



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

Councillors Holmes and Thornton –  
Site Visit 1  
Councillors D Collins and L Collins –  
Site Visit 2  
Councillors Fordham and  
Hollingworth –  
Site Visit 3

21 June 2019

Dear Councillor,

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

AGENDA

Part 1(Public Information)

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

Planning Committee Members should assemble in Town Hall Reception at 12:55pm. Ward members wishing to be present should attend on site as indicated below:-

1. 13:15 Handley Wood Farm CHE/19/00102/FUL
2. 13:45 Bellhouse Lane CHE/18/00602/FUL
3. 14:15 Woodall Homes, Saltergate

***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 1 July, 2019. If you do not confirm your attendance, it will be assumed that you will not be attending on site.

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

1. Apologies for Absence
2. Declarations of Members' and Officers' Interests Relating to Items on the Agenda
3. Minutes of Planning Committee (Pages 3 - 56)
4. Applications for Planning Permission - Plans Determined by the Committee (Pages 57 - 130)
5. Applications for Planning Permission - Plans Determined by the Development Management and Conservation Manager (P140D) (Pages 131 - 142)
6. Applications to Fell or Prune Trees (P620D) (Pages 143 - 146)
7. Appeals Report (P000) (Pages 147 - 150)

Yours sincerely,



Local Government and Regulatory Law Manager and Monitoring Officer



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## PLANNING COMMITTEE

Monday, 10th June, 2019

Present:-

Councillor Callan (Chair)

Councillors Barr  
Bingham  
Catt  
Caulfield  
Davenport

Councillors G Falconer  
T Gilby  
Miles  
Marriott

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

**CHE/19/00007/REM** - Reserved matter application for CHE/18/00083/REM1 – erection of 173 dwellings and associated landscaping and infrastructure (additional information and revised plans received 18/04/2019 and 25/04/2019 and 02/05/2019) on land east of A61 known as Chesterfield Waterside, Brimington Road, Tapton, Chesterfield, Derbyshire for Avant Homes (Central).

Councillors Bingham, Callan, Catt, Davenport, Falconer, T Gilby, Marriott and Miles.

**CHE/19/00083/FUL** - Conversion of existing pub into 6 no. 1 bed flats, one new 2.5 storey building to front for 6 no. 1 bed flats, two new single storey blocks arranged parallel to the east and west site boundaries for 2 no. 1 bed flats and one 1.5 storey building to north of site for 2 no. 1 bed flats (revised plans received 15/05/2019, viability appraisal rec'd 23/05/2019 and ecological survey received 24/05/2019) at All Inn, Lowgates, Staveley, Chesterfield, Derbyshire, S43 3TX for A-Rock Construction.

Councillors Barr, Bingham, Callan, Catt, L Collins (ward member), Davenport, Falconer, T Gilby, Marriott and Miles.

**CHE/18/00764/FUL** - proposed redevelopment of a previously developed site for 2 no. self build dwellings and garages (revised plans received 02/05/2019) at Oldfield Farm, Wetlands Lane, Brimington, Derbyshire S43

1QG for Mr P and R Walters.

Councillor Barr, Bingham, Callan, Catt, Davenport, Falconer, T Gilby, Marriott and Miles.

**CHE/19/00096/REM1** - Variation of condition 2 of CHE/17/00586/FUL (erection of a two storey dwelling) to allow the use of larger (40ft) shipping containers instead of previously approved 30ft shipping containers - revised plans received 16/5/2019 – land adjacent to 12 Cavendish Street North, Old Whittington, Chesterfield S41 9DH.

Councillor Barr, Bingham, Callan, Catt, Davenport, Falconer, T Gilby, Marriott and Miles.

**CHE/19/00073/FUL** - Hard surfacing with drainage and street lighting to provide an additional 2165 sq.m of car parking area. revised plans received 26.03.2019 with amended layout and surfacing plan, amended drainage and tree protection layout and statement regarding usage and traffic patterns. alterations proposed to the main building, including an entrance canopy, two new entrance doors and cladding to the south west elevation. revised lighting plan received 24.04.2019 and 23.05.2019, revised layout and surfacing plan 29.05.2019 and proposed drainage layout 24.05.2019 and arboricultural report revision a 28.05.2019 at St Hugh's RC Church, Littlemoor, Newbold, Derbyshire S41 8QP.

Councillor Barr, Bingham, Callan, Catt, Davenport, Falconer, T Gilby, Marriott, Miles and Rogers (ward member).

**CHE/19/00043/OUT** - Outline application for residential development (additional information received 09/05/2019) at Moorlea, Ashgate Road, Ashgate, Chesterfield, Derbyshire for Mrs Lardge.

Councillors Barr, Bingham, Callan, Catt, Davenport, Falconer, T Gilby, Marriott and Miles.

**CHE/19/00021/FUL** - Erection of a one bedroom detached bungalow to provide self contained accommodation ancillary to the existing dwelling. revised drawings received 16.05.2019 including a revised parking plan and revised layout and front elevation at 2 Westfield Close, Chesterfield, Derbyshire, S40 3RS for Ms Dawn Anderson.

Councillors Barr, Bingham, Callan, Catt, Davenport, Falconer, T Gilby, Marriott and Miles.

**CHE/18/00691/FUL and CHE/18/00692/LBC** - Full planning application for renovation and conversion of part of a grade ii listed stone barn to create two dwellings; and construction of a new single storey dwelling in grounds with associated landscaping works (additional information received 23/05/2019) and application for listed building consent the works to renovate and convert part of the grade II listed stone barn into two dwellings at barns to the rear of Park Hall Farm, Walton Back Lane, Walton, Chesterfield, Derbyshire S42 7LT for Mr M Taylor.

Councillors Barr, Bingham, Callan, Catt, Davenport, Falconer, T Gilby, Marriott and Miles.

**CHE/19/00200/FUL** - Residential development of six dwellings in two terraces of three units, designated off road parking with new access from Sydney Street and Springfield Avenue, bin-stores and garden sheds and landscaping at St Mark's Vicarage, 15 St Mark's Road, Chesterfield S40 1DH.

Councillors Barr, Bingham, Callan, Catt, Davenport, Falconer, T Gilby, Marriott and Miles.

\*Matters dealt with under the Delegation Scheme

## **9 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Borrell, Brady, Kelly and Simmons.

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

Councillor Barr declared an interest in agenda item 4(3) (CHE/19/00043/OUT - Outline application for residential development (additional information received 09/05/2019) at Moorlea, Ashgate Road, Ashgate, Chesterfield, Derbyshire for Mrs Lardge) as an objector was known to him.

Councillor Barr declared an interest in agenda item 4(8) (CHE/19/00096/REM1 - Variation of condition 2 of CHE/17/00586/FUL

(erection of a two storey dwelling) to allow the use of larger (40ft) shipping containers instead of previously approved 30ft shipping containers - revised plans received 16/5/2019 – Land adjacent to 12 Cavendish Street North, Old Whittington, Chesterfield S41 9DH) as a resident was known to him.

Councillor Barr declared an interest in agenda item 4(7) (CHE/19/00007/REM - Reserved matter application for CHE/18/00083/REM1 – Erection of 173 dwellings and associated landscaping and infrastructure (additional information and revised plans received 18/04/2019 and 25/04/2019 and 02/05/2019) on land east of A61 known as Chesterfield Waterside, Brimington Road, Tapton, Chesterfield, Derbyshire for Avant Homes (Central)) as Avant Homes had undertaken redecoration works at the office of the charity Fairplay of which Councillor Barr is the Chair.

Councillor Caulfield would take no part in the consideration of agenda item 4(9) (CHE/19/00073/FUL - Hard surfacing with drainage and street lighting to provide an additional 2165 sq.m of car parking area. revised plans received 26.03.2019 with amended layout and surfacing plan, amended drainage and tree protection layout and statement regarding usage and traffic patterns, alterations proposed to the main building, including an entrance canopy, two new entrance doors and cladding to the south west elevation. revised lighting plan received 24.04.2019 and 23.05.2019, revised layout and surfacing plan 29.05.2019 and proposed drainage layout 24.05.2019 and arboricultural report revision a 28.05.2019 at St Hugh's RC Church, Littlemoor, Newbold, Derbyshire S41 8QP) as she would be addressing the committee as ward member in objection to the application.

## **11 MINUTES OF PLANNING COMMITTEE**

### **RESOLVED -**

That the Minutes of the meeting of the Planning Committee held on 20 May, 2019 be signed by the Chair as a true record.

## **12 FIVE YEAR HOUSING SUPPLY POSITION 2019/20**

The Strategic Planning and Key Sites Manager submitted a report to provide an update on the current Five Year Housing Supply position of

the Council and the implications of the position for decision making on planning applications.

A revised National Planning Policy Framework (NPPF) was published by the Ministry of Housing, Communities and Local Government on February, 2019. The NPPF continued to require local planning authorities to identify and annually update a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing.

## **RESOLVED –**

That the report be noted.

### **13 APPLICATIONS FOR PLANNING PERMISSION - PLANS DETERMINED BY THE COMMITTEE**

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

CHE/19/00073/FUL - HARD SURFACING WITH DRAINAGE AND STREET LIGHTING TO PROVIDE AN ADDITIONAL 2165 SQ.M OF CAR PARKING AREA. REVISED PLANS RECEIVED 26.03.2019 WITH AMENDED LAYOUT AND SURFACING PLAN, AMENDED DRAINAGE AND TREE PROTECTION LAYOUT AND STATEMENT REGARDING USAGE AND TRAFFIC PATTERNS. ALTERATIONS PROPOSED TO THE MAIN BUILDING, INCLUDING AN ENTRANCE CANOPY, TWO NEW ENTRANCE DOORS AND CLADDING TO THE SOUTH WEST ELEVATION. REVISED LIGHTING PLAN RECEIVED 24.04.2019 AND 23.05.2019, REVISED LAYOUT AND SURFACING PLAN 29.05.2019 AND PROPOSED DRAINAGE LAYOUT 24.05.2019 AND ARBORICULTURAL REPORT REVISION A 28.05.2019 AT ST HUGH'S RC CHURCH, LITTLEMOOR, NEWBOLD, DERBYSHIRE S41 8QP

In accordance with Minute No. 299 (2001/2002) Mr Saxon (objector), Councillor Caulfield (ward member) and Fraser Andrews (applicant's agent) addressed the meeting.

Councillor Caulfield left the meeting at this point and did not return.

That the officer recommendation not be upheld and the application be refused for the following reason:-

In the opinion of the local planning authority the proposed car parking area to the rear of the building is not sympathetic to the surrounding local residents. The parking spaces are too close to the boundary and will result in lights shining through the hedges, air pollution issues and general noise and disturbance issues to the neighbours amenity. The pole mounted lights would also be a nuisance to the neighbouring properties. The proposal is considered to be in conflict with the requirements of policy CS2 and CS18 of the Core Strategy 2011-2031 and the guidance as set out in the 2019 National Planning Policy Framework Chapter 12.

CHE/19/00007/REM - RESERVED MATTER APPLICATION FOR CHE/18/00083/REM1 – ERECTION OF 173 DWELLINGS AND ASSOCIATED LANDSCAPING AND INFRASTRUCTURE (ADDITIONAL INFORMATION AND REVISED PLANS RECEIVED 18/04/2019 AND 25/04/2019 and 02/05/2019) ON LAND EAST OF A61 KNOWN AS CHESTERFIELD WATERSIDE, BRIMINGTON ROAD, TAPTON, CHESTERFIELD, DERBYSHIRE FOR AVANT HOMES (CENTRAL)

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

In accordance with Minute No. 299 (2001/2002) Lisa Hopkinson (objector), Alastair Meikle (objector), Peter Swallow (representative of Chesterfield Waterside) and Tom Collins (applicant's planning consultant) addressed the meeting.

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

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

#### Apartment Types

- Apartment Block 1 GF Plan - n1189 APT1\_02C
- Apartment Block 1 FF Plan - n1189 APT1\_02C
- Apartment Block 1 SF Plan - n1189 APT1\_02C
- Apartment Block 1 TF Plan - n1189 APT1\_04B
- Apartment Block 1 Front Elevation - n1189 APT1\_01C
- Apartment Block 1 Rear Elevation - n1189 APT1\_01C

- Apartment Block 1 side Elevation - n1189 APT1\_01C
- Apartment Block 1 block plan - n1189 APT1\_10B
- Apartment Block 2 Floor Plans - n1189 APT2\_01
- Apartment Block 2 Elevations 1 of 2 – n1189 APT2\_02
- Apartment Block 2 Elevations 2 of 2 – n1189 APT2\_04
- Apartment Block 2 block plan - n1189 APT2\_10
- Apartment Block 3 SF Plan - n1189 APT3\_02
- Apartment Block 3 FF Plan - n1189 APT3\_02
- Apartment Block 3 GF Plan - n1189 APT3\_02
- Apartment Block 3 Basement Plan - n1189 APT3\_02
- Apartment Block 3 Side elevations - n1189 APT3\_01
- Apartment Block 3 Rear elevation - n1189 APT3\_01
- Apartment Block 3 Front elevation - n1189 APT3\_01

## House Types

- Applebridge floor plans and elevations - n1189 AB\_03
- Beckbridge elevations version 1 – n1189 BB1\_01A
- Beckbridge floor plans version 1 – n1189 BB1\_02A
- Beckbridge elevations version 2 – n1189 BB2\_01B
- Beckbridge floor plans version 2 – n1189 BB2\_02B
- Beckbridge elevations version 3 – n1189 BB3\_01B
- Beckbridge floor plans version 3 – n1189 BB3\_02A
- Beckbridge floor plans and elevations version 3 – n1189 BB3\_03A
- Fenbridge elevations - n1189 FB\_01
- Fenbridge floor plans - n1189 FB\_02
- FOG elevations – n1189 FOG\_01A
- FOG floor plans – n1189 FOG\_02A
- Kewbridge floor plans and elevations – n1189 KB\_03A
- Kewbridge special floor plans and elevations – n1189 KBS\_03A
- Northbridge elevations – n1189 NB1\_01B
- Northbridge floor plans version 1 – n1189 NB1\_02A
- Northbridge special floor plans and elevations – n1189 NB1S\_03
- Northbridge floor plans and elevations version 2 – n1189 NB2\_03B
- Northbridge elevations version 3 – n1189 NB3\_01A
- Northbridge floor plans version 3 – n1189 NB3\_02
- Northbridge floor plans and elevations version 3 detached – n1189 NB3\_03A
- Seabridge floor plans and elevations version 1 – n1189 SB1\_03
- Seabridge floor plans and elevations version 2 – n1189 SB2\_03

- Ulbridge elevations version 1 – n1189 UB1\_01A
- Ulbridge floor plans version 1 – n1189 UB1\_02
- Ulbridge floor plans and elevations version 1 – n1189 UB1\_03A
- Vossbridge floor plans and elevations version 1 – n1189 VB1\_03C
- Vossbridge special floor plans and elevations version 1 – n1189 VB1S\_03B
- Vossbridge floor plans and elevations version 2 – n1189 VB2\_03B
- Westbridge elevations version 1 – n1189 WB1\_01A
- Westbridge floor plans version 1 – n1189 WB1\_02
- Westbridge special elevations version 1 – n1189 WB1S\_01A
- Westbridge elevations version 2 – n1189 WB2\_01A
- Westbridge floor plans version 2 – n1189 WB2\_02A
- Westbridge elevations version 2 – n1189 WB2\_04
- Westbridge floor plans version 2 – n1189 WB2\_05
- Westbridge special elevations version 2 – n1189 WB2S\_01
- Westbridge special floor plans version 2 – (plots 85, 111, 113, 114) – n1189 WB2S\_02

## Site Layout

- Site Location Plan – n1189 001 rev C
- Presentation layout – n1189 004B
- Presentation layout (Constraints overlay) – n1189 004\_01A
- Presentation layout (Connectivity Plan) – n1189 004\_02
- Presentation layout – n1189 007P
- Indicative Site Sections – n1189 011A
- Topographic Survey 24<sup>th</sup> April 2017
- Materials Plan – n1189 106A
- Landscape Strategy Plan GL1051

## Supporting Documents

- Design Compliance Statement (rev C) by Nineteen47 Ltd (required by condition 3);
- Visuals Pack – 8 viewpoints dated Dec 2018;
- Energy Statement dated Dec 2018 by FES Group (required by condition 11);
- Arboricultural Survey dated Sept 2018 by BWB;
- Arboricultural Impact Assessment dated Oct 2018 by BWB;
- BS5837 survey;
- Ecological Management Strategy dated Nov 2018 by BWB;



- Water Vole Mitigation Strategy dated Aug 2018 by BWB;
- Ecological Technical Note dated Jul 2018 by BWB;
- Noise Impact assessment by BWB;

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

3. Prior to any works taking place a Construction Management Plan shall be submitted showing space to be provided for storage of plant and construction materials, site accommodation, loading, unloading and manoeuvring of goods vehicles, parking and manoeuvring of employees and visitors vehicles, laid out and constructed in accordance with detailed designs first submitted to and approved in writing by the Local Planning Authority. Once implemented the facilities shall be retained free from any impediment to their designated use throughout the construction period.

4. Throughout the construction period vehicle wheel cleaning facilities shall be provided and retained within the site for use at appropriate times, in order to prevent the deposition of mud or other extraneous material on the public highway.

5. The carriageways of the proposed estate roads shall be constructed up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access from that road. Subsequently, the carriageways and footways shall be laid out and constructed up to and including binder course level to ensure that each dwelling, prior to occupation, has a properly consolidated and surfaced carriageway and footway for residents to use, between the dwelling and the existing highway. Until final surfacing is completed, the footway binder course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or abutting the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surface course within twelve months (or three months in the case of a shared surface road) from the occupation of such dwelling, unless otherwise agreed in writing by the Local Planning Authority.

6. No dwelling shall be occupied until space has been laid out within the respective plot for the parking of residents and visitors vehicles. The parking spaces shall thereafter remain free from any impediment to its designated use for the life of the development.

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

If discharge to public sewer is proposed, the information shall include, but not be exclusive to:-

- a) evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical;
- b) evidence of existing positive drainage to public sewer and the current points of connection;
- c) the means of restricting the discharge to public sewer to the existing rate less a minimum 30% reduction, based on the existing peak discharge rate during a 1 in 100 year storm event, to allow for climate change; and
- d) details of either the proposed diversion of the public sewer which crosses the site and its easement protection which accords with the requirements of Yorkshire Water Services, or confirmation of a build over agreement approved with Yorkshire Water Services.

Furthermore, unless otherwise approved in writing by the Local Planning Authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works.

8. Prior to the commencement of the development, a scheme for the protection of the retained trees, in accordance with BS 5837:2012 including a tree protection plan(s) (TPP) shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be implemented in strict accordance with the approved details.

Specific issues to be dealt with in the TPP include:

- a) Location and installation of services/utilities/drainage.
- b) Details of construction within the RPA or that may impact on the retained trees.

- c) a full specification for the construction of any hard landscaping and footways, including details of any no-dig specification and extent of the areas hard landscaping and footpaths to be constructed using a no-dig specification. Details shall include relevant sections through them.
- d) A specification for protective fencing to safeguard trees during construction phases and a plan indicating the alignment of the protective fencing.
- e) a specification for scaffolding and ground protection within tree protection zones.
- f) Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area.
- g) details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires

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

10. No development above any floor-slab/D.P.C level shall take place until details of two additional swift boxes to be attached to houses on the scheme and bat boxes to be included in the landscape scheme have been submitted to and approved in writing by the Local Planning Authority. The agreed details, or any approved amendments to those details, shall be carried out prior to occupation of the dwelling to which they relate and as part of the agreed landscaping programme and shall be retained thereafter.

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

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

12. Within 2 months of commencement of development details of a soft landscaping scheme for the approved development shall be submitted to the Local Planning Authority for consideration.

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

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

14. No development above any floor-slab/D.P.C level shall take place until details of the proposed boundary treatments have been submitted to and approved in writing by the Local Planning Authority. These details shall include the fill material for gabion baskets and the increase in knee rail fencing to 1.2 metres height. The agreed details, or any approved amendments to those details, shall be carried out prior to occupation of the dwelling to which they relate and shall be retained thereafter.

15. Prior to the construction of the El Sb Station, full details of the external appearance and materials of construction shall be submitted to the local planning authority for consideration. The El Sub Station shall only be constructed in accordance with the details which have been agreed in writing by the Local Planning Authority.

16. Prior to the implementation of a lighting scheme for the site, full details of the lighting scheme shall be submitted to the local planning authority for consideration. The lighting scheme shall only be constructed in accordance with the details which have been agreed in writing by the Local Planning Authority and which shall be retained as such thereafter.

17. The meter boxes on the dwellings and apartments hereby approved shall be colour co-ordinated to blend with the external materials of the respective dwellings and apartments.

18. Prior to the construction of the Applebridge house type, details of brick detailing to the rear elevation shall be submitted to the local planning authority for consideration. The Applebridge house type shall only be constructed in accordance with the details which have been agreed in writing by the Local Planning Authority.

19. Full details of the proposed textured brickwork and verges on various house types shall be submitted to the local planning authority for consideration. The agreed details shall be carried out in accordance with the details which have been agreed in writing by the Local Planning Authority.

20. This consent shall not relate to the parking spaces shown for plots 66 and 67. A revised plan shall be submitted showing deletion of the 2 visitor spaces and splitting the remaining 4 spaces into two pairs with tree planting between to reflect the opposite side of the street. The parking shall be carried out in accordance with the details which have been agreed in writing by the Local Planning Authority and which shall be available for use concurrent with first occupation of plots 66 or 67 and which shall be retained as such thereafter.

21. Prior to occupation of dwellings on the site, a scheme of sound insulation shall have been submitted to and agreed in writing with the Local Planning Authority to ensure that the following levels are not exceeded:

- Daytime (07:00 – 23:00hrs) LAeq, 16hr 35 dB in bedrooms and living rooms;
- Daytime (07:00 – 23:00hrs) LAeq, 16hr 55 dB in gardens;
- Night-time (23:00 – 07:00hrs) LAeq, 8hr 30 dB in bedrooms;
- Night-time (23:00 – 07:00hrs) LAFmax levels to not regularly exceed 45 dB in bedrooms.

22. Prior to the implementation of the acoustic fence along the bund, full details shall be submitted to the local planning authority for consideration. The acoustic fence shall only be constructed in accordance with the details which have been agreed in writing by the Local Planning Authority and which shall be retained as such thereafter.

23. Full details of a 3 metre wide pedestrian/cycle path connection to the red line boundary north east corner of the site shall be submitted to the local planning authority for consideration. The agreed details shall be carried out in accordance with the details which have been agreed in writing by the Local Planning Authority and shall be available for use within 3 years of the date upon which construction works started on the site.

24. Internal estate street junctions shall be provided with 2.4m x 25m minimum visibility splays in each direction, measured up to 1m into the carriageway at the extremity of the splay; the area in advance of the sightlines being laid out as an extended footway / margin, forming part of the estate street and not part of any adjoining plot or other third party land.

25. Individual driveways shall be provided with 2.4m x 25m visibility splays, or other such dimension as may be agreed in writing with the Local Planning Authority, in each direction to the new estate street - measured up to 1m into the carriageway at the extremity of the splay; the area in advance of the sightlines remaining thereafter free from any obstructions to visibility over 1m high (750mm in the case of vegetation) relative to the nearside carriageway channel level.

26. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order (or any Order revoking and/or re-enacting that Order) the garages hereby permitted shall be retained as such and shall not be used for any purpose other than the garaging of private motor vehicles associated with the residential occupation of the property without the grant of further specific planning permission from the Local Planning Authority.

27. Prior to any works exceeding demolition or site clearance taking place on site details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private Management and Maintenance Company has been established for the private areas of the development.

28. The footpath/cycle connection within the application site red line boundary and to the north of Apartment Block 1 linking Brimington Road towards the River Rother footpath shall be surfaced and provided at a 3 metre width in accordance with a scheme which has first been agreed in writing by the local planning authority. The footpath/cycle connection shall be available for use concurrent with the first occupation of Apartment Block 1.

Councillor Barr returned to the meeting.

CHE/18/00764/FUL - PROPOSED REDEVELOPMENT OF A PREVIOUSLY DEVELOPED SITE FOR 2 NO. SELF BUILD DWELLINGS AND GARAGES (REVISED PLANS RECEIVED 02/05/2019) AT OLDFIELD FARM, WETLANDS LANE, BRIMINGTON, DERBYSHIRE S43 1QG FOR MR P AND R WALTERS

In accordance with Minute No. 299 (2001/2002) Richard Walters (applicant) and Nick Baseley (applicant's planning consultant) addressed the meeting.

That the officer recommendation be upheld and the application be granted subject to the following conditions and a CIL Liability notice issued as per section 5.9 of the officer's report:-

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

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

18.272.01 – Location Plan

18.272.02A – Existing Layout Plan

P12\_A – Existing Elevations Sheet 1

P13\_A – Existing Elevations Sheet 2

18.272.03A – Site Layout Plan

18.272.04A – Unit A Proposed Plans and Elevations

18.272.05A – Unit B Proposed Plans and Elevations

18.272.06A – Garages Timber

18.272.07A – Garages Stone

19.272.07 – Notional Streetscene

Design and Access Statement

Arboricultural Survey Report & Method Statement (John Booth)

Ecology Appraisal and Bat Survey (Baker Consultants)  
Geo-Environmental Assessment – Phase 1 (Idom Merebrook)  
Coal Mining Risk Assessment (Idom Merebrook)  
Speed Survey and Topographical Survey for Visibility

## Drainage

3. The site shall be developed with separate systems of drainage for foul and surface water on and off site.
4. No development shall take place until details of the proposed means of disposal of foul and surface water drainage (including details of any balancing works and off-site works) have been submitted to and approved by the local planning authority. Furthermore, unless otherwise approved in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works.

## Environmental

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



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

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

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

## Ecology

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

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

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

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

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

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

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

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

- a) Location and installation of services/utilities/drainage.
- b) Methods of demolition within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees.
- c) Details of construction within the RPA or that may impact on the retained trees.
- d) A full specification for the installation of boundary treatment works.
- e) A full specification for the construction of any roads, parking areas and driveways, including details of the no-dig specification and extent of the areas of the roads, parking areas and driveways to be constructed using a no-dig specification. Details shall include relevant sections through them.
- f) Detailed levels and cross-sections to show that the raised levels of surfacing, where the installation of no-dig surfacing within Root Protection Areas is proposed, demonstrating that they can be accommodated where they meet with any adjacent building damp proof courses.
- g) A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of

the protective fencing.

- h) a specification for scaffolding and ground protection within tree protection zones.
- i) Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area.
- j) Details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires.
- k) Boundary treatments within the RPA

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

#### Materials/PD/Landscaping

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

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

14. Within 2 months of commencement of development, unless otherwise agreed in writing by the Local Planning Authority, full details of hard and soft landscape works for the approved development shall be submitted to the Local Planning Authority for consideration. The hard landscaping scheme shall take account of any established root protection areas to retained trees on site and may require alternative measures of construction and finishes to be considered.

Hard landscaping includes proposed finished land levels or contours; means of enclosure; minor artefacts and structures (e.g. furniture, play

equipment, refuse or other storage units, signs, lighting etc.) retained historic landscape features and proposals for restoration, where relevant. These works shall be carried out as approved prior to the occupation of the dwelling.

## Highways

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

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

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

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

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

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

(B) That a CIL Liability notice be served for £12,099 as detailed in section 5.9 of the officer's report.

CHE/19/00096/REM1 - VARIATION OF CONDITION 2 OF CHE/17/00586/FUL (ERECTION OF A TWO STOREY DWELLING) TO ALLOW THE USE OF LARGER (40FT) SHIPPING CONTAINERS INSTEAD OF PREVIOUSLY APPROVED 30FT SHIPPING CONTAINERS - REVISED PLANS RECEIVED 16/5/2019 – LAND ADJACENT TO 12 CAVENDISH STREET NORTH, OLD WHITTINGTON, CHESTERFIELD S41 9DH

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

In accordance with Minute No. 299 (2001/2002) Ian McKendrick (applicant's architect) addressed the meeting.

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

1. The development hereby approved shall be constructed in complete accordance with the approved plans as listed below. All external dimensions and elevational treatments shall be as shown on the approved plans with the exception of any approved non material amendment:-

Drawing No P201 Rev A - Proposed Site Plan;  
Drawing No P202 Rev A - Proposed Floor Plans;  
Drawing No P203 Rev A - Proposed Elevations, and  
Drawing No P204 Rev A - Proposed Elevations.

2. Within 3 months of the date of this permission, details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off-site works, shall be submitted to and approved in writing by the Local Planning Authority. The approved

drainage scheme shall be implemented in its entirety, prior to the occupation of the dwelling.

3. There shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and the dwelling shall be occupied prior to completion of the approved foul drainage works.
4. Before construction works commence or ordering of external materials takes place, precise specifications or samples of the walling and roofing materials to be used shall be submitted to the Local Planning Authority for consideration. Only those materials approved in writing by the Local Planning Authority shall be used as part of the development.
5. Work shall only be carried out on site between 8:00am and 6:00pm in any one day on Monday to Friday, 9:00am to 5:00pm on a Saturday and no work on a Sunday or Public Holiday. The term "work" will also apply to the operation of plant, machinery and equipment.
6. Notwithstanding the provision of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) there shall be no extensions, outbuildings or garages constructed (other than garden sheds or greenhouses of a volume less than 10 cubic metre) or additional windows erected or installed at or in the dwelling hereby approved without the prior permission of the Local Planning Authority.
7. No development shall take place until full details of both hard and soft landscape works, bin storage and boundary treatments have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved.
8. Before any other operations are commenced a new vehicular and pedestrian access shall be formed to Cavendish Street North and provided with visibility sightlines extending from a point 2.4 metres from the carriageway edge, measured along the centreline of the access, for a distance of 43 metres in both directions measured along the nearside carriageway edge in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority. The area in advance of the visibility sightlines shall be retained throughout the life of the development free of any object greater than 1m in height (0.6m in the case of vegetation) relative to adjoining nearside carriageway channel level.

9. The access, the subject of Condition 8 above, shall not be brought into use until 2m x 2m x 45° pedestrian intervisibility splays have been provided to the north, and 2m to the limit of the site frontage to the south of the access at the back of the footway, the splay areas being maintained throughout the life of the development clear of any object greater than 0.6m in height relative to footway level.

10. The proposed dwelling shall not be occupied until space has been laid out within the site curtilage for cars to be parked in accordance with a scheme to be submitted to and approved in writing the Local Planning Authority within 3 months of the date of this permission. Thereafter the spaces shall be maintained free from any impediment to their designated use for the life of the development.

11. There shall be no gates or other barriers on the access/driveway

Councillor Barr returned to the meeting.

CHE/19/00083/FUL - CONVERSION OF EXISTING PUB INTO 6 NO. 1 BED FLATS, ONE NEW 2.5 STOREY BUILDING TO FRONT FOR 6 NO. 1 BED FLATS, TWO NEW SINGLE STOREY BLOCKS ARRANGED PARALLEL TO THE EAST AND WEST SITE BOUNDARIES FOR 2 NO. 1 BED FLATS AND ONE 1.5 STOREY BUILDING TO NORTH OF SITE FOR 2 NO. 1 BED FLATS (REVISED PLANS RECEIVED 15/05/2019, VIABILITY APPRAISAL REC'D 23/05/2019 AND ECOLOGICAL SURVEY RECEIVED 24/05/2019) AT ALL INN, LOWGATES, STAVELEY, CHESTERFIELD, DERBYSHIRE, S43 3TX FOR A-ROCK CONSTRUCTION

In accordance with Minute No. 299 (2001/2002) Jonathon Clarke (applicant's architect) addressed the meeting.

That the officer recommendation be upheld and the application be approved subject to the following conditions and a CIL Liability notice issued as per section 5.8:-

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

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

AE-101 – Existing Floor Plans  
AE-102 – Existing Elevations  
AP-000 – Site Location Plan  
AP-001 Rev A  
AP-002 – Proposed Site Elevations  
AP-003 – Proposed Site Elevations  
AP-004 – Proposed Floor Plans  
AP-005 Rev A  
AP-006 – Existing Site Levels  
AP-007 – Proposed Site Levels  
AP-008 – Site Containment  
AP-102 – Pub – Proposed Floor Plans  
AP-103 – Pub – Proposed Elevations  
AP-201 Rev A  
AP-202 Rev A  
AP-203 Rev A

Design and Access Statement

Viability Valuation – *private and confidential* (received 23/05/2019)

Ecological Appraisal (received 24/05/2019)

### Drainage

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

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

5. No building or other obstruction shall be located over or within 3 (three) metres of the line of the sewer, which crosses the site.

### Highways



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

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

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

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

#### Others

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

11. Before construction works commence or ordering of external materials takes place, precise specifications or samples of the walling and roofing materials to be used shall be submitted to the Local Planning Authority for

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

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

13. Within 2 months of commencement of development, unless otherwise agreed in writing by the Local Planning Authority, full details of hard and soft landscape works for the approved development shall be submitted to the Local Planning Authority for consideration. The hard landscaping scheme shall take account of any established root protection areas to retained trees on site and may require alternative measures of construction and finishes to be considered.

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

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

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

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

(B) That a CIL Liability notice be served for £8,272 as detailed in section 5.8 of the officer's report.

CHE/19/00043/OUT - OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT (ADDITIONAL INFORMATION RECEIVED 09/05/2019) AT MOORLEA, ASHGATE ROAD, ASHGATE, CHESTERFIELD, DERBYSHIRE FOR MRS LARDGE

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

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

Time Limit etc

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

Drainage

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

## Highways

6. Space shall be provided within the site curtilage for storage of plant and materials/site accommodation/loading and unloading of goods vehicles/parking and manoeuvring of site operatives and visitors vehicles throughout the demolition and construction period, laid out and constructed in accordance with detailed designs to be submitted in advance to the Local Planning Authority for written approval and maintained throughout the contract period in accordance with the approved designs free from any impediment to its designated use.
7. Prior to the construction compound (the subject of Condition 6 above) being brought into use, detailed designs shall be submitted to the Local Planning Authority for written approval indicating the proposed site access, shared driveway, manoeuvring and off-street parking layout.
8. Prior to the construction compound (the subject of Condition 6 above) being brought into use, the vehicular access to Ashgate Road shall be modified in accordance with the approved design, the subject of Condition 7, with the areas in advance of the exit visibility sightlines being maintained throughout the life of the development clear of any object greater than 1m in height (0.6m in the case of vegetation) relative to adjoining nearside carriageway channel level.
9. No development shall take place until construction details of the shared driveway (including layout, levels, gradients, surfacing and means of surface water drainage) have been submitted to and approved in writing by the Local Planning Authority.
10. The proposed shared driveway shall be constructed in accordance with Condition 9 above up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access from the driveway. The driveway shall be constructed up to and including base course surfacing to ensure that each dwelling prior to occupation has a properly consolidated and surfaced route between the dwelling and the existing highway. Until final surfacing is completed, the driveway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions. The driveway in front of each dwelling shall be completed with final surface course within three months from the occupation of such dwelling, unless otherwise agreed in writing by the Local Planning Authority.

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

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

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

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

### Archaeology

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

1. The programme and methodology of site investigation and recording
2. The programme for post investigation assessment
3. Provision to be made for analysis of the site investigation and

## recording

4. Provision to be made for publication and dissemination of the analysis and records of the site investigation

5. Provision to be made for archive deposition of the analysis and records of the site investigation

6. Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation

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

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

## Land Condition

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

## Ecology

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

local planning authority.

18. Prior to building works commencing above foundation level, a Biodiversity Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority to achieve a net gain in biodiversity in accordance with the NPPF 2019. Such approved measures shall be implemented in full and maintained thereafter. Measures shall include (but are not limited to):

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

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

## Trees

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

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

- a) Location and installation of services/utilities/drainage.
- b) Methods of demolition within the root protection area (RPA as defined

in BS 5837: 2012) of the retained trees.

- c) Details of construction within the RPA or that may impact on the retained trees.
- d) a full specification for the installation of boundary treatment works.
- e) a full specification for the construction of any roads, parking areas and driveways, including details of the no-dig specification and extent of the areas of the roads, parking areas and driveways to be constructed using a no-dig specification.

Details shall include relevant sections through them.

- f) Detailed levels and cross-sections to show that the raised levels of surfacing, where the installation of no-dig surfacing within Root Protection Areas is proposed, demonstrating that they can be accommodated where they meet with any adjacent building damp proof courses.
- g) A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing.
- h) A specification for scaffolding and ground protection within tree protection zones.
- i) Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area.
- j) Details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires
- k) Boundary treatments within the RPA
- l) Methodology and detailed assessment of root pruning
- m) Methods to improve the rooting environment for retained and proposed trees and landscaping

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

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

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



2) location, type and materials to be used for hard landscaping including specifications, where applicable for:

- a) permeable paving
- b) use within tree Root Protection Areas (RPAs);

3) a schedule detailing sizes and numbers/densities of all proposed trees/plants;

4) specifications for operations associated with plant establishment and maintenance that are compliant with best practise; and

5) types and dimensions of all boundary treatments

There shall be no excavation or raising or lowering of levels within the prescribed root protection area of retained trees unless agreed in writing by the Local Planning Authority. Unless required by a separate landscape management condition, all soft landscaping shall have a written five year maintenance programme following planting. Any new tree(s) that die(s), are/is removed or become(s) severely damaged or diseased shall be replaced and any new planting (other than trees) which dies, is removed, becomes severely damaged or diseased within five years of planting shall be replaced. Unless further specific permission has been given by the Local Planning Authority, replacement planting shall be in accordance with the approved details.

22. Prior to the commencement of the development hereby approved (including all preparatory work), details of all proposed Access Facilitation Pruning (see BS5837:2012 for definition) shall be submitted to and approved in writing by the Local Planning Authority.

The approved tree pruning works shall be carried out in accordance with BS3998:2010. The development thereafter shall be implemented in strict accordance with the approved details.

Others

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

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

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

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

Councillor Barr returned to the meeting.

CHE/19/00021/FUL - ERECTION OF A ONE BEDROOM DETACHED BUNGALOW TO PROVIDE SELF CONTAINED ACCOMMODATION ANCILLARY TO THE EXISTING DWELLING. REVISED DRAWINGS RECEIVED 16.05.2019 INCLUDING A REVISED PARKING PLAN AND REVISED LAYOUT AND FRONT ELEVATION AT 2 WESTFIELD CLOSE, CHESTERFIELD, DERBYSHIRE, S40 3RS FOR MS DAWN ANDERSON

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

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

- Proposed Layout and front elevation, drawing number DSC.691.02 Revision A (dated May 2019)
- Proposed Layout and elevations, drawing number DSC.691.03 (dated July 2018)
- Vehicle Parking layout, drawing number DSC.691.A3.04 Revision A (dated May 2019)
- Design and Access Statement (dated January 2019)

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

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

4. The proposed self-contained accommodation shall not be occupied until the 3 car parking spaces shown on 'Vehicle Parking layout, drawing number DSC.691.A3.04 Revision A (dated May 2019) are provided and thereafter shall be retained permanently for domestic car parking maintained free from any impediment to their designated use for the life of the development unless otherwise agreed in writing by the Local Planning Authority.

5. No development shall take place until site investigation works have been undertaken in order to establish the exact situation regarding coal mining legacy issues on the site. Details of the site investigation works shall be submitted to and approved in writing by The Local Planning Authority. The details shall include:-

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

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

CHE/19/00200/FUL - RESIDENTIAL DEVELOPMENT OF SIX DWELLINGS IN TWO TERRACES OF THREE UNITS, DESIGNATED OFF ROAD PARKING WITH NEW ACCESS FROM SYDNEY STREET AND SPRINGFIELD AVENUE, BIN-STORES AND GARDEN SHEDS AND LANDSCAPING AT ST MARK'S VICARAGE, 15 ST MARK'S ROAD, CHESTERFIELD S40 1DH

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

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

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

Drawing Number - 1482-01 Rev A - Location/Site Plan;  
 Drawing Number - 1482-02 Rev A - Proposed Site Plan;  
 Drawing Number - 1482-03 Rev A - Proposed Ground and First Floor Plans and Elevations,  
 Drawing Number - 1482-04 - Indicative External Shed.

3. No development shall occur above floor-slab/D.P.C level until details of the existing and proposed land levels and the proposed floor levels of the dwellings hereby approved have been submitted to, and approved in writing by the Local Planning Authority. The details submitted shall include sufficient cross sections to fully assess the relationship between the proposed levels and immediately adjacent land/dwellings. The dwellings shall be constructed at the levels approved.

4. No development above floor-slab/D.P.C level shall be carried out until the precise specifications or samples of the walling and roofing materials to be used shall be submitted to and approved in writing by the Local

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

5. Demolition, remediation or construction work to implement the permission hereby granted shall only be carried out on site between 8:00am and 6:00pm in any one day on Monday to Friday, 9:00am to 3:30pm on a Saturday and at no time on a Sunday or Public Holiday. The term "work" will also apply to the operation of plant, machinery and equipment.

6. Prior to the occupation of the dwellings hereby approved, the proposed vehicular accesses to Sydney Street and Springfield Avenue, shall be created in accordance with the application drawings, laid out, constructed and provided with 2.4m x 4.3m visibility splays in both directions, and with 2m x 2m pedestrian splays, the area in advance of the sightlines being maintained throughout the life of the development clear of any object greater than 1m in height (0.6m in the case of vegetation) relative to adjoining nearside carriageway channel level.

7. There shall be no gates or other barriers within 5m of the nearside highway boundary at the vehicular access and all gates shall open inwards only.

8. No dwelling shall be occupied until the area shown on the approved plans as reserved for parking, garaging, circulation and standing of vehicles shall be provided in accordance with the approved details. Thereafter the area shall be used for those purposes only and maintained free from any impediment to its designated use.

9. No development above floor-slab/D.P.C level shall take place until details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved in writing by the Local Planning Authority. These details shall conform to the Chesterfield Borough Council Minimum Development Control Standards for Flood Risk.

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

11. There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local

Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to

- i) evidence that other means of surface water drainage have been properly considered and why they have been discounted; and
- ii) the means by which the discharge rate shall be restricted to a maximum rate of 3.5 litres per second.

12. No development shall take place until site investigation works have been undertaken in order to establish the exact situation regarding coal mining legacy issues on the site. Details of the site investigation works shall be submitted to and approved in writing by The Local Planning Authority. The details shall include:

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

13. No development above floor-slab/D.P.C level shall take place until details for the treatment of all parts on the site not covered by buildings shall be submitted to and approved in writing by the Local Planning Authority. The site shall be landscaped strictly in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. Details shall include:

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

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

14. No development above floor-slab/D.P.C level shall take place until an ecological survey report for the site shall be submitted to and approved in writing by the Local Planning Authority. This shall be undertaken by a suitably experienced and qualified ecologist, to not only determine the existing ecological interest of the site but to also devise a strategy that enhances the ecological interest of the site, in line with guidance within Paragraph 175d of the NPPF. This could include native landscaping, retention of existing features of ecological value (such as the hedgerow) and incorporation of bat and bird boxes into the new dwellings.

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

(B) That a CIL Liability notice be served for £24,997 as detailed in section 5.8 of the officer's report.

CHE/18/00691/FUL AND CHE/18/00692/LBC - FULL PLANNING APPLICATION FOR RENOVATION AND CONVERSION OF PART OF A GRADE II LISTED STONE BARN TO CREATE TWO DWELLINGS; AND CONSTRUCTION OF A NEW SINGLE STOREY DWELLING IN GROUNDS WITH ASSOCIATED LANDSCAPING WORKS (ADDITIONAL INFORMATION RECEIVED 23/05/2019)

AND

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

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

That the officer recommendation be upheld and both the full planning application and application for listed building consent be approved subject

to the following conditions respectively and a CIL Liability notice issued as per section 5.9 of the officer's report:-

(A) CHE/18/00691/FUL

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

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

138 P-02 – Existing Barn Plans

138 P-03 – Existing Barn Elevations

138 P-04 – Proposed Barn Plans

138 P-05 – Proposed Barn Elevations

138 P-06 – New Build Unit 4

Heritage, Design and Access Statement – John Botham Architect

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

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

Drainage

3. The site shall be developed with separate systems of drainage for foul and surface water on and off site.
4. No development shall take place until details of the proposed means of disposal of foul and surface water drainage (including details of any balancing works and off-site works) have been submitted to and approved by the local planning authority. Furthermore, unless otherwise approved in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works.

Archaeology

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



other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives; and:

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

### Ecology

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

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

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

### Highways

8. Space shall be provided within the site throughout the entire construction period for storage of plant and materials, site accommodation, loading, unloading and manoeuvring of goods vehicles, parking and manoeuvring of employees and visitors vehicles, laid out and constructed in accordance with detailed designs first submitted to and approved in writing by the Local Planning Authority. Once implemented

the facilities shall be retained free from any impediment to their designated use throughout the construction period.

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

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

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

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

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

## Trees

14. Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a detailed tree survey, tree constraints plan, and a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection

plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority.

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

- a) Location and installation of services/utilities/drainage.
- b) Methods of demolition within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees.
- c) Details of construction within the RPA or that may impact on the retained trees.
- d) A full specification for the installation of boundary treatment works.
- e) A full specification for the construction of any roads, parking areas and driveways, including details of the no-dig specification and extent of the areas of the roads, parking areas and driveways to be constructed using a no-dig specification.  
Details shall include relevant sections through them.
- f) Detailed levels and cross-sections to show that the raised levels of surfacing, where the installation of no-dig surfacing within Root Protection Areas is proposed, demonstrating that they can be accommodated where they meet with any adjacent building damp proof courses.
- g) A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing.
- h) A specification for scaffolding and ground protection within tree protection zones.
- i) Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area.
- j) Details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires
- k) Boundary treatments within the RPA
- l) Methodology and detailed assessment of root pruning
- m) Methods to improve the rooting environment for retained and proposed trees and landscaping

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

15. Prior to completion or first occupation of the development hereby approved, whichever is the sooner; details of treatment of all parts on the

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

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

There shall be no excavation or raising or lowering of levels within the prescribed root protection area of retained trees unless agreed in writing by the Local Planning Authority. Unless required by a separate landscape management condition, all soft landscaping shall have a written five year maintenance programme following planting. Any new tree(s) that die(s), are/is removed or become(s) severely damaged or diseased shall be replaced and any new planting (other than trees) which dies, is removed, becomes severely damaged or diseased within five years of planting shall be replaced. Unless further specific permission has been given by the Local Planning Authority, replacement planting shall be in accordance with the approved details.

16. Prior to the commencement of the development hereby approved (including all preparatory work), details of all proposed Access Facilitation Pruning (see BS5837:2012 for definition) shall be submitted to and approved in writing by the Local Planning Authority.

The approved tree pruning works shall be carried out in accordance with BS3998:2010. The development thereafter shall be implemented in strict accordance with the approved details.

## Others

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

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

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

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

(B) That a CIL Liability notice be served for £38,375 as detailed in section 5.9 of the officer's report.

CHE/18/00692/LBC

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

02. All external dimensions and elevational treatments shall be as shown

on the approved plans (listed below) with the exception of any approved non material amendment. 138 P-01 – Site and Block Plan (inc. Location Plan) 138 P-02 – Existing Barn Plans 138 P-03 – Existing Barn Elevations 138 P-04 – Proposed Barn Plans 138 P-05 – Proposed Barn Elevations 138 P-06 – New Build Unit 4 Heritage, Design and Access Statement – John Botham Architect Structural Investigation – Gary Pagdin 10th November 2017 Bat Activity Survey Report by ML – Ecology 20th May 2019

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

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

## **14 BUILDING REGULATIONS (P880D)**

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

Approvals

19/02184/DEXFP	Loft conversion and removal of internal wall at 11 Westbourne Grove Ashgate Chesterfield S40 3QD
19/02618/DEXFP	Two storey rear extension and alterations at 6 Berwick Close Walton Chesterfield S40 3NY
19/01907/DEXFP	Single storey rear kitchen extension at 18 Storforth Lane Chesterfield S41 0PW
19/00935/OTHFP	Erection of a partition to create two separate units within the existing building at Unit 2 Pottery Lane East Chesterfield S41 9BH
19/02774/DEXFP	Single storey rear extension at 2 Stanford Way Walton Chesterfield S42 7NH
19/02788/DEXFP	Removal of internal walls and alterations at 9 Wimborne Crescent Newbold Chesterfield S41 8PT
19/02772/DEXFP	Internal alterations and removal of chimney breast at 1 Malvern Road Brockwell Chesterfield S40 4DX
19/00812/DEXFP	Provision of external staircase and alterations to ground floor and existing flats over at 395-397 Sheffield Road Whittington Moor Chesterfield S41 8LS
19/01674/DEXFP	Internal alterations, loft conversion and two storey extension to front elevation at 2 Clubmill Terrace Brockwell Chesterfield S40 4EB
19/02627/DEXFP	Single storey side shower room extension at 221 Lockoford Lane Tapton Chesterfield S41 0TG

- |                 |   |
|-----------------|---|
| 19//01547/OTHFP | Restaurant refurbishment and the creation of a food pre and servery area within the hospital's Staff Relax at Chesterfield and North Derbyshire Royal Hospital Chesterfield Road Calow Chesterfield S44 5BL |
| 19/01757/DOMFP  | Construction of 33 dwellings and associated infrastructure at Poplar Farm Rectory Road Duckmanton Chesterfield S44 5JS  |
| 18/05764/DOMFP  | Residential development of 10 bungalows including associated infrastructure at land to the west of Keswick Drive Newbold Chesterfield S41 8HQ   |
| 19/00949/DEXFP  | Double garage with workshop over at Hady Hill Farm track from Hady Hill Farm to Hady Crescent Hady Chesterfield S41 0DZ   |

**15     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/18/00462/FUL | Second storey side extension, extension of roof line and change of use to 3 flats on first and second floor above existing ground floor office (revised plans received 17.12.2018 and 01.03.2019) at 27 - 29 Clarence Road Chesterfield S40 1LN for Electrotest |
| CHE/18/00826/FUL | Erection of portal framed warehouse/showroom with associated parking and yard - revised site plan received 18.01.19, and revised drawings received 03.04.19 at GKN Sheepbridge Stokes Ltd Sheepbridge Lane Sheepbridge S41 9QD for Superior Spas Ltd            |



CHE/19/00047/FUL	Erection of two storey workshop and storage building to replace existing temporary containers at The Body Workshop Sheffield Road Sheepbridge S41 8NQ for Cosmetic Repair Solutions
CHE/19/00092/FUL	Single storey front/porch extension and proposed side window in gable (revised drawings received 18.04.2019) at 36 Shaftesbury Avenue Ashgate S40 1HN for Mr and Mrs Stothard
CHE/19/00114/FUL	First floor rear extension with single storey rear extension with new front porch to the front elevation (with revised drawings submitted 03/05/19) at 45 Storrs Road Chesterfield S40 3QA for Mr Steve Flint
CHE/19/00141/FUL	Single storey extension to front, rear and side with two storey extension to the rear corner of property - amended plans received on 20 May 2019) at 16 Ashgate Avenue Ashgate Chesterfield S40 1JB for Mr M and Mrs R Coles
CHE/19/00202/FUL	Single storey rear and front extension (amended drawing received 17.5.2019) at 26 Netherleigh Road Ashgate Chesterfield S40 3QJ for Mr Wilson
CHE/19/00240/CA	Reduce the crown of the T2 sycamore by 2-3 metres and pollard the five sycamores (T3-T7) to 6 metres high at Royal Court, Block A Basil Close Chesterfield S41 7SL for The RC Management Co. Ltd
CHE/19/00245/CA	Reduce cherry and rowan trees by one third and remove old silver birch, remove broken branch from T396 and remove overhanging branch from cherry tree at 2 Somersall Close at 1 Somersall Close Somersall Derbyshire S40 3SG for Mr Philip Kirkham

CHE/19/00246/TPO Fell T2 willow, no replacement tree required at 9 Woodland Walk Holme Hall Chesterfield S40 4YB for Mr Chris Edge

CHE/19/00277/TPO Dead wooding of trees within G1 and G2 Lime at Walton Hospital Whitecotes Lane Walton S40 3HW

(b) Refusals

CHE/19/00187/FUL Dropped kerb and vehicle hardstanding at 125 Ringwood Road Brimington S43 1DF for Mrs Gail Freeman

CHE/19/00188/TPO Beech (TG1) - Fell all in group (multi-stemmed and individual stemmed).

The tree works are proposed to stop the influence of the tree(s) on the soil below building foundation level and provide long term stability.

Estimated costs of repair to the building are £14,100.00 if the influence of the tree(s) remain and £50,000.00 if the proposed tree works are allowed to proceed. Granting permission will limit these costs. In the event of a refusal we, or our clients, will seek to secure compensation for the additional costs incurred through Section 202(e).

Should the tree(s) remain the total cost of repairs will be the Superstructural repairs + Alternative method of repairs = £64,100.00 It is the expert opinion of both the case engineer and arboriculturalist that on the balance of probabilities the supporting information demonstrates the influence of the tree(s) at 396 Old Road Chesterfield S40 3QF for Subsidence Management Services

(c) Discharge of Planning Conditions

- CHE/19/00179/DOC Discharge of condition 5 (coal mining risk assessment) of CHE/18/00798/FUL - extension to existing factory unit and erection of a tower for silo construction at Highlands Place, Units 1 - 4 Foxwood Road Sheepbridge S41 9RN for T G Beighton
- CHE/19/00205/DOC Discharge of condition 5 (bats) of CHE/18/00599 - New road bridge and access road at land at east of A61 known as Chesterfield Waterside Brimington Road Tapton for Laver Regeneration
- CHE/19/00215/DOC Discharge of conditions 3 (noise), 4 (schedule of windows and doors), 6 (space for loading/unloading on site) 7 (employment and training schedule) and 11(cycle and bin storage) for application CHE/18/00779/FUL - change of use and conversion of former County Court building to 12 dwellings including internal and minor external alterations at Chesterfield County Court St Marys Gate Chesterfield S41 7TD for County Developments Ltd

(d) CLOPUD Granted

- CHE/19/00134/CLOPUD Alterations to existing roof from hip to gable with loft conversion and single storey rear extension at 269 Walton Road Walton S40 3BT for Mr A King
- CHE/19/00185/CLOPUD Certificate of proposed development for new rear single storey flat roof extension to consist of a new living/dining/ garden room with an access via bi-folding patio doors at 3 Blueberry Close Inkersall S43 3GG for Mr Simon Ward

16 **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/19/00246/TPOEXP Consent is granted to the felling of one dangerous Willow tree reference T2 on the order map for Mr Edge of 9 Woodland Walk, Holme Hall.

The duty to plant a replacement tree has been dispensed with on this occasion due to other mature trees nearby and no loss of amenity in the area.

CHE/19/00188/TPO Consent is refused to the felling of 3 Beech trees within G2 on the Order map for Simon Greener on behalf of Innovation Group at 396 Old Road, Ashgate.

CHE/19/00277/TPOEXP Consent is granted to the dead wooding of 20 Lime trees within G1 on the Order map for TEP on behalf of Walton Hospital at land to the west of Harehill Road, Grangewood.

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

CHE/19/00240/CA  
The crown reduction of one Sycamore tree by 2-3m and the pollarding of 5 Sycamore trees to a height of 6m for Mr Martin Burton of RC Management Company Ltd, Royal Court, Basil Close

Agreement to the pruning of 6 Sycamore trees. The pruning will have no major adverse effect on the amenity value of the area.

The trees are within the Town Centre Conservation Area and the applicant wishes to prune the trees which are located adjacent to a high retaining wall bordering Chesterfield College to alleviate any further structural damage to the wall which is starting to lean towards the college.

CHE/19/00245/CA

The felling of one Silver Birch tree and the removal of one branch on one Cherry tree and the crown reduction of one Rowan and one Cherry for Mr Kirkham at 1 Somersall Close, Somersall

Agreement to the felling and pruning of trees. The felling/pruning will have no major adverse effect on the amenity value of the area.

The trees are within the Somersall Conservation Area and the applicant wishes to fell the Silver Birch tree due to its poor shape and form and prune the remaining trees for general maintenance.

CHE/19/00300/CA

The felling of one Silver Birch tree and the crown lifting of various trees along the north west boundary to access machinery for Mr Gratton at Avenue Surgery, 109 Saltergate, Chesterfield

Agreement to the felling and pruning of trees. The felling/pruning will have no major adverse effect on the amenity value of the area.

The trees are within the Town Centre Conservation Area and the applicant wishes to fell the Silver Birch tree for site investigations for a mine shaft and crown lift the trees to allow machinery on to the site.

## 17 **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.

## 18 **ENFORCEMENT REPORT (P410)**

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

**\*RESOLVED -**

That the report be noted.

# Agenda Item 4

COMMITTEE/SUB	Planning Committee
DATE OF MEETING	1 <sup>st</sup> July 2019
TITLE	DETERMINATION OF PLANNING APPLICATIONS
PUBLICITY	*For Publication
CONTENTS SUMMARY	See attached index
RECOMMENDATIONS	See attached reports
LIST OF BACKGROUND PAPERS	For each of the attached reports, the background papers consist of the file specified in the top right hand corner on the front page of the report. Those background papers on the file which do not disclose exempt or confidential information are open to public inspection at the office of the Development Management and Conservation Manager – Planning Services. Additional background papers (if any) will be separately listed in the report.

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**INDEX TO DEVELOPMENT MANAGEMENT AND CONSERVATION  
MANAGER'S REPORT ON THE 1<sup>st</sup> July 2019**

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Case Officer: Rob Forrester  
Tel. No: (01246) 345580  
Ctte Date: 1<sup>st</sup> July 2019

File No: CHE/19/00102/FUL  
Plot No: 2/734

## **ITEM 1**

### **Demolition of buildings used for commercial purposes and erection of 7 dwellings and conversion of out-buildings for use as home-working studios (in conjunction with the dwellings) and associated access/parking and landscaping at Handleywood Farm, Whittington Road, Barrow Hill. S43 2PW**

Local Plan: Greenbelt  
Ward: Barrow Hill & New Whittington

#### **1.0 CONSULTATIONS**

DCC Highways	Revised Comments received 20/05/2019 – see report
DCC Rights of Way	Comments received with above Public RoW should not be obstructed.
DCC Archaeology	Comments received 15/04/2019 - not consider that it will have any significant archaeological impact
Derbyshire Wildlife Trust	Comments received 18/04/2019 – No objections - , see report
Environment Agency	25/05/2019 – no objection
Coal Authority	05/04/2019 – holding objection – see report
CBC Design Services	23/02/2016 – comments received – see report
CBC Environmental Health	27/03/2019 – comments received - no objection – see report

Staveley Town Council	No comments received
Network Rail	Comments received on 12 April 2019. No objections in principle, recommends soundproofing
Yorkshire Water	Comments received 26/03/2019 – No objections
Ward Members	No comments received
Site Notice / Neighbours	No comments received

## 2.0 **THE SITE**

- 2.1 The site the subject of the application comprises of land within the curtilage of Handleywood Farm (which has recently been the subject of planning permission for a replacement farmhouse building that is under construction). The site is bound on the north by Staveley Footpath 2 which leads from the corner of Whittington Road on a west – east axis and to the south lies the railway freight line.



- 2.2 The overall farm complex, which in addition to the new and old farmhouse building, comprises of a cluster of barns, outbuildings and stables located predominantly in the western proportion of the site.

## Photos of Outbuildings



- 2.3 In the eastern proportion of the site there is an equestrian ménage and open fields. The site is served by an access track which follows the alignment of the public right of way linking through to Whittington Road.

## Photos of Access Track



- 2.4 The site has had an appreciable planning history, with an engine recovery business still operating from within the site.

### 3.0 **RELEVANT SITE HISTORY**

#### 3.1 Previous Site History - Outbuildings

CHE/16/00023/FUL - Demolition of buildings used for commercial purposes and erection of 5 dwellings, access and landscaping. Approved conditionally 10<sup>th</sup> August 2016

CHE/10/00162/EOT - Extension of time of CHE/07/00198/COU for change of use of buildings for B8 storage and B2 industrial use. Approved conditionally 1st September 2010.

CHE/09/00665/EOT - Extension to the time limit for carrying out the alterations to the vehicular access to the highway (CHE/06/00669/FUL). Approved conditionally 7th December 2009.

CHE/09/00179/DOC - Discharge of condition 5 of planning application CHE/07/00198/COU. Approved 18th May 2009.

CHE/07/00198/COU – Use of buildings for storage (B8) and industrial use (B2). Approved conditionally 30th May 2007 – conditions concerning landscaping, outside storage and parking.

CHE/06/00669/FUL – Alterations of vehicular access to highway. Approved conditionally 26th October 2006.

CHE/04/00827/COU – Retrospective application for retention of use of buildings for storage (B8) and Industrial Use (B1 and B2). Refused 17th December 2004.  
Appealed under PINS Ref. - APP/A1015/A/05/1172927 and dismissed.

#### 3.2 Previous Site History - Enforcement Action

Enforcement Notice (1) under Section 171A(1) of the T&CP Act 1990 (as amended by the Planning and Compensation Act 1991) in respect of land at Handley Wood Farm.

Breach of Planning Control: Without planning permission change of use of the land from agricultural use to use for vehicles and vehicle parts processing and storage.

Steps to be taken: (1) Cease the use of the land for the importation storage and processing of vehicles and vehicle parts other than as ancillary to the agricultural use of the land. (2) Remove

permanently from the land all part dismantled and stored vehicles and vehicle parts other than those ancillary to the agricultural use of the land.

Time for compliance: 9 months after the notice takes effect. The notice took effect on the 19th November 2004 unless an appeal was made against it beforehand.

Notice dated: 20th October 2004. Appeal received.

NB: Inspector's Decision Letter dated 25th May 2005: Notice upheld on the basis of risk to highway safety from substandard access however the inspector considered the use and the impact on the green belt was no more than compared with the lawful use of the site for agriculture.

Enforcement Notice (2) under Section 171A(1) of the T&CP Act 1990 (as amended by the Planning and Compensation Act 1991) in respect of land at Handley Wood Farm Whittington Road Barrow Hill Chesterfield.

Breach of Planning Control: Without planning permission the erection of a portal frame building shown edged blue on the plan. Steps to be taken: Dismantle and remove the portal frame building from the land.

Time for compliance: 6 months after the notice took effect. This notice took effect on the 19th November 2004 unless an appeal was made against it beforehand. Notice dated: 20th October 2004. Appeal received.

NB: Inspector's Decision Letter 25th May 2005: Notice quashed by the Inspector.

### 3.3 Previous Site History - Farmhouse

CHE/11/00611/FUL - Demolition of existing building and erection of replacement dwelling - supporting information received 19/12/2011 (Bat Survey & Materials Samples). Approved conditionally 22nd December 2011.

CHE/09/00646/NMA – To extend the width of the approved dwelling by 1 metre on each side (application CHE/08/00592/FUL). Granted 3rd November 2009.

CHE/08/00592/FUL – Demolition of existing dwelling and erection of replacement dwelling. Conditional permission granted 9th December 2008.

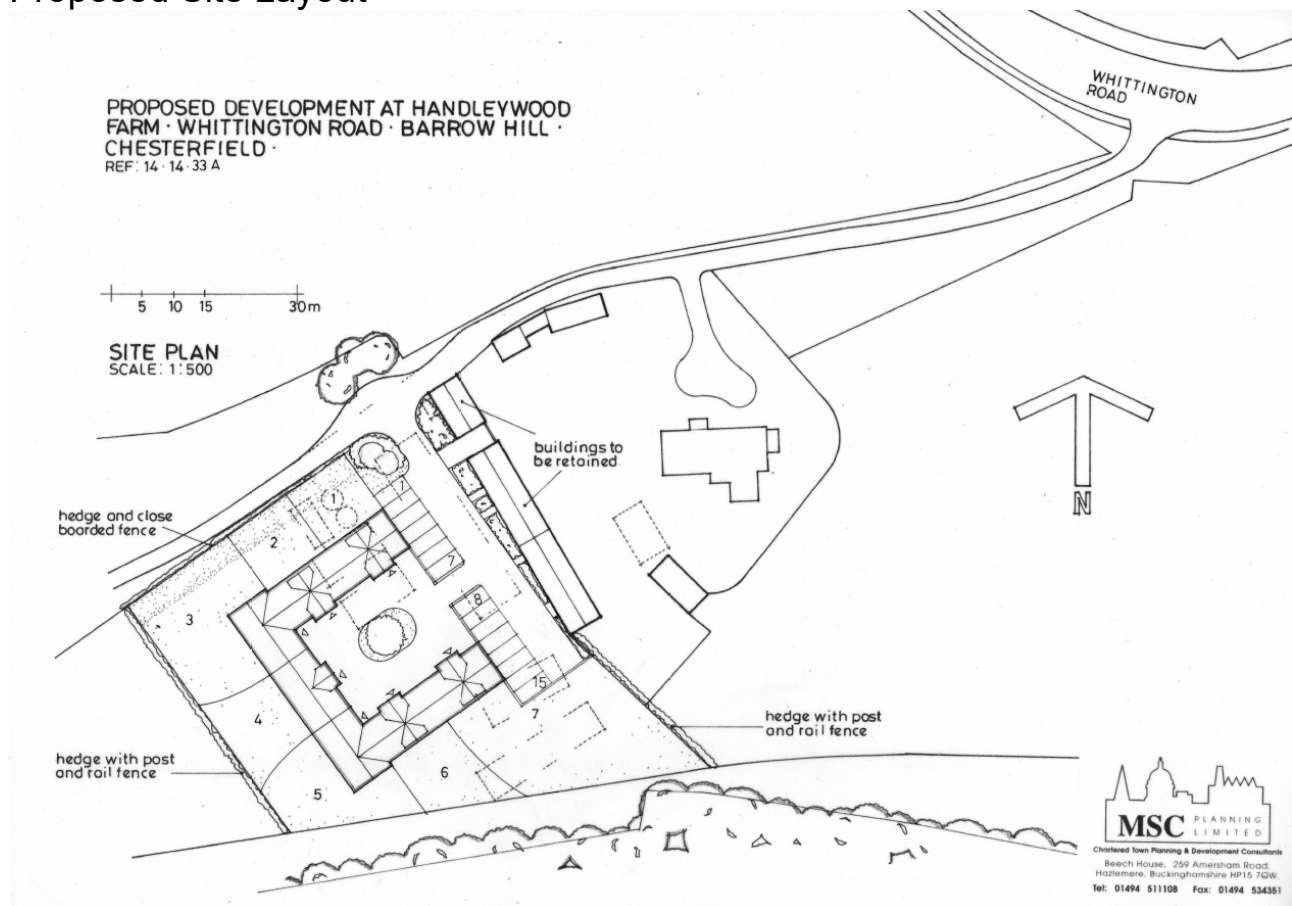


CHE/06/00901/FUL – Construction of a ménage. Approved conditionally 17th January 2007.

#### 4.0 **THE PROPOSAL**

- 4.1 The application, which is submitted in full, proposes the erection of 7 new dwellings (as a replacement of the 2016 permission for 5 units) on land at Handleywood Farm which lies in the western proportion of the site. Currently there are a number of barns, stables and outbuildings to the west of the original and new farmhouse buildings which are subject to be cleared / demolished and/or re-used as part of the development proposals.

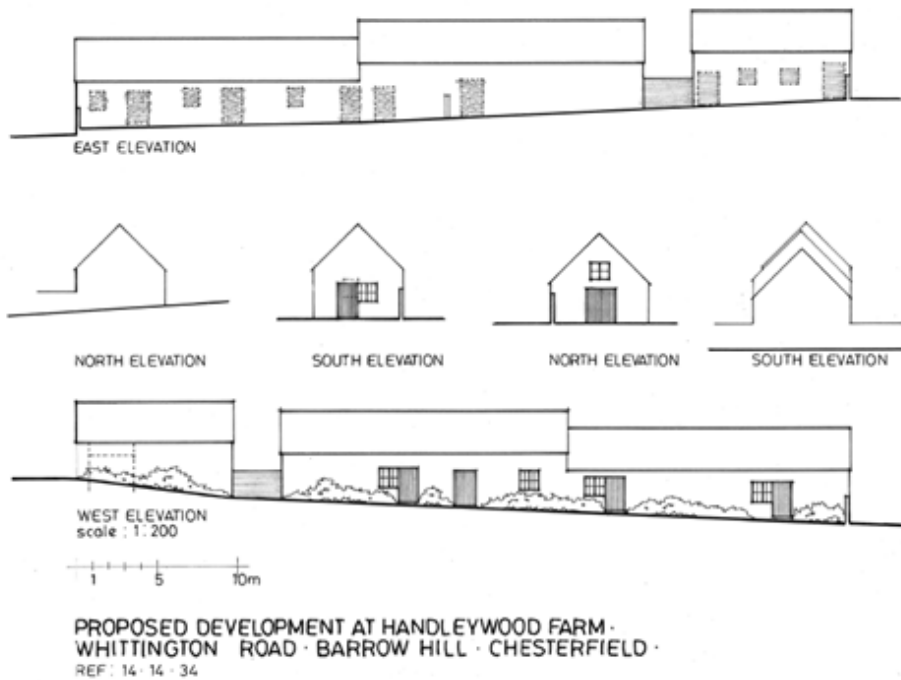
#### Proposed Site Layout



- 4.2 The proposed site layout details development in a new courtyard arrangement which comprises of three new blocks of development arranged north, west and south of the central courtyard which is enclosed on the eastern edge by the existing 3 no. barns shown on the proposals plan to be retained and converted to studio's and a bin / bike store.



## Alteration of Stables to Studios

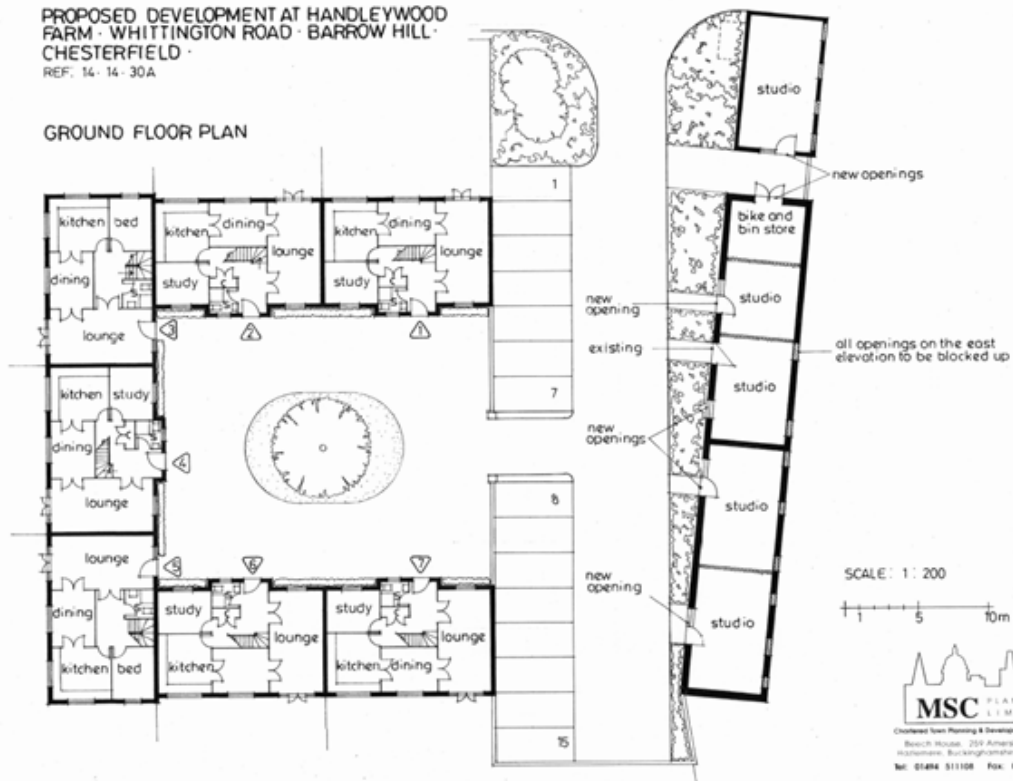


- 4.3 The 7 no. new dwellings will be accommodated exclusively in the new block of development which is one and half storey in scale and includes rooms in the roof space. A series of dormer windows positioned in the internal and external roof slopes to first floor accommodation are proposed. 6 no. three-bedroom properties and 1 no. four bedroom property are illustrated. A feature tree is shown to be located centrally in the courtyard area and 2 no. parking spaces will be provided per dwelling and 3 for the 4 bedroomed unit.

## Proposed Floor Plans and Elevations

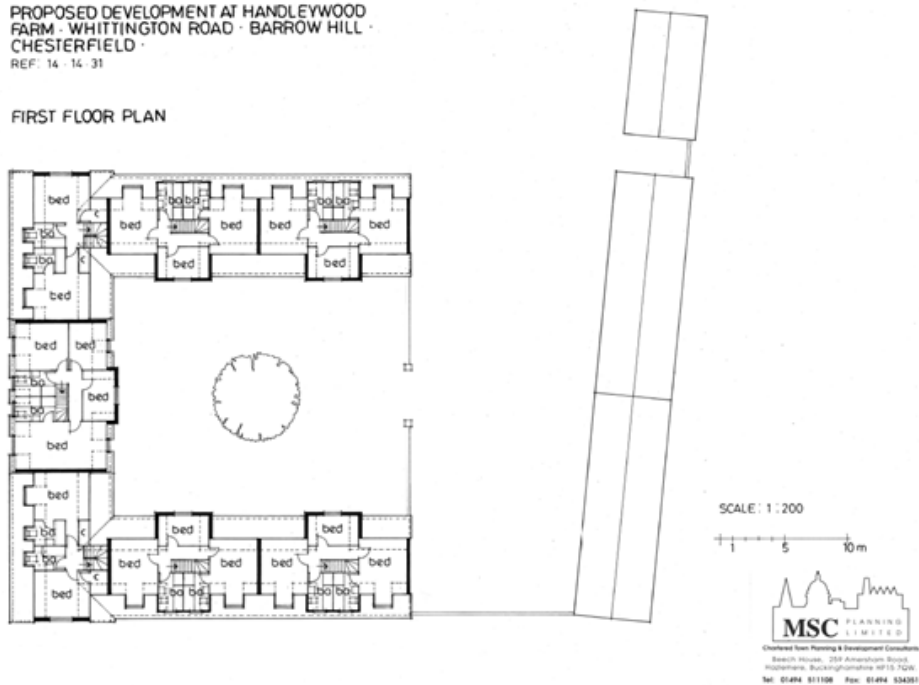
PROPOSED DEVELOPMENT AT HANDLEYWOOD  
FARM · WHITTINGTON ROAD · BARROW HILL ·  
CHESTERFIELD ·  
REF: 14 · 14 · 30A

GROUND FLOOR PLAN



PROPOSED DEVELOPMENT AT HANDLEYWOOD  
FARM · WHITTINGTON ROAD · BARROW HILL ·  
CHESTERFIELD ·  
REF: 14 · 14 · 31

FIRST FLOOR PLAN





#### 4.4 The application submission is supported by the following documents:

- Covering letter prepared by MS Crook January 2019
- Coal Report 25 July 2013
- Bat and Breeding Bird Survey Report June 2016
- Highways Information (email dated 30/06/2016)
- Valuation Report prepared by Wilkins Vardy Dec 2018
- C.I.L Forms

#### 4.5 Comments from the applicant state:-

- This remains an application to remove the commercial operations and buildings at Handleywood Farm and replacement with new dwellings
- It is a revision to the 5 dwelling scheme (CHE/16/00023/FUL) approved in August 2016
- The 5 dwelling scheme was not viable and a report from Wilkins Vardy on the approved scheme is include
- The report recommends that the scheme is not viable due to the size of the units, which should be reduced in floorspace – accordingly the scheme has been increased to 7 dwellings being smaller units, and is a slightly smaller footprint than already agreed.

- The substitution of one scheme for another raises no policy issues from the change in number of dwellings and enhances green belt policy.
- The 2 extra dwellings makes no material change to the approved scheme and the siting/design/materials and landscape remain the same.
- The parking has been change to reflect the changed number of units.

## 5.0 **CONSIDERATIONS**

### 5.1 **Development Plan Policy**

- 5.1.1 The site is situated within the open countryside between New Whittington and Barrow Hill, defined as Greenbelt in the Replacement Chesterfield Borough Council Local Plan 2006 and Local Plan: Core Strategy 2013. Having regard to the nature of the application policies CS1, CS2, CS3, CS4, CS6, CS7, CS8, CS9, CS11, CS13, CS18 and CS20 of the Core Strategy and the wider National Planning Policy Framework (NPPF) apply. In addition the Councils Supplementary Planning Document on Housing Layout and Design 'Successful Places' is also a material consideration.

### 5.2 **Principle of Development (Green Belt, Spatial Strategy and 5 year Housing Land Supply)**

#### **NPPF – Green Belt**

- 5.2.1 Regardless of the previous/existing use, the site is in the Green Belt and as such the proposal for new residential development would be considered on face value to be inappropriate development. The key policy consideration therefore would be whether the proposal meets any of the exceptions set out in paragraph 145 of the NPPF and the last three bullet points have particular relevance to this proposal:
- the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
  - the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;

- limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

It is considered that the proposal could fall within the scope of the final bullet point, as the site is previously developed land.

- 5.2.2 Currently the use taking place at the site, which is authorised, is not considered compatible with the Green Belt designation as there are cars and other associated paraphernalia stored in the open and around the site. The site resembles a scrap yard however it is an established use. The only issue is therefore whether the proposed development with 2 additional units and additional car-parking, would have any greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development / use operating.
- 5.2.3 Paragraph 133 of the NPPF emphasises the importance of the openness and permanence of the Green Belt. Although the proposed development is broadly within the footprint of an area of previously developed land, the existing buildings are agricultural in nature (despite the uses within them not being agricultural uses), and this provides a sense of openness in terms of giving the appearance of a farm within the open countryside. The redevelopment of the site for housing could have a more significant impact on the sense of openness of that area of the Green Belt. The design features – courtyard layout and single storey with dormers – does however offer a design that is in keeping with a traditional farm character, but the proposal is never the less significant, involving an increase from 5 to 7 dwellings with associated studio space in the existing stone outbuildings.
- 5.2.4 The five purposes of the Green Belt are set out in paragraph 134 of the NPPF:
- To check the unrestricted sprawl of large built-up areas
  - To prevent neighbouring towns merging into one another
  - To assist in safeguarding the countryside from encroachment
  - To preserve the setting and special character of historic towns

- To assist in urban regeneration, by encouraging the recycling of derelict and other urban land

5.2.5 It is considered that whilst the proposal does have a greater impact on the Green Belt (particularly the first three bullet points) than the existing uses and buildings, residential uses are different in nature, traffic generation and appearance to the existing uses. This must be balanced with the opportunity to secure enhancements, to boost the supply of new homes (as the council does now have a 5 year supply of land for housing) and also to remove an inappropriate and visually harmful use from the Green Belt especially when viewed from the Public right of way (PROW) which passes through the site. It is also significant that the same building mass has already been accepted and is therefore considered to be a fall back situation which should weigh in the application of the tilted balance in this case. The increase in dwelling numbers from 5 to 7 smaller units is not considered to have a significant impact on the openness of the green belt area.

### **Local Plan; Core Strategy**

5.2.6 Policy CS1 Spatial Strategy states that the existing Green Belt will be maintained and enhanced. Considerations regarding the Green Belt are dealt with above however in terms of new housing, CS1 seeks to focus new development within walking and cycling distance of centres and at regeneration priority areas. The site is not within a regeneration area.

5.2.7 The site is around a mile (20 minutes walking distance) of the local centre at New Whittington, along Whittington Road. There is a more direct route along the old Staveley Road highway (PROW) which runs past the site. In this respect the proposal does accord with CS1, and although Whittington Road is not lit, there is a pavement.

5.2.8 Policy CS2 Principles for Location of Development states that: In allocating new development, or assessing planning applications for developments that are not allocated in a DPD, sites will be assessed by the extent to which the proposals meet the following requirements:

- a) deliver the council's Spatial Strategy
- b) are on previously developed land that is not of high environmental value;

- c) are not on the best and most versatile agricultural land;
- d) deliver wider regeneration and sustainability benefits to the area;

All developments will be required to have an acceptable impact on the amenity of users or adjoining occupiers, taking into account things such as ...appearance...shading or other environmental, social or economic impacts.

- 5.2.9 It is considered that the proposal broadly meets with the requirements of policy CS2.
- 5.2.10 The 2016 planning permission for the erection of 5 dwellings, was acceptable within the greenbelt for the reasons given, and this permission establishes the principle of re-developing the green belt site for housing purposes, and the key issue is whether the change to the number of units and the modest increase in parking, would fundamentally change the impact on the open-ness of the green belt, such that the previously established “very special circumstances” no longer applies.
- 5.2.11 The 7 dwellings now proposed occupies an almost identical footprint as the previously approved building, and therefore there would be no additional impact on the open-ness of the green belt arising from the mass of the buildings or the change to the number of units on the site.
- 5.2.12 The sub-division of the site in to 7 units (rather than the approved 5 units) would have a marginal difference in relation to open-ness, arising from the additional fencing to sub-divide the gardens, and the extra parking for the additional 2 units. The parking is well screened between the proposed dwellings and the retained outbuildings and the impact on open-ness would be little different from the approved scheme, and therefore the very special circumstances for allowing inappropriate development in the green belt still applies to the new scheme now proposed.
- 5.2.13 Currently the Council is in a position where it can demonstrate a 5 year supply of housing although there remains the wider principles of the NPPF to significantly boost housing land supply, although the applicants viability report indicates that it is only economically viable to advance a scheme of smaller, but a greater number of units. In respect of this site the history associated with the site and the use taking place is set out in section 3.0 above and the Council

would welcome an opportunity to dissolve or relocate this use to an area which is more appropriate to its B2 classification. Some of the buildings on site are dilapidated and the open storage of vehicles and other paraphernalia detracts from the character and appearance of the area. It is considered that these development proposals provide an opportunity to secure redevelopment of the site in a sympathetic but viable scale which would ultimately provide enhancement to the area, whilst contributing to the much needed housing supply. On balance therefore whilst it is accepted that the development could have a minor adverse impact upon the Green Belt by virtue of its scale and character and parking, it is by no means considered so significantly harmful that this outweighs the benefits highlighted above. It is therefore considered that the principle of development can be accepted in this case.

### 5.3 **Design and Appearance Considerations**

- 5.3.1 The design, scale and appearance of the development proposals are considered to be appropriate. The one and half storey scale and courtyard arrangement is typical of rural setting residential led redevelopment proposals and this is considered to be acceptable alongside the re-use of the barns /outbuildings to the east of the new development footprint.
- 5.3.2 It will be important to ensure that appropriate materials and finishes are chosen, alongside soft and hard landscaping surrounding the development footprint to ensure that the scheme reflects local character and is quickly embedded into the open countryside/green belt. Appropriate conditions for approval of materials and hard / soft landscaping can be imposed.
- 5.3.3 Overall it is considered in the context of the provisions of policies CS2 and CS18 of the Core Strategy the proposals are appropriately sited, scaled and designed. Notwithstanding this however, it would be undesirable given the overriding Green Belt designation in the area that these properties benefit from permitted development right freedoms as this poses potential for extensions to result in sprawl and ad hoc additions which would erode the character established by the development design / footprint. Permitted development freedoms for extensions and additional window openings shall be removed by condition.

### 5.4 **Neighbouring Impact / Amenity**



- 5.4.1 The site the subject of the application sits in relative isolation, with the farmhouse of Handleywood Farm itself being the only boundary sharing neighbour to the proposed development.
- 5.4.2 Having regard to the siting and orientation relationship of the scheme to the farmhouse it is not considered that the development will impose any adverse amenity impacts upon the closest neighbouring property.
- 5.4.3 Having regard to the neighbouring relationship created as a result of the development proposals it is accepted that the courtyard arrangement of the 7 no. dwellings is based around a 20m x 20m space which means separation distances generally accord with the guidance in the Councils Successful Places SPD. The relationship created by the courtyard arrangement is not unusual for a rural development of this nature and the distance is acceptable.
- 5.4.4 In the context of the provisions of Policies CS2 and CS18 of the Core Strategy and the material planning considerations in relation to neighbour impact, it is concluded the proposals will not impact upon the privacy and/or outlook of the adjoining and/or adjacent neighbours and are acceptable in terms of these policies.

## 5.5 **Ecology / Biodiversity**

- 5.5.1 Having regard to the nature of the application site and the development proposals it is accepted that there would be loss of outbuildings / barns located in a rural setting. Due to their condition these buildings pose suitable habitat for nesting birds and bats and following initial consultation with **Derbyshire Wildlife Trust (DWT)** it was concluded that a bat and bird survey of the buildings was necessary.
- 5.5.2 Accordingly appropriate surveys were undertaken by Estrada Ecology and a Bat and Bird Survey Report was submitted dated June 2016 in relation to the earlier scheme. DWT has commented as follows:-
- “A Bat and Breeding Bird Survey Report was produced in 2016 to accompany a previous application at the site. No roosting bats were recorded in the stables during survey in 2016. It is also understood that no roosting bats were recorded during earlier

survey work in 2010. These surveys did not assess the commercial buildings at the site, however these are considered extremely unlikely to support roosting bats. We consider that sufficient information has been provided to determine the application. No further survey work is required before demolition of the commercial buildings. However, given the potential roosting features associated with the stables and that the survey work is now approaching three years old, we advise that a minimum of one nocturnal bat survey is undertaken before conversion of the stables as a precautionary measure. This must be carried out between May and August and could be secured through a condition, in this case.

A net biodiversity gain could be achieved through the incorporation of ecological enhancements, in accordance with the NPPF 2019. Should the council be minded to approve the application, we advise that the following conditions are attached to any permission:

#### Update Bat Survey

As a precautionary measure, at least one nocturnal bat survey shall be undertaken prior to conversion works commencing on the stables. The survey(s) shall be undertaken in the peak activity season (May-August) and results submitted to the LPA. If roosting bats are recorded, an adequate mitigation and licensing strategy shall be submitted to the LPA for approval, prior to any works.

#### Nesting Birds

No stripping or demolition of any buildings or tree/shrub removal shall take place between 1st March and 31st August inclusive, unless preceded by a nesting bird survey undertaken by a competent ecologist. If nesting birds are present, an appropriate exclusion zone will be implemented and monitored until the chicks have fledged. No works shall be undertaken within exclusion zones whilst nesting birds are present.

#### Lighting

Prior to building works commencing above foundation level, a detailed lighting strategy shall be submitted to and approved in writing by the LPA to safeguard bats and other nocturnal wildlife. This should provide details of the chosen luminaires and any mitigating features such as dimmers, PIR sensors and timers. The location of luminaires should consider integrated bat boxes. Guidelines can be found in Guidance Note 08/18 - Bats and Artificial Lighting in the UK (BCT and ILP, 2018). Such approved measures will be implemented in full.

#### Biodiversity Enhancement Plan

Prior to building works commencing above foundation level, a Biodiversity Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority to achieve a net gain in biodiversity in accordance with the NPPF 2019. Such approved measures should be implemented in full and maintained thereafter.

Measures shall include (but are not limited to):

- at least three integral bat boxes in new dwellings (positions/specification/numbers).
- compensatory swallow nesting opportunities (positions/specification/numbers) (must be internal)
- hedgehog connectivity measures, such as small fencing gaps (130 mm x 130 mm), railings or hedgerows.
- summary of ecologically beneficial landscaping (including replacement tree planting and proposed hedgerows)".

- 5.5.3 On the basis of the comments received above (which were provided as part of the DWTs service level agreement with the LPA) it is considered that the loss of the barns /out buildings is acceptable. An appropriate planning condition can be imposed on any subsequent decision notice to ensure demolition of the barns/out buildings takes place outside of bird breeding / nesting season, unless it is first confirmed by an appropriately certified ecologist that any abandoned nests are not being used. Overall it is considered that a biodiversity gain (policy CS9 of the Core Strategy) can be secured by an appropriately detailed soft landscaping scheme being provided within and surrounding the development site to ensure that any temporary disturbance to biodiversity/habitat is subsequently compensated / enhanced.

## 5.6 **Highways Issues**

- 5.6.1 The application submission proposes the development to be served from the existing access taken from the corner of Whittington Road which serves both the farmhouse and the current business use located on site. As part of previous planning permissions (see site history above) improvements were undertaken within highway limits to create a right turn harbourage from Whittington Road into the existing site access.
- 5.6.2 The **Local Highways Authority (LHA)** has reviewed the application proposals and provided initial and revised comments which respond to the applicant's provision of further Highway

Information. The following comments, in respect of highway safety, have been raised:

*'The Highway Authority is in receipt of a revised plan in respect of the above proposal following its initial comments on the application in its letter dated 24 April 2019.*

*The Highway Authority raised issue regarding the dwellings to be provided based on the discrepancy between the application form and the layout plan, the potential intensification in use of a substandard access given two additional dwellings to the previously approved scheme and the number of car parking spaces to be provided.*

*The revised layout indicates one additional parking space despite the Highway Authority's comments that an appropriate amount of off-street parking should be provided, ideally based on two spaces per two/three bedroom dwelling or three spaces per four/four plus bedroom dwelling.*

*I trust you will ensure that off-street parking is provided in accordance with your Local Plan.*

*No other information/confirmation is provided with respect to the discrepancy between the application form and the original layout plan or the potential intensification in use of a substandard access given two additional dwellings over the previously approved scheme and the Highway Authority considers that it is not, therefore, in a position to provide formal comments on this application at this time.*

*The Highway Authority would also point out that there is a Public Right of Way – Footpath 2 on the Definitive Map for the area - that passes the site and would not wish to see this route obstructed by vehicles or the safety of users of the route prejudiced either before, during or after any development that might take place.*

5.6.3 The revised plans received, provide for the appropriate level of parking, which complies with the adopted standards, and it is considered that any opposition to the scheme based on parking limitations would be unfounded.

5.6.4 It is not considered that the change from 5 dwellings to 7 more modest sized units would create a significant intensification of traffic, and paragraph 109 of the N.P.P.F indicates that permission should only be refused on highway safety grounds where the resulting cumulative impacts are severe.

5.6.5 LHA provided a list of suggested conditions in relation to the previous application, which secures a construction site management strategy (inc. wheel wash), further details of the driveway / public right of way resurfacing and works to create passing places, pedestrian intervisibility to the access, parking to be provided and maintained prior to occupation, and details of bin store / bin collection arrangements and dwell area to be provided. It is considered that all of these details can be secured by appropriate planning conditions in the interests of highway safety and conclusively the development is overall acceptable having regard to highways impacts / parking (policy CS18 and CS20 of the Core Strategy).

## 5.7 **Drainage / Flood Risk**

5.7.1 In respect of matters of drainage and potential flood risk (having regard to policy CS7), it is noted that the application site lies within flood risk zone 1 and therefore is unlikely to be at risk from flooding. In respect of drainage, the application details that the development is to be connected to a package treatment plant for foul drainage and a sustainable drainage system to handle surface water.

5.7.2 Both the Councils **Design Services (DS)** team and **Yorkshire Water Services (YWS)** have been consulted on the application proposals, and YWS have not objected as the proposals do not include connection to any mains sewers. The DS team have requested that drainage details of how the applicant intends to dispose of surface water. They have indicated that a sustainable drainage system will be used, more precise details of which will be necessary.

5.7.3 An appropriate planning condition can be imposed on any decision issued to ensure more detailed drainage details are submitted for further consideration and approval. The use of a package treatment system for foul water disposal will need separate building regulations approval and is only acceptable if mains drainage is not available, however given the isolated location of the site, there are no mains drainage available within the normal expected travel distance and a treatment plant is therefore justified.

- 5.7.4 Given the scale of the development proposals (minor application) the **Lead Local Flood Authority** have not commented on the application and the Environment Agency raises no objections.
- 5.8 **Land Condition / Contamination / Noise**
- 5.8.1 The site the subject of the application is currently a combination of previously developed land /open land and former agricultural buildings and therefore land condition and contamination need to be considered having regard to policy CS8 of the Core Strategy.
- 5.8.2 The Council's **Environmental Health Officer (EHO)** has reviewed the proposals and commented that due to the previous land use (and issues considered for the replacement dwelling on the site adjacent) a phase I desk top study should be requested. The EHO is aware that gas protection measures were required to be installed at the adjacent dwelling due to the presence of coal mining in the area and therefore this will need to be considered following appropriate ground investigations. The EHO does not request any further conditions however given that the occupation of the existing farmhouse is not guaranteed to remain the as the applicant, working hours should be controlled condition to protect their amenity.
- 5.8.3 Notwithstanding the comments above it is noted that the **Coal Authority** initially objected to the application submission, due to the absence of an accompanying Coal Mining Risk Assessment (CMRA) as they did in relation to the previous application.
- 5.8.4 In relation to the previous application, the applicant /agent provided a copy of the coal mining report ascertained for the replacement farmhouse building in 2011 and they suggested that given the content of this report, that getting a coal mining risk assessment prepared would be abortive as they would still have to undertake intrusive site investigations to identify an unrecorded mining legacy.
- 5.8.5 Whilst the LPA would usually insist upon a CMRA being submitted, given the site history and the existing knowledge of development conditions for the new farmhouse adjacent it was previously considered that the applicants / agents requested is reasonable

and intrusive site investigations should be conditioned accordingly. The same considerations apply equally to the current proposals.

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

5.9.1 Having regard to the nature of the application proposals the development comprises the creation of 7 no. new dwellings and the development is therefore CIL Liable.

5.9.2 It is noted that the application proposals include the demolition of some existing buildings and also conversion of existing barns that are illustrated on the proposed plans to be re-used as studios for each dwelling and the bin / bike store. The footprint of the existing buildings can be deducted from the CIL liability calculation and also conversion of the barns to be retained is not CIL liable. The applicant / agent have not provided details of the footprint of the buildings to be demolished to date and therefore they have not been taken into account in the calculation below. The barns are excluded as their re-use results in a neutral CIL liability. If floor space details are provided the CIL liability can be adjusted in due course.

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

		<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>
<b>Proposed Floorspace (GIA in Sq.m)</b>	<b>Less Existing (Demolition or change of use) (GIA in Sq.m)</b>	<b>Net Area (GIA in Sq.m)</b>	<b>CIL Rate</b>	<b>Index (permission)</b>	<b>Index (charging schedule)</b>	<b>CIL Charge</b>
<b>1173</b>	0	1173	£50 (Medium Zone)	307	288	<b>£62,519</b>

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

## 6.0 **REPRESENTATIONS**

6.1 The application has been publicised by site notice posted on 29/03/2019 and by advertisement placed in the local press on 04.04.2019. As a result of the application publicity there have been no letters of representation received.

## 7.0 **HUMAN RIGHTS ACT 1998**

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

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

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

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

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

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

8.2 Given that the proposed development conflicts with the NPPF or with 'up-to-date' Development Plan policies, the merits of the case outweighed the policy objections and on balance, it is considered to be 'sustainable development' and there is a presumption on the LPA to seek to approve the application. The LPA has used conditions to deal with outstanding issues with the development and has been sufficiently proactive and positive in proportion to the nature and scale of the development applied for. The applicant /



agent and any objector will be provided with copy of this report informing them of the application considerations and recommendation.

## 9.0 **CONCLUSION**

- 9.1 In principle a new residential development constitutes inappropriate development that does not generally accord with Green Belt policy. However in relation to the previously approved scheme, it was concluded that the very special circumstances in the case suggest that the proposal could fall under the exceptions set out in paragraph 89 of the NPPF (last bullet). Although the proposal does have a greater impact on the purposes of the Green Belt (particularly the first three bullet points) than the existing uses and buildings, this must be balanced with the significant potential tidying of the site and removal of the engine salvage business from the site and the opportunity to secure enhancements and to provide new homes, to boost the 5 year supply of land for housing.
- 9.2 The current proposal for a similar development (2 extra dwellings) but with no greater floor area and correspondingly, no greater impact on open-ness, is such that the previously agreed principles still apply. Given the position above the Council has considered the proposals the subject of the application against all remaining up to date development plan policies, including policies CS1 (Spatial Strategy), CS2 (Location of Development), CS3 (Presumption in favour of Sustainable Development), CS4 (Infrastructure Delivery), CS6 (Sustainable Design), CS7 (Management of the Water Cycle), CS8 (Environmental Quality), CS9 (Green Infrastructure and Biodiversity), CS10 (Flexibility in delivery of Housing), CS11 (Range of Housing), CS13 (Economic Growth), CS18 (Design), CS19 (Historic Environment) and CS20 (Demand for Travel) of the Core Strategy. In addition consideration has been given to the wider National Planning Policy Framework (NPPF) and the Councils Supplementary Planning Document on Housing Layout and Design 'Successful Places'.
- 9.3 It is considered that the proposed development is able to demonstrate its compliance with policies CS1, CS2, CS3 and CS4 of the Core Strategy in so far as its ability to connect to social, economic and environmental infrastructure such that the development meets the definitions of sustainable development. The application submission is supported by the preparation of

assessment and reports which illustrates the proposed developments ability to comply with the provisions of policies CS6, CS7, CS8, CS9, CS11, CS13, CS18, CS19 and CS20 of the Core Strategy and where necessary it is considered that any outstanding issues can be mitigated and addressed in any subsequent reserved matters submission or any appropriate planning conditions being imposed.

10.0 **RECOMMENDATION**

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

**Conditions**

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
02. All external dimensions and elevational treatments shall be as shown on the approved plans (listed below) with the exception of any approved non material amendment.
  - Drawing Number 14:14:33 Rev A - received on 01 May 2019  
- Proposed Site Plan;
  - Drawing Number 14:14:30 Rev A - received on 01 May 2019  
- Proposed Ground Floor Plan;
  - Drawing Number 14:14:31 - received on 21 Feb 2019  
Proposed First Floor Plan;
  - Drawing Number 14:14:32 - received on 21 Feb 2019  
Proposed Elevations;
  - Drawing Number Un-numbered - 1/1250 Scale - Location Plan - received on 21 Feb 2019 - Proposed First Floor Plan;
  - Drawing Number 14:14:3 - received on 18 March 2019  
Proposed Plans/Elevations of Stable Conversion.
03. No development shall occur above floor-slab/D.P.C level until details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved in writing by the Local Planning Authority. The site shall be developed with separate systems of drainage for foul and surface water on and off site.

04. There shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.
05. 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.
06. No development shall occur above floor-slab/D.P.C level until a detailed scheme of improvement works to the Public Right of Way, together with a programme for the implementation and completion of the works, shall be submitted to and approved in writing by the Local Planning Authority. No part of the development shall be brought into use until the improvement works have been constructed in accordance with the approved details. For the avoidance of doubt the developer may be required to enter into a 1980 Highways Act S278 Agreement with the Highway Authority in order to comply with the requirements of this Condition.
07. No part of the development shall be occupied until the arrangements for storage of bins and collection of waste have been provided, in accordance with a scheme to be agreed in writing by the Local Planning Authority, and the facilities shall thereafter be so retained for the designated purposes at all times.
08. No development shall take place, including any works of demolition, until a construction management plan or construction method statement has been submitted to and been approved in writing by the Local Planning Authority in consultation with the Highway Authority. The approved plan/statement shall be adhered to throughout the construction period.

The statement shall provide for:

- parking of vehicles of site operatives and visitors

- routes for construction traffic
- hours of operation
- wheel wash facilities
- method of prevention of debris being carried onto highway
- pedestrian and cyclist protection
- proposed temporary traffic restrictions
- arrangements for turning vehicles

All as appropriate and it should be noted that this list is not necessarily exhaustive.

09. The dwellings hereby approved shall not be occupied until space has been provided within the application site in accordance with the application drawings for the parking and manoeuvring of vehicles, laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.
10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any Order revoking and/or re-enacting that Order), the car parking spaces hereby permitted shall be retained as such and shall not be used for any purpose other than the parking of private motor vehicles associated with the residential occupation of the property without the grant of further specific planning permission from the Local Planning Authority.
11. No development shall occur above floor-slab/D.P.C level or before the ordering of external materials takes place, precise specifications or samples of the walling and roofing materials to be used shall be submitted to the Local Planning Authority for consideration. Only those materials approved in writing by the Local Planning Authority shall be used as part of the development.
12. Work shall only be carried out on site between 8:00am and 6:00pm in any one day on Monday to Friday; 9:00am to 5:00pm on a Saturday and no work on a Sunday or Public Holiday. The term "work" will also apply to the operation of plant, machinery and equipment.
13. In the event it is proposed to import soil onto site in connection with the development the proposed soil shall be sampled at source and analysed in a MCERT certified laboratory, the results of which shall be submitted to the Local Planning Authority for consideration.

Only the soil approved in writing by the Local Planning Authority shall be used on site.

14. Notwithstanding the provision of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) there shall be no extensions, outbuildings or garages constructed (other than garden sheds or greenhouses of a volume less than 10 cubic metre) or additional windows erected or installed at or in the dwelling hereby approved, nor shall the external studios or the studies within the dwellings be used as bedrooms, without the prior written agreement of the Local Planning Authority.
15. No removal of buildings, trees or shrubs shall take place between 1st March and 31<sup>st</sup> August inclusive, unless a competent ecologist has undertaken a careful, detailed check of buildings and vegetation for active birds' nests immediately before the building is demolished / vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Local Planning Authority.
16. Within 2 months of commencement of development, unless otherwise agreed in writing by the Local Planning Authority, full details of hard and soft landscape works for the approved development shall be submitted to the Local Planning Authority for consideration. The hard landscaping scheme shall take account of any root protection areas to retained trees / hedgerows on site and alternative measures of construction and finishes close to trees. Hard landscaping includes proposed finished land levels or contours; means of enclosure; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.) retained historic landscape features and proposals for restoration, where relevant. These works shall be carried out as approved prior to the occupation of the dwelling.
17. A. Development shall not commence until details as specified in this condition have been submitted to the Local Planning Authority for consideration and those details, or any amendments to those details as may be required, have received the written approval of the Local Planning Authority.

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

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

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

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

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

18. No development shall occur above floor-slab/D.P.C level in relation to the development hereby approved, until the existing industrial and storage use, in its entirety on both the red and blue land, has permanently ceased and the existing buildings removed.
- 19 A residential charging point shall be provided for each proposed dwelling with an IP65 rated domestic 13amp socket, directly wired to the consumer unit with 32 amp cable to an appropriate RCD. Each socket shall be located where it can later be changed to a 32amp EVCP. Alternative provision to this specification must be approved in writing, by the local planning authority. The electric vehicle charging points shall be provided in accordance with the stated criteria prior to occupation and shall be maintained for the life of the approved development.

## **Reason(s) for Condition(s)**

01. The condition is imposed in accordance with section 51 of the Planning and Compulsory Purchase Act 2004.
02. In order to clarify the extent of the planning permission in the light of guidance set out in "Greater Flexibility for planning permissions" by CLG November 2009.
03. To ensure that the development can be properly drained and In the interest of satisfactory and sustainable drainage.
04. To ensure that no foul or surface water discharges take place until proper provision has been made for their disposal.
05. To fully establish the presence and / or otherwise of any coal mining legacy affecting the application site.
06. In the interests of highway safety.
07. In the interests of highway safety.
08. In the interests of highway safety.
09. In the interests of highway safety.
10. In the interests of highway safety.
11. The condition is imposed in order to ensure that the proposed materials of construction are appropriate for use on the particular development and in the particular locality.
12. In the interests of residential amenities.
13. To protect the environment and ensure that the redeveloped site is reclaimed to an appropriate standard.
14. In the interests of the amenities of occupants of adjoining wellings.

15. In the interests of biodiversity and to accord with policy CS9 of the Local Plan: Core Strategy 2011-2031 and the National Planning Policy Framework.
16. The condition is imposed in order to enhance the appearance of the development and in the interests of the area as a whole.
17. To protect the environment and ensure that the redeveloped site is reclaimed to an appropriate standard in the interest of public safety.
18. To deliver the improvements to the appearance of the area and to safeguard the amenity of the occupants of the proposed dwellings.
19. In the interests of reducing emissions in line with policies CS20 and CS8 of the Core Strategy.

### **Notes**

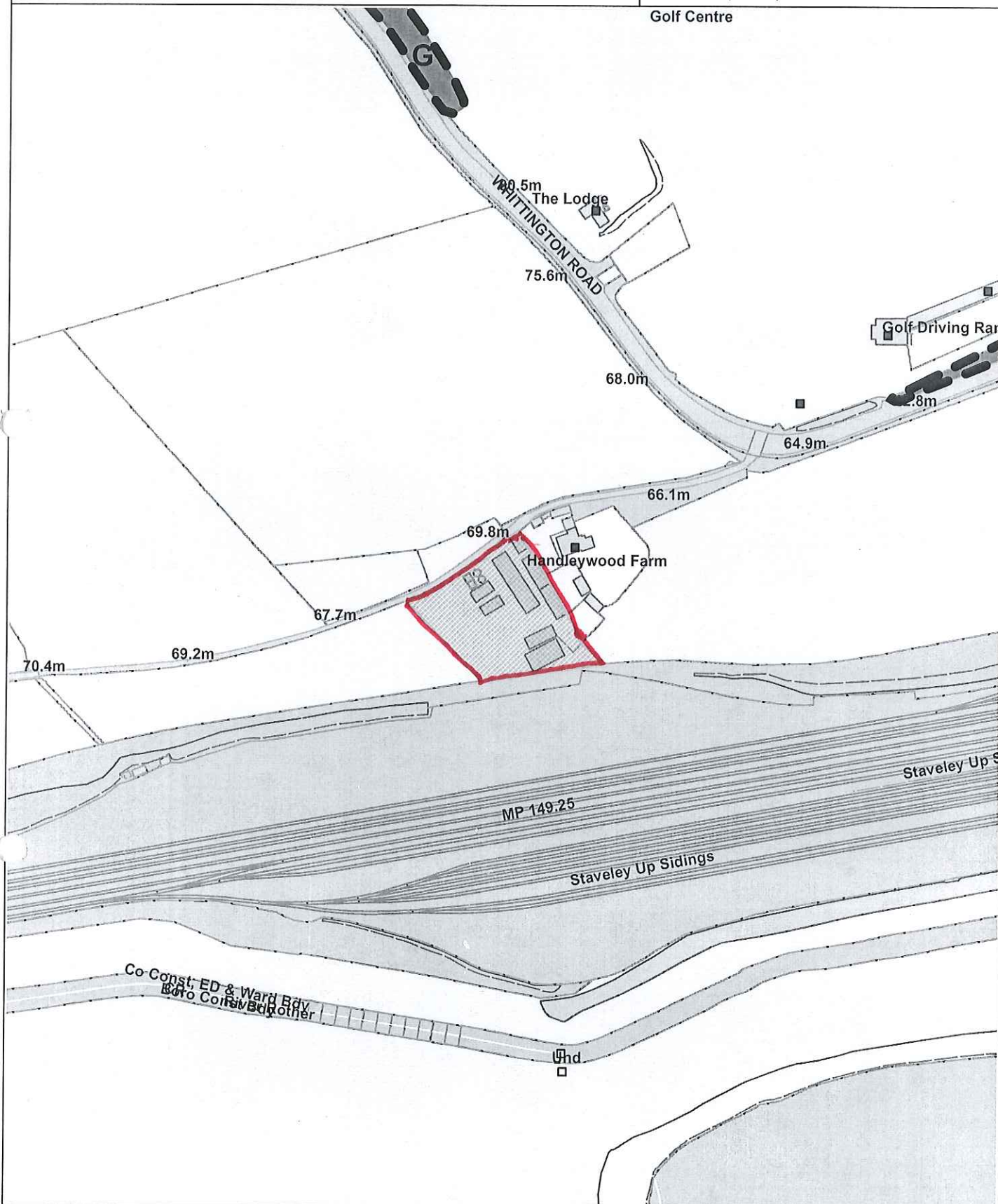
01. If work is carried out other than in complete accordance with the approved plans, the whole development may be rendered unauthorised, as it will not have the benefit of the original planning permission. Any proposed amendments to that which is approved will require the submission of a further application.
02. This approval contains condition/s which make requirements prior to development commencing. Failure to comply with such conditions will render the development unauthorised in its entirety, liable to enforcement action and will require the submission of a further application for planning permission in full.
03. Pursuant to Sections 149 and 151 of the Highways Act 1980, the applicant must take all necessary steps to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (eg; street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.



04. The Highway Authority recommends that the first 5m of the proposed access driveway should not be surfaced with a loose material (i.e. unbound chippings or gravel etc). In the event that loose material is transferred to the highway and is regarded as a hazard or nuisance to highway users, the Authority reserves the right to take any necessary action against the householder.
05. Pursuant to Section 163 of the Highways Act 1980, where the site curtilage slopes down towards the public highway measures shall be taken to ensure that surface water run-off from within the site is not permitted to discharge across the footway margin. This usually takes the form of a dish channel or gully laid across the access immediately behind the back edge of the highway, discharging to a drain or soakaway within the site.
06. Pursuant to Section 278 of the Highways Act 1980, no works may commence within the limits of the public right of way without the formal written Agreement of the County Council as Highway Authority. Advice regarding the technical, legal, administrative and financial processes involved in Section 278 Agreements may be obtained from the Strategic Director of Economy Transport and Community at County Hall, Matlock (tel: 01629 538658). The applicant is advised to allow approximately 12 weeks in any programme of works to obtain a Section 278 Agreement.
07. Attention is drawn to the attached notes on the Council's 'Minimum Standards for Drainage'.
08. There is a Public Right of Way (Footpath 2 on the Derbyshire Definitive Map) in close proximity to the area the subject of the application. The route must remain unobstructed on its legal alignment at all times and the safety of the public using it must not be prejudiced either during or after development works take place. Further advice can be obtained by calling 01629 533262.
  - Please note that the granting of planning permission is not consent to divert or a public right of way.
  - If it is necessary to temporarily obstruct a right of way to undertake development works then a temporary closure is

obtainable from the County Council. Please contact 08456 058 058 for further information and an application form.

- If a right of way is required to be permanently diverted then the Council that determines the planning application (The Planning Authority) has the necessary powers to make a diversion order.



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Case Officer: Sarah Kay  
Tel. No: (01246) 345786  
Ctte Date: 1<sup>st</sup> July 2019

File No: CHE/19/00237/REM1  
Plot No: 2/1032

## **ITEM 2**

### **PROPOSED – VARIATION OF CONDITION 2 (SUBSTITUTION OF APPROVED DRAWINGS) AND 3 (SALTERGATE ACCESS) OF CHE/17/00263/FUL - ERECTION OF 34 DWELLINGS INCLUDING PRIVATE AMENITY SPACE, CAR PARKING PROVISION, NEW ACCESS ROAD, LANDSCAPING, DRAINAGE SWALE AND ON-SITE OPEN SPACE AT THE FORMER SALTERGATE HEALTH CENTRE, SALTERGATE, CHESTERFIELD, DERBYSHIRE FOR WOODALL HOMES LTD**

Local Plan: Town Centre  
Ward: Brockwell

#### **1.0 CONSULTATIONS**

<b>Local Highways Authority (DCC)</b>	Comments received 02/05/2019 – see report / no objections
<b>CBC Tree Officer</b>	Comments received 21/05/2019 – see report
<b>Ward Members</b>	No comments received
<b>Site Notice / Neighbours</b>	Two representations received

#### **2.0 THE SITE**

- 2.1 The application site is located within Chesterfield town centre and was previously, prior to the demolition of the buildings on site, the Saltergate Medical Centre. The site is approximately 0.66 hectares in area.
- 2.2 The main vehicular access into the site is from Saltergate via a tree lined avenue; however access/egress is also obtained via Spencer Street located to the north of the site.
- 2.3 The site has pedestrian connections to the surrounding residential areas (Tennyson Avenue, Queen Street, Cross Street and St Mary's primary school) and adjacent to the northern boundary of the site is Brickyard Walk, a pedestrian footpath that links the residential areas to the west of the site with Chesterfield town centre.

2.4 Planning permission was granted for the redevelopment of the site on 08/08/2017 for the erection of 34 dwellings including private amenity space, car parking provision, new access road, landscaping, drainage swale and on-site open space. The permission was granted subject to a S106 legal agreement and 22 no. planning conditions.

### 3.0 **RELEVANT SITE HISTORY**

- 3.1 CHE/19/00091/REM1 - Variation of condition 2 (substitution of approved drawings) and 11 (relocation of bin collection point) of CHE/17/00263/FUL.  
Conditional permission granted 24/04/2019.
- 3.2 CHE/18/00644/DOC - Discharge of planning conditions 11 (bin storage) and 20 (broad band provision) on application CHE/17/00263/FUL.  
- agreed 26/10/2018
- 3.3 CHE/18/00283/REM1 - Variation of condition 2 (substitution of drawings CO1E with W01F, C11B with P02, C08A with W09F and P03 - amendment of house types) of CHE/17/00263/FUL.  
Conditional permission granted 28/06/2018.
- 3.4 CHE/18/00189/REM1 - Variation of condition 5 (S278 / S38 Works) of CHE/17/00263/FUL. Conditional permission granted 08/05/2018.
- 3.5 CHE/18/00124/REM1 - Variation of condition 2 (approved plans - to allow for street lighting to be installed along access road) of CHE/17/00263/FUL. Conditional permission granted 08/05/2018.
- 3.6 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. Conditional permission granted 08/08/2017.
- 3.7 CHE/14/00415/DEM - Proposed demolition of former Saltergate Medical Centre and Marsden Street Clinic Buildings (2 x rectangular blocks, mainly single storey brick built buildings with slate roofing and basement level. Three small outbuildings/portacabin to be removed.

Prior approval not required 31/07/2014.

#### 4.0 **THE PROPOSAL**

- 4.1 This is an application, submitted under S73 of the TCPA, to seek amendment to condition 2 and 3 of planning permission CHE/17/00263/FUL (and any subsequent approved amendments thereof) to:
- use of white lining to define incoming traffic priority no stopping zone in place of red tarmac;
  - use of permeable tarmac in place of seeded concrete grid to parking bays opposite Plot 31;
  - road in front of Plots 6-7 finished in permeable tarmac; and
  - parking bays 8-11 and 19, 21 finished in permeable tarmac.
- 4.2 The changes described in the amendments listed above require the substitution of the following drawings:
- C01E Site Layout Plan (approved under CHE/17/00263/FUL) / W01J Site Layout Plan (approved under CHE/19/00091/REM1) with W01K Site Layout Plan: and
  - C02C (approved under CHE/17/00263/FUL) with W02B Site Layout Plan.
- 4.3 As set out in the submission the changes being sought will require amendments to the wording on the planning permission conditions as approved; and therefore the wording of conditions 2 and 3 (as currently approved) as set out below:

Condition 2 (as last amended under app. CHE/19/00091/REM1):

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

C00 REV A - SITE LOCATION PLAN  
W01 REV J - SITE LAYOUT PLAN  
C02 REV C - SITE LAYOUT PLAN  
C03 REV A - PLOTS 1 AND 26 PETWORTH  
C04 REV A - PLOTS 2, 5, 6, 12 AND 24 - ROSDENE  
C05 REV A - PLOTS 3 AND 17 PETWORTH  
C06 REV B - PLOT 4 LINDISFARNE  
C07 REV B - PLOTS 7 AND 15 LINDISFARNE

W09 REV F AND P03 - PLOTS 8 – 11, 19 and 21  
 CLAREMONT (FLATS)  
 C09 REV B - PLOT 14 - BUCKINGHAM  
 C10 REV A - PLOT 16 - WYCOMBE  
 P02 – PLOTS 18 AND 20 - HADDON  
 C12 REV B - PLOTS 22 AND 23 - HARDWICK  
 C13 REV B - PLOTS 25 AND 31 - WESTBURY  
 C14 REV B - PLOT 28 - KINGSTON  
 C15 REV B - PLOTS 29 AND 30 - THORNTON  
 C16 REV A - PLOTS 31, 32 33 AND 34 - AFFORDABLE  
 C18 - PLOT 27 - ROSEDENE  
 C22 REV B - GARAGES  
 C23 - GARAGE G7  
 C20 REV A - BOUNDARY TREATMENTS PLAN  
 C21 - BOUNDARY TREATMENTS DETAILS  
 SOFT LANDSCAPE PROPOSALS (1) L9008\_03 REV F  
 SOFT LANDSCAPE PROPOSALS (2) L9008\_04 REV F  
 SOFT LANDSCAPE PROPOSALS (3) L9008\_05 REV E  
 SOFT LANDSCAPE PROPOSALS (4) L9008\_06 REV B  
 40337/001 REV A - EXPLORATORY HOLE LOCATION  
 PLAN  
 40337/012 REV B - EXTERNAL WORKS  
 40337/013 REV F - PLOT DRAINAGE  
 40337/014 REV C - LONGITUDINAL SECTIONS (SHEET 1  
 OF 2)  
 40337/015 REV A - LONGITUDINAL SECTIONS (SHEET 2  
 OF 2)  
 40337/016 REV A - MANHOLE SCHEDULES  
 40337/018 REV A - S104 (DRAINAGE) LAYOUT  
 40337/019 REV A - S102 (DRAINAGE) LAYOUT  
 40337/020 REV A - FOUNDATION SCHEDULE PLAN 1 OF  
 2  
 40337/021 REV A - FOUNDATION SCHEDULE PLAN 2 OF  
 2  
 40337/022 REV A - FOUNDATION SCHEDULE TABLE  
 40337/023 REV A - FLOOD ROUTING PLAN  
 40337/024 REV A - DRAINAGE DETAILS SHEET 1 OF 2  
 40337/026 REV A - DRAINAGE DETAILS SHEET 2 OF 2  
 40337/035 REV B - S278 WORKS SPENCER STREET  
 40337-/036 REV E - S278 WORKS SALTERGATE  
 40337/038 REV C - HIGHWAYS LAYOUT AND SETTING  
 OUT - 1 OF 2



40337/039 REV C - HIGHWAYS LAYOUT AND SETTING  
OUT - 2 OF 2  
40337 ATR1 REV A - VEHICLE TRACKING DIAGRAM  
40337/044 REV A - PRIVATE CATCHPIT DETAIL  
SA1 INC. STORAGE 100YR+ CC  
SA2 INC. STORAGE 100YR+ CC  
SA3 INC. STORAGE 100YR + CC  
40337/002 - REPORT ON ADDITIONAL INVESTIGATION  
08321 SITE DRAWING AND WINCAN V8 (SEWER  
SURVEY)  
C17 REV D - FRONT BOUNDARY WALL RE-ALIGNMENT  
C19 - SITE MANAGEMENT PLAN  
W27 REV B - SITE COMPOUND  
CONSTRUCTION METHOD STATEMENT REV A -14TH  
JUNE 2017 (AS AMENDED TO EXCLUDE  
CONSTRUCTION TRAFFIC TO SPENCER STREET -  
04/08/2017)  
LTP/19 - SECTION THROUGH ROAD AND T19 & T26  
'NO DIG' CONSTRUCTION METHOD STATEMENT - 14TH  
JUNE 2017  
DEMOLITION AND CONSTRUCTION OF RETAINING  
WALL METHOD STATEMENT - 4TH JULY 2017  
MMA14548/001 R2 – STREET LIGHTING DESIGN  
OUTDOOR LIGHTING REPORT AND P852 SPEC  
DESIGN AND ACCESS STATEMENT (UPDATED  
09/06/2017)  
PLANNING STATEMENT  
HERITAGE STATEMENT  
ECOLOGICAL APPRAISAL  
TRANSPORT STATEMENT  
STATEMENT OF COMMUNITY INVOLVEMENT  
COAL MINING RISK ASSESSMENT  
PHASE I ENVIRONMENTAL REVIEW AND PHASE II SITE  
INVESTIGATION REPORT  
FLOOD RISK ASSESSMENT  
ECUS TREE SURVEY, ARBORICULTURAL IMPACT  
ASSESSMENT AND ARBORICULTURAL METHOD  
STATEMENT DATED JULY 2017  
ECUS JAPANESE KNOTWEED SURVEY DATED 24TH  
APRIL 2017  
VIABILITY APPRAISAL REV A - CONFIDENTIAL  
(UPDATED 05/07/2017)

## PLOT MATERIALS SCHEDULE AND SITE PLAN WITH BRICK CHOICES - 20/07/2017

*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.*

Condition 3 (as approved under app. CHE/17/00263/FUL):

03. Prior to the occupation of the first dwelling the access with Saltergate shall be modified in accordance with the details contained on Drawing No. 40337/036 REV E – S278 WORKS SALTERGATE (unless any further revisions required under the S278 Agreement are jointly agreed in writing by the Local Planning Authority and Local Highways Authority). The area in advance of the visibility sightlines shall be retained throughout the life of the development free of any object above ground level.

*Reason – In the interests of highway safety.*

### 5.0 **CONSIDERATIONS**

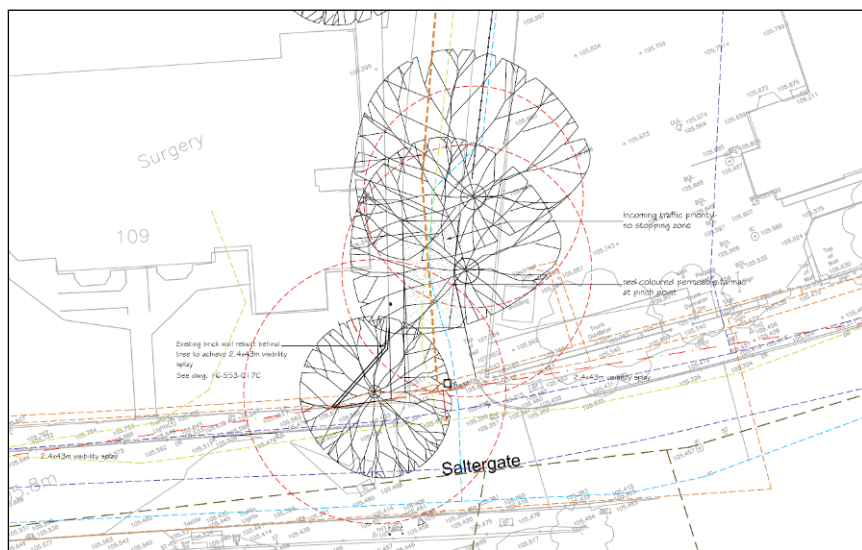
#### 5.1 **Planning Policy / Principle of Development**

- 5.1.1 The site is situated within the built settlement of Brockwell ward on a parcel of previously developed land in an area predominantly surrounded by residential development. The site is located fringe on the commercial town centre. Having regard to the nature of the application proposals policies CS1, CS2, CS3, CS4, CS7, CS8, CS9, CS11, CS13, CS18, CS19, CS20 and PS1 of the Core Strategy and the wider National Planning Policy Framework (NPPF) apply. In addition the Councils Supplementary Planning Document on Housing Layout and Design 'Successful Places' is also a material consideration.
- 5.1.2 The principle of development is established by the existing planning permission and it is not considered that the changes being sought as a result of these variations of condition applications alter or affect the planning considerations in this regard.

## 5.2 Design and Appearance Considerations (inc. Neighbouring Impacts)

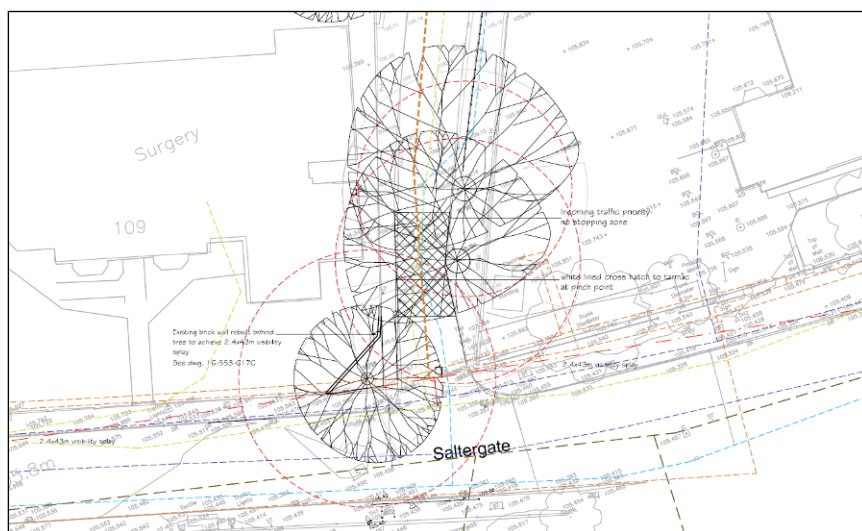
### 5.2.1 USE OF WHITE LINING TO DEFINE INCOMING TRAFFIC PRIORITY NO STOPPING ZONE IN PLACE OF RED TARMAC

As approved the layout of the junction of Hunters Walk to Saltergate included an area of red tarmac which was to be defined as an incoming traffic priority / no stopping zone.



C02 Rev C

As proposed the red tarmac is substituted for white lining, but in all other respects the layout and scale of the area remains the same.



W02 Rev B

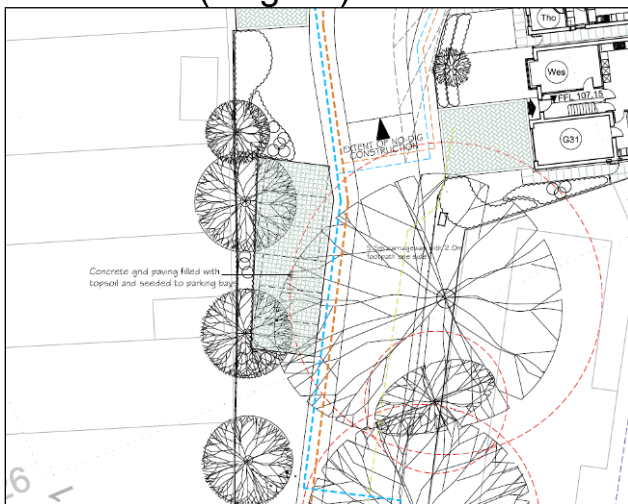
The substitute of the red tarmac for an area of white lining will not affect the purpose or function of the area it defines. Although the change proposed dilutes the palette of surface finishes to the

development which some new residents are opposed to (see representations below) there is no reasoned planning argument to suggest the alteration is not acceptable. The changes sought however only affect the private driveway (Hunters Walk) and not the adopted highway (Saltergate) and therefore whilst the applicant has sought to amend condition 3 (which concerns the S278 agreement works to Saltergate and the access) in connection with these changes, it is not necessary to change condition 3.

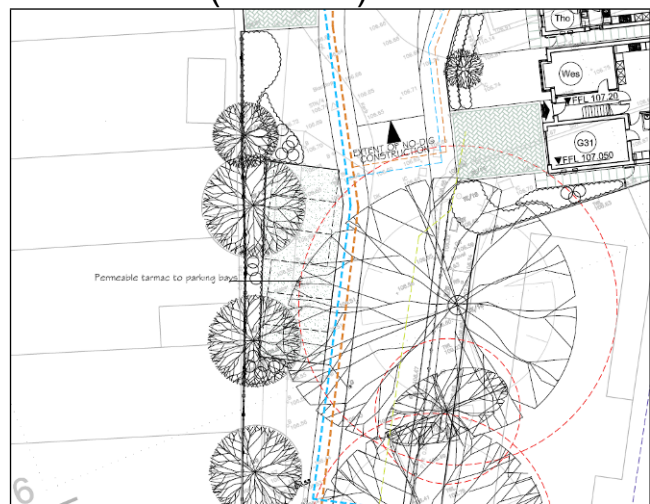
### 5.2.2 USE OF PERMEABLE TARMAC IN PLACE OF SEEDED CONCRETE GRID TO PARKING BAYS OPPOSITE PLOT 31

As approved the parking bays opposite plot 31 were to be finished in a concrete grid system (in the RPA of the protected trees) but this was amended to a cellular grid and permeable tarmac finish. These changes (which were undertaken in consultation with the Council's Tree Officer) are acceptable.

C01 Rev C (Original)



W02 Rev B (Revised)

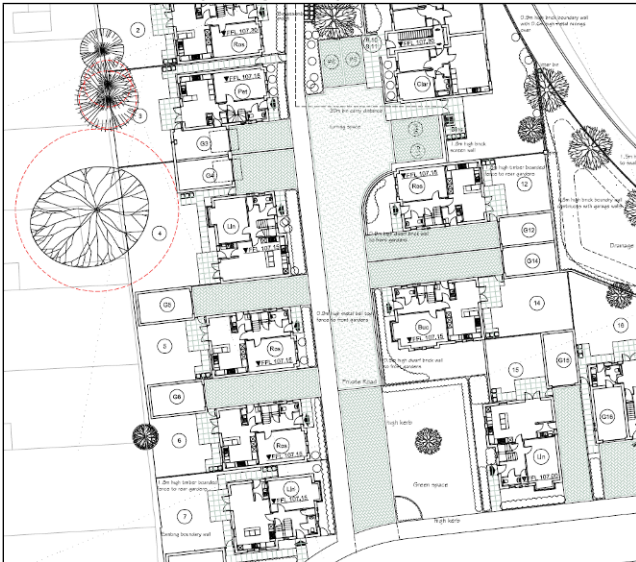


### 5.2.3 ROAD IN FRONT OF PLOTS 6-7 FINISHED IN PERMEABLE TARMAC; AND PARKING BAYS 8-11 AND 19, 21 FINISHED IN PERMEABLE TARMAC

As originally approved the site layout plan (C01 Rev E) included an area of block paving as the surface to the roadway in advance of plots 6 and 7; and as the surface of the parking spaces to the flats located at the end of the turning head / driveway. As proposed the block paving has been substituted for a permeable tarmac surface instead.

The substitute of the materials finished to the driveway and the parking bays will not affect the purpose or function of the area defined. Although the change proposed dilutes the palette of surface finishes to the development which some new residents are opposed to (see representations below) there is no reasoned planning argument to suggest the alterations are not acceptable.

C01 Rev E (Original)



W01 Rev K (Revised)



### 5.3 Trees

5.3.1 Having regard to the changes sought to the site layout as a result of this particular application, the parking bays located opposite plot 31 are located within the root protection area of trees within the site that are protected by tree preservation order (TPO).

5.3.2 The Council Tree Officer (TO) was consulted on the application proposals and made the following comments:

*There are no objections to the change in the finished surfacing to the car parking bays adjacent to plot 31 at Hunters Walk, Saltergate. The bays were constructed using a cellular confinement system which was inspected before the final surface was added and the use of permeable tarmac will not be detrimental to the protected trees long term health.*

5.3.3 Having regard to the changes sought and the comments of the TO above it is considered that the alterations are acceptable having regard to the provisions of policy CS9 of the Core Strategy and wider NPPF.

## 5.4 **Highways Issues**

5.4.1 The **Local Highways Authority** (LHA) commented on the application proposals raising no objections to the changes sought as they do not have any impacts upon the adopted highway network.

5.4.2 Hunters Walk is not an adopted highway, it is a private driveway; and therefore the alterations to the surfacing / finish of the road and parking bays the subject of this application do not give rise to any public highway related concerns. The use of permeable tarmac and white lining instead of red tarmac and block paving do not affect the function of the parking bays or the highway surface and are therefore acceptable having regard to the provisions of policies CS2, CS18 and CS20 of the Core Strategy.

## 6.0 **REPRESENTATIONS**

6.1 The application has been publicised by site notice posted on 09/05/2019.

6.2 As a result of the applications publicity there have been 2 no. representations received as follows:

### **6 Hunters Walk (x2)**

Stance: Customer objects to the Planning Application

Comment Reasons:

- Residential Amenity

Comment: Object to all substitutions from block paving to less attractive tarmac. Keep red tarmac why change?

6.3 ***Officer response: See section 5.2 and 5.4 above.***

## 7.0 **HUMAN RIGHTS ACT 1998**

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

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



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

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

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

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

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

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

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

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

## 9.0 **RECOMMENDATION**

9.1 It is therefore recommended that the application is approved and conditions 2 and 3 are amended / agreed as follows:

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

C00 REV A - SITE LOCATION PLAN

W01 REV K - SITE LAYOUT PLAN

W02 REV B - SITE LAYOUT PLAN

C03 REV A - PLOTS 1 AND 26 PETWORTH

C04 REV A - PLOTS 2, 5, 6, 12 AND 24 - ROSDENE

C05 REV A - PLOTS 3 AND 17 PETWORTH

C06 REV B - PLOT 4 LINDISFARNE

C07 REV B - PLOTS 7 AND 15 LINDISFARNE

W09 REV F AND P03 - PLOTS 8 – 11, 19 and 21

CLAREMONT (FLATS)

C09 REV B - PLOT 14 - BUCKINGHAM

C10 REV A - PLOT 16 - WYCOMBE

P02 – PLOTS 18 AND 20 - HADDON

C12 REV B - PLOTS 22 AND 23 - HARDWICK

C13 REV B - PLOTS 25 AND 31 - WESTBURY

C14 REV B - PLOT 28 - KINGSTON

C15 REV B - PLOTS 29 AND 30 - THORNTON

C16 REV A - PLOTS 31, 32 33 AND 34 - AFFORDABLE

C18 - PLOT 27 - ROSEDENE

C22 REV B - GARAGES

C23 - GARAGE G7

C20 REV A - BOUNDARY TREATMENTS PLAN

C21 - BOUNDARY TREATMENTS DETAILS

SOFT LANDSCAPE PROPOSALS (1) L9008\_03 REV F

SOFT LANDSCAPE PROPOSALS (2) L9008\_04 REV F

SOFT LANDSCAPE PROPOSALS (3) L9008\_05 REV E

SOFT LANDSCAPE PROPOSALS (4) L9008\_06 REV B

40337/001 REV A - EXPLORATORY HOLE LOCATION PLAN

40337/012 REV B - EXTERNAL WORKS

40337/013 REV F - PLOT DRAINAGE

40337/014 REV C - LONGITUDINAL SECTIONS (SHEET 1 OF 2)

40337/015 REV A - LONGITUDINAL SECTIONS (SHEET 2 OF 2)

40337/016 REV A - MANHOLE SCHEDULES

40337/018 REV A - S104 (DRAINAGE) LAYOUT

40337/019 REV A - S102 (DRAINAGE) LAYOUT



40337/020 REV A - FOUNDATION SCHEDULE PLAN 1 OF 2  
 40337/021 REV A - FOUNDATION SCHEDULE PLAN 2 OF 2  
 40337/022 REV A - FOUNDATION SCHEDULE TABLE  
 40337/023 REV A - FLOOD ROUTING PLAN  
 40337/024 REV A - DRAINAGE DETAILS SHEET 1 OF 2  
 40337/026 REV A - DRAINAGE DETAILS SHEET 2 OF 2  
 40337/035 REV B - S278 WORKS SPENCER STREET  
 40337-/036 REV E - S278 WORKS SALTERGATE  
 40337/038 REV C - HIGHWAYS LAYOUT AND SETTING OUT - 1 OF 2  
 40337/039 REV C - HIGHWAYS LAYOUT AND SETTING OUT - 2 OF 2  
 40337 ATR1 REV A - VEHICLE TRACKING DIAGRAM  
 40337/044 REV A - PRIVATE CATCHPIT DETAIL  
 SA1 INC. STORAGE 100YR+ CC  
 SA2 INC. STORAGE 100YR+ CC  
 SA3 INC. STORAGE 100YR + CC  
 40337/002 - REPORT ON ADDITIONAL INVESTIGATION  
 08321 SITE DRAWING AND WINCAN V8 (SEWER SURVEY)  
 C17 REV D - FRONT BOUNDARY WALL RE-ALIGNMENT  
 C19 - SITE MANAGEMENT PLAN  
 W27 REV B - SITE COMPOUND  
 CONSTRUCTION METHOD STATEMENT REV A -14TH JUNE 2017 (AS AMENDED TO EXCLUDE CONSTRUCTION TRAFFIC TO SPENCER STREET - 04/08/2017)  
 LTP/19 - SECTION THROUGH ROAD AND T19 & T26  
 'NO DIG' CONSTRUCTION METHOD STATEMENT - 14TH JUNE 2017  
 DEMOLITION AND CONSTRUCTION OF RETAINING WALL METHOD STATEMENT - 4TH JULY 2017  
 MMA14548/001 R2 – STREET LIGHTING DESIGN  
 OUTDOOR LIGHTING REPORT AND P852 SPEC  
 DESIGN AND ACCESS STATEMENT (UPDATED 09/06/2017)  
 PLANNING STATEMENT  
 HERITAGE STATEMENT  
 ECOLOGICAL APPRAISAL  
 TRANSPORT STATEMENT  
 STATEMENT OF COMMUNITY INVOLVEMENT

COAL MINING RISK ASSESSMENT  
 PHASE I ENVIRONMENTAL REVIEW AND PHASE II SITE  
 INVESTIGATION REPORT  
 FLOOD RISK ASSESSMENT  
 ECUS TREE SURVEY, ARBORICULTURAL IMPACT  
 ASSESSMENT AND ARBORICULTURAL METHOD  
 STATEMENT DATED JULY 2017  
 ECUS JAPANESE KNOTWEED SURVEY DATED 24TH  
 APRIL 2017  
 VIABILITY APPRAISAL REV A - CONFIDENTIAL  
 (UPDATED 05/07/2017)  
 PLOT MATERIALS SCHEDULE AND SITE PLAN WITH  
 BRICK CHOICES - 20/07/2017

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

03. Prior to the occupation of the first dwelling the access with Saltergate shall be modified in accordance with the details contained on Drawing No. 40337/036 REV E – S278 WORKS SALTERGATE (unless any further revisions required under the S278 Agreement are jointly agreed in writing by the Local Planning Authority and Local Highways Authority). The area in advance of the visibility sightlines shall be retained throughout the life of the development free of any object above ground level.

*Reason – In the interests of highway safety.*

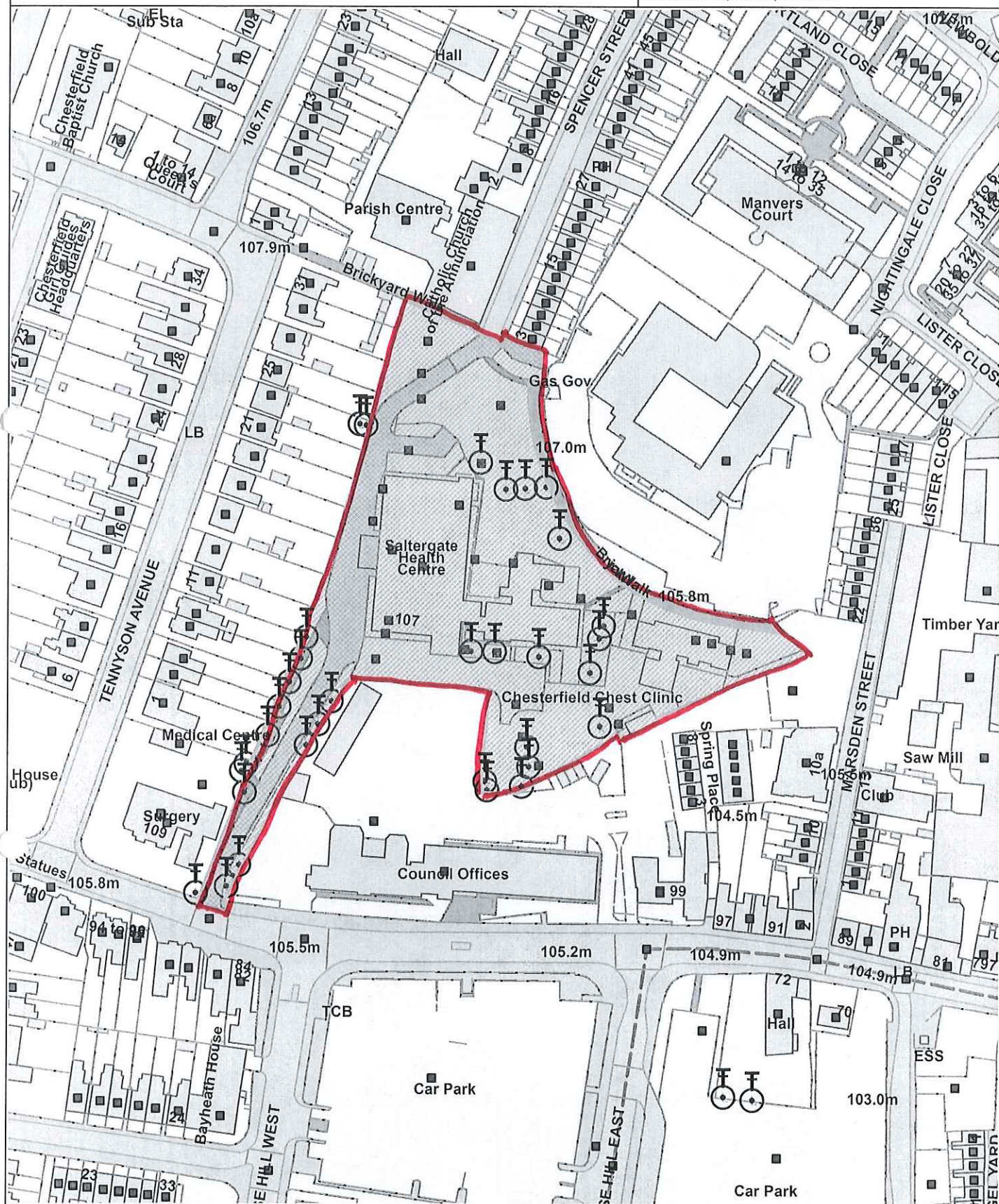
## 9.2 Notes

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 permission is granted further to an earlier grant of planning permission (CHE/17/00263/FUL, CHE/18/00124/REM1, CHE/18/00189/REM1,

CHE/18/00283/REM1 and CHE/19/00091/REM1) inc.  
additional conditions and a S106 legal agreement to which  
any developer should also refer.

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Case Officer: E Casper  
Committee Date: 1st July 2019

Application No: CHE/18/00602/FUL  
Plot No: 2/6294, 2/142

### **ITEM 3**

#### **PROPOSED TEMPORARY WORKS SECURITY COMPOUND FOR THE USE OF THE CHESTERFIELD CANAL TRUST VOLUNTEER WORK PARTY (ADDITIONAL INFORMATION PROVIDED REGARDING NOISE MITIGATION AND REVISED SITE PLAN 03.04.2019) AT LAND ADJACENT TO 21 BELLHOUSE LANE, STAVELEY, S43 3UA FOR CHESTERFIELD CANAL TRUST**

Local Plan: Green Belt, Chesterfield - Staveley Regeneration Route  
Ward: Lowgates and Woodthorpe

#### **1.0 CONSULTATIONS**

DCC Highways	Comments received – see report
Ward Members	No comments received
Strategy Planning Team	Comments received – see report
Environmental Health	Objection received – see report
Neighbours and Site notice	Representations received – see report

#### **2.0 THE SITE**

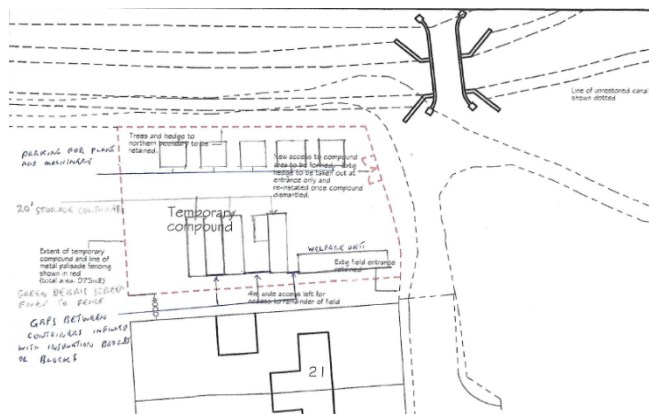
- 2.1 The site subject of this application is situated to the north west of the terminus of Bellhouse Lane highway and to the north of No 21 Bellhouse Lane. The site is within the green belt and to the south of the Chesterfield – Staveley Regeneration Route.



- 2.2 The site is bound by the former Chesterfield Canal to the north and east and a public footpath is located to the north of the site. To the west of the site is an area of open space and the site is separated from No 21 Bellhouse Lane by an existing access track (see site location plan and revised site plan below).



Site Location Plan  
(site outlined in red)



Revised site plan  
(received 03.04.2019)



Aerial photograph showing the proposed site compound in relation to the Staveley Canal Basin (approximate outline of site shown in red for illustrative purposes only)

## 3.0 APPLICATION SITE PLANNING HISTORY

- 3.1 CHE/1184/0681 - In respect of proposed construction of the Staveley By - Pass (A619) from the termination of the proposed Brimington By - Pass at Middlecroft to the boundary between



Chesterfield Borough and Bolsover District to the east of Renishaw Road Mastin Moor – **Conditional Permission (27.02.1985)**

- 3.2 CHE/0995/0459 - Construction of 2 lane highway between Tapton roundabout and M1 motorway junction 30 A619 Brimington Staveley bypass – **No objection to DCC application with comments (20.11.1995)**

#### **4.0 THE PROPOSAL**

- 4.1 The application seeks the retention of the use of the land as a temporary storage compound by the Chesterfield Canal Trust for the next major phase of the restoration of the canal. Works commenced on site in August 2018, including the removal of a section of hedgerow for access. The application form states that the hedgerow will be re-instated once the compound is removed. The application seeks temporary consent for 5 years.
- 4.2 The application proposes the erection of a 2.4m high palisade fence around the perimeter of the site to create a secure enclosure. The compound will be used for the storage of plant/machinery and materials including 5 storage containers (each 20ft/6m in length) and a 'welfare unit'.
- 4.3 The application form states that proposed working hours are anticipated to be 'Sundays and Thursdays 10am to 6pm plus occasional other days'. It is therefore necessary to note that standard working hours would not usually include Sunday working. The Canal Trust are seeking to extend the working days to enable restoration works to be undertaken with volunteer work parties which operate on a Sunday.
- 4.4 The applicant has provided additional supporting information which is summarised below;
- The Chesterfield Canal Trust will be working to restore the canal to the North West and North East of Bellhouse Lane.
  - One of the first intentions for working will be to improve the Public Right of Way to the North East along the Puddlebank as this is very overgrown, undefined and inaccessible.
  - Work within the compound will be confined to the storing and movement of plant and materials.
  - Access to the work site will be to the north east of the compound and not along Bellhouse Lane. No plant will be taken along

Bellhouse Lane. Existing plant owned by the Chesterfield Canal Trust will be transported to the Bellhouse compound along the line of the Canal from Staveley Town Basin.

- It is anticipated that there will be a maximum of 7 deliveries to the site per week, this will involve vans or lorries utilising Bellhouse Lane highway.
- There are usually two work parties per week (Thursday and Sunday) From 10:00 to dark or 18:00
- There are usually three to twelve vehicles for these work parties, they may use Bellhouse Lane for access (sometimes parking will be at Staveley Town Basin as now). The volunteer workforce may use Bellhouse Lane for access but will park as directed and there will be no parking on Bellhouse Lane is room for them to park opposite the compound entrance (clear of farm, allotments access track)
- To mitigate any noise from the machinery they will be parked along the side of the compound furthest away from the neighbours on Bellhouse Lane.
- The storage containers will have the gaps between them infilled with insulated boards or blocks to limit sound travel.
- The site is served by mains electricity so a generator is not required.

- 4.5 The application is supported by the following plans/documents;
- 'Site Location Plan' (02.09.2018)
  - 'Plan as Proposed', drawing number CCT/WP/001 (dated 02.09.2018)
  - Revised plan as proposed (dated 03.04.2019)

- 4.6 The Canal Trust intend on submitting a planning application for the restoration scheme from the Eckington Road bridge through to the north borough boundary in the near future. This will reinstate a navigable canal where currently the canal route has been infilled and which involves construction of locks, bridges and major engineering works.

## **5.0 CONSIDERATIONS**

### **5.1 Planning Policy**

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

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

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

- Strategic Objective S12 'Restore the Chesterfield Canal to a navigable state along all its length within the borough.' (p32)
- CS1 Spatial Strategy
- CS2 Principles for Location of Development
- CS3 Presumption in Favour of Sustainable Development
- CS9 Green Infrastructure and Biodiversity
- CS14 Tourism and the Visitor Economy
- CS18 Design
- CS19 Historic Environment
- CS21 Major Transport Infrastructure
- PS4 Markham Vale

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

- National Planning Policy Framework (NPPF)

## 5.4 **Key Issues**

- Principle of development and appearance of the proposal;
- Impact on neighbouring residential amenity;
- Highway safety;

## 5.5 **Principle of Development and Appearance of the Proposal:**

5.5.1 Having regard to the nature of the application and proposal for a temporary consent the following policies are considered relevant to the development CS1, CS2, CS9, CS14, CS18 and CS19.

5.5.2 Core Strategy Policy CS1 Spatial Strategy states that the existing Green Belt will be maintained and enhanced and also seeks to connect areas of green infrastructure and access to countryside and recreation.

- 5.5.3 Core Strategy Policy CS2 Principles for Location of Development requires development to meet the following requirements c) are not on the best and most versatile agricultural land; d) deliver wider regeneration and sustainability benefits to the area; f) maximise opportunities for walking and cycling and the use of public transport and to i) needs to be in a specific location in order to serve a defined local catchment or need, to access specific resources or facilities (including transport connections) or to make functional links to other, existing uses;
- 5.5.4 Core Strategy Policy CS9 Green Infrastructure and Biodiversity states that development proposals are required to a) not harm the character or function of the Green Belt ... b) enhance connectivity between and public access to green infrastructure c) increase the opportunities for cycling, walking and horse riding e) conserve or enhance the local distinctiveness and character of the landscape
- 5.5.5 Core Strategy Policy CS14 Tourism and the Visitor Economy states that the Council will promote and enhance tourism development in the borough including ii) the restoration and enhancement of Chesterfield Canal.
- 5.5.6 Core Strategy Policy CS18 Design 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.
- 5.5.7 Core Strategy Policy CS19 Historic Environment states that the Council will protect the historic environment and heritage assets throughout the borough and seek to enhance them wherever possible and f) enhance the character and setting of ... Chesterfield Canal
- 5.5.8 The NPPF states that the Local Planning Authorities should regard the construction of new buildings in the Green Belt as inappropriate with the exception of b) the provision of appropriate facilities (in connection with the existing use of land or change of use) for outdoor sport, outdoor recreation..... as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it (paragraph 145, p42)

- 5.5.9 The Strategy Planning Team were consulted on the proposal and they provided the following comments; *‘This site falls within land identified as Green Belt on the adopted Local Plan policies map. However the temporary use of the site for a compound in connection with the restoration of Chesterfield Canal (which itself is not inappropriate development in the green belt as an appropriate facility for outdoor recreation) would not harm the purpose of including this land in the green belt, provided it is subject to appropriate conditions limiting the use to a temporary period and ensuring the land’s re-instatement once the use has ceased. It would also support objective S12 of the adopted Core Strategy “Restore the Chesterfield Canal to a navigable state along all its length within the borough” and be in accordance with policy CS14 (Tourism and The Visitor Economy) which encourages development that is related to ‘the restoration and enhancement of Chesterfield Canal’ and policy CS19 (Historic Environment) which seeks to enhance the character and setting of the canal.’*
- 5.5.10 It is acknowledged that the development will introduce large structures and 2.4m high fencing to the Green Belt, albeit on a temporary basis. Taking into account the temporary nature of the proposal and rational for the development as part of wider restoration work to the Canal the principle of the development is considered to be acceptable.
- 5.5.11 It is recommended that a condition be attached to the decision requiring the submission of a remediation plan to ensure that the site is returned to an acceptable state after the compound is removed.
- 5.5.12 Having regard to the observations above and taking into the account the temporary nature of the proposal and the rationale for the development to restore the Canal which accords with wider policies and strategic objective. On balance, the proposal will therefore accord with the provisions of policies CS1, CS2, CS9, CS14, CS18 and CS19 of the Core Strategy.

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

- 5.6.1 Core Strategy Policy CS18 states that all development will be expected to have an acceptable impact on the amenity of users and neighbours. Core Strategy Policy CS2 states that all developments will be required to have an acceptable impact on the amenity of

users or adjoining occupiers, taking into account things such as noise, odour, air quality, traffic, appearance, overlooking, shading or other environmental, social or economic impacts.

- 5.6.2 The application site is situated to the north of No 21 Bellhouse Lane and the site is separated by an access track leading to open space to the west of the site. The occupiers of No 21 have raised objections to the proposal, see section 6.0 of the report.
- 5.6.3 The Environmental Health Officer was consulted on the proposal and raised concerns about the proposal due to the impact on the adjoining residential property, particularly noise and disturbance arising as a result of the proposed working hours (including Sunday working), see comments below;
- 5.6.4 *‘With a construction site compound we would still recommend no movement of plant/machinery on a Sunday or Public Holiday. I understand from the Council’s perspective there is a desire to enable the Canal Trust to carry out improvement works to the canal. I also understand that this proposed compound would be accessed on a Sunday as the majority of the work will be carried out by volunteers. I’ll need to chat with Steve [Environmental Health Officer]. I would expect the applicant to submit an application under Control of Pollution Act this would detail what noise is likely and how it will be mitigated.’*
- 5.6.5 *‘I’ve had a chat with Steve [Environmental Health Officer] and the proposed location (adjacent to No. 21) is not ideal. Is this the only location that the temporary compound can be located? Is there the availability of land further north of Bellhouse Lane? If the applicant does wish to use this as a more permanent location for the compound, the applicant will need to submit a Sec.60 COPA application. This is an application under Section 60 of the Control of Pollution Act and sets out what plant will be used, the noise emitted from that plant and measures to mitigate. There may be a charge for this application.’*
- 5.6.6 The application proposes extending the standard working hours to include work on a Sunday between 10am and 6pm to enable volunteer work parties to assist in the restoration works. To undertake the necessary works to the canal, plant and machinery will be moved out of the compound and then returned to the compound for storage, therefore restricting potential disturbance.

The applicant has provided a revised site plan with measures to limit noise disturbance to the adjacent property including siting machinery to the north of the site and in-filling spaces between containers with insulation boards or blocks to reduce noise transference. The revised plan also includes further screening to the southern boundary in the form of a 'green debris screen' fixed to the fence. On balance, due to the nature of the proposal it is considered that the proposed hours of operation are acceptable.

5.6.7 It is necessary to note that the Section 60 Control of Pollution Act Application referenced by the Environmental Health Officer is separate to the Planning Process and would not be a material consideration in the determination of this application.

5.6.8 Having consideration for the observations above, the proposal is not considered to cause significant adverse impacts on residential amenity of the adjoining neighbours. The proposal will therefore accord with the provisions of policies CS2 and CS18 of the Core Strategy.

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

5.7.1 The Local Highways Authority Derbyshire County Council (DCC) Highways Team were consulted on the proposal and they provided the following comments; *'The above retrospective application has been forwarded to this Authority for highway considerations and I have the following comments to make :- it should be noted that the adopted limits of Bellhouse Lane fall short of the site in question. The limit of adoption is basically the northern boundary or No.21. The application form indicates that access to the work site will be to the north east only and not along Bellhouse Lane and that no plant will be taken along Bellhouse Lane. It is considered that prior to provided formal comments additional clarification/detail is required regarding access to the site from the publically maintainable highway. It should be noted that this is a Public Right of Way to the north of the site. Full details of the layout of the site should be provided which include parking and manoeuvring for volunteers etc. upon receipt of further details, the Highway Authority will be happy to provide comments on this application'*

- 5.7.2 The applicant liaised directly with DCC Highways to further explain the nature of the scheme and works taking place on site. Revised comments were received from DCC Highways on 06.03.2019 (see below).
- 5.7.3 *‘Following correspondence regarding the above application, I have received e-mail communication from the Chesterfield Canal Trust confirming a telephone conversation which states that the existing plant owned by the Chesterfield Canal Trust will be transported to the Bellhouse Lane compound along the line of the canal from Staveley Town Basin, future deliveries of materials will be along Bellhouse Lane using vans or lorries and the volunteer workforce may use Bellhouse Lane for access but will park as directed and there will be no parking on Bellhouse Lane. On the basis of the above, there are no objections to the proposal and it is recommended that the following conditions are included in any consent.*
- 1. Plant will only be transported to the compound along the line of the canal from the Staveley Town Basin*
  - 2. Parking for the volunteer workforce will not take place on Bellhouse Lane or cause obstruction at any location and will be directed by a member of the Chesterfield Canal Trust.*
  - 3. Before any other operations are commenced, the temporary site compound shall be established for the storage of plant and any facilities provided for the volunteer workforce. Once implemented the facilities shall be retained free from any impediment to their designated use throughout the construction period.*
  - 4. Before any other operations are commenced a new access shall be formed to the temporary site compound in accordance with the application drawing, laid out, constructed and provided with visibility sightlines extending from a point 2.4m from the ‘carriageway’ edge, measured along the centre line of the access, to the extremities of the site frontage abutting the ‘highway’ in each direction. The land in advance of the sightlines shall be maintained for the life of the development clear of any object greater than 1m in height (0.6m in the case of vegetation) relative to the adjoining nearside ‘carriageway’ channel level.’*



- 5.7.4 *'In addition, the following notes shall be included for the benefit of the applicant.*
- 1. 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.*
  - 2. The applicant should be aware that the site is within 200m of the proposed line of HS2. Further information can be obtained via the contact information below.'*

- 5.7.5 The recommendations provided by the Highways Officer have been noted, however further consideration is required of the recommended conditions.
- Condition 1 requires plant to be transported along the Staveley Town Basin and Condition 2 aims to prevent volunteers parking on Bellhouse Lane and causing an obstruction. The requirements of Condition 1 and 2 are considered to be outside of the control of the Local Planning Authority, and whilst this may be the applicants intention which they may well follow, it is not recommended that the 2 conditions can be imposed, particularly as Bellhouse Lane is an adopted public highway and any members of the public can access and park with no restrictions (as long as no obstructions occur which would be a matter for the Police or Derbyshire County Council Highways).
- Condition 3 requires the construction of the temporary site compound and Condition 4 requires the creation of a visibility sightline. Works commenced on site in August 2018 and the access point to the site is beyond the adopted highway limits therefore it is not considered reasonable to impose these conditions. The access is provided with an appropriate visibility splay. The recommended informatives should be attached to the decision notice.

## **6.0 REPRESENTATIONS**

- 6.1 The application has been publicised by neighbour notification letters and site notice. Neighbour letters were sent on 25.09.2018, deadline for responses 16.10.2018. A site notice was also displayed on the telegraph pole outside of Nos 21 and 19 Bellhouse Lane on 11.10.2018, deadline for responses 01.11.2018. As a result of the

notification process 2 representations have been received from one neighbouring property.

6.2 No 21 Bellhouse Lane (received 12.10.2018 and 28.02.2019)

- *Concerns raised regarding Noise, Traffic or highways. Off-street Parking arrangements and hours of work especially weekends*
- *We would like to make it clear that we fully support the canal restoration and commend the volunteers who put so much time and effort into the project.*
- *We are the owners and residents of 21 Bellhouse Lane, Staveley, which is adjacent to the compound. Contrary to the planning application, we are in no way associated with the land or project. The land is owned by Mr Henry Day who resides at 11 Bellhouse Lane.*
- *During the planning process we did not receive any notification of the compound plans, nor did any members of the Canal Trust or Mr Day approach us to ask our opinion on the matter. We feel that as the only residents on the street to be directly affected by this compound we have been completely overlooked. We therefore feel that the only way to get across our concerns is to lodge an objection. The concerns we have are as follows:*
- *As stated in one of the planning application documents the working hours are "Thursdays and Sundays, 10am till dark or 6pm". However, the work party are arriving sometimes a couple of hours before 10am, starting up noisy machinery and generally being quite loud and inconsiderate to residents. Ourselves and our neighbours at numbers 19 and 17 have small children and do not wish for them to be woken early by the noisy machinery. Just during the last week there have been 3 incidents of such occurrences, Sunday 24th Feb, the machinery was up and running before 9am. There were members of the work party present on site Wednesday 27th Feb, which according to the planning application is not a working day. Also on 28th Feb the machinery was up and running before 8am. There was also another occasion when a machine was left running for almost 3 hours and never moved. We do have photographic and video evidence of some of this should it be required.*
- *The vehicles which are attending the site, seem to come up and down Bellhouse Lane at quite a speed. This has always been a quiet street due to it being a dead end and is mostly just residents which use it. It has always been safe for our children to*

*play safely. We now personally don't let our children play out there due to the volume and speed of the vehicles coming up and down.*

- From a security point of view, we also feel that it is drawing unwanted attention to our property. We are worried that the site could become a target for thieves, which in turn exposes our property to the same risks.*
- When we purchased the property we did so because of the beautiful setting, surrounded by field and trees and also the peace and quiet which goes with it. We now have a view of old machinery, cabins and building materials, of which I am sure there will be more to come, and although the application states that it is a "temporary" compound, I feel that 5 years plus is far from temporary.*
- As previously stated we do support the restoration project. However, we cant help feeling that we have been completely overlooked and our thoughts and feelings on the matter discounted, especially as there are various other locations for the compound which wouldn't have affected any properties at all.*
- We feel that if they are already breaking the terms of the planning outlined by themselves before permission has been granted, the chances of it being even worse should planning be granted is very high.*

### **6.3**

#### **Officer comments;**

- The application was advertised by site notice which was displayed on a telegraph pole outside of No 21.**
- Noise and disturbance before 10am on a Sunday and activity taking place on other days during the week - It is recommended that a condition be imposed restricting the hours of operations, preventing activity before 10am on a Sunday and imposing standard restrictions on weekdays and on a Saturday.**
- The concerns raised regarding machinery being left running on site have been highlighted to the Canal Trust and they are aware of the proposed hours restrictions which, if approved they would be required to operate within.**
- Speed of vehicles on Bellhouse Lane – as an adopted public highway this is outside of the control of Local Planning Authority**
- Site security – the application proposes the erection of 2.4m high fence to create a secure compound.**

- **View of site – whilst loss of view is not a material planning consideration, the revised site plan proposes installing green debris screen to the southern boundary to screen the site.**
- **The application form stated that work commenced on site in August 2018 and any works undertaken on site without the benefit of planning permission are done so at the applicants own risk.**

## **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.

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

- 8.1 The following is a statement on how the Local Planning Authority (LPA) has adhered to the requirements of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 in respect of decision making in line with paragraph 38 of the July 2018 National Planning Policy Framework (NPPF).
- 8.2 Given that the proposed development does not conflict with the NPPF or with 'up-to-date' Development Plan policies, it is considered to be 'sustainable development' and there is a

presumption on the LPA to seek to approve the application. The LPA has used conditions to deal with outstanding issues with the development and has been sufficiently proactive and positive in proportion to the nature and scale of the development applied for. The applicant took advantage of the opportunity to discuss matters at a pre application stage.

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

## **9.0 CONCLUSION**

- 9.1 On balance the temporary nature of the proposal and rationale for the development accords within wider policies and strategic objectives and which will assist in progressing the restoration of Chesterfield Canal through the borough and which is a strategic objective. Therefore, the proposal complies with CS1, CS2, CS9, CS14, CS18 and CS19 of the Chesterfield Local Plan: Core Strategy 2011 – 2031 and the wider National Planning Policy Framework.

## **10.0 RECOMMENDATION**

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

### **Conditions**

#### **Temporary consent**

1. The compound hereby permitted is granted for a limited period of five years only, expiring on 01.07.2024. On or before this date the hereby permitted use shall cease, all materials, equipment and structures brought onto the site in connection with the use shall be removed and the land restored to its former condition in accordance with a scheme of work submitted to and approved in writing by the Local Planning Authority.

***Reason - The use hereby approved is not considered suitable as a permanent form of development within the Green Belt and in accordance with the provisions of policies CS9 and CS18 of the Core Strategy***

In accordance with submitted plans

2. All external dimensions and elevational treatments shall be as shown on the approved plan/s 'Revised plan as proposed' (dated 03.04.2019), 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.*

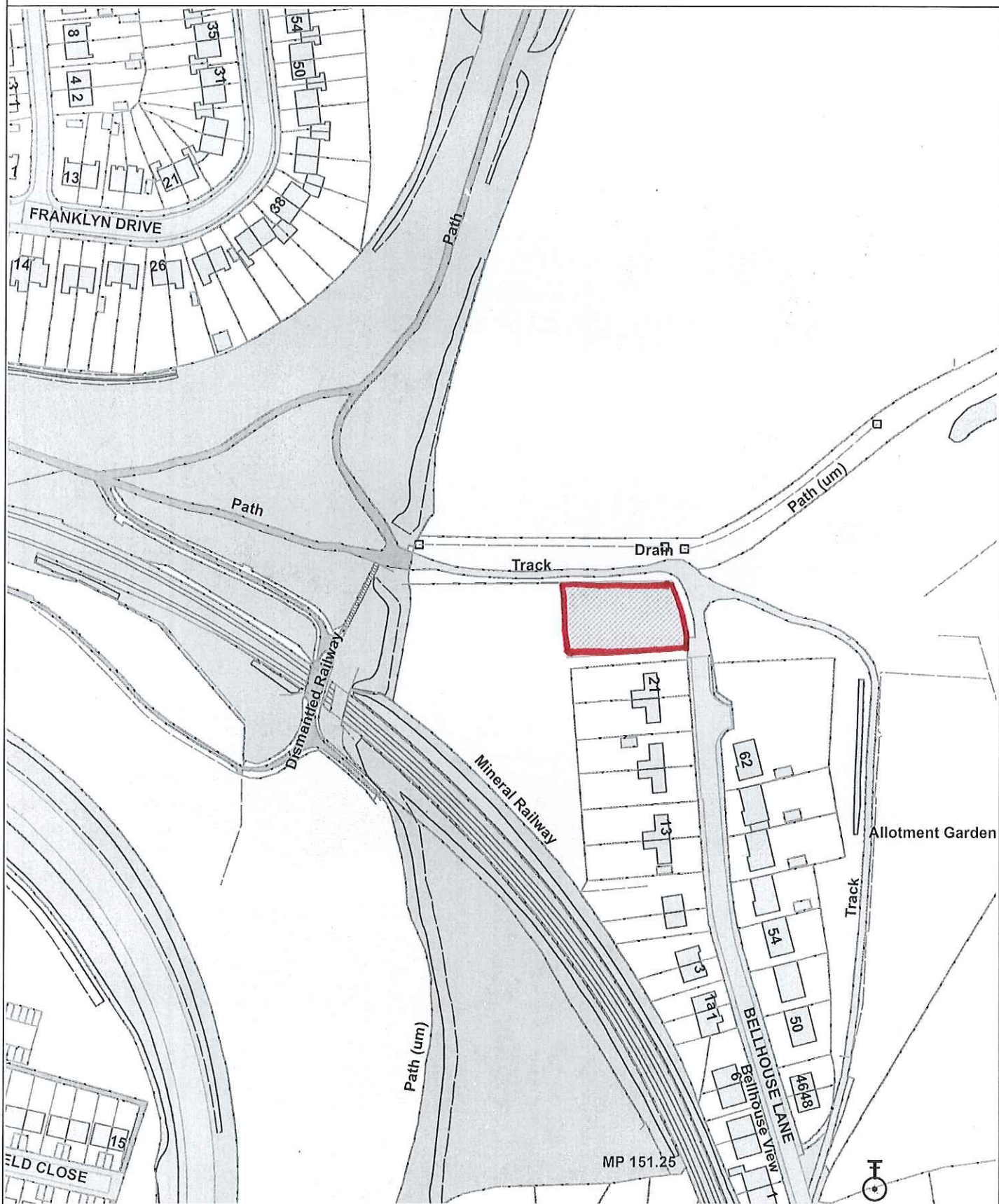
Hours of operation

3. Unless otherwise agreed by the Local Planning work shall only be carried out on site between 8:00am to 6:00pm Monday to Friday, 9:00am to 6:00pm on a Saturday and between the hours of 10:00am to 6:00pm on a Sunday or public holiday. The term 'work' shall include the operation of mobile and fixed plant/machinery and equipment, (e.g. generators) radios and the delivery of construction materials.

***Reason*** – *in the interests of the amenity of the surrounding residential dwellings to accord with the provisions of policies CS2 and CS18 of the Core Strategy*

**Notes**

1. 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.
2. The applicant should be aware that the site is within 200m of the proposed line of HS2. Further information can be obtained via the contact information below.'



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<b>COMMITTEE/SUB</b>	Planning Committee
<b>DATE OF MEETING</b>	1 <sup>st</sup> July 2019
<b>TITLE</b>	DELEGATION
<b>PUBLICITY</b>	For Publication
<b>CONTENTS</b>	<p>Items approved by Development Management and Conservation Manager under the following Delegation references:-</p> <p>Planning Applications P020D, P200D to P250D, P270D to P320D, P350D to P370D, P390D, P420D to P440D</p> <p>Agricultural and Telecommunications P330D and P340D</p>
<b>RECOMMENDATIONS</b>	Not applicable
<b>LIST OF BACKGROUND PAPERS</b>	Relevant applications

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

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

<b>Code No FileNo</b>	<b>Ward</b>	<b>Proposal</b>	<b>Decisio</b>	<b>Decision Date</b>
CHE/18/00229/FUL  2849	Middlecroft And Poolsbrook	Residential development of 175 no. 2, 3 and 4 bed dwellings and ancillary works - revised plans received 27/07/2018 and 09/08/2018 - Proposed site layout with os plan received 22.08.18  At Land South Of Erin Road Junction The Grove Poolsbrook  For Gleeson Regeneration Ltd	CP	30/11/2018
CHE/18/00626/REM1	St Helens	Variation of conditions 31 (highway improvements) ,37 (junction improvements Holbeck Close/Brimington Road),39 (junction improvements Brewery St/Brimington Road) 41 (pedestrian crossing) and 45 (approved plans) of CHE/16/00183/REM1 - Outline planning application with all matters reserved except for means of access proposing the demolition of existing buildings and erection of a comprehensive mixed use regeneration scheme comprising residential (use class C3); retail (use class A1); financial/professional services (use class A2); restaurants, drinking establishments and hot food establishments (use classes A3, A4 and A5); offices (use class B1); doctors surgery and creche (use class D1); two hotels (use class C1); health and fitness (use class D2); nursing home (use class C2); ancillary creative uses including a possible arts centre, a new canal link, new open spaces including linear and eco parks, new public realm and car parking arrangements including two multi storey car parks at Chesterfield Waterside, A61  At Land At East Of A61Known As Chesterfield Waterside	CP	17/12/2018
1637, 163,				

Brimington Road  
 Tapton  
 For  
 Chesterfield Waterside Ltd

CHE/18/00633/FUL	Brockwell	Single storey side and rear extension (revised drawing 22/11/18)	CP	05/12/2018
5498		At 9 Newbold Back Lane Chesterfield S40 4HF  For Mr Josh Whittaker		
CHE/18/00650/FUL	Hasland	Double ramped access to main entrance to improve accessibility	CP	04/12/2018
497		At Hasland Working Mens Club Hampton Street Hasland S41 0LH  For Hasland Community Hub		
CHE/18/00680/DOC	Dunston	Discharge of planning conditions 3 (Phase 1 & Phase 2 Geo technical reports), 4 ( Drainage), 5 (Contractors compound) and 11( CMRA) of CHE/15/00462/FUL - Erection of 5 industrial units and associated car parking and service	DPC	03/12/2018
1506		At Development Land To The South Of Broombank Road and West Of Broombank Park Broombank Road Chesterfield Trading Estate Chesterfield For Mr M Jones		
CHE/18/00687/FUL	Rother	Two storey extension to side	CP	12/12/2018
5765		At 148 Langer Lane Birdholme S40 2JJ  For Mr Dean Shelley		
CHE/18/00690/FUL	West	Demolition of an attached garage and ground floor bathroom. extension to side and rear of a residential semi-detached dwelling house to create an attached garage,	CP	04/12/2018

4150		<p>rear ground floor dining and lounge areas and 2 bedrooms and bathrooms at first floor level - revised drawings received 30.10.18</p> <p>At 17 Storrs Road Chesterfield S40 3QA</p> <p>For Mr and Mrs Les King</p>		
CHE/18/00698/DOC	Loundsley Green	<p>Discharge of condition 3 (materials)of application CHE/18/00412/FUL - Two storey</p> <p>At 1 Rodsley Close Holme Hall Chesterfield</p> <p>For Mr Tim Booker</p>	DPC	07/12/2018
CHE/18/00699/FUL	Lowgates And Woodthorp	<p>Garage and kitchen extension</p> <p>At Wyvern Eckington Road Staveley S43 3XZ</p> <p>For Mr and Mrs Rolfe</p>	CP	11/12/2018
2604 2604				
CHE/18/00705/DOC	Moor	<p>Discharge of conditions (lighting)of CHE/18/00518/RET - retention of an ATM installed through a composite security panel to the left side of the entrance door</p> <p>At The Cricketers Inn Stand Road Newbold S41 8SJ</p> <p>For Notemachine UK Ltd</p>	DPC	04/12/2018
2396				
CHE/18/00706/TP	Moor	<p>Proposed conservatory</p> <p>At 3A Shaw Street Whittington Moor Derbyshire S41 9AY</p>	PANR	10/12/2018

		For Mrs Kay Cantrill		
CHE/18/00711/RE	Hasland	Variation of condition 2 of CHE/17/00437/FUL (Erection of 3 bungalows) to allow for alterations to the elevations of the bungalows	CPRE1Z	10/12/2018
1461		At Q House The Green Hasland S41 0LJ		
		For Mr Richard Palfreyman		
CHE/18/00714/FUL		Linacre Side extension to detached garage 10/12/2018	CP	
5634		At 12 Craglands Grove Holme Hall Chesterfield S40 4XT		
		For Mr and Mrs Rob Scott		
CHE/18/00717/FUL	St Leonards	Raising of the existing roof pitch by building up the hipped gables to create additional habitable living area in the roof space	CP	10/12/2018
1963		At 7 Owen Falls Avenue Chesterfield S41 0FR		
		For Mr D Marriott		
CHE/18/00719/FUL	Walton	Two storey side extension to dwelling (amended plans received	CP	13/12/2018
4292		At 74 Foljambe Avenue Walton Chesterfield S40 3EX		
		For Mr and Mrs B Yates		
CHE/18/00720/DOC	Middlecroft And Poolsbrook	Discharge of conditions 4 (drainage) and 7 (site investigation) of CHE/16/00369/FUL - Construction of extension to existing factory unit to provide an expanded production	DPC	11/12/2018
		At		

5325

A G W Electronics  
Ireland Industrial Estate  
Adelphi Way  
Staveley  
Derbyshire  
S43 3LS  
For  
AGW Holdings Ltd

CHE/18/00730/TPO Linacre

Ash tree - situated in front garden on boundary with School. On Friday 12 October high winds caused the tree to snap and a large part fell over the garden into the road narrowly missing a young person and a car. The tree remains unstable as it is dying of bacterial conker or knot. The tree has been infected a long time. There are very brittle looking dead branches hanging over our house, garden and the School drive. The tree is situated 27 feet approximately from the front of the house. If the tree falls it will cause devastation.

CP

17/12/2018

At  
Ash House  
4 Helmsley Close  
Upper Newbold  
Derbyshire  
S41 8BG  
For  
Mrs Nadine Wilford

CHE/18/00731/FUL Brimington  
South

Single storey rear extension  
At  
228 Brimington Road  
Tapton  
Derbyshire  
S41 0ST

CP

17/12/2018

5210

For  
Mr and Mrs Brundrett

CHE/18/00732/DOC Old  
Whittington

Discharge of planning conditions 4 (materials) 8 (site investigation) and 9 (boundary treatments) of CHE/18/00349/FUL - residential development for 2 three bedroom detached dwellings

DPC

18/12/2018

At  
12 Corporation Street North  
Old Whittington

4686

Derbyshire  
S41

For  
Mr Paul Kitchen

CHE/18/00750/	DOC Linacre	Discharge of planning conditions of CHE/16/00518/FUL - Erection of residential development comprising 55 dwellings, access, landscaping and associated works	DPC	29/11/2018
1990		At Site Of Former Newbold Community School Newbold Road Newbold S41 8RJ For Miller Homes (Yorkshire)		
CHE/18/00752/REM	St Leonards	Variation of approved plans (Condition 1) to revise the siting of units 1 and 2 on the site frontage - Planning Application CHE/17/00375/REM	CP	10/12/2018
1070		At Hady Miners Welfare Club Houldsworth Drive Hady S41 0BS For Mr Mark Noakes		
CHE/18/00761/DOC	Hollingwood And Inkersall	Discharge condition 3 (Gas Protection Measures) on application CHE/17/00572/REM	DPC	29/11/2018
3509		At Plot 6 Markham Vale Enterprise Way Duckmanton  For Henry Boot Developments		
CHE/18/00774/NMA	Walton	Non material amendment on application CHE/17/00894/FUL for alteration of pitched roof to single storey extension to flat roof with lantern light	UP	07/12/2018
6137		At 255 Walton Road Walton S40 3BT		



For  
Mr John Fox

CHE/18/00801/TPOSt Works to damaged TPO 320 (Ash) CP 04/12/2018  
Leonards At

Chesterfield Model Engineering Society  
The Clubhouse  
Hady Hill  
Hady  
Derbyshire  
S41 0EE

For  
Mr Michael Holmes

CHE/18/00814/TPO Barrow Hill Removal of one storm damaged Ash CP 04/12/2018  
And New tree (W3 of TPO 189)  
Whittington At

50 Highland Road  
New Whittington  
Derbyshire  
S43 2EZ



## **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>	1 <sup>st</sup> July 2019
<b>TITLE</b>	DELEGATION
<b>PUBLICITY</b>	For Publication
<b>CONTENTS</b>	Items approved by the Development Management and Conservation Manager under the following Delegation references:-  Felling and Pruning of Trees P100D, P120D, P130D
<b>RECOMMENDATIONS</b>	Not applicable
<b>LIST OF BACKGROUND PAPERS</b>	Relevant applications

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

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

<b><u>CODE NO</u></b>	<b><u>DESCRIPTION OF PROPOSAL</u></b>	<b><u>TERMS OF DECISION</u></b>
CHE/19/00299/TPO TPO 4901.112 03/06/19	The pruning of one Silver Birch tree reference T3 on the order map for Mr Pearman of 80 Cordwell Avenue, Dunston. The tree is close to the property and low over the road.	Consent is granted to the crown lifting of one Silver Birch by 5.2 metres over the highway and 3 metres over the garden and includes the removal of two lower branches growing towards the property.
CHE/19/00318/TPO TPO 4901.49 03/06/19	The felling of one dead Sycamore tree reference T1 on the Order map for Mrs Strelley of 8 Bryn Lea, Hady. The tree was poisoned at the base in 2018 and has now died.	Consent is granted to fell one Sycamore tree with the duty to plant a replacement red maple in the first available planting season after felling.
CHE/19/00301/TPO TPO 4901.173 07/06/19	The felling of one Silver Birch tree reference T33 on the Order map for Mr M Wall at 305 Ashgate Road, Ashgate. The tree is being suppressed by the adjacent Lime tree and its visual amenity is lost due to the more dominant tree.	Consent is granted to the felling of one Birch tree due to its poor form and lack of amenity. The duty to plant a replacement tree has been dispensed with on this occasion due to the lack of suitable planting space and other trees to the frontage.

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## AGENDA ITEM

### **APPEALS REPORT**

**MEETING:** PLANNING COMMITTEE

**DATE:** 1<sup>st</sup> July 2019

**REPORT BY:** DEVELOPMENT MANAGEMENT AND  
CONSERVATION MANAGER

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#### **FOR PUBLICATION**

#### **BACKGROUND PAPERS FOR PUBLIC REPORTS**

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

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

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

**PAUL STANIFORTH**  
**DEVELOPMENT MANAGEMENT AND CONSERVATION**  
**MANAGER**

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

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## APPEALS

<u>FILE NO.</u>	<u>WARD</u>	<u>APPELLANT</u>	<u>CASE</u>	<u>MEMBER OFFICER</u>	<u>DATE REC</u>	<u>TYPE AND DATE</u>	<u>DECISION AND DATE</u>
2/1932	St Leonards ward	Mr K Hearn	CHE/18/00225/FUL – 5 No dwellings on land at Chesterfield Cattery, Crow Lane. Refusal	Planning Committee	04/01/19	Written Reps change to Hearing	
2/4072	Dunston ward	Mr and Mrs Heppenstall	CHE/18/00550/FUL – Manage at Dunston Hole Farm, Dunston Road. Refusal	Officer delegation	05/02/19	Written Reps	
2/1908	Lowgates and Woodthorpe ward	Samantha Asquith	CHE/18/00807/TPO – Felling of Ash Tree at 9 Norbriggs Road. Refusal	Officer delegation	07/02/19	Written Reps	
2/1903	Brimington South ward	Frank Sissons	CHE/18/00532/OUT – Outline for Residential Development of 150 dwellings on land west of Northmoor View, Brimington. Refusal	Planning Committee	20/2/19	Public Inquiry 2-5 <sup>th</sup> July 2019	
2/3823	Rother ward	Mr P Walters	CHE/18/00657/FUL – Rear extension at 96 Boythorpe Road. Refusal	Officer delegation	22/3/19	Written Reps (HAS)	
2/930	Old Whittington ward	Mr C Bayliss	CHE/18/00427/FUL – 2 dwellings on land to rear 11 Newbridge Street. Refusal	Officer delegation	10/4/19	Written Reps	

2/530	St Helens ward	Mr C De Girolamo	CHE/18/00772/FUL – Change of Use of garage to community café/pizzeria. Refusal	Planning Committee	8/5/19	Written Reps	
2/5840	Brimington North ward	Mrs Gail Freeman	CHE/19/00187/FUL – vehicle access to 125 Ringwood Road. Refusal	Officer delegation	3/6/19	Written Reps	
2/555	Middlecroft and Poolsbrook ward	Cardtronics UK Ltd	CHE/19/00053/RET – ATM at Tasty Bites, Chesterfield Road Refusal	Officer delegation	11/6/19	Written Reps	