planning Application

Comment Reasons:

- Traffic or Highways

Comment: This junction & zebra crossing is very busy-no spaces to park-overpopulated? is the bus stop moving?

The junction of Ralph Rd and the main road is extremely busy – esp. at school times;

The pedestrian crossing causes queues but is essential – this would increase with a higher population;

Where would the bus stop move to?;

The bin store appears to be too small and where is the bin lorry going to park when they are emptied? On the main road?;

Are the flats for sale or rent, and what clientele are the flats aimed at?; and

Will this area become overpopulated with nowhere to park – White Road and Ralph Road are already congested with parked cars.

### **10. 36 White Road**

I object to the above application;

1. There will be 18 flats, a min. of 18 cars and max. of 36 cars, but only parking for 11 cars so where will the other park? The adjacent

roads are already full with parked cars, so that just leaves the main road where there are no yellow lines so this would cause havoc.

2. There will be congestion at the junction of Ralph Road, esp at rush hours and school times.

3. The entrance is near the ped. crossing which is on a busy road near junctions and I have seen people use the crossing but have to run as cars have not seen the red lights.

4. There are already plans for the Victoria PH and Elm Tree PH so why do we need more. Would family housing not be better?

### **11. 29 White Road**

Stance: Customer objects to the Planning Application

Comment Reasons:

- Noise
- Residential Amenity
- Traffic or Highways
- Visual

Comment: Object. Too close to existing residential boundaries, anti social behaviour.

6.3 ***Officer Response: See section 5.0 above and all material planning considerations set out.***

### 7.0 **HUMAN RIGHTS ACT 1998**

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

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

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

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

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

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

8.1 The following is a statement on how the Local Planning Authority (LPA) has adhered to the requirements of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 in respect of decision making in line with paragraph 38 of the National Planning Policy Framework (NPPF).

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

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

9.0 **CONCLUSION**

9.1 The proposed development is able to demonstrate its compliance with policies CS1, CS2, CS3 and CS4 of the Core Strategy in so far as its ability to provide connection (and where necessary improvement) to social, economic and environmental infrastructure such that the development meets the definitions of sustainable development.

9.2 The application submission is supported by the preparation of assessments and reports which illustrate the proposed developments ability to comply with the provisions of policies CS7, CS8, CS9, CS13, CS18, CS19 and CS20 of the Core Strategy and where necessary it is considered that any outstanding issues can be addressed in any subsequent reserved matters submission or any appropriate planning conditions being imposed.

- 9.3 Whilst it is noted that the application does not strictly accord with the developer contributions sought in respect of policies CS11 and CS18 of the Core Strategy sufficient viability evidence has been presented with the application submission such that it is concluded the wider social, environmental and economic benefits of the scheme outweigh the contribution requirements of these development plan policies.

10.0 **RECOMMENDATION**

- 10.1 That a CIL Liability notice be issued as per section 5.8 above.

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

**Conditions**

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

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

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

AE-101 – Existing Floor Plans  
AE-102 – Existing Elevations  
AP-000 – Site Location Plan  
AP-001 – Proposed Site Plan  
AP-002 – Proposed Site Elevations  
AP-003 – Proposed Site Elevations  
AP-004 – Proposed Floor Plans  
AP-005 – Proposed Site Sections  
AP-006 – Existing Site Levels  
AP-007 – Proposed Site Levels  
AP-008 – Site Containment  
AP-102 – Pub – Proposed Floor Plans  
AP-103 – Pub – Proposed Elevations  
AP-201 – Block 1 – Proposed Floor Plans / Elevations  
AP-202 – Block 3 – Proposed Floor Plans / Elevations



## AP-203 – Block 2 and 4 – Proposed Floor Plans / Elevations

Design and Access Statement

Viability Valuation – *private and confidential* (received 23/05/2019)

Ecological Appraisal (received 24/05/2019)

*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.*

### Drainage

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

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

04. 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 by the local planning authority. Furthermore, unless otherwise approved in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works.

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

05. No building or other obstruction shall be located over or within 3 (three) metres of the line of the sewer, which crosses the site.

*Reason - In order to allow sufficient access for maintenance and repair work at all times.*

### Highways

06. Before any other operations are commenced (with the exception of the condition above), space shall be provided

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

*Reason – In the interests of highway safety.*

07. The premises the subject of the application shall not be occupied until space has been provided within the application site in accordance with the 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.

*Reason – In the interests of highway safety.*

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

*Reason – In the interests of highway safety.*

09. 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.*

## Others

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

*Reason - In the interests of residential amenities.*

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

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

12. 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.

*Reason - In the interests of the amenities of occupants of adjoining dwellings.*

13. Within 2 months of commencement of development, unless otherwise agreed in writing by the Local Planning Authority, full details of hard and soft landscape works for the approved development shall be submitted to the Local Planning Authority for consideration. The hard landscaping scheme shall take account of any established root protection areas to retained trees on site and may require alternative measures of construction and finishes to be considered.

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

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

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

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

15. Prior to the commencement of development a detailed enhancement strategy that provides details of enhancement measures for roosting bats and nesting birds shall be submitted to and approved in writing by the LPA. Such approved measures must be implemented in full and maintained thereafter.

Please note that it is expected that provision is made within the new dwellings (as integral boxes) rather than in retained trees to ensure that the roost and nest boxes cannot be tampered with and are secure in the long-term.

*Reason – To ensure that any ecological interest on site is appropriately addressed and can be mitigated against, prior to any development taking place, in accordance with policy CS9 and the wider NPPF.*

## **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.

#### Coal Authority

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](http://www.gov.uk/government/organisations/the-coal-authority)
04. Construction works are likely to require Traffic Management and advice regarding procedures should be sought from Dave Bailey, Traffic Management at Derbyshire County Council - telephone 01629 538686.
05. Pursuant to Section 163 of the Highways Act 1980, where the site curtilage slopes down towards the public highway measures shall be taken to ensure that surface water run-off from within the site is not permitted to discharge across the footway margin. This usually takes the form of a dish channel or gully laid across the access immediately behind the back edge of the highway, discharging to a drain or soakaway within the site.
06. Pursuant to Section 278 of the Highways Act 1980, no works may commence within the limits of the public highway without the formal written Agreement of the County Council as Highway Authority. Advice regarding the technical, legal, administrative and financial processes involved in Section

278 Agreements may be obtained from the Strategic Director of Economy Transport and Community at County Hall, Matlock (tel: 01629 538658). The applicant is advised to allow approximately 12 weeks in any programme of works to obtain a Section 278 Agreement.

07. Under the provisions of the New Roads and Street Works Act 1991 and the Traffic Management Act 2004, all works that involve breaking up, resurfacing and / or reducing the width of the carriageway require a notice to be submitted to Derbyshire County Council for Highway, Developer and Street Works. Works that involve road closures and / or are for a duration of more than 11 days require a three month's notice. Developer's Works will generally require a three months notice. Developers and Utilities (for associated services) should prepare programmes for all works that are required for the development by all parties such that these can be approved through the coordination, noticing and licensing processes. This will require utilities and developers to work to agreed programmes and booked slots for each part of the works. Developers considering all scales of development are advised to enter into dialogue with Derbyshire County Council's Highway Noticing Section at the earliest stage possible and this includes prior to final planning consents.
08. Attention is drawn to the attached notes on the Council's 'Minimum Standards for Drainage'.
09. Please note that this permission is issued together with a separate Community Infrastructure Levy (CIL) Liability Notice, to which the developer should also refer. The developer should note the terms of the CIL Liability which is triggered upon commencement of development.

Further information can be found on the Council's website using the following web address  
[www.chesterfield.gov.uk/planning-and-building-control/planning-services/community-infrastructure-levy.aspx](http://www.chesterfield.gov.uk/planning-and-building-control/planning-services/community-infrastructure-levy.aspx)  
or alternatively please contact the Infrastructure Planning Officer (Rick Long) on 01246 345792.



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Case Officer: Paul Staniforth  
Tel. No: (01246) 345781  
Ctte Date: 10<sup>th</sup> June 2019

File No: CHE/19/00007/REM  
Plot No: 2/1637

## **ITEM 7**

### **RESERVED MATTER APPLICATION FOR CHE/18/00083/REM1 – ERECTION OF 173 DWELLINGS AND ASSOCIATED LANDSCAPING AND INFRASTRUTURE (ADDITIONAL INFORMATION AND REVISED PLANS RECEIVED 18/04/2019 AND 25/04/2019 and 02/05/2019) ON LAND EAST OF A61 KNOWN AS CHESTERFIELD WATERSIDE, BRIMINGTON ROAD, TAPTON, CHESTERFIELD, DERBYSHIRE FOR AVANT HOMES (CENTRAL).**

Local Plan: Area of Major Change  
Ward: St Helens

#### **1.0 CONSULTATIONS**

<b>Local Highways Authority</b>	Comments received 13/02/2019 – see report
<b>Design Services</b>	Comments received 11/02/2019 – further detail required
<b>Environmental Services</b>	Comments received 24/05/2019 – no objections
<b>Economic Development Unit</b>	Supports application – see report
<b>Crime Prevention Design Advisor</b>	Comments received 01/02/2019 – see report
<b>Coal Authority</b>	Comments received 08/02/2019 no objection
<b>Yorkshire Water Services</b>	Comments received 15/02/2019 – concerns - see report
<b>Environment Agency</b>	Comments received 08/02/2019 – no objection
<b>Network Rail</b>	Comments received 31/01/2019 – no objection but comments on noise
<b>Derbyshire Wildlife Trust</b>	Comments received 14/02/2019 – see report
<b>Lead Local Flood Authority</b>	Comments received 12/02/2019 – further detail required

<b>Chesterfield Canal Trust</b>	Comments received 12/02/2019 – see report
<b>Trans Pennine Trail Partnership</b>	Comments received 12/02/2019 – see report
<b>DCC Countryside Service</b>	Comments received 14/02/2019 – see report
<b>Transition Town Chesterfield</b>	Comments received 01/03/2019 – see report
<b>Sustrans</b>	Comment received 19/03/2019 - see report
<b>Urban Design Officer</b>	Comments received 13/03/2019 and 27/03/2019 – see report
<b>Chesterfield Civic Society</b>	Comments received 04/03/2019 – see report
<b>Tree Officer</b>	No comments received
<b>Housing Services</b>	No comments received
<b>Leisure Services</b>	No comments received
<b>C/Field Cycle Campaign</b>	Comments received 18/01/2019, 02/02/2019 and 22/05/2019 - see report
<b>DCC Archaeologist</b>	No comments received
<b>Ward Members</b>	No comments received
<b>Site Notice / Neighbours</b>	1 letter of support 2 representations against received

## 2.0 **THE SITE**

- 2.1 The application site is a part of the wider Chesterfield Waterside Regeneration area of major change which is located between Brimington Road to the east, the A61 bypass to the west and which stretches from the Brewery Street roundabout close to the railway station to the south through to the DCC depot site to the north.
- 2.2 The River Rother bounds the east side of the site and is defined by a green corridor of semi-wooded land, with Brimington Road running parallel to the eastern boundary. The confluence between the river and canal with associated weir and canal lock gates is located at the north east corner of the site. The site is accessed from Brimington Road to the north of the housing phase already constructed on the Brimington Road frontage and which links the main part of the site over the former Arnold Laver bridge. The A61

is situated to the west and is screened by the presence of an earth bund along the majority of this boundary and which has been provided as part of the development preparatory works.

- 2.3 The overall Waterside site is largely vacant however a number of business remain on the west of Brimington Road at Peel House, the former Telephone Exchange on Holbeck Close and industrial buildings to west Brimington Road. The application site itself has been cleared of its former uses and buildings and comprises of a large level platform of rough undeveloped ground.



- 2.4 There is a riverside footpath along its east side which runs along the length of the site and which links to Brimington Road to the east just south of the housing phase already developed on the Brimington Road frontage and Canal Wharf to the west by using the A61 pedestrian footbridge which forms the southern extremity of the application site. The riverside route continues to the south of the application site through the Waterside area along the west of the river and which links to Holbeck Close and onwards to the Railway Station and town centre area. To the north the route connects to Lockoford Lane at Tapton Lock and which also doubles back up to Brimington Road at Tapton Hill Bridge. The route from Tapton Lock to Tapton Hill Bridge and then up to Brimington Road forms a part of the Trans Pennine Trail.

- 2.5 A survey of the site identifies 12 tree groups across the site comprising areas of self sown trees comprising of mainly willow and birch and woodland groups of large mature trees consisting of a mixture of species, including willow, birch, ash, oak, Alder and sycamore.
- 3.0 **RELEVANT SITE HISTORY**
- 3.1 CHE/08/00243/FUL – Construction of canal basin – Approved 10<sup>th</sup> June 2008.
- 3.2 CHE/09/00662/OUT – Outline for Mixed Use Regeneration scheme comprising residential (1560), retail (A1, A2, A3, A4, A5), Offices (B1), Doctors Surgery and Creche (D1), 2 hotels (C1), Health and Fitness (D2), Nursing Home (C2), ancillary creative uses including possible arts centre, canal link, open space and eco and linear parks, new public realm and car parking including a MSCP. – Approved with Conditions 9<sup>th</sup> March 2011 (Associated s106 legal agreement).
- 3.3 CHE/13/00464/REM – Approval of Reserved Matters for 19 dwellings, access, parking and landscaping - Approved with Conditions 8<sup>th</sup> November 2013.
- 3.4 CHE/13/00817/REM1 – Variation of Conditions of outline CHE/09/00662/OUT – 5 (phasing plan); 6 (A61 footbridge Improvement); 8 (public realm strategy); 27 (fish passage around weir); 37 (northern access to Brimington Road); 38 (Toucan crossing on Brimington Road). – Approved 26<sup>th</sup> February 2014.
- 3.5 CHE/13/00833/EIA – Screening request associated with variation of conditions 5, 6, 8, 27, 37 and 38 of outline CHE/09/00662/OUT – Determined 24<sup>th</sup> December 2013.
- 3.6 CHE/15/00119/FUL – New road bridge and access road off Brimington Road – Approved 1<sup>st</sup> July 2015.
- 3.7 CHE/15/00520/NMA – None Material Amendment to add condition to outline CHE/09/00662/OUT specifying approved plans and minor changes to conditions 5 (phasing plan), 34 (limit on other

accesses), 35 (Highways and access infrastructure staging plan), 38 (Toucan crossing on Brimington Road), 39 (timing for provision of Holbeck Close signalisation), 40 (multi user link to station from Brimington Road) and 45 (streets to base course level) – Approved 4<sup>th</sup> January 2016.

- 3.8 CHE/16/00183/REM1 – Variation of Conditions 3 (Tie to Design & Access Statement and masterplan), 10 (Code for Sustainable Homes), 11 (BREEAM very good), 12 (10% renewable energy), 13 (bird and bat opportunities), 14 (household recycling), 39 (timing for provision of Holbeck Close signalisation) and 47 (approved plans) of outline CHE/09/00662/OUT – Approved 12<sup>th</sup> May 2017.
- 3.9 CHE/16/00186/DOC – Discharge of conditions 4 (links to screening opinion and EIA), 10 (Code for Sustainable Homes), 11 (BREEAM very good), 12 (10% renewable energy), 13 (bird and bat opportunities), 14 (household recycling), 17 (split between comparison and convenience retail) and 21 (levels for Station Place area) of outline CHE/09/00662/OUT – Approved 15<sup>th</sup> December 2016.
- 3.10 CHE/16/00187/REM – Approval of Reserved Matters for layout, scale and access for Basin Square area (increasing storey heights) – Approved 16<sup>th</sup> December 2016.
- 3.11 CHE/16/00188/FUL – temporary surface car park and enabling earthworks to create development platforms in Basin Square area – Approved 14<sup>th</sup> June 2016.
- 3.12 CHE/16/00189/EIA – Screening Request for temporary car park and enabling works – Determined 1<sup>st</sup> April 2016.
- 3.13 CHE/16/00190/REM – Approval of Reserved Matters for Acoustic Bund and Enabling Earthworks – Approved 29<sup>th</sup> June 2016.
- 3.14 CHE/16/00191/DOC – Discharge of Conditions 4 (links to screening opinion and EIA), 10 (Code for Sustainable Homes), 11 (BREEAM very good), 12 (10% renewable energy), 13 (bird and bat opportunities), 14 (household recycling), 15 (ecological survey to Park and Island areas) and 21 (levels for Station Place area) of outline CHE/09/00662/OUT – Approved 15<sup>th</sup> June 2016.

- 3.15 CHE/16/00192/EIA – Screening Request for enabling development platforms – Determined 1<sup>st</sup> April 2016.
- 3.16 CHE/16/00404/DOC – Discharge of Conditions 5 (phasing plan for infrastructure across site), 8 (public realm strategy) and 9 (Ecological Management Strategy) of outline CHE/09/00662/OUT – Approved 9<sup>th</sup> August 2016.
- 3.17 CHE/16/00423/DOC – Discharge of Conditions 16 (building recording strategy) and 23 (contamination risks strategy) of outline CHE/09/00662/OUT – Approved 5<sup>th</sup> September 2016.
- 3.18 CHE/16/00475/EIA – Screening Request for dredging works to river – Determined 1<sup>st</sup> August 2016.
- 3.19 CHE/16/00528/DOC - Discharge of Conditions 3 (phasing programme for bund construction) of CHE/16/00190/REM – Approved 26<sup>th</sup> September 2016.
- 3.20 CHE/16/00529/FUL – Dredging River to make navigable with associated works – Approved 10<sup>th</sup> October 2016.
- 3.21 CHE/16/00531/DOC – Discharge of Condition 14 (phasing programme for bund construction) of CHE/16/00188/FUL – Approved 26<sup>th</sup> September 2016.
- 3.22 CHE/16/00762/DOC – Discharge of Condition 13 (barrier between site and Holbeck Close) of CHE/16/00188/FUL – Approved 1<sup>st</sup> February 2017.
- 3.23 CHE/17/00028/DOC – Temporary car park and enabling earthworks to create development platform and discharge of condition 9 (lighting strategy) of CHE/16/00188/FUL – Approved 27<sup>th</sup> June 2017.
- 3.24 CHE/17/00300/DOC – Discharge of Condition 12 (screen barrier between site and A61) of CHE/16/00188/FUL – Approved 20<sup>th</sup> June 2017.
- 3.25 CHE/17/00741/NMA – None Material Amendment of CHE/15/00119/FUL to change bridge from skew design to straight and alterations to retaining walls – Approved 31<sup>st</sup> October 2017.

- 3.26 CHE/17/00752/DOC – Discharge of Conditions 2 (bridge parapets), 3 (abutment modelling), 4 (Coal Mining Risk Assessment), 5 (soft landscaping), 10 (water vole and otter survey) and 12 (himalayan balsam) of CHE/15/00119/FUL – Approved 11<sup>th</sup> December 2017.
- 3.27 CHE/18/00083/REM1 – Variation of Conditions 3 (tie to Design & Access Statement and Masterplan), 5 (phasing plan), 8 (public realm strategy), 14 (archaeological recording and WSI), 18 (tie to FRA), 24 (Water Vole management strategy), 25 (fish passage around weir), 33 (highway and access staging plan) and 45 (approved plans) of CHE/16/00183/REM1 to omit canal arm – Approved 24<sup>th</sup> April 2018.
- 3.28 CHE/18/00599/FUL – New road bridge and access road off Brimington Road – Approved 25<sup>th</sup> October 2018.
- 3.29 CHE/18/00626/REM1 – Variation of Conditions 31 (highways improvements), 37 (junction improvements at Holbeck Close/Brimington Road), 39 (junction improvements at Brewery Street/Brimington Road), 41 (pedestrian crossing) and 45 (approved plans) of CHE/16/00183/REM1 – Approved 17<sup>th</sup> December 2018.
- 3.30 CHE/19/00069/DOC – Discharge of Condition 6 (A61 footbridge improvement) of CHE/18/00626/REM1 – Discharged 17<sup>th</sup> April 2019
- 3.31 CHE/19/00116/REM – Approval of Reserved Matters of CHE/18/00626/REM1 for office building in Basin Square area – Undetermined.
- 3.32 CHE/19/00166/COU – Change of Use of Engineering workshop (Multiplex site) to Place of Worship for IKON Church - Undetermined
- 3.33 CHE/19/00205/DOC – Discharge of Condition 5 (Ecology mitigation concerning bridge construction) of CHE/18/00599/FUL – Approved 17<sup>th</sup> May 2019

#### 4.0

### **THE PROPOSAL**

#### 4.1

Outline planning permission was granted in 2011 under code CHE/09/00662/OUT and which was amended under application CHE/18/00083/REM1 for the overall re-development of the Waterside area. The scheme proposed a Mixed Use Regeneration of the site comprising residential (1560), retail (A1, A2, A3, A4, A5), Offices (B1), Doctors Surgery and Creche (D1), 2 hotels (C1), Health and Fitness (D2), Nursing Home (C2), ancillary creative uses including possible arts centre, canal link, open space and eco and linear parks, new public realm and car parking including a MSCP.

#### 4.2

The current application site relates to a part of the wider redevelopment area and comprises what was referred to as the Park and Island character areas. The site comprises of two main sections: namely the plateau of land to the west of and between the river and the A61 and the area of land on the Brimington Road frontage. The scheme proposes a total of 173 dwellings. To the west of the river the scheme comprises of a mix of two and three storey terraced, semi detached and detached units with a mix of 2, 3 and 4 bedrooms. A block of 9 No apartments are also located towards the northern end of this part of the site. To the Brimington Road frontage the scheme proposes 3 storey apartment units in three blocks. There are 21 apartments comprising a mix of 1 and 2 bed units. Apartment block 3 includes undercroft parking.

#### 4.3

The scheme is accessed from Brimington Road via a new entrance and which links into the main part of the site over the new bridge which is currently under construction on site (CHE/18/00599/FUL). The adopted access road arrangement is generally of a T shape which runs mainly from the access point to the north and south with terminating cul de sac turning heads however a private mews drive arrangement runs along the west side of the site securing a link around the back of the site between the north and south ends of the site.

#### 4.4

Parking provision is generally provided on plot at the rate of 2 spaces per 2/3 bed dwelling and 3 spaces per 4 bed dwelling. 26 spaces are proposed for the 21 apartments.



- 4.5 A 3 metre wide riverside walkway/cycle route is proposed along the west side and through the landscaped area and which links into the existing path at the south east corner of the application site. The scheme initially showed a connection at the north east corner of the site linking to the river/canal peninsula and thereby linking to the Tran Pennine Trail at Tapton Hill Bridge however this link is not shown on the latest plan and is replaced by a note referring to a *future bridge link (by others)*. A formal link is shown from Brimington Road down to the existing river side path to the north of Apartment block 1 and which replaces a current desire line path.
- 4.6 The earth bund along the A61 boundary is shown to be landscaped and provided with a full length acoustic fence such that the overall height is 5 metres above the finished site levels.
- 4.7 There are a number of constraints that have been identified which impact on the proposals and to which the masterplan does not respond. These are;
- 1.2m diameter combined sewer pipes below ground, orientated north-south running the full length of the application site and with three off-shoots headed to the east in the south, north and middle of the application site;
  - 0.6m diameter surface water sewer pipes below ground in the southern part of the application site;
  - The existing warehouse to the south of the application site is a noise source. Whilst the masterplan shows redevelopment of this land, its current use is a constraint that has to be addressed at this point in time;
  - Design of the road bridge crossing of the River Rother;
  - Design proposals for the reconfiguration of the eastern side of the pedestrian bridge over the A61 are ongoing.
- 4.8 The application is supported by the following list of plans / documents:

Apartment Types

- Apartment Block 1 GF Plan - n1189 APT1\_02C
- Apartment Block 1 FF Plan - n1189 APT1\_02C
- Apartment Block 1 SF Plan - n1189 APT1\_02C
- Apartment Block 1 TF Plan - n1189 APT1\_04B
- Apartment Block 1 Front Elevation - n1189 APT1\_01C
- Apartment Block 1 Rear Elevation - n1189 APT1\_01C

- Apartment Block 1 side Elevation - n1189 APT1\_01C
- Apartment Block 1 block plan - n1189 APT1\_10B
- Apartment Block 2 Floor Plans - n1189 APT2\_01
- Apartment Block 2 Elevations 1 of 2 – n1189 APT2\_02
- Apartment Block 2 Elevations 2 of 2 – n1189 APT2\_04
- Apartment Block 2 block plan - n1189 APT2\_10
- Apartment Block 3 SF Plan - n1189 APT3\_02
- Apartment Block 3 FF Plan - n1189 APT3\_02
- Apartment Block 3 GF Plan - n1189 APT3\_02
- Apartment Block 3 Basement Plan - n1189 APT3\_02
- Apartment Block 3 Side elevations - n1189 APT3\_01
- Apartment Block 3 Rear elevation - n1189 APT3\_01
- Apartment Block 3 Front elevation - n1189 APT3\_01

### House Types

- Applebridge floor plans and elevations - n1189 AB\_03
- Beckbridge elevations version 1 – n1189 BB1\_01A
- Beckbridge floor plans version 1 – n1189 BB1\_02A
- Beckbridge elevations version 2 – n1189 BB2\_01B
- Beckbridge floor plans version 2 – n1189 BB2\_02B
- Beckbridge elevations version 3 – n1189 BB3\_01B
- Beckbridge floor plans version 3 – n1189 BB3\_02A
- Beckbridge floor plans and elevations version 3 – n1189 BB3\_03A
- Fenbridge elevations - n1189 FB\_01
- Fenbridge floor plans - n1189 FB\_02
- FOG elevations – n1189 FOG\_01A
- FOG floor plans – n1189 FOG\_02A
- Kewbridge floor plans and elevations – n1189 KB\_03A
- Kewbridge special floor plans and elevations – n1189 KBS\_03A
- Northbridge elevations – n1189 NB1\_01B
- Northbridge floor plans version 1 – n1189 NB1\_02A
- Northbridge special floor plans and elevations – n1189 NB1S\_03
- Northbridge floor plans and elevations version 2 – n1189 NB2\_03B
- Northbridge elevations version 3 – n1189 NB3\_01A
- Northbridge floor plans version 3 – n1189 NB3\_02
- Northbridge floor plans and elevations version 3 detached – n1189 NB3\_03A

- Seabridge floor plans and elevations version 1 – n1189 SB1\_03
- Seabridge floor plans and elevations version 2 – n1189 SB2\_03
- Ulbridge elevations version 1 – n1189 UB1\_01A
- Ulbridge floor plans version 1 – n1189 UB1\_02
- Ulbridge floor plans and elevations version 1 – n1189 UB1\_03A
- Vossbridge floor plans and elevations version 1 – n1189 VB1\_03C
- Vossbridge special floor plans and elevations version 1 – n1189 VB1S\_03B
- Vossbridge floor plans and elevations version 2 – n1189 VB2\_03B
- Westbridge elevations version 1 – n1189 WB1\_01A
- Westbridge floor plans version 1 – n1189 WB1\_02
- Westbridge special elevations version 1 – n1189 WB1S\_01A
- Westbridge elevations version 2 – n1189 WB2\_01A
- Westbridge floor plans version 2 – n1189 WB2\_02A
- Westbridge elevations version 2 – n1189 WB2\_04
- Westbridge floor plans version 2 – n1189 WB2\_05
- Westbridge special elevations version 2 – n1189 WB2S\_01
- Westbridge special floor plans version 2 – (plots 85, 111, 113, 114) – n1189 WB2S\_02

#### Site Layout

- Site Location Plan – n1189 001 rev C
- Presentation layout – n1189 004B
- Presentation layout (Constraints overlay) – n1189 004\_01A
- Presentation layout (Connectivity Plan) – n1189 004\_02
- Presentation layout – n1189 007P
- Indicative Site Sections – n1189 011A
- Topographic Survey 24<sup>th</sup> April 2017
- Materials Plan – n1189 106A
- Landscape Strategy Plan GL1051

#### Supporting Documents

- Design Compliance Statement (rev C) by Nineteen47 Ltd (required by condition 3);
- Visuals Pack – 8 viewpoints dated Dec 2018;

- Energy Statement dated Dec 2018 by FES Group (required by condition 11);
- Arboricultural Survey dated Sept 2018 by BWB;
- Arboricultural Impact Assessment dated Oct 2018 by BWB;
- BS5837 survey;
- Ecological Management Strategy dated Nov 2018 by BWB;
- Water Vole Mitigation Strategy dated Aug 2018 by BWB;
- Ecological Technical Note dated Jul 2018 by BWB;
- Noise Impact assessment by BWB;

## 5.0 **CONSIDERATIONS**

### **Planning Background / Principle of Development**

- 5.1 The site has a significant planning history relating to the wider Waterside Regeneration Area. The site the subject of this reserved matters application benefits from a live outline planning permission CHE/09/00662/OUT for residential development along with associated access, public open space, landscaping and surface water balancing and which was approved in 2011 subject to a number of planning conditions and a unilateral undertaking (s106 agreement) covering the provision of public art, cctv, affordable housing, an education contribution, employment and training scheme, management of green space and suds infrastructure and on and off site highways work.
- 5.2 The site is therefore accepted for redevelopment and the policy position confirms that the scheme is a priority for the Council. The following policies of the adopted Chesterfield Core Strategy: Local Plan (2013) apply:
- PS3 Chesterfield Waterside and the Potteries
  - CS7 Managing the Water Cycle
  - CS9 Green Infrastructure and Biodiversity
  - CS18 Design
  - CS19 Historic Environment
  - CS20 Influencing the Demand for Travel
- 5.3 It is also the case that the following Council Supplementary Planning Documents apply:
- Successful Places: A Guide to Sustainable Housing Layout and Design (2013)
  - Designing Out Crime (2007)

- 5.4 Due consideration is also required to be given to:
- National Planning Policy Framework (NPPF) – Core Planning Principles & Requiring Good Design.
  - National Planning Practice Guidance (NPPG) – Design (ID: 26).
  - A Building for Life 12 (BfL12) - The sign of a good place to live.
  - Waterside Design and Access Statement (Rev. A Jan 2010).
  - Waterside Public Realm Strategy (2016).
- 5.5 The development proposed is a reserved matters submission and which generally accords with the outline permission for the wider redevelopment and which also generally accords with local plan and national planning policy. The issue of the principle of the development now proposed on this part of the site is therefore accepted and which is not an issue for consideration as part of this application. Policy PS3 of the Core Strategy promotes the Waterside development as a way of contribution to jobs, restoring the canal and river to navigation with a new basin, achieving a mix of use, improved access to the site including the footpath and cycle network, a high quality environment and a scheme which manages flood risk. This particular submission is therefore all about the detail and compliance with the conditions of the outline and s106 legal agreement.
- 5.6 The Economic Development Unit (EDU) is supportive of this application. They refer to the scale of the proposal and that there will be significant employment, training and supply chain opportunities created during the construction phase of the scheme. The EDU recommend that a local labour / supply chain clause is negotiated and secured via either a s106 agreement or planning condition which would encourage local employment, training and supply chain opportunities during the construction and operational phases to promote the opportunities to local businesses and local people and for the operation of the development once construction is complete.
- 5.7 The existing s106 agreement includes clauses at 6.1 and 6.2 which require an Employment Training and Contracting Scheme and which are required to be satisfied by Avant Homes. Avant Homes have already held extensive discussions with EDU and have agreed to hold a “meet the buyer” event in order to encourage use

of a local labour force. This is linked to another Avant scheme at Woodthorpe, with the intention of running a joint event for the two schemes.

### **Design and Appearance Considerations**

#### **Chesterfield Civic Society**

5.8

The Civic Society have commented that they are mindful of current political and social pressure to build more homes and therefore they support in principle the provision of the scheme which is very welcome development of Chesterfield Waterside. The design is commendable for the generous swathes of open space to both sides of the site, including retained woodland along the riverside and new planting to the long mound screening the dual carriageway. Unfortunately, this seems to have resulted in the houses being pushed rather tightly together in the centre and perhaps this is driven by economic necessity. This is a potentially very attractive residential site but space for children to play seems lacking and while some living rooms on the perimeter have enviable views, there are others that seem to lack both prospect and privacy. We feel that the layout is regimented with little 'interest' and does not appear to achieve the council's goal for 'place-making'. The development is far too dense in terms of the built form set against open spaces. There is little permeability, i.e. views across the site and to or from open spaces etc. There is also a lack of identity within the development – no key features, such as gateway buildings, landmarks etc. It is also inward facing and this runs against current town planning principles which favour outward facing layouts. This could be achieved by a road circumnavigating the site. The layout seems to have no clear concept and we feel that it would be better to introduce zones for different house types and the overall housing mix, with soft landscaped buffers between. These could then be the glue which holds the whole development together.

The Civic Society comment that it is good to see pedestrian links to existing footpaths at both the northern and southern ends of the site. An attractive footpath alongside the wood is also shown, which appears to connect through to the south via a road footway. Perhaps this could be enhanced to provide a cycle and pedestrian route through the site to help integrate the scheme into its setting and the local community? We are concerned at what appear to be poor pedestrian links along the canal (which may have been

constrained by the extent of the land owned by the developers). Such links could infiltrate the development like fingers. There is no indication of any water features, which again could infiltrate. In places, the absence of a buffer zone between street and home is a concern and the scheme seems to be reverting to the mean terraces of the pit village with a few added parking spaces. Perhaps such a relaxation of normal planning standards might be justifiable on a city centre development where land is at a premium and demand high, but we are of the opinion that residents on sites such as this will expect something better.

In general, the Civic Society consider that the scheme looks like 'anywhere' housing. There is too much of the same, with repetition of house-types, fenestration etc. No immediate precedents have been taken into account to ensure that this scheme fits into Chesterfield or its location within the town. The 'Dutch' gabled terraces are alien in appearance and if they are to be used, they should surely be alongside the canal. This style may be reminiscent of canalside warehouses elsewhere but have no historical connection with Chesterfield. Here the canal company built a warehouse over the terminal basin, which was spanned by an attractive elliptical arch, as can be seen in the surviving example at Worksop. There is a sad lack of 'feature' buildings, which would provide an invaluable reference for finding one's way around. Overall, it might be suggested that accountants have had a greater input than architects!

We have reservations about one or two of the house types proposed. We appreciate that in the present climate houses may only be affordable if they have, by past standards, a minimal floor area. Nevertheless, it is regrettable that people should be presented with family homes of less than 660 square feet on 'pocket handkerchief' plots with nothing between the front wall and the street. We question the desirability of w.c.s opening directly off tiny kitchen work areas. Even with mechanical ventilation, this seems to be bordering on unacceptable. The use of single-aspect dwellings to overcome privacy problems is something we would discourage. The resultant closer spacing often results in overshadowing. The termination of a small garden in someone else's two-storey blank wall is oppressive and, if the garden is subsequently occupied by a family with children, some walls may acquire basketball hoops or goal posts to the misery of those living behind them. The Civic Society are concerned that widespread and

unnecessary use of valley gutters and monopitch roofs will create long-term maintenance problems. Local precedents are not ones that appeal either to the eye or the owner's repair budget. The same aesthetic and practical questions arise with regard to the rather basic block of flats on the Brimington Road frontage. The parts with pitched roofs seem to conceal a regrettably large area of flat roofing.

- 5.9 Having regard to the detailed design and appearance considerations of the proposed reserved matters details alongside the case officers own appraisal of the scheme the Council's Urban Design Officer (UDO) and the Crime Prevention Design Advisor (CPDA) were invited to review the submission.
- 5.10 Initially the Urban Design Officer undertook a thorough review of the reserved matters submission and offered the following feedback on the initially submitted scheme:
- 5.10.1 *Compliance with Outline Masterplan*  
The Waterside Design and Access Statement (Rev. A Jan 2010) was approved as part of the original outline planning permission and provided the design framework which underpins the design approach to all parts of the wider regeneration area. A statement of design compliance has been submitted (as required under Condition 03 of the outline), to demonstrate how the reserved matters accord with the Indicative Masterplan. The removal of the canal arm from Waterside (accepted under CHE/18/00083/REM1) effectively removed the Island Character Area from the wider scheme and the scheme is therefore considered to be appropriate in principle.
- 5.10.2 **Use**  
The Park and Island Character Areas were envisaged as areas of contemporary family housing within a parkland and riverside setting. As such the proposed residential scheme is consistent with this objective.
- 5.10.3 **Amount**  
The submission initially proposed a total of 177 residential units split between 30 - Flats (1 and 2 bed); 39 - 2-bed dwellings; 63 - 3-bed dwellings and 45 - 3+-bed dwellings;



## **Layout**

### **Site Gateway**

5.10.4

The site entrance is via the main road access from Brimington Road and across the proposed replacement bridge across the River Rother. Two sets of flats are proposed either side of the access road comprising Apartment Buildings 1 and 2. Building 1 is large scale building situated on the north side of the access road and which is 4-storeys on its east elevation and 5-storeys on its west facing elevation with parking partially within a lower ground floor area. However, its scale, disjointed roof form and appearance represented an incongruous and unappealing design at the gateway into the site. The tall rear elevation appeared stark and unsupported and would be particularly prominent from the bridge when leaving the site. The building was also detached from its riverside setting, being set back from the river corridor to the west and north. The site gateway was further undermined by the presence of broad areas of parking and hard surfaces on both sides of the street on approach to the bridge. It was suggested that consideration should be given to a design and layout that would split these apartments into two buildings that could better respond to the site context.

5.10.5

Building 2 is a smaller 3-storey building with a narrower plan, comprising 6-1bed flats. It has an unusual split roof design which is itself a somewhat incongruous feature. The relationship of the building and balconies are close to the existing neighbouring properties to the south and this building should be repositioned to increase separation and reduce overlooking of adjacent gardens. A more coherent design approach that better addresses the site gateway and achieves an improved relationship to the riverside frontages is recommended.

### **Connectivity**

5.10.6

The layout currently only provides a single point of access from Brimington Road. The Waterside Masterplan requires a connected form of development that incorporates links between the different parts of the regeneration area. The layout allows for a potential future road connection to be achieved to the north, in the event that the land to the north should come forward for development, although a mechanism should be secured to ensure this is capable of being achieved. A future connection to the south of the site and the remainder of the Waterside Regeneration corridor is less certain. A turning head off the 'Lower Square' area enters a large

private forecourt serving Plots 114-123. This incorporates a broad corridor sufficient to accommodate a future road of similar width to the main axis. However, this is currently obstructed by the continuation of the acoustic bund which is shown to return into the site in parallel with the pedestrian footbridge across the A61. The bridge is now shown to remain unchanged, whereas this was to be redesigned to afford access to the adjacent areas of Waterside.

- 5.10.7 Details of proposals to ensure the future connectivity with the remainder of Waterside should be provided to prevent The Park Character Area becoming a large isolated 'cul-de-sac' location. This is essential in respect of the sustainability of the site and the ability to connect to the remainder of Chesterfield Waterside and the town centre without reliance solely on Brimington Road.
- 5.10.8 In terms of pedestrian and cycle connectivity a riverside walkway is only partially provided (NE edge), whereas the south east green space has no walkway between Plots 128 and 147 resulting in a gap of approximately 120m and disconnected layout. Where a path is shown this is only 2m and is unable to accommodate cycles. A 3m wide shared pedestrian and cycle path should therefore be provided along the entire river corridor, connecting the Canal to the adjoining redevelopment area to the south of the footbridge. The existing ramp path on the east side of the river near Apartment Building 1 is not currently shown to remain. This ramp/path should be retained and enhanced to facilitate riverside access from Brimington Road.
- Internal permeability
- 5.10.9 Internally, the layout comprises a loop comprising a standard road design (5m carriageway) and a private mews street which connects at each end with the proposed public highway. Private roads can be problematic in respect of the servicing. Discussion with the Waste Services Team will be required.
- Relationship to River Corridor
- 5.10.10 Plots 1 & 12-17 are arranged to be outward facing and relate well to river corridor and proposed footpath link. Defensible edges with vertical boundary enclosures (not just planting) will be required to ensure a suitable relationship is secured between public and private spaces. Plot 28 appears to have no protected space between its flank wall and the adjacent POS. A reasonable front/side space and robust boundary treatment will be required to form a suitable defensible edge for this unit. Plots 135 -143

comprise a single aspect house type (Applebridge) and FOG units. These present their rear walls towards the river corridor and are an inward, rather than outward looking form of development. This creates a poor relationship towards the river corridor and is a potential source of nuisance for future occupiers in respect of the direct relationship between the rear walls and the adjacent wooded corridor. This arrangement was considered unacceptable and required reconsideration. In contrast Plots 124 -128 are arranged to be outward facing towards the river corridor and footpath link. However, these units cut across the site at an angle to create an awkward juxtaposition between the buildings resulting in a cramped and unacceptable relationship between the buildings.

#### Focal Spaces

- 5.10.11 A number of focal spaces are indicated and precedent images from York are provided to give an indication of the nature of these spaces and how they might appear within the scheme. These are appropriate and supported in principle although the detailed design for each location will be critical to the success of these locations to serve as meaningful points of interest within the development. Further details could be managed by condition, although some indication as to the design and components of these 'urban' squares is recommended. In detail, these spaces are relatively modest and where possible it is recommended that they are expanded across the adjacent road surfaces to further reinforce their presence and moderate traffic speeds. For example, the central space could be increased to narrow the carriageway and introduce a speed reduction feature.

#### Key plots and exposed side walls

- 5.10.12 A number of house types include variants with side aspects. A plan indicating the locations of plots with dual aspect designs would assist in identifying where corner turning house types are proposed, as this is not readily discernible from the details provided.

#### Parking Courts

- 5.10.13 A number of parking courts have no or only limited surveillance, lack hard and soft landscape design and the nature of boundary treatments is unclear. Lighting would also be required. In their current form these areas are likely to create poor quality environment and would not comply with the objectives of parking court design contained within the *Successful Places* (SPD).

#### Residential Amenity

- 5.10.14 The introduction of single aspect house types is a concern in respect of their limited outlook and absence of private amenity space, representing a poor standard of residential amenity. The relationship between these house types and their surroundings is problematic in a number of locations (see Plots 24-27, 135-143 and 124-128). It was recommended that these house types are omitted and the relevant locations redesigned. A number of garden sizes and separation distances are undersized and create some cramped relationships in a number of locations (e.g. Plots 5-12). It is acknowledged that some tighter relationships that might infringe normal minimum standards, might be accepted based upon the 'urban village' concept underpinning the development. However, in a number of locations the relationships appear particularly tight and would impact on amenity between units in terms of proximity, outlook and/or privacy. Frontages and street widths are relatively narrow, although streets generally achieve front to front separation of 12m. that the introduction of relatively narrow streets.

#### Bin Stores

- 5.10.15 Bin stores associated with the Plots 135 – 143 are potentially problematic locations and should be reconsidered, as part of the redesign of this part of the site.

#### Boundary treatments

- 5.10.16 Some plots are indicated with front boundaries and low gabion walls are shown on supporting imagery. These appear somewhat limited and a more consistent approach to boundary enclosures to achieve improved continuity to the streetscene is recommended. Side boundaries against public frontages should be robust and comprise robust walls that maintain privacy and contribute to the continuity of the streetscene. Timber fences to side walls should be avoided. A plan showing proposed front, side and rear boundary treatments across site, together with typical detailed elevations of each boundary type (scale 1:20) is recommended.

#### Scale and massing

- 5.10.17 The majority of buildings are two or three storeys in height which is within the height parameters set for these area within the outline planning permission. However, the flats located on the east side of the river are a split level buildings being four storeys on the front

(east elevation) and five storeys to the rear (west elevation facing the river). This includes a sub-level of parking. This height and scale is not consistent with the height parameters for this location and fall outside the limits of the outline permission. Three storey buildings at focal points is appropriate and supported in principle, subject to detailed appearance and finishes.

### **Landscaping**

- 5.10.18 Indicative landscaping is shown at this stage. Detailed proposals would need to be managed by condition. Trees in hard landscape will require appropriately designed tree pits. All hard and soft landscape details should be consistent with the Waterside Public Realm Strategy (2016).

### **Appearance**

- 5.10.19 Contemporary styling is proposed and incorporates asymmetrical roof designs, gables presented towards the street and a palette of brown, creams and cool grey tones brickwork. These represent a departure from the red brick materials generally associated with Chesterfield, although it is considered that the riverside setting of this location and the absence of a strong built context present an opportunity to undertake a more contemporary style and appearance without jarring or conflicting with their surroundings.

### **Key Buildings and Focal Points**

- 5.10.20 Building are placed to terminate view in some locations (Plots 86-87, 64, 98) although other locations are more weakly defined, particularly in some vistas along internal streets. Key building groups occupy focal point locations and around focal spaces to help reinforce their status, generally defined by the use of more distinctively coloured materials to the surrounding townscape. Embellishments to enhance the architectural status of key buildings is recommended to certain plots where these perform an important role within the townscape (see Plots 28-29 and 86-87).

### **House types**

- 5.10.21 The majority of house types are generally of plain appearance. Although some recessed panels and gable details are indicated on some house types, many appear very restrained and generally lack interest, embellishment or relief. The introduction of further subtle brick detailing to enrich the architecture is recommended. The use of projecting aluminium surrounds is indicated to some house types. Although these are useful devices to elevate the status of a

façade, they appear as somewhat inelegant fixtures and their robustness and longevity is unknown and. Further discussion of potential alternative approaches is recommended. Typical architectural details (scale 1:20) to explain the architectural details, showing typical elevation, sections to show depth of reveal (recessed panels and windows) and appearance of these features is recommended.

- 5.11 The Crime Prevention Design Advisor also commented that there are no comments regarding the general layout of the proposal which responds to context well in respect of community safety and crime preventative design. There is some detail which should be amended to improve aspects of this provision, which are set out below.

#### Boundaries.

- 5.11.1 At present there is no detail of any site boundaries excepting the indication of an acoustic fence to the A61 boundary. A comprehensive boundaries plan, with both position and detail is required, to include all external and inter-garden boundaries including the position of all garden gating and the enclosure of the land between the backs of plots 135-143 and woodland beyond. The exposed rear elevations for these plots are all untreated and abut woodland and an informal route across the river to the riverside path beyond. This presents a raised risk of graffiti, and nuisance which needs to be tackled by a suitable enclosure and partial rear house treatment.

#### House treatment

- 5.11.2 There are a number of key corner types where treatment does not provide any outlook. Specifically the Seabridge type is marked on the site plan as a dual elevation type, with a feature gable, but the windows within this feature correspond to WC and bathrooms, so no outlook is provided. These should be supplemented or the house type replaced at plots 1, 3, 6, 20, 39, 41, 60, 61, 64, 67, 69, 77, 93, 144 and 145. The Kewbridge is indicated as a dual aspect plot in some locations, but has no side windows. This should be added in to plots 21, 56, 106, 110 and 129. The Applebridge has no side treatment, to be added in to plots 24, 27, 124 (a key node facing on to the footpath convergence) and 134. The Fenbridge needs similar at plots 52 and 54. The Beckbridge requires the same at plots 23, 78 and 95. FOG plot 135 needs some side windows facing the footpath transition through the site between

plots. All of plots 135-143 have untreated rear elevations backing onto woodland. Some compromise on certain plots between front/rear outlook is needed here to provide some supervision over this open land.

#### Apartment blocks

- 5.11.3 The larger block has ground floor flats facing Brimington Road accessed through open grassed land. Does a formal path need adding here? The smaller apartment block has a stronger outlook to the south, which is quite tight up to existing property on Brimington Road, so no great view is gained here. I suggest handing the layout to provide a stronger outlook over the site entrance.

#### Lighting

- 5.11.4 In addition to any adopted scheme, which I assume would terminate prior to any communal parking areas, a lighting scheme for shared housing parking courts and apartments courts should be details, including the under-croft space for the larger apartment block, and foot access routes for both apartment blocks.

- 5.12 The UDO and CPDA's comments were fed back to the applicant / developer and a subsequent meeting took place whereby the issues highlighted and potential design solutions / responses were discussed. These discussions led to a package of revised drawings being submitted to address the concerns:

- 5.13 The proposed changes focus on four main areas: -
- Square/Waterside Edge to the North
  - Waterside area (south of the proposed road bridge)
  - Southern Parcel of development.
  - Apartments off Brimington Road

- 5.13.1 In order to ensure a good level of connectivity both within the site and also with its surroundings, a continual 3m wide cycle/footpath link is now provided through the complete riverside corridor. Whilst beyond the scope of this reserved matters application, the scheme facilitates connections to future phases of the wider site, both to the north and to the south, with the deliverability of such connections secured by way of a clause in the Transfer. This includes at para 6 of Schedule 2 of the Transfer a right reserved for the benefit of the Seller's retained land as follows:

*“subject to the prior written consent of the Transferee (not to be unreasonably withheld or delayed), a right to enter such unbuilt upon parts of the Property (excluding Plots) as are necessary by the Transfer or with or without such workmen and equipment and vehicles as are necessary to effect any works in connection with the fulfilment of any conditions or obligations relating to the Development and/or otherwise in connection with the Retained Land (all rights herein reserved being inclusive of the right to erect, maintain and use scaffolding on the unbuilt upon part of the Property (excluding Plots) as are necessary) the person exercising such rights causing as little damage and disturbance as possible and making good all damage as soon as reasonably practicable;”*

The Seller is under an obligation to comply with the planning permission and the s106 agreement.

#### Square/Waterside Edge to the North

- 5.13.2 The revised scheme introduces some apartments given that it is a premium location. The apartments will be designed in a similar style to the Westbridge with the gabled fronts giving a warehouse character. These apartments allow us to provide a frontage to both the Waterside and the proposed square and will help turn the corner as well. The result of this change is that we can also accommodate a larger ‘square’ making this a stronger feature also.

#### Waterside Area (south of the proposed road bridge)

- 5.13.3 The revised scheme provides a frontage of houses with gardens to the main street and a frontage of buildings which provide natural surveillance over a newly introduced footpath which runs along the rivers edge. It is proposed to introduce a wide ground floor window to the Applebridge elevation which will face the path and riverside. This will be located within the kitchen area and the position of the hob and the sink are switched so that the sink area benefits from the window and therefore creates opportunities for surveillance. An additional bathroom window and some brick detailing to the first floor will also be proposed. In addition, each of the Applebridge house types will have a 3m deep front garden/yard which will be set within a courtyard away from the noise constraints. The courtyard area includes some fogs and ensures there is a balance between parking, landscaping and the front yards/gardens to create an attractive space with plenty of activity.

#### Southern Parcel



- 5.13.4 This area has generally been loosened to improve the separation distances. Houses have been introduced to the waterside edge which have gabled fronts, again harking back to the warehouse style. An additional public realm feature has been introduced opposite the main triangular shaped space, with a small 'sister space' created - visible upon exiting the mews street. The three Applebridge house types in this area all have the front/side 3m amenity space.
- 5.13.5 Apartments off Brimington Road  
The proposed footprints for the apartments off Brimington Road highlight a change in emphasis with these apartments having a similar character/form to the apartments proposed at the waterside edge to the north of the site with gabled fronts. These apartments will be a maximum of 3 storeys and designed to break up the massing of the building.
- 5.14 It is considered that the changes which have been made have reduced the number of units from 177 to 173 and are positive to the scheme. They provide a more meaningful 'square' to the north, have resolved amenity issues close to the square to the north due to the introduction of the apartments, introduce a pedestrian/cycle link parallel to the waterside for its entirety along the western side and provide natural surveillance to the waterside south of the bridge through the introduction of a wide ground floor window to the Applebridge in the kitchen. Every Applebridge house type on the scheme now benefits from a 3m deep front garden/yard and the southern end to the scheme is now looser and separation distances are increased.
- 5.15 Changes to the waterside area south of the bridge will require the removal of a number of the self-seeded trees in order to open up the waterside edge. These trees are not protected and it is considered that this is acceptable on balance to successfully open up the waterside area. The applicant intends to develop a strong new landscaping scheme for the waterside area to clearly help to mitigate this impact and has submitted a Landscape Strategy Plan setting out the principles which include the incorporation of breaks along the wooded edge with seating and meadow grassland to create glade areas looking out over the water. This will enhance connectivity with the waterside in a controlled manner whilst retaining the green edge and it will enhance the leisure and recreational value of this edge.

- 5.16 It is clear that there are a number of constraints relating to this scheme in terms of drainage easements for example running down the main street and creating a gap (between plots 124 and 143) where ordinarily it would be appropriate to terminate the vista with a building but in this instance cannot be achieved. There are also known noise constraints in the south east corner requiring a continuous built edge. Where there are some tight relationships in the south east corner this is considered better than the alternative which would be a 3m high blank wall. The revised scheme addresses such concerns. Changes have also been introduced to the house types proposed on a number of plots throughout the site including the provision of windows to ensure passive surveillance on all aspects surrounding proposed dwellings, and the provision of private amenity space for all houses. A detailed plan for all boundary treatments will need to be required alongside the landscaping proposals and a lighting scheme which can be secured by way of condition.
- 5.17 The apartment block 3 at the site entrance required amendment in so far as the arrangement and orientation of windows since the submitted plans showed main living room windows on the elevation facing apartment block 1. Such windows would be inappropriate, given the limited separation between Block 1 and Block 3. This appears to be a drafting error which can simply be resolved by handing the floor plans such that the windows referred to are positioned on the outward facing corner elevation. This has been clarified and corrected in a revised plan.  
The rear elevation of apartment block 3 (facing west) sits above a basement car park beneath the building however no details of the arrangement including the below ground space or the design or appearance of any retaining structures and any railings are currently provided. These details can however be secured by condition on any approval.
- 5.18 The footpath/cycle path link shown on the latest plan should be shown to connect to the edge of the river (red line boundary) where originally shown. This should accommodate potential desire lines both into and out of the development to link the path shown along the river corridor with the riverside path and TPT to the east of the river/canal corridor. This can be secured by condition.

- 5.19 An electricity substation is now shown on the layout plan adjacent to Plot 136 and the pedestrian/cycle link however no details of the design or appearance of this structure are provided. A robust brick enclosure in materials to match the development is recommended and this can be secured by condition on any approval.
- 5.20 The frontage parking for Plots 66-67 and associated visitor parking is shown to dominate this frontage and would benefit from the omission of the visitor spaces, which are situated very close to the adjacent dwelling on plot 68. The remaining bays for Plots 66-67 should be split into two pairs of spaces with tree planting between to echo the proposed parking arrangement on the south side of the street directly opposite (for Plots 118-124). This would achieve a consistent treatment and appearance to both side of this street and is a detail which can be secured by condition on any approval.
- 5.21 The scheme as amended shows the incorporation of textured brickwork panels and verge details for some house types, although the precise nature of these details is not currently provided. Details of these features should be required by condition. Furthermore where meter boxes are present on prominent front or side elevations, these should be colour coded to match the brickwork of the host building to reduce their visual prominence and this could be managed by condition.
- 5.22 Knee rails are proposed to provide separation between public and private areas along the river corridor. These are low and provide little defensible benefit and lack robustness and a taller say 1.2m high post and rail fence or metal railing is recommended to ensure a means of enclosure which discourages casual access into private space or access to windows overlooking the footpath/cycle link.
- 5.23 The Landscape Strategy Plan indicates the presence of gabion boundary walls to the plots along the main street and units immediately west of the bridge. These will be necessary to achieve a positive edge treatment to the street and a sense of continuity and identity to the main route. It is recommended that gabions are filled with local stone (Coal Measures Sandstone) and be of a height, width and stone content to be appropriate. Such details need to be reserved by condition on any approval.

- 5.24 The package of revisions received are appropriate and address the majority of points which have been made on the design and appearance of the scheme subject to a number of other minor issues which can be secured by condition on any approval. On this basis the scheme is considered to reflect the requirement of policy CS2 and CS18 of the Core Strategy, the wider NPPF and the intentions of the adopted Successful Places SPD. Overall having regard to the amendments presented it is considered that the applicant / developer has sought to address where possible the comments of consultees and the changes made are welcomed as positive improvements to the design and appearance of the overall scheme. It is considered that the scheme presents an appropriate design response that has due regard to the site constraints and opportunities which have been appropriately treated in the proposed site layout to ensure a good standard of design overall is achieved.

### **Highways Matters**

- 5.25 The scheme proposes a simple hierarchy of streets which aids legibility and helps to inform the character of the scheme. The 'Main Street' running north south through the site is aligned to the route of the existing underground sewer pipes. This is an interpretation of the 'Primary Vehicle Route' defined in the 2009 Design and Access Statement (DAS). A 'Mews Street' runs parallel to Main Street and forms a loop that has been requested by officers during the consultation process. This is an interpretation of the 'Mews/Homezone' street typology defined in the 2009 DAS. Other street typologies defined in the 2009 DAS (pages 62-63) such as the 'Shared Surface Promenade' are no longer considered appropriate, given the removal of the proposed canal arm from the latest version of the masterplan. The street types plan presented in the 2009 DAS defines a basic structure which is identifiable in the detailed scheme, with a strong and direct higher order street defining the structure of the scheme. The Urban Design Framework presented in the 2009 DAS sets out a basic structure to which the detailed proposals positively respond. The sole means of vehicular access is from Brimington Road via the new bridge under construction in line with the original masterplan intentions. The scheme and the legal contract between Chesterfield Waterside and Avant Homes allow for extension of the highway to serve the land to the north and south of the proposals in due course as further phases are considered. Temporary construction

access arrangements from the north via the link alongside Arnold Clark from the Tesco roundabout have also been agreed with DCC.

- 5.26 The Highway Authority response confirms that the access proposals have already been established as part of the outline approval. The outline permitted an interim junction arrangement (referred to in the approved condition as stage 2A, as identified on drawing number 3P6240/SK202/B), before the permanent junction being constructed, prior to occupation of the 100th dwelling. Given the nature of development now proposed the applicant may find it beneficial and certainly less disruptive for future residents to undertake the permanent junction arrangements (referred to in the approved condition as stage 2B) from the outset. The applicant has confirmed that the proposals will be delivered in line with the requirements of the outline planning permission.
- 5.27 The Highway Authority also made a number of detailed comments concerning the usability of some of the parking spaces shown and requesting swept path analysis to demonstrate adequate turning space is available. Comments are also made about some spaces obstructing visibility splays at junctions. These matter has been resolved in the latest revised plans.
- 5.28 The approved bridge structure has an overall plan width of 8.9m however the bridge structure indicated on the 'Presentation Layout' drawing appears to be somewhat narrower. Measurement from the plan confirms that the bridge as drawn is just short of 9 metres width.
- 5.29 The Highway Authority comment that it is presumed that the private mews will be a private, shared surface street and will presumably be managed through a management company. The applicant intends to construct the private mews to a standard which can accommodate bin lorries (11.6 metres long x 32 ton max) and confirms that if the Council collection service is not agreed then collections will be by private service as part of the management company. The use of the private mews will be beneficial since it avoids the need for any reversing of vehicles. The Councils waste collection service has been consulted on whether they would be prepared to enter the private area for waste collection purposes and their response will be report at the planning committee meeting.

- 5.30 The Highway Authority comment that the application proposals suggest new footpath links and footbridges will be provided, to connect to existing public rights of way at the north and south of the site. However, it is noted such connections could well fall outside the application site boundary. These links need to be for pedestrian and cycle use, although it is uncertain how they can be secured or delivered as part of the development.
- 5.31 The Chesterfield Waterside development secured a number of highway mitigation improvements to the surrounding highway network, in order to offset the transport impact of development. These identified the broad form of mitigation and trigger points for implementation of such works and was governed by proposals within certain 'character' areas within the development. Conditions also required details of a highway and access infrastructure staging plan highlighting the phasing of highway infrastructure to support the specific 'character' areas. This reserved matters submission is bound by the terms set out in the signed s106 agreement. Conditions of previous consents have also included requirements, for example, to provide details of improvements to the footbridge over the A61, improvement of pedestrian / cycle routes through the site and details of a Toucan crossing point on Brimington Road with pedestrian / cycle directional signage etc. The applicants intention is to comply with and satisfy the requirements of the s106 and conditions referred to.
- 5.32 As a result of receiving the comments of the Highway Authority revised plans were submitted and which have been considered by the Highway Authority. The following conditions are recommended.
1. *Prior to any works exceeding demolition or site clearance taking place within any phase covered by this application, space shall be provided for storage of plant and construction materials, site accommodation, loading, unloading and manoeuvring of goods vehicles, parking and manoeuvring of employees and visitors vehicles, laid out and constructed in accordance with detailed designs first submitted to and approved in writing by the Local Planning Authority. Once implemented the facilities shall be retained free from any impediment to their designated use throughout the construction period.*

2. *Throughout the construction period vehicle wheel cleaning facilities shall be provided and retained within the site for use at appropriate times, in order to prevent the deposition of mud or other extraneous material on the public highway.*
3. *The carriageways of the proposed estate roads within the respective phases shall be constructed up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access from that road. Subsequently, the carriageways and footways shall be laid out and constructed up to and including binder course level to ensure that each dwelling, prior to occupation, has a properly consolidated and surfaced carriageway and footway for residents to use, between the dwelling and the existing highway. Until final surfacing is completed, the footway binder course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or abutting the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surface course within twelve months (or three months in the case of a shared surface road) from the occupation of such dwelling, unless otherwise agreed in writing by the Local Planning Authority.*
4. *No dwelling shall be occupied until space has been laid out within the respective plot for the parking of residents and visitors vehicles. The parking areas shall thereafter remain free from any impediment to their designated use for the life of the development.*

5.33 The developer is also to pursue a S38 agreement for the highways layout under the provisions of associated conditions of the outline planning permission. The recommended conditions set out by the Highway Authority above can be imposed on the reserved matters consent in the interests of highway safety.

#### Chesterfield Canal Trust

5.34 Generally the Chesterfield Canal Trust is in favour of this development as it will certainly improve the area leading into the new basin. However we feel the developers have missed a real opportunity by not re-aligning the Trans Pennine Trail through the site. This would not only be much safer for cyclists than its current

route along Brimington Road but would continue a major green infrastructure route into the town and station, encouraging sustainable travel. As with other sections of the canal the TPT through the site could double up as a towpath for the navigable section of the River Rother. The current footpath on the riverbank opposite is certainly not suitable for use as a towpath due to its width and tendency to flood. They note there are two new pedestrian bridges planned within this development and would like to know who will be responsible for both the construction and maintenance of these structures. Also if these new bridges cross the navigable section of the river then sufficient height needs to be allowed for navigation including taking into account when the river is in flood. We are pleased to see a brown field site being used for a new housing development rather than green belt land. We realise this is an outline application and appreciate further details will be included in the full application but would like to add the following observations: There is no mention of any affordable housing being included within the development. There is also a requirement for charging points for electric cars in the Local Plan. There is no mention of these in the application. There are concerns over the single access onto the site although we appreciate there may be links to other areas of the layout of this scheme.

- 5.35 In response the Canal Trust misunderstands that the application is an outline. It is a reserved matters submission following the granting of the outline in 2011. The key principles for the site's redevelopment were all established at the outline stage, and have been adhered to in the reserved matters now being determined. Due to viability evidence previously presented, considered and agreed the provision of affordable housing as part of this component of the Waterside scheme could not be provided. The committee will be aware that the adjacent first phase of housing on the site delivered 100% affordable housing.
- It is also the case that a connection to the walking and cycling route to the east of the river/canal is beyond the control of Avant Homes and is a matter which is to be secured by Chesterfield Waterside. This is a comment which has been made by numerous consultees and is dealt with in more detail below.
- Realignment of the Trans Pennine Trail and the provision of new/additional pedestrian and cycle links beyond the wider site are beyond the remit of Avant Homes to deliver, but the layout has been designed to facilitate connectivity as other parcels of the Waterside site are brought forward and which will be explored by



Waterside and their preferred partners through future development of the Waterside scheme. The outline permission requires consideration of wider pedestrian / cycle routes as part of each phase (Condition 05). Additionally, Condition 42 requires a designated cycleway to be provided for as part of wider highway infrastructure works, which will ensure these issues are addressed at the appropriate stages.

With particular regard to electric vehicle charging points, there is no requirement for these within the existing outline permission and therefore there is no mechanism by which to secure this request through a reserved matters submission.

### Trans Pennine Trail Partnership

5.36

The Trans Pennine Trail Partnership object to the proposed development on the grounds that the Trans Pennine Trail is not incorporated within any of the plans. The Trans Pennine Trail Partnership has not been in any prior discussions either with the developer or Chesterfield Council regarding this application and this is considered to be a missed opportunity to engage key stakeholders at all prior stages of the Waterside development. There is no provision at all for sustainable transport schemes throughout the development or providing key links to the Trans Pennine Trail. The use of footbridge only access / egress into the development cannot be upheld on the grounds of accessibility. Page 13 of the Waterside Design Statement indicates a 'shared surface promenade' is no longer considered appropriate. The Trans Pennine Trail objects to this statement. The location of the canal and the Trans Pennine Trail provides a unique opportunity to provide such a facility that can easily be access from the site and provide a circular route for residents of all abilities to enjoy. The development is a prime location to create a traffic free route that also avoids Brimington Road.

The drawings indicate a new bridge to join both housing development sites to provide access to the Brimington Road. It should be noted that this bridge will impact on the Trans Pennine Trail. Therefore, any construction work should incorporate any required closures with suitable diversions in place for walkers and cyclists of all abilities. The bridge itself should not be stepped in structure but should be ramped to provide easy access for residents of all abilities and sustainable transport options.

Page 14 of the Waterside Design Statement notes pedestrian connectivity via the footbridge over the A61 which is unacceptable

on accessibility grounds. Any bridge should be DDA compliant to ensure access for residents of all abilities can use (including those with wheelchairs / scooters and pushchairs) and also walkers and cyclists using the Trans Pennine Trail who may wish to use this route. Avant homes should deter from designing residential schemes with footbridges as this immediately discriminates against those who cannot use steps.

The footbridge connection in the north eastern corner is also unacceptable for the same reasons determined above. It is understood Derbyshire County Council will not support this idea but should suitable location be determined Avant homes are asked to provide a design that does not include stepped access but provides full access for walkers and cyclists of all abilities. For example, a green bridge could be incorporated. The document highlights the fact that this location will provide a pocket of open space with a view of the crooked spire of Chesterfield Parish Church, adding further weight to the fact that this area should be fully accessible. The future maintenance of all bridge structures should be determined by Chesterfield Borough Council and the Developer as it is understood Derbyshire will not provide such maintenance. All associated paths should be upgraded to at least cycleway but the Trans Pennine Trail would prefer bridleway status to ensure a route is determined without discrimination to any potential future use by users of the TPT.

It is also noted that there is no sustainable transport link to the railway station or indeed Chesterfield town centre. This should be addressed to ensure sustainable transport is recognised and to enable Chesterfield Town Centre to benefit from visitor spend from users of the Trans Pennine Trail.

Section 106 monies as a result of the development should be allocated to upgrading the Trans Pennine Trail to ensure this strategic sustainable transport route provides access for walkers and cyclists of all abilities.

The Trans Pennine Trail partnership strongly recommends that Chesterfield Borough Council and the developer engage in a full stakeholder meeting to ensure suitable plans can be accommodated.

5.37

In response it is agreed that the development scheme should fully integrate with and connect to the public footpath and cycle routes around the site and this is a requirement of the existing permission and strategy for development of the wider site. The opportunity to run the TPT through the site to Holbeck Close and onwards to the

Railway Station is desirable as an alternative to the existing route along Brimington Road however this is not a requirement of the existing permission for the site. Furthermore Avant Homes can only provide a route within the limits of their red line application site and this is being proposed as a 3 metre wide surfaced route along the riverside edge within the scheme. The layout has been designed to facilitate connectivity as other parcels of the Waterside site are brought forward and which will be explored by Chesterfield Waterside and their preferred partners through future development of the Waterside scheme. The outline permission requires consideration of wider pedestrian / cycle routes as part of each phase (Condition 05). Additionally, Condition 42 requires a designated cycleway to be provided for as part of wider highway infrastructure works, which will ensure these issues are addressed at the appropriate stages. A connection to the walking and cycling route to the east of the river/canal is beyond the control of Avant Homes and is a matter which is to be secured by Chesterfield Waterside. There is a need to require Avant to reinstate the path to the waters edge at the north east end of the site so that a connection can be provided. This issue is dealt with in more detail below.

The new bridge to Brimington Road is already being constructed on site with the support of DCC as Highway Authority. This is not part of the Avant scheme but will provide access for the development to be undertaken on the west of the river. Similarly the A61 footbridge to the south of the site is outside the control of Avant Homes.

The objector refers to the bridge access to the north east of the site suggesting that it is not acceptable and should be designed such that it does not include stepped access but provides full access for walkers and cyclists of all abilities. Whilst it is accepted that the ability to develop the solution shown on the plan rests between Chesterfield Waterside and DCC, what is shown on the plan is a level connection from the site through to the TPT at Tapton Hill Bridge with no steps. The alternative involving a bridge over the navigable part of the watercourse, as illustrated in the Waterside Masterplan, will inevitably involve steps and is certainly a less preferred option.

The developer and Chesterfield Waterside intends to implement the scheme in line with the existing signed s106 agreement.

Sustrans

- 5.38 Comments have been received which state that no cycling infrastructure is provided and which goes against the local plan core strategy. Very disappointing.
- 5.39 The revised plan provides a 3 metre wide footpath/cycle route running along the riverside separate to the public highway area and that this will connect into the wider areas as and when developments come forward to the north and south. This aligns with the existing planning permission and s106 agreement which reflects the requirements of the Core Strategy.

#### Transition Chesterfield

- 5.40 Object to the application. The Waterside development represents an opportunity to make a high quality new development with attractive public space that attracts and encourages more people to walk and cycle in the area. This is particularly important given the proximity to the town centre and the strategic walking and cycle network, including the popular Cuckoo Way and Trans Pennine Trail (TPT). However, despite concerns about walking and cycling access throughout the Waterside development being raised numerous times, the current application seems to ignore those concerns. The application does not provide good walking and cycling access either within or through the site, and is the standard car-dependent housing development. It represents a significant lost opportunity that would benefit future residents of the site as well as the general community and the lack of priority given to active travel will only add to congestion and air pollution in and around the area. All of this runs contrary to the policies in the Council's Local Plan and Core Strategy, including CS18 and CS20.
- There needs to be a high quality cycle route from the TPT to the north of the site, through the Waterside site to the railway station, which is clearly identified on the Chesterfield Strategic Cycle Network. Currently the cycle route along Brimington Road is on-road, busy (and will get even busier with this development) and inadequately designed. Transition Chesterfield and Chesterfield Cycle Campaign have already objected to plans to run the cycle route along here through a loading bay. Although there is an existing footpath along the east side of the river opposite the proposed housing development, there is insufficient space to upgrade to a shared use path for walking and cycling. It is therefore essential to provide a cycle path on the west side of the river to give a traffic free route throughout the whole Waterside

development, including the housing site, for residents and anyone wanting to access the TPT.

The 2018 Masterplan for Waterside shows a bridge from the development directly to the TPT in a section where there is sufficient space for a shared walking/cycling path. It is not clear why this more sensible plan has been abandoned but we would recommend that the designers revisit this original proposal which would be presumably cheaper than three separate bridges, and provide a better, more direct route for walkers and cyclists. Reference is made to Transition Chesterfield and Chesterfield Cycle Campaign submitting a complaint in 2017 to the council about walking and cycling access to the new leisure centre. Part of this complaint was due to the council failing to abide by its own planning policies on walking and cycling. The matter was referred to the Local Government Ombudsman who referred it back to the council. Since then there have been some helpful resolution to some of the aspects of the original complaint including a useful training workshop for planning, development control and highway officers from CBC and DCC which was held in February 2019. However we remain concerned that important planning policies on walking and cycling continue to be treated as apparently optional by developers and the council. The developer should have been advised in pre-planning meetings of the need to prioritise walking and cycling within the site and to link into the existing strategic walking and cycling network. Clearly the developer has chosen to ignore that advice, or the council officers have failed to give sufficient emphasis to these policies. Either way, if the officer report for either of these developments recommends approval we intend to take our complaint back to the Ombudsman.

- 5.41 In response to the revised plans it is noted the developer has provided a 3m shared cycle/walking route within the site however there are still no connections to the TPT and beyond the site. Chesterfield's Local Plan policy CS18 states that developments should: 'provide appropriate connections both on and off site, including footpath and cycle links to adjoining areas to integrate the development with its surroundings' & 'provide safe, convenient and attractive environment for pedestrians and cyclists'. While policy CS20 states that developments should demonstrate: 'Prioritisation of pedestrian and cycle access to and within the site' & 'Protection of, or improvements to the strategic pedestrian and cycle network'.

Clearly the Local Plan requires developers to consider connections beyond the immediate area of the site and it is important that these connections are provided at the outset to ensure maximum modal shift and reduce the need to travel by car. We maintain our objection.

Given the close working relationship with Chesterfield Waterside we think the council should be more proactive and convene a meeting between the objecting parties, DCC and Bolsterstone Group to discuss proper walking and cycling connectivity is provided for this key development.

5.42 In response a number of the comments which have been made have also been made by other consultees and it is appropriate therefore to consider the response given to the Trans Pennine Trail representation.

Transition Chesterfield suggest that opportunities to provide good walking and cycling opportunities through the site are being ignored by officers. This was part of the basis of their complaint against the Council to the Local Government Ombudsman. It is however the case, as always, that such issues are not ignored by officers. Such issues are fully explored with developers hopefully at pre application stage and where possible opportunities are included into a scheme and thereby taken into account as part of the planning balance. This process of negotiation and consideration informs any recommendation and it is inappropriate to refer to this as ignoring such opportunities. It is also inappropriate to threaten the Council by suggesting that their complaint to the LGO will be reactivated if the officer report recommends approval.

Reference is made to the 2018 Masterplan for Waterside showing a bridge from the development directly to the TPT in a section where there is sufficient space for a shared walking/cycling path. Reference is made to why this more sensible plan has been abandoned but Transition Chesterfield recommend that it is revisited on the basis that it would be presumably cheaper than three separate bridges, and provide a better, more direct route for walkers and cyclists. It is the case that the bridge position shown on the masterplan links directly from the development site to the footpath route along the east of the river. This is not the TPT at this point (Cuckoo Way) and would actually be a more limiting option which would be considerably more expensive than the preferred option which is shown on the submitted plan. The span would be more significant but more importantly such a bridge position would

have to include stepped access to maintain the navigable opportunities along the river/canal. The alternative shown on the drawing would be a level route and would link direct to the TPT.

### Chesterfield Cycle Campaign

- 5.43 With the news that the first planning application has been submitted for the 'Park' area of Waterside can you assure the Cycle Campaign that good cycling infrastructure will be included? In particular the master plan included a bridge at the north end from the housing area to the Trans Pennine Trail and a connection at the southern end to eventually allow cycling towards the basin, business area and railway station. It is imperative that good cycling and walking links are in place by the time dwellings are occupied. We can only hope that the development lives up to Avant Homes statement "This is a fantastic opportunity for Avant Homes to demonstrate our good, better and different approach to urban regeneration."
- The bridge (shown as a 'footbridge' at the north eastern end of the development, will that be cycling and walking?
  - Will the developer build the bridge and create the path to the Trans Pennine Trail (it is outside the site boundary).
  - The path shown running alongside the river/canal within the development, will this be a cycle route as well (shared path) and if so built to what standard/dimensions?
  - The riverside path appears to finish at the replacement Lavers bridge, why does it not carry on to the southern boundary of the site?
  - The apartments shown between Brimington Road and the Lavers bridge could easily have access down to the canalside Trans Pennine Trail (there is an existing path). This would be a desirable addition.
  - I return to a question the Campaign has been asking for quite some time - who is going to pay for and build the upgrading of the existing canal side path to form a traffic free extension for cyclists using the Trans Pennine Trail to get to the railway station? This development needs that in place before houses are occupied so that residents have an alternative to using a car.
- 5.44 As with the response to similar comments raised above, many of the issues raised by the Cycle Campaign relate to the wider site

rather than to matters within Avant Homes' control. The layout facilitates future connections, which have been improved in the amended layout and in line with suggestions and comments which have been made. The issue of connections to the wider network is referred to in more detail below.

### Derbyshire Countryside Service

5.45

Derbyshire County Council's Countryside Service recognises the importance of the specific design principles of the outline which stated:

Connections:

*To promote pedestrian and cycle connections with the town centre and adjacent neighbourhoods by enhancing, extending and linking existing routes such as canal towpaths.*

Innovations & Sustainability:

*Enhancement and refurbishment of existing footpaths and towpaths where necessary.*

The Design and Compliance Statement does not satisfactorily demonstrate how the proposals accord with the previously approved Indicative Masterplan and Design and Access Statements 2010. The original Masterplan makes numerous references to the significance of the Trans Pennine Trail (TPT) and Canal Towpath as a shared use route and the opportunities presented to embrace it within the development to deliver the above principles. The proposals of this development makes no reference. It is noted that the current application identifies that the proposals take in two character areas that are defined in the 2010 Design and Access Statement, (The Park and The Island). The Park character area in the original masterplan made reference to a refurbished towpath, (page 111) a shared surface promenade, (page 111) and continuation of the TPT, (page 71) which together form a viable proposition for making off road cycle connectivity from the canal corridor through the development to the station and town centre beyond. In the absence of further information to demonstrate how the TPT and towpath will be upgraded and continued in The Park area, comment is directed at this application's proposals and specifically the absence of cycling infrastructure and connectivity.

The Design Compliance Statement completely neglects cycling infrastructure. Considering the proximity of the TPT and Canal Towpath and the strategic significance of the Waterside corridor to connect major cycle routes to and through the town centre, it would



appear that the development is not in keeping with the local authority's 2005 planning brief as referenced in the Local Plan. A principal objective of Waterside is to, *Improve access to the site by car and more sustainable modes of transport, and enhance the footpath and cycleway network through the corridor. Page 94, Chesterfield Local Plan: Core strategy 2011 - 2031*

Neither does the development contribute to the local authority's core strategy CS20 Influencing the Demand for Travel.

*The Council will expect developments to demonstrate:*

*a. Prioritisation of pedestrian and cycle access to and within the site*

*b. Protection of, or improvements to the strategic pedestrian and cycle network*

In context of Waterside, The Local Plan also states that:

*Planning permission will only be granted for development that contributes towards improving access to the site including enhancing the footpath and cycle network.*

The absence of cycling infrastructure in the development area could also have severe implications for sustainable transport connectivity across the district and beyond which could undermine other regeneration initiatives. For example, the Staveley Regeneration Corridor which identifies the TPT and Canal Towpath as a major conduit for sustainable travel. Without the connections that Waterside's Masterplan promised, many regeneration initiatives will remain severed. It is fundamental that the development aligns with the principles of the Derbyshire Cycling Plan and its commitment to improving infrastructure by providing high quality connected routes, in all cycling environments, supporting all forms of cycling that create and support economic growth. The resultant Derbyshire Key Cycle Network identifies the strategic importance of a connecting route through the numerous Waterside development areas and should be acknowledged by the proposed development.

The justification for the removal of the shared surface promenade is not appropriate. In the original Masterplan the shared surface route was used as a central connecting route through the residential areas. The "Shared Spine Route" as it was called ran from Brimington Road to the far north of the Waterside development area. The current proposals to remove the Shared Spine Route contradicts key design principles and the Local Plan. They also remove any possible cycle connectivity to future residential developments and The Park character area located to the north as proposed in the Masterplan.

To be aligned to the key principles of the Waterside Masterplan and the Local Plan the proposals should identify an appropriate alignment within the development area that forms part of a route within the wider Waterside development for a shared use cycleway to link to Chesterfield Station and the wider cycle network. Any route should be built to DCC standard cycle network specification. Innovative design that incorporates adequate lighting and minimal maintenance costs should be adopted.

DCC as Countryside Service object to the proposals outside of the development area to install bridges and connecting footpaths on its land. The peninsula between the River Rother and Chesterfield Canal is land utilised by the Service to undertake essential maintenance obligations relating to the control of water and flood prevention along the canal. Any formal public access in this area would place severe constraints on this work and therefore cannot be permitted. The Countryside Service, alongside the Trans Pennine Trail Office are happy to engage with the developer and stakeholders to discuss more appropriate connections for pedestrian and cycle connections on the east or west of the River Rother in order to ensure appropriate connectivity through the Waterside development.

The updated 2018 Waterside Masterplan indicates two bridges, one existing and one new which connect the applications development area to the TPT. These connections are more suitable than the proposed connection to the Rother / Canal peninsula and should make provision for cycle connections at 3m minimum width and be constructed at sufficient height to facilitate unobstructed passage of boats beneath. Through Section 106 or CIL the developer should make provision for such connections at no cost to DCC and make provision for maintenance also. Section 106 or CIL monies should also be used to upgrade the Trans Pennine Trail to DCC standard cycleway network specification where physically possible from these connections to the start of the Canal towpath at St. Helena's bridge.

Overall the development appears to ignore its waterside setting and makes no provision to engage residents, and those travelling through the site with the unique character that the Waterside Masterplan offered. This is very disappointing.

- 5.46 The representation suggests that to be aligned to the key principles of the Waterside Masterplan and the Local Plan the proposals should identify an appropriate alignment within the development area that forms part of a route within the wider Waterside

development for a shared use cycleway to link to Chesterfield Station and the wider cycle network. The scheme delivers such a route alongside the west boundary of the river which will be a traffic free 3 metre wide pedestrian and cycle route. This will need to be connected to the north and south as further development phases come forwards. There is a clear need to ensure Avant deliver a connection to the rivers edge at the north east corner of the site as shown on their initial drawings and this can be required by condition. There appears to be some confusion with respect to the revisions to the overall Waterside Masterplan, together with the role of this reserved matters application which is essentially a first phase to unlock the wider site. There is a limited extent to which Avant Homes are able to address these matters in full however officers have taken the matter up directly with Chesterfield Waterside.

- 5.47 It is the case that the bridge position shown on the 2018 masterplan links directly from the development site to the footpath route along the east of the river. This is not the TPT at this point (Cuckoo Way) and would actually be a more limiting option which than what is considered to be the preferred option which is shown on the submitted plan. The span for the Masterplan bridge option would be more significant but more importantly such a bridge position would have to include stepped access to maintain the navigable opportunities along the river/canal. The alternative shown on the drawing would be a level route and would link direct to the TPT.
- 5.48 The outline permission requires consideration of wider pedestrian / cycle routes as part of each phase (Condition 05). Additionally, Condition 42 requires a designated cycleway to be provided for as part of wider highway infrastructure works. The main issue in this case is the delivery of a bridge link from the site over to the east of the canal/river. It is accepted that this is beyond the control of the applicant and it is also clear that DCC Countryside Service currently object to use of the peninsula based on their required use of this area for the regular desilting of the section of canal between the river and Tapton Mill bridge. The area of canal immediately off the river and up to the Tapton Mill bridge lock gates regularly silts up and DCC pump the silt into large storage containers placed on the peninsula and where they are allowed to free drain before the dried silt is deposited on the peninsula area. In such circumstances the route of the proposed footpath/cycle route across the peninsula

would be required to be closed for health and safety reasons. Because the silt is handled only once it is understood that there is an exemption from requiring a licence however a licence would be required in the event that the silt is removed off site. The Waterside scheme evolved to utilise the river as a navigable route from the canal to the basin following removal of what was to be a canal arm around the Island character area within the scheme. The intention is to dredge the river and dry the sludge on the Waterside site however a long term plan post development to maintain the river suitable for navigation will rely on the need for a license for removal of the silt off from site. Chesterfield Waterside are currently in discussion with DCC to consider a mechanism to allow the desilting of the canal section under licence thereby allowing removal from site and avoiding the use of the peninsula or that Chesterfield Waterside undertake to desilt the canal section at the same regular interval as their planned desilting of the river link between the canal and the basin area. Both options would then allow the use of the peninsula as the most appropriate cycle/pedestrian connection between the site and the wider network. If agreement cannot be reached an alternative favoured option would be to link the site over the river, canal and canal side footpath directly onto the Trans Pennine Trail. Because the TPT is at a higher level opposite the peninsula then no steps would be needed and the peninsula could be used for support.

- 5.49 Chesterfield Waterside has confirmed in writing that they are happy to agree to work with Chesterfield Borough Council to agree the delivery of an appropriate connection within a 3 year timescale. It is anticipated that the bridge will not be adopted, and that future maintenance would be part of the Waterside Management Company arrangements. The agreement between Chesterfield Waterside with Avant provides for each of the households to pay an annual rent charge of £250, to be used for estate maintenance.
- 5.50 This cannot be made a conditional requirement of the permission given that the applicant does not have control of such delivery since DCC own the land needed. It is considered that a 3 year timescale is reasonable given that Avant will take approximately a year to prepare the site prior to construction of any houses. They would then build somewhere between 40 and 50 units a year giving a five year overall build programme. Three years would mean approximately half the dwellings would have been constructed and potentially occupied and this is considered to be a reasonable time

to expect a connection over the river / canal. It is considered that this is the best that we will be able to achieve in the circumstances however it will be vital that the Council and Waterside are able to work together to finalise an agreement with DCC in this regard.

### **Technical Considerations**

- 5.51 The reserved matters application has been reviewed by a number of consultees (listed in section 1.0 above) having regard to matters concerning flood risk, drainage, noise, ecology protection / enhancement, land condition and contamination and these matters and the details thereof are either already dealt with under the various discharge of conditions applications (see planning history above) or will be dealt with through forthcoming details under the provisions of the conditions included in this report. Whilst some of the consultees have made comments in respect of this application reference the matters they have raised are referred to below.

### **Design Services**

- 5.52 Comment that the application is a reserved matters application and that no detail has been included for flood risk and site drainage, therefore we have no comments at this stage. These issues will require addressing prior to full approval. The site is close to the River Rother with potential risk of flooding and we would also require details of the proposed site drainage.

### **Yorkshire Water Services**

- 5.53 Commented that the submitted drawing appeared to show building proposed to be built-over and trees planted over the line of public sewers crossing the site. A re-submitted drawing should show the site-surveyed position of the public sewers crossing the site together with required building stand-off or an agreed alternative scheme such as diversion of the sewers.
- 5.54 The applicant accepts that there were potential clashes with existing sewers and this has now been addressed through amendments to the layout. A version of the layout showing the route and easements for all existing sewers has been submitted. The applicant also comments that any planting on the layout plan is indicative with detailed landscaping not submitted as part of the current application for approval of reserved matters. An initial

Landscape Strategy Plan has been submitted to provide some certainty to the local planning authority, taking full account of all site constraints, with detailed landscape design to follow in due course. This would be dealt with by condition on any approval.

Environment Agency

- 5.55 Confirm they are satisfied with the submitted topographical survey and have no further comments. Furthermore the submitted water vole management strategy is acceptable. As stated in condition 26 of the outline planning permission the agreed compensatory habitat creation and public access controls must be implemented on site prior to works which cause water vole displacement.

Lead Local Flood Authority

- 5.56 The LLFA comment that they are unable to provide an informed comment until the applicant has provided further information. They comment that the proposed site layout shown on page 2 of the 'Chesterfield Waterside Design Compliance Statement' is different from that submitted to the LLFA as part of an early engagement consultation and it is unclear where the required attenuation storage is to be accommodated within the current proposed site layout.
- 5.57 The proposed layout adheres to the principles agreed at the pre-application stage, and a detailed drainage design will be issued in due course, involving the use of oversized pipes and storage tanks within the site.

Coal Authority

- 5.58 On the basis that none of the conditions relate to coal mining legacy, and that there are no coal mining features within the site to dictate any development layout, The Coal Authority has confirmed no objections to the application.

Network Rail

- 5.59 Network Rail has confirmed no objection in principle to the development, but has raised issues concerning noise and soundproofing and access to the railway.  
Noise/Soundproofing:

The Developer should be aware that any development for residential use adjacent to an operational railway may result in neighbour issues arising. Consequently every endeavour should be made by the developer to provide adequate soundproofing for each dwelling. In a worst case scenario there could be trains running 24 hours a day and the soundproofing should take this into account.

**Access to Railway:**

All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development. There are railway access points on Brimington Road which are in use on a 24/7 basis for inspection, maintenance and emergency services. This should remain clear and unobstructed at all times both during and after works at the site.

- 5.60 A detailed Noise Assessment has been undertaken and used to inform both the layout and any mitigation required to address potential impacts from various noise sources. This refers to baseline noise measurements in line with current WHO standards and guidance and confirms that a satisfactory environment will be created in respect of both internal and external noise levels, and provision of the required mitigation can be secured by condition. The specific mitigation measures proposed include provision of an acoustic fence on top of the existing bund along the western boundary, to address noise arising from the A61 Rother Way. As set out in paragraph 4.12 of the noise report, the fence shall extend to a height of at least 5m, have a minimum mass of 15kg/m<sup>2</sup>, and form a solid boundary.
- In respect of noise from the industrial unit to the south east, the assessment was undertaken on the basis of an earlier iteration of the layout which had been designed specifically to mitigate against the impacts of this noise source, through the siting of single-aspect dwellings to form a barrier to noise penetrating further into the site. The assessment concludes that this approach provides a good form of screening, but emphasises the need for this area to form a continuous barrier. These principles have been retained and developed further through the layout now submitted, as discussed further above.
- 5.61 The following condition is recommended in mitigation of noise issues.

*Prior to occupation, a scheme of sound insulation shall be submitted to and agreed in writing with Derbyshire County Council to ensure that the following levels are not exceeded:*

- *Daytime (07:00 – 23:00hrs) LAeq, 16hr 35 dB in bedrooms and living rooms;*
- *Daytime (07:00 – 23:00hrs) LAeq, 16hr 55 dB in gardens;*
- *Night-time (23:00 – 07:00hrs) LAeq, 8hr 30 dB in bedrooms;*
- *Night-time (23:00 – 07:00hrs) LAFmax levels to not regularly exceed 45 dB in bedrooms.*

#### Environmental Health Officer

- 5.62 The EHO has considered the application, with particular reference to the noise assessment and agrees with the findings and the suggested mitigation.

#### Energy and Carbon Reduction

- 5.63 The submitted Energy and Carbon Reduction report by FES Group reviews the proposed energy and carbon reduction strategy advanced by Avant Homes Central within the context of local and national planning policy. The report considers and evaluates the measures incorporated into the design of the development to reduce the predicted CO<sub>2</sub> consumption of the site equal to a 10% improvement over and above the building regulation requirements in line with condition 11.
- Avant Homes Central propose a series of fabric and building service enhancements that exceeds the minimum requirements of Part L1A 2013. By placing a significant emphasis on the performance of the fabric of each property, reductions in energy and carbon will be achieved.
- 5.64 Avant Homes Central have adopted a set of constructive thermal bridging details which are to be implemented on the site. These reduce thermal bridging throughout junctions and penetrations through the building fabric, typically producing a dwelling Y-value of between 0.03 and 0.06, (equal approximately a 60% improvement over the Governments ACD details). This is to be achieved by



- Efficient independent heating systems with a programmer, room
- thermostats and thermostatic radiator valves. These will allow the eventual occupants to exercise control over their heating system and thus reduce energy consumption.
- Energy efficient lamps will be installed in each light fitting.
- Water consumption is now included in the calculation of a property's energy consumption. Thus each property will adhere to the requirements of Approved Document Part G 2015 of 125 litres per person per day.

A total CO<sub>2</sub> reduction after fabric first improvements have been applied and which reduces CO<sub>2</sub> on the site by **9,383.33 Kg/year**.

To satisfy the requirements of achieving a 10% site wide carbon reduction, Avant Homes Central propose the incorporation of PV panels to a proportion of the development. Suitably sized PV array panels will be provided across the site capable of generating at least **18,444.80 kg/year**. This is converted into kWh/year as follows:

- $18,444.80 / 0.519 = 35,539.11 \text{ kWh/year}$ .

- 5.65 It is concluded that the preferred energy strategy of the applicant adheres to the principles and aspirations of sustainable design and construction as advanced by national and local government and the house building industry and which satisfies the requirements of condition 11 of the outline permission.

#### Derbyshire Wildlife Trust

- 5.66 The Presentation Layout for this phase of the development, including The Island character area and part of The Park character area, includes the key green corridors, buffer to the River Rother and river crossing points. As such, we have no comments relating to ecology.

*Condition 12. Any reserved matters application of relevance for the development of each Character Area a detailed plan indicating details and positions of roosting and nesting opportunities for birds and bats as part of the development of that Character Area shall be submitted to the Local Planning Authority for consideration.*

*Only those details or any amendments to those details that receive the written approval of the Local Planning Authority shall be implemented on site prior to the occupation of the building.*

The document 'Waterside, Chesterfield - Ecological Management Strategy (BWB, November 2018)' provides details of bat and bird

boxes and locations for the character area dealt with in this application.

DWT comment that Figure 4 should be amended to include two extra swift boxes, as per the text in Figure 1. DWT advise that they are installed in the gable ends of three dwellings in close proximity to each other, rather than three dwellings scattered across the site, as swifts tend to nest in colonies. We also advise that two tree-mounted bat boxes should also be added to Figure 4 (location can be indicative to be informed by Ecological clerk of Works on site).

*Condition 13. The consent as granted does not extend to the proposed layout of The Park Character Area where it shares a boundary with the proposed Eco Park. Reserved matters applications for The Park or The Island character areas shall include a detailed ecological survey and habitat and species mitigation strategy, which shall include details of an agreed buffer zone to be submitted to the Local Planning Authority for consideration. Only those details approved by the Local Planning Authority shall be implemented unless otherwise agreed in writing.* The documents 'Waterside, Chesterfield - Ecological Management Strategy and separate document 'Waterside, Chesterfield – Water Vole Mitigation Strategy provide details of species survey and mitigation measures.

DWT advise that the Nesting Bird section should provide more specific advice regarding kingfishers to ensure contractors and the SQE differentiate between vegetation clearance and bankside alterations. It should be updated to specify that any works to the river banks should be undertaken outside the breeding bird season and if this is not possible, then a bank inspection will be carried out by the SQE specifically to look for kingfisher nest tunnels. This will particularly be relevant in the areas of new or existing river crossings, which should be identified in the text. The Ecological Management Strategy doesn't specifically address the buffer zone between The Island and The Park character areas and the Eco Park. This is only relevant in one corner of the site at the boundary of the Eco Park. To fully discharge the condition, a section should be added to the document detailing the width of the buffer in this area and planting information. The Method Statement for Construction section in the Water Vole Mitigation Strategy should make clear that such measures are only required where bankside works are necessary, such as to new and existing river crossings. Strimming a 5m width along the river bank will also displace other wildlife, such as birds and mammals, and should only be

undertaken where necessary. A nesting bird check should also proceed the strimming to avoid killing and injuring waterfowl.

- 5.67 The applicant will need to satisfy the requirements of these conditions prior to the development proceeding however compliance with these conditions stands alone and the submitted BWB documents can be amended to cover the suggestions made by the Wildlife Trust in relation to the nesting bird and water vole sections. The additional swift and bat boxes can be referred to in a condition on the reserved matters application.

## 6.0 **REPRESENTATIONS**

- 6.1 The application has been publicised by site notice and by advertisement in the local press on 31/01/2019.

- 6.2 As a result of the applications publicity there have been representations received from three local residents as follows:

### **Dan Sellers**

17/01/2019 – Supports the redevelopment of the site and likes the appearance of the proposed buildings.

### **Mr K Hearn**

15/04/2019 – Visual concerns - Avant Homes installed signage for new housing yet the application is undecided and therefore presumptuous.

### **Mr M G Brook**

27/03/2019 -

1. There is insufficient information and plans of the ingress/egress on to Brimington road (B6543).
2. No indication of any improvements to the road, pavement, parking restrictions, speed restriction facilities.
3. Access and egress on to Holbrook Close.
4. The site will introduce a further 354 cars (at least) on to an already overused road that facilitates Tapton Innovation centre, Tapton Business park, 5 car parks not including town centre car parks, Courthouse, Chesterfield Technical college and access to the Chesterfield Bypass.
5. The 5 car parks can hold at least 1000 cars collectively.
6. The B6543 is used as an alternative to the congested by pass during rush hours.

7. The B6543 is used by heavy traffic servicing Tapton Business Park
8. Heavy construction traffic to the building site.
9. Environmental air pollution
10. The road already suffers indiscriminate parking particularly at bollard restrictions. Buses regularly sound there horns in annoyance at the parkers.
11. There are regular buses from 9 services.
12. I support the DCC traffic departments comments but would like further information regarding alternatives, traffic management and speed restrictions.

## 7.0 **HUMAN RIGHTS ACT 1998**

- 7.1 Under the Human Rights Act 1998, which came into force on 2<sup>nd</sup> October 2000, an authority must be in a position to show:
  - Its action is in accordance with clearly established law
  - The objective is sufficiently important to justify the action taken
  - The decisions taken are objective and not irrational or arbitrary
  - The methods used are no more than are necessary to accomplish the legitimate objective
  - The interference impairs as little as possible the right or freedom
- 7.2 It is considered that the recommendation is objective and in accordance with clearly established law.
- 7.3 The recommended conditions are considered to be no more than necessary to control details of the development in the interests of amenity and public safety and which interfere as little as possible with the rights of the applicant.
- 7.4 Whilst, in the opinion of the objectors, the development raises issues of concern, 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 National Planning Policy Framework (NPPF).

8.2 Given that the proposed development accords with the development plan and does not conflict with the NPPF, 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. The applicant has taken advantage of pre application submission conversations.

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

## 9.0 **CONCLUSION**

9.1 The proposals are considered to be appropriately designed having regard to the character of the surrounding area and which are considered to be generally in line with the outline planning permission, the masterplan and the aspirations for the site. The proposal would not have an unacceptable detrimental impact on the amenities of local residents or highway safety. It is accepted that ongoing conversations need to take place between the Council, Chesterfield Waterside and DCC to ensure a connected solution to the TPT is secured and provided and all parties have indicated a willingness to establish a solution which can be implemented. As such, the proposal accords with the requirements of policies CS2, CS10, CS18 and CS20 of the Core Strategy and the wider National Planning Policy Framework.

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

## 10.0 **RECOMMENDATION**

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

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

Apartment Types

- Apartment Block 1 GF Plan - n1189 APT1\_02C
- Apartment Block 1 FF Plan - n1189 APT1\_02C
- Apartment Block 1 SF Plan - n1189 APT1\_02C
- Apartment Block 1 TF Plan - n1189 APT1\_04B
- Apartment Block 1 Front Elevation - n1189 APT1\_01C
- Apartment Block 1 Rear Elevation - n1189 APT1\_01C
- Apartment Block 1 side Elevation - n1189 APT1\_01C
- Apartment Block 1 block plan - n1189 APT1\_10B
- Apartment Block 2 Floor Plans - n1189 APT2\_01
- Apartment Block 2 Elevations 1 of 2 – n1189 APT2\_02
- Apartment Block 2 Elevations 2 of 2 – n1189 APT2\_04
- Apartment Block 2 block plan - n1189 APT2\_10
- Apartment Block 3 SF Plan - n1189 APT3\_02
- Apartment Block 3 FF Plan - n1189 APT3\_02
- Apartment Block 3 GF Plan - n1189 APT3\_02
- Apartment Block 3 Basement Plan - n1189 APT3\_02
- Apartment Block 3 Side elevations - n1189 APT3\_01
- Apartment Block 3 Rear elevation - n1189 APT3\_01
- Apartment Block 3 Front elevation - n1189 APT3\_01

House Types

- Applebridge floor plans and elevations - n1189 AB\_03
- Beckbridge elevations version 1 – n1189 BB1\_01A
- Beckbridge floor plans version 1 – n1189 BB1\_02A
- Beckbridge elevations version 2 – n1189 BB2\_01B
- Beckbridge floor plans version 2 – n1189 BB2\_02B
- Beckbridge elevations version 3 – n1189 BB3\_01B
- Beckbridge floor plans version 3 – n1189 BB3\_02A
- Beckbridge floor plans and elevations version 3 – n1189 BB3\_03A
- Fenbridge elevations - n1189 FB\_01
- Fenbridge floor plans - n1189 FB\_02
- FOG elevations – n1189 FOG\_01A
- FOG floor plans – n1189 FOG\_02A
- Kewbridge floor plans and elevations – n1189 KB\_03A

- Kewbridge special floor plans and elevations – n1189 KBS\_03A
- Northbridge elevations – n1189 NB1\_01B
- Northbridge floor plans version 1 – n1189 NB1\_02A
- Northbridge special floor plans and elevations – n1189 NB1S\_03
- Northbridge floor plans and elevations version 2 – n1189 NB2\_03B
- Northbridge elevations version 3 – n1189 NB3\_01A
- Northbridge floor plans version 3 – n1189 NB3\_02
- Northbridge floor plans and elevations version 3 detached – n1189 NB3\_03A
- Seabridge floor plans and elevations version 1 – n1189 SB1\_03
- Seabridge floor plans and elevations version 2 – n1189 SB2\_03
- Ulbridge elevations version 1 – n1189 UB1\_01A
- Ulbridge floor plans version 1 – n1189 UB1\_02
- Ulbridge floor plans and elevations version 1 – n1189 UB1\_03A
- Vossbridge floor plans and elevations version 1 – n1189 VB1\_03C
- Vossbridge special floor plans and elevations version 1 – n1189 VB1S\_03B
- Vossbridge floor plans and elevations version 2 – n1189 VB2\_03B
- Westbridge elevations version 1 – n1189 WB1\_01A
- Westbridge floor plans version 1 – n1189 WB1\_02
- Westbridge special elevations version 1 – n1189 WB1S\_01A
- Westbridge elevations version 2 – n1189 WB2\_01A
- Westbridge floor plans version 2 – n1189 WB2\_02A
- Westbridge elevations version 2 – n1189 WB2\_04
- Westbridge floor plans version 2 – n1189 WB2\_05
- Westbridge special elevations version 2 – n1189 WB2S\_01
- Westbridge special floor plans version 2 – (plots 85, 111, 113, 114) – n1189 WB2S\_02

#### Site Layout

- Site Location Plan – n1189 001 rev C
- Presentation layout – n1189 004B
- Presentation layout (Constraints overlay) – n1189 004\_01A
- Presentation layout (Connectivity Plan) – n1189 004\_02

- Presentation layout – n1189 007P
- Indicative Site Sections – n1189 011A
- Topographic Survey 24<sup>th</sup> April 2017
- Materials Plan – n1189 106A
- Landscape Strategy Plan GL1051

Supporting Documents

- Design Compliance Statement (rev C) by Nineteen47 Ltd (required by condition 3);
- Visuals Pack – 8 viewpoints dated Dec 2018;
- Energy Statement dated Dec 2018 by FES Group (required by condition 11);
- Arboricultural Survey dated Sept 2018 by BWB;
- Arboricultural Impact Assessment dated Oct 2018 by BWB;
- BS5837 survey;
- Ecological Management Strategy dated Nov 2018 by BWB;
- Water Vole Mitigation Strategy dated Aug 2018 by BWB;
- Ecological Technical Note dated Jul 2018 by BWB;
- Noise Impact assessment by BWB;

*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.*

02. 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.

*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.*

03. Prior to any works taking place a Construction Management Plan shall be submitted showing space to be provided for storage of plant and construction materials, site accommodation, loading, unloading and manoeuvring of



goods vehicles, parking and manoeuvring of employees and visitors vehicles, laid out and constructed in accordance with detailed designs first submitted to and approved in writing by the Local Planning Authority. Once implemented the facilities shall be retained free from any impediment to their designated use throughout the construction period.

*Reason – In the interests of highway safety.*

04. Throughout the construction period vehicle wheel cleaning facilities shall be provided and retained within the site for use at appropriate times, in order to prevent the deposition of mud or other extraneous material on the public highway.

*Reason – In the interests of highway safety.*

05. The carriageways of the proposed estate roads shall be constructed up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access from that road. Subsequently, the carriageways and footways shall be laid out and constructed up to and including binder course level to ensure that each dwelling, prior to occupation, has a properly consolidated and surfaced carriageway and footway for residents to use, between the dwelling and the existing highway. Until final surfacing is completed, the footway binder course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or abutting the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surface course within twelve months (or three months in the case of a shared surface road) from the occupation of such dwelling, unless otherwise agreed in writing by the Local Planning Authority.

*Reason – In the interests of highway safety.*

06. No dwelling shall be occupied until space has been laid out within the respective plot for the parking of residents and visitors vehicles. The parking spaces shall thereafter remain free from any impediment to its designated use for the life of the development.

*Reason – In the interests of highway safety.*

07. No development shall take place until details of the proposed means of disposal of surface water drainage, including details of any balancing works and off -site works, have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, 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;
  - 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 100 year storm event, to allow for climate change; and
  - d) details of either the proposed diversion of the public sewer which crosses the site and its easement protection which accords with the requirements of Yorkshire Water Services, or confirmation of a build over agreement approved with Yorkshire Water Services.
- Furthermore, unless otherwise approved in writing by the Local Planning Authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works.

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

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

Specific issues to be dealt with in the TPP include:

- a) Location and installation of services/ utilities/ drainage.
- b) Details of construction within the RPA or that may impact on the retained trees.

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

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

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

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

- 10. No development above any floor-slab/D.P.C level shall take place until details of two additional swift boxes to be attached to houses on the scheme and bat boxes to be included in the landscape scheme have been submitted to and approved in writing by the Local Planning Authority. The agreed details, or any approved amendments to those details, shall be carried out prior to occupation of the dwelling to which they

relate and as part of the agreed landscaping programme and shall be retained thereafter.

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

11. 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.

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

12. 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.

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

13. If, within a period of five years from the date of the planting of any tree or plant, that tree or plant, or any tree or plant

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

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

14. No development above any floor-slab/D.P.C level shall take place until details of the proposed boundary treatments have been submitted to and approved in writing by the Local Planning Authority. These details shall include the fill material for gabion baskets and the increase in knee rail fencing to 1.2 metres height. The agreed details, or any approved amendments to those details, shall be carried out prior to occupation of the dwelling to which they relate and shall be retained 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.*

15. Prior to the construction of the El Sb Station, full details of the external appearance and materials of construction shall be submitted to the local planning authority for consideration. The El Sub Station shall only be constructed in accordance with the details which have been agreed in writing by the Local Planning Authority.

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

16. Prior to the implementation of a lighting scheme for the site, full details of the lighting scheme shall be submitted to the local planning authority for consideration. The lighting scheme shall only be constructed in accordance with the details which have been agreed in writing by the Local Planning Authority and which shall be retained as such 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.*

17. The meter boxes on the dwellings and apartments hereby approved shall be colour co-ordinated to blend with the external materials of the respective dwellings and apartments.

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

18. Prior to the construction of the Applebridge house type, details of brick detailing to the rear elevation shall be submitted to the local planning authority for consideration. The Applebridge house type shall only be constructed in accordance with the details which have been agreed in writing by the Local Planning Authority.

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

19. Full details of the proposed textured brickwork and verges on various house types shall be submitted to the local planning authority for consideration. The agreed details shall be carried out in accordance with the details which have been agreed in writing by the Local Planning Authority.

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

20. This consent shall not relate to the parking spaces shown for plots 66 and 67. A revised plan shall be submitted showing deletion of the 2 visitor spaces and splitting the remaining 4 spaces into two pairs with tree planting between to reflect the opposite side of the street. The parking shall be carried out in accordance with the details which have been agreed in writing by the Local Planning Authority and which shall be

available for use concurrent with first occupation of plots 66 or 67 and which shall be retained as such 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.*

21. Prior to occupation of dwellings on the site, a scheme of sound insulation shall have been submitted to and agreed in writing with the Local Planning Authority to ensure that the following levels are not exceeded:
- Daytime (07:00 – 23:00hrs) LAeq, 16hr 35 dB in bedrooms and living rooms;
  - Daytime (07:00 – 23:00hrs) LAeq, 16hr 55 dB in gardens;
  - Night-time (23:00 – 07:00hrs) LAeq, 8hr 30 dB in bedrooms;
  - Night-time (23:00 – 07:00hrs) LAFmax levels to not regularly exceed 45 dB in bedrooms.

*Reason - The condition is imposed in the interests of the amenity of residents of the site.*

22. Prior to the implementation of the acoustic fence along the bund, full details shall be submitted to the local planning authority for consideration. The acoustic fence shall only be constructed in accordance with the details which have been agreed in writing by the Local Planning Authority and which shall be retained as such thereafter.

*Reason - The condition is imposed in order to enhance the appearance of the development and in the interests of the amenity of residents of the site.*

23. Full details of a 3 metre wide pedestrian/cycle path connection to the red line boundary north east corner of the site shall be submitted to the local planning authority for consideration. The agreed details shall be carried out in accordance with the details which have been agreed in writing by the Local Planning Authority and shall be available for use within 3 years of the date upon which construction works started on the site.

*Reason - The condition is imposed in order to ensure a connection can be made to connections to be provided by Chesterfield Waterside and the footpath and cycle network to the east of the river and canal environment.*

### Notes

01. If work is carried out other than in complete accordance with the approved plans, the whole development may be rendered unauthorised, as it will not have the benefit of the original planning permission. Any proposed amendments to that which is approved will require the submission of a further application.
02. This approval contains condition/s which make requirements prior to development commencing. Failure to comply with such conditions will render the development unauthorised in its entirety, liable to enforcement action and will require the submission of a further application for planning permission in full.
03. This permission is granted further to an earlier grant of outline planning permission (CHE/09/00662/OUT as amended by CHE/18/00083/REM1) to which any developer should also refer.
04. Pursuant to Section 38 and the Advance Payments Code of the Highways Act 1980, the proposed new estate roads should be laid out and constructed to adoptable standards and financially secured. Advice regarding the technical, financial, legal and administrative processes involved in achieving adoption of new residential roads may be obtained from the Strategic Director Economy, Transport and Environment at County Hall, Matlock (telephone: 01629 580000 and ask for the Development Control Implementation Officer - North).
05. Pursuant to Sections 149 and 151 of the Highways Act 1980, steps shall be taken to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps



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

06. Pursuant to Section 163 of the Highways Act 1980, where the site curtilage slopes down towards the public highway, measures shall be taken to ensure that surface water run-off from within the site is not permitted to discharge across the footway margin. This usually takes the form of a dish channel or gully laid across the access immediately behind the back edge of the highway, discharging to a drain or soakaway within the site.
07. Pursuant to Sections 219/220 of the Highways Act 1980, relating to the Advance Payments Code, where development takes place fronting new estate streets the Highway Authority is obliged to serve notice on the developer, under the provisions of the Act, to financially secure the cost of bringing up the estate streets up to adoptable standards at some future date. This takes the form of a cash deposit equal to the calculated construction costs and may be held indefinitely. The developer normally discharges his obligations under this Act by producing a layout suitable for adoption and entering into an Agreement under Section 38 of the Highways Act 1980. Where residential construction works commence ahead of any adoption Agreement being in place the Highway Authority will be obliged to pursue the Advance Payments Code sum identified in the notice.

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Planning Committee - CHE/19/00007/REM - Land east of A61 known as  
Chesterfield Waterside, Brimington Road



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Case Officer: Rob Forrester  
Tel. No: (01246) 345580  
Ctte Date: 10<sup>th</sup> June 2019

File No: CHE/19/00096/REM1  
Plot No: 2/0024

## **ITEM 8**

**Variation of condition 2 of CHE/17/00586/FUL (Erection of a two storey dwelling ) to allow the use of larger (40ft) shipping containers instead of previously approved 30ft shipping containers - revised plans received 16/5/2019 – Land adjacent to 12 Cavendish Street North, Old Whittington, Chesterfield. S41 9DH**

Local Plan: Unallocated  
Ward: Old Whittington

### **1.0 CONSULTATIONS**

<b>Local Highways Authority</b>	Comments awaited
<b>Ward Members</b>	No comments received
<b>Site Notice / Neighbours</b>	8 representations received

### **2.0 THE SITE**

- 2.1 The site the subject of the application comprises a narrow parcel of land between No.s 12 and 14 Cavendish Street North within the residential area to the western side of Old Whittington, a short distance from the B6052 (Whittington Hill).
- 2.2 The site is on the eastern side of Cavendish Street North, close to its junction with Broomhill Road.
- 2.3 It is sited within a residential area and already has planning permission for the erection of a 2-storey container dwelling of 3 bedroomed proportions with an integral garage.
- 2.4 Cavendish Street North has a steep gradient at this point, sloping up the hill to Broomhill Road and is shown on the photographs below.
- 2.5 To the south of the site, No 12 Cavendish Street North has been recently re-furbished and planning permission has also been granted for 2 new dwellings between No.s 10 and 12.

Photo showing the 'plot' between No.s 12 and 14 Cavendish Street North



Photo to show partially completed dwelling





Photo of the rear, with No 14 Cavendish Street North to the right



- 2.6 The surrounding land is in residential use with the immediate surroundings being of detached, semi-detached and terraced housing, some having no off-road parking.
- 2.7 The approved dwelling utilises an innovative use of stacked shipping containers (6 in total, 3 on each floor) to create the inner – load bearing walls of the dwelling and the floors, and the dwelling would then be clad in conventional masonry and roof construction for the outer-skin.
- 2.8 Construction work commenced on site but has now ceased as it was discovered that the dwelling was not being built in accordance with the approved plans (utilising 40 foot long containers instead of the approved 30 foot units) and that some pre-commencement conditions remained outstanding.
- 3.0 **RELEVANT SITE HISTORY**
- 3.1 The only relevant Planning History is the previous permission for the erection of a dwelling - CHE/17/00586/FUL - Approved 06.12.2017.

3.2 An application for the discharge of conditions in relation to the above has been made - CHE/18/00732/DOC – currently remains un-determined.

4.0 **THE PROPOSAL**

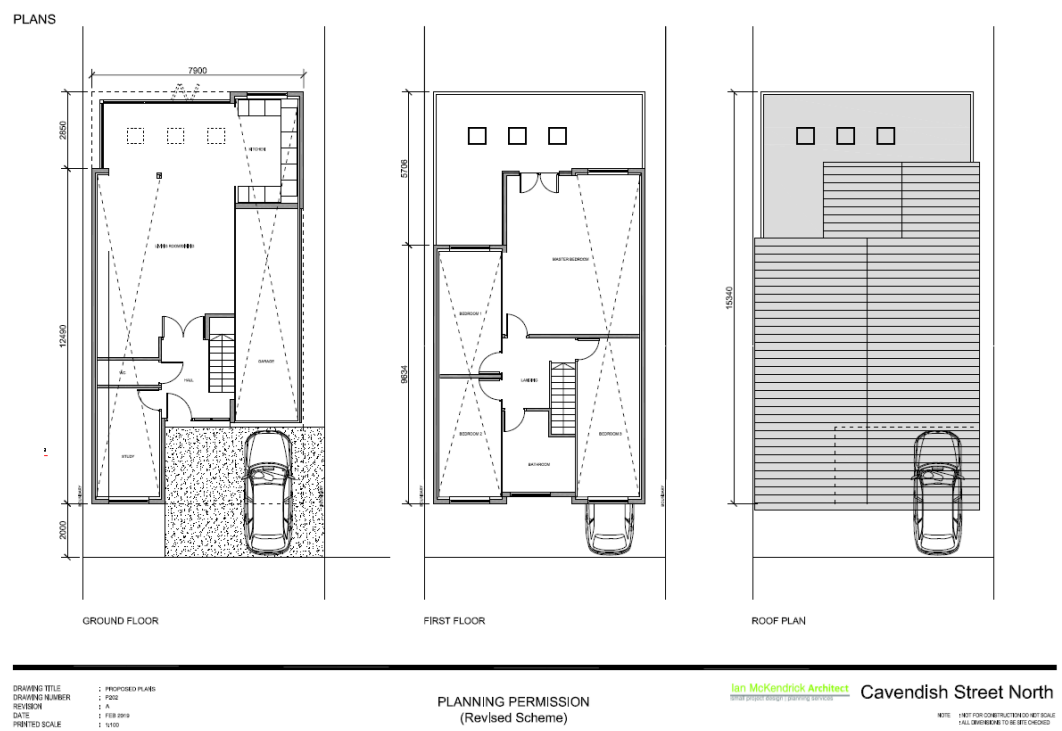
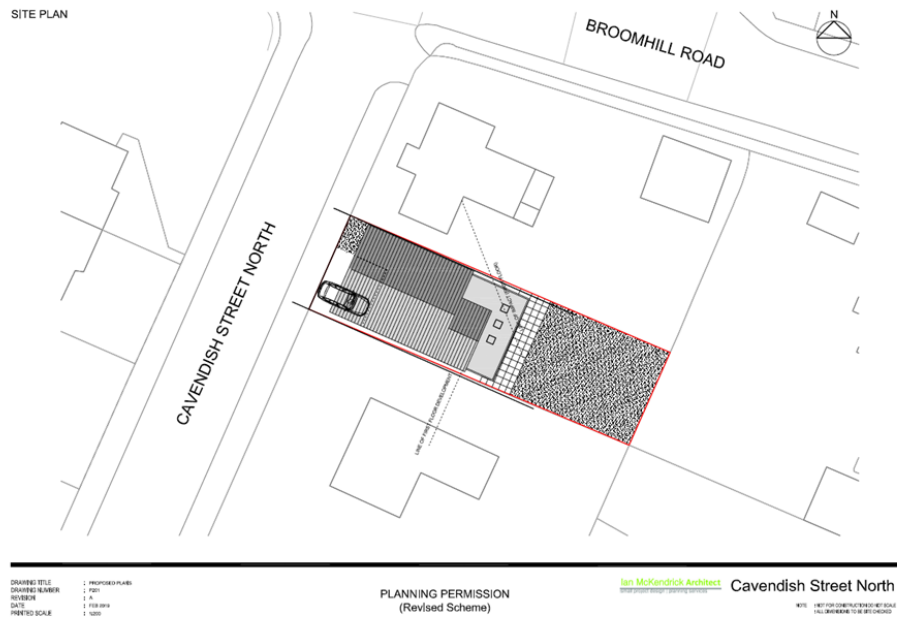
4.1 The application is made under Section 73 of the Town and Country Planning Act 1990 (As Amended) for the variation of condition 2 of permission CHE/17/00586/FUL (which lists the ‘approved plans’) to allow a change of the approved plans list, to facilitate the changes carried out.

4.2 The application is therefore a retrospective one to retain the dwelling in its ‘as built’ form, the key change being the additional 10 feet (approx. 3m) in length arising from the use of the longer containers as the basis of the dwelling.

4.3 Due to officer concerns in relation to the impact of the development, particularly at first floor level on the amenities enjoyed by the neighbouring property at No 14, amended plans have been received that propose the reduction in length (back to the approved size of 30 feet) of the upper first floor container that is situated on the boundary with no 14.

4.5 The Site Layout and floor plans as now proposed are shown below:-





4.6 The proposed elevations are shown below:-



4.7

The application submission is accompanied by a statement which states:-

- As you know my client has been granted planning permission for the construction of a dwelling using shipping containers as the internal structural base.
- This method construction uses shipping containers which are then faced up in traditional building materials.
- The original container in its recognisable form (corrugated steel) will not be visible once the project is completed.
- In undertaking this method of construction, my client was intending to obtain 30ft containers in accordance with the original planning permission (CHE/17/00586/FUL), however these were not available and instead 40ft containers are presently on site.
- In order to reduce these to 30ft, several weeks of work are required to cut these back on site therefore given the fact that the containers are in place already my client wishes to seek an amendment to the existing scheme under a section 73 submission.
- The containers are already on site and it is our opinion that the addition 10ft in length does not cause an overbearing impact on neighbouring properties. The facing materials and design will not change as this is purely an issue relating to the structure behind.

## 5.0 **CONSIDERATIONS**

### 5.1 **Planning Policy Background**

- 5.1.1 The site is situated within Old Whittington ward in an area which is unallocated in the Local Plan and is predominantly residential in nature.
- 5.1.2 Having regard to the nature of the application proposals policies CS1 (Spatial Strategy), CS2 (Location of Development), CS3 (Presumption in favour of Sustainable Development), CS4 (Infrastructure Delivery), CS6 (Sustainable Design), CS7 (Management of the Water Cycle), CS8 (Environmental Quality), CS9 (Green Infrastructure and Biodiversity), CS10 (Flexibility in delivery of Housing), CS18 (Design) and CS20 (Demand for Travel) of the Core Strategy and the wider National Planning Policy Framework (NPPF) apply. In addition the Councils Supplementary Planning Document on Housing Layout and Design ‘Successful Places’ is also a material consideration.

## 5.2 **Principle of Development**

### **Local Plan Spatial Strategy**

- 5.2.1 The principle of development was established by the earlier permission (which concluded that the development was sustainable) and in considering a Section 73 submission, the Planning Act only allows the Local Planning Authority to consider the issue of the condition. It cannot re-open the principle of the development, although a Section 73 application does result in the requirement to issue a new planning permission.
- 5.2.2 The sole issue in relation to this application is therefore to consider the implications of the condition variation – i.e. whether the extended length of the dwelling is acceptable in visual terms and whether it would unduly impact on the amenities enjoyed by the neighbours.
- 5.2.3 As the principle of development of the site, and highway safety have already been determined, the main policy considerations relating to the above matters are Core Strategy policies CS2, CS6 (Sustainable Design and Construction), CS18 (Design) and in particular, CS18 (k) – have an acceptable impact on the amenity of users and neighbours.
- 5.2.4 These policies are viewed to be in date and relevant to the proposal and are discussed in detail below.

## 5.3 **Design and Appearance**

- 5.3.1 In respect of design and appearance, the proposal provides as previously approved, a 3-bedroomed family house of 2-storey proportions, the change being an increase in length, with the development projecting further back in to the site.
- 5.3.2 The fact that the dwelling has as its base, 6 shipping containers, with 3 containers sitting side-by-side across the site and stacked 2 high, is somewhat a distraction, as they would not be visible once the dwelling is completed. The dwelling will be clad in a conventional manner on the outside, with a render and cedar-boarding finish.

- 5.3.3 The dwelling would have a contemporary, but not unattractive appearance, and the only appreciable change from the approved plan is that the 'new' element at the rear, would be only 2 containers wide and as a result, the roof has a lesser span and thus the ridge is lower at the rear.
- 5.3.4 The appearance from the front would be unchanged and apart from the 'step' in the ridgeline, the side elevation would be unchanged apart from the additional length.
- 5.3.5 The revised appearance in the street scene is considered to be acceptable and would not appear out of place given the numerous building styles in the immediate area.
- 5.3.6 There are no design matters related to the application which would materially affect crime, disorder or policing,
- 5.3.7 It is considered that the siting, design and scale of the development proposals are acceptable having regard to the provisions of policies CS2, and CS18 of the Core Strategy.

#### 5.4 **Highways Issues**

- 5.4.1 The use of the access and level of parking has been agreed by virtue of the extant permission, and the proposal raises no additional issues in relation to access/parking or highway safety and the development provides adequate visibility splays at the access.
- 5.4.2 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, the site does not fall within a flood-risk zone, and the run-off from the site during rainy conditions can be controlled, and the proposal will not impact on drainage or off-site flooding.

- 5.5.2 Drainage was previously controlled by condition requiring submission of details, 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 benefits from a previous permission that concluded that the site was appropriate to develop in terms of contamination, mining and ground conditions and noise impact and disturbance for the neighbours. The Council's Environmental Health Officer (EHO) previously raised no objection subject to a working-hours condition for the construction.
- 5.6.2 In terms of amenity of the neighbours, the sole issue is whether the additional 10ft length of the building would adversely affect the amenity of the neighbours at the rear, or to the side (No 14 Cavendish Street North) by virtue of a loss of light, outlook or privacy.
- 5.6.3 The proposed dwelling, even with the additional 10ft (3m approx.) at the rear is still some 12-13m from the rear boundary, and the nearest neighbour is a further 16m away from the boundary and at 28m between dwellings, no loss of privacy would result for the neighbours at the rear, to the extent that planning permission could be resisted.
- 5.6.4 The key concern was the impact that the proposed additional 3m at the rear would have on the occupants of No 14 Cavendish Street North to the north of the proposed dwelling, as that dwelling has windows on their rear elevation that could be compromised by the proposal.
- 5.6.5 It is considered that the scheme as originally approved, due to the proximity to the boundary, and the projection in relation to the neighbour at No 14, represented the absolute maximum size that was tolerable.
- 5.6.6 The proposed dwelling is at a considerably lower level than the existing dwelling at No 14, and the increased length as proposed would not have an impact at ground floor level, and indeed, that neighbour has confirmed that their sole concerns in relation to the development currently under construction, is the increased projection at first floor level.

- 5.6.7 The development as built is considered to have both an oppressive impact on the neighbours amenity at No 14, as well as falling within the 45 degree angle as noted in the BRE Digest on the loss of sunlight/daylight, to the extent that permission ought to be refused.
- 5.6.8 The amended plans have revised the proposal leaving the ground floor projection as a flat roof element (that would not impact on the neighbour) and in relation to the first floor, has returned the proposal to that originally approved in respect of the shipping container (and hence the finished development) that adjoins the neighbour at No 14. The existing container is to be cut back to achieve this.
- 5.6.9 The changes will ensure that the projection of the dwelling that is close to the boundary is now no longer than that originally approved, although the remaining 2 containers, that are further from the boundary, would remain at their greater length, however due to their position in relation to the neighbours window, they would not cause any appreciable loss of light or be oppressive, to the extent that permission could be withheld.
- 5.6.10 The amended plans would result in the extended rear element falling outside the zone of influence (as noted in the BRE guidance) and as a result, the position and revised design of the dwelling is such that no unacceptable impact on the amenities of the neighbours arising from a loss of light or privacy, nor would the proposal be unduly oppressive.
- 5.6.11 No objections have been received to date in relation to re-consultation on the amended plans (expires 03/06/2019) and the proposal would not harm the amenities of nearby residents, and the development complies with the provisions of policies CS2 and CS8 of the Core Strategy.

## 5.7 **Other Considerations**

- 5.7.1 The only other issue relates to the outstanding conditions (levels, landscaping and drainage), although this is being addressed by the applicant, and it is considered that the revised details will be acceptable and will provide appropriate replacement wildlife habitat/retention of trees.

5.7.2 Subject to the imposition of similar conditions as the previous approval, it is not considered that any ecology or wildlife be harmed by the proposal which therefore complies with the provisions of policies CS2 and CS9 of the Core Strategy.

## 5.8 Community Infrastructure Levy (C.I.L)

5.8.1 Having regard to the nature of the development proposal comprises the creation of new dwellings and the development is therefore CIL Liable, although as the scheme relates to a self-build proposal, it might be exempt C.I.L.

5.8.2 The site the subject of the application lies within the medium CIL zone and therefore the CIL Liability will be calculated (using calculations of gross internal floor space as follows):

		A	B	C	D	E
Proposed Floorspace (GIA in Sq.m)	Less Existing (Demolition or change of use) (GIA in Sq.m)	Net Area (GIA in Sq.m)	CIL Rate	Index (permission)	Index (charging schedule)	CIL Charge
31.5 addition	0	32	£50 (Medium Zone)	317	288	<b>£2751.73</b>

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

## 6.0 REPRESENTATIONS

6.1 The application has been publicised by means of neighbour letters (original publicity period expired 28 March 2019 – revised publicity expires 03 June 2019).

6.2 As a result of the applications publicity, 8 letters of objection have been received from 3 nearby residents (addresses not given) and the occupants of No 14 making the following points:-



- The builder is not sticking to the plans, and Council has not kept us informed and 40ft instead of 30ft containers have been erected – I hope you are going to make him take it down.
- We have objected before as the house is too big and the balcony will look straight in to our bathroom and patio giving us no privacy at all.
- The application is on the basis that 30ft containers couldn't be sourced, however they are over-egging this issue as a simple internet search reveals numerous 30 ft containers for sale and firms readily amend them to size.
- The containers are relatively easy to amend in a few hours with basic tools.
- We disagree with the architect that the extra length causes no amenity issues – it does, as the roof will be both higher and project further.
- The previous Committee considered that the use of 40ft containers were too big and they were reduced to 30ft for the permission.
- If the larger containers were unacceptable before, then nothing has changed – other than the applicant has used the wrong size of container.
- Photos are attached that show how oppressive and how much light will be lost by the extended containers, although I have no objection to the use of 40ft containers at ground floor level.
- The use of the larger containers causes a loss of light to our windows and as the building is no longer flush with the rear of our property, it is an unacceptable intrusion – it was previously considered critical that the dwelling be no larger than the approval.
- I will now have to use blinds at the rear of my dwelling to get any privacy because the roofs are so high and it is highly visible from my rear garden.
- The use of containers may be an innovative idea, but only in the right place and the green gardens of Old Whittington is not the place – if this is passed, others are likely to copy as it is clearly cheaper than bricks and mortar.
- The applicant has flouted the rules and needs stopping in his tracks.
- The materials used in the construction is irrelevant if the building is too large and it is too large a footprint and dominates the surroundings, making a massive statement and it spoils the view on all levels.

- Residents along the road were not consulted and the impact of this development should have been more widely known for transparency.
- The parking is inadequate and the builder uses half the road as his own parking – it should have been considered cumulatively with the other development at No 12 (2 houses).
- There has been building work going on for over a year and we have had to endure rubbish, fires, lack of parking and we are concerned that health and safety regulations are not being adhered to.
- Industrial containers are not an appropriate material for domestic housing.

6.3 ***The above comments are responded to in the main part of the report above. The application has to be considered on its individual planning merits. The fact that the works have commenced is a risk for the developer but is not against any rule or regulation since retrospective application can be submitted. All residents sharing a common boundary with the site were sent letters regarding the proposal and a site notice was posted on the frontage of the site.***

## 7.0 **HUMAN RIGHTS ACT 1998**

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

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

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

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 size and rear projection of the proposal as a result of neighbour's amenity 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 objectors will be notified of the Committee date and invited to speak, and this report informing them of the application considerations and recommendation /conclusion is available on the web-site.

9.0 **CONCLUSION**

- 9.1 The proposed development is considered to be an appropriate use of this infill site, which already has the benefit of permission, and the development has been sited, detailed and re-designed such that the development proposals comply with the provisions of policies CS1, CS2, CS8, CS9, CS18, and CS20 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, CS9, CS18 and CS20 of the Chesterfield Local Plan: Core Strategy 2011 – 2031 and therefore the application proposals are considered to be sustainable and acceptable.

## 10.0 **RECOMMENDATION**

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

### **CONDITIONS**

01. The development hereby approved shall be constructed in complete accordance with the approved plans as listed below. All external dimensions and elevational treatments shall be as shown on the approved plans with the exception of any approved non material amendment:-
- Drawing No P201 Rev A - Proposed Site Plan;  
Drawing No P202 Rev A - Proposed Floor Plans;  
Drawing No P203 Rev A - Proposed Elevations, and  
Drawing No P204 Rev A - Proposed Elevations.
02. Within 3 months of the date of this permission, details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off-site works, shall be submitted to and approved in writing by the Local Planning Authority. The approved drainage scheme shall be implemented in its entirety, prior to the occupation of the dwelling.
03. There shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and the dwelling shall be occupied prior to completion of the approved foul drainage works.
04. 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.
05. Work shall only be carried out on site between 8:00am and 6:00pm in any one day on 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.
06. Notwithstanding the provision of the Town and Country Planning (General Permitted Development)(England) Order 2015 (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 permission of the Local Planning Authority.

07. No development shall take place until full details of both hard and soft landscape works, bin storage and boundary treatments have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved.
08. Before any other operations are commenced a new vehicular and pedestrian access shall be formed to Cavendish Street North 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 in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority. The area 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.
09. The access, the subject of Condition 8 above, shall not be brought into use until 2m x 2m x 45° pedestrian intervisibility splays have been provided to the north, and 2m to the limit of the site frontage to the south of the access at the back of the footway, the splay areas being maintained throughout the life of the development clear of any object greater than 0.6m in height relative to footway level.
10. The proposed dwelling shall not be occupied until space has been laid out within the site curtilage for cars to be parked in accordance with a scheme to be submitted to and approved in writing the Local Planning Authority within 3 months of the date of this permission. Thereafter the spaces shall be maintained free from any impediment to their designated use for the life of the development.
11. There shall be no gates or other barriers on the access/driveway

**Reasons for Conditions (If applicable)**

01. 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.

02. To ensure that the development can be properly drained and In the interest of satisfactory and sustainable drainage.
03. To ensure that no foul or surface water discharges take place until proper provision has been made for their disposal.
04. 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.
05. In the interests of residential amenities.
06. In the interests of the amenities of occupants of adjoining dwellings.
07. The condition is imposed in order to enhance the appearance of the development and in the interests of the area as a whole.
08. In the interests of highway safety and parking
09. In the interests of highway safety and parking
10. In the interests of highway safety and parking
11. In the interests of highway safety and parking

### **Notes**

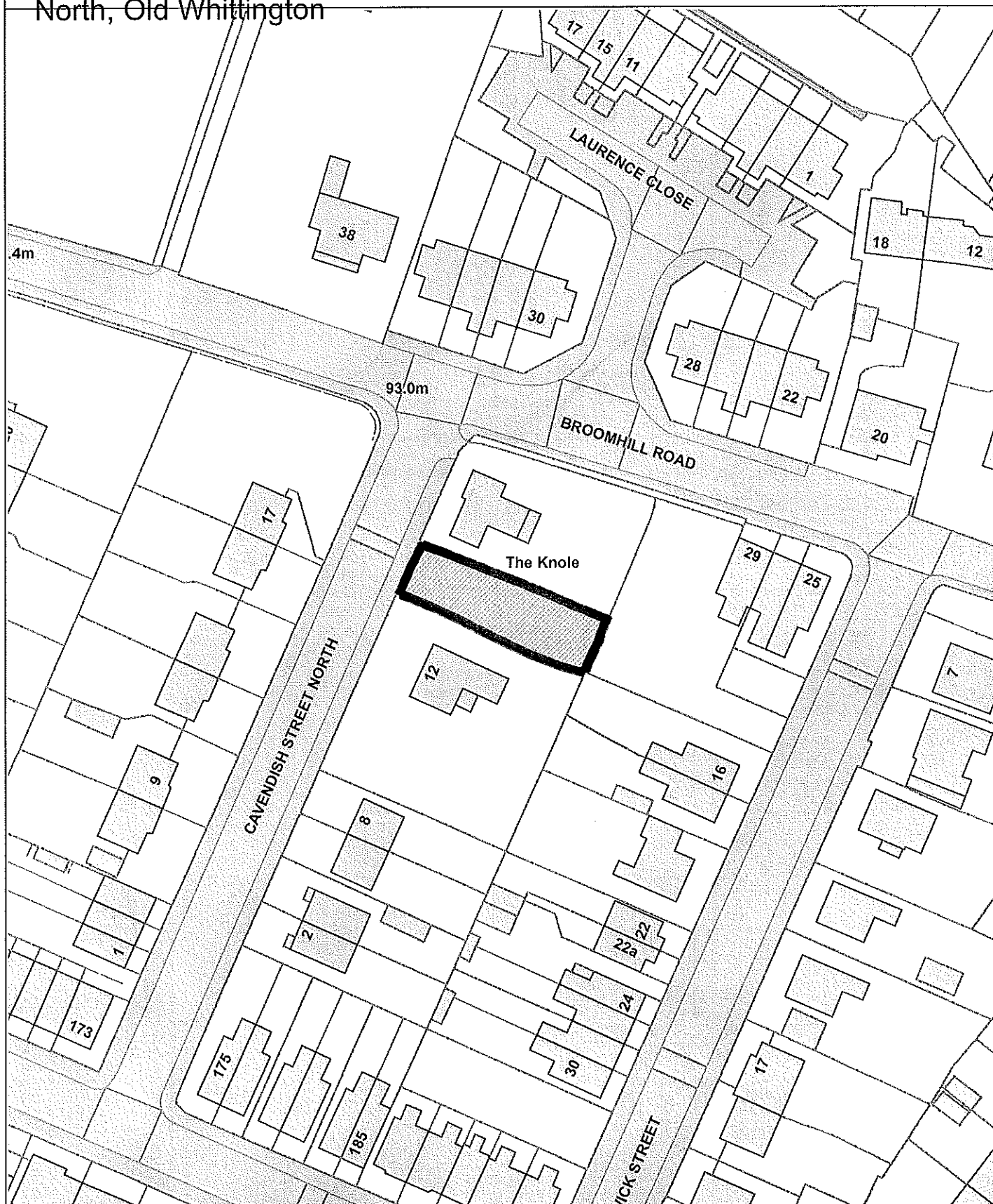
01. If work is carried out other than in complete accordance with the approved plans, the whole development may be rendered unauthorised, as it will not have the benefit of the original planning permission. Any proposed amendments to that which is approved will require the submission of a further application.
02. The proposed development lies within a coal mining area which may contain unrecorded mining related hazards. If any coal mining feature is encountered during development, this should be reported to The Coal Authority. Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority. Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at [www.groundstability.com](http://www.groundstability.com)

03. Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1991 prior notification shall be given to the Department of Economy, Transport and Environment at County Hall, Matlock regarding access works within the highway. Information and relevant application forms regarding the undertaking of access works within highway limits is available via the County Council's website [http://www.derbyshire.gov.uk/transport\\_roads/roads\\_traffic/development\\_control/vehicular\\_access/default.asp](http://www.derbyshire.gov.uk/transport_roads/roads_traffic/development_control/vehicular_access/default.asp) E-mail [highways.hub@derbyshire.gov.uk](mailto:highways.hub@derbyshire.gov.uk) or Telephone Call Derbyshire on 01629 533190
04. The Highway Authority recommends that the first 5m of the proposed access/driveway should not be surfaced with a loose material (i.e. unbound chipping or gravel etc.). In the event that loose material is transferred to the highway and is regarded as a hazard or nuisance to highway users, the Authority reserves the right to take any necessary action against the householder.
05. Pursuant to Sections 149 and 151 of the Highways Act 1980, steps shall be taken to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.
06. Any new drainage for the proposed building and any amendments to the existing building drainage may require Building Control approval. The applicant will need to contact Yorkshire Water for any additional connections to the public sewer.

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# Planning Committee - CHE/19/00096/REM1 - Land adj 12 Cavendish St North, Old Whittington



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## **ITEM 9**

**HARD SURFACING WITH DRAINAGE AND STREET LIGHTING TO PROVIDE AN ADDITIONAL 2165 SQ.M OF CAR PARKING AREA. REVISED PLANS RECEIVED 26.03.2019 WITH AMENDED LAYOUT AND SURFACING PLAN, AMENDED DRAINAGE AND TREE PROTECTION LAYOUT AND STATEMENT REGARDING USAGE AND TRAFFIC PATTERNS. ALTERATIONS PROPOSED TO THE MAIN BUILDING, INCLUDING AN ENTRANCE CANOPY, TWO NEW ENTRANCE DOORS AND CLADDING TO THE SOUTH WEST ELEVATION. REVISED LIGHTING PLAN RECEIVED 24.04.2019 AND 23.05.2019, REVISED LAYOUT AND SURFACING PLAN 29.05.2019 AND PROPOSED DRAINAGE LAYOUT 24.05.2019 AND ARBORICULTURAL REPORT REVISION A 28.05.2019 AT ST HUGH'S RC CHURCH, LITTLEMOOR, NEWBOLD, DERBYSHIRE, S41 8QP**

Local Plan: Unallocated  
Ward: Moor  
Plot No: 2/1644

### **1.0 CONSULTATIONS**

Ward Members	No comments received
Strategy/Forward Planning	Comments received – see report
Environmental Services	Comments received – see report
Design Services Drainage	Comments received – see report
Yorkshire Water Services	No comments received – see report
DCC Highways	Comments received – see report
The Coal Authority	Comments received – see report
Tree Officer	Comments received – see report
Derbyshire Wildlife Trust	Comments received – see report

Neighbours

15 letters of objection received and 1 letter of support (from 11 properties)

## 2.0

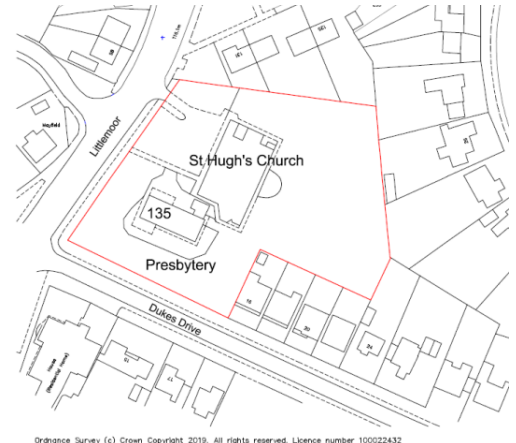
### THE SITE

#### 2.1

The site subject of this application is located on the east side of Littlemoor highway and extends to the junction of Dukes Drive. The site is bound by residential dwellings and land levels within the site fall from Dukes Drive towards the northern boundary.



Aerial photograph of the site



Site location plan



Photo taken facing south  
towards Dukes Drive and  
the side elevation of No 16  
Dukes Drive



Photo taken facing east  
towards the rear gardens of  
properties on Ringwood  
Avenue and Dukes Drive

#### 2.2

The site is formed of a single storey detached building formerly known as St Hugh's Church and an attached single storey Presbytery. The main building is set back from Littlemoor highway towards the centre of the plot and the remaining area is largely laid to grass.

- 2.3 The site is currently served by a small car park with 16 spaces. Vehicular access to the site is gained from Littlemoor highway in the north western corner of the site. The existing driveway is flanked by two protected Sycamore trees (T2 and T3).



Existing access point



Group of protected trees

- 2.4 The site contains trees protected by Tree Preservation Order No 4901.241 consisting of 3 individual trees T1 (Silver Birch) and T2 and T3 (Sycamores) and a group of trees G1 including 13 Birch, 6 Alder, 4 Sycamore, 3 Rowan and 1 Oak. The two Sycamore trees are located either side of the existing entrance and the Silver Birch is to the west of No 16 Dukes Drive. The group of trees (G1) is situated along the southern and western boundary of the site.

### 3.0 **RELEVANT SITE HISTORY**

#### **Planning Applications**

- 3.1 CHE/0598/0270 - Brick built bin store with flat roof to the north – **CONDITIONAL PERMISSION (10.06.1998)**
- 3.2 CHE/1196/0611 - Re-glazing of church/church hall to the south east elevation with new curtain walling - **CONDITIONAL PERMISSION (23.12.1996)**
- 3.3 CHE/1197/0600 - New metal church tower and metal crosses on west windows - **CONDITIONAL PERMISSION (24.12.1997)**

#### **Tree Preservation Order**

- 3.4 4901.241 - Chesterfield Borough Council (St Hugh's Church Littlemoor/Dukes Drive) Tree Preservation Order No 241 2004



## **Application to Fell or Prune Protected Trees**

- 3.5 CHE/18/00693/TPO - crown lift and crown clean T1 Silver Birch, T2 & T3 Sycamore and trees within G1. Also the felling of two dead Rowans and one leaning Silver Birch within G1 of TPO 241 at St Hughs Church 135 Littlemoor – **CONDITIONAL PERMISSION (13.11.2018)**

## **4.0 THE PROPOSAL**

- 4.1 The application seeks consent for the creation of an enlarged parking area to the east of the main building. The proposal will create 116 parking spaces (including 6 accessible spaces) and includes the provision of cycle stands for 6 cycles. The existing main vehicular access point will be retained. Revised plans show an emergency access point and driveway leading onto Dukes Drive. Two additional entrance points onto Dukes Drive have been removed.
- 4.2 The proposal also includes minor alterations to the existing building, introducing cladding to the rear (eastern) elevation, installing new entrance doors and the erection of a covered canopy.
- 4.3 The applicant has provided a statement regarding usage and traffic patterns and has confirmed that some events/services will have small numbers of cars but also states that ‘Gospel Preaching’s, Sermon Meetings and Bible Readings would bring approximately 65 cars and utilise the full carpark and The Bible Readings would sometimes utilise the carpark in its entirety.’ These meetings take place every day see table below. The statement confirms that some meetings will be small gatherings of approximately 15 cars.

Day	Meeting	Time of Day
Sunday	Lord’s Supper (Holy Communion) Reading Gospel Preachings	Early morning Mid-morning Balance of day
Monday	Prayer Meeting	Late afternoon or evening
Tuesday	Sermon Meeting	Late afternoon or evening
Wednesday	Bible Reading	Late afternoon or evening
Thursday	Bible Reading	Late afternoon or evening
Friday	Bible Reading	Late afternoon or evening
Saturday	Bible Reading	Morning

The statement continues to states that the site will gated and locked when not in use and grounds will be covered by CCTV for security. The car park will be used solely by the Church and will not be let out to other users. The applicant has suggested that the church has a congregation of 500 to 600 members and this is the rationale for the number of parking spaces required.

4.5 The application submission is supported by the following plans and documents:

**BACKGROUND/SUPPORTING DOCUMENTS**

- Application form (01.02.2019)
- Site Plan, drawing number 1622-10 (dated January 2019)
- Topographic survey, reference PSS – 058 – 001, drawing number 001 (dated 29.08.2018)
- Design and access statement (dated 03.01.2019) – details superseded
- Usage and traffic patterns (received 26.03.2019)

**LIGHTING**

- Lighting data sheet, produced by Abacus lighting (received 11.02.2019) – 24.04.2019
- ~~Lighting plan ‘horizontal illuminance levels’, drawing number LS24622-2 (dated 02.01.2019) – superseded~~
- ~~Lighting plan ‘horizontal illuminance levels’, drawing number LS24622-3 (dated 01.02.2019) – superseded~~
- ~~Lighting plan ‘horizontal illuminance levels’, drawing number LS24622-5A (dated 17.04.2019) – superseded~~
- Lighting plan ‘horizontal illuminance levels’, drawing number LS24622-6 (dated 14.05.2019)

**MAIN BUILDING**

- Existing elevations, drawing number 1606-100 revision A (dated 19.03.2019, received 26.03.2019)
- Proposed elevations, drawing number 1606-102 revision A (dated 19.03.2019, received 26.03.2019)
- Existing plan, drawing number 1606-103 (dated March 2019, received 26.03.2019)
- Proposed floor plan, drawing number 1606-104 (dated March 2019, received 26.03.2019)

**LAYOUT AND TREE PROTECTION MEASURES**

- ~~Proposed site plan, drawing number 1622-10 (dated Jan 2019) – superseded~~
- ~~Proposed layout & surfacing plan, drawing number 1622-10 revision A (dated 19.03.2019) - superseded~~

- ~~Proposed layout & surfacing plan, drawing number 1622-10 revision B (dated 21.05.2019) - superseded~~
- ~~Proposed layout & surfacing plan, drawing number 1622-10 revision C (dated 23.05.2019) – superseded~~
- ~~Proposed layout & surfacing plan, drawing number 1622-10 revision D (dated 23.05.2019) – superseded~~
- ~~Proposed layout & surfacing plan, drawing number 1622-10 revision E (dated 28.05.2019) – superseded~~
- Proposed layout & surfacing plan, drawing number 1622-10 revision F (dated 29.05.2019)

#### **DRAINAGE**

- ~~Proposed drainage & tree protection layout, drawing number 1606-101 (dated march 2019) – superseded~~
- ~~External drainage, drawing reference STHUGHRC.08.18 (Dated 13.08.2019) – superseded~~
- ~~Proposed drainage layout, drawing number 1606-101 revision A (22.05.2019) – superseded~~
- Proposed drainage layout, drawing number 1606-101 revision B (24.05.2019)

#### **TREE REPORT**

- ~~Pre-development arboricultural report for works at St. Hugh's RC Church 135 Littlemoor, Chesterfield, S41 8QP dated 23.05.2019 - superseded~~
- Pre-development arboricultural report for works at St. Hugh's RC Church 135 Littlemoor, Chesterfield, S41 8QP Revision A dated 28.05.2019

## **5.0 CONSIDERATIONS**

### **5.1 Planning Policy Background**

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

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



- CS1 Spatial Strategy
- CS2 Principles for Location of Development
- CS3 Presumption in Favour of Sustainable Development
- CS7 Managing the Water Cycle
- CS8 Environmental Quality
- CS9 Green Infrastructure and Biodiversity
- CS17 Social Infrastructure
- CS18 Design
- CS20 Influencing the Demand for Travel

### **5.3 Other Relevant Policy and Documents**

- National Planning Policy Framework (February 2019)

### **5.4 Key Issues**

- Principle of development (section 5.5)
- Design and appearance of the proposal (section 5.6)
- Impact on neighbouring residential amenity (section 5.7)
- Highways safety and parking provision (5.8)
- Flood risk and drainage (5.9)
- Impact on protected trees and biodiversity (5.10)
- Coal Mining Legacy (5.11)

### **5.5 Principle of Development**

#### **Relevant Policies**

- 5.5.1 The application site is situated within the built settlement of Newbold and is an existing place of worship (Policy CS17). The area is largely residential in character and the site is located approximately 130m from Newbold Local Centre and approximately 300m from Littlemoor Local Centre.
- 5.5.2 Policies CS1, CS2, CS7, CS9, CS18 and CS20 of the Core Strategy and the wider National Planning Policy Framework (NPPF) apply.
- 5.5.3 The Strategy Planning Team were consulted on the proposal and provided comments on the principle of development with respect to planning policy (see paragraphs 5.5.4 to 5.5.6 below)
- 5.5.4 *‘As a church, the site is covered by policy CS17. However as the proposal does not include the loss of the facility (in planning terms)*

*it does not materially impact on the proposed development. Of more relevance are policies CS20 and CS18. CS20 (Influencing the demand for travel) seeks to maximise walking, cycling and the use of public transport. However the Core Strategy does not have any parking standards. The site is well located for walking from surrounding areas, and well served by a regular bus route. However it is also recognised that the congregation of the church is likely to include a significantly wider catchment where walking and the ability to use public transport is limited.'*

- 5.5.5 *'On this basis there is a reasonable expectation that some additional parking may be required. There is therefore no objection in principle to additional parking, provided that Derbyshire County Council, as Highways Authority, is satisfied that it would not have a detrimental impact on the safety and functioning of the highway network.'*
- 5.5.6 *'There is more of a concern over the potential impact on the amenity of neighbouring properties. Policy CS18 requires that development take account of the relationship between public and private spaces and has an acceptable impact on the amenity of users and neighbours. I note that concerns have already been raised by the council's EHO regarding the impact of lighting. Based on the submitted plans, an improved scheme of landscaping would appear to be beneficial, in addition to conditions relating to the management and operation of the car park in terms of lighting, hours of operation, and the potential for related uses such as car boot sales or similar.'*
- 5.5.7 The principle of the scheme to develop an existing community asset, retaining the existing use as place of worship is considered to be generally acceptable (policy CS17). Consideration of the design/appearance of the proposal and potential impact on neighbours (CS18 and CS2) will be covered in the sections 5.6 and 5.7. Highway safety and demand for travel (CS20) will be discussed in section 5.8. Consideration of issues relating to drainage (CS7) will be discussed in section 5.9. Impacts on protected trees/biodiversity (CS9) will be covered in section 5.10 and consideration of Coal Mining legacy (CS8) will be discussed in section 5.11.

## **5.6      Design and Appearance of the Proposal**

- 5.6.1      Policy CS18 (Design) states that *‘all development should identify, respond to and integrate with the character of the site and its surroundings and respect the local distinctiveness of its context’* and development should have *‘an acceptable impact on the amenity of users and neighbours.’*
- 5.6.2      The application proposes the creation of additional parking spaces to serve the existing facility. The proposal involves removing the existing area of grassland to the east and north of the main building to accommodate additional parking spaces. The proposed surfacing materials consist of tarmacadam and contrasting porous block paving. Small areas of soft landscaping are proposed including a hawthorn hedge adjacent to part of the southern boundary. Revised plans propose introducing trees along the northern boundary and within planting beds. It is acknowledged that the proposal will lose the ‘green’ character of the existing field to be replaced with hard surfacing. It is also accepted that the field is not designated greenspace and the proposal will enable the continued use of the place of worship.
- 5.6.3      The layout of the parking spaces has been amended to ensure 5-6m is available to enable vehicles to manoeuvre in and out of designated spaces. A separate emergency access point is proposed leading onto Dukes Drive.
- 5.6.4      The proposal also incorporates minor alterations to the existing building including the installation of two new entrance doors within the south elevation and a replacement entrance door within the west elevation. The application also proposes the erection of a covered canopy formed of a flat roof and measuring 3.4m in height overall, wrapping around the south and south western elevations of the host building. The application also includes light grey ship lap cladding to the east elevation.
- 5.6.5      On balance, the proposal is considered to be acceptable. The development will result in the loss of non-designated greenspace, but will enable the facility to be used as a place of worship. The proposed car parking will also prevent a significant number of cars parking on the surrounding streets and will maximise the effective use of the site. Overall, the proposal is not considered to be unduly out of character and serves the existing facility therefore the

proposal is considered to accord with the provisions of policy CS18 of the Core Strategy and the wider NPPF.

## **5.7 Impact on Neighbouring Residential Amenity**

- 5.7.1 Core Strategy Policy CS2 states that *'All developments will be required to have an acceptable impact on the amenity of users or adjoining occupiers, taking into account things such as noise, odour, air quality, traffic, appearance, overlooking, shading or other environmental, social or economic impacts.'*
- 5.7.2 Core Strategy Policy CS18 states that all development will be expected to *'have an acceptable impact on the amenity of users and neighbours'*
- 5.7.3 The application site is bound by residential dwellings. The applicant provided a statement regarding proposed usage and traffic patterns. The statement shows that most activity at the site will take place on a Sunday with one meeting or service taking place each day of the week. Activity at the site is therefore generally considered to be limited to specific times. It is acknowledged that there may be some noise associated with members arriving and departing from meetings/services. This level of activity is not considered to be unreasonable and will be focused around meeting times rather than continuous activity and disturbance throughout the day. This is considered to be acceptable.
- 5.7.4 Revised lighting plans show reduced numbers of lighting columns and remove proposed lighting adjacent to residential boundaries reducing the overall lighting spill. The statement regarding usage states that lighting will only be used around meeting/services times and will be switched off at all other times. It is recommended that a condition be attached to the decision preventing lighting being left on overnight to protect the residential amenity of the adjoining neighbours.
- 5.7.5 The Environmental Health Officer was consulted on the proposal and provided the following comments; *'I have inspected the above application, and would like to make comments regarding the proposed lighting and the projected footprint: The modelled lighting footprint indicates that the facades of nearby dwellings may well be adversely affected by the lighting. I further note that the lighting will be by LEDs on 8m poles. The lighting is by flush mounted LEDs which cause a bright white light. It is very likely that they will cause*

*glare in the rooms of surrounding dwellings. I request that the lighting be fitted with shrouding to prevent glare.'*

- 5.7.6 The comments made the Environmental Health Officer have been noted. The revised lighting scheme reduces the number of lighting columns. It is recommended that a condition be attached to the decision requiring lighting to be installed with a shroud to prevent glare.
- 5.7.7 To protect the amenity of the residential neighbours during construction work it is also recommended that a condition be attached to the decision restricting hours of construction work on site.
- 5.7.8 Based on the observations listed above and subject to the inclusion of the recommended conditions, the proposal is considered to accord with the provisions of policy CS2 and CS18 of the Core Strategy and the wider NPPF.

## **5.8 Highway Safety and Transport**

- 5.8.1 Core Strategy Policy CS20 requires development proposals to provide appropriate parking provision in accordance with guidance set out in Appendix G and for development to be sustainably located with access to public transport.
- 5.8.2 The application submission has been reviewed by the Local Highways Authority Derbyshire County Council and the following comments were provided;
- 5.8.3 *'This application is for the provision of a large number of car parking spaces only with no justification given for their provision. It is assumed you are satisfied that there is a requirement for such parking. For such a proposed increase, the Highway Authority would look for improvements to the access to bring it in line with current standards.'*
- 5.8.4 *'The application form indicates no alteration to the access which is of single width which cannot be widened due to trees on either side that are the subject of a tree preservation order. The Highway Authority would have reservations over such an intensification in use of the site given that the access is to a busy classified road and the Highway Authority would not wish to see vehicles*

*reversing to or from Littlemoor or having to wait on Littlemoor for vehicles to exit the site before being able to enter.'*

5.8.5 *'If you are satisfied that there is a justification for the provision of this level of car parking, the Highway Authority considers that a new access could be created to Littlemoor to current standards, avoiding the trees subject to a tree preservation order, that would remove highway objection to the proposal. The existing access would be required to be closed.'*

5.8.6 *'I would be obliged if you could put this proposal to the applicant and the Highway Authority will be pleased to comment on any revised proposals. In the event the application is to be decided on an as submitted basis, the Highway Authority would recommend refusal of the proposal for the following reason.'*

*1. The proposal, as submitted, would be likely to lead to vehicles waiting on a classified highway to enter the site and/or vehicles reversing to or from a classified road against the best interests of highway safety.'*

5.8.7 The comments from the Highways Officer have been noted. DCC Highways were re-consulted on the revised plans and submitted statement regarding proposed usage and traffic patterns. No further comments were received. Due to the nature of the activity taking place on site it is expected that vehicles will arrive and enter the site at the same time and then leave after a meeting/service at the same time, effectively creating a one way operation. On this basis the existing access is considered to be sufficient. The proposed emergency access leading to Dukes Drive is designed to accommodate low levels of vehicular activity and to be used in an emergency only. The church has indicated that their congregation will regularly involve up to 500-600 persons all arriving within a half hour time frame and that they would all leave generally after the service has ended. It is appreciated that vehicles will generally be multiple occupied however it is also considered that the site is well located in a close proximity to public transport facilities. Revised drawings show the provision of cycle stands for 6 bicycles. The site is also in close proximity to a bus route with a bus stop situated to the north of the existing entrance on Littlemoor highway.

5.8.8 The use of the building by the applicant is not within the control of the local planning authority and it is the case therefore that

inadequate parking provision on the site will just result in on street parking much to the nuisance of neighbouring residents. On balance, the proposal is considered to be acceptable and accords generally with the policy CS20.

## **5.9 Flood Risk and Drainage**

- 5.9.1 Having regard to the provisions of policy CS7 (Managing the Water Cycle) of the Core Strategy the application submission was referred to Yorkshire Water Services (YWS) and the Council's Design Services (DS) team for comments in respect of drainage and flood risk.
- 5.9.2 Design Services (Drainage) were consulted on this application and provided the following comments; *'It is noted that the applicant proposes to utilise soakaways as a method of discharging surface water runoff from the car park. Soil infiltration tests should be provided along with sizing calculations in accordance with BRE Digest 365 to demonstrate that the sub soils have sufficient capacity to discharge the incoming flow. Further information is included in the attached guidance document.'*
- 5.9.3 The applicant submitted revised plans and the Design Services Team were re-consulted; *'Further to the revised plans received regarding this application; the applicant will still be required to carry out soil infiltration tests and provide sizing calculation results prior to planning permission being granted. These should be in accordance with BRE Digest 365 to demonstrate that the sub soils have sufficient capacity to discharge the incoming flow, as per my previous email dated 26th February, 2019.'*
- 5.9.4 Yorkshire Water were consulted on the proposal and provided the following comments; *'Yorkshire Water has no objection to drawing STHUGHRC.08.18 dated 13/08/2018, that shows surface water proposed to be drained to soakaway. Provided the development is constructed in full accordance with drawing STHUGHRC.08.18 dated 13/08/2018, YW does not require further consultation on this application. The developer should also note that the site drainage details submitted have not been approved for the purposes of adoption or diversion. If the developer wishes to have the sewers included in a sewer adoption/diversion agreement with Yorkshire Water (under Sections 104 and 185 of the Water Industry Act 1991), they should contact our Developer Services Team (tel 0345 120 84 82, email: [technical.sewerage@yorkshirewater.co.uk](mailto:technical.sewerage@yorkshirewater.co.uk)) at*

*the earliest opportunity. Sewers intended for adoption and diversion should be designed and constructed in accordance with the WRc publication 'Sewers for Adoption - a design and construction guide for developers' 6th Edition, as supplemented by Yorkshire Water's requirements.'*

- 5.9.5 Based on the comments listed above, subject to a condition requiring soil infiltration tests and sizing calculations the proposal is considered to accord with policy CS7 of the Core Strategy. It is also recommended that the comments made by Yorkshire Water be included as an informative note within the decision notice.

## **5.10 Impact on Protected Trees and Biodiversity**

- 5.10.1 The application includes trees protected under Tree Preservation Order. The Council's Tree Officer was consulted on the proposal and raised concerns on 11.03.2019 and 10.04.2019 due to the following;
- 5.10.2 *'I therefore object to the application as it stands on the following grounds:*
- 1. No tree survey, Tree Restrains Plan and Tree Protection Plan. The tree protection plan should also show the location of any temporary construction parking, site cabins and facilities and the storage of materials. Details should also be provided of any facilitating pruning around the accesses to avoid any construction traffic damage.*
  - 2. Encroachment from construction within the Root Protection Areas (RPA) of the retained trees T1 Silver Birch and T2 Sycamore.*
  - 3. No details to demonstrate that an above ground construction method is achievable where construction is proposed within the retained trees RPA.*
  - 4. Proposed lighting column and any associated trenching within the RPA of T2 & T3 Sycamore.*
  - 5. Proposed excavations for drainage within the RPA of T2 Sycamore.*
  - 6. No landscaping enhancement proposals.'*
- 5.10.3 Revised plans were submitted and the Tree Officer provided the following comments; *'I can confirm that the core tree root protection system now included in the RPA of T2 Sycamore is acceptable as shown on drawing 1622-10 Rev F dated 29/05/19 and the tree protection measures outlined in the Arboricultural*



*report dated 23<sup>rd</sup> May 2019 by Andrew Allen Associates and above mentioned drawing provide suitable tree protection measures for the proposed development at St Hugh's Church, Littlemoor.'*

- 5.10.4 It has been noted that the revised lighting plan shows a new lighting column within the RPA of T3. The Tree Officer previously objected to the siting of a lighting column within the RPA of the tree, therefore it is recommended that a condition requiring the submission of revised lighting details be included to show the removal of the lighting column.
- 5.10.5 The Derbyshire Wildlife Trust (DWT) were also consulted on the proposal and provided the following comments; *'The application area appears to comprise grassland with a hedgerow on the northern boundary. It is surrounded by residential properties and roads and our database shows no records of protected species for the site.'*
- 5.10.6 *'Whilst there are unlikely to be any significant protected species constraints or notable habitats, planning decisions should aim to achieve a net biodiversity gain (NPPF 2019). As the proposed car parking will result in an almost total loss of green space on site (excluding the presbytery grounds), it is unclear how this will be achieved. We suggest that consideration could be given to the retention/creation of a wildflower strip around the car park perimeters and a scheme to enhance the remainder of the church grounds could be developed to accompany the application.'*
- 5.10.7 *'We would also advise that the light spill from the proposed lighting should not exceed 1 lux to adjacent gardens, as levels higher than this may deter foraging bats. Currently there is light spill of 5 lux at the edges of the site'*
- 5.10.8 The comments from DWT have been noted and it is acknowledged that it is unlikely the site contains notable habitats or protected species. The application will result in the loss of existing grassland and the proposal will introduce some areas of soft landscaping and small trees. Revised lighting plans reduce the number of lighting columns and containing the overall light spill within the application site (with the exception of the western boundary).
- 5.10.9 It is recommended that conditions are attached to the decision requiring further details of proposed hard and soft landscaping

prior to installation on site and to ensure that the planting is maintained for the life of the development. Subject to the imposition of conditions covering the above, the proposal accords with the provisions of policy CS9.

## **5.11 Coal Mining Legacy**

- 5.11.1 The planning application site lies in an area covered by the Coal Authority's referral area and as such it was necessary to consult The Coal Authority on the proposal in accordance with Core Strategy Policy CS8.
- 5.11.2 On the 25.02.2019 The Coal Authority provided the following revised comments; *'As you will be aware, the Coal Authority's general approach in cases where development is proposed within the Development High Risk Area is to recommend that the applicant obtains coal mining information for the application site and submits a Coal Mining Risk Assessment to support the planning application. However, when considering the nature of this particular development proposal, the proposed development will not require substantial foundations or earthworks. Therefore we do not consider that requiring a Coal Mining Risk Assessment would be proportionate to the scale and nature of development proposed in this particular case and **do not object** to this planning application.'*
- 5.11.3 *'In the interests of public safety, however, the Coal Authority would recommend that, should planning permission be granted for this proposal, the following wording is included as an Informative Note within the Decision Notice: The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.*  
*Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes.*

*Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.*

*Property specific summary information on past, current and future coal mining activity can be obtained from: [www.groundstability.com](http://www.groundstability.com) or a similar service provider. If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 7626848. Further information is available on the Coal Authority website at: [www.gov.uk/coalauthority](http://www.gov.uk/coalauthority)*

- 5.11.4 The proposal accords with the provisions of policy CS8 and it is recommended that the informative detailed above be attached to the decision notice.

## **6.0 REPRESENTATIONS**

- 6.1 The application has been publicised by neighbour notification letters sent on 14.02.2019, deadline for responses 07.03.2019. Neighbours were re-consulted on 02.04.2019, deadline for responses 16.04.2019. Two site notices were also displayed on 13.03.2019, deadline for responses 03.04.2019. As a result of the notification process 15 letters of objection and 1 letter of support have been received from 11 properties.

Main points raised by neighbours summarised below;

### **6.2 17 dukes drive (16.02.2019)**

- The proposed drop kerbs on Dukes Drive are these for vehicular access or pedestrian.
- What is proposed for the trees on Dukes Drive.

### **6.3 20 Dukes Drive (26.02.2019)**

- Provision of additional parking will bring increased congestion to an already busy road and in close proximity to a small roundabout junction which not adequate for this level of increased traffic as there are already congestion and air quality issues
- Loss of green space to be replaced with vehicles. Emissions will have a detrimental impact on local environment, wildlife, view from properties, residents health and air quality
- Church did not need provision for 120 cars and there is a regular bus services and should use cycle ways, public transport and car sharing should be encouraged

- No demonstrative need for an emergency exit road which would be misused and create a security issue
- Large car park would encourage long stay parking and antisocial behaviour and could be used by commuters to the town centre and train station
- Change of use from green space to hard standing not compatible under current planning application as the land is bound by residential gardens and most residents have fences which would not stop noise or fume pollution impacting the quiet enjoyment of gardens. Reduce privacy and increased disturbance
- 6m high lighting columns on rear boundary of No 16 and 20 Dukes Drive laid on hard standing will be an eyesore, disrupting the view and with implications for wildlife and residents leading to flood lighting in rear gardens and rear bedrooms of properties.
- Security concerns over access to rear of residential properties due to increased footfall in car park, increased attention arising as a result of change of use
- PPS3 Policy AMP 10 states that planning permission will only be granted if the applicant can demonstrate that they will not significantly contribute to an increase in congestion, not detrimental to local environmental quality, meet an identified need and deter long stay parking and commuter and are compatible with the adjoining land use and in Core Strategy 2006 3.14 and CS20
- Highlights class D2 assembly and leisure would be 1 space per 5 seats. Based on surveys and estimated numbers of congregation members suggest the average size would be 121 people, requiring 24 spaces. Estimated number of spaces based on site area suggested to be 93.75.
- Highlights that cycle provision should be provided at 5% of the maximum number of spaces provided for cars
- Superimposed images provided showing difference in proposed view and visual impacts.
- Site has become overgrown and concerns about future management and maintenance
- Loss of habitat for wildlife including foxes, muntjac, sparrow hawk and other birds and small mammals which would be disrupted.
- Proposed 120 cars will lead to significant increase in air pollution and emissions in the area. Includes congestion and air quality map from Core Strategy. Residents will suffer reduced privacy, increased noise disturbance and exhaust fumes emitted in close proximity to gardens and properties detrimental to health, buildings, plants and animals.

- Proposal will introduce artificial lighting which will be unsightly and detrimental to residents bedrooms backing onto this area and also local wildlife. Light pollution is proven to be disorientating to animals and insects, disrupting breeding and natural cycles and increased mortality.
- Lighting the unsupervised space will lead to space being used at unsociable hours for unsociable activities which pose a nuisance and danger to local residents and their properties.
- Highlights that the core strategy focuses on adapting to climate change, reducing emissions, protecting and enhancing networks of greenspaces to cope with climate change. To protect people from harmful effects of development including mining hazards, flooding, traffic risk and pollution. Encouraging healthy lifestyles through walking and cycling and locating facilities in accessible locations
- Highway safety issues – abundance of local amenities in vicinity of proposed development and there are already high levels of traffic and pedestrians at peak times. Existing issues with speeding in the area and Dukes Drive being used as ‘rat run’. The proposal will increase the number of vehicles at the facility will increase traffic and pose immediate danger to life and property with risk of accidents significantly increasing.
- Recognise that provision of adequate parking facilities can stimulate economic development and environmental/safety benefits in town and city centres, however this should not be to the detriment of local residents.
- Core strategy states that people should feel safe and the local council should ensure future environments are designed to minimise opportunities for crime and anti-social behaviour and should only improve an area. Newbold already has a relatively high crime rate.
- Lists factors that should be taken into account; fixed boundary wall to reduce noise and protect fencing and gardens, wall to be lined with hedging for safety and privacy, landscaping including trees to reduce visual impact and replace loss of habitat, use grass parking mesh or similar hardstanding to reduce visual impact, limitations on use of space and parking duration which should be short stay and not used for events, excluding overnight parking, maintenance provision to ensure site is maintained, space should be secure in evening and when not in use, low level security lights to reduce visual impacts, bicycle parking, provision of community garden.
- We would wish our objections to remain as we can see that there is still no real consideration been made in the new plan for the local residents also I would like to add that the plans show, tarmac for

car park which implies that the cars will park on this area and not the new blocked paving area, there is no dimensions on the drawing, I admit there is a scale but this is hard to interpret for the small dimensions of the proposed hedging.

- The proposed application is for Hard surfacing with drainage and street lighting for a car parking area, so why there is an emergency road and dropped curbs on the plan!
- To conclude I would suggest that a new planning proposal be submitted naming the proposer not the RC Church, that the number of vehicle parking spaces be reduced, that there is a 2 metre border round the outside of the planned parking area, all lighting to be low level low impact and have time restrictions, the dropped curbs and emergency road be omitted from the plan as they are not relevant and require additional consideration. Finally could consideration be given in conjunction with the highways department into making Dukes Drive a access only road to reduce the impact on the local residents, I do know that they are not supported by the police but it could still act as a deterrent to some.

#### 6.4 **No 16 and No 18 Dukes Drive (signed by occupants of both properties) (dated 28.02.2019)**

- Do not object to application for car park but consider proposal present are not in keeping with local environment and not what was expected.
- Phase 2 – assumed this is not part of the application, we object to any access off Dukes Drive
- Number of parking spaces - led to believe this would be half what is shown, do not consider this to be 'essential'
- Emergency access road – do not understand why another access is required and are concerns that this would become a second access/exit, cause a nuisance and possible damage to No 16 Dukes Drive, damage to existing trees adjacent to Dukes Drive
- Dukes Drive - narrow estate road and becomes very congested at times with cars parking on road and footpath outside Old People's home. Extra traffic waiting to go onto Littlemoor Road would cause a blockage, preventing vehicles turning onto Dukes Drive and preventing emergency vehicles reaching ill patients at the Old People's Home.
- Limiting time for use of car park – no limits to times car park can be used which may cause issues for residents on Dukes Drive at night.

- Security – access route to the rear of properties would threaten security as a lorry or van would be able to pull up adjacent to boundaries and obtain access over the fences
- Car park surfacing – mass of black tarmac with white lines is not in keeping with local environment
- Soft landscaping – very little has been presented showing landscaping has been considered. Trees in front of Dukes Drive could block light, cause damage to drains and overhanging gardens.
- Lighting – 6m high standard light shown directly in front of No 16. High levels of artificial light should be avoided and can cause health issues and light pollution. There is no timing on its use and whether the lights will be switched off when car park is not in use.
- Pollution – concerns about exhaust fumes travelling through fencing which could be a health hazard to people sitting or working in gardens
- Mass arrival and leaving – high levels of pollution and noise due to number of cars arriving and leaving at same time
- Noise pollution – caused by opening and closing of car doors, engine, possible music and people talking/shouting.
- Essential use – number of spaces suggests that the site may be used for other things such as car boot sales.
- Design of car park – assumed car park will be for cars only
- Overnight – possibility of the car park being used at night by motorhomes which may affect the security of properties and cause possible disruption at night.
- Wildlife – field used for small animals and birds
- Proposals for alterations/conditions – number of car parking spaces are drastically reduced, parking spaces are away from our boundaries, black surface is broken up to produce a less aggressive appearance, restricted hours of use, high level lighting is removed and replaced with no lighting or low level, lights switched off when not in use, car park entrance kept secure when not in use and designed so unauthorised persons can climb boundary fences, landscaping scheme is produced, non-essential external use restricted, no lorries or large vans no overnight use of car park.

## 6.5 **18 Dukes Drive (11.04.2019)**

- Item 1 – there is no width given to the new soft landscaping area on boundary with No's 16 – 22 Dukes Drive. We believe this should be a minimum of 2m.

- Item 2 – the block paving is better than tarmac, soil and seeded grasscrete block would give a more pleasing environmental feel.
- Item 3 – regarding emergency access onto Dukes Drive – statement regarding traffic patterns does not mention the emergency access and its purpose, beech pebble could be changed at a later date to tarmac. Would planning permission be required to alter?

#### 6.6 **22 Dukes Drive (05.03.2019 and 15.04.2019 and 18.05.2019)**

- Land to the rear of St Hugh's has not been used for car parking and prior to 1967 was agricultural farm land. Car parking has always been limited, therefore suggest the application is for a change of use to a car park. The change of use of the land is not compatible with the surround area, environment and neighbouring properties.
- Site sold in 2018 and state that there is a covenant restricting the use of the church and the land.
- area used by bats for foraging/commuting and resting. Requests a professional survey of the bats, consideration of the negative impact on bat population taking away the foraging site and removing natural habitat and that of other wildlife. White light from lamps would also obstruct access for bats.
- Field and surrounding trees/hedges home to abundance of wildlife including foxes, squirrels, insects, butterflies, birds and sparrow hawks.
- Note consent was granted for works to protected trees and replacement trees which referred to 'phase 2 of project'
- Drainage – hard standing would create drainage issues on natural slope and concerns about final levels being higher than the existing field.
- Area is large open green area surrounded by properties, some unable to respond to application. Proposal for hard standing car park and light on residents is unfair, taking away sightline and enjoyed of field and wildlife, causing disturbance without consultation.
- Concern the site will be used for other events e.g car boots and fund raising and ask for a restriction to prevent this as this would impact residents.
- Vehicle spaces directly up to boundary of garden fence, leading to fumes from car exhausts in garden and home. Concern for health of family including asthma and impacts on enjoyment of garden.
- Landscaping – lack of well-designed landscape and ask for a grassed area of 3m extended around site to prevent vehicles



backing into boundary fence to reduce exhaust fumes and provide small green area of insects/wildlife. Additional green areas should also be incorporated. A metal barrier should be put in place to prevent accidents.

- Conserving and enhancing the landscape – land is no long maintained
- Concern the car park will become a site for anti-social behaviour.
- Suggested that a product would be used with a protective layer to the grass to leave the appearance of a grass field, minimising the impact on the open field but unfortunately this has not been used.
- Home is higher than the proposed car park area with garden at a lower level. Noise is easily carried at the back of our home and noise from the car park will carry into our home from vehicles, car engines, car doors, general conversation resulting in disturbance accompanied by anti-social behaviour. The community should not be adversely affected and any negative impacts need to be taken into account, minimised or proposals rejected
- Concerned about installation of 8m lamp posts at the bottom of garden and neighbours garden with LED white light and in the middle of the car park facing towards property.
- Concerns regarding lighting raised by Environmental Health Officer who requested shrouds be fitted to prevent glare. If the car park level is made higher the effect of the lighting would be more widespread.
- Introduction of lighting will impact local wildlife and our enjoyment of night sky, health, family life and quality of life and infringe human rights. Introducing artificial light would result in flare into gardens and homes. Light slows production of melatonin which would result in health issues. Bedrooms located at rear of property closest to lights.
- Recommendations of Environmental Health Officer are welcomed but do not go far enough. Question need for LED high luminaire lighting and stress any lighting should be low level, in line with distance street lights and should not be more powerful than current street lighting in area. We proposed that any lighting is kept to a minimum, only used when need and not maintained by a timer system
- Concern about colour coding system on lighting plan and associated key.
- Glare from car headlights – 120 car parking spaces would result in surrounding properties being subject to noise and light pollution and glare from headlights.

- Car parking times/security – proposed vehicle parking is restricted and not allowed to park at any time in car park prior to 8am weekdays and 9:30am at weekend, lights are turned off when not in use and gates locked at all times as a security precaution.
- Understand that the Plymouth Brethren Church hold services at 6am therefore it is likely that vehicles will arrive on site from 5:30am onwards on Sunday morning. This is unacceptable due to noise and light pollution from vehicle engines, car doors, talking and lighting in winter months and would not be line with village setting/character of area and would be unfair to residents negatively impacting health, privacy, sleep and ability to work due to sleep disturbance and sleep deprivation.
- Number of car parking spaces – appears excessive and unwarranted due to the following factors;
  - o Many churches in the area do not have access to car parking
  - o Anticipated size of congregation and number of spaces – church building unlikely to hold number of people suggested by number of parking spaces.
  - o Good size congregation at the former St Hugh's and car parking was never an issue with mindful consideration of residents, parking, lighting and noise pollution. Not aware of any reports or recorded complains.
  - o Car parking at a church is not consider essential
  - o Chesterfield Borough Council only have 150 spaces at the new Queens Park Sports Centre which serves the whole of Chesterfield Borough, questions need for 120 car parking spaces.
  - o Littlemoor shopping area has around 50 spaces serving approximately 9 shops with low level street lighting. Raised grassed areas are maintained meaning that vehicles are unable to park directly up to property boundaries.
  - o Alternative transport should be encouraged in accordance with governance guidelines including car sharing, cycling, walking and buses. A bus route is available with a convenient bus stop close to church entrance
  - o Consideration has not been given for the provision of cycle parking on site.
- Phase 2/traffic concerns – seek clarification of lower kerbs in three areas on Dukes Drive and the reason for locked emergency access on Dukes Drive.
- Raise concerns that this will be an exit route for vehicles which will increase traffic onto Dukes Drive and concerns this will have further negative impact on health due to pollution from exhaust

fumes, noise and lighting and result in glare to Ridgewood Care Home.

- Conversation with trustee of Church who stated that the long term plan is to demolish the existing bungalow and build 2 bungalows on site to sell the new builds. There is a covenant in place to prevent building development and we have not been informed of any application.
- Increase in house building have reduced green areas and increased volume of traffic and pollution through gridlocked village of Newbold and Dukes Drive being used as a 'rat run' with traffic queueing traffic experienced regularly. A car park would only add to existing problems and increase numbers of cars on road, reducing number of green spaces.
- Councillor Tony Rodgers is dealing with complaints of speeding traffic and volume of traffic on Dukes Drive and met with Bridget Gould (Head of Highways) to find a solution to this dangerous problem
- Application does not respect character of local area and landscape. No suggesting of maintaining green areas or consideration for environment and pollution. A hardstanding car park will have significant impact on existing properties. Construction work in Newbold area increasing housing, traffic, shrinking green areas.
- Further to amended plans published on 24 and 29 April 2019 in respect of the current field being turned into a hard standing car park, associated buildings, access and lighting. All of the concerns outlined in our letter of 05 March 2019 and email of 15 April 2019 remain. None of the points raised have been addressed by the resubmitted plans and not one of our questions answered.
- We ask that our previous correspondence is taken into account and in particular:
- The original application was for 80 car parking spaces overall, including the existing 20 parking spaces at the front of the church building. We therefore ask, how it is acceptable for plans to be different from the application, with a 50% increase to approximately 120 car parking spaces overall? How can this increase be allowed?
- Furthermore the land in question has never been used as a car park which suggests the application should be for a change of use.
- We completely oppose car parking spaces directly up to our boundary fence due to reasons already outlined including disturbance, vehicle fumes and headlights shining into our home. Surely, should this application for 60 additional car parking spaces

only, at the rear of the church building be approved, (there are currently approximately 20 existing car parking spaces at the front), these spaces can be incorporated away from perimeter boundaries, with the perimeter boundaries used as an area of green space for wildlife. This would recognise and slightly accommodate the vast green space which will be lost and assist with privacy in our homes.

- The maintenance of the proposed planting of a hawthorn hedge has not been addressed in any way given that an existing hawthorn hedge has been left to grow out of control height-wise yet cut back during the time when birds are nesting, contravening the Wildlife and Countryside Act 1981. Additionally, proposals to plant shrubs are vague.
- Lighting issues remain a concern. Again we completely oppose the proposed plans for lighting and for lighting to be sited directly outside of our home. Where there has never been lighting, there are now plans for 6m lamp posts, without shrouds and bright lumens which will deter foraging bats. This will affect our quality of life and the local bat population. There are 10 lamp posts sited on Dukes Drive from Littlemoor to Lansdowne Avenue. We ask what lumens this street lighting is in comparison to those proposed?
- In addition to the existing bat population there are also a family of foxes which have their den on the site and have been there for a number of years. The dog and vixen are currently caring for 5 fox cubs and we are concerned as to how these foxes will be treated/ disposed of. A busy car park will mean a loss of their habitat when the fox population is already known to be in decline.
- Regrettably, the Plymouth Brethren remain evasive regarding times of church services. St Hughs previously held services from 9am. The Plymouth Brethren are known to hold services from 6am with vehicles arriving earlier in time for this early morning service and services are known to take place well into the evening. This church will be well used every day with services throughout the day and comings and goings and the resulting disturbance will be relentless. It is extremely unfair to impose a different way of life on residents and we ask that time restrictions are introduced in an attempt to fit in with existing residential surroundings.
- The entrance and exit routes onto the site do not comply with requirements in correspondence from Highways.
- Proposed plans for 3 access/exits routes onto Dukes Drive remain. This was initially highlighted as being Phase 2 of the development, with an official application still to be submitted. However, this now seems to have formed part of Phase 1. This is

confusing and we therefore ask if plans for Phase 2 have been received and for sight of those plans, please.

- Due to the width of the existing entrance/ exit from Littlemoor not being wide enough we strongly suspect that either the proposed Emergency Exit onto Dukes Drive or one of the other 2 proposed exits will eventually be used as an exit route, creating difficulties, previously outlined, onto Dukes Drive and surrounding areas. We ask why there is a need for an Emergency Exit at a church and why there are plans to lock an Emergency Exit?
- It appears that consideration has still not been adequately addressed in respect of existing trees and their roots.
- Overall, resubmitted plans have not taken into consideration any of our concerns and there has been little or no compromise in any area. We have not been listened to and any changes are for the benefit of the applicants only. There is no justification for the number of car parking spaces and associated lighting.
- This application does nothing to enhance the existing residential or wildlife site and is not in line with the current environment or village setting.

#### **6.7 15 Dukes Drive (06.03.2019)**

- Support neighbours comments and the Highways Department in relation to the excessive size of this proposal along with the access road onto Duke's Drive.
- As previously stated what reassurances are there that this would be only used in an emergency and why is it required?
- 

#### **6.8 28 Ringwood Avenue (07.03.2019 and 16.04.2019)**

- Property is directly in line with the vehicle entrance from Littlemoor and are concerned that the headlights from cars entering and then driving into parking spaces will be shining directly into the property.
- The bedroom and lounge are on the back of the property which backs onto the proposed site and are concerned with the starting up of vehicle engines and their headlights could be an issue, as well as the noise of the actual people attending and leaving, previously we could hear the music and the words being spoken through the speaker system both inside the bungalow and garden in the summer evenings.
- What days will the car park be used? eg, every day or any day or just on days of worship? or just weekends ? will there be many functions throughout the year ?

- What noise levels are to be anticipated from any functions being held?
- Will the car park be used just for parking or will it be used for some outdoor activities?
- What time of evening / night will the car park be closed / empty ? surely the car entrance off
- Littlemoor currently is not wide enough for more than one car at a time so the noise from the queuing traffic to get out especially if the car park is full will/ could be noisy and again headlights could be an issue.
- Is there any possibility they could hire out the property for other persons use?
- Will the area be gated and locked late at night or will access be available for cars and bikes etc to enter and drive around?
- In one plan it shows the proposal to be all car park spaces but near to property boundary shows the corner position is marked off as obviously being a corner of the car park it cannot be an actual space, what are the plans for the corner?
- The proposed lights, what will be the time periods they will be lit? will it be every day or just when the car park is being used? will they be lit for a set period of time or will they be lit throughout every night?
- What will be the proposed area each light will cover? do they have an area limit? do they have any sort of cover /shield around them to diffuse any light travelling from them to affect mum's garden/bungalow?
- The drainage system proposal, is it going to go into the mains system or soakaway? if soakaway where are they going to be sited?
- Also has any thought been given to litter /rubbish facilities?
- With reference to the amendments within letter dated 2nd April 2019 , we just have a couple of concerns ,
  1. With regard to the planting of trees, looks like 7 to be planted if allowed, will there be a height restriction on them? will they be looked after frequently to be kept in shape?
  2. In the corner by our boundary there is to be a soft landscaping area, possibly shrubs, will these have a height restriction? and given time could they possibly spread through the hedge into our garden? will these areas also be looked after regularly?

Also we have now been informed that services could be/will be held in an evening, no time scales given , do you know approximately what time the evening ones will finish?

**6.9 Address unknown (14.04.2019)**

- We wish to raise our formal objections to the above application. We overlook the site but have not received any notification of the planned works and we fully support and reiterate all comments made by our neighbours – (at No 22 Dukes Drive)
- As we are nearing retirement, we were looking forward to making the most of our peaceful surroundings and spending more time in our garden, and if this application were approved, it would adversely affect both this and our quality of life.
- Our primary concerns relate to the traffic noise and lights during antisocial hours (early in the morning and late at night) and the adverse effect on wildlife and its habitat.
- Please can you register our objections and confirm when the consultation with local residents will take place.

**6.10 24 Dukes Drive (10.04.2019)**

- Bats seen on a daily basis and concern that bats will be driven away due to change in lighting. Derbyshire Wildlife Trust advise that light spill should not exceed 1 lux adjacent to gardens as not to deter foraging bats. The trust consider the current light spill to be 5 lux.
- A family of foxes and varied birds come and go between our garden and St Hugh's field.
- We note that the planning application states that the lighting will provide an average 12 lux, which suggests that some lighting units will produce more than 12 lux.
- We sleep in bedroom at the rear of the property and we fear the proposed lighting would affect our sleep and general health.
- We are concerns about early morning and evening noise from the car park and in particular car engines, car doors closing, conservation and children.
- Air quality will be adversely affected if car are parking just the other side of our garden fence. We fear this will aggravate existing respiratory problems.
- The applicant suggest vehicles will enter and leave the car park in a single direction either coming to or departing from a service, using an example of a taxi arriving and leaving after dropping someone off and we know the driveway cannot be widened due to tree preservation order. The obvious place a for a second access is on Dukes Drive

- Note comments on statement regarding usage and traffic patterns
  - there is of no guarantee of numbers attending and times of meetings. Will there be a second barrier restricting cars entering the rear car park. Statement suggests bible readings would ‘sometimes’ full the car park and this takes place four days of the week at late afternoon or evening, therefore likely to be during rush hour affecting congestion on nearby roads and the scale of proposal is unnecessary and unhealthy.
- Existing problems with cars accessing the car park and reversing onto main road to allow cars to exit or manoeuvre into spaces. Existing spaces are tight due to proximity to protected trees and the number of cars involved each week was less than 20 (around half a dozen cars in the car park for the full hour and a dozen or so dropped off and later collected children)
- The proposal does not appear to consider alternative methods of transport which is not compatible with planning regulations or changing attitudes towards the environment
- The Highway Authority recommends the application be refused for 80 car parking spaces. Not consistent with the plan which shows more spaces and 80 spaces considered to be too much for nearby roads to cope with.
- Feel there has been a lack of consideration of neighbourhood, environment and other road users.
- Request that car parking is limited to reasonable times and that neighbours are not woken by people attending church early in the morning or leaving in the evening.
- Applicants state the car park would ‘sometimes’ be fully utilised which suggests the proposed number of spaces is disproportionate to actual need and will unfairly disrupt wildlife and the neighbourhood.
- Former St Hugh’s was well attended and car parking wasn’t an issue for those attending or for neighbours when on street parking occurred.
- Vague and inconsistent information demonstrated by proposal to lower kerb at three points on Dukes Drive which no explanation why and no explanation why emergency access would be required and circumstances for route being used which could cause issues for neighbours on Dukes Drive which is a fairly narrow residential road

#### 6.11 **23 Dukes Drive (16.04.2019)**

- Concerns raised regarding noise, residential amenity, traffic or highways



- Number of parking spaces excessive.
- Unnecessary emergency access onto Dukes Drive
- Excessive lighting

6.12      **131 Littlemoor (23.04.2019)**

- Understand the new owners are of the intention to have a car park on the adjoining field and to make other alterations.
- Being closest to the property concern regarding noise and petrol fumes and possibly evening use as my bedroom is at the back of the house which is owned by the council

Letter of support

6.13      **16 Dukes Drive (28.04.2019)**

- A church car park which is only used occasionally would be better than a redundant site or worse a new housing development. I wanted to voice this in support of the proposal
- My opinion is that the Plymouth Brethren have consulted with neighbours and have listened to us and made changes to overcome any problems
- The road towards the junction of Dukes Drives get cars parking opposite the nursing home and I think the road will be clearer if more off road parking is provided. I'd rather this than increased street parking
- I am looking forward to activity at the church and the property and land being maintained.

6.14      **Officer comments**

- **Emergency Access onto Dukes Drive/additional dropped kerbs – Revised plans remove two dropped kerbs on Dukes Drive and retains the proposed emergency access. The emergency access will be gated and is for use in an emergency. The materials for the access have been agreed in conjunction with the Council's Tree Officer and are required to be installed in accordance with the approved plans.**
- **Highway safety/congestion/alternative modes of transport/cycle provision – see section 5.8**
- **air quality/pollution – the Environmental Health Officer was consulted on the proposal and raised no objection with regards to air quality/pollution**

- **Excessive number of spaces – the Church has a large congregation and the application seeks to maximise the use of the site by enabling off-street parking to prevent significant on-street parking around the site.**
- **Times of use of car park – overnight etc/anti-social behaviour/security/events/restricted – the applicant has provided a statement which states that the site will be locked when not in use and monitored by security. The site will not be let to other users and is solely for the use of the Church.**
- **Lighting/impact of cars at night – revised lighting plans seek to reduce impacts on neighbours, removing lighting columns adjacent to residential dwellings and reducing the overall number and lux spill. It is recommended that a condition is attached restricting the operation of the lighting and shrouding lights to prevent glare. The site is bound by fences and hedges which should restrict glare from headlights.**
- **Hard surfacing/materials – revised plans introduce variation in materials, to visually break up the hard surfacing.**
- **maintenance of site including landscaping and boundary treatments – it is recommended that a condition be attached requiring further information on hard and soft landscaping proposal including a maintenance schedule**
- **Loss of habitat/impact on wildlife/loss of greenspace – see section 5.10.**
- **Phase 2 of development – this application does not include Phase 2 of the development and if Phase 2 is submitted it would be subject of a separate application. Each planning application is considered on its own merits.**
- **Damage to trees – see section 5.10. The Council’s Tree Officer has considered the application and raised no objection to the revised details submitted and the application will be bound by the details of**
- **Change of use to car park – application is for the creation of a car park.**
- **Covenant restricting use of site – separate matter not controlled by the planning process.**
- **Drainage – see section 5.9**

- **Loss of view/sightline of field – considered to be a ‘non-material’ planning consideration and therefore cannot be given any weight in the determination of a planning application.**
- **Noise/disturbance/residential amenity – see section 5.7. The site is an existing place of worship and therefore can be used at any time without the control of the Local Planning Authority.**

## **7.0 HUMAN RIGHTS ACT 1998**

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

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

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

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

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

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

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

line with paragraphs 186 and 187 of the National Planning Policy Framework (NPPF).

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

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 principle of the scheme to develop an existing community asset, retaining the existing use as place of worship is considered to be generally acceptable (policy CS17). Overall, the proposal is considered to be acceptable in design and appearance. Subject to the conditions recommended it is not considered that that the proposal would result in significant adverse impact on the residential amenity of the neighbouring properties. The proposal would provide parking arrangements to meet the needs of the church congregation and would avoid the inevitable on street parking which would occur without the on site parking area. Therefore, on balance the proposal is considered to accord with policy CS1, CS2, CS7, CS8, CS9, CS18 and CS20 of the Chesterfield Local Plan: Core Strategy 2011 – 2031 and the wider National Planning Policy Framework.

## **10.0 RECOMMENDATION**

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

### **Conditions**

#### **Time limit**

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

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

Approved plans

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.
  - Lighting plan 'horizontal illuminance levels', drawing number LS24622-6 (dated 14.05.2019)
  - Proposed elevations, drawing number 1606-102 revision A (dated 19.03.2019, received 26.03.2019)
  - Proposed floor plan, drawing number 1606-104 (dated March 2019, received 26.03.2019)
  - Proposed layout & surfacing plan, drawing number 1622-10 revision F (dated 29.05.2019)
  - Proposed drainage layout, drawing number 1606-101 revision B (24.05.2019)
  - Pre-development arboricultural report for works at St. Hugh's RC Church 135 Littlemoor, Chesterfield, S41 8QP Revision A dated 28.05.2019

*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.*

Construction hours

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

*Reason - In the interests of residential amenities.*

Surface water drainage

4. No development approved by this permission shall be commenced until full details, including design calculations and construction details, for the disposal of surface water

which shall include the provision and implementation of a surface water regulation system and storage facility shall be submitted to and been approved by the Local Planning Authority in writing; the implementation of such details as approved shall be subject to soil/porosity tests for all soakaways, as deemed necessary by the Local Planning Authority, and the development shall not be occupied or used until written confirmation has been received from the Local Planning Authority confirming approval of both the porosity tests and the completed surface water drainage measures.

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

Lighting shroud

5. All the lighting columns shall be shrouded to prevent glare to adjacent residential properties and / or the highway.

*Reason - In the interests of residential amenities*

Lighting hours restriction

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

*Reason - In the interests of residential amenities*

Lighting column in RPA

7. Notwithstanding the details shown on the approved lighting plan horizontal illuminance levels, drawing number LS24622-6 (dated 14.05.2019), the single 3m lighting column located within the root protection area of tree T3 shall be removed.

*Reason – To preserve the tree T3 protected by Tree Preservation Order 4901.241 St Hugh's Church, Littlemoor/Dukes Drive (2004).*

Soft landscaping

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

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

#### Replacement planting within 5 years

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

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

#### Hard landscaping

10. Within 2 months of commencement of development, unless otherwise agreed in writing by the Local Planning Authority, full details of hard landscape works for the approved development shall be submitted to the Local Planning Authority for consideration. Hard landscaping includes proposed finished land levels or contours; means of

enclosure and surfacing finishes. These works shall be carried out as approved prior to the use of the car park.

#### Tree protection measures

11. Development to be undertaken in accordance with drawing Proposed layout & surfacing plan, drawing number 1622-10 revision F (dated 29.05.2019) and Pre-development arboricultural report for works at St. Hugh's RC Church 135 Littlemoor, Chesterfield, S41 8QP Revision A dated 28.05.2019. The development shall only proceed on the basis of details agreed in writing covering the following matters:
- full specification for the construction of any roads, parking areas and driveways, including details of the no-dig specification and extent of the areas of the roads, parking areas and driveways to be constructed using a no-dig specification. Details shall include relevant sections through them.
  - 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, land, existing surfaces and damp proof courses.

*Reason – To preserve the trees protected by Tree Preservation Order 4901.241 St Hugh's Church, Littlemoor/Dukes Drive (2004).*

#### Cycle Stands

12. Before installation of the 6 Cycle stands hereby agreed full details shall be submitted to local planning authority for consideration. The details agreed in writing shall be implemented on site and shall be available concurrent with the use of the new car park and shall be retained as such thereafter.

*Reason – to provide alteration modes of transport*

#### Materials

13. Before ordering of external materials takes place, precise specifications or samples of the walling 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.*

### **Informatives**

1. If work is carried out other than in complete accordance with the approved plans, the whole development may be rendered unauthorised, as it will not have the benefit of the original planning permission. Any proposed amendments to that which is approved will require the submission of a further application.
2. This approval contains condition/s which make requirements prior to development commencing. Failure to comply with such conditions will render the development unauthorised in its entirety, liable to enforcement action and will require the submission of a further application for planning permission in full.
3. The Highway Authority recommends that the first 5m of the proposed access driveway should not be surfaced with a loose material (i.e. unbound chippings or gravel etc.). In the event that loose material is transferred to the highway and is regarded as a hazard or nuisance to highway users, the Authority reserves the right to take any necessary action.
4. Connection to the public sewerage system requires prior consent from Yorkshire Water. Connections to the existing drainage may require Building Control approval.
5. The developer should refer to the Council's 'Minimum Standards for Drainage' guidance in preparing any drainage proposals for submission /consideration

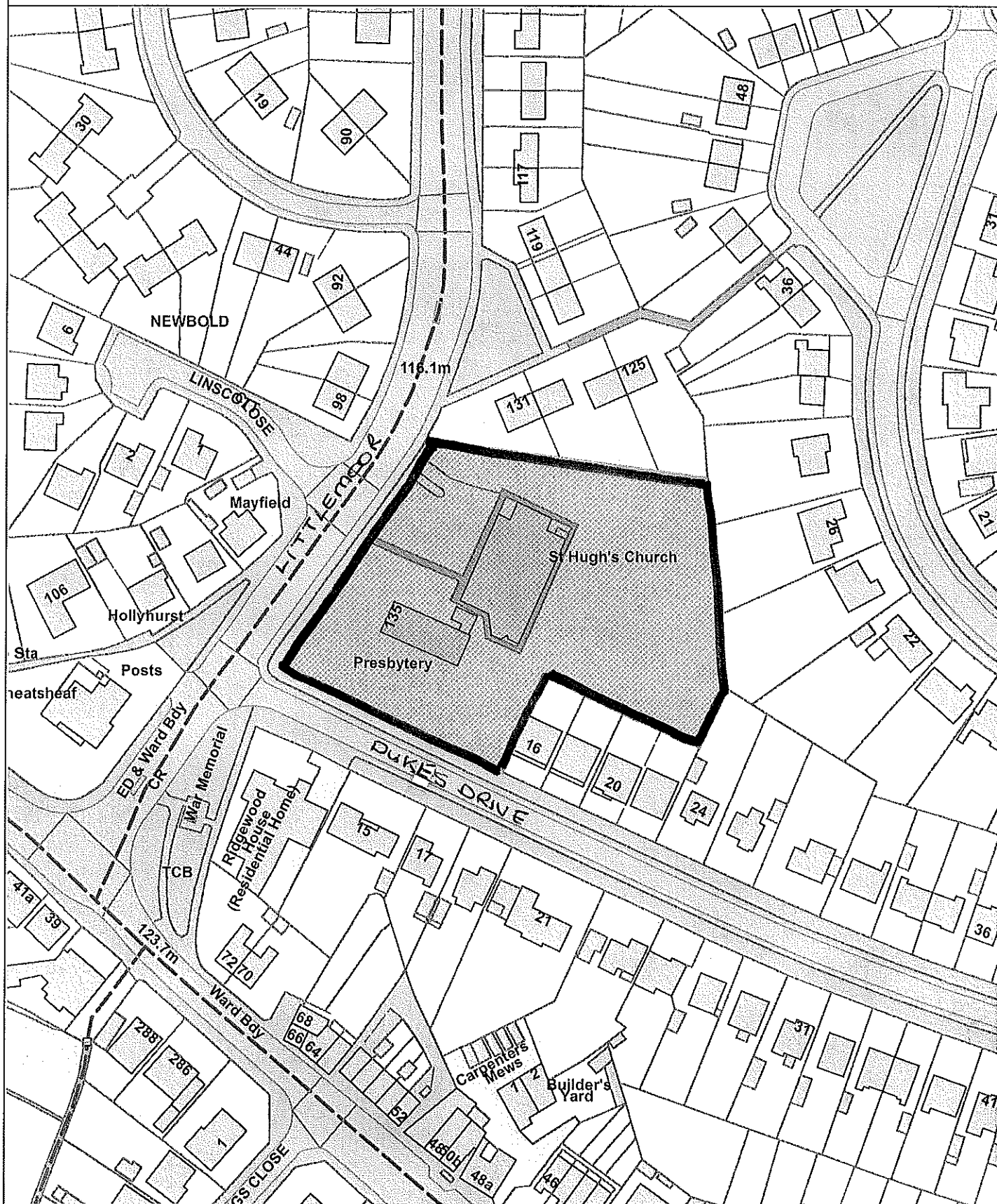
6. Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1991 prior notification shall be given to the Department of Economy, Transport & Environment at County Hall, Matlock regarding access works within the highway. Information, and relevant application forms, regarding the undertaking of access works within highway limits is available via the County Council's website [http://www.derbyshire.gov.uk/transport\\_roads/roads\\_traffic/development\\_control/vehicular\\_access/default.asp](http://www.derbyshire.gov.uk/transport_roads/roads_traffic/development_control/vehicular_access/default.asp) , E-mail [highways.hub@derbyshire.gov.uk](mailto:highways.hub@derbyshire.gov.uk) or Telephone Call Derbyshire on 01629 533190.
7. Pursuant to Sections 149 and 151 of the Highways Act 1980, steps shall be taken to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.
8. The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

Property specific summary information on past, current and future coal mining activity can be obtained from: [www.groundstability.com](http://www.groundstability.com) or a similar service provider. If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 7626848. Further information is available on the Coal Authority website at: [www.gov.uk/coalauthority](http://www.gov.uk/coalauthority)

9. The developer should also note that the site drainage details submitted have not been approved for the purposes of adoption or diversion. If the developer wishes to have the sewers included in a sewer adoption/diversion agreement with Yorkshire Water (under Sections 104 and 185 of the Water Industry Act 1991), they should contact our Developer Services Team (tel 0345 120 84 82, email: [technical.sewerage@yorkshirewater.co.uk](mailto:technical.sewerage@yorkshirewater.co.uk) ) at the earliest opportunity. Sewers intended for adoption and diversion should be designed and constructed in accordance with the WRc publication 'Sewers for Adoption - a design and construction guide for developers' 6th Edition, as supplemented by Yorkshire Water's requirements.'

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<b>COMMITTEE/SUB</b>	Planning Committee
<b>DATE OF MEETING</b>	10 June 2019
<b>TITLE</b>	DELEGATION
<b>PUBLICITY</b>	For Publication
<b>CONTENTS</b>	Items approved by the Group Leader, Development Management under the following Delegation references:-  Building Regulations P150D and P160D, P570D, P580D
<b>RECOMMENDATIONS</b>	Not applicable
<b>LIST OF BACKGROUND PAPERS</b>	Relevant applications

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

Building Regulations	Stuart Franklin	345820
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## Committee List - Chesterfield

Reference Number	Site Address	Description Of Work	Decision Date	Decision Type
19/02184/DEXFP	11 Westbourne GroveAshgateChesterfieldS40 3QD	Loft Conversion & Removal of Internal Wall	08/05/2019	C
19/02618/DEXFP	6 Berwick CloseWaltonChesterfieldS40 3NY	Two storey rear extension and alterations	15/05/2019	C
19/01907/DEXFP	18 Storforth LaneChesterfieldS41 0PW	Single storey rear kitchen extension	15/05/2019	A
19/00935/OTHFP	Unit 2Pottery Lane EastChesterfieldS41 9BH	Erection of a partition to create two separate units within the existing building	15/05/2019	C
19/02774/DEXFP	2 Stanford WayWaltonChesterfieldS42 7NH	Single storey rear extension	17/05/2019	C
19/02088/DEXFP	9 Wimborne CrescentNewboldChesterfieldS41 8PT	Removal of internal walls and alterations	20/05/2019	A
19/02772/DEXFP	1 Malvern RoadBrockwellChesterfieldS40 4DX	Internal Alterations and Removal of Chimney Breast	21/05/2019	A
19/00812/DEXFP	395 - 397 Sheffield RoadWhittington MoorChesterfieldS41 8LS	Provision of external staircase and alterations to ground floor & existing flats over	22/05/2019	C
19/01674/DEXFP	2 Clubmill TerraceBrockwellChesterfieldS40 4EB	Internal Alterations, Loft Conversion and Two Storey Extension to Front Elevation	23/05/2019	A
19/02627/DEXFP	221 Lockoford LaneTaptonChesterfieldDerbyshireS41 0TG	Single Storey Side Shower Room Extension	23/05/2019	C
19/01547/OTHFP	Chesterfield And North Derbyshire Royal HospitalChesterfield RoadCalowChesterfieldS44 5BL	Restaurant refurbishment and the creation of a food prep and servery area within the hospitals Staff Relax	23/05/2019	A
19/01757/DOMFP	Poplar FarmRectory RoadDuckmantonChesterfieldS44 5JS	Construction of 33 dwellings and associated infrastructure	23/05/2019	C

Reference Number	Site Address	Description Of Work	Decision Date	Decision Type
18/05764/DOMFP	Land To The West Of Keswick DriveNewboldChesterfieldS41 8HQ	Residential development of 10 Bungalows including associated infrastructure	23/05/2019	A
19/00949/DEXFP	Hady Hill FarmTrack From Hady Hill Farm To Hady CrescentHadyChesterfieldS41 0DZ	Double Garage with workshop over	23/05/2019	C

<b>COMMITTEE/SUB</b>	Planning Committee
<b>DATE OF MEETING</b>	10 June 2019
<b>TITLE</b>	DELEGATION
<b>PUBLICITY</b>	For Publication
<b>CONTENTS</b>	<p>Items approved by Development Management and Conservation Manager under the following Delegation references:-</p> <p>Planning Applications P020D, P200D to P250D, P270D to P320D, P350D to P370D, P390D, P420D to P440D</p> <p>Agricultural and Telecommunications P330D and P340D</p>
<b>RECOMMENDATIONS</b>	Not applicable
<b>LIST OF BACKGROUND PAPERS</b>	Relevant applications

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

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

<b>Code No FileNo</b>	<b>Ward</b>	<b>Proposal</b>	<b>Decision</b>	<b>Decision Date</b>
CHE/18/00462/FUL  4547	Brockwell	Second storey side extension, extension of roof line and change of use to 3 flats on first and second floor above existing ground floor office (revised plans received 17.12.2018 and 01.03.2019)  At 27 - 29 Clarence Road Chesterfield S40 1LN  For Electrotest	CP	21/05/2019
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
CHE/19/00047/FUL  55	Old Whittington	Erection of two storey workshop and storage building to replace existing temporary containers  At The Body Workshop Sheffield Road Sheepbridge S41 8NQ  For Cosmetic Repair Solutions	CP	24/05/2019
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 S40 1HN Page 377 For Mr and Mrs Stothard	CP	07/05/2019

CHE/19/00114/FUL 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)	CP	07/05/2019
5063	At 45 Storrs Road Chesterfield S40 3QA  For Mr Steve Flint		
CHE/19/00134/CLO Walton PUD	Alterations to existing roof from hip to gable with loft conversion and single storey rear extension.	GR	14/05/2019
3897	At 269 Walton Road Walton S40 3BT  For Mr A King		
CHE/19/00141/FUL West	Single storey extension to front, rear and side with two storey extension to the rear corner of property - Amended Plans received on 20 May 2019)	CP	23/05/2019
1407	At 16 Ashgate Avenue Ashgate Chesterfield S40 1JB  For Mr M and Mrs R Coles		
CHE/19/00179/DOC Dunston	Discharge of condition 5 (coal mining risk assessment) of CHE/18/00798/FUL - extension to existing factory unit and erection of a tower for silo construction	DPC	23/05/2019
208	At Highlands Place, Units 1 - 4 Foxwood Road Sheepbridge S41 9RN For T G Beighton		

CHE/19/00185/CLO	Hollingwood PUD	Certificate of proposed development And Inkersall for new rear single storey flat roof extension to consist of a new living/dining/garden room with an access via bi-folding patio doors.	GR	15/05/2019
1702		At 3 Blueberry Close Inkersall S43 3GG  For Mr Simon Ward		
CHE/19/00187/FUL	Brimington North	Dropped kerb and vehicle hardstanding	REF	16/05/2019
5840		At 125 Ringwood Road Brimington S43 1DF  For Mrs Gail Freeman		
CHE/19/00188/TPO	West	Beech (TG1) - Fell all in group (multistemmed and individual stemmed)	REF	14/05/2019
		The tree works are proposed to stop the influence of the tree(s) on the soil below building foundation level and provide long term stability.  Estimated costs of repair to the building are ?14,100.00 if the influence of the tree(s) remain and ?50,000.00 if the proposed tree works are allowed to proceed. Granting permission will limit these costs. In the event of a refusal we, or our clients, will seek to secure compensation for the additional costs incurred through Section 202(e). Should the tree/s remain the total cost of repairs will be the Superstructural repairs + Alternative method of repairs = £64,100.00 It is the expert opinion of both the case engineer and arboriculturalist that on the balance of probabilities the supporting information demonstrates the influence of the tree(s). At 396 Old Road Chesterfield S40 3QF For Subsidence Management Services		

CHE/19/00202/FUL	West	Single storey rear and front extension (amended drawing received 17.5.2019).	CP	28/05/2019
1736		At 26 Netherleigh Road Ashgate Chesterfield S40 3QJ  For Mr Wilson		
CHE/19/00205/DOC	St Helens	Discharge of condition 5 (Bats) of CHE/18/00599 - New road bridge and access road	DPC	17/05/2019
163, 1637,		At Land At East Of A61Known As Chesterfield Waterside Brimington Road Tapton For Laver Regeneration		
CHE/19/00215/DOC	St Leonards	Discharge of condtions 3 (noise), 4 (schedule of windows and doors), 6 (space for loading/unloading on site) 7 (Employment and Training schedule) and 11(cycle and bin storage) for application CHE/18/00779/FUL - Change of use and conversion of former County Court building to 12 dwellings including internal and minor external alterations	DPC	23/05/2019
1488		At Chesterfield County Court St Marys Gate Chesterfield S41 7TD  For County Developments Ltd		
CHE/19/00240/CA	St Helens	Reduce the crown of the T2 sycamore by 2-3 metres and pollard the five sycamores (T3-T7) to 6 metres high.	UP	16/05/2019
		At Royal Court, Block A Basil Close Chesterfield S41 7SL  For The RC Management Co.Ltd		



CHE/19/00245/CA	West	Reduce cherry and rowan trees by one third and remove old silver birch, remove broken branch from T396 and remove overhanging branch from cherry tree at 2 Somersall Close	UP	20/05/2019
		At 1 Somersall Close Somersall Derbyshire S40 3SG For Mr Philip Kirkham		
CHE/19/00246/TPO	Linacre	Fell T2 willow, no replacement tree required	UP	14/05/2019
TPO 191		At 9 Woodland Walk Holme Hall Chesterfield S40 4YB For Mr Chris Edge		
CHE/19/00277/TPO	Walton	Dead wooding of trees within G1 & G2 Lime	UP	15/05/2019
		At Walton Hospital Whitecotes Lane Walton S40 3HW		

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## **Delegated List - Planning Applications**

### **Key to Decisions**

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

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<b>COMMITTEE/SUB</b>	Planning Committee
<b>DATE OF MEETING</b>	10 June 2019
<b>TITLE</b>	DELEGATION
<b>PUBLICITY</b>	For Publication
<b>CONTENTS</b>	Items approved by the Development Management and Conservation Manager under the following Delegation references:-  Felling and Pruning of Trees P100D, P120D, P130D
<b>RECOMMENDATIONS</b>	Not applicable
<b>LIST OF BACKGROUND PAPERS</b>	Relevant applications

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

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

Page 387

<b><u>CODE NO</u></b>	<b><u>DESCRIPTION OF PROPOSAL</u></b>	<b><u>TERMS OF DECISION</u></b>
CHE/19/00246/TPOEXP  TPO 4901.191  14/05/19	The felling of one dangerous Willow tree reference T2 on the order map for Mr Edge of 9 Woodland Walk, Holmehall. The tree has a large split at the base of the multi stemmed tree.	Consent is granted to the felling of one Willow tree as it was in imminent danger of collapse. The duty to plant a replacement tree has been dispensed with on this occasion due to other mature trees nearby and no loss of amenity in the area.
CHE/19/00188/TPO  TPO 4901.12  14/05/19	The felling of 3 Beech trees within G2 on the Order map for Simon Greener on behalf of Innovation Group at 396 Old Road, Ashgate. The 3 trees are allegedly causing subsidence damage to the property.	Consent is refused to the felling of 3 Beech trees because from the assessment carried out by Kier Structural engineers it is unlikely that the cracking to the main dwelling is as a direct result of the effects of the Beech trees. The existing raft foundations are adequate for the property in relation to the trees and evidence suggests that no lintels are present above the doorways.
CHE/19/00277/TPOEXP  TPO 4901.212  15/05/19	The dead wooding of 20 Lime trees within G1 on the Order map for TEP on behalf of Walton Hospital at land to the west of Harehill Road, Grangewood.	Consent is granted to the removal of dead wood from 20 Lime trees.

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

<b><u>CONTENTS OF NOTICE</u></b>	<b><u>SUMMARY OF CONSIDERATIONS</u></b>	<b><u>TERMS OF DECISION</u></b>	<b><u>DATE OF DECISION</u></b>
CHE/19/00240/CA The crown reduction of one Sycamore tree by 2-3m and the pollarding of 5 Sycamore trees to a height of 6m for Mr Martin Burton of RC Management Company Ltd, Royal Court, Basil Close.	The trees are within the Town Centre Conservation Area and the applicant wishes to prune the trees which are located adjacent to a high retaining wall bordering Chesterfield College to alleviate any further structural damage to the wall which is starting to lean towards the college.	Agreement to the pruning of 6 Sycamore trees. The pruning will have no major adverse effect on the amenity value of the area.	16/05/19
CHE/19/00245/CA The felling of one Silver Birch tree and the removal of one branch on one Cherry tree and the crown reduction of one Rowan and one Cherry for Mr Kirkham at 1 Somersall Close, Somersall.	The trees are within the Somersall Conservation Area and the applicant wishes to fell the Silver Birch tree due to its poor shape and form and prune the remaining trees for general maintenance.	Agreement to the felling and pruning of trees. The felling/pruning will have no major adverse effect on the amenity value of the area.	20/05/19
CHE/19/00300/CA The felling of one Silver Birch tree and the crown lifting of various trees along the north west boundary to access machinery for Mr Gratton at	The trees are within the Town Centre Conservation Area and the applicant wishes to fell the Silver Birch tree for site investigations for a mine shaft and crown lift the trees to allow machinery on to the site.	Agreement to the felling and pruning of trees. The felling/pruning will have no major adverse effect on the amenity value of the area.	29/05/19

Avenue Surgery, 109 Saltergate, Chesterfield.			
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## AGENDA ITEM

### APPEALS REPORT

**MEETING:** PLANNING COMMITTEE

**DATE:** 10 June 2019

**REPORT BY:** DEVELOPMENT MANAGEMENT AND  
CONSERVATION MANAGER

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#### FOR PUBLICATION

#### BACKGROUND PAPERS FOR PUBLIC REPORTS

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

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#### 1.0 PURPOSE OF REPORT

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

**PAUL STANIFORTH**  
**DEVELOPMENT MANAGEMENT AND CONSERVATION**  
**MANAGER**

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

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## APPEALS

<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>
2/1932	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 <sup>th</sup> 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	
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## ENFORCEMENT REPORT

**MEETING:** PLANNING COMMITTEE

**DATE:** 10<sup>TH</sup> JUNE 2019

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

**WARD:** As listed in the report

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### **FOR PUBLICATION**

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

### **BACKGROUND PAPERS**

LOCATION: LEGAL SERVICES

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

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

#### **2.0 BACKGROUND**

2.1 The table summarises formal planning enforcement by the Council.

#### **3.0 INFORMAL ACTION**

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

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

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

#### **5.0 RECOMMENDATION**

5.1 That the report be noted.

GERARD ROGERS  
LOCAL GOVERNMENT AND  
REGULATORY LAW MANAGER

PAUL STANIFORTH  
DEVELOPMENT MANAGEMENT  
& CONSERVATION MANAGER

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

Enforcements currently Authorised: 7

## ENFORCEMENT REPORT

31 May 2019

Address	Authorised days from	Breach	CHE/	Issued days to issue	Effective days to (-) /from	Comply days to (-) /from	Notes	update last update	Ward
<b>Enforcement Notice</b>		Total currently Authorised: 6 Authorised to Issue Average: 71 days							
Markham Road	Markham House	18/02/08 4,120	storage of commercial vehicles	20/03/08 31	18/04/08 4060	20/10/08 3875	Complied by 2009. Unauthorised use has started again. Prosecute.	<input type="checkbox"/> 04/03/19	HI
Station Lane		03/04/18 423	importation of materials - creation of hard surfacing	03/07/18 91	08/08/18 296	08/08/19 -69	Issued. In effect - no appeal. Application now received	<input type="checkbox"/> 08/05/19	BHW
Station Lane		03/04/18 423	importation of materials - industrial use	03/07/18 91	08/08/18 296	08/08/19 -69	Issued. In effect - no appeal. Application now received	<input type="checkbox"/> 08/05/19	
Tapton View Road	47	24/04/17 767	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 type="checkbox"/> 10/04/19	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>1,068</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>599</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. Consider 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
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Address	Authorised <small>days from</small>	Breach	CHE/	Issued <small>days to issue</small>	Effective <small>days to (-) /from</small>	Comply <small>days to (-) /from</small>	Notes	update <small>last update</small>	Ward
Walton Works	27/06/16 <small>1,068</small>	use for war and horror style games of game play					See notes for Enforcement Notice.	<input type="checkbox"/> <small>03/03/17</small>	Wa

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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.*

## **For publication**

### **Five Year Housing Supply Position 2019/20**

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Meeting: 1.Planning Committee

Date: 1. 10<sup>th</sup> June 2019

Cabinet portfolio: Executive Member for Economic Growth

Report by: Strategic Planning Manager

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#### **1.0 Purpose of report**

- 1.1 To update planning committee on the latest position on the council's five year supply of deliverable housing sites.

#### **2.0 Recommendations**

- 2.1 That Members note the report.

#### **3.0 Report details**

- 3.1 In February 2019 the Ministry of Housing, Communities and Local Government (MHCLG) published a revised National Planning Policy Framework (NPPF).
- 3.2 The NPPF continues the requirement that Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of

five years' worth of housing against the housing requirement (NPPF Paragraph 73).

3.3 Where an adopted Local Plan is over five years old (as is the case with the Chesterfield Borough Core Strategy, adopted in 2013), the supply will be calculated against Local Housing Need (LHN) (NPPF paragraph 73), calculated using the methodology set out in the NPPF and the Planning Practice Guidance.

3.4 The five year supply is calculated in three parts:

- Five year housing target
- Supply of deliverable sites
- Calculation of surplus/deficit

#### 4.0 **Housing Target**

4.1 The current Local Plan Core Strategy was adopted on 24<sup>th</sup> July 2013 and is over five years old. The target has therefore been calculated using the LHN methodology set out in the NPPF. This gives a target of **240** new homes a year, or **1200** new dwellings for a five year period.

4.2 On top of this the NPPF requires a further 'buffer' of 20% be added to the requirement where there is evidence of 'persistent under-delivery'. This is determined by the Housing Delivery Test results which were published by the in February 2019 by the CLG. This showed delivery in the borough at 66% of the target, and therefore the 20% buffer is required.

4.3 This gives a final five year housing supply requirement of **1440** net new homes over the five years between 1<sup>st</sup> April 2019 and 31<sup>st</sup> March 2024.

<b>Five Year Housing Requirement</b>	
Local Housing Need (annual)	240

Five year target (240 x 5)	1200
<b>Plus 20% for under-delivery</b>	<b>1440</b>

## 5.0 Supply of Deliverable Sites

5.1 To be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years. In particular:

- a) sites which do not involve major development [less than 10 dwellings] and have planning permission, and all sites with detailed planning permission, should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within five years (for example because they are no longer viable, there is no longer a demand for the type of units or sites have long term phasing plans).
- b) where a site has outline planning permission for major development [10 or more dwellings], has been allocated in a development plan, has a grant of permission in principle, or is identified on a brownfield register, it should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years.  
(NPPF Page 66)

5.2 The supply for Chesterfield consists primarily of planning permissions. These are set out in appendices 1 and 2 of the Five Year Housing Supply Statement.

5.3 The council has sought clear evidence from landowners and developers where appropriate to support the inclusion of deliverable sites for major development with outline permission, and sites with local plan allocations or entered in the brownfield register. These are set out in Appendices 3 to 5

of the Five Year Housing Supply Statement, and evidence for delivery in appendix 6.

5.4 This currently gives a total supply of **1982** net new homes.

## 6.0 Surplus/Deficit

6.1 On this basis, the council can currently demonstrate a five year supply of suitable deliverable sites for new housing, with a **surplus of 542** dwellings.

Table 6: Five Year Supply Position 1 <sup>st</sup> April 2019	
Housing Requirement (based on 240 pa)	1440
Housing Supply	1982
<b>Shortfall / Surplus</b>	<b>+542 dwellings</b>

## 7.0 Implications for decision making

7.1 Whilst the council can demonstrate a five year supply of deliverable sites, policies of the Local Plan that accord with the revised NPPF should be considered up to date. Specifically, full weight will be given to the provisions of Core Strategy Policy CS10:

### **CS10 Flexibility in Delivery of Housing**

*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*

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

## 8.0 **Recommendations**

8.1 That Members note the report.

## 9.0 **Reasons for recommendations**

10.0 In order to comply with the requirements of the revised National Planning Policy Framework.

### **Document information**

<b>Report author</b>		<b>Contact number/email</b>
Alan Morey		5371
<b>Appendices to the report</b>		
Appendix 1	Five Year supply statement 2019 to 2024	

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**CHESTERFIELD**  
BOROUGH COUNCIL

# **Chesterfield Borough Council Five Year Housing Supply Position**

**1<sup>st</sup> April 2019  
To  
31<sup>st</sup> March 2024**

Publication Date: 29th May 2019

## Introduction

The revised National Planning Policy Framework (NPPF), published February 2019, requires Local Planning Authorities to:

*“Identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years’ worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old.*

*The supply of specific deliverable sites should in addition include a buffer (moved forward from later in the plan period) of:*

- a) 5% to ensure choice and competition in the market for land; or*
- b) 10% where the local planning authority wishes to demonstrate a five year supply of deliverable sites through an annual position statement or recently adopted plan, to account for any fluctuations in the market during that year; or*
- c) 20% where there has been significant under delivery of housing over the previous three years, to improve the prospect of achieving the planned supply”<sup>1</sup>.*

The following statement sets out the council’s up-to-date position based on monitoring data for the 2018-19 period, taking into account evidence of the requirement, the supply of sites and evidence of delivery. It should be read in conjunction with the council’s approved development plan<sup>2</sup>.

At the time of writing, the council’s development plan consists of:

- The Chesterfield Borough Local Plan Core Strategy (adopted June 2013)
- Saved policies of the Replacement Chesterfield Borough Local Plan (adopted June 2006, saved June 2013)

A new local plan is currently in development. The emerging Local Plan was subject to pre-submission consultation under regulation 19 in January and February 2019. Submission is currently expected in June 2019. The evidence base for this local plan can be found on the council’s website<sup>3</sup>.

The Housing Statement is set out in four parts:

- 1. Housing Delivery monitoring**
- 2. The Housing Requirement**

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<sup>1</sup>

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/779764/NPPF\\_Feb\\_2019\\_web.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779764/NPPF_Feb_2019_web.pdf)

<sup>2</sup> <https://www.chesterfield.gov.uk/planning-and-building-control/local-plan.aspx>

<sup>3</sup> <https://www.chesterfield.gov.uk/planning-and-building-control/local-plan/ldf-evidence-base.aspx>

- 3. The Housing Supply**
- 4. The overall Five Year Supply position**

## 1. Housing Delivery Monitoring

Throughout the 2018/19 financial year **212 (net) new dwellings** were completed. This is calculated via the following formula:

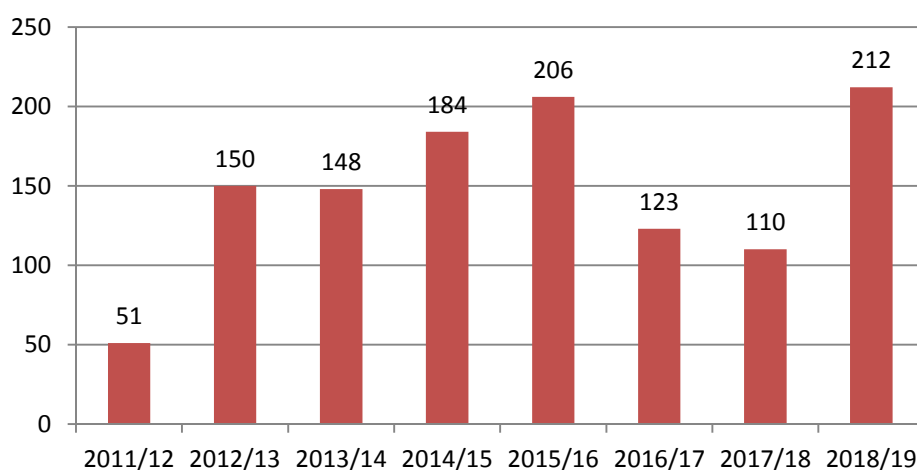
$$\text{Net dwellings} = (\text{New Build Completions}) + (\text{Net Conversion to Residential}) - (\text{Demolitions})$$

This was a significant improvement on the previous year (110) but remains below the Annual Housing Need target of 240 (calculated using the new methodology in the Revised NPPF, set out below). Details of sites under construction are set out in Appendix 1.

**Table 1: Housing Completions by year**

Year	Net Completions
2011/12	51
2012/13	150
2013/14	148
2014/15	184
2015/16	206
2016/17	123
2017/18	110
2018/19	212

### Net Completions by year



## 1. Housing Requirement

In order to meet the housing needs of a growing population and expanding economy the *Local Plan: Core Strategy*<sup>4</sup> sought to provide 7,600 extra dwellings between 2011 and 2031 requiring, on average, the completion of 380 dwellings each year throughout the plan period. The evidence for the Core Strategy target was based on a 2007 SHMA with further work on projections published in February 2011. A SHMA update was published in November 2017 to support the preparation of a replacement plan.

As the adopted Local Plan Core Strategy was adopted 24<sup>th</sup> July 2013, it is now over five years old. Therefore, following the publication of the Revised NPPF in February 2019 the council's housing requirement for five year supply purposes must be based on the Local Housing Need (LHN) Methodology set out in the NPPF paragraph 73. The LHN calculation is set out in detail in appendix 7.

**This gives a Local Housing Need target of 240 dwellings a year.**

The LHN methodology applies an adjustment for affordability and there is therefore no requirement to specifically address under-delivery separately.<sup>5</sup>

The NPPF requires a further 'buffer' of 20% be added to the target where there is evidence of 'persistent under-delivery'. This is determined by the Housing Delivery Test (HDT), where delivery has been under 85% on average over the previous three years. The HDT results<sup>6</sup>, published in February 2019, showed delivery at 66% of the required target, therefore requiring application of a 20% buffer to the housing requirement for 'persistent under-delivery'.

**Table 2: Housing Delivery Test Results (2018 measurement)**

	Year			Total
	2015/16	2016/17	2017/18	
Homes required	224	220	227	671
Homes delivered	206	130	110	446
Delivery measurement				66%

### Five Year Housing Target

The calculation of the borough's five year housing supply requirement is as set out in table 3, below.

<sup>4</sup> <https://www.chesterfield.gov.uk/planning-and-building-control/local-plan/core-strategy.aspx>

<sup>5</sup> <https://www.gov.uk/guidance/housing-and-economic-development-needs-assessments#housing-need> Paragraph: 011  
Reference ID: 2a-011-20190220

<sup>6</sup> <https://www.gov.uk/government/publications/housing-delivery-test-2018-measurement>

Table 3: Five Year Housing Requirement	
Local Housing Need (annual)	240
Five year target (240 x 5)	1200
<b>Plus 20% for under-delivery</b>	<b>1440</b>

## 2. Housing Supply

The Revised NPPF has amended the definition of ‘deliverable’<sup>7</sup>; previously all sites with planning permission deliverable in five years were included, unless there was evidence to the contrary. Now sites for major development with outline planning permission, an allocation in a local plan or on the council’s brownfield register<sup>8</sup> may only be included in the supply where there is clear evidence that housing completions will begin on site within five years.

*“To be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years. In particular:*

- a) sites which do not involve major development and have planning permission, and all sites with detailed planning permission, should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within five years (for example because they are no longer viable, there is no longer a demand for the type of units or sites have long term phasing plans).*
- b) where a site has outline planning permission for major development, has been allocated in a development plan, has a grant of permission in principle, or is identified on a brownfield register, it should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years.”*

Planning Practice Guidance sets out guidance on what should be considered ‘Clear Evidence of Delivery, this evidence may include’<sup>9</sup>:

- any progress being made towards the submission of an application;
- any progress with site assessment work; and
- any relevant information about site viability, ownership constraints or infrastructure provision.

The sites that make up the supply for the borough are set out in appendices 1 to 5. Evidence for the delivery of sites with outline permission for major development, allocations in the Local Plan, and sites on the Brownfield Land Register, that are considered deliverable within five years is set out in appendix 6.

In order to calculate the number of dwellings these sites are likely to provide within a five year period, the following assumptions have been used where a trajectory has not been

<sup>7</sup>

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/779764/NPPF\\_Feb\\_2019\\_web.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779764/NPPF_Feb_2019_web.pdf) page 66

<sup>8</sup> <https://www.chesterfield.gov.uk/planning-and-building-control/planning-policy-and-the-local-plan/land-availability-assessment/brownfield-land-register.aspx>

<sup>9</sup> <https://www.gov.uk/guidance/housing-and-economic-land-availability-assessment#housing-delivery-5-year-land-supply> Paragraph: 036 Reference ID: 3-036-20180913

provided by the developer. These are based on the assumptions set out in the council's adopted Land Availability Methodology<sup>10</sup>.

Table 4: Build Rates				
Site Status	Timescales	Site size/ no. dwellings		
		<50homes	50-200 homes	>200 homes
<b>Under construction (applied to remaining capacity)</b>	Lead in time	NA	NA	NA
	Build rate (per annum)	15	30	50
<b>Full pp/Reserved Matters</b>	Lead in time	1 year	1.5 years	2 years
	Build rate (per annum)	15	30	50
<b>Outline planning permission</b>	Lead in time	1.5	2	2.5
	Build rate (per annum)	15	30	50
<b>No planning permission (allocations and LAA sites)</b>	Lead in time	2.5	3	3.5
	Build rate (per annum)	15	30	50

## Summary of Supply

Table 5: Housing Supply 1 <sup>st</sup> April 2019	
Supply of sites deliverable within five years	No. Dwellings
Remaining commitments on sites under construction	499
Detailed planning permission & Outline permission for less than 10 dwellings	514
Outline permission for major development	798
Allocation in Local Plan without planning permission	150
Brownfield Land Register sites only	21
<b>Total Housing supply</b>	<b>1982</b>

The council can currently demonstrate a supply of dwellings deliverable within five years from all sources of **1,982** dwellings.

<sup>10</sup> <https://www.chesterfield.gov.uk/planning-and-building-control/planning-policy-and-the-local-plan/land-availability-assessment.aspx>



## 5. Five Year Housing Land Supply Position (As of 1<sup>st</sup> April 2019)

The following table sets out the five year land supply position for Chesterfield as of April 2019 in accordance with the requirements of paragraph 73 of the Revised NPPF.

Table 6: Five Year Supply Position 1 <sup>st</sup> April 2019	
Housing Requirement (based on 240 pa)	1440
Housing Supply	1982
Shortfall / Surplus	+542

***The Council's stated position is that it is currently able to demonstrate a Five Year Supply of Suitable Housing sites.***

## Appendix 1 – Sites Under Construction 1<sup>st</sup> April 2019

PP Ref	Address	Description	Granted	Prop Units	Lost	Net Gain	Status	Completed 18/19	Under Construction	Committed	Net Supply
<b>SITES COMPLETE AS OF 1<sup>ST</sup> APRIL 2019</b>											
CHE/17/00263/FUL	Former Saltergate Health Centre 107 Saltergate Chesterfield Derbyshire S40 1LA	Erection of 34 dwellings including private amenity space, car parking provision, new access road, landscaping, drainage swale and on-site open space	08/08/2017	34	0	34	Completed	33	0	0	0
CHE/17/00475/FUL	1 - 3 Knifesmithgate Chesterfield Derbyshire S40 1RF	Conversion of the existing D2 Leisure Unit at 1-3 Knifesmithgate, Chesterfield, to create 10 residential dwellings at first and second floor.	11/10/2017	10	0	10	Completed	10	0	0	0
CHE/14/00139/FUL	44 - 46 Park Road, Chesterfield,	Redevelopment of buildings, including change of use to provide 2 ground floor offices and 8, 1 bedroom apartments	26/06/2014	8	0	8	Completed	8	0	0	0
CHE/17/00384/FUL	Jubilee Works Middlecroft Road Staveley Derbyshire S43 3XN	Conversion of existing buildings to 4 two bedroom dwellings. 2 ground floor bed apartments and 2 two bed duplexes.	10/10/2017	4	0	4	Completed	4	0	0	0
CHE/15/00433/FUL	Chanders Inkersall Green Road Inkersall Derbyshire S43 3HA	Proposed erection of four detached dwellings at land at Chanders 95 Inkersall Green Road	15/09/2015	4	0	4	Completed	4	0	0	0
CHE/15/00051/COU	Angel Inn, 49 South Street North, Chesterfield, Derbyshire, S43 2AA	Change of use from public house to four flats	01/07/2015	4	0	4	Completed	4	0	0	0
CHE/13/00595/FUL	Club House, 3 Station Road, Barrow Hill, Chesterfield, Derbyshire, S43 2PG	Part demolition of rear boundary wall and erection of 2no. pairs of semi-detached houses.	06/01/2014	4	0	4	Completed	4	0	0	0

PP Ref	Address	Description	Granted	Prop Units	Lost	Net Gain	Status	Completed 18/19	Under Construction	Committed	Net Supply
CHE/17/00437/FUL	Q House The Green Hasland Derbyshire S41 0LJ	Erection of 3 bungalows on land at the green, in place of the existing Methodist church which has been granted demolition (CHE/17/00324/DEM). Revised description and drawings received 16.01.17	05/03/2018	3	0	3	Completed	3	0	0	0
CHE/17/00585/COU	27 Albion Road, Chesterfield, S40 1LJ	COU to create 3 flats and retain the lower basement flat	11/10/2017	3	0	3	Completed	3	0	0	0
CHE/16/00042/FUL	Lodge Farm, Westwood Lane, Brimington, S43 1PA	Demolition of existing house and associated outbuildings, sheds and barns and construction of four new houses on site - Amended plans received 27th May 2016, Contamination Report received 5th April 2016 and Ecology Report received April 2016.	19/07/2016	4	1	3	Completed	3	0	0	0
CHE/17/00661/FUL	51 Chesterfield Road	Two semi-detached Houses	21/11/2017	2	0	2	Completed	2	0	0	0
CHE/16/00769/FUL	26 A, Circular Road, Staveley, S43 3QX	Demolition of existing retail unit; 1 x Proposed detached residential dwelling; and 1 x Shop/retail unit with accommodation above	06/03/2017	2	0	2	Completed	2	0	0	0
CHE/14/00725/FUL	4 Cross Street, Chesterfield, Derbyshire, S40 4TS	Change of use of ground floor premises from offices to residential	02/02/2015	2	0	2	Completed	2	0	0	0
CHE/17/00353/PNC	Carers Association 69 West Bars Chesterfield Derbyshire S40 1BA	Conversion of existing first and second floor accommodation to form 3 studio apartments and associated storage space	11/07/2017	2	0	2	Completed	2	0	0	0
CHE/17/00477/FUL	8 Park View Hasland Derbyshire S41 0JD	Construction of a three bedroom detached dwelling within the curtilage of 8 Park View (revised drawings received 02.11.2017)	12/12/2017	1	0	1	Completed	1	0	0	0
CHE/17/00068/FUL	7 Myrtle Grove, Hollingwood, S43 2LN	Proposed new dormer bungalow within the curtilage of 7 Myrtle Grove (revised plans received 10.03.2017)	25/04/2017	1	0	1	Completed	1	0	0	0

PP Ref	Address	Description	Granted	Prop Units	Lost	Net Gain	Status	Completed 18/19	Under Construction	Committed	Net Supply
CHE/16/00210/FUL	Land To The Rear Of 572 Chatsworth Road, Chatsworth Road, Chesterfield	Erection of a 5 bedroom house	08/06/2016	1	0	1	Completed	1	0	0	0
CHE/14/00028/FUL	Land To Rear Of 190 Station Road Brimington Chesterfield Derbyshire	Erection of one detached dwelling	23/04/2014	1	0	1	Completed	1	0	0	0
CHE/15/00284/TCU	2 Rose Hill, Chesterfield, S40 1LW	Change office use B1(a) to residential unit (C3)	03/09/2015	1	0	1	Completed	1	0	0	0
CHE/17/00106/FUL	Land Adjacent 215, Hady Lane, Hady	Demolition of existing garage and construction of new dwelling house (2 storey dormer style bungalow with separate double garage block).	24/03/2017	1	0	1	Completed	1	0	0	0
CHE/15/00310/FUL	6 - 8 Avenue Road, Chesterfield, Derbyshire	Erection of a detached house - re-submission of CHE/14/00490/FUL	15/10/2015	1	0	1	Completed	1	0	0	0
CHE/15/00176/FUL	Jaxholme, Eckington Road, Staveley, Chesterfield, Derbyshire, S43 3XZ	Demolish existing bungalow and build new two storey dwelling - bat survey received 24th August 2015	24/09/2015	1	1	0	Completed	1	0	0	0
CHE/15/00831/FUL	Land To The Rear Of 570 Chatsworth Road, Chesterfield, S40 3JS	Construction of new three bedroom house at land to the rear of 570 Chatsworth Road (to be developed as an extension to The Willows, off Oakfield Avenue)	16/02/2016	1	0	1	Completed	1	0	0	0
CHE/16/00305/TCU	6 Rose Hill, S40 1LW	Change of use from office accommodation to dwelling house	16/08/2016	1	0	1	Completed	1	0	0	0
CHE/18/00126/FUL	Littlemoor Flats, Littlemoor Centre, Newbold, Derbyshire, S41 8QW	Change of use of existing first floor retail storage area to a two bedroom apartment	08/05/2018	1	0	1	Completed	1	0	0	0
CHE/17/00488/FUL	Land Adjacent To 24 Dovedale Avenue Inkersall S43 3HT	Residential development of 3 dwellings - amended description 24th May 2016	19/07/2017	1	0	1	Completed	1	0	0	0

PP Ref	Address	Description	Granted	Prop Units	Lost	Net Gain	Status	Completed 18/19	Under Construction	Committed	Net Supply
CHE/17/00891/RE M	20A Avondale Road, Chesterfield, S40 4TF	Reserved matters application for access; appearance; landscaping; layout and scale of CHE/17/00456/OUT.	04/04/2018	2	1	1	Completed	1	0	0	0
CHE/16/00428/FUL	Land To Rear Of 19, Bentham Road	Detached house to Plot 4	31/08/2016	1	0	1	Completed	1	0	0	0
CHE/17/00546/FUL	Land To Rear Of 11 Chesterfield Road Brimington Derbyshire	Construction of a three bedroom bungalow with garage	10/10/2017	1	0	1	Completed	1	0	0	0
CHE/17/00623/COU	54 Rutland road, Chesterfield, S40 1LY	COU from D1 to C3 Residential	31/10/2017	1	0	1	Completed	1	0	0	0
CHE/14/00515/RE M	Land To The West Of 234 Hady Hill Hady Derbyshire S41 0BJ	Approval of reserved matters from application CHE/12/00234/OUT - (1) layout, external appearance and landscaping	22/05/2017	1	0	1	Completed	1	0	0	0
CHE/17/00786/FUL	5 Westwood Lane Brimington Derbyshire S43 1PA	Proposed 2 storey detached dwelling on land adjacent 5 Westwood Lane, Brimington, Chesterfield. Previous Planning Permission CHE/17/00272/FUL - Revised drawing received 17.11.17 (garage increase)	22/12/2017	1	0	1	Completed	1	0	0	0
CHE/15/00779/FUL	Land Adjacent 102 Brooke Drive, Chesterfield, Derbyshire	Proposed three bedroom detached house with garage and parking	02/02/2016	1	0	1	Completed	1	0	0	0
CHE/14/00313/FUL	Poplar Farm, Rectory Road, Duckmanton, S44 5JS	Change of use to a dwelling at first floor including demolition of existing ground floor store	21/10/2014	1	0	1	Completed	1	0	0	0
CHE/15/00399/FUL	Anmere, Eckington Road, Staveley, S43 3XZ	Demolition of existing bungalow and build new three storey dwelling - bat survey received 24th August 2015	24/11/2015	1	1	0	Completed	1	0	0	0
CHE/16/00625/FUL	Land Adjacent 135, Cordwell Avenue, Newbold, S41 8BN	Proposed new dwelling	30/11/2016	1	0	1	Completed	1	0	0	0

PP Ref	Address	Description	Granted	Prop Units	Lost	Net Gain	Status	Completed 18/19	Under Construction	Committed	Net Supply
CHE/18/00005/COU	Harmony Blinds 156 Keswick Drive Newbold Derbyshire S41 8HH	Change of use from commercial to residential	05/03/2018	1	0	1	Completed	1	0	0	0
CHE/18/00336/COU	158 Keswick Drive Newbold Derbyshire S41 8HH	Change of use from commercial to residential	05/11/2018	1	0	1	Completed	1	0	0	0
CHE/14/00345/FUL	Holbrook Farm, Renishaw Road, Chesterfield, Derbyshire, S43 3DW	Demolition of existing structurally unstable farm house and erection of new build dwelling	12/08/2014	1	1	0	Completed	0	0	0	0
CHE/08/00186/FUL	2 High Street, Staveley, Chesterfield, Derbyshire, S43 3UX	9 No flats, 1 No retail unit, 1 No public house with living accommodation above, revised plans received 10th September 2008	21/10/2008	9	0	9	Completed	0	0	0	0
CHE/18/00769/COU	98A Derby Road, Chesterfield, S40 2EF	Change of use of first floor from residential (C3) to commercial (Hairdressing) A1	14/01/2019	0	-1	-1	Completed	-1	0	0	0
CHE/18/00318/COU	41 Mercaston Close, Holme Hall, Chesterfield, Derbyshire, S40 4UE	Change of use from residential to office building for a local community group to operate from	22/06/2018	0	-1	-1	Completed	-1	0	0	0
								106	0	0	0
<b>SITES UNDER CONSTRUCTION AS OF 1<sup>ST</sup> APRIL 2019</b>											
CHE/17/00326/RE M	Cammac Coal, Dunston Road, Chesterfield, Derbyshire, S41 9RL	Submission of reserved matters pursuant to planning approval CHE/15/00116/OUT for the development of 106 residential dwellings	23/11/2017	106	0	106	Commenced	0	5	100	105
CHE/17/00685/RE M	Land North-East Of Sainsburys Roundabout, Rother Way, Chesterfield	Application for approval of reserved matters of CHE/14/00404/OUT for residential development of 120 dwellings - amended plans received 29 11 2017	09/01/2018	120	0	120	Commenced	2	37	81	118

PP Ref	Address	Description	Granted	Prop Units	Lost	Net Gain	Status	Completed 18/19	Under Construction	Committed	Net Supply
CHE/18/00190/REM	Land At Cranleigh Road, Chesterfield, Derbyshire	Reserved matters application for appearance, landscaping, layout and scale of CHE/14/00872/OUT	04/09/2015	75	0	75	Commenced	3	10	62	72
CHE/15/00838/REM	Ringwood Centre, Victoria Street, Brimington, Chesterfield, Derbyshire, S43 1HY	Redevelopment of training centre for residential purposes	05/04/2016	37	0	37	Commenced	0	0	12	12
CHE/17/00351/REM	Land To The West Of Dunston Lane Newbold Derbyshire	Reserved matters application for CHE/16/00016/OUT - Erection of 99 dwellings and associated public open space, landscaping and surface water balancing (Phase 1) - Amended details submitted on 10/8/2017 and 15/08/2017	19/09/2017	99	0	99	Commenced	21	68	10	78
CHE/16/00121/FUL	Land To The West Of Keswick Drive, Newbold	Residential development of 9 bungalows, demolition of a garage, creation of a new access from Keswick Drive.	08/06/2016	9	0	9	Commenced	0	1	8	9
CHE/18/00224/REM	Land Surrounding 146 To 152 Hady Lane, Hady Lane, Chesterfield	Re-submission of all matters reserved application CHE/17/00281/REM - Approval of reserved matters of CHE/15/00594/OUT Construction of up to 10 dwellings	07/08/2018	10	0	10	Commenced	4	0	6	6
CHE/17/00375/REM	Hady Miners Welfare Club, Houldsworth Drive, Hady, S41 0BS	Approval of reserved matters of CHE/16/00508/OUT - Outline planning application for the construction of two blocks of linked townhouses and one bungalow	08/11/2017	6	0	6	Commenced	0	2	4	6
CHE/08/00311/FUL	Land At Wessex Close, Chesterfield	Residential development of five new houses - resubmission of CHE/08/00073/FUL	31/07/2008	5	0	5	Commenced	2	0	3	3
CHE/15/00386/FUL	24 Netherthorpe, Staveley, Chesterfield	Barn conversion and splitting of existing dwelling into two - resubmission with bat survey	18/08/2015	3	1	2	Commenced	1	0	1	1
CHE/15/00714/FUL	85 The Green, Chesterfield, S41 0LW	Demolition of existing dwelling and erection of new replacement dwelling in similar position on site	12/01/2016	1	1	0	Commenced	-1	0	1	0

PP Ref	Address	Description	Granted	Prop Units	Lost	Net Gain	Status	Completed 18/19	Under Construction	Committed	Net Supply
CHE/16/00518/FUL	Eyre View, Site Of Former Newbold Community School, Newbold Road, Newbold, Chesterfield	Erection of residential development comprising 55 dwellings, access, landscaping and associated works - revised information rec'd 17/10/2016	14/12/2016	55	0	55	Commenced	34	6	0	6
CHE/15/00614/REM	Site Of Former Sheepbridge Sports and Social Club, 202 Newbold Road, Chesterfield, Derbyshire	Approval of reserved matters of CHE/13/00386/OUT for 82 unit scheme - (Outline application for the development of 91 residential dwellings and an area of designated public open space with approval of details of access from Newbold Road)	09/12/2015	82	0	82	Commenced	20	1	0	1
CHE/15/00464/FUL	Land To The Rear Of 79 Sheffield Road, Stonegravels, Chesterfield, Derbyshire	Proposed residential development of 9 x 3 bedroom houses and 10 x 2 bedroom flats	29/03/2016	19	0	19	Commenced	9	10	0	10
CHE/14/00392/FUL	Dunston Grange Farm, Dunston Lane, Chesterfield, Derbyshire, S41 9RJ	Renovate and rebuild farm into 5 No dwellings, including extension to unit 7; renovate and extend Dunston Grange Cottage; construct one No new dwelling	02/04/2015	7	1	6	Commenced	4	2	0	2
CHE/15/00394/FUL	Land At Upper King Street, Chesterfield	Construction of two residential blocks of three town houses over three storeys with associated car parking and external works - revised plans received 20/11/2015	12/01/2016	6	0	6	Commenced	3	3	0	3
CHE/17/00271/FUL	Land Adjacent To Troughbrook Road Hollingwood Derbyshire	Erection of 3 residential dwellings	30/05/2017	3	0	3	Commenced	2	1	0	1
CHE/1700700/REM	Land Adjacent Five Acres, Piccadilly Road, S41 0EH	Approval of REM for 16/00034/OUT - application for 6 two storey dwellings	16/11/2017	6	0	6	Commenced	2	1	0	1
CHE/15/00445/FUL	59, Rufford Close, S40 2PB	Erection of four 2 bedroom dwellings - coal risk assessment received 5th August 2016	20/09/2016	4	0	4	Commenced	0	4	0	4



PP Ref	Address	Description	Granted	Prop Units	Lost	Net Gain	Status	Completed 18/19	Under Construction	Committed	Net Supply
CHE/14/00896/FUL	Littlemoor Shopping Centre, Littlemoor Centre, S41 8QW	Demolition of existing staircases at shopping centre to form 11 apartments and 2 retail units including the demolition of existing garages to form new detached dwelling house	26/04/2016	10	0	10	Commenced	0	10	0	10
CHE/15/00195/FUL	Former Social Club, Saltergate, Chesterfield, Derbyshire, S40 1NH	Demolition of existing single storey club building and construction of new three storey building with 10 flats and two commercial units at ground floor	29/03/2016	10	0	10	Commenced	0	10	0	10
CHE/18/00387/FUL	15 Lowgates, Staveley, S43 3TT	Removal of existing roof structure and formation of new first floor and pitch roof residential extension forming two flats - Revised drawing received 15.06.2018, noise and odour assessments received.	07/02/2019	2	0	2	Commenced	0	2	0	2
CHE/18/00303/FUL	Land Adjacent 35 Hampton Street, Hasland, Derbyshire	Change of use of former ancillary offices/workshop building to a C3 dwelling house (revised drawings received 22.06.2018)	26/06/2018	1	0	1	Commenced	0	1	0	1
CHE/12/00286/MA	14A Spital Lane, Chesterfield, Derbyshire, S41 0HJ	Material amendment to CHE/07/00041/FUL extended under CHE/10/00231/EOT - The existing house is to be retained as a single dwelling house (amended from conversion to 2 No flats) but extended and altered externally in a similar built form	12/07/2012	5	0	5	Commenced	0	5	0	5
CHE/17/00218/FUL	Land To The Rear Of 3 and 5 Wharf Lane Chesterfield Derbyshire S41 7NE	Conversion of vacant former joiners workshop to form three numbers flats. Addition of 1 extra dwelling and enlargement of the site - received 14/06/2017.	19/09/2017	4	0	4	Commenced	0	4	0	4
CHE/17/00800/FUL	2 York Street Hasland Derbyshire S41 0PN	Retention of external works and conversion of 1st and 2nd floor to 3 self-contained residential units. Revised flat layout plans received 09.03.2018	04/04/2018	3	0	3	Commenced	0	3	0	3
CHE/18/00434/FUL	Development Land Between 3 and 5 Highgate Close, New Whittington,	Erection of 2 detached two bedroom bungalows - Phase Desk Top Study Received 10.08.18	13/09/2018	2	0	2	Commenced	0	2	0	2

PP Ref	Address	Description	Granted	Prop Units	Lost	Net Gain	Status	Completed 18/19	Under Construction	Committed	Net Supply
	Derbyshire										
CHE/16/00831/FUL	Land Adjacent To 21 Clarence Road Chesterfield Derbyshire	Proposed new detached dwelling - revised drawing received 07/03/17 and coal mining risk assessment received 21/03/2017	04/04/2017	1	0	1	Commenced	0	1	0	1
CHE/18/00525/COU	218 Chatsworth Road Chesterfield Derbyshire S40 2AT	Change of use from a store to a two bedroom house including demolition of existing rear extension to create a backyard and general refurbishment of property.	05/10/2018	1	0	1	Commenced	0	1	0	1
CHE/15/00348/FUL	115 Coniston Road, Chesterfield, S41 8JE	New Dwelling	20/01/2016	1	0	1	Commenced	0	1	0	1
CHE/17/00394/COU	91 Newbold Road Newbold S41 7PS	Change of use from vacant vet's offices to a 1 bedroom flat - Revised site location plan received 26/06/17	09/08/2017	1	0	1	Commenced	0	1	0	1
CHE/17/00586/FUL	Land adjacent to 12 Cavendish Street North, Old Whittington, S41 9DH	Erection of a two storey dwelling	06/12/2017	1	0	1	Commenced	0	1	0	1
CHE/16/00824/RE M	Oaks Farm, Markham Road, Duckmanton, Chesterfield, S44 5HP	Two storey dwelling	13/02/2017	1	0	1	Commenced	0	1	0	1
CHE/18/00767/FUL	Land At Bamford Road, Inkersall, Derbyshire	Proposed self build dormer bungalow with drive for on-site car parking	10/01/2019	1	0	1	Commenced	0	1	0	1
CHE/15/00746/RE M1	25 Netherthorpe, Chesterfield	Variation of site plan of CHE/14/00858 - Erection of bungalow	20/01/2016	1	0	1	Commenced	0	1	0	1
CHE/17/00855/FUL	23 Bridle Road Woodthorpe Derbyshire S43 3BY	Demolition of existing dwelling and erection of replacement house - CMRA rec'd 15/01/2018	20/02/2018	1	1	0	Commenced	0	0	0	0
CHE/17/00334/FUL	10B Marsden Street Chesterfield Derbyshire	Proposed change of use from office (B1 a) to 5 No dwellings houses (C3)	27/04/2017	5	0	5	Commenced	0	5	0	5

PP Ref	Address	Description	Granted	Prop Units	Lost	Net Gain	Status	Completed 18/19	Under Construction	Committed	Net Supply
CHE/15/00711/FUL	Land Adjacent To 24 Riber Terrace, Walton Walk, Chesterfield, Derbyshire	Erection of a pair of 3 bedroom semi-detached dwellings	23/12/2015	2	0	2	Commenced	0	1	0	1
CHE/15/00314/FUL	7, Walton Walk, S40 2QQ	Demolition of existing garage and erection of new 1 and a 1/2 storey two bed dwelling with access from Central Avenue	17/05/2016	1	0	1	Commenced	0	1	0	1
CHE/17/00213/FUL	24 Riber Terrace, Walton Walk, Boythorpe, S40 2QF	Development of vacant land to form new two bedroom bungalow and detached garage	03/08/2017	1	0	1	Commenced	0	1	0	1
CHE/17/00626/FUL	64 Chester Street, Chesterfield, S40 1DW	Proposed change of use of end terrace property into 2 No. 1 bed flat units	19/10/2017	2	1	1	Commenced	0	1	0	1
CHE/14/00713/FUL	3 Salisbury Avenue, Chesterfield, S41 8PR	Erection of one dwelling 2 storey four bedrooms	13/01/2015	1	0	1	Commenced	0	1	0	1
CHE/16/00421/FUL	Land Adjacent To 105 Kendal Road, Newbold, Derbyshire	Erection of a bungalow - re-submission of CHE/15/00083/FUL - amended plans received 11th August 2016	30/08/2016	1	0	1	Commenced	0	1	0	1
CHE/18/00695/FUL	45 Wythburn Road, Chesterfield, S41 8DP	Construction of new 3 bedroom detached house to land at side of 45 Wythburn Road - Revised information received 22.11.18 and as agreed on 31.01.18	07/02/2019	1	0	1	Commenced	0	1	0	1
CHE/16/00425/FUL	15-17, West Bars, S40 1AQ	Demolition of 15 - 17 West Bars and erection of replacement building with retail outlet on ground floor and 2 apartments on 1st and 2nd floors with roof garden (with revised drawings 29/07/16)	23/09/2016	2	0	2	Commenced	0	2	0	2
CHE/14/00772/FUL	91 Brearley Avenue, Chesterfield, Derbyshire, S43 2DZ	2 bedroom dormer bungalow on land to the side of 91 Brearley Avenue and kerbs to access proposed site	18/12/2014	1	0	1	Commenced	0	1	0	1
CHE/17/00416/FUL	19 Westbourne Grove, Ashgate, Chesterfield, S40 3QD	Replacement dwelling to create a five bedroomed house (revised drawings received 14.08.2017)	19/09/2017	1	1	0	Commenced	-1	1	0	1

PP Ref	Address	Description	Granted	Prop Units	Lost	Net Gain	Status	Completed 18/19	Under Construction	Committed	Net Supply
								106	212	288	499
											499

## Appendix 2 – Dwelling Supply: Sites with Detailed Planning permission, and outline permission for non-major development as at 1<sup>st</sup> April 2019

PP Ref	Address	Description	Granted	Proposed Units	Lost	Net Supply
CHE/16/00053/FUL	Apple Trees, Lancaster Road, Newbold, S41 8TP	Residential development of 6 dwellings and a modified access from Lancaster Road	26/04/2016	6	0	6
CHE/15/00701/FUL	Land To The Northern End Of Rushen Mount, Chesterfield	Proposed construction of 2 No., 5 Bedroom detached dwellings with integral double garages on plots 2 and 3 (as amended by e mail dated 31/03/16 from A D Architecture Ltd) on land at northern end of Rushen Mount. To include drop crossings from each plot	26/04/2016	2	0	2
CHE/16/00258/OUT	Land Adjacent To 2 Hathern Close, Brimington	Proposed outline planning application with all matters reserved for a detached dwelling	28/06/2016	1	0	1
CHE/0701/0412	Basil Close, Chesterfield, Derbyshire, S41 7SL	Approval of reserved matters for erection of 24 flats	16/01/2002	24	0	24
CHE/16/00023/FUL	Handleywood Farm, Whittington Road, Barrow Hill	Demolition of buildings used for commercial purposes and erection of 5 dwellings, access and landscaping	10/08/2016	5	0	5
CHE/16/00513/DEM	6 Worksop Road Mastin Moor Derbyshire S43 3BN	Demolition of houses	28/08/2016	0	1	-1
CHE/16/00306/FUL & 17/00120/MA	Rear Of 246, Ashgate Road, S40 4AW	Construction of one new dwelling	31/08/2016	1	0	1
CHE/16/00436/OUT	325, Ashgate Road, S40 4DB	Proposed residential development including alterations and extensions to existing bungalow	20/09/2016	5	0	5
CHE/14/00616/TCU	Desihyde, Over 27 Stephenson Place, Chesterfield, S40 1XL	Change of use of first and second floor offices to four residential flats	23/09/2014	4	0	4

PP Ref	Address	Description	Granted	Proposed Units	Lost	Net Supply
CHE/16/00582/FUL	52, Lowgates, Staveley, Chesterfield, S43 3TU	Internal alterations to increase shop sales area, retention of, and internal alterations to, first floor living accommodation and change of use of part of ground floor to create separate bed sit accommodation.	04/10/2016	1	0	1
CHE/17/00578/REM	97 Station Road Old Whittington Derbyshire S41 9AW	Reserved Matters application of CHE/14/00556/OUT for a pair of semi-detached starter homes. Additional plans received 28.09.2017 and 05.10.2017.	06/10/2017	2	0	2
CHE/16/00477/FUL	Lidl, Sheffield Road, Whittington Moor, S41 8LX	Demolition of four properties to accommodate a car park extension and extension of existing foodstore.	11/10/2016	0	4	-4
CHE/14/00657/TCU	9 - 21 Stephenson Place, Chesterfield, S40 1XL	Conversion of existing 4 No. office spaces above retail units to 4 No. self-contained residential flats	11/11/2014	4	0	4
CHE/16/00216/FUL	Jacksons Bakery, New Hall Road, S40 1HE	Residential development of 7 units and associated ancillary works - coal mining risk assessment received 25th May 2016 and revised plans received 24th June 2016 - bat report received 10th October 2016	22/11/2016	7	0	7
CHE/16/00571/OUT	35, Whittington Hill, Old Whittington, S41 9HJ	Four bedroom detached dwelling set in second plot of 35 Whittington Hill. Lot 18 as seen on the original site plans from 1880	31/01/2017	1	0	1
CHE/16/00721/OUT	Land Between 16 - 18, Eyre Street East, Hasland	Residential development of one detached house, amended description and plan received 10th January 2017	23/02/2017	1	0	1
CHE/17/00013/FUL	118, High Street, New Whittington, S43 2AL	Construction of two No studio apartments at land 118 High Street - amended description and plans received 8th February 2017	07/03/2017	2	0	2
CHE/17/00067/COU	1 Tennyson Avenue Chesterfield Derbyshire S40 4SN	Change of use from medical centre to 5 residential units	04/04/2017	5	0	5
CHE/17/00037/FUL	The Gables Netherthorpe Staveley Derbyshire S43 3PU	Three new detached dwellings to land to rear of "The Gables"	16/05/2017	3	0	3

PP Ref	Address	Description	Granted	Proposed Units	Lost	Net Supply
CHE/17/00172/COU	14 Queen Street Chesterfield Derbyshire S40 4SF	Change of use from single dwelling to house in multiple occupation	22/05/2017	0	1	-1
CHE/16/00806/FUL	The Cottage Renishaw Road Mastin Moor Derbyshire S43 3DW	Demolition and re-building of abandoned cottage with extensions - revised plans and ecological survey rec'd 08/05/2017 and coal mining risk assessment rec'd 15/05/2017	30/05/2017	1	1	0
CHE/17/00279/FUL	25 Porter Street Staveley Derbyshire S43 3UY	Demolition of a detached garage and storage building and the erection of a detached dwelling with an integral garage and a detached garage. Amended plans received 26/5/17.	13/06/2017	1	0	1
CHE/17/00459/FUL	82 Walton Road Walton Derbyshire S40 3BY	Re-Submission of application; CHE/17/00135/FUL . - new dwelling on land adjacent to 82 Walton Road, including reconfiguring of boundary between 82 Walton Road and new dwelling along with new site crossover onto Delves Close.	08/08/2017	1	0	1
CHE/17/00251/OUT	Land At Chester Street, Chesterfield, Derbyshire	Four 2 bedroom flats and associated parking - amended plans received 05/07/17.	10/08/2017	4	0	4
CHE/17/00123/OUT	35 Ashgate Road, Chesterfield, S40 4AG	Erection of a single dwelling on the site which is part of the former rear garden of 35 Ashgate Road. - access to be from Brockwell Lane.	30/08/2017	1	0	1
CHE/18/00596/REM	20 Harehill Road, Grangewood, S40 2JA	Reserved matters application for access, appearance, landscaping, layout and scale in relation to application CHE/17/00252/OUT for pair of two bedroom semi-detached houses.	05/09/2017	2	0	2
CHE/17/00444/FUL	43 Knifesmithgate Chesterfield Derbyshire S40 1RL	Conversion and refurbishment of the first and second floors to create four residential units with associated access.	08/09/2017	4	0	4
CHE/17/00467/FUL	27 Willow Garth Road Newbold S41 8BL	Change of use of rear of premises from community hall to dwelling	14/09/2017	1	0	1
CHE/17/00464/COU	Killis Cleaners 29 Sheffield Road Stonegravels Chesterfield Derbyshire S41 7LR	Change of use of vacant shop to dwelling	06/10/2017	1	0	1

PP Ref	Address	Description	Granted	Proposed Units	Lost	Net Supply
CHE/18/00596/REM	Land Adjoining 20 Harehill Road Grangewood S40 2JA	Reserved matters application for access, appearance, landscaping, layout and scale in relation to application CHE/17/00252/OUT for pair of two bedroom semi-detached houses. Additional plans received 23.10.2018.	31/10/2018	2	0	2
CHE/18/00436/REM	Land To Rear Of 292 Manor Road, Brimington, S43 1NX	Reserved matters application for CHE/15/00344/OUT - erection of 26 dwellings (revised plans received 18/10/2018)	20/11/2018	26	0	26
CHE/17/00690/OUT	11 Bridle Road, Woodthorpe, S43 3BY	Erection of a two storey dwelling with an attached single garage	28/11/2017	1	0	1
CHE/17/00686/FUL	Ashton Lodge 28 Abercrombie Street Chesterfield Derbyshire S41 7LW	Erection of one detached dwelling and associated works	05/12/2017	1	0	1
CHE/16/00835/FUL	The Elm Tree Inn, High Street, Staveley, S43 3UU	Change of use of existing drinking establishment to residential with two storey extension and two new build units forming 23 self-contained apartments with associated landscaping, bin store and cycle stands - resubmission of CHE/15/00769/FUL	07/12/2017	23	0	23
CHE/17/00757/OUT	Land Used For Storage and Premises, Goyt Side Road, Chesterfield, S40 2BN	Outline application for residential development	12/12/2017	8	0	8
CHE/17/00756/OUT	Land On Goytside Road Corner Factory Street Chesterfield Derbyshire	Outline application for residential development	12/12/2017	5	0	5
CHE/17/00747/FUL	Land To Rear Of 109 Middlecroft Road Staveley S43 3XH	Residential development re- submission of application CHE/16/00717/FUL	12/12/2017	3	0	3
CHE/17/00340/FUL	24 High Street, Chesterfield, S43 3UX	Proposed first floor extension to provide 3 flats and as amended by revised plans received 13.11.17.	15/12/2017	3	0	3
CHE/16/00083/OUT	Land To The Rear Of 18 Lancaster Road Newbold Derbyshire	Outline application for residential development and access drive off Sherbourne Avenue	10/01/2018	4	0	4



PP Ref	Address	Description	Granted	Proposed Units	Lost	Net Supply
CHE/17/00874/REM	Land Adjacent To 89 Sheffield Road Stonegravels Chesterfield S41 7JH	Application for reserved matters for CHE/16/00069/OUT	20/02/2018	3	0	3
CHE/17/00189/FUL	Land Adjacent 31 Manor Drive Brimington Derbyshire	Erection of 1 three bedroom bungalow and 3 two bedroom dwellings	13/03/2018	4	0	4
CHE/16/00567/OUT	Land Adjacent To 46 Flintson Avenue New Whittington Derbyshire	Development of residential units	13/03/2018	2	0	2
CHE/18/00867/REM	Land At Middlecroft Road, Staveley, Derbyshire	Reserved matters for application CHE/18/00012/OUT (Outline application for one residential unit). (Revised drawing received 06.02.19 & Revised Planning Drawing received 27.02.2019)	21/03/2019	1	0	1
CHE/18/00768/REM	Land To South Of Poplar Farm, Rectory Road, Duckmanton, Chesterfield	Approval of reserved matters of CHE/15/00085/OUT - residential development of 33 dwellings - revised plans received 21/02/2019	27/03/2019	35	0	33
CHE/18/00024/FUL	Land At Breckland Road, Walton, Derbyshire, S40 3LJ	Five detached dwellings and garages - revised plans, habitat survey and ecological assessment rec'd 01/03/2018 and 16/03/2018	04/04/2018	5	0	5
CHE/18/00044/OUT	Ravensdale, 26 Chesterfield Road, Brimington, Derbyshire, S43 1AD	Outline application to demolish existing property, change site entry from left side to right side and build up to 5 new properties	04/04/2018	5	0	5
CHE/18/00079/OUT	Land Between George Street and Victoria Street, North Broomhill Road, Old Whittington, Derbyshire	Outline application for the erection of three 2.5 storey houses with attached garages and raised drives	24/04/2018	3	0	3
CHE/17/00890/FUL	Plot 53, Westwood Drive Gardens, Inkersall, Derbyshire	Erection of dormer bungalow (revised plans received 05.03.2018 and 27.03.2018)	24/04/2018	1	0	1
CHE/17/00814/OUT	Land At Chester Street, Chesterfield, Derbyshire	Erection of six 2 bedroom flats (Re-submission of previously approved application CHE/17/00251). Amended indicative plans received 12.03.2018	03/04/2018	6	0	6

PP Ref	Address	Description	Granted	Proposed Units	Lost	Net Supply
CHE/18/00050/OUT	Land Adjacent To 20 Woodthorpe Road Chesterfield Derbyshire	The erection of a detached dwelling bungalow (as per previous approval CHE/15/00031/OUT and CHE/09/00701/OUT)	08/05/2018	1	0	1
CHE/18/00144/FUL	Chesterfield Post Office, 1 Market Place, Chesterfield, Derbyshire, S40 1TL	Conversion of the Grade II listed building to 10 residential apartments at first and second floor and refurbishment of ground floor (former Post Office) A1 unit with change of use to include A1-A3 uses. Works to include partial demolition of rear storey structures and brick service flue, internal alterations and upgrades, with proposed new residential access stair to the rear courtyard to connect to the existing stairs at first floor level. Works to include partial demolition of rear single storey structures and brick service flue, internal alterations and upgrades, with proposed new residential access stair to the rear courtyard to connect to the existing stair at first floor level. Amended courtyard plan received 21.5.18	20/06/2018	10	0	10
CHE/18/00297/FUL	164 High Street, New Whittington, S43 2AN	Change of use of property from betting shop and premises to 2 one bedroom flats (C3).	20/06/2018	2	0	2
CHE/17/00868/FUL	69 Barker Lane, Chesterfield, Derbyshire, S40 1EQ	Erection of a dwelling. Amended plans received 16.3.2018, drainage plans received 7.3.2018 and 20.4.2018, coal mining risk assessment received 9.4.18, amended site location plan received 19.6.18.	20/06/2018	1	0	1
CHE/17/00798/FUL	Knightsbridge Court, West Bars, Chesterfield, S40 1BA	Change of use from Office (B1) to Residential - 30 apartments over 3 floors (C3) and internal alterations to Listed Building - revised info rec'd 27/01/2018 and 23/04/2018	26/06/2018	30	0	30
CHE/18/00071/FUL	47 and 49 Duke Street, Staveley, Derbyshire	Two storey extension to the rear elevation and creation of 3 apartments - Revised description and drawings received 03.04.18	26/06/2018	2	0	2
CHE/17/00653/REM	158 Middlecroft Road Staveley Derbyshire S43 3NG	Application for approval of reserved matters for CHE/17/00156/OUT - Erection of one house - revised drawings received 26.06.2018.	27/06/2018	1	0	1

PP Ref	Address	Description	Granted	Proposed Units	Lost	Net Supply
CHE/18/00321/OUT	Trevilla 73 Hady Hill, Hady, Derbyshire, S41 0EE	Proposed construction of one four bedroom one and a half storey detached dwelling - Re-submission of Outline Planning Application CHE/17/00768/OUT	27/06/2018	1	0	1
CHE/18/00150/FUL	Land To The East Of 14A Spital Lane, Spital, Chesterfield, S41 0HJ	Erection of 5 bed dwelling house and garage - CMRA received 21/06/2018	09/07/2018	1	0	1
CHE/18/00327/OUT	34 Queen Street, Brimington, Derbyshire, S43 1HT	Outline application for erection of a dwelling and attached garage	10/07/2018	1	0	1
CHE/17/00885/FUL	9D Holywell Street, Chesterfield, Derbyshire, S41 7SA	Demolition of existing building and replacement with two storey building with offices to ground floor and three number one bedroom studios to first floor.	17/07/2018	3	0	3
CHE/17/00359/FUL	Victoria Hotel Lowgates Staveley Derbyshire S43 3TR	Alterations and change of use from public house to residential use comprised of 9 flats and a separate 4 bed dwelling at Victoria Hotel, Lowgates, Staveley, Derbyshire, S43 3TR for KAT Homes Ltd. Amended description and plans dated 10.07.2018, 23.07.2018 and 06.08.2018, Arboricultural Impact Assessment received 23.07.2018.	07/08/2018	10	0	10
CHE/18/00349/FUL	12 Cavendish Street North Old Whittington	Residential development to form 2no. 3 Bed detached dwellings with off road parking (revised plans received 19.07.2018)	07/08/2018	2	0	2
CHE/17/00496/FUL	The Travellers Rest 425 Sheffield Road Whittington Moor S41 8LT	Conversion of The Travellers Rest into 12 residential apartments including conversion of the attached retail unit linked to the original building, together with a new three storey rear extension and new roof over the existing building to incorporate additional rooms within the roof space. Amended noise, odour and air quality assessment received 29.05.2018, amended plans received 29.05.2018 and 10.07.2018. <b>(NOTE: DELIVERY OF PERMISSION NOW NOT POSSIBLE DUE TO DEMOLITION OF BUILDING)</b>	29/08/2018	12	0	0
CHE/18/00127/FUL	140 Church Street North, Old Whittington, S41 9QP	Conversion and extension to existing garage to form separate dwelling	30/08/2018	1	0	1
CHE/17/00867/FUL	Land Adjacent 19 Bentham Road, Chesterfield, Derbyshire	Erection of a 3 bedroom dormer bungalow with garage (revised plans received 26.06.2018)	18/09/2018	1	0	1

PP Ref	Address	Description	Granted	Proposed Units	Lost	Net Supply
CHE/18/00470/OUT	Land To Rear Of 100-102 Highfield Lane Newbold S41 8BA	Outline Application with all matters reserved for a single detached dwelling on land to the rear of 100-102 Highfield Lane with retention of existing two dwellings. - revised drawings received 3 9 2018	30/10/2018	1	0	1
CHE/18/00548/FUL	Dunston Hole Farm Unnamed Road Accessing Dunston Hall And Hole Farm Chesterfield S41 9RL	Change of use from offices to residential, extensions to dwelling and demolition of existing conservatory and erection of new conservatory and demolition of existing stables and erection of new 4 car garage.	14/11/2018	1	0	1
CHE/18/00229/FUL	Land South Of Erin Road Junction, The Grove, Poolsbrook	Residential development of 175 no. 2, 3 and 4 bed dwellings and ancillary works - revised plans received 27/07/2018 and 09/08/2018 - Proposed site layout with os plan received 22.08.18	30/11/2018	175	0	175
CHE/18/00738/FUL	Land At Highgate Close, New Whittington, Derbyshire	Erection of one new dwelling	18/12/2018	1	0	1
CHE/18/00758/OUT	8 High Street New Whittington Derbyshire S43 2DX	Outline application for one dwelling	27/12/2018	1	0	1
CHE/18/00744/COU	1 Highfield Road Newbold S41 7EY	Change of use from C2 (Residential Institution) to C3 (Dwellinghouse)	28/12/2018	1	0	1
CHE/18/00784/FUL	87 New Square, Chesterfield	Change of use and conversion to 9 apartments	04/01/2019	9	0	9
CHE/18/00697/OUT	St Marks Vicarage 15 St Marks Road, Chesterfield, S40 1DH	Erection of four houses with enclosed gardens, designated off road car parking and communal bin stores with new access from Sydney Street. (Revised information received on 20.11.2018, revised description received 18.12.2018)	08/01/2019	4	0	4
CHE/18/00745/FUL	13 Gladstone Road, Chesterfield, S40 4TE	Change of use of existing ancillary coach house to become a separate dwelling with garden (see CHE/18/00512/FUL)	08/01/2019	1	0	1

PP Ref	Address	Description	Granted	Proposed Units	Lost	Net Supply
CHE/18/00779/FUL	Chesterfield County Court, St Marys Gate, Chesterfield, S41 7TD	Change of use and conversion of former County Court building to 12 dwellings including internal and minor external alterations - information received 10/01/2019	14/01/2019	12	0	12
CHE/18/00723/FUL	Hurst House, 11 Abercrombie Street, Chesterfield, S41 7LW	Change of use from commercial to residential	18/01/2019	1	0	1
CHE/18/00694/FUL	Heaton Court Meynell Close Chesterfield Derbyshire S40 3BN	Residential development comprising 10 no. new dwellings - revised plans rec'd 07/01/2019, 09/01/2019 and 15/01/2019	29/01/2019	10	0	10
CHE/18/00780/FUL	58A Coronation Road, Brimington, S43 1EX	New semi-detached dwelling (Revised Drawings Received 10.01.2019)	30/01/2019	1	0	1
CHE/18/00432/FUL	Land Adjacent Trinity Court, Newbold Road, Newbold, S41 7PS	Erection of ten dwellings	13/03/2019	10	0	10
CHE/18/00797/FUL	Land Adjacent To 44 Private Drive, Hollingwood, S43 2JF	Erection of a pair of semi-detached two storey dwellings	13/03/2019	2	0	2
CHE/18/00765/PNCOU	Oldfield Farm Wetlands Lane, Brimington, S43 1QG	Change of use of existing agricultural building to class C3 (Dwellinghouse) including creation of domestic curtilage and vehicle parking area	21/12/2018	1	0	1
CHE/16/00218/OUT	Land Adjacent To 24, Dovedale Avenue, Inkersall	Residential development of 3 dwellings - amended description 24th May 2016	31/08/2016	3	1	2
TOTAL				552		514

### Appendix 3 – Dwelling Supply: Sites with Outline Permission for Major Development and Evidence of Delivery as at 1<sup>st</sup> April 2019

PP Ref	Address	Description	Granted	Proposed Units	Status	Remaining	Five year supply	Summary of evidence of delivery (see appendix 6)
CHE/09/00662/OUT	Land At East Of A61, Known As Chesterfield Waterside, Brimington Road, Chesterfield, Derbyshire	Outline planning application with all matters reserved except for means of access proposing the demolition of existing buildings and erection of a comprehensive mixed use regeneration scheme comprising residential (use class C3); retail (use class A1); financial/professional services (use class A2); restaurants, drinking establishments and hot food establishments (use classes A3, A4 and A5); offices (use class B1); doctors surgery and crèche (use class D1); two hotels (use class C1); health and fitness (use class D2); nursing home (use class C2); ancillary creative uses including a possible arts centre, a new canal link, new open spaces including linear and eco parks, new public realm and car parking arrangements including two multi storey car parks at Chesterfield Waterside, A61 Corridor, Chesterfield, revised highways plans received 22nd January 2010, additional information received 1st February 2010	09/03/2011	1550	Commenced	1531	487	CHE/19/00007/REM submitted for 177 dwellings. Completion within five years. Trajectory received from Avant Homes and Chesterfield Waterside confirming completion within five years at build rate circa 36 dwellings per year. Access agreement across DCC land for five years. Infrastructure works to provide new bridge access to site commenced April 2019.  Reserved matters approval CHE/16/00187/REM for layout, scale and access and variation of conditions CHE/16/00183/REM1 to amend masterplan height parameters to enable construction of two residential block to provide 310 apartments. Construction programme provided by Chesterfield Waterside confirming completion expected within 32 months of submission of final reserved matters application
CHE/16/00016/OUT	Land To The West Of Dunston Lane Dunston Lane Chesterfield	Resubmission of CHE/14/00873/OUT (Residential development along with associated access, public open space, landscaping and surface water balancing (all matters reserved save for means of access into the site)	29/03/2016	300	Commenced	200	200	CHE/18/00805/REM for 200 dwellings granted 2nd April 2019  Start on site 2021/22. Developer (William Davis) expects to complete development (300 dwellings total)

								including reserved matters approval already under construction) within five years.
CHE/15/00755/OUT	Land To The West Of Bevan Drive, Chesterfield, Derbyshire	Outline application for residential development - FRA addendum received on 25/01/2016	29/03/2016	103	Not Commenced	0	25	Reserved Matters application submitted for 25 dwellings by Wildgoose Homes CHE/19/00159/REM March 2019
CHE/16/00092/OUT	Land To The West Of Swaddale Avenue, Swaddale Avenue, Tapton	Outline application for residential development of land to the rear of 6-58 Swaddale Avenue along with upgrading the existing site access (all matters reserved except access and layout) - drainage strategy received 9th March 2016	28/06/2016	25	Not Commenced	0	0	No clear evidence of delivery
CHE/16/00171/OUT	The Former Boat Yard 955 Sheffield Road Sheepbridge Derbyshire S41 9EJ	Outline application for the residential development and creation of new site access (all matters reserved save for access)	10/10/2017	48	Not Commenced	0	48	Pre-application discussions underway with Housing Association on a revised scheme. Full Planning application expected Q2 2019.
CHE/17/00237/OUT	Commerce Centre, Canal Wharf, Chesterfield, S41 7NA	Retention and conversion of Thornfield House and the demolition of other associated buildings and redevelopment for residential use - resubmission of CHE/16/00653/OUT	20/11/2017	38	Not Commenced	0	38	Reserved Matters Approval (CHE/18/00725/REM) Granted 16th April 2019. Delivery expected within three years, see agreed position with developer dated 30th April 2019
CHE/17/00634/OUT	1 Bridle Road Woodthorpe Derbyshire S43 3BY	Outline application for residential development (application site boundary amended 21.11.17 from previously advertised / consulted), updated coal mining risk assessment received 21.01.18	20/02/2018	18	Not Commenced	0	0	No clear evidence of delivery
TOTAL							798	

## Appendix 4 – Dwelling Supply: Local Plan Allocations without planning permission as at 1<sup>st</sup> April 2018

Local Plan Ref	Site Name	Size (ha)	Contribution to Housing Supply	Summary of evidence for Delivery (see appendix 6)
H20	Walton Hospital, Whitecotes Lane	2.28	90	<p>Previous Planning Permission CHE/15/00108/OUT for 90 dwellings (lapsed).</p> <p>Site H20 (Whitecotes Lane and H21 Harehill Road) now owned by Homes England. The sites have been promoted through competitive bids with bids to be submitted to Homes England by end of May 2019. Development agreement to be in position September/October 2019. Homes England to retain ownership and development agreement to be subject to conditions regarding timescales and pace of delivery.</p> <p>Practical completion of both sites expected Q4 2023 based on build programme of 28 months from start on site.</p>
H21	Walton Hospital, Harehill Road	1.49	60	<p>Previous Planning Permission CHE/15/00598/OUT for 60 dwellings (lapsed).</p> <p>See above</p>
			150	



## Appendix 5 – Dwelling Supply: Brownfield Register Sites (without planning permission or Local Plan allocation) as at 1<sup>st</sup> April 2018

Site Name	Size (ha)	Planning Status	Date of Permission	Net Dwellings Range To	Contribution to Housing Supply	Summary of evidence for Delivery (see appendix 6)
Brockwell Court (Former), Cheedale Avenue, Newbold, Chesterfield	0.72	not permissioned	NA	21	21	<p>The site is within Chesterfield Borough Council Ownership and has already been cleared (application reference CHE/10/00715/DEM).</p> <p>The site has been assessed through the council's Land Availability Process and has been included in the Brownfield Register as suitable for housing.</p> <p>Funding has already been allocated as part of the council's Housing Revenue Account Business Plan, including from Right to Buy receipts (which must be spent by 2021), as set out in the Housing Capital Programme for 2018/19 through to 2021/22.</p> <p>Contractor is in place.</p> <p>Pre-application discussions have been held with Development Management and Full Planning Application will be submitted Q1 2019/20. Commencement on site estimated October 2019 and completion expected 2020/21.</p>

## Appendix 6: Evidence of Delivery

### Land At East Of A61, Known As Chesterfield Waterside, Brimington Road, Chesterfield, Derbyshire

<b>Site Details</b>	Land At East Of A61, Known As Chesterfield Waterside, Brimington Road, Chesterfield, Derbyshire
<b>Agreement With</b>	Chesterfield Borough Council and Chesterfield Waterside Ltd
<b>Date of statement</b>	01/05/2019
<b>Planning Status</b>	<p>Site allocated for mixed use development in the adopted Local Plan Core Strategy (policy PS3)</p> <p>Outline Planning Permission for mixed use development of up to 1550 dwellings – CHE/09/00662/OUT</p> <p>Various permissions (see below)</p>
<b>Planning References (where applicable)</b>	<p>CHE/09/00662/OUT - Outline planning application with all matters reserved except for means of access proposing the demolition of existing buildings and erection of a comprehensive mixed use regeneration scheme comprising residential (use class C3); retail (use class A1); financial/professional services (use class A2); restaurants, drinking establishments and hot food establishments (use classes A3, A4 and A5); offices (use class B1); doctors surgery and creche (use class D1); two hotels (use class C1); health and fitness (use class D2); nursing home (use class C2); ancillary creative uses including a possible arts centre, a new canal link, new open spaces including linear and eco parks, new public realm and car parking arrangements including two multi storey car parks at Chesterfield Waterside, A61 Corridor, Chesterfield, revised highways plans received 22nd January 2010, additional information received 1st February 2010</p> <p>CHE/16/00188/FUL Creation of a temporary surface car park and enabling earthworks to create a development platform on land to the north of Brewery Street</p> <p>CHE/16/00187/REM layout, scale and access</p> <p>CHE/19/00007/REM Reserved matters for construction of 177 dwellings</p>
<b>Number of dwellings (deliverable within five years)</b>	<p><b>Basin Square Character Area – 314</b></p> <p><b>Park &amp; Island Character Areas - 177</b></p>

## Evidence of progress

Outline planning permission was granted for a mixed use regeneration scheme for up to 1550 residential units, 32,000 sqm of B1 offices, retail, leisure and other ancillary uses in 2010.

Chesterfield Borough Council has entered into a partnership agreement with Bolsterstone and Arnold Laver to deliver the scheme ('Chesterfield Waterside Ltd').

The scheme includes restoration of the Chesterfield Canal/River Rother to Navigation. A new canal basin has already been constructed on the Basin Square site that will become the Chesterfield terminus for the restored Chesterfield Canal.

19 have been delivered on site under reserved matters permission CHE/13/00464/REM.

New dwellings are expected to be delivered on site in the five year period 2019/20 to 2024/25 from the Basin Square and Park/Island Character Areas

### Basin Square

314 privately rented apartments are to be constructed within the Basin Square character area.

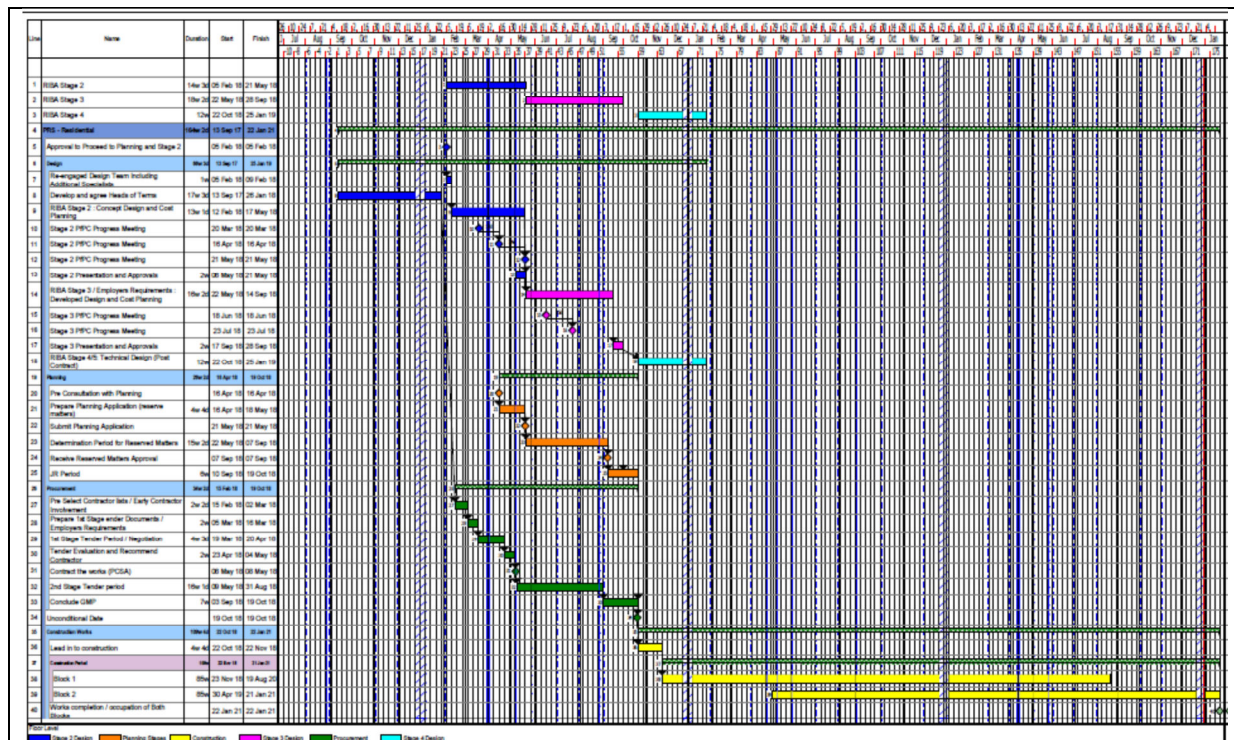
The site is within the ownership of Chesterfield Waterside Ltd.

Development platforms for the scheme have been prepared under implemented planning permission CHE/16/00188/FUL (Creation of a temporary surface car park and enabling earthworks to create a development platform on land to the north of Brewery Street).

Reserved matters approval (CHE/16/00187/REM) has been granted for layout, scale and access for the development.

A reserved matters application for details of design has been prepared to the developer's specification following extensive pre-application discussion with Chesterfield Borough Council and will be submitted Q3 2019 subject to final developer approval. The scheme will be developed by Chesterfield Waterside on the behalf of the private rented sector operator.

Chesterfield Waterside Ltd have confirmed (9<sup>th</sup> May 2019) that the development programme dated 1<sup>st</sup> March 2018 remains accurate in terms of time from submission of planning application to start on site and build programme. This demonstrates practical completion and occupation of the 314 units expected within 32 months (2 years and 8 months) of submission of the reserved matters application. The development is therefore expected to be complete within the five year period from 1<sup>st</sup> April 2019 to 31<sup>st</sup> March 2024.



Programme no : 1

Prepared by : Dan Wells

Rev no : J

Date: 01/03/2018

Status: Master Development Programme

## The Park and Island Character Areas

A reserved matters planning application has been submitted for 177 dwellings (CHE/19/00007/REM) by Avant Homes (Central). Revised plans have been submitted following consultation responses and the application is now expected to go before the council's planning committee in May/June 2019 subject to completion of consultation on the revised plans.

An acoustic bund has already been constructed between the site and the adjacent A61 bypass under reserved matters permission CHE/16/00190/REM to provide noise attenuation for the residential properties.

Construction commenced in April 2019 on a replacement bridge across the River Rother to provide access to the development (granted under separate planning permission CHE/18/00599/FUL).

A five year lease has been agreed for the provision of a Haul Road across land to the north of the site owned by Derbyshire County Council to provide construction access for the duration of the build programme from Meltham Lane to the North.

Avant Homes have confirmed their intention to start on site once reserved matters approval is secured (relevant pre-commencement conditions from outline permission CHE/09/00662/OUT have been discharged), based on a build programme of circa 36

dwellings per year and anticipate the full 177 units will be completed within the five years.

Properties are currently being advertised on Avant Homes website  
([www.avanthomes.co.uk/find-your-new-home/waterside-quarter](http://www.avanthomes.co.uk/find-your-new-home/waterside-quarter))





**Land To The West Of Dunston Lane, Dunston Lane, Chesterfield**

<b>Site Details</b>	Land West of Dunston Lane
<b>Agreement With</b>	Chesterfield Borough Council and William Davis Ltd
<b>Date of statement</b>	10/05/2019
<b>Planning Status</b>	Outline Planning permission (CHE/16/00016/OUT) Reserved Matters permission (CHE/17/00351/REM) Reserved Matters application pending (CHE/18/00805/REM)
<b>Planning References (where applicable)</b>	CHE/16/00016/OUT Resubmission of CHE/14/00873/OUT (Residential development along with associated access, public open space, landscaping and surface water balancing (all matters reserved save for means of access into the site), Land To The West Of Dunston Lane, Dunston Lane , Chesterfield  CHE/17/00351/REM Reserved matters application for CHE/16/00016/OUT - erection of 101 dwellings and associated public open space, landscaping and surface water balancing, Land To The West Of, Dunston Lane Newbold Derbyshire (amended to 99)  CHE/18/00805/REM "Reserved Matters submission for the erection of 200 dwellings and associated landscaping (to which CHE/16/00016/OUT refers), Land To The West Of , Dunston Lane, Newbold
<b>Number of dwellings (deliverable within five years)</b>	<b>299</b> <b>99 accounted for in appendix 1 (CHE/17/00351/REM)</b> <b>200 accounted for in appendix 3 (remainder of CHE/09/00662/OUT)</b>
<b>Evidence of progress</b>	
<p>An outline application was granted by the Council in 2016 for residential development of up to 300 dwellings on land to the east of the allocation. Reserved matters for 99 dwellings was granted in 2017 and is now under construction (application reference CHE/17/00351/REM). As of 1<sup>st</sup> April 2019, 21 dwellings had been completed, 68 were under construction, with 10 remaining to start on site.</p> <p>A further reserved matters application has been submitted (January 2019) for a further 200 dwellings for the remainder of the site granted outline planning permission.</p>	

A Statement of Common Ground is being prepared in relation to a proposed wider housing allocation (which would include this site) as part of the preparation of the emerging Local Plan.

As part of this SoCG William Davis have prepared a housing delivery trajectory for the site (see below).

The difference between the actual completions on site for 18/19 and the trajectory relates to the affordable units as these will be delivered together and will be coming forward summer 2019 and the trajectory will even out over the 5 years.

	18 / 19	19 / 20	20 / 21	21/ 22	22 / 23	23 / 24	24 / 25	25 / 26	26 / 27	27 / 28	28 / 29	29 / 30	30 / 31	31 / 32	32 / 33	TOTAL
<b>Approved Application CHE/16/00016/OUT (Phase 1)</b>	50	50	50	50	50	50										<b>300</b>
<b>Phase 2 (subject to Local Plan adoption)</b>					25	25	50	50	50	50	50	50	50	50	50	<b>500</b>
<b>Sub Total</b>	<b>50</b>	<b>50</b>	<b>50</b>	<b>50</b>	<b>75</b>	<b>75</b>	<b>50</b>	<b>50</b>	<b>50</b>	<b>50</b>	<b>50</b>	<b>50</b>	<b>50</b>	<b>50</b>	<b>50</b>	<b>800</b>
<b>Total</b>	50	100	150	200	275	350	400	450	500	550	600	650	700	750	800	

**Land To The West Of Bevan Drive, Chesterfield, Derbyshire**

<b>Site Details</b>	Land West of Bevan Drive, Inkersall, Chesterfield
<b>Agreement With</b>	Wildgoose Construction Ltd
<b>Date of statement</b>	10 <sup>th</sup> May 2019
<b>Planning Status</b>	Outline Planning Permission (CHE/15/00755/OUT)
<b>Planning References (where applicable)</b>	CHE/15/00755/OUT Outline application for residential development - FRA addendum received on 25/01/2016 (granted 29/03/2016)  CHE/19/00159/REM Approval of reserved matters of CHE/15/00755/OUT - residential development of 25 dwellings
<b>Number of dwellings (deliverable within five years)</b>	25
<b>Evidence of progress</b>	
<p>Outline planning permission (CHE/15/00755/OUT) granted.</p> <p>Reserved matters application (CHE19/00159/REM) received before outline permission lapsed, following extensive pre-application discussions regarding affordable housing provision and other matters. 'Ransom Strip' issue relating to CBC owned land required for access now resolved.</p> <p>Applicant is a housebuilder (Wildgoose Construction) and has confirmed intention to start summer 2019 subject to receiving reserved matters approval and that they would complete the 25 dwellings the subject of the current reserved matters application before 31<sup>st</sup> March 2024.</p>	



**The Former Boat Yard 955 Sheffield Road Sheepbridge Derbyshire S41 9EJ**

<b>Site Details</b>	The Former Boat Yard 955 Sheffield Road Sheepbridge Derbyshire S41 9EJ
<b>Agreement With</b>	Developer not named at this stage (pre-application)
<b>Date of statement</b>	10 <sup>th</sup> May 2019
<b>Planning Status</b>	Outline Planning Permission CHE/16/00171/OUT
<b>Planning References (where applicable)</b>	CHE/16/00171/OUT Outline application for the residential development and creation of new site access (all matters reserved save for access)
<b>Number of dwellings (deliverable within five years)</b>	<b>48</b>
<b>Evidence of progress</b>	
<p>Outline planning permission granted (CHE16/00171/OUT).</p> <p>Extensive pre-application discussions have been undertaken between CBC Planning and Housing Officers with a named Registered Provider (RP) intending to develop the site for approximately 50 affordable homes. This has included providing comments on a detailed layout for the site.</p> <p>The RP's intends to submit a full planning application (to avoid complications and potential delays in amending an existing Section 106 agreement) at the end of May 2019 with a projected start on site of March 2020.</p> <p>At an assumed build rate of 15 dwellings per annum, this would result in completion of all units before 31<sup>st</sup> March 2024.</p>	

## Commerce Centre, Canal Wharf, Chesterfield, S41 7NA

**Alan Morey**

**From:** [REDACTED]  
**Sent:** 30 April 2019 16:08  
**To:** Alan Morey  
**Cc:** [REDACTED]  
**Subject:** RE: Former Commerce Centre - Canal Wharf  
**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Alan

Yes, I can confirm that your understanding is correct. We are currently preparing our pre-commencement submissions and will be proceeding as soon as the site can be readied for a meaning start. Our overall plan has the development completed within the next 3 years.

Regards

Mat Crump

[REDACTED]

**From:** Alan Morey <[Alan.Morey@Chesterfield.gov.uk](mailto:Alan.Morey@Chesterfield.gov.uk)>  
**Sent:** 30 April 2019 15:50  
**To:** [REDACTED]  
**Subject:** Former Commerce Centre - Canal Wharf

Dear Mat,

I am writing to follow up our conversation on the delivery of the development recently granted planning permission for the former Commerce Centre on Canal Wharf (Reserved Matters CHE/18/00725/REM, granted 16<sup>th</sup> April 2019).

My understanding is that you anticipate start on site as soon as pre-commencement conditions have been resolved, and that these are currently being prepared for submission. Also that you expect the development of 34 dwellings and conversion and change of use of existing Thornfield House to 4 flats to be complete within the next three years.

I would be grateful if you could confirm by email that my understanding of this is correct and that you would be happy for this to be referred to in the council's housing supply statement.

Kind Regards

Alan

**Alan Morey**  
**Strategic Planning and Key Sites Manager**  
**Chesterfield Borough Council**  
01246 345371

<> This email is confidential, may be legally privileged & may contain personal views that are not the views of Chesterfield Borough Council. It is intended solely for the addressee. Under the Data Protection Act 2018 & the

## Walton Hospital, Whitecotes Lane & Harehill Road

<b>Site Details</b>	Former Walton Hospital Sites, Whitecotes Lane and Harehill Drive
<b>Agreement With</b>	Chesterfield Borough Council and Homes England
<b>Date of statement</b>	02/05/2019
<b>Planning Status</b>	Allocated on Local Plan Policies Map
<b>Planning References (where applicable)</b>	Local Plan allocations H20 & H21 CHE/15/00108/OUT for 90 dwellings, Whitecotes Lane (lapsed) CHE/15/00598/OUT for 60 dwellings, Harehill Road (lapsed)
<b>Number of dwellings (deliverable within five years)</b>	Whitecotes Lane – 90 dwellings Harehill Road – 60 dwellings <b>Total 150 dwellings</b>
<b>Evidence of progress</b>	
<p>Both Sites are allocated for residential development in the adopted Local Plan and shown as such on the Regulation 22 Policies Map (adopted 2013).</p> <p>Both sites have been the subject of recent outline planning permissions that have now lapsed:</p> <ul style="list-style-type: none"> <li>CHE/15/00108/OUT for 90 dwellings, Whitecotes Lane</li> <li>CHE/15/00598/OUT for 60 dwellings, Harehill Road</li> </ul> <p>Both sites have been cleared and the sites were acquired by Homes England in 2018.</p> <p>The sites are currently being marketed by Homes England with bids due to be returned by 31<sup>st</sup> May 2019. The selected bidder is expected to be in contract by autumn 2019</p> <p>The contractual arrangements for disposal involve the development partner entering into an Agreement for Lease and a Building Lease (with a sublease to a Small Builder). The developer's main obligation under the Agreement for Lease will be to obtain full planning consent(s) within a specified time period as follows:</p> <ol style="list-style-type: none"> <li>Submit the planning application to Homes England for approval within 60 working days of entering into the Agreement for Lease and then submit the planning application 5 working days after approval</li> <li>Developer to use reasonable endeavours to secure planning permission within 200 working days of entering into the Agreement for Lease</li> </ol> <p>Once the developer has discharged its obligations under the agreement for lease, the</p>	

Building Lease will be completed. The developer will be obliged to start onsite within a specified time period as set out in their approved programme.

Once the development has commenced, the developer must achieve practical completion of all dwellings in accordance with the programme they have tendered (which in any case cannot fall below an average of pace equating to 4 units per month (this would equate to 38 months based on a development of 150 units across both sites).

Under Homes England's new approach to land disposals, overage will be used as a mechanism for rewarding developers that build at pace either meeting the pace set out in the programme or being entitled to a higher share of overage if they exceed this pace.

### **Illustrative Programme**

- Agreement for Lease Q4 2019
- Planning permission in place start of Q2 2020
- Start on site Q4 2021
- Practical Completion Q1 2024 (38 month build programme at average 4 dwellings per month)

Under this programme completion of all dwellings would be achieved within the five year period 2019 to 2024.

**Brockwell Court (Former), Cheedale Avenue, Newbold, Chesterfield**

<b>Site Details</b>	Former Brockwell Court, Cheedale Avenue, Chesterfield
<b>Agreement With</b>	Chesterfield Borough Council – Housing
<b>Date of statement</b>	12/04/2019
<b>Planning Status</b>	Identified in brownfield register
<b>Planning References (where applicable)</b>	Brownfield Register Site Reference 16 CHE/19/00239/FUL, New build residential development consisting of 21no. 2, 3 and 4 bed properties, Former Brockwell Court Brockwell Lane, Brockwell Chesterfield Derbyshire
<b>Number of dwellings (deliverable within five years)</b>	21
<b>Evidence of progress</b>	
<p>The site is within Chesterfield Borough Council Ownership and has already been cleared (application reference CHE/10/00715/DEM).</p> <p>The site has been assessed through the council's Land Availability Process and has been included in the Brownfield Register as suitable for housing.</p> <p>Funding has already been allocated as part of the council's Housing Revenue Account Business Plan, including from Right to Buy receipts (which must be spent by 2021), as set out in the Housing Capital Programme for 2018/19 through to 2021/22.</p> <p>Contractor is in place.</p> <p>Pre-application discussions have been held with Development Management and Full Planning Application will be submitted Q1 2019/20. Commencement on site est October 2019 and completion expected 2020/21. (Update, application reference CHE/19/00239/FUL – 'New build residential development consisting of 21no. 2, 3 and 4 bed properties' submitted 18<sup>th</sup> April 2019)</p> <p>Evidence:</p> <p><b>Cabinet Meeting 17<sup>th</sup> December 2017:</b> Item 111- Housing Revenue Account Business Plan 2017/18 Onwards  <a href="https://chesterfield.moderngov.co.uk/ieListDocuments.aspx?CId=134&amp;MID=4870#AI8621">https://chesterfield.moderngov.co.uk/ieListDocuments.aspx?CId=134&amp;MID=4870#AI8621</a></p> <p><b>Cabinet Meeting 20<sup>th</sup> February 2018:</b> Item 143 - Housing Capital Programme: New</p>	

Programme for 2018/19 through to 2022/23

<https://chesterfield.moderngov.co.uk/ieListDocuments.aspx?CId=134&MID=4874>

### Chesterfield Borough Council Build Programme 2018-2022

Location	No's of Units	Start on Site	Complete
Manor Drive Brimington	4	2017/18	2018/19
Court Place Middlecroft	2	2018/19	2019/20
Rufford Close Boythorpe	4	2018/19	2019/20
Heaton Court Brampton	14	2018/19	2019/20
2018/19 Acquisitions	5	2018/19	2018/19
Brockwell Court Loundsley Green	28	2018/19	2020/21
Burns Close Grangewood	6	2019/20	2020/21
2019/20 Acquisitions	5	2019/20	2019/20
Markham Court Duckmanton	2	2019/20	2020/21
Edale Road Maston Moor	4	2021/22	2021/22
Various Sites Middlecroft	11	2020/21	2021/22
2020/21 Acquisitions	5	2020/21	2020/21
2021/ 22 Acquisitions	5	2021/22	2021/22
2022/23 Acquisitions	5	2022/23	2022/23
Sheltered Scheme Replacement	24	2021/22	2022/23
Garage Site New Build	4	2022/23	2023/24
Garage Site New Build	16	2022/23	2023/24
<b>Total</b>	<b>144</b>		

## Appendix 7: Local Housing Need Calculation

The standard method set out in the NPPF can be used to calculate a minimum annual local housing need figure as follows:

### STEP 1 - SETTING THE BASELINE

Set the baseline using national household growth projections, for the area of the local authority. Taking the most recent projections, calculate the projected average annual household growth over a 10 year period (this should be 10 consecutive years, with the current year being the first year).

**CBC's household projections are:**

- **Population of 48,680 in 2019**
- **Population of 50,841 in 2024**

**This is a total of 2,161 new households over the ten year period, equivalent to an average household growth of 216.1 per year.**

### STEP 2 - AN ADJUSTMENT TO TAKE ACCOUNT OF AFFORDABILITY

Then adjust the average annual projected household growth figure (as calculated in step 1) based on the affordability of the area.

The most recent median workplace-based affordability ratios, published by the Office for National Statistics at a local authority level, should be used.

For each 1% increase in the ratio of house prices to earnings, where the ratio is above 4, the average household growth should be increased by a quarter of a percent. No adjustment is applied where the ratio is 4 or below.

**CBC's workplace-based affordability ratio is 5.75**

**Adjustment factor =  $((5.7-4)/4) \times 0.25$**

**The adjustment factor is therefore 0.109.**

**Minimum Annual Local Housing Need Figure =  $(1+0.106) \times 216$**

**The resulting figure is: 239.7 (rounded to 240).**

### STEP 3 - CAPPING THE LEVEL OF ANY INCREASE

A cap may then be applied which limits the increase in the minimum annual housing need figure an individual local authority can face. How this is calculated depends on the current status of relevant strategic policies for housing.

Where these policies were adopted within the last five years (at the point of making the calculation), the local housing need figure is capped at 40% above the average annual housing requirement figure set out in the existing policies.

This also applies where the relevant strategic policies have been reviewed by the authority within the five year period and found to not require updating.

Where the relevant strategic policies for housing were adopted more than five years ago (at the point of making the calculation), the local housing need figure is capped at 40% above whichever is the higher of:

- a. the projected household growth for the area over the 10 year period identified in step 1; or
- b. the average annual housing requirement figure set out in the most recently adopted strategic policies (if a figure exists).

CBC adopted a local plan more than 5 years ago and has not reviewed its housing requirement figure through an examination since then.

- **The average annual housing requirement figure in the existing relevant policies is 380 a year**
- **Average annual household growth over ten years is 216 (as per step 1)**
- **The minimum annual local housing need figure is 240 (as per step 2)**
- **The cap is set at 40% above the higher of the most recent average annual housing requirement figure or household growth:**

$$\text{Cap} = 380 + (40\% \times 380) = 532$$

**The capped figure is greater than minimum annual local housing need figure and therefore the minimum figure for this local authority is 240.**





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