



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

Councillors Bellamy and Gilby –  
Site Visit 1  
Councillors Falconer and Perkins –  
Site Visit 2  
Councillors Falconer and Perkins –  
Site Visit 3

9 November 2018

Dear Councillor,

Please attend a meeting of the PLANNING COMMITTEE to be held on MONDAY, 19 NOVEMBER 2018 at 3.00 pm in Committee Room 1, Town Hall, Rose Hill, Chesterfield S40 1LP, the agenda for which is set out below.

AGENDA

Part 1(Public Information)

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

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

1. 13:20 292 Manor Road, Brimington  
CHE/10/00436/FUL
  
2. 13:55 144 Chatsworth Road, Chesterfield  
CHE/18/00337/FUL

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)

3. 14:15 34 Chatsworth Road, Chesterfield  
CHE/18/00557/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 19 November, 2018. If you do not confirm your attendance, it will be assumed that you will not be attending on site.

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

1. Apologies for Absence
2. Declarations of Members' and Officers' Interests Relating to Items on the Agenda
3. Minutes of Planning Committee (Pages 5 - 24)
4. Applications for Planning Permission - Plans Determined by the Committee (Pages 25 - 86)
5. Applications for Planning Permission - Plans Determined by the Development Management and Conservation Manager (P140D) (Pages 87 - 104)
6. Applications to Fell or Prune Trees (P620D) (Pages 105 - 112)
7. Appeals Report (P000) (Pages 113 - 116)
8. Enforcement Report (P410) (Pages 117 - 120)

Yours sincerely,

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

Local Government and Regulatory Law Manager and Monitoring Officer

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## PLANNING COMMITTEE

Monday, 29th October, 2018

Present:-

Councillor Brittain (Chair)

Councillors P Barr Bingham Brady Callan Catt	Councillors Caulfield Davenport Hill Sarvent Simmons
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The following site visits took place immediately before the meeting and were attended by the following Members:

**CHE/18/00470/OUT** - Description – Outline application with all matters reserved for a single detached dwelling with retention of existing two dwellings on land to the rear of 100-102 Highfield Lane, Newbold, Chesterfield (revised on 03/09/18).

Councillors Barr, Bingham, Brady, Brittain, Callan, Catt, Caulfield, Davenport, Hill, Sarvent, Simmons.

\*Matters dealt with under the Delegation Scheme

**59 APOLOGIES FOR ABSENCE**

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

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

No declaration of interest were received.

**61 MINUTES OF PLANNING COMMITTEE**

**RESOLVED -**

That the Minutes of the meeting of the Planning Committee held on 17 September, 2018 be signed by the Chair as a true record.

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

CHE/18/00470/OUT - DESCRIPTION – OUTLINE APPLICATION WITH ALL MATTERS RESERVED FOR A SINGLE DETACHED DWELLING WITH RETENTION OF EXISTING TWO DWELLINGS ON LAND TO THE REAR OF 100-102 HIGHFIELD LANE, NEWBOLD, CHESTERFIELD (REVISED ON 03/09/18)

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

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. Details of the existing and proposed land levels and the proposed floor levels of the dwellings hereby approved shall be submitted in writing concurrently with any application for the reserved matters being submitted to the Local Planning Authority for consideration. The details submitted shall include sufficient cross sections to fully assess the relationship between the proposed levels and immediately adjacent land/dwellings. The dwellings shall be constructed at the levels approved under this condition unless otherwise agreed, in writing, by the Local Planning Authority.
5. Concurrent with the submission of a reserved matters application, precise specifications or samples of the walling and roofing materials to

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

6. Unless otherwise approved in writing by the Local Planning Authority demolition, remediation or construction work to implement the permission hereby granted shall only be carried out on site between 8:00am and 6:00pm Monday to Friday, 9:00am to 1:00pm on a Saturday and no work on a Sunday or Public Holiday. The term "work" will also apply to the operation of plant, machinery and equipment.

7. Concurrent with a reserved matters application, drawings shall be provided which show the possibility of the proposed new driveway to have visibility splays of 2.4m x 43m over land the subject of the application/highway in both directions, and then agreed in writing with the Local Planning Authority. The area in advance of the sightlines shall be 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.

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

9. Before any other works are commenced, the existing access to the site shall be widened to 5.25m from the highway boundary to the existing properties in accordance with the revised plan, Drawing 010 Revision A.

10. Before any other operations are commenced (excluding demolition/site clearance and improvements to the access under Condition 9 above), space shall be provided within the site curtilage for storage of plant and materials, site accommodation and parking and manoeuvring of site operatives and visitors vehicles, laid out and constructed in accordance with detailed designs to be submitted in advance to the Local Planning Authority for written approval and maintained throughout the contract period in accordance with the approved designs free from any impediment to its designated use.

11. 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.

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

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

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

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

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

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

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



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

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

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

16. To protect the trees during demolition and construction a root protection area (RPA) is to be created to form a construction exclusion zone around the trees on the site. A minimum Root Protection Area (RPA) of six metres from the northern boundary line is required to protect the roots and crowns of the trees. The protective fencing shall conform to BS 5837 and shall be retained during site clearance and whilst any construction is in progress. Notices should be attached to the fencing at regular intervals to this effect.

There shall be no excavations, storage, soil stripping and no grading of the site within the RPA.

The removal of any existing hard surfaces within the RPA should be carried out without the use of any heavy machinery and care must be taken not to disturb tree roots that may be present beneath it. Hand held tools or appropriate machinery should be used to remove the existing surface.

Once the protective fencing is installed, the fencing should be inspected by an officer of the Council before any demolition or construction commences. Once erected, barriers should not be removed or altered without prior approval of the local planning authority or until the development ends.

Any works not agreed within the Root Protection Area must be discussed with the LPA before any operations commence.

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

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

There shall be no excavation or raising or lowering of levels within the prescribed root protection area of retained trees unless agreed in writing by the Local Planning Authority. Any new tree(s) that die(s), are/is removed, become(s) severely damaged or diseased shall be replaced and any new planting (other than trees) which dies, is removed, becomes severely damaged or diseased within five years of planting shall be replaced. Replacement planting shall be in accordance with the approved details (unless the Local Planning Authority gives its written consent to any variation).

**63 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/18/00334/FUL Two storey side extension and erection of a boundary fence (revised drawings sent in 21/08/18) at 8 Brookfield Avenue Chesterfield S40 3NX for Mr and Mrs Hicken
- CHE/18/00392/FUL Removal of the rotating door at the front of the property and replace with glazing to match existing at Spire Walk Business Park Unit 1 Spire Walk Chesterfield S40 2WG for Bronze Investments 2 Ltd
- CHE/18/00403/FUL Use of land for LGV Parking Class C plus E. No storage and distribution of goods on site at Unit 1 Plot 2 Sheepbridge Lane Sheepbridge S41 9RX for Lodge Farm Estates
- CHE/18/00423/FUL Erection of industrial unit with storage and spray painting facility in the main warehouse area with office, welfare, store facilities and plant room space - additional documents rec'd 16/07/2018 and revised plans rec'd 18/07/2018 at Titan Works 4 Bridge Way Chesterfield Trading Estate Chesterfield S41 9QJ for Weightron Bilanciai Ltd
- CHE/18/00424/FUL Side extension to form additional bedroom and wet room (revised drawings received 04.09.2018) at 53 Meadowhill Road Hasland S41 0BG for Mr and Mrs Lown
- CHE/18/00445/FUL Construction of vehicular access and driveway and erection of boundary walls (with revised drawings as received 15/08/18) at 92 Sycamore Road Hollingwood S43 2LP for Mr John White
- CHE/18/00451/FUL Two storey rear extension at 27 Cedar Street Hollingwood S43 2LE for Mr Stephen Bradbury
- CHE/18/00461/FUL Cladding to the front elevation (i.e. facing Storforth Lane) and for a short distance along the side elevations and installation of decorative/functional canopy to front entrance at Hasland Playhouse 50 Storforth Lane Chesterfield S41 0PW for Mr

Andrew Aldred

- CHE/18/00463/FUL Double open sided carport at Somersall Farm Somersall Hall Drive Somersall S40 3LH for Mr Eike Wellhausen
- CHE/18/00465/FUL Single storey front and side extension (revised drawings received 13.09.2018) at 44 Rayleigh Avenue Brimington S43 1JP for Marie Jenkinson
- CHE/18/00468/COU Change of use from D1 non residential institution to mixed C2 (Residential institution) and D1 non residential institution to accommodate respite at Edmund Street Activity Centre Edmund Street Newbold S41 8TD for Mr Steve Ward
- CHE/18/00472/FUL Demolish existing conservatory and build two storey side extension, single storey rear extension and single storey front extension at 128 Moorland View Road Walton S40 3DF for Mr Richard Stuart
- CHE/18/00477/FUL Mixed Use B1, B2 and B8 Units with Car Parking - Re-submission of Planning Application CHE/17/00721/FUL. Amended plans received 23.08.2018, additional drainage details received at Unit 1 Turnoaks Industrial Estate Turnoaks Lane Birdholme S40 2HA for Trustees of the Asprey Pension Scheme
- CHE/18/00478/LBC Installation of new signage. Amended plans received 19.9.18 at 1 Market Place Chesterfield S40 1TW for Loungers Ltd
- CHE/18/00479/ADV Installation of 1 hanging sign, 1 wall sign, and 1 logo sign. Amended plans received 19.9.18 at 1 Market Place Chesterfield S40 1TW for Loungers Ltd
- CHE/18/00480/FUL Two storey side extension and single storey rear extension - revised drawings received at 8 Loundsley Court Holme Hall Chesterfield S42 7PW for Mr and Mrs John Bowerman

- CHE/18/00484/FUL Continuation of change of use from training centre to retail (A1) antiques and crafts approved under CHE/15/00424/FUL at Olympia House 29 Brimington Road Tapton S41 7UG for Olympia House Antiques and Craft Centre
- CHE/18/00485/FUL Relocate existing private boundary stone wall to property edge, closer to highway incorporating existing private land into back and side at 1 Greengate Close Chesterfield S40 3SJ for Mr Martin Fielder
- CHE/18/00486/FUL Erection of a conservatory at 61 Boythorpe Crescent Boythorpe S40 2NX for Darwent
- CHE/18/00489/ADV 2 pylon signs, 2 store signs, and 3 wall mounted advertising billboards - revised plans received 13/09/2018 at former Perrys Garage Chatsworth Road Chesterfield for Lidl UK GmbH
- CHE/18/00494/FUL Single storey replacement porch at 63 Moorland View Road Walton S40 3DD for Mr and Mrs Scott Beresford
- CHE/18/00495/FUL Proposed single storey side extension at 7 Spital Brook Close Spital Chesterfield for Mr and Mrs Norman
- CHE/18/00496/FUL Single storey side extension for lounge/tv room at 1 Holbrook Close Walton S40 3JP for Mr J Bartle
- CHE/18/00497/FUL Siting of 3 four stack dipole antenna on 3 tripod supports on the rooftop of the telephone exchange building. 1 0.6m transmission dish and 1 0.15m GPS dish each located on one of the proposed tripod supports. Provision of an equipment cabin with dimensions 2.71m x 2.71m x 2.8m high to be sited at ground level on the eastern side of the telephone exchange building. (iv) Minor ancillary works including handrailing at Telephone Exchange Saltergate Chesterfield S40 1UH for

Arqiva Ltd (for Airwave Solutions Limited)

CHE/18/00499/ADV	Display of double sided digital advertising panels on a bus shelter at Bus Shelter New Beetwell Street Chesterfield for Clear Channel UK
CHE/18/00500/ADV	Display of double sided digital advertising panels on a bus shelter at Bus Shelters outside 1 New Beetwell Street Chesterfield for Clear Channel UK
CHE/18/00502/ADV	Display of double sided digital advertising panels on a bus shelter at Bus Shelter outside Multi-storey Car Park Beetwell Street Chesterfield for Clear Channel UK
CHE/18/00505/FUL	Erection of a single storey 'L' shaped extension to the side and rear and demolition of existing at 53 Somersall Park Road Chesterfield S40 3LD for Mr and Mrs Shepherd
CHE/18/00508/COU	Change of use from A1 (retail) to A3 (cafe) at 30 Middle Pavement Chesterfield S40 1PA for Mamaccino Ltd
CHE/18/00511/FUL	Removal of existing conservatory and erection of a rear extension and garage to front of property at 258 Old Road Chesterfield S40 3QN for Mr and Mrs Barnes
CHE/18/00512/FUL	Existing ancillary outbuilding to be altered and greenhouse converted to kitchen with new roof at 13 Gladstone Road Chesterfield S40 4TE for Mr John Wreghitt
CHE/18/00517/TPO	T1, T2, T3 and T4 - Lime Tree crown clean, remove deadwood crown and lift to 4 metres. T13 and T14 - Lime Tree crown clean, remove deadwood crown and lift to 4 metres and remove epicormics at 2 Somersall Willows Chesterfield S40 3SR for Mrs Priestnall
CHE/18/00518/RET	Retrospective application for retention of an ATM

- installed through a composite security panel to the left side of the entrance door at The Cricketers Inn Stand Road Newbold S41 8SJ for Notemachine UK Ltd
- CHE/18/00519/ADV Retention of internally illuminated ATM and associated signage at The Cricketers Inn Stand Road Newbold S41 8SJ for Notemachine UK Ltd
- CHE/18/00522/FUL Re-submission of Planning Application CHE/17/00888/FUL (rear single storey extensions) - to increase kitchen/wc/garage by 1m at 30 Manor Avenue Brimington S43 1NQ for Mrs Vivienne Swift
- CHE/18/00525/COU 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 at 218 Chatsworth Road Chesterfield S40 2AT for Mr Steven Gill
- CHE/18/00526/COU Change of use from guest house to a 9 bed HMO (revised scheme to an 8 bed scheme as agreed on 11/09/18) at 34 Clarence Road Chesterfield S40 1LN for Webster
- CHE/18/00530/FUL Re-submission of application CHE/18/00285/FUL - Removal of section of front boundary wall to widen driveway entrance at 31 Spire Heights Chesterfield S40 4TG for Mr Neil Duffin
- CHE/18/00531/FUL Two storey side extension and single storey and single storey rear extension at 253 Walton Back Lane Walton S42 7AA for Mr Paul Redford
- CHE/18/00533/FUL Extension to front of property at 38 Ashover Road Inkersall S43 3EG for Mr and Mrs Cockson
- CHE/18/00535/ADV 17 signs mounted on lighting columns, signage poles or on the wall of the buildings at The Range Lordsmill Street Chesterfield for ParkingEye Ltd

- CHE/18/00537/ADV 9 signs mounted on lighting columns or signage poles at The Little Castle Enterprise Way Duckmanton S44 5FD for ParkingEye Ltd
- CHE/18/00539/ADV 9 signs mounted on lighting columns, signage poles or on the wall of the buildings signage at Euro Garages Markham Vale Services Enterprise Way Duckmanton S44 5HS for ParkingEye Ltd
- CHE/18/00542/FUL Works to existing compound comprising of service access roads, parking, storage and assembling areas at Colliery House Colliery Close Staveley S43 3QE for Balfour Beatty Group Limited
- CHE/18/00543/ADV Retention of non-illuminated building sign at Colliery House Colliery Close Staveley S43 3QE for Balfour Beatty Group Limited
- CHE/18/00544/FU Two storey rear and side extension at 4 Walgrove Road Walton S40 2DR for Mr and Mrs Forbes
- CHE/18/00547/TPO Crown reduction by 50% of oak tree rear of Hady Hill at Chesterfield And North Derbyshire Royal Hospital Chesterfield Road Calow S44 5BL for Ian Trueman STS Ltd
- CHE/18/00558/FUL Single storey side and rear extension at 97 Hucknall Avenue Loundsley Green Chesterfield Derbyshire S40 4BZ for Mrs Amy Heathaston
- CHE/18/00561/ADV Two new fascia signs at 16 Packers Row Chesterfield S40 1RB for The Entertainer
- CHE/18/00564/REM Variation of condition 16 (public art contribution) of CHE/18/00136/FUL - new multi-storey car park providing 530 no. spaces over five storeys, including 2 no. late pay spaces, 32 no. disabled parking spaces, 15 no. parent and child spaces, 6 no. active electric vehicle charging spaces and 10 no. passive (for future activation) electric vehicle charging spaces, with staff office and welfare facilities on the ground floor, and associated



landscaping and public realm works to the immediate surroundings at Multi-Storey Car Park Saltergate Chesterfield for Chesterfield Borough Council

- CHE/18/00568/TPO Remove one dead silver birch tree (G24 of TPO 43) at 1 Somersall Close Somersall S40 3SG for Mr Philip Kirkham
- CHE/18/00570/FUL Demolition of existing single storey side extension and construction of a two storey extension at 23 Clumber Place Inkersall Derbyshire S43 3EL for Mr and Mrs Jacques
- CHE/18/00579/TPO Remove dead wood from Oak tree T10 and re pollard to previous reduction cuts on Ash tree T17 at land to rear of 3 Wheatfield Way Holme Hall Chesterfield S42 7PB for Taylor Wimpey Yorkshire
- CHE/18/00580/NMA Amendment to increase roof height to provide games room and bedroom with en suite of CHE/17/00188/FUL - Internal ground floor alterations to improve existing living accommodation. Increase roof height to provide space for games room and bedroom with en suite (revised drawing received 11/09/2018) at 8 Rodge Croft Old Whittington Derbyshire S41 9RE for Mr Bill Heard
- CHE/18/00581/TPO T18 (Willow) - Crown reduction/lift to leave a well-balanced crown and remove deadwood/clean. T39 (Cypress) - reshape crown/reduction by 0.1 metre to make good shape overall. T38(Birch) - Crown lift 0.4 metres to include removal of 5 lower branches, crown clean and reshape at 17 Somersall Lane Somersall S40 3LA for Mr John Thompson
- CHE/18/00583/CA Remove 3 self set small Holly trees and remove 1 diseased Apple tree, due to overcrowding of trees in very small area, excessive shading and very

- low amenity value at Green Gables 19 Somersall Lane Somersall S40 3LA
- CHE/18/00584/TPO 1 Ash tree - 15% crown thin and remove straight upright growths at 29 Foxbrook Drive Walton S40 3JR
- CHE/18/00587/NMA Non material amendment to CHE/17/00351/REM (Reserved matters application Erection of 99 dwellings and associated public open space, landscaping and surface water balancing (Phase 1)) to alter doors, windows and chimney to plots 30 and 84 and move plots 42 and 43 by 300mm to accommodate retaining wall at land to the west of Dunston Lane Newbold for William Davis Ltd
- CHE/18/00588/FUL Dig out front garden for a retaining wall for two parking spaces and dropped kerb at 13 New Houses Piccadilly Road Chesterfield S41 0EJ for Mr Colin Burton
- CHE/18/00595/CA Cherry Tree - Reduce the canopy by 1.5m, raise the canopy to 3m, clean by 5% clearing any dead, dying and crossing branches and crown lift T26 Cherry of TPO 132 at 528 Chatsworth Road Chesterfield S40 3BA for Mrs S Banks
- CHE/18/00609/TPO Large Acer in front garden - crown lift and thin (lift to 4.5 m. thinned 20%) to allow more light through the canopy and reduce leaf density. Some branches have dropped. To allow clearance of telephone wires and building and general maintenance at 700 Chatsworth Road Chesterfield S40 3PB for Mr Edward Stephens
- CHE/18/00621/NMA Non material amendment to CHE/18/00190/REM (residential development) to substitute Cotham plot type for Chesham to include addition of front canopy and bay window (residential development on 3.66 hectares of land up to 75 dwellings including means of access) at land at Cranleigh Road Woodthorpe for Avant Homes Central

- CHE/18/00635/TPO Twin stemmed Ash - to crown clean and removal of 2 branches over the bus stop at 9 Norbriggs Road Woodthorpe S43 3BW for Mrs Samantha Asquith
- CHE/18/00654/TPO Crown lift and cut back trees obstructing the highway at Goytside/Dock Walk Highway Chesterfield for Robinson plc
- CHE/18/00655/CA 1 Norwegian Spruce - Remove due to other existing trees overcrowding and excess growth. No amenity value. Benefit other species in same at 3 Somersall Willows Chesterfield Derbyshire S40 3SR

(b) Refusals

- CHE/18/00509/FUL Erection of a detached double garage at 18 Devonshire Avenue North New Whittington S43 2DB for Mr Derek Pratt
- CHE/18/00551/TPO Pine (T1) - Fell close to ground level, Pine (T2) - Fell close to ground level Pine (T3) - Fell close to ground level Pine (T4) - Fell at 392 Ashgate Road Chesterfield S40 4DD for OCA
- CHE/18/00604/TPO Remove TPO to fell Ash Tree at 9 Norbriggs Road Woodthorpe Derbyshire S43 3BW for Mr Peter Asquith

(c) Discharge of Planning Condition

- CHE/18/00469/DOC Discharge of conditions 3 (parking) 4 (bin storage) 6 (car parking spaces) 8 (site investigations) and 9 (permeability tests) - of CHE/18/00071/FUL (Two storey extension to the rear elevation and creation of 3 apartments) at 47 and 49 Duke Street Staveley for Mr Alwyn Morris
- CHE/18/00503/DOC Discharge of Condition 3 (revised parking plan) of CHE/17/00146/FUL - First floor extension for

alterations to existing building to provide 4 additional GP consultation rooms and wheel chair hoist lift. Alterations to car park to provide 4 additional car parking spaces. Revised site plan received 25.07.2018 at Hasland Medical Centre 1 Jepson Road Hasland S41 0NZ for Hasland Medical Centre

CHE/18/00504/DOC Discharge of condition 3 (noise level of ventilation system) of CHE/18/00139/FUL - Internal fit out of ground floor unit to change use to a cafe bar including installation of commercial ventilation system at 1 Market Place Chesterfield S40 1JW for Loungers Ltd

CHE/18/00555/DOC Discharge of conditions 2 (approved plans), 3 (materials and boundary treatments), 4 (site investigation), 6 (drainage works), 7 (parking provision) and 8 (bin storage) of CHE/17/00240/FUL - erection of single storey dwelling at 2 Hazel Drive Walton S40 3EN for Mr S Donoghue

CHE/18/00576/DOC Discharge of planning conditions 5 (period of consent), 15 (post construction noise monitoring) and 17 (ecological monitoring) of CHE/14/00224/FUL - erection of a single wind turbine with a maximum tip height of 84 metres, a substation (5.5m x 3.7m), a crane hard standing (35m x 15m) and foundations (10m x 10m), improvements to an existing access track and some new access track and temporary widening of existing junction on to Station Lane at Whittington Sewage Works Station Lane Old Whittington S41 9QU for Kelda Water Services

(d) Unconditional Approval Retrospective

CHE/18/00534/RET Retention of car park management system at The Range Lordsmill Street Chesterfield for ParkingEye Ltd

- CHE/18/00538/RET Retention of a car park management system at Euro Garages Markham Vale Services Enterprise Way Duckmanton S44 5HS for ParkingEye Ltd  
(e) Prior notification approval not required
- CHE/18/00546/TPD Proposed flat roof rear single storey extension at 22 Victoria Avenue Staveley S43 3UB for Mr and Mrs Wale  
(f) EIA Not Required
- CHE/18/00663/EIA Screening opinion for a full planning application for the construction of approx. 300 dwellings, two new access points from Linacre road, highways and drainage infrastructure, landscaping and open space at land to the east of Linacre Road Holme Hall Chesterfield for Cerda Planning  
(g) Conditional consent for non-material amendment
- CHE/18/00665/NMA Non material amendment to CHE/18/00052/FUL (Two storey rear house extension, with a single storey aspect, and reconfiguration of the front entrance with new porch) to change window on rear elevation to Juliet balcony, change pitched roof on single storey side extension to flat roof, amend stone and render treatments on side elevation and re-locate first floor at 65 Foljambe Avenue Walton S40 3EY for Mr and Mrs McCreadie

#### 64 **APPLICATIONS TO FELL OR PRUNE TREES (P620D)**

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

(a) The felling and pruning of trees:-

- CHE/18/00551/TPO Consent is refused to the felling of 4 Pine trees reference G2 on the Order map for OCA on behalf of 392 Ashgate Road

CHE/18/00584/TPO	Consent is granted to the pruning of one Ash tree reference T18 on the Order map for Westside Landscapes on behalf of 29 Foxbrook Drive, Walton
CHE/18/00604/TPO	Consent is refused to the felling of one Ash tree reference T1 on the Order map for Mr Asquith of 9 Norbriggs Road, Woodthorpe
CHE/18/00635/TPO	Consent is granted to the pruning of one Ash tree reference T1 on the Order map for Ken Portas Tree Services on behalf of Mr Asquith of 9 Norbriggs Road, Woodthorpe
CHE/18/00654/TPO	Consent is granted to the pruning of 26 trees on the Order map for Mr Guy Robinson on behalf of Robinson PLC for trees at Dock Walk and Goyt Side
CHE/18/00609/TPO	Consent is granted to the pruning of one Maple tree reference T36 on the Order map for Mr Stephens of 700 Chatsworth Road

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

CHE/18/00655/CA	Agreement to the felling of 1 Spruce tree. The felling of the tree will have no adverse effect on the amenity value of the area.
The felling of one Spruce tree for Westside Landscapes at 3 Somersall Willows, Somersall	The tree is within the Somersall Conservation Area and the applicant wishes to remove the Christmas tree because it has outgrown its situation and is not a suitable species within the conservation area.

**65 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.

**66 PLANNING AGREEMENT REPORT**

The Local Government and Regulatory Law Manager and the Development Management and Conservation Manager submitted a joint report to inform members about outcome of planning agreements which had been authorised and to summarise the terms of completed agreements.

**\*RESOLVED –**

That the report be noted

**67 ENFORCEMENT REPORT (P410)**

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

**\*RESOLVED -**

That the report be noted.

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# Agenda Item 4

COMMITTEE/SUB	Planning Committee
DATE OF MEETING	19 <sup>TH</sup> NOVEMBER 2018
TITLE	DETERMINATION OF PLANNING APPLICATIONS
PUBLICITY	*For Publication
CONTENTS SUMMARY	See attached index
RECOMMENDATIONS	See attached reports
LIST OF BACKGROUND PAPERS	For each of the attached reports, the background papers consist of the file specified in the top right hand corner on the front page of the report. Those background papers on the file which do not disclose exempt or confidential information are open to public inspection at the office of the Development Management and Conservation Manager – Planning Services. Additional background papers (if any) will be separately listed in the report.

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**INDEX TO DEVELOPMENT MANAGEMENT AND CONSERVATION  
MANAGER'S REPORT ON THE 19<sup>TH</sup> NOVEMBER, 2018**

- ITEM 1 - CHE/18/00436/REM - Reserved Matters Application For CHE/15/00344/Out – Erection Of 26 Dwellings (Revised Plans Received 29/07/2018 And 18/10/2018) At Land To Rear Of 292 Manor Road, Brimington, Chesterfield, Derbyshire For Arncliffe Homes Ltd.**
  
- ITEM 2 - CHE/18/00557/FUL - Change Of Use To Hand Car Wash At Land To The Rear Of 34 Chatsworth Road, Chesterfield**
  
- ITEM 3 - CHE/18/00337/COU - Change Of Use From Residential To Commercial On The Ground Floor, With A Flat At First Floor, And A Single Storey Rear Extension At 144 Chatsworth Road, Chesterfield**

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Case Officer: Sarah Kay  
 Tel. No: (01246) 345786  
 Ctte Date: 19<sup>th</sup> November 2018

File No: CHE/18/00436/REM  
 Plot No: 2/760

**ITEM 1**

**RESERVED MATTERS APPLICATION FOR CHE/15/00344/OUT -  
 ERECTION OF 26 DWELLINGS (REVISED PLANS RECEIVED 29/07/2018  
 and 18/10/2018) AT LAND TO REAR OF 292 MANOR ROAD,  
 BRIMINGTON, CHESTERFIELD, DERBYSHIRE FOR ARNCLIFFE HOMES  
 LTD.**

Local Plan: Unallocated  
 Ward: Brimington South

1.0 **CONSULTATIONS**

<b>DCC Highways</b>	Comments received 06/08/2018 and 06/11/2018 – see report
<b>DCC Archaeology</b>	No comments received
<b>Design Services</b>	Comments received 24/07/2018 - see section 5.4
<b>Yorkshire Water Services</b>	Comments received 23/10/2018 – see section 5.4
<b>Urban Design Officer</b>	Comments received 18/07/2018 – see report
<b>Crime Prevention Design Advisor</b>	Comments received 20/07/2018 and 06/11/2018 – see report
<b>Lead Local Flood Authority</b>	Comments received 08/08/2018 and 29/10/2018 – see section 5.4
<b>Housing Services</b>	No comments received
<b>DCC Strategic Planning</b>	No comments received
<b>Derbyshire Wildlife Trust</b>	Comments received 06/08/2018 – see section 5.4
<b>Forward Planning</b>	Comments received 03/08/2018 – see report
<b>Environmental Services</b>	Comments received 19/07/2018 and 01/11/2018 – see section 5.4
<b>Brimington Parish Council</b>	No comments received
<b>Ward Members</b>	No comments received
<b>Site Notice / Neighbours</b>	Five representations received

## 2.0 **THE SITE**

2.1 The application site comprises some 0.97 hectares of land to the west of Manor Road off Brimington Common. The site is an irregular shaped piece of land, which is currently in agricultural usage as a poultry farm and an existing residential bungalow (No 292 Manor Road). The site comprises open grass land, hardstanding's and building of varying sizes which make up the poultry business operating from the site.

2.2 The site is surrounded on all sides by existing residential development. To the north are the rear gardens of housing facing onto Grove Road; to the east are houses fronting onto Manor Road; to the south are houses on the cul de sac of both Melville Crescent and Southmoor Close; and to the west are the rear boundaries of houses fronting onto Grove Gardens.



2.3 The site is contained by the existing hedges, trees and domestic boundaries on all side; with a stone wall and gated entrance to the site from Manor Road.



3.0 **RELEVANT SITE HISTORY**

- 3.1 CHE/1193/0644 – Erection of egg packing building. Approved on 10/02/1994.
- 3.2 CHE/0396/0145 - Replacement poultry house. Approved on 16/05/1996.
- 3.3 CHE/1197/0632 - Extension to front of bungalow. Approved on 22/01/1998.
- 3.4 CHE/0403/0311 – Extension to bungalow. Approved on 06/06/2003.

3.5 CHE/15/00344/OUT – Outline application for residential development. Approved subject to S106 on 29/03/2016.

#### 4.0 **THE PROPOSAL**

4.1 In March 2016 planning permission was granted in outline for the redevelopment of the entire application site comprising the demolition of the existing bungalow and all the buildings associated with the poultry business for the erection of up to 30 dwellings on site with all matters except for means of access being reserved.

4.2 This is an application which seeks reserved matters approval for that outline planning permission for the erection of 26 no. detached and semi-detached dwellings by Arncliffe Homes Ltd.

4.3 The application submitted is supported by the following list of plans / documents (as revised 29 July 2018 and 18 October 2018):

~~5028 A 00 10 – SITE LOCATION PLAN~~

5028 A 00 10 – SITE LOCATION PLAN (rec'd 29/07/2018)

##### Site Layout

~~5028 A 90 01 C02 – HARD LANDSCAPING PLAN~~

5028 A 90 01 C02 – HARD LANDSCAPING PLAN (rec'd 29/07/2018)

~~5028 A 00 02 C02 – SOFT LANDSCAPING PLAN (rec'd 29/07/2018)~~

5028 A 90 01 C04 – HARD LANDSCAPING PLAN (rec'd 18/10/2018)

5028 A 00 02 C04 – SOFT LANDSCAPING PLAN (rec'd 18/10/2018)

##### House Types

~~5028 A 00 01 C01 – BIRKDALE HOUSE TYPE~~

~~5028 A 00 02 C01 – BIRCH HOUSE TYPE~~

~~5028 A 00 03 C03 – MULBERRY HOUSE TYPE~~

~~5028 A 00 04 C01 – RICHMOND HOUSE TYPE~~

~~5028 A 00 05 C01 – SUNNINGDALE HOUSE TYPE~~

~~5028 A 00 06 C01 – WENTWORTH HOUSE TYPE~~

~~5028 A 00 07 C01 – WOBURN HOUSE TYPE~~

5028 A 00 01 C02 – BIRKDALE HOUSE TYPE (rec'd 18/10/2018)

5028 A 00 02 C01 – BIRCH HOUSE TYPE (rec'd 18/10/2018)



5028 A 00 03 C01 – MULBERRY HOUSE TYPE (rec'd 18/10/2018)  
5028 A 00 04 C01 – RICHMOND HOUSE TYPE (rec'd 18/10/2018)  
5028 A 00 05 C01 – SUNNINGDALE HOUSE TYPE (rec'd 18/10/2018)  
5028 A 00 06 C02 – WENTWORTH HOUSE TYPE (rec'd 18/10/2018)  
5028 A 00 07 C02 – WOBURN HOUSE TYPE (rec'd 18/10/2018)

Documents

DESIGN AND ACCESS STATEMENT  
PLANNING STATEMENT JUNE 2018  
BAT EMERGENCE SURVEY

5.0 **CONSIDERATIONS**

5.1 **Planning Background / Principle of Development**

- 5.1.1 The site the subject of this reserved matters application benefits from a live outline planning permission CHE/15/00344/OUT for residential development for the erection of up to 30 dwellings which was approved on 29/03/2016 subject to 29 no. planning conditions and a S106 agreement covering the provision of public art, affordable housing, an education contribution, management of green space and suds infrastructure.
- 5.1.2 The live outline permission enables applications for reserved matters approval to be submitted for a period of three years following the date of the outline approval (i.e up to 28/03/2019) and this reserved matters application concerns that development.
- 5.1.3 Having regard to the principles and parameters set by the live outline planning permission the principle of development is already accepted and subject to the details of the reserved matters submission meeting the provisions of the outline planning conditions and the S106 agreement the issues already agreed and set by the outline permission cannot be revisited. Only the outstanding reserved matters issues concerning appearance, landscaping, layout and scale are to be considered. Access was agreed at the time of the outline planning permission (subject to compliance with conditions 10 and 11 of that consent).

- 5.2 **Design and Appearance Considerations (inc. Neighbouring Impact)**
- 5.2.1 Having regard to design and appearance matters both the Council's Urban Design Officer and the Crime Prevention Design Advisory were consulted on the application submission. Their initial comments on the submission were fed back to the applicant which resulted in a revised scheme being submitted for consideration. The comments of both consultees are considered in the following commentary.
- 5.2.2 The current application seeks permission for 26 dwellings which equates to a gross density of 27dph and represents an appropriate density given the context of the surrounding area. The scheme proposes two-storey dwellings which is compatible with the scale of development in the surrounding area. The drawings and house types suggest a brick and tile construction with stone window heads and cill details, although there is currently no indication of colours or materials. Condition 25 of the outline planning permission requires such details to be submitted for approval prior to works commencing; and therefore this detail can be handled alongside any discharge of conditions application.
- 5.2.3 A single access continues to be shown to Manor Road and the form and layout of the site access road has been reviewed by the Local Highways Authority (see section 5.3 below) and is acceptable. The site has a relatively wide frontage with Manor Road and the layout shows two plots situated either side of the centrally positioned access road. This continues the building line of Manor Road and helps frame an entrance into the site. The enclosure of the frontage with a stone boundary wall will also assist in assimilating the development into the streetscene with Manor Road and these details are a requirement set out in condition 29 of the outline planning permission. The Hard Landscaping Site Layout Plan submitted indicates a 900mm stone wall annotation to this effect, but further details will be required by condition to demonstrate the actual detail of the wall to ensure these reflect the local coursing, style and character.
- 5.2.4 Soft Landscaping details have also been submitted (revised) and these indicate a combination of turf, low level hedges and select tree planting are to be deployed across the site. The soft landscaping has been amended to include three trees along the

frontage with Manor Road and hedge planting is now shown on most plot frontages. Margins between plots remain and are shown as grass, whereas additional shrub and hedge planting between driveways is recommended to assist in breaking up the presence of frontage parking and assimilating this into the streetscene more effectively. Overall there is an absence of detail of the submitted soft landscaping plan indicating species, type and numbers etc so these details will need to be expanded upon in order to be acceptable. An appropriate planning condition will need to be imposed on any reserved matters approval to secure this detail and it is assumed this will be formulated by an appropriate landscape architect / contractor appointed by Arncliffe Homes once the site layout is finalised and agreed.

- 5.2.5 In respect of proposed garden sizes the proposed development comprises both two and four bedroom properties. Accordingly guidance within the residential design SPD, Successful Places (2013) recommends that new development should achieve or exceed minimum rear garden sizes to ensure an appropriate level of amenity space is available for the occupants of each dwelling. Two-bed units should have a single usable garden area of a minimum of 50sqm and four bed units 90sqm and the layout submitted shows that the plots mainly exceed the minimum requirements and are therefore acceptable.
- 5.2.6 Having regard to the relationship created to neighbouring properties the site is bounded by residential development on three sides, as such it is necessary to ensure the proposals do not adversely impact the amenity of adjoining occupiers. Guidance within the residential design SPD, Successful Places (2013) recommends appropriate separation distances between existing neighbouring properties and new development. In this case these distances between all boundary sharing plots and neighbouring properties have been assessed and all plots are within tolerable distances set out in the SPD (having regard to acute angles and garden boundaries etc).
- 5.2.7 As submitted the development proposals comprise 7 no. house types which are laid out around a centre access road and 2 no. cul de sac spurs. Key urban design considerations centre on identification of key corner plots to the development layout, focal points / terminating vistas, parking layout and boundary treatments.

- 5.2.8 The layout includes a number of corner plots (notably plots 1, 3, 12 and 26) and revisions were sought to these plots to introduce corner turning house types or windows to side elevations. The revisions submitted introduced some changes to these house types to include smaller slip windows in these elevations however it is considered that a more substantial intervention should still be introduced to plots 1 and 26 in particular to frame the entrance into the development site. Ideally GF bay windows are recommended to add a feature of interest, but this could take the form of enhanced fenestration details to create a stronger dual aspect design to these plots. In the absence of an agreed amendment to this effect a suitably worded condition can be imposed to enable these subtle changes to be made and agreed.
- 5.2.9 The key focal point to the scheme focuses on plots 19 and 20, which are positioned at the end of the main access road and provide a terminating view in the site. Changes were suggested by the Urban Design Officer (UDO) and whilst the houses type to plot 19 was amended to reflect this, it is considered that this could be improved by handing the house type and relocating the driveway. In the absence of an agreed amendment to this effect a suitably worded condition can be imposed to enable these subtle changes to be made and agreed.
- 5.2.10 In respect of hard landscaping and in particular boundary treatments positioned further into the site a number of plots include side or rear garden boundaries adjoining street frontages. Close boarded timber fencing in such locations can detract from a pleasant streetscene and therefore these should be finished as brick walls rather than close board fencing to ensure an appropriate standard of finish along public frontages. The Section 106 Legal Agreement identifies c. £37k towards the provision of public art and given that the site contains no public space on which artwork might be sited it is recommended that this money could be spent enhancing boundary treatment to feature street frontages. The developer should consider the inclusion of front boundary treatments, such as bespoke artist designed railings, for plots as an acceptable use of the public art contribution. Further details of such can be agreed as an amendment to the already submitted hard landscaping plan, which is already recommended by condition to be expanded upon (see 5.2.3 above).

- 5.2.11 Overall if the above matters are taken into account and followed through in any subsequent revisions / details submitted under respective planning conditions 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.
- 5.2.12 The site has been laid out such that all adjoining and adjacent neighbouring properties have an acceptable separation distance to the new dwellings and all gardens are of appropriate depths to protect the privacy and amenity of neighbours commensurate with the requirements of the Council's adopted SPD 'Successful Places – Housing Layout and Design.
- 5.2.13 Overall it is considered that the development proposals are acceptable. The design, density, layout, scale, mass and landscaping proposals are considered to comply with the provisions of policy CS2 and CS18 of the Core Strategy, the wider NPPF and the adopted SPD such that the scheme is acceptable in this regard.

### 5.3 **Highways**

- 5.3.1 The **Local Highways Authority** (LHA) were consulted on the initial outline application in 2015, which sought approval of the site access as part of that permission. The outline permission considered that the access shown was acceptable and the permission was granted subject to conditions which included several relating specifically to highway matters.
- 5.3.2 Notwithstanding the above the reserved matters detail the subject of this application seeks to amend the position of the access and this must be considered by the LHA again alongside the proposed design and layout on the internal access roads / turning heads (particularly if the developer intends for the access road to be considered for highway adoption in the future).
- 5.3.3 Initially the LHA provided feedback on the site layout plan as submitted, seeking revisions to the alignment of the new site access and the layout and geometry of the proposed estate roads to meet current guideline. These comments were forwarded onto the applicant to address and in consultation with the LHA this

resulted in a revised package of drawings / proposals being submitted for consideration (18 October 2018).

5.3.4 The LHA subsequently provided the following comments on the revisions:

*'The access and estate street layout have been revised in line with my previous highway comments – on this basis the proposals are now considered acceptable in principle from a highway safety viewpoint. The highway related conditions previously recommended, and included in the approved outline permission, are still valid, however, I would recommend the following additional conditions are included in any reserved matter consent, to reflect the current access and layout arrangements:-*

- 1. Prior to any development exceeding demolition or site clearance taking place on site the permanent access to Manor Road shall be laid out in accordance with drawing number (90)01 – Revision C04, comprising a minimum carriageway width of 5.5m, a 6.8m inlet radius and 8m exit radius. The access shall be provided with 2.4m x 50m visibility sightlines in each direction, or other such dimension as may be agreed in writing with the Local Planning Authority, the sightline being taken up to 1m into the nearside carriageway at the extremity of the splay; the area in advance of these sightlines being laid out as part of the street and not part of any adjoining plot or other sub-division of the site.*
- 2. The internal estate street shall be laid out in accordance with drawing number (90)01 – Rev C04.*

*In addition to the above conditions I would be grateful if the advisory notes, included in the highway consultation response dated 9th October 2015, could be included in any decision notice issued, as this provides useful informative advice for the applicant.'*

5.3.5 Having regard to the comments made by the LHA above it is considered that in the context of policies CS2, CS18 and CS20 of the Core Strategy the proposed layout of the development is acceptable in principle. The LHA will continue to be involved in the construction approval of the internal road layout (as it is intended that the estate streets are to be adopted – S38 agreement).

## 5.4 **Technical Considerations**

- 5.4.1 The reserved matters application has been reviewed by a number of consultees (listed in section 1.0 above) having regard to matters concerning flood risk, drainage, ecology protection / enhancement, land condition and contamination; however these matters and the detailed matter thereof will be dealt with under a discharge of conditions applications which are yet to be submitted for consideration. Accordingly whilst some of the consultees have made comments in respect of this application reference; the matters they have raised will be dealt with separately in connection with each planning condition / discharge of conditions application.
- 5.4.2 Under the provisions of condition 8 of the outline planning permission a bat emergence survey was submitted concurrently with this application. This survey was forwarded to Derbyshire Wildlife Trust for review who confirmed, *'The survey was undertaken in accordance with standard guidelines and did not record any roosting bats. As such, mitigation or licensing is not required. As mentioned in my letter, we would encourage ecological enhancements to result in net biodiversity gain and suggest that three of the dwellings have integral bat boxes (e.g. Schwegler 2FR or Habibat boxes) and three have sparrow terraces. Hedgehog gaps would also be beneficial and can be easily incorporated through cutting small holes in fence panels or using preformed gravel boards in a selection of gardens'*.
- 5.4.3 Having regard to the comments made by DWT above, it is ordinary practice to require ecological enhancement measures to be incorporated into new building fabric (such as bat brick and bird boxes etc) and it is noted that these have not been detailed in the house types provided. It is therefore considered to be necessary to impose an addition condition on any approval to require these additions to be made.

## 6.0 **REPRESENTATIONS**

- 6.1 The application has been publicised by site notice posted on 13/07/2018; by advertisement placed in the local press on 26/07/2018; and by neighbour notification letters sent on 17/07/2018 and 22/10/2018.

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

### **8 Southmoor Close**

Thank you for the further opportunity to comment on the proposed residential development at 292 Manor Road, Brimington. We live in a neighbouring property at 8 Southmoor Close, Brimington, on the south-west corner of the proposed development. I have reviewed the new documents provided in this reserved matters phase of the planning approval including the updated location, site layout and soft landscaping plans.

When I responded to the outline planning application in June 2015 my only concern was that, as part of the residential development, the tall hawthorns on the south-west boundary be maintained with the same consistency as those on the southern boundary. Mr Hawkins initially disputed responsibility, suggesting that these were part of 20 Grove Gardens. He eventually conceded to my request and provided one cutting to remove growth resting on our fragile garage roof. No further cutting or maintenance has occurred since 2015 and this hawthorn is beginning to infringe on the garage roof again, see photo attached. I will ask Mr Hawkins to tend to this. The soft landscaping plan does not show whether the existing hedgerow, including these hawthorn, will be kept. I am assuming that they will be removed as they will overwhelm the rear garden of plot 16 in the layout plan. If they are to be kept the developer should undertake to cut and maintain them to prevent encroachment on neighbouring properties. Otherwise I have no objection to the residential development to proceed as proposed.

### **313 Manor Road**

We are writing this letter to raise a few queries in respect of the above planning request, however we are not writing completely reject the planned work, only to raise some concerns and ensure they are dealt with before any approval is provided.

Firstly I would like some clarification as the conditional reason on the initial planning request CHE/15/00344/OUT and whether action has already been taken 3 years later to fix that problem.

We have been made aware of potential problems with the sewer system along Manor Road and to emphasise this the treatment / central point leaked raw sewage over the nearby field and flooded the Westwood stream. Please can you clarify that the sewer system is capable of the addition of new properties when is already has problems.



You have expressed the need for more children's places to be funded for the development; however funding will not provide actual places at the local infant school which is already at capacity.

As well as the sewage, the water infrastructure on Manor Road seems to be weak with the main water pipe at the end of Manor Road on the roundabout bursting twice. How will this development affect this infrastructure?

I live at 313 Manor Road and would like confirmation no yellow lines will be placed outside my home as I use this for parking and would not be happy if parking on our area of Manor Road was reduced.

Can you confirm if any investigation has been made about the bat population and what will be the plan if bats are found in the buildings?

Why after the 2015 application have the Leisure Services team not responded about Manor Road Park which has been left to rot and ruin. You have had three years to get a response from them as to the possibility of improvements to our park in relation to a large development of this size in this area.

As stated, we are not wholly against the development but would like to ensure that the plans are in place to rectify the concerns raised before approval is given.

### **304 Manor Road**

I wish to lodge an objection to the aforementioned application on the following grounds:

1. Highway Safety: Manor Road is an extremely busy and congested road, there are currently three junctions Barry Road, Westwood Lane and Grove Road within 150 yards or less of the proposed site entrance. To add a further junction at this point would only serve to significantly increase the volume of traffic which is currently excessive at most times of the day. At peak times Manor Road becomes very dangerous. As an example the length of road between Grove Road and Barry Road and indeed right to the end at its junctions with Blacksmith Lane is straight and traffic consistently travels was above the statutory speed limit as there are no traffic calming on this section or indeed any cameras to deter speed. As a resident of the area for more than 30 years and having witnessed the volume of traffic increase annually to add to this, which this development most certainly would, is totally unacceptable.

2. Local Services: Also a residential development in an already highly populated area would only serve to add further pressure on existing services such as local schools and doctors surgeries wo are already highly pressurised like many other areas.

### **7 Melville Crescent**

We are concerned to learn of the erection of 26 dwellings on land at 292 Manor Road and we raise an objection on the ground of over congestion on Manor Road.

Highway Safety Issues: we have lived here for over 20 years and found congestion on Manor Road a problem, particularly at peak times with people going to and from work and school. The problem is exacerbated by the fact that Manor Road is relatively narrow and often has parked cars along its length. Cars constantly overtake the parked vehicles and there is constant stopping and starting during the frequent times of congestion.

A new access road from the new development would create extra congestion and thus an extra hazard.

Summary: A large volume of traffic causing dangerous levels of congestion at peak times exacerbated by the need for vehicles to park ear the school; by traffic turning onto side roads and driveways and overtaking long rows of parked cars on Manor Road.

A new residential area would add to the problems.

### **14 Grove Gardens**

Having studied the document, I have no real objection to the proposal but need to establish a few queries being: -

1. Our property has 3 nr mature trees in excess of 20yr age which may have potential light restrictions to rear gardens in respect of 18-20 due to them being circa 11 -12 m height at present. I'm concerned that at present on summer evenings this will shade the gardens of properties mentioned. Will the property have any rights to ask for these to be cut down, lopped etc. ?? These were originally planted by the house developer to block out the chicken farm. They will form a barrier to avoid on looking into our established garden.

2. We have concerns in relation to the demolition of the existing dwellings as some large structures are very close to our property boundaries (brick boundary wall). How will this be done to avoid damage?
3. We have concerns in relation to dust and vermin control. What restrictions will be put in place, once ownership of the land has passed to the developer.
4. What restrictions will there be on noise pollution, working hours etc as we would object to weekend working due to close proximity of the buildings and eventually new dwellings

### 6.3 **Officer Response:**

**- A query is raised over the future responsibility for maintenance of any boundary treatments and soft landscaping. In this respect the maintenance liability of any boundary treatment will lie with whoever is conveyed the boundary responsibility. This may lie with existing neighbouring properties or the new dwellings depending upon ownership. These details will be determined by land registry records / conveyancing and are not dictated through the planning process.**

**- It is questioned whether the conditional requirements of the outline planning permission have been met, however this application concerns the second phase of the planning process (reserved matters) and therefore some of the outline planning permission conditions may not have yet been met due to development not yet commencing on site. Alongside any development commencing the details required by either conditions of the outline planning permission or indeed this reserved matters permission (if granted) will need to be the subject to a separate discharge of conditions application.**

**- It is queried whether the drainage details have been agreed, however these will be considered and agreed under the provisions of the outline permission conditions. Agreement of the system and the capacity / infrastructure in the local area will be the responsibility of Yorkshire Water Services and the Lead Local Flood Authority; who are consulted with on the conditions discharge details**

**- A comment is made over the purpose of the education contribution, as schools in the local area are already at capacity. The S106 education contribution is payable direct to Derbyshire County Council (as they are the education providing authority) and the contribution is ring-fenced to be spent upon providing additional capacity arising from the development.**

**- A concern over the introduction of double yellow lines in close proximity to the new site entrance is raised; however this is not proposed as a consequence of the development. Yellow lines are introduced under a Traffic Regulation Order by the Local Highways Authority and therefore any decision to introduce them would be down to them.**

**- A concern about the impact of the development upon the local bat population is raised, however the application is supported by a bat emergence survey which reveals the buildings on site are not being used for bat roosting. No bat mitigation is therefore necessary.**

**- A concern is raised over the lack of response from the Council's Leisure Services team and the need to upgrade play equipment at the local park. Under the provisions of the outline planning permission a leisure contribution could have been sought, but this was not requested. Any such request cannot be imposed on the developer retrospectively.**

**- Matters concerning traffic and highway safety are raised, however the site benefits from a live outline planning permission for up to 30 dwellings already. This application is in line with this live permission and therefore the principle of a new site access to Manor Road to serve a development of this scale cannot be revisited. The development layout has been appraised by the Local Highways Authority and is deemed to be acceptable.**

**- The presence of mature trees on a neighbouring site is questioned, as a worry they made be made to remove these for causing overshadowing to the new development. In this regard, the trees on a neighbouring property are not affected by the development proposals.**

- Concerns are also raised regarding damage to neighbouring properties during the construction phase and concerns over noise, vermin and disruption. Any damage to a third party / neighbouring property will be matter between the developer and that person and is a private civil matter. Construction hours are controlled by a condition of the outline planning permission to protect the amenity of neighbouring properties and environmental law controls matters of dust and vermin.

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

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

## 10.0 **RECOMMENDATION**

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

### 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.

5028 A 00 10 – SITE LOCATION PLAN (rec'd 29/07/2018)

### Site Layout

5028 A 90 01 C04 – HARD LANDSCAPING PLAN (rec'd 18/10/2018)

5028 A 00 02 C04 – SOFT LANDSCAPING PLAN (rec'd 18/10/2018)

### House Types

5028 A 00 01 C02 – BIRKDALE HOUSE TYPE (rec'd 18/10/2018)

5028 A 00 02 C01 – BIRCH HOUSE TYPE (rec'd 18/10/2018)

5028 A 00 03 C01 – MULBERRY HOUSE TYPE (rec'd 18/10/2018)

5028 A 00 04 C01 – RICHMOND HOUSE TYPE (rec'd 18/10/2018)

5028 A 00 05 C01 – SUNNINGDALE HOUSE TYPE (rec'd 18/10/2018)

5028 A 00 06 C02 – WENTWORTH HOUSE TYPE (rec'd 18/10/2018)

5028 A 00 07 C02 – WOBURN HOUSE TYPE (rec'd 18/10/2018)

### Documents

DESIGN AND ACCESS STATEMENT  
PLANNING STATEMENT JUNE 2018  
BAT EMERGENCE SURVEY

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

The required soft landscape scheme shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers; densities where appropriate, an implementation programme and a schedule of landscape

maintenance for a minimum period of five years. Those details, or any approved amendments to those details shall be carried out in accordance with the implementation programme.

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

03. 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.*

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

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

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

05. Within 2 months of commencement of development, unless otherwise agreed in writing by the Local Planning Authority, further details of a package of ecological enhancement



measures to be implemented on site to provide a net biodiversity gain across the site.

Ecological enhancement measures shall include bird and bat boxes; and hedgehog gaps through boundary fences.

Only those details agreed in writing shall be implemented on site prior to the development hereby approved being brought into first use.

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

06. Notwithstanding the details submitted prior to commencement of development of any individual plots / dwellings revisions shall be made to plots 1, 19, 20 and 26 to address the following:

- Side / access road facing elevations of plots 1 and 26 shall be amended to include enhanced fenestration details to give these dwellings a dual aspect design incorporating feature / bay windows.

- Plots 19 and 20 amended to provide an enhanced terminating view / vista which is not focussed on driveway parking / integral garages.

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

07. Prior to any development exceeding demolition or site clearance taking place on site the permanent access to Manor Road shall be laid out in accordance with drawing number (90)01 – Revision C04, comprising a minimum carriageway width of 5.5m, a 6.8m inlet radius and 8m exit radius. The access shall be provided with 2.4m x 50m visibility sightlines in each direction, or other such dimension as may be agreed in writing with the Local Planning Authority, the sightline being taken up to 1m into the nearside carriageway at the extremity of the splay; the area in advance of these sightlines being laid out as part of the street and not part of any adjoining plot or other sub-division of the site.

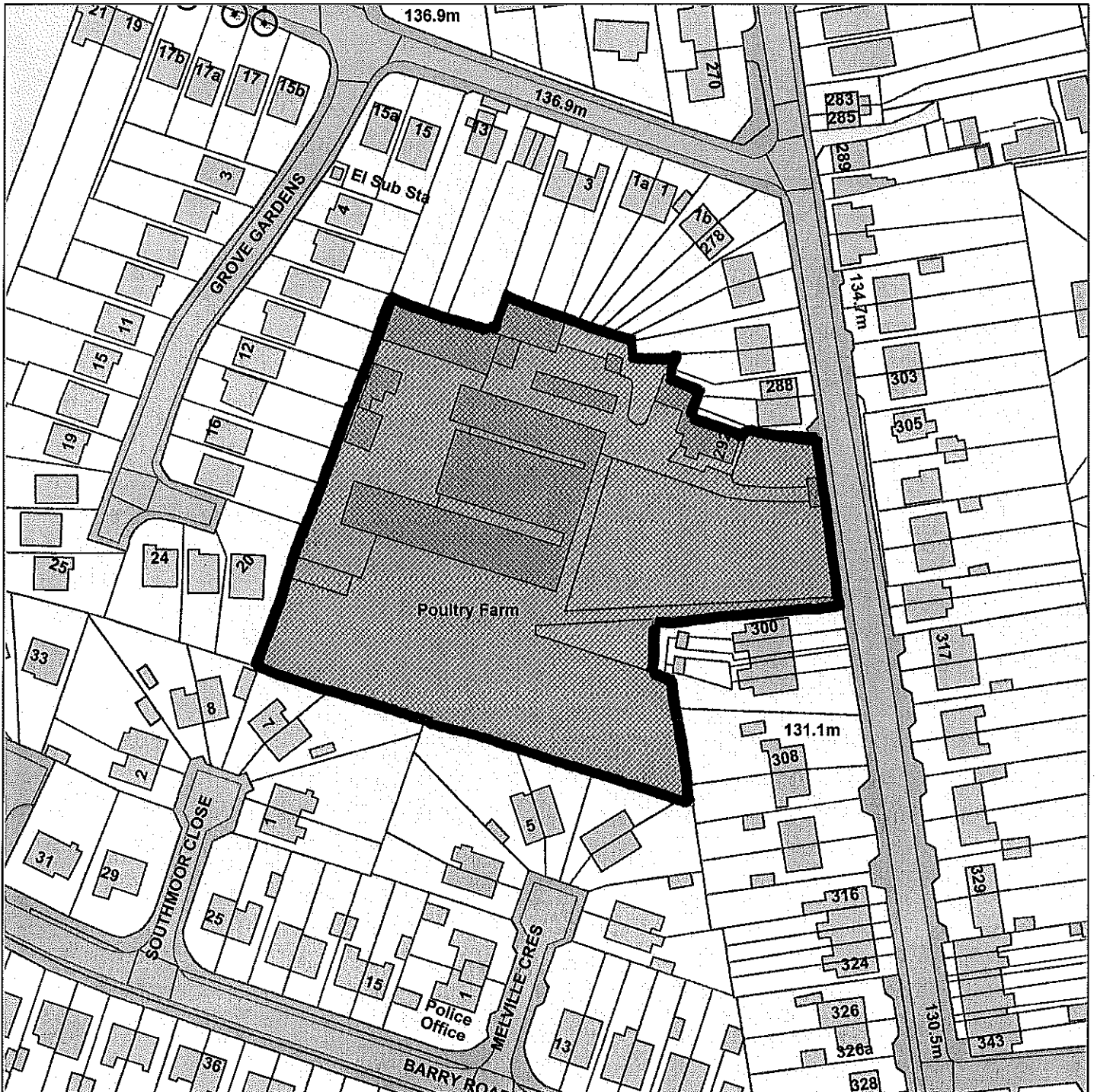
*Reason – In the interests of highway safety.*

08. The internal estate street shall be laid out in accordance with drawing number (90)01 – Rev C04.

*Reason – In the interests of highway safety.*

#### Notes

01. If work is carried out other than in complete accordance with the approved plans, the whole development may be rendered unauthorised, as it will not have the benefit of the original planning permission. Any proposed amendments to that which is approved will require the submission of a further application.
02. This approval contains condition/s which make requirements prior to development commencing. Failure to comply with such conditions will render the development unauthorised in its entirety, liable to enforcement action and will require the submission of a further application for planning permission in full.
03. This permission is granted further to an earlier grant of outline planning permission to which any developer should also refer.



Scale : 1:1326

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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	
<b>Date</b>	08 November 2018
<b>SLA Number</b>	Not Set

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Case Officer: Chris Wright  
Tel. No: 01246 345787

File No: CHE/18/00557/FUL  
Plot No: 2/151 1516

## **ITEM 2**

### **CHANGE OF USE TO HAND CAR WASH AT LAND TO THE REAR OF 34 CHATSWORTH ROAD, CHESTERFIELD**

#### **1.0 CONSULTATIONS**

Highways DCC	No objection following clarifications sought – see report.
Ward Members	No comments received.
Forward Planning	No objections
Yorkshire Water Services	No comments
Environmental Services	No objection.
Design Services	No objection, subject to consultation with Yorkshire Water.
Neighbours	1 comment received

1.1 The proposal was publicised by neighbour letters.

#### **2.0 SITE LOCATION AND DESCRIPTION**

2.1 The site was previously a car sales garage, which was classified as a Sui Generis use. The previous business included a building sited on Chatsworth Road and Clarence Street although the part of the site that this site relates to is the rear yard. This site is surrounded by Wheatbridge Road to the south, Tap Lane to the west and Clarence Street to the east. To the south is a large modern three storey building which is used as a Doctors Surgery and other health-related uses. To the west is a modern single storey building which houses a group of shops and car parking. The buildings to the north of the site are older buildings and these are used as a selection of shops which have frontages onto Chatsworth Road. The building fronting onto Chatsworth Road, previously attached to this site, is currently proposed to be a bar, although this planning application is still pending. This building has been

split up into two, with the rear part of the building converted into a car tyre sales shop/ fitting bay. Permission has not been sought for this by the business owners, but they have been informed that it is required. The land to the rear of the tyre shop would be under the control of the tyre shop however the application site only includes the strip of land to the west of the overall area.

2.2 The site is currently not been used for the proposed use however the boundary treatments, containers and other changes have already been completed. The proposed exit onto Wheatbridge Road has not been completed.

2.3 The site is within the Chatsworth Road District Centre which has a wide range of uses in the area including shops, beauty salons, public houses and cafes and restaurants.

### **3.0 SITE HISTORY**

3.1 CHE/17/00082/COU - Change of use to provide a hand-washed car cleaning service – Conditional Permission – 05/05/17. Application approved with a condition for proposed boundary treatments and other proposed works completed within 6 months of approval.

3.2 CHE/18/00540/FUL - Conversion of the former car sales showroom into A1 (sui generis) use class to A4 drinking establishment with ancillary food use – Pending determination

3.3 CHE/18/00541/ADV - 1 fascia sign located over the Clarence Street main entrance and 1 fascia sign located over the Chatsworth Road elevation access. Other manifestation signs to windows on the Chatsworth Road elevation. 1 Mural on the eastern elevation (drawings received 08/10/18),.3 other internally-illuminated poster box signs on the Clarence Road Elevation. – Pending determination

### **4.0 THE PROPOSAL**

4.1 The proposal is for a hand car wash facility on site which is a sui generis use. This includes two containers and two sections of fencing positioned on the site boundaries. The sections of fence would be approximately 1.5m in height at their highest points, with steel panels and posts with “foamex grafix inlay panels” on them. On top of the steel panels there will be curved Perspex tops. The fence to the west of the site would be 19.8m in length and to the east it would be 11.8m long. The fence panels

have white backgrounds with blue “bubbles” on. The two containers are on site and would be 6m in length, 2.5m in width and 2.5m in height and which have been painted blue.

- 4.2 The site entrance would be from Tap Lane, to the north-west of the site, and this would utilise an existing dropped curb entrance. The exit from the site would be onto Wheatbridge Road. It is proposed to put several entrance and exit signs on site to ensure that the proposed direction of traffic flow is adhered to.
- 4.3 Adverts are not part of this application.
- 4.4 The application has been altered on several occasions, with the red line, positioning of the exits/entrances and containers and design and size of the fences.

## **5.0 CONSIDERATONS**

### **5.1 The Development Plan**

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

### **5.3 Chesterfield Local Plan: Core Strategy 2011 -2031 (‘Core Strategy’)**

CS1	Spatial Strategy
CS2	Principles for Location of Development
CS3	Presumption in Favour of Sustainable Development
CS4	Infrastructure Delivery
CS6	Sustainable Design and Construction
CS7	Management of the Water Cycle
CS8	Environmental Quality
CS13	Economic Growth

CS15	Vitality and Viability of Centres
CS18	Design
CS19	Historic Environment
CS20	Influencing the Demand for Travel
PS2	Chatsworth Road

#### 5.4 **National Planning Policies**

In relation to the revised NPPF 2018 it is considered that the following sections will be of relevance –

- 6. Building a strong, competitive economy.
- 7. Ensuring the vitality of town centres.
- 8. Promoting healthy and safe communities
- 9. Promoting sustainable transport
- 11. Making effective use of land
- 12. Achieving well-designed places
- 14. Meeting the challenge of climate change, flooding and coastal change
- 16. Conserving and enhancing the historic environment

#### 6.0 **Key Issues**

- 1 Principle Of Development**
- 2 Design and Visual Amenity**
- 3 Residential Amenity**
- 4 Highway Safety and Parking Provision**
- 5 Flooding**

##### **1. Principle of Development**

- 6.1 The proposal is for a use of land within a District Centre (Chatsworth Road) designated in the Chesterfield Local Plan: Core Strategy 2011-2031 (CLPCS) and shown on the Regulation 22(1) (b) Submission Policies Map. The site is located in an area at high probability of fluvial flooding from the rivers Hipper and Holme (Flood Zone 3). The planning history shows an extant permission in 2017 (referenced



CHE/17/00082/COU) for a car wash use. The adjoining metal clad building to the east northern half has a pending planning application for an A4 Drinking Establishment with 'ancillary food use'. The remaining element of this building appears vacant and potentially to have a null use should the northern part of the building gain permission. The site sits on a busy road with a mixed character of commercial and community land uses with some large buildings of differing design and materials nearby (the Wheatbridge Health Centre and Matalan) and smaller retail units to the west within a low rise retail development.

- 6.2 A hand car wash is similar to car valeting and where interior cleaning occurs and which would arguably be in effect, car valeting. Car valeting has been judged by some planning inspectors to fall into the use class B1(c) light industry as it involves washing and cleaning, where no 'noisy machinery or tools' are to be used. It is more likely that the use falls within the B1(c) land use class as opposed to being 'sui generis' (not falling within any use class) given its character. In either case the use would not be categorised as a main town centre use by the Core Strategy (pg70) and similarly would not be a main town centre use as defined by the NPPF (Appendix 2: Glossary).
- 6.3 The Core Strategy does support some non-main town centre uses but the list does not include the type of development proposed. Whilst this is the case Local Plans do not cater for all eventualities and whilst the proposal is in effect a departure from the Local Plan in that it is not a main town centre use, it is still appropriate to consider whether or not the proposed use will be consistent with the main theme of Core Strategy policy CS15, namely that 'New development should make a positive contribution to the centre's viability and vitality and be of an appropriate scale.
- 6.4 Having regard to the former uses of the site (car sales and servicing) it is unlikely that the proposal will result in a negative effect on vitality and viability, on balance. The effect of the proposal is likely to be similar to that of the former uses (car sales and servicing). A positive impact beyond some minor effects resulting from linked trips, greater variety of services and the avoidance of dereliction of a prominent site (should alternative town centre uses prove 'undeliverable') is unlikely. However, any minor benefit could be overridden should any potential negative effects not be adequately mitigated e.g. noise, spray, highways safety, traffic flow, visual amenity and urban design. The proposal would not conflict with criterion (a) of Core Strategy policy CS13 and criteria (c), (d)

and (e). There is likely to be no worsening of the existing situation in respect of criterion (b).

- 6.5 The proposal would generate some employment albeit low waged and this weighs to a limited degree in favour of the development (Core Strategy policy CS13).
- 6.6 The proposal on balance would satisfy the requirements of the NPPF in that it can have a neutral if not slightly positive effect on the vitality and viability of a town centres (Chapter 7) provided impacts are mitigated adequately. A flood risk assessment is required by the NPPF (para 164 and footnote 50) and EA guidance.
- 6.7 The proposal is within a district centre which has a wide range of uses. The approval of this proposal would ensure that the site is open and in business use. The Chatsworth Road area does not have many hand car wash businesses and this usage would add to the mix of the existing variety of usage types in the area. It is an appropriate size and usage for this location and will add to the vitality and vibrancy of the district centre. This ensures that it is acceptable in comparison to policies CS2 and CS15.

## **2. Design and Visual Amenity**

- 6.8 In accordance with Core Strategy Policy CS18 all new development should identify, respond to and integrate with the character of the site and surroundings and respect the local distinctiveness of its context. In doing so developments are expected to respect the character, form and setting of the site and surrounding area; having regard to its function, appearance, scale and massing.
- 6.9 As mentioned previously details of the scheme have been amended/clarified on several occasions, with the applicant/agent to find a scheme that was acceptable.
- 6.10 The area surrounding the site has a wide selection of uses, such as public houses, pharmacy, doctor's surgery, hairdressers, shops, restaurants, cafes and beauty salons. These uses have advertisements and different types of facades to attract customers to their businesses and make them stand out. The previous long term use on site was for a car sales business, although there was a 6-9 month period of time where a different car wash business was based on site (different site boundaries). The previous business submitted a planning application

and received permission under the agreement that they would complete external works within 6 months including a surrounding wall and improving the appearance of their containers. The applicants of that proposal chose not to complete the works and left the site after approximately 6 months of the approval. The previous business on site was considered to be inappropriate in visual terms in the local area, due to the condition of the containers and other aspects of the business.

6.11 The current application includes boundary treatment and container details, to ensure that they are completed to an acceptable standard and these works have already been undertaken on site. The site has been tidied and is a big improvement to the state of the site previous as shown below:



6.12 The containers and the fence have been completed to a good standard and they are considered to be in-keeping within the surrounding area. The fences on site are required to enclose the business, but also to prevent overspray from the business operations onto pavements and the highway. They include a curved Perspex section on top of the steel sections. There are no other comparable fences within the area since car parks on larger sites have soft landscaping or bollards on the edges.

As this is quite a small site for a car wash it is important for the space to be appropriately utilized in an efficient way and the fence will help do this. The design and colour of the fence is considered to be acceptable for the site and its surrounding area.

- 6.13 The proposal is unlikely to have an adverse effect on amenity levels in the locality. It is not considered that there are any significant impacts upon the surrounding area from a hand car wash. The proposal would therefore accord with policies CS2 and CS18 in respect of design and amenity.

### **3. Residential Amenity**

- 6.14 In terms of residential amenity the area is dominated by businesses, with the site surrounded by non-residential uses on all sides. In terms of noise any impact from a car wash is expected to be minimal and the surrounding receptors currently have the existing noise levels associated with the traffic generated from the busy through roads of Chatsworth Road and Wheatbridge Road. In terms of the potential spray from the business, the positioning of the 2.5m high containers and a 1.5m high fence to the west of the site ensure that there is plenty of protection from spray for pedestrians on the footpath on Tap Lane. There is the potential for spray onto pedestrians on the footpath to the south of the site on Wheatbridge Road, but the main car washing area is to the centre of the site, so whilst there may be some spray it has a reasonable distance to travel before reaching this point. There is also a fence adjoining the business to the east, this will prevent some overspray onto cars parked within their car park. It is considered that the proposal will not lead to significant impact on residential amenity in the area.

### **4. Highway Safety and Parking Provision**

- 6.15 The County Highways Authority comment that *“Since the submission of the application revised plans have been deposited and please be aware that these comments are given on drawing S/01/P03D which it is understood is the latest drawing. From initially being the whole of the site to the rear of No. 34 Chatsworth Road the proposal now is that the car wash will operate in approximately half of this area with the rest currently being occupied by a tyre operation. The entrance to the site is proposed from Tap Lane with a new exit being formed to Wheatbridge Road. The exit should be located as close as possible to the fence between the proposed car wash and the tyre operation whilst maintaining visibility. In addition, it should be constructed as a vehicular dropped crossing rather*

*than kerbed radii. Full details of layout and construction will be required. It is noted that a section of the fence at the Wheatbridge Road end of the site has been lowered in order that adequate visibility is provided. It is noted that the remainder of the fence is 1300mm and I would ask whether you are satisfied with this measure, basically in terms of height, to protect users of the adjacent publicly maintainable highway from spray etc. Opposite the site entrance a traffic sign will be required indicating that Wheatbridge Road is subject to one-way traffic as opposite Tap Lane and Clarence Street. Full details of this will be required, siting agreed and sign erected prior to the operation of the car wash commencing. Right turn signs are indicated which would be required and located within the site boundary at the proposed exit, although no specific detail has been provided. Such details shall be submitted, agreed and the sign erected prior to the operation of the car wash. It is also recommended that surface marking are included in the form of wording and/or arrow. It is indicated that the existing sign is to remain although no details as to wording on the signage, whether illuminated or not have been submitted.*

- 6.16 The comments provided by the highways authority were provided prior to revised plans being submitted, but then were amended to take account of revised drawings. On the site visit the fencing appeared to be different to that shown on the plans. The end of the fence was setback several metres from the footpath and road, to ensure that adequate visibility could be achieved in the critical direction from the eastern side of Wheatbridge Road.
- 6.17 It is proposed that vehicles will enter the site from Tap lane and exit the site onto Wheatbridge Road. If the business is at full capacity and vehicles are queued coming into the site then Tap Lane is considered to be a safer option than Wheatbridge Road. It is considered that conditions are required for the signage (both on site and off-site) and markings to ensure the facility operates in a safe manner.
- 6.18 It is considered that the highway network in the surrounding area is a little confusing as a result of the linking two way roads between Wheatbridge Road and Chatsworth Road (Tap Lane and Clarence Street). It is considered that the biggest highway safety issue is the potential for vehicles entering the site via the proposed exit to Wheatbridge Road and which could affect the flow of vehicles through the site and along the one way Wheatbridge Road. Also, drivers of vehicles exiting the site must turn right and it will be crucial in respect of

the placing of signs and markings on site and designing the exit to discourage inappropriate highway manoeuvres.

- 6.19 It is concluded that some information has been provided in terms of signage and the new exit but that more information is required. It is considered that conditions can deal with these issues such that it can be ensured that the proposal would not lead to a material adverse effect on highway safety or traffic flow and as such would accord with Core Strategy policies CS18 and CS20 and the revised NPPF.

## **5. Flooding**

- 6.20 The proposal is within flood risk zone 3 but not within functional flood plain. The relevant Environment Agency (EA) guidance indicates that the sequential test in relation to flood risk is not applicable given that the proposal is for a change of use. The 'vulnerability' classification of the site in terms of land use will remain as 'less vulnerable' and an 'exception test' is not required. The relevant EA guidance indicates that a flood risk assessment is necessary and there is no evidence that an exception for this requirement applies to the proposal. In light of this, whilst the proposal would not conflict with criterion (i), (iii) and (iv) of Core Strategy policy CS7, it is not clear if the proposal would fully meet the requirements of criterion (ii). In terms of detail, the proposal is lacking in an assessment of risk to the new use from flooding and also on any reasonable mitigation measures. Whilst at a strategic level risk would not be materially more than at present, at a detailed level the new use reasonably ought to take into account flood risk and mitigation. The proposal in broad terms would not conflict with policy CS2 subject to its potential impacts being mitigated and flood risk being adequately addressed.
- 6.21 The Council's Design Services Team and Yorkshire Water have been consulted on the proposal. The Design Services Team has commented that the site is within flood zone 3, but that a flood risk assessment is not required because the proposed use is unlikely to be affected by the risk of flooding. The applicant would also be required to obtain a trade effluent licence from Yorkshire Water. Yorkshire Water has not formally responded, but during correspondence they commented that there is a combined sewer crossing the site, and that the positioning of a container over this is not preferable. They also commented that a trade effluent licence would be required. No more information has been provided by them. They have not formally objected.

6.22 It is considered that the risks of flooding are appropriately mitigated by the open character of the use and the use proposed.

## 7.0 **REPRESENTATIONS**

7.1 One objection has been received on behalf of Rontec Roadside Retail business, which is based at Meridien House, 69-71 Clarendon Road, Watford. It is unclear what relationship this business has with this site, but it is assumed that they have business interests in the local area.

7.2 They objected on the grounds of the issues related to drainage, noise nuisance, spray, traffic and parking. In terms of drainage; they consider that *“Adequate details have not been provided with the application as to how the water runoff and chemicals from the washed vehicles will be dealt with, particularly in respect of silt traps, interceptors or drainage gulleys. No information is supplied as to whether the existing drainage at the site will be adequate to cope with the water run-off, or even whether it is in a position to be able to capture the run-off from the new use.*

*The application site also lies within flood zone 3 and the application should be accompanied by a flood risk assessment.”* In terms of noise nuisance and spray they consider that *“there is no noise assessment accompanying the application to assess the noise impact of the car wash equipment on the adjacent properties and customers using the facility. Equipment such as jet washes and vacuums can generate high levels of noise causing a nuisance. An assessment of these impacts and proposals for any mitigating noise attenuation measures should accompany the application. There are also existing footpaths abutting the boundaries of the site. The application does not propose adequate measures to protect pedestrians from overspray from the car wash use.”* In terms of traffic and parking they considered that *“the plans accompanying the application do not provide adequate details of the proposed means of vehicular access. The application is not accompanied by any transport assessment of the likely traffic movements associated with the proposed uses. No assessment has been undertaken as to whether the existing and proposed vehicular accesses are adequate to cope with these additional movements and no assessment has been made of the implications for adjoining roads. The application does not provide any details of the proposed vehicle circulation within the site and how cars of the users of the car wash will be accommodated. No details or assessment has been provided of the car parking arrangements for the users and staff of the car wash*

operators. Derbyshire County Council Highways department have previously objected to the proposed use and access in this location.

### 7.3 **Comments:**

- **Water runoff – the Council’s drainage team were consulted on the scheme and considered that the proposed drainage on site is acceptable for this use.**
- **Chemical runoff – the Council’s drainage team were consulted on the proposal and it was considered that a trade effluent license would be required for the proposal. A note will be included on any permission issued.**
- **Flood zone 3 – the Council’s drainage team commented that a flood risk assessment was not required.**
- **Requirement for a noise assessment – the site is not surrounded by residential dwellings and a noise assessment was not required or requested in this case. These are required on a case-by-case basis.**
- **Overspray from car wash onto footpaths – The fences surrounding the site have been increased in height to include a section of Perspex, although the containers have now been moved to be next to the western boundary. This will provide adequate protection for spray.**
- **Vehicular accesses – The highways authority has responded as referred to above.**
- **Transport assessment – An assessment is not required in this case.**
- **Car parking for staff – The site is within a district centre and there is on-street parking within the surrounding area.**
- **Derbyshire County Council objection – The Highways Authority do not object to the proposal.**

### 8.0 **HUMAN RIGHTS ACT 1998**

8.1 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.

8.2 The action in considering the application is in accordance with clearly established Planning law and the Council's Delegation scheme. The objective of arriving at a decision is sufficiently important to justify the action taken over the period of the life of the application. The decision taken is objective, based on all planning considerations and is, therefore, not irrational or arbitrary. The methods used are no more than are necessary and required to accomplish the legitimate objective of determining an application.

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

8.4 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.

## 9.0 **CONCLUSIONS**

9.1 The development is an appropriate use of land and subject to conditions would be in accordance with the Development Plan and NPPF. There are no other material considerations of sufficient weight to warrant a determination not in accordance with the Development Plan and NPPF.

### 9.2 Statement of Positive and Proactive Working With Applicants

9.3 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).

9.4 Given that the proposed development would not conflict with the revised NPPF (July 2018) and with 'up-to-date' Development Plan policies, it is considered to be 'sustainable development' and there is a presumption on the LPA to seek to approve the application. The LPA has been sufficiently proactive and positive in proportion to the nature and scale of the development applied for.

## 10.0 **RECOMMENDATION**

10.1 That the application be **GRANTED PERMISSION** 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 Compensation Act 2004.*

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

- Proposed Elevation and Site Plan Drawing no. S/01/P03F
- Proposed Cabin and details Drawing no.S/01/P04D
- Site Location Plan drawing no. S/01/P01B
- Design and Access Statement
- Existing Elevation and Site Plan

with the exception of any approved non material amendment.

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

3. Prior to the commencement of car washing operations full construction details regarding the vehicular access to Wheatbridge Road shall be submitted for approval. Thereafter, the crossing shall be constructed in accordance with the approved conditions.

*Reason – In the interests of highway safety.*

4. Prior to the commencement of car washing operations a new vehicular exit of 4.0m width of standard splayed design shall be formed to Wheatbridge Road 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 47 metres to the east 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.

*Reason – In the interests of highway safety.*

5. The means of protecting highway users from spray associated with the car wash operation, as shown in the application submission shall be implemented prior to the commencement of car washing operations being taken into use and which shall be retained thereafter.

*Reason – In the interests of highway safety.*

6. Prior to the commencement of car washing operations full details of signage indicating right turn only out of the site, entry and exit arrangements shall be submitted to and agreed, in writing, by the Local Planning Authority in consultation with the Highway Authority and then implemented on site in accordance with the agreed scheme.

*Reason – In the interests of highway safety.*

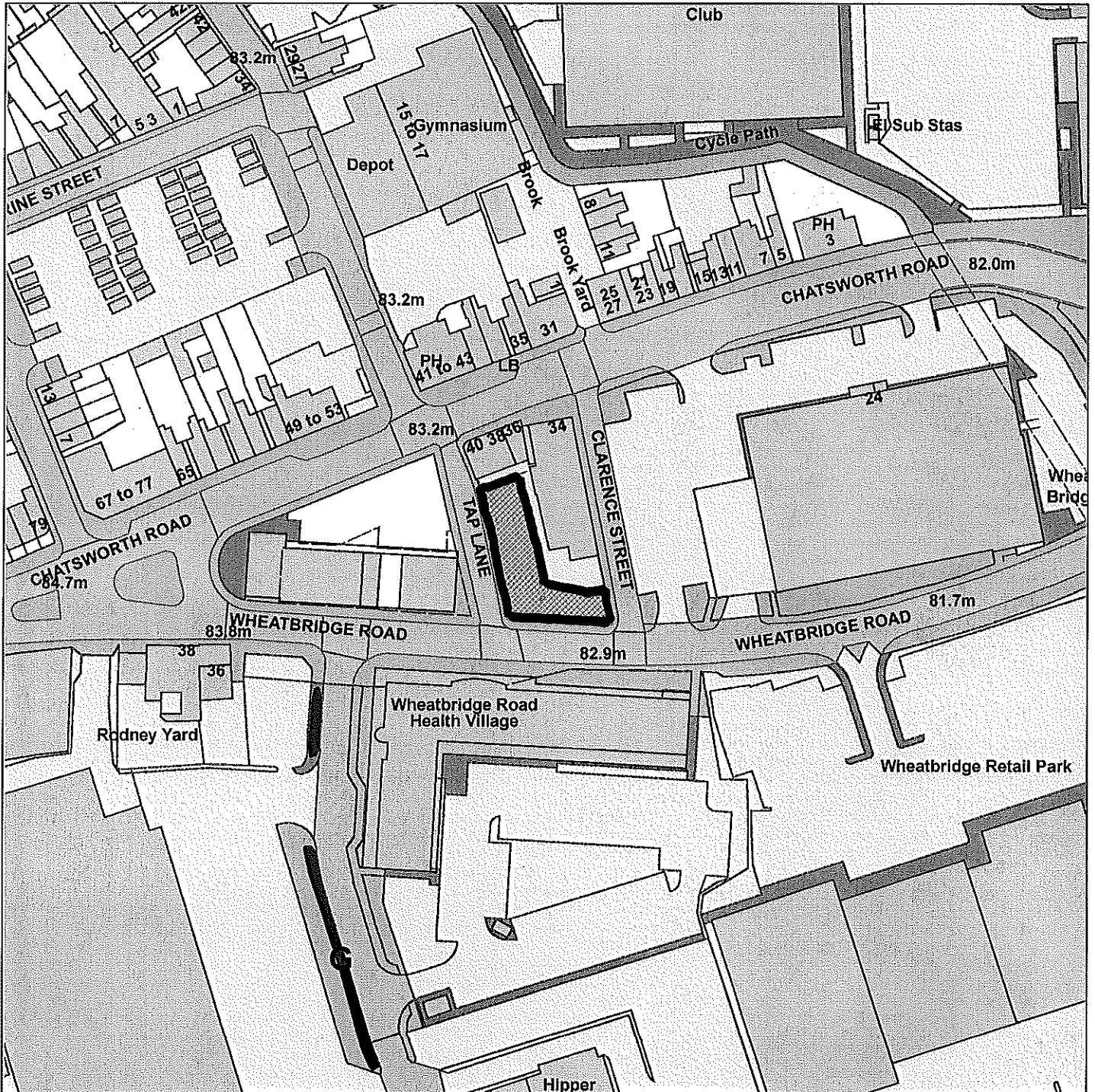
7. Prior to cash wash operations commencing on site the entry and no entry signs shall be erected as described and a one-way system maintained through the site for the life of the development.

*Reason – In the interests of highway safety.*

### **Notes**

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 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 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.
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.
5. The applicant will need to contact Yorkshire Water in order to obtain a trade effluent licence.



Scale : 1:1326

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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	
<b>Date</b>	09 November 2018
<b>SLA Number</b>	Not Set

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Case Officer: Chris Wright  
Tel. No: 01246 345787

File No: CHE/18/00337/COU  
Plot No: 2/226

### **ITEM 3**

## **CHANGE OF USE FROM RESIDENTIAL TO COMMERCIAL ON THE GROUND FLOOR, WITH A FLAT AT FIRST FLOOR, AND A SINGLE STOREY REAR EXTENSION AT 144 CHATSWORTH ROAD, CHESTERFIELD**

### **1.0 CONSULTATIONS**

Highways DCC	No objection, subject to 2 parking spaces supplied and the provision of bin storage.
Ward Members	No comments received.
Strategic Planning	No objection in principle, but comments given prior to inclusion of rear extension.
Conservation Officer	No objections.
Environmental Services	No comments
Neighbours	1 letter of representation received

1.1 The proposal was publicised by neighbour letters.

### **2.0 SITE LOCATION AND DESCRIPTION**

2.1 The application building is currently vacant, but was previously occupied as a dwelling house. It is part of a terrace of buildings to the south side of Chatsworth Road and which is within the Chatsworth Road District Centre and Conservation Area. The site has residential units on both sides, but to the east and west of the overall area there are retail units. Some of the retail units have been conversions of what were previously residential units and which involved the removal of their front garden and walls with the public footpath situated up to the front of the retail units.

2.2 The application site dwelling is a terraced house with a small garden and dwarf stone wall to the front. Other than the retail units on the corner of Chatsworth Road and Hipper Street the dwellings to the west of the

junction with Hipper Street are all of a similar design as the application site, in terms of their gardens and walls, although the quality of the frontage areas varies.

- 2.3 The entrance into the front of the site is via a shared access footpath, with this leading down an alleyway and to the front doors for no.142 and 144. The rear gardens of the dwellings in this area are a mix of outbuildings, overgrown landscaping, parking and which is accessed via a private road that is in poor condition to the rear of the site.
- 2.4 An extension has been constructed to the rear of no.138/140 in the past, but after searching the Council's records this does not appear to have been carried out in the last 30 years. Also, this unit appears to have been a retail unit for a lengthy period of time and which also has a flat above it.



- 2.5 A 6m rear extension has previously been given permission under a larger householder extension application however this has not been built. This extension was related to a dwelling and not a business use. On the basis that no objections were received from the consultation with the neighbours it was confirmed under this process that the extension was permitted development. No assessment of the impacts on the



neighbours was required under this larger home extension procedure. Under this current application the extension is assessed for the proposed business use and its impact on neighbouring residents is a material planning consideration.

### **3.0 SITE HISTORY**

- 3.1 CHE/17/00845/TPD - Single storey flat roof extension to rear extending 6m – Prior Approval Not Required – 03/01/18. Works not completed.

### **4.0 THE PROPOSAL**

- 4.1 The applicant proposes a change of use from the dwelling unit to a retail unit at ground floor level and a flat at 1<sup>st</sup> floor level. This includes the building of a 6m deep ground floor rear extension to the property. The rear extension would have a flat roof and be the full width of the property and would be constructed in matching materials of red reclaimed brick. It would be approximately 3.5m wide and approximately 2.8m in height and would not have any side windows. A set of double doors are proposed in the rear of the extension.
- 4.2 It is proposed for the site to have two off-street parking spaces, with one for the residential unit and one for the business and which are to be located within the rear area accessed from the private road.
- 4.3 The opening hours for the business are referred to as from 8.30 am to 6.30pm, with no parking spaces provided from customers. It is presumed that customers would utilise existing on-street parking bays.
- 4.4 The application includes no detail of any external changes to the front of the unit however the floor plan shows the introduction of a wider window. No details are provided regarding the front garden area, positioning of signs or inclusion of a shop frontage.
- 4.5 The proposal would also include a one bedroom flat on the 1<sup>st</sup> floor and this would have a lounge/kitchen, bedroom and bathroom.
- 4.6 The application has been amended on several occasions. The red line was altered to exclude land not owned by the applicant, the description was changed to include the rear extension and drawings were provided to show elevations for the rear extension. Also, additional information was sought in terms of bin storage, opening hours and parking.

## **5.0 CONSIDERATIONS**

### **The Development Plan**

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

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

- CS1 Spatial Strategy
- CS2 Principles for Location of Development
- CS3 Presumption in Favour of Sustainable Development
- CS4 Infrastructure Delivery
- CS8 Environmental Quality
- CS15 Vitality and Viability of Centres
- CS16 Retail
- CS18 Design
- CS19 Historic Environment
- CS20 Influencing the Demand for Travel
- PS2 Chatsworth Road Corridor

### **National Planning Policies**

5.3 The Sections of the revised National Planning Policy Framework (NPPF 2018) considered relevant to the decision are;

- 6. Building a Strong, Competitive Economy
- 7. Ensuring the Vitality of Town Centres
- 9. Promoting sustainable transport
- 12. Achieving well-designed places
- 16. Conserving and enhancing the historic environment

5.4 The key Issues in this case are:

- 1 Principle Of Development**
- 2 Design and Visual Amenity/ Heritage**
- 3 Residential Amenity**
- 4 Highway Safety and Parking Provision**
- 5 Environmental Health**

## **1. Principle of Development**

- 5.5 Policy CS1 of the adopted Core Strategy states that *“the overall approach to growth will be to concentrate new development within walking and cycling distance of centres”*, within this context the proposal is within a local centre and so the site can be regarded as sustainably located in this respect.
- 5.6 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”*. In this context the proposal is not considered to be acceptable, and this issue is considered in more detail later in the report.
- 5.7 Within policy CS15 it states that *“the council will support the role of the town, district, local service centres and local centres in providing shops and local services in safe, accessible and sustainable locations. New development should make a positive contribution to the centre’s viability and vitality and be of an appropriate scale”*. The proposal reflects the aspirations of this policy and is therefore generally in line with its requirements.
- 5.8 The proposal also includes a one bedroom flat at first floor and the principle of the conversion of the dwelling to a shop and to include a flat adds to the mix of unit types in the district area.
- 5.9 The application seeks the conversion of an existing dwelling unit into a commercial unit and flat (A1/C3). The existing dwelling sits within the Chatsworth Road District Centre boundary as shown in the Regulation 22 (1) b Submission Policies Map, however it is not within the revised boundary of the district centre as shown within the draft emerging Local Plan proposals map (published January 2017). It is the case however that until the revised plan is adopted then the existing adopted plan carries the full weight and should be used to make planning decisions. Within this location the conversion from residential to commercial is considered to be acceptable as the Council’s Spatial Strategy (CS1) seeks to concentrate development around centres with sustainable transport links. Core Strategy policy CS15 seeks to encourage the vitality and viability of the Borough’s centres and as the proposed change of use will enhance the retail function of the District Centre and contribute to a safe and well-used environment the principle of development is acceptable.

5.10 As policy CS15 permits the use of upper floors for C3 use, the residential use on the first floor (which constitutes retention of the previous use) is considered to be appropriate in this case.

## **2. Design and Visual Amenity / Heritage**

5.11 Policy CS18 states that *“all development should identify, respond to and integrate with the character of the site and surroundings and respect the local distinctiveness of its context. Development will be expected to enrich the quality of existing places, respect the character, form and setting of the site and surrounding area by virtue of its function. It should also provide adequate and safe vehicle access and parking and have an acceptable impact on the amenity of users and neighbours”*.

5.12 The proposal fronts the Chatsworth Road corridor and is within the Conservation Area. It is a terraced house, with a small dwarf wall and garden to the front however the property is of no particular architectural merit and does not have any particular architectural features. The site is within a collection of similar altered houses that form a row of terraced houses fronting the road, which all have small front gardens and dwarf walls/railings. This is part of the defined character of this part of the overall conservation area. Although policy CS15 supports the development of retail units within district centres, this is not at any cost. Such developments are required to be designed appropriately and to not negatively impact on local character and distinctiveness.

5.13 It is not the case that the proposal for a shop within this location would unequivocally lead to a development that negatively impacts on the local area and conservation area as a whole, but that whatever is developed needs to be undertaken in a sympathetic manner. The current application provides no detail of the treatment of any of the frontage area. If the application were being recommended for approval conditions would be included to detail retention of the front dwarf wall and care would be expected in regards the shop frontage and adverts. In terms of appearance, the precise changes to the front of the site are unknown. Within the application it does not state that there will any, but it is assumed that the change in use would be associated with a new shop frontage, advertisements and potentially the desire to remove the front wall and to tarmac over the garden.

- 5.14 The proposed rear extension would be a large rear projecting extension the full width of the property in a rear garden area immediately adjacent to the gardens of the neighbouring dwelling houses. No side windows are proposed with the side walls being 2.8 metre high brickwork with the rear ground floor windows of no. 142 and 146 having an outlook at the featureless wall 6m long by 2.8m high. This is not considered to be a sympathetic design as perceived from the immediate neighbours as it would be an unattractive and out of character extension. Paragraph 130 of the NPPF 2018 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 5.15 Although the proposal is considered to be of an unsympathetic and unattractive design the proposal is to the rear of the dwelling and the character of the local vicinity to the rear of these dwellings is not considered to be particularly attractive sensitive. The proposal is not considered to lead to a significantly negative impact in terms of general visual amenity to lead to a refusal for these reasons.

### **3. Residential Amenity**

- 5.16 Policy CS2 states that “all developments will also be required to have an acceptable impact on the amenity of users or adjoining occupiers, taking into account things such as noise, odour, air quality, traffic, appearance, overlooking, shading or other environmental, social or economic impacts”.
- 5.17 In terms of terraced houses it is considered that rear garden areas are particularly sensitive to the building of inappropriately designed rear extensions as the house widths and gardens both tend to be reasonably slim. This means that any change to the neighbouring houses can have a big effect and it is considered in this case that the proposed rear extension associated with the new business use would have a negative impact on the outlook of the residents of the dwellings either side of the site.
- 5.18 The proposal is not considered to significantly impact the neighbouring residents to the site in so far as overshadowing since their main orientation is such that their rear elevations face generally a southern direction. There would be no overlooking issue.

5.19 The proposal will change the existing situation to the rear of residential dwellings. It would propose a parking area and bin storage area beyond the proposed extension for both the retail unit and the dwelling however the impacts of this are unlikely to be so significant for the neighbours that a refusal would be justified. To the front of the site there would be a potential substantial change, as a shared access path would be utilised by customers and staff of the business as well residents of the proposed flat. To the front of the site the increase in flow in members of the public using the shared access to enter the shop would not be a positive situation for the residents of no.142, as the change could potentially negative impact their privacy to the front of their house however beyond the front garden area there is a public footpath, with no restrictions on this.



146



142

5.20 The photographs above show the property at No 146 has a low boundary wall and rail fence above on the boundary and that the rear windows are biased towards the application site. No 142 has a 1.8 metre panel fence along the boundary however the windows are biased to the opposite side of the plot to the application site. There will be more of an impact on the amenity of 146 however the impact on both will be adverse.

5.21 The application under the Larger Home Extension was agreed in 2018 on the basis of the procedure introduced by the government. On the basis that no objection was received from the neighbour an assessment of the impact was not possible and the extension had to be confirmed as permitted development. Had the neighbour objected at the time then the opportunity for assessment would have been provided and a different decision may have been reached. This procedure however only applies

to dwelling houses and not mixed commercial / flats and so a full assessment can be undertaken as part of the current submission.

- 5.22 The existing dwelling has a garden to the rear of the dwelling and if this were landscaped and managed appropriately this could be a suitable garden space for the residents of the dwelling. The proposals would lead to the loss to the majority of the rear garden space as the rear extension and parking area would take up most of the area. It is the case however that the proposed flat would have no amenity space. The minimum outdoor amenity space requirement for a flat is 25 square metres as stated within table 4 of the private amenity space (3.11.15) section of the Council's SPD Successful Places (2013). The scheme would therefore offer no external space for the flat and would be substandard. Furthermore because of the presence of a full width rear extension to the ground floor business premises there would be no access to the rear area from the flat and so the occupants of the flat would not be able to reach the bin area, the parking space or the small amount of residue amenity area left between the extension and the parking area. This is clearly indicative of the poor design which the NPPF para 130 advises should be refused.

#### **4. Highway Safety and Parking Provision**

- 5.23 The Highway Authority has made the following comments:

*Chatsworth Road is a very busy principal route – the front of the property has pedestrian access only. It would appear that there is rear vehicular access via Hipper Street West. Whilst there are no objections to the principle of the development given the former use, town centre location, on-street parking restrictions and proximity to public transport links it is recommended that 2 parking spaces are provided to the rear with one space allocated to each of the proposed uses. It is presumed that service/ delivery vehicles would use Chatsworth Road as per other premises at this location. The applicant will need to consult with the relevant refuse collection department to ascertain details of what will be acceptable to them in terms of number and location of bins. Bin storage should not obstruct the private drive access, parking or turning provision. Additionally a dwell area for bins should be provided, clear of the public highway, for use on refuse collection days. Subject to the applicant providing revised drawings suitably resolving the above matters there are no further highway objections. If your Authority is minded to approve then please include conditions to cover the following in any consent granted;*

- *The premises, the subject of the application, shall not be occupied until 2 on-site parking spaces (each measuring a minimum of 2.4m x 4.8m) have been provided laid out and constructed as may be agreed with the Local Planning Authority with one space specifically allocated to each proposed unit and maintained thereafter free from any impediment to designated use.*
- *Prior to the occupation of either unit adequate bin storage and a bin dwell area for use on refuse collection days shall be provided clear of the public highway, within the site curtilage clear of all access and parking and turning provision and retained thereafter free from impediment to designated use.*

5.24 The existing site has no parking, but as a two bedroom house it would normally be expected to provide 2 spaces. The change to a business at ground floor and flat at first floor would increase the potential for vehicular travel related to the site. The upstairs one bedroom flat would have a requirement for one space, then one to two spaces for the business including staff parking and deliveries. There is some capacity in the on-street parking bays to the front of the site, although these are likely to be utilized by local residents and visitors to the local businesses. Several of the dwellings within the row of terraced houses have parking spaces to the rear of their site, with some of them in carports or garages. As this is within a local centre it is defined as a sustainable location. It is on a main bus route and it is expected that some people will walk or cycle.

5.25 As stated above, the proposal would normally be expected to provide 2 parking spaces to the rear. This would be tight due to the limited width available and it is unclear how this would work as no plan has been provided. It is considered that the proposal could easily fit 1 space in the area to the rear. In this context given the sustainable location it is considered that the proposal is acceptable in highways terms in relation to policies CS2, CS18 and CS20.

## **5. Environmental Health**

5.26 The Environmental Services Team were asked to comment but have not responded. The applicant has stated that they intend for the unit to be used a shop, so no information has been supplied in terms of extraction. In terms of opening hours a condition would have been sought to limit these, if the scheme had been recommended for approval.



5.27 There is an existing alleyway in-between the ground floors of no.142 and 144. No other additional information has been provided for how the business would control noise levels spreading to the adjoining dwellings. It is possible that opening hours could be limited by condition to ensure that the residential dwellings are not impacted outside of normal working hours (09:00 – 17:00).

## 6.0 **REPRESENTATIONS**

6.1 The resident of no.142 Chatsworth Road has objected and considers that a part commercial property is not suitable for this location. They consider that they would feel boxed in from two commercial properties, and that the cumulative effect of increased commercial units is not desirable. The proposal would lead to an increase in noise and footfall and this is concerning as the two buildings share a common access. The increase in footfall within this area would be unpleasant for the resident and impact their privacy to the front of their house. The resident also considers that insufficient information has been provided regarding waste collection and storage. They also consider that the proposal will lead to an increase in parking problems in the area, as it will lead to customers parking on the road, as well as deliveries to the business and activity related to the upstairs flat. They question how any proposed parking to the rear will work and that this will involve using an unadopted highway which is in a state of disrepair. They also stated that the previous OS site plan was incorrect. In their opinion the proposal would adversely affect the intrinsic value and character of the row of houses, which has been this way for hundreds of years. They do not consider that family homes should be lost such as this one. They do not want this to set a precedent. They consider that businesses should be encouraged to help support the struggling town centre, with the current high levels of vacant units. They should be encouraged to utilise an existing empty unit in the town centre rather than converting an existing house.

6.2 ***The issues raised by the neighbour are dealt with within the report.***

## 7.0 **CIL LIABILITY**

7.1 Having regards to the nature of the application proposals the development comprises the creation of new retail space and the development would therefore be CIL Liable. The floorspace measurements have been calculated as follows.

7.2 The site is within the medium CIL zone for residential use however retail uses are charged at the high zone rate. If it can be shown that the existing floorspace has been occupied for 6 months during the last 3 years then this floorspace can be deducted from the calculation however it is clear the new floorspace will be counted. The CIL Liability is calculated (using calculations of gross internal floor space [GIF]) as follows:

Plot	New GIF sqm	Calculation	Total
Retail Unit	24	24 x £80	£1,920
Total			£1,920

## 8.0 **HUMAN RIGHTS ACT 1998**

8.1 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.

8.2 The action in considering the application is in accordance with clearly established Planning law and the Council's Delegation scheme. The objective of arriving at a decision is sufficiently important to justify the action taken over the period of the life of the application. The decision taken is objective, based on all planning considerations and is, therefore, not irrational or arbitrary. The methods used are no more than are necessary and required to accomplish the legitimate objective of determining an application.

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

## 9.0 **CONCLUSIONS**

9.1 The development is an appropriate use of a building in a sustainable location however the impacts on the neighbours are adverse and there is uncertainty regarding the extent of any alterations to the front of the property.

### 10.0 **Statement of Positive and Proactive Working With Applicants**

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

10.2 Given that the proposed development would not conflict with the NPPF and with 'up-to-date' Development Plan policies having regard to the sustainable location of the site there is a presumption on the LPA to approve the application. However the LPA has contacted the applicant for more information on parking and opening hours and no information has been provided regarding alterations to the frontage. Furthermore the applicant did not take advantage of the free pre application advice offered by the Council in preparing their application submission.

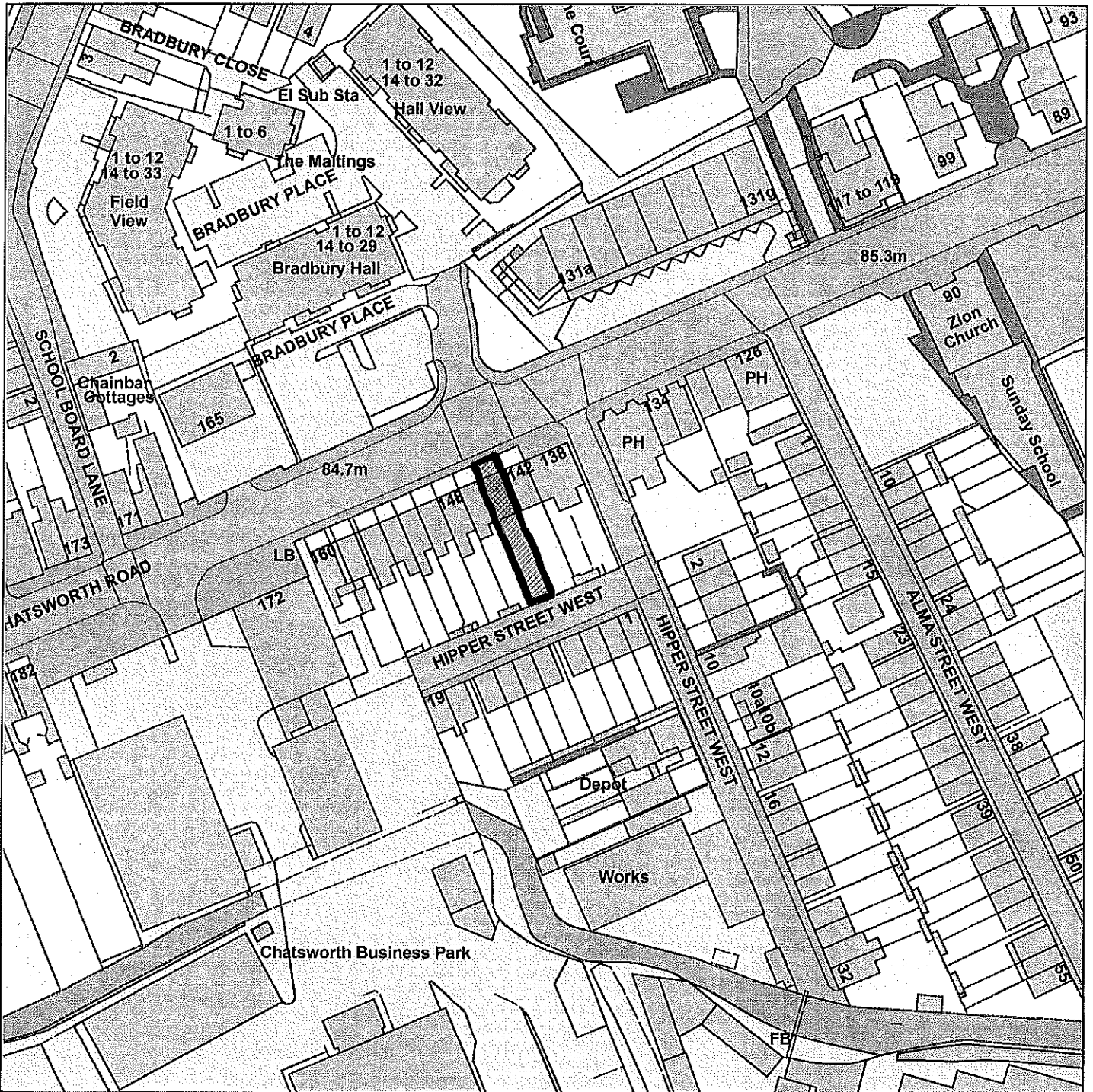
## 11.0 **RECOMMENDATION**

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

1. Policies CS2 and CS18 of the adopted Core Strategy require that development will be expected to "have an acceptable impact on the amenity of users and neighbours". The potential detrimental impacts of the proposed rear extension on the residential amenity of the neighbouring residents at 142 and 146 Chatsworth Road in terms of their outlook at a blank 2.8 metre high brick wall projecting 6 metres along the boundary would be seriously harmful to their residential amenity. The proposal is considered to be contrary to policy CS2 and CS18 of the Chesterfield Core Strategy 2011 – 31 and the requirements of the 2018 NPPF paragraph 130 which requires good design improving the character and quality of an area and the way it functions.
2. The amenity for the proposed flat is considered to be seriously detrimental having regard to the lack of suitable external amenity space and an access to the area to the rear where the waste bins would be placed and the parking opportunity is available and which is considered

to be contrary to Policies CS2 and CS18 of the adopted Core Strategy. The proposal is also therefore of a poor design contrary to the requirements of the 2018 NPPF paragraph 130 which requires good design improving the character and quality of an area and the way it functions and also the Councils 2013 SPD Successful Places.

3. A lack of information has been provided with the application to allow the local planning authority to properly consider the impact of the proposal on the street scene and Chatsworth Road Conservation Area in which the site is located.



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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	
<b>Date</b>	09 November 2018
<b>SLA Number</b>	Not Set

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# Agenda Item 5

<b>COMMITTEE/SUB</b>	Planning Committee
<b>DATE OF MEETING</b>	19 <sup>TH</sup> NOVEMBER 2018
<b>TITLE</b>	DELEGATION
<b>PUBLICITY</b>	For Publication
<b>CONTENTS</b>	Items approved by Development Management and Conservation Manager under the following Delegation references:-  Planning Applications P020D, P200D to P250D, P270D to P320D, P350D to P370D, P390D, P420D to P440D  Agricultural and Telecommunications P330D and P340D
<b>RECOMMENDATIONS</b>	Not applicable
<b>LIST OF BACKGROUND PAPERS</b>	Relevant applications

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

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

<b>Code No FileNo</b>	<b>Ward</b>	<b>Proposal</b>	<b>Decisio</b>	<b>Decision Date</b>
CHE/18/00336/COU 313	Dunston	Change of use from commercial to residential At 158 Keswick Drive Newbold Derbyshire S41 8HH For Mr David John Moore	CP	05/11/2018
CHE/18/00384/FUL 467	Barrow Hill And New Whittington	Change of use of first floor office area to new residential HMO unit with 8 bedrooms and associated works with access from ground floor At 6-12 Oxford Buildings South Street North New Whittington S43 2AB For Bros Prop Ltd	CP	19/10/2018
CHE/18/00455/FUL 184	West	Two storey side and rear extension (revised plans received 15.10.2018 and 19.10.2018) At 43 Rockingham Close Chesterfield Derbyshire S40 1JE For Mr D Wake	CP	06/11/2018
CHE/18/00470/OUT 1213	Moor	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 At Land To Rear Of 100-102 Highfield Lane Newbold S41 8BA For Mr Hopkinson	CP	30/10/2018

CHE/18/00480/FUL Linacre	Two storey side extension and single storey rear extension - revised drawings received	CP	15/10/2018
5952	At 8 Loundsley Court Holme Hall Chesterfield S42 7PW		
	For Mr and Mrs John Bowerman		
CHE/18/00545/FUL Hasland	Single storey front extension	CP	05/11/2018
22	At 38 Eastwood Park Drive Hasland S41 0BD		
	For Johnson		
CHE/18/00549/FUL Linacre	Removal of dying conifer trees on boundary and erection of a replacement boundary wall Then we would like to re-site side gate in new position in existing 6ft high boundary wall.	REF	05/11/2018
5633	At 1 Elkstone Road Holme Hall Chesterfield S40 4UT		
	For Mr and Mrs Grocutt		
CHE/18/00553/FUL Linacre	Proposed extension	CP	26/10/2018
530	At 31 Little Brind Road Upper Newbold Derbyshire S41 8XW		
	For Mr and Mrs Dibble		
CHE/18/00556/DOC Dunston	Discharge of condition 3 of CHE/17/00540/FUL	DPC	02/11/2018
314	At Newbold Surgery 3 Windermere Road Newbold S41 8DU		
	For Dr Upendra Bhatia		

CHE/18/00558/FUL	West	Single storey side and rear At 97 Hucknall Avenue Loundsley Green Chesterfield Derbyshire S40 4BZ	CP	15/10/2018
1518		For Mrs Amy Heathaston		
CHE/18/00560/FUL	St Leonards	Single storey rear extension and detached garage At 78 Hady Crescent Hady Derbyshire S41 0EA	CP	17/10/2018
2041		For Mr Paul Mellors		
CHE/18/00565/DOC	Hollingwood And Inkersall	Discharge condition 5 (External Lighting) on approved application CHE/17/00572/REM At Plot 6 Markham Vale Enterprise Way Duckmanton Derbyshire	DPC	05/11/2018
3509		For Henry Boot Developments Ltd		
CHE/18/00569/FUL	Rother	Double storey rear extension (revised plans received 18.10.2018) At 140 Langer Lane Birdholme S40 2JJ	CP	23/10/2018
4729		For Mrs S Hindmarch		
CHE/18/00571/FUL	West	Single storey extension to left hand side of dwelling and two storey extension to front elevation At 20 Ardsley Road Ashgate Chesterfield	CP	01/11/2018
1388		For Mr T Sterling		

CHE/18/00572/LBC	Old Whittington	Replacement stone head jambs and sills and missing string to ground floor window and replacement At 15 Church Street North Old Whittington S41 9QN For Mrs Claire Shaw	CP	05/11/2018
5568				
CHE/18/00577/DOC	Rother	Discharge of planning conditions 4 (materials), 5 (site investigations), 6 (soft landscaping), 8 (foul and surface water drainage), 9 (site compound layout) of CHE/15/00445/FUL - Erection of At 59 Rufford Close Boythorpe S40 2PB For Chesterfield Borough Council	DPC	30/10/2018
1664				
CHE/18/00585/MA	Walton	Material amendments to original planning application CH/16/00827/FUL - to render to front of property as brickwork could not be salvaged. 2) Rear extended single storey 5 metres from original building 3) Pillars extend out by 450mm (instead of 225mm in original application) to allow for At 24 Lichfield Road Walton S40 3EZ For Miss Sandhu	CP	18/10/2018
11				
CHE/18/00590/DOC	Brimington South	Discharge condition 3 (Drainage) and condition 6 (Materials) of application CHE/15/00779/FUL ( Proposed three bedroom detached house with garage and parking) At Land Adjacent 102 Brooke Drive Brimington For Mr Robert Lather	DPC	29/10/2018
949				

CHE/18/00591/RET	Middlecroft And Poolsbrook	Retrospective application for the installation of an ATM installed through existing brick the the left hand side of the shop front  At 26A Circular Road Staveley S43 3QX  For Ms Jan Clark	CP	23/10/2018
2581				
CHE/18/00592/ADV	Middlecroft And Poolsbrook	Integral illumination and screen to the ATM fascia and internally illuminated Free Cash Withdrawals sign above the ATM  At 26A Circular Road Staveley S43 3QX  For Ms Jan Clark	CP	23/10/2018
2581				
CHE/18/00593/DOC	Old Whittington	Discharge of conditions 3 and 5 (drainage) of CHE/18/00307/FUL ( Demolition of existing dwelling and erection of a replacement dwelling)  At Broomhill Farm Broomhill Road Old Whittington S41 9EA  For Broomhill Farm Ltd	DPC	01/11/2018
792 415				
CHE/18/00596/REM	Rother	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.  At Land Adjoining 20 Harehill Road Grangewood S40 2JA  For Mr James	CP	31/10/2018
2407				

CHE/18/00599/FUL	St Helens	New road bridge and access road At Land At East Of A61Known As Chesterfield Waterside Brimington Road Tapton Derbyshire For Laver Regeneration Ltd	CP	25/10/2018
163 1637				
CHE/18/00601/FUL	Brockwell	First floor rear extension over an existing kitchen extension (revised plans received 22.10.2018) At 38 Mansfeldt Road Newbold S41 7BW For Mr Jason Mitchell	CP	26/10/2018
2449				
CHE/18/00608/FUL	Hollingwood And Inkersall	Installation of ANPR camera and signage onto existing post(s) At Markham Vale Services Mcdonalds Restaurants Ltd Markham Lane Duckmanton S44 5HB For UK Parking Control Ltd	CP	30/10/2018
1017				
CHE/18/00610/DOC	Old Whittington	Discharge planning conditions 3 (Construction Management Plan), 6 (Drainage Layout), 9 (Archaeological Evaluation), 11 (Site Layout), (Employment Training Scheme), 13 (Excavation & Earthworks) and 14 (vibro- compaction machinery) on application CHE/17/00569/FUL for proposed earthworks on development land. Additional drawing 07.2423-400 REV M (site road and drainage layout) received At Land Off Eastside Park Eastside Road Chesterfield S41 9BU For Pendragon plc	DPC	31/10/2018
12				
60				

CHE/18/00611/DOC Old Whittington	Discharge planning conditions 3 (Lighting), 4 (Construction Management Plan), 7 (Drainage), 9 (Site Layout), 11 (Materials), 14 (Employment & Traing Scheme), 17 (Excavation & Earthworks), 18 (Machinery & Method Statement) and 19 (CCTV & Security systems) on application CHE/17/00645/FUL for Proposed Bodyshop, wash and valet buildings. Additional drawing 07.2423-400 REV M (site road and drainage layout) received on 25.10.18 At  Development Site At Eastside Park Eastside Road Chesterfield Derbyshire  For Pendragon plc	DPC	31/10/2018
60			
CHE/18/00612/DOC St Leonards	Discharge condition 3 (materials) on applications CHE/18/00406/FUL and CHE/18/00407/LBC - Orangery style extension to rear of house At Hady House 75 Hady Hill Hady S41 0EE For Mr Fletcher	DPC	05/11/2018
CHE/18/00613/DOC Old Whittington	Discharge planning conditions 3 (Lighting), 4 (Construction Mangement Plan), 7 (Drainage), 9 (Site Plan), 11 (Materials),  (Employment & Training Scheme), 17 (Excavation & Earthworks), 18 (Machinery & Method Statement), 19 (CCTV & Security Scheme) and 20 (Pedestrian Footway) on application CHE/17/00647/FUL for Proposed vehicle sales and service centres for the sale, service and M.O.T of motor vehicles. Additional drawing 07.2423-400 REV M (site road and drainage layout) received	DPC	31/10/2018
14			

60		on 25.10.18 At Development Site At Eastside Park Eastside Road Chesterfield For Pendragon plc		
CHE/18/00614/DOC	Lowgates And Woodthorp	Discharge of condition 3 (site investigation) of CHE/18/00194/FUL - Erection of an agricultural building for grazing animals  At Land North Of Bridle Road Woodthorpe Derbyshire  For Mrs Emma Weatherall	DPC	01/11/2018
2057 5940				
CHE/18/00615/DOC	Lowgates And Woodthorp	Discharge of conditions 3 (site investigation), 7 (Enhancement Strategy) and 10 (materials) of CHE/17/00855/FUL - Demolition of existing dwelling and erection of replacement house  At  23 Bridle Road Woodthorpe Derbyshire S43 3BY  For Mr Shane Weatherall	DPC	31/10/2018
5617				
CHE/18/00616/TPO	Walton	Robinia - T1, T2, T4 remove dead  wood and fell T3 and T5 and crown lift one Cherry  At Walton Hospital Whitecotes Lane Walton For T.E.P	CP	
24/10/2018				
CHE/18/00617/TPO	St Leonards	T209-210-211 - Oak, sycamore and elm - roadside - 5m crown lift and crown clean; T216 - large sycamore - entrance - fell - due to dying; T261 - large beech - fell as dead;	CP	26/10/2018



T310 - large elm - fell as dead and  
all other trees on model railway site  
- crown lift and crown clean

At  
Chesterfield Model Engineering Society  
Hady Hill  
Hady  
Derbyshire  
S41 0EE

For  
Mr P Nash

CHE/18/00618/TPO West      Poplar (0012, 0018, 0020) - Pollard      CP      26/10/2018  
x 3 back to just above old cuts;  
Chestnuts (0007, 0008, 6000) -  
Remove dead wood; Ash - (0014) -  
Pollard x 1 back to just above old  
cuts. Excessive shading - crown on  
poplars getting excessive in  
proportion to garden

2269 and      At  
11 Netherleigh Road  
Ashgate  
Chesterfield  
Derbyshire  
S40

CHE/18/00620/NMA St      Non material amendment to      UP      29/10/2018  
Leonards      CHE/17/00885/FUL (Demolition of  
existing building and replacement  
with two storey building with offices  
to ground floor and three number  
one bedroom studios to first floor) to  
reposition commercial and  
residential entrance, minor  
amendments to windows and  
addition of canopy at commercial

2463      At  
9D Holywell Street  
Chesterfield  
Derbyshire  
S41 7SA

For  
Heritage Midlands Ltd

CHE/18/00623/FUL Linacre      Ground floor extension to provide a      REF      02/11/2018  
sun lounge

1265      At  
24 Long Field Grange  
Upper Newbold  
Derbyshire

S41 8WY

For  
Mr and Mrs R Trewin

CHE/18/00627/FUL	St Leonards	Demolition of two sets of outbuildings to the rear and left hand side of the rear car park.	REF	30/10/2018
2111		At Sun Inn 13 West Bars Chesterfield S40 1AQ		
		For New River Retail Property Unit Trust 4		
CHE/18/00628/TPO	West 1089	1 London Plane tree to be pollarded	CP	24/10/2018
		At 19 Yew Tree Drive Somersall Derbyshire S40 3NB		
		For Mr Garry Hodgeson		
CHE/18/00629/FUL	Dunston 313	Two storey side extension and single/two storey rear extension	CP	07/11/2018
		At 17 Grasmere Close Newbold Derbyshire S41 8EG		
		For Mrs Natalie Murphy		
CHE/18/00641/TPO	Old Whittington 412	T1 & T2 Sycamore - Re-pollard due to decay in main stem	CP	24/10/2018
		At 183 Church Street North Old Whittington		
		For Mr Ken Rayner		
CHE/18/00644/DOC	Brockwell	Discharge of planning conditions 11 (bin storage) and 20 (broad band provision) on application CHE/17/00263/FUL (Erection of 34 dwellings including private amenity space, car parking provision, new access road, landscaping, drainage swale and on-site open space)	DPC	26/10/2018

1339 513		At Land At Former Saltergate Health Club Saltergate Chesterfield Derbyshire		
		For Woodall Homes		
CHE/18/00662/TPO		Works on protected trees ( T83, T84, T85, T86, T90, T91, T93, T94, T95, T96, T97, T104)	SC	West 30/10/2018
		At The Fold 4 Somersall Willows Chesterfield Derbyshire S40 3SR		
		For Mr Peter Watmore		
CHE/18/00663/EIA	Linacre	Screening Opinion for a full planning application for the construction of approx. 300 dwellings, two new access points from Linacre Road, highways and Drainage infrastructure, Landscaping and open space	EIANR	15/10/2018
962		At Land To The East Of Linacre Road Holme Hall Chesterfield		
		For Cerde Planning		
CHE/18/00664/TPO	Brockwell	Reduction of branch to the boundary line, overhanging onto No 31 Bentham Road, also removal of dead branches. Branch overhangs the conservatory & is touching the conifer tree resulting in further overhang and concern over safety of low hanging branch.	CP	07/11/2018
		At 29 Bentham Road Chesterfield Derbyshire		
		For		

Mr Neil Gregory

CHE/18/00679/TPO	Hasland	T1, Yew - Crown Lift 3 to 3.5m, clear structure by 2m T2, Yew - Crown Lift 2.5 to 3m, clear structure by 1 to 1.5m T3, Silver Birch - Crown Lift 2.5m At Former F Shaw and Partner Penmore House Hasland Road Hasland Derbyshire S41 0SJ For Frank Shaw Associates Ltd	CP	26/10/2018
CHE/18/00681/CA	West	Works on protected trees ( T83, T84, T85, T86, T90, T91, T93, T94, T95, T96, T97, T104) At The Fold 4 Somersall Willows Chesterfield Derbyshire S40 3SR For Mr Peter Watmore	UP	30/10/2018
CHE/18/00686/TPO	Brockwell	Beech Trees (T1, T3, T5, T25 and T28) - Crown lift to 5m; Hawthorns (T2 and T4) - Dead (Dismantle to near ground level); Turkey Oak (T7) and Holly (T6) - Fell to near ground level At 46 Newbold Road Newbold S41 7PL For Tribalrock Ltd	CP	05/11/2018
CHE/18/00696/NMA	Holmebrook	Proposed window to en-suite at first floor (non material amendment to application CHE/18/00101/FUL) At 36 Springfield Avenue Chesterfield Derbyshire S40 1DJ For Mrs Lindsay Buxton	CPNMA Z	29/10/2018
3229				
CHE/18/00700/TPO	West	fell one storm damaged Beech tree reference T2 of TPO 14 At	CP	19/10/2018

Netherleigh  
34 Netherleigh Road  
Ashgate  
Chesterfield  
S40 3QJ  
For  
Mr Kirk

CHE/18/00701/DEM Walton	Demolition of 1960's asbestos clad and steel frame flat roof buildings, traditional brick built and tiled pitched roof boiler house and	PADEM	01/11/2018
2410	At Walton Hospital Whitecotes Lane Walton Derbyshire S40 For Derbyshire Community Health Services - NHS Foundation Trust		
CHE/18/00703/NMA Walton	Non material amendment to CHE/17/00240/FUL (erection of a single dwelling) to substitute amended plans	UP	05/11/2018
	At Land Adj 2 Hazel Drive Walton S40 3EN For Mr S Donahue		
CHE/18/00749/TPO West	Beech T1 and Large Beech in G2 - fell both trees - Dangerous Fungal Infection	CP	07/11/2018
	At Netherleigh 34 Netherleigh Road Ashgate Chesterfield S40 3QJ For Mr Ashley Kirk		
CHE/18/00751/TPO Lowgates And Woodthorp	T47 Crab Apple, Crown lift 2.5m over footpaths, T44, T46 & T47 CHerry, Crown lift 2.5m over footpaths ,T51 Lime, Crown lift 2.5m over footpaths, T30 Laurel, Crown lift 2.5m over footpath, T71 Hawthorn, Crown lift one lower branch over footpath 2.5m, T60 Ash, Crown lift over footpath 2.5m, T33 multi-stemmed ash crown lift 2.5m and crown reduced to	CP	30/10/2018

previous pruning points, T59 Ash,  
Remove major dead wood, T68  
Lime, Crown Lift over footpath and  
roadside and T74 Silver Leaf  
Maple, remove metal tree guard.

At

Victoria Park

Duke Street

Staveley

Derbyshire

S43 3PD

For

Chesterfield Borough Council

## *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>	19 <sup>TH</sup> NOVEMBER 2018
<b>TITLE</b>	DELEGATION
<b>PUBLICITY</b>	For Publication
<b>CONTENTS</b>	Items approved by the Development Management and Conservation Manager under the following Delegation references:-  Felling and Pruning of Trees P100D, P120D, P130D
<b>RECOMMENDATIONS</b>	Not applicable
<b>LIST OF BACKGROUND PAPERS</b>	Relevant applications

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

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

<b><u>CODE NO</u></b>	<b><u>DESCRIPTION OF PROPOSAL</u></b>	<b><u>TERMS OF DECISION</u></b>
CHE/18/00641/TPO TPO 4901.36 24/10/18	The pruning of two Sycamore trees reference T1 & T2 on the Order map for Mr Rayner of 183 Church Street North, Old Whittington.	Consent is granted to the re-pollarding of two sycamore trees pruning back to previous pollarding points.
CHE/18/00616/TPO TPO 4901.132 24/10/18	The felling of two Robinia trees reference T12 & T27 and the pruning of three Robinia trees reference T25, T30 & T31 and one Cherry tree reference T26 on the Order map for T.E.P on behalf of Homes England at the former Walton Hospital, Whitecotes Lane, Walton.	Consent is granted to the felling of two trees reference T12 and T27 Robinia which are in decline with only small amounts of live growth remaining on the trees. Consent is also granted to deadwood T25, T30 & T31 Robinia and to crown lift one cherry tree reference T26 by 2.5m over the public footpath.
CHE/18/00628/TPO TPO 4901.155 24/10/18	The pruning of one London Plane tree reference T2 on the Order map for Jonathan Ross on behalf of 19 Yew Tree Drive, Somersall.	Consent is granted to the re-pollarding of one London Plane tree pruning back to previous pollarding points.
CHE/18/00618/TPO TPO 4901.14 26/10/18	The pruning of 8 trees consisting of 4 Horsechestnut trees within G5, 2 Poplars and 1 Ash within G6 and T58 Poplar on the Order map for Westside Landscapes on behalf of 11 Netherleigh Road.	Consent is granted to dead wood 4 Horsechestnut trees within G5, consent is also granted to re-pollard 2 poplars and 1 Ash within G6 and 1 Poplar tree reference T58 pruning back to previous pollarding points.

<p>CHE/18/00617/TPO TPO 4901.117 26/10/18</p>	<p>The felling of 3 trees reference T216 Sycamore, T261 Beech and T310 Elm which are dead or in severe decline and the pruning of 104 trees of various species including Oak, Sycamore, Cherry, Elm, Beech and Oak reference T209 to T329 on the Order map for Ken Portas Landscaping and Tree Surgery on behalf of the Chesterfield &amp; District Model Engineering Society, Hady Hill, Hady.</p>	<p>Consent is granted to the felling of 3 dead trees reference T216 Sycamore, T261 Beech and T310 Elm with a condition to plant 3 new Oak trees in the first available planting season. Consent is also granted to crown lift and crown clean to remove dead wood on trees at the site which are low over the footpaths, railway track and access roads.</p>
<p>CHE/18/00679/TPO TPO 4901.160 26/10/18</p>	<p>The pruning of 3 trees reference T10 &amp; T11 Yew and T12 Silver Birch on the Order map for Frank Shaw Associates at Penmore House, Hasland Road, Hasland. The trees are close to the property and low over the footpath.</p>	<p>Consent is granted to the crown lifting of 3 trees T10-T12 and the reduction of branches growing towards the building to give a maximum clearance of 2 metres from the structure on the two Yew trees.</p>
<p>CHE/18/00662/TPO TPO 4901.43 30/10/18</p>	<p>The felling of 3 trees reference T86 Cypress, T93 Maple and 1 Birch within G5 and the pruning of 11 trees reference TT83 &amp; T97 Ash, T90, T95 &amp; T96 Alde, T91 Lime and T94 Maple and 1 Birch within G5 on the Order map for Mr Watmore of 4 Somersall Willows, Somersall.</p>	<p>Consent is granted to the felling of one Cypress conifer tree which is competing with the more dominant Ash T85 which has the greater amenity value. The duty to plant a replacement tree has been dispensed with on this occasion due to other trees and no loss of amenity.</p> <p>Consent is granted to the felling of T93 Maple and one Birch within G5. Both trees have bleeding canker and severe dieback of the</p>

		<p>crowns. A condition is attached to plant 2 new trees in the next available planting season.</p> <p>Consent is also granted to prune 11 trees to crown lift and crown clean to remove dead wood. Consent is also granted for an all-round crown reduction on T91 Lime to reshape the tree which is growing one sided.</p>
<p>CHE/18/00751/TPO TPO 4901.152 30/10/18</p>	<p>The pruning of thirteen trees reference T47 Crab apple, T44-T46 &amp; T48 Cherry, T51 Lime, T30 Laurel, T71 Hawthorn, T60 Ash, T73 Ash, T59 Ash, T68 Lime, T74 Silver leaf Maple on the Order Map and which are situated in the Staveley Memorial Gardens, Dukes Street, Staveley. The trees are low of the public footpath and require pruning for Remembrance Sunday.</p>	<p>Consent is granted to the crown lifting and dead wooding of trees to clear the public footpaths.</p>
<p>CHE/18/00686/TPO TPO 4901.133 05/11/18</p>	<p>The felling of two dead Hawthorn trees reference T2 &amp; T4 and the pruning of four Beech trees reference T1, T5, T6 &amp; T10 and one Whitebeam reference T3 on the Order map for Emery Landscapes on behalf of Tribalrock Ltd at The Shrubberies, 46 Newbold Road.</p>	<p>Consent is granted to the felling of 2 dead Hawthorn trees with a condition to plant 2 new Hawthorns in the next available planting season or upon completion of the new development.</p> <p>Consent is also granted to crown lift by 5 metres 4 Beech trees and 1 Whitebeam pruning back to suitable replacement branches</p>

		and leaving a well-balanced crown.
CHE/18/00664/TPO TPO 4901.67 07/11/18	The pruning of one Oak tree reference T12 on the Order map for Mr Gregory of 31 Bentham Road. The tree is located in the rear garden of 29 Bentham Road and overhangs the property of the applicant.	Consent is granted to the reduction of one lower branches pruning back to suitable replacement branches near to the boundary line.
CHE/18/00749/TPO TPO 4901.14 07/11/18	The felling of two diseased Beech trees reference T1 and one Beech tree within G2 on the Order map for Mr Kirk of Netherleigh, 34 Netherleigh Road.	Consent is granted to the felling of two Beech trees which are infected with Ganoderma fungus at the base of the trees which causes the roots to become brittle and fail without warning. Condition attached for two new replacement trees to be planted in the next available planting season.

**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>
<p>CHE/18/00681/CA The felling of one Alder and one conifer tree and the pruning of 5 trees for Mr Watmore of 4 Somersall Willows, Somersall.</p> <p>Page 111</p>	<p>The trees are within the Somersall Conservation Area and the applicant wishes to remove the Alder and conifer tree because they are competing with a Silver Birch and the conifer is outgrown its situation. The pruning of the 5 trees is for general maintenance to dead wood, remove lower branches and reduce a Holly hedge/bush.</p>	<p>Agreement to the felling of 2 trees and the pruning of 5 trees. The felling and pruning will have no adverse effect on the amenity value of the area.</p>	<p>30/10/18</p>
<p>CHE/18/00734/CA The felling of one conifer tree and the pruning of 9 trees for Mr Miles Prentice of 25 Porter Street, Staveley.</p>	<p>The trees are within the Staveley Conservation Area and the applicant wishes to remove the conifer tree as it is close to the boundary wall and re-pollard 6 Lime trees, 1 Ash tree and 1 Horsechestnut tree as they are overhanging the neighbouring properties blocking out light to the small rear gardens. The applicant also wishes to crown lift a Magnolia tree to allow garden maintenance.</p>	<p>Agreement to the felling of 1 Conifer tree and the pruning of 9 trees. The felling and pruning will have no adverse effect on the amenity value of the area.</p>	<p>09/11/18</p>

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## AGENDA ITEM

### APPEALS REPORT

**MEETING:** PLANNING COMMITTEE  
**DATE:** 19 NOVEMBER 2018  
**REPORT BY:** DEVELOPMENT MANAGEMENT AND  
CONSERVATION MANAGER

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#### FOR PUBLICATION

#### BACKGROUND PAPERS FOR PUBLIC REPORTS

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

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#### 1.0 PURPOSE OF REPORT

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

**PAUL STANIFORTH  
DEVELOPMENT MANAGEMENT AND CONSERVATION  
MANAGER**

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

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**APPEALS**

<b><u>FILE NO.</u></b>	<b><u>WARD</u></b>	<b><u>APPELLANT</u></b>	<b><u>CASE</u></b>	<b><u>MEMBER OFFICER</u></b>	<b><u>DATE REC</u></b>	<b><u>TYPE AND DATE</u></b>	<b><u>DECISION AND DATE</u></b>
2/3991	Hasland ward	Mr N Chadwick	CHE/17/00800/FUL – Retention of external works at 2 York Street - Conditions	Planning Committee	26/04/18	Written Reps	
2/2126	St Leonards ward	Mr Paul Singh	CHE/18/00167/FUL – Replacement of windows to rear 9-21 Stephenson Place - Refusal	Officer delegation	29/06/18	Written Reps	
2/1497	West ward	D J Atkinson Construction Ltd	CHE/17/00725/FUL – Demolition of buildings and 2 dwellings at Proctors Nursery - Refusal	Planning Committee against officer advice	12/07/18	Written Reps	
2/5302	Lowgates and Woodthorpe ward	Mr and Mrs Needham	CHE/18/00230/OUT – Residential Development at 1 Bridle Road	Officer delegation	2/8/18	Written Reps	
2/3815	Holmebrook ward	Mr G Fountain	CHE/18/00027/OUT – Dwelling at 21a Walton Crescent Refusal	Officer delegation	5/9/18	Written Reps	

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# FOR PUBLICATION Agenda Item 8

## ENFORCEMENT REPORT

**MEETING:** PLANNING COMMITTEE  
**DATE:** 19<sup>TH</sup> NOVEMBER 2018  
**REPORT BY:** LOCAL GOVERNMENT AND REGULATORY LAW MANAGER  
DEVELOPMENT MANAGEMENT & CONSERVATION MANAGER  
**WARD:** As listed in the report

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### **FOR PUBLICATION**

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

### **BACKGROUND PAPERS**

LOCATION: LEGAL SERVICES

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

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

#### **2.0 BACKGROUND**

2.1 The table summarises formal planning enforcement by the Council.

#### **3.0 INFORMAL ACTION**

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

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

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

#### **5.0 RECOMMENDATION**

5.1 That the report be noted.

GERARD ROGERS  
LOCAL GOVERNMENT AND  
REGULATORY LAW MANAGER

PAUL STANIFORTH  
DEVELOPMENT MANAGEMENT  
& CONSERVATION MANAGER

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

Enforcements currently Authorised: 7

# ENFORCEMENT REPORT

08 November 2018

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
<b>Enforcement Notice</b>		<i>Total currently Authorised: 5</i>			<i>Authorised to Issue Average: 91 days</i>				
Station Lane	03/04/18 <i>220</i>	importation of materials - creation of hard surfacing		03/07/18 <i>91</i>	08/08/18 <i>93</i>	08/08/19 <i>-272</i>	Issued. In effect - no appeal	<input type="checkbox"/> <i>03/07/18</i>	BHW
Station Lane	03/04/18 <i>220</i>	importation of materials - industrial use		03/07/18 <i>91</i>	08/08/18 <i>93</i>	08/08/19 <i>-272</i>	Issued. In effect - no appeal	<input type="checkbox"/> <i>03/07/18</i>	
Walton Works	27/06/16 <i>865</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	1	06/08/18 95	2 vending machines					2 unauthorised vending machines. Moved from 2 York Street. Awaiting instructions.	<input type="checkbox"/> 14/08/18	
York Street	2	09/10/17 396	conversion and extension of roof space					Application for flat conversion CHE/17/00800/FUL approved 03/04/18 with condition requiring removal of balcony and canopy, but has appealed these. Consider further enforcement if appeal dismissed and not comply.	<input type="checkbox"/> 11/06/18	Ha
<b>Stop Notice</b>			<i>Total currently Authorised: 1</i>		<i>Authorised to Issue Average: days</i>					
Walton Works		27/06/16 865	use for war and horror style games of game play					See notes for Enforcement Notice.	<input type="checkbox"/> 03/03/17	Wa
<b>TPO Prosecution</b>			<i>Total currently Authorised: 1</i>		<i>Authorised to Issue Average: days</i>					

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Pomegranate Road (rear of)	51	02/05/18 <sup>191</sup>	wilful damage to limb of T7 (s.210(4)) adjacent to Pomegranate Park					In court (single justice procedure). <input type="checkbox"/>	24/09/18	N

*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*