



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

Councillors P Niblock and S Niblock –  
Site Visit 1

Councillors Blank and Sarvent –  
Site Visit 2

Councillors Bellamy and P Gilby –  
Site Visit 3

Councillors Mannion-Brunt and  
Murphy –

Site Visit 4

Councillors Mannion-Brunt and  
Murphy –

Site Visit 5

12 July 2019

Dear Councillor,

Please attend a meeting of the PLANNING COMMITTEE to be held on MONDAY, 22 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 Committee Room 1 at 12:55pm. Ward members wishing to be present should attend on site as indicated below:-

1. 13:10 4 The Dell CHE/19/00297/FUL

2. 13:25 Whitebank Close CHE/19/00156/FUL
3. 13:45 33 Brooke Drive CHE/19/00216/OUT
4. 14:00 Chesterfield Waterside CHE/19/00116/REM
5. 14:15 Chesterfield Waterside CHE/19/00166/COU

***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 Kearsy 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 22 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 5 - 20)
4. Applications for Planning Permission - Plans Determined by the Committee (Pages 21 - 136)
5. Building Regulations (P880D) (Pages 137 - 140)
6. Applications for Planning Permission - Plans Determined by the Development Management and Conservation Manager (P140D) (Pages 141 - 158)
7. Applications to Fell or Prune Trees (P620D) (Pages 159 - 166)
8. Appeals Report (P000) (Pages 167 - 182)

9. Enforcement Report (P410) (Pages 183 - 186)

Yours sincerely,

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

Local Government and Regulatory Law Manager and Monitoring Officer

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**PLANNING COMMITTEE****Monday, 1st July, 2019**

Present:-

Councillor Simmons (Vice-Chair in the Chair)

Councillors	Barr	Councillors	Miles
	Bingham		Kelly
	Catt		Marriott
	Caulfield		Borrell
	Davenport		G Falconer
	T Gilby		

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

**CHE19/00102/FUL** - Demolition of buildings used for commercial purposes and erection of 7 dwellings and conversion of outbuildings 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.

Councillors Barr, Borrell, Catt, Caulfield, Davenport, G Falconer, T Gilby, Kelly, Marriott, Miles and Simmons.

**CHE/18/00602/FUL** - 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.

Councillors Barr, Bingham, Borrell, Catt, Caulfield, Davenport, G Falconer, T Gilby, Kelly, Marriott, Miles and Simmons.

**CHE/19/00237/REM1** - 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.

Councillors Barr, Bingham, Borrell, Catt, Caulfield, Davenport, G Falconer, T Gilby, Kelly, Marriott, Miles and Simmons.

\*Matters dealt with under the Delegation Scheme

**19 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Brady and Callan.

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

Councillor Bingham declared an interest in agenda item 4(1) (CHE/19/00102/FUL - 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) as the applicants were known to him.

**21 MINUTES OF PLANNING COMMITTEE**

**RESOLVED -**

That the Minutes of the meeting of the Planning Committee held on 10 June, 2019 be signed by the Chair as a true record.

**22 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/18/00602/FUL - 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

In accordance with Minute No. 299 (2001/2002), William Marshall  
(objector's representative) addressed the meeting.

#### 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.

#### 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.

3. In respect of the details shown on the hereby approved 'revised plan as proposed' (dated 03.04.2019) the insulation boards situated between the containers shall be installed within two months of the date of this decision and retained for the life of the development.

#### Hours of operation

4. 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.

CHE/19/00102/FUL - 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

Councillor Bingham 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:-

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.
  - 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.
3. 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.
4. 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.



5. 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.

6. 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.

7. 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.

8. No development shall take place, including any works of demolition, until a construction management plan or construction method statement has been submitted to and been approved in writing by the Local Planning Authority 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.

9. 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.

Councillor Bingham returned to the meeting.

CHE/19/00237/REM1 - 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

That the officer recommendation be upheld and the application be approved and conditions 2 and 3 amended/agreed as follows:-

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

C00 REV A - SITE LOCATION PLAN  
 W01 REV 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

3. 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.

23 **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/18/00229/FUL	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
CHE/18/00626/REM1	Variation of conditions 31 (highway
CHE/18/00633/FUL	Single storey side and rear extension (revised

- drawing 22/11/18) at 9 Newbold Back Lane  
Chesterfield S40 4HF for Mr Josh Whittaker
- CHE/18/00650/FUL Double ramped access to main entrance to  
improve accessibility at Hasland Workingmen's  
Club Hampton Street Hasland S41 0LH for  
Hasland Community Hub
- CHE/18/00687/FUL Two storey extension to side at 148 Langer Lane  
Birdholme S40 2JJ for Mr Dean Shelley
- CHE/18/00690/FUL 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, rear ground floor  
dining and lounge areas and 2 bedrooms and  
bathrooms at first floor level - revised drawings  
received 30.10.18 at 17 Storrs Road Chesterfield  
S40 3QA for Mr and Mrs Les King
- CHE/18/00699/FUL Garage and kitchen extension at Wyvern  
Eckington Road Staveley S43 3XZ for Mr and Mrs  
Rolfe
- CHE/18/00714/FUL Side extension to detached garage at 12  
Craglands Grove Holme Hall Chesterfield S40  
4XT for Mr and Mrs Rob Scott
- CHE/18/00717/FUL Raising of the existing roof pitch by building up the  
hipped gables to create additional habitable living  
area in the roof space at 7 Owen Falls Avenue  
Chesterfield S41 0FR for Mr D Marriott
- CHE/18/00719/FUL Two storey side extension to dwelling (amended  
plans received 29.10.18) at 74 Foljambe Avenue  
Walton Chesterfield S40 3EX for Mr and Mrs B  
Yates
- CHE/18/00730/TPO 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, at Ash House 4 Helmsley Close Upper Newbold Derbyshire S41 8BG for Mrs Nadine Wilford

- CHE/18/00731/FUL Single storey rear extension at 228 Brimington Road Tapton Derbyshire S41 0ST for Mr and Mrs Brundrett
- CHE/18/00752/REM 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 at
- CHE/18/00774/NMA Non material amendment on application CHE/17/00894/FUL for alteration of pitched roof to single storey extension to flat roof with lantern light at 255 Walton Road Walton S40 3BT for Mr John Fox
- CHE/18/00801/TPO Works to damaged TPO 320 (Ash) at Chesterfield Model Engineering Society The Clubhouse Hady Hill Hady Derbyshire S41 0EE for Mr Michael Holmes
- CHE/18/00814/TPO Removal of one storm damaged Ash tree (W3 of TPO 189) at 50 Highland Road New Whittington Derbyshire S43 2EZ

(b) Discharge of Planning Condition

- CHE/18/00680/DOC 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 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/18/00698/DOC Discharge of condition 3 (materials) of application CHE/18/00412/FUL - Two storey front extension at 1 Rodsley Close Holme Hall Chesterfield for Mr Tim Booker
- CHE/18/00705/DOC 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 at The Cricketers Inn Stand Road Newbold S41 8SJ for Notemachine UK Ltd
- CHE/18/00720/DOC 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 at A G W Electronics Ireland Industrial Estate Adelphi Way Staveley Derbyshire S43 3LS for AGW Holdings Ltd
- CHE/18/00732/DOC 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 at 12 Cavendish Street North Old Whittington Derbyshire S41 for Mr Paul Kitchen
- CHE/18/00750/ DOC Discharge of planning conditions of CHE/16/00518/FUL - Erection of residential development comprising 55 dwellings, access, landscaping and associated works at site of former Newbold Community School Newbold Road Newbold S41 8RJ for Miller Homes (Yorkshire)
- CHE/18/00761/DOC Discharge condition 3 (Gas Protection Measures) on application CHE/17/00572/REM at Plot 6

Markham Vale Enterprise Way Duckmanton for  
Henry Boot Developments

(c) Prior notification approval not required

CHE/18/00706/TP Proposed conservatory at 3A Shaw Street  
Whittington Moor Derbyshire S41 9AY for Mrs Kay  
Cantrill

(d) Conditional Permission Vary Conditions

CHE/18/00711/RE Variation of condition 2 of CHE/17/00437/FUL  
(Erection of 3 bungalows) to allow for alterations  
to the elevations of the bungalows at Q House  
The Green Hasland S41 0LJ for Mr Richard  
Palfreyman

**24 APPLICATIONS TO FELL OR PRUNE TREES (P620D)**

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

CHE/19/00299/TPO Consent is granted to the pruning of one  
Silver Birch tree reference T3 on the order  
map for Mr Pearman of 80 Cordwell Avenue,  
Dunston.

CHE/19/00318/TPO Consent is granted to the felling of one dead  
Sycamore tree reference T1 on the Order  
map for Mrs Strelley of 8 Bryn Lea, Hady, with  
the duty to plant a replacement red maple in  
the first available planting season after felling.

CHE/19/00301/TPO Consent is granted to the felling of one Silver  
Birch tree reference T33 on the Order map for  
Mr M Wall at 305 Ashgate Road, Ashgate.

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.

**25**     **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.

# Agenda Item 4

COMMITTEE/SUB	Planning Committee
DATE OF MEETING	22nd 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 22nd July 2019**

- ITEM 1 – CHE/19/00216/OUT:- Outline application with all matters reserved for the erection of a new dwelling house over 2 floors at 33 Brooke Drive, Brimington, Chesterfield.**
- ITEM 2 -- CHE/19/00297/FUL:- Ground floor rear extension at 4 The Dell, Ashgate, Chesterfield for Mr and Mrs Renshaw.**
- ITEM 3 -- CHE/19/00166/COU:- Change of use from engineering unit to place of worship at British Telecom exchange, Holbeck Close, Chesterfield for Ikon Church.**
- ITEM4 -- CHE/19/00116/REM:- Reserved matter application for approval of layout, scale, appearance and landscaping of office building within Basin Square pursuant to CHE/18/00626/REM1 on land east of A61 known as Chesterfield Waterside, Brimington Road, Tapton, Chesterfield, Derbyshire for Chesterfield Waterside.**
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## ITEM 1

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

File No: CHE/19/00216/OUT  
Plot No: 2/949

### **Outline application with all matters reserved for the erection of a new dwellinghouse over 2 floors at 33 Brooke Drive, Brimington, Chesterfield**

Ward Brimington South  
Local Plan Unallocated

#### 1.0 **CONSULTATIONS**

Ward Members	No comments
Brimington Parish Council	No comments
Environmental Services	No comments received. .
Design Services	No objection.
Yorkshire Water	No comments received.
DCC Highways	No objections subject to condition.
Lead Local Flood Authority	No comment.
Neighbours/Site Notice	No comments received.

#### 2.0 **THE SITE**

2.1 This application concerns an area of land to the west of Brooke Drive comprising of No 33. The application site is the land to the south side of no.33 Brooke Drive upon which there is a single garage and parking for 5 vehicles. The existing house is a two storey detached pitched roof dwelling with the gable end facing the road and which has a traditional front garden area.

2.2 The predominant housing type on the street is a mix of two storey semi-detached houses, semi-detached dormer bungalows and detached two storey houses.

2.3 The site is within a residential area and is surrounded by housing on all sides.

### 3.0 **RELEVANT SITE HISTORY**

3.1 No relevant applications

### 4.0 **THE PROPOSAL**

4.1 The proposal is an outline planning application with all matters reserved for one dwelling on the land between 33 and 31 Brooke Drive. An indicative drawing has been included showing a 3 bedroom dwelling of a similar design, size and scale to the existing dwelling, but as all matters are reserved for later consideration minimal weight can be given to this drawing. It is considered that two car parking spaces could be provided to the front of both the proposed and existing dwellings. The proposal also includes reasonable sized rear gardens for both dwellings.

### 5.0 **CONSIDERATIONS**

#### 5.1 **Local Plan Issues**

5.1.1 The below comments were provided by the Council's Forward Planning Team:

5.1.2 *As the application site is currently residential garden (albeit with a structure on the site), it does not meet the definition of Previously Developed Land set out in Annex 2 of the NPPF, which specifically excludes residential gardens. The site must therefore be considered as a greenfield site.*

*Policies CS1 and CS10 are therefore the key policies in determining the principle of development.*

*Policies CS1 and CS2 encourage new development to be concentrated within walking distance of centres and make use of previously developed land. Neither the adopted Local*

*Plan nor the emerging Local Plan identifies a centre within walking distance of the site. Neither the adopted nor emerging North East Derbyshire Local Plans identify any form of centre within walking distance of the site. There is a small local convenience store within walking distance of the site and a Nursery and Infant's School. However the 'normal area' junior school for the site would be Brimington Junior School approximately 2.5km away (Calow CofE primary school is 1.2km away but not the normal area's school). There are a range of other facilities in nearby Calow, including a post office, and a regular bus service on Manor Road (service 80, half hourly at peak times).*

*Policy CS10 states that "Planning permission for housing-led greenfield development proposals on unallocated sites will only be permitted if allocated land has been exhausted or if annual monitoring shows that there is less than a 5-year supply of deliverable sites". Allocated land has not been exhausted and the council's latest five year housing supply statement (May 2019) demonstrates that there is a five year supply of deliverable sites.*

*A strict interpretation of policy CS10 would indicate that planning permission should not be granted for the development of residential gardens or small scale greenfield urban infill plots. However, whilst technically a greenfield site, the application site is within the urban area, and already contains a structure that would be replaced.*

*However the NPPF is also clear that "Local planning authorities should approach decisions on proposed development in a positive and creative way." (NPPF para 38). Applications for planning permission should be determined in accordance with the development plan, unless material considerations indicate otherwise (para 47).*

*The issue of CS1 was considered in the appeal on land at Westmoor Lane, which is also in Brimington Common (APP/A1015/W/15/3133464). In this the Inspector concluded that "whilst the spatial strategy of the CS set out within Policy CS1 is to concentrate development within walking and cycling distance of centres, this does not mean that the location of all new development, irrespective of scale, such*

*as the construction of three dwellings is required to be restricted within those parameters”.*

*Given the small scale of the proposed development (a single dwelling), the fact that it is within the urban area and does have access to a range of facilities; it is unlikely that a development of this scale would result in an unsustainable pattern of development.*

*In this case there is an argument to allow some flexibility in the interpretation of policies CS1 and CS10, although this would most likely make the application a departure from the development plan if it was to be granted planning permission.*

*If permitted, the site would be liable for CIL at the medium zone rate of £50 (subject to index linking and any exemptions, for example for existing floorspace, or custom and self-build).*

*If permission is granted, conditions should be applied requiring provision of suitable provision to charge and electric vehicle, and the provision of measures to secure a net gain in biodiversity, including the inclusion of bird and/or bat roosting opportunities on any building.*

- 5.1.3 The policy position above is accepted however on balance the fact that the proposal is a single dwelling between existing dwellings on a street of similar dwellings would not represent inappropriate development and should be accepted.

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

- 6.1 The indicative drawing is for 1 dwelling that is of a similar layout and scale to other dwellings in the area, but no reserved matters have been included in terms of the design and appearance of the scheme. Any reserved matters proposal would be required to not lead to a significantly negative impact towards surrounding residents, in terms of overlooking, overshadowing and massing and to be in-keeping in terms of design and visual amenity.

6.2 Overall the principle of this scheme is considered to be of an appropriate size to accommodate 1 dwelling, but no further assessment can be made of the site until additional information is supplied in a reserved matters application. There is a high prospect of designing a dwelling for the site which reflects the local character of the street. Overall the proposed development is considered to be appropriately sized to respond to the provisions of policies CS2 and CS18 of the Core Strategy, the wider SPD and revised NPPF.

## 7.0 **Environmental Services**

7.1 Environmental Services were consulted on the application and they have not provided comments. It is considered that the proposal requires conditions to control working hours and air quality.

## 8.0 **Drainage**

8.1 Design Services were consulted on the application and they stated that the site was not in a flood risk area and that no objections arise.

## 9.0 **Highways Issues**

9.1 The Highway Authority has requested that the proposed and existing dwelling includes 2 parking spaces of an adequate size. It is considered that this is possible and can be secured by condition.

9.2 Having regard to the principles of policies CS2 and CS18 of the Local Plan in respect of highway safety it is not considered that the development proposals pose any serious adverse risk to highway safety. It is considered that sufficient space is available on site to provide an adequate level of off street parking, subject to condition.

## 10.0 **Coal Mining Risk**

10.1 In respect of potential Coal Mining Risk, the site the subject of the application is situated within a low risk area, and the Coal Authority has not therefore been consulted because standing advice applies.

11.0 **Community Infrastructure Levy (CIL)**

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

12.0 **REPRESENTATIONS**

12.1 No comments received.

13.0 **HUMAN RIGHTS ACT 1998**

13.1 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

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

13.3 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.

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

- 14.1 The following is a statement on how the Local Planning Authority (LPA) has adhered to the requirements of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 in respect of decision making in line with paragraph 38 of the February 2019 National Planning Policy Framework (NPPF).
- 14.2 Given that the proposed development would technically be in conflict with the local plan policy since it is regarded as a greenfield site it is considered on balance that the development can be accepted given the revised NPPF (February 2019) and the minor nature of the scheme on a site which would be developed entirely within the character and appearance of its local context. The LPA has been sufficiently proactive and positive in proportion to the nature and scale of the development applied for.
- 14.3 The applicant / agent will be provided with copy of this report informing them of the application considerations and recommendation / conclusion.

15.0 **CONCLUSION**

- 15.1 The proposals are considered on balance to be appropriate as it is considered that there is adequate space on site for 1 dwelling. The location of the proposed development site is within a well established residential street and which is reasonably served by public transport and amenities. As such, the proposal generally accords with the requirements of policies CS1, CS2, CS18 and CS20 of the Core Strategy and the wider National Planning Policy Framework.
- 15.2 Furthermore subject to the imposition of appropriate planning conditions the proposals are considered to demonstrate wider compliance with policies CS7, CS9 and CS20 of the Core Strategy and the wider NPPF in respect of Highways, drainage, coal mining and air pollution. This application would be liable for payment of the Community Infrastructure Levy.

16.0 **RECOMMENDATION**

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

**Conditions**

1. Approval of the details of the access, scale, layout, external appearance and landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
2. Application for approval of all the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
3. The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
4. Concurrent with the submission of a reserved matters application, precise specifications or samples of the walling and roofing materials to be used shall be submitted to the Local Planning Authority for consideration. Only those materials approved in writing by the Local Planning Authority shall be used as part of the development unless otherwise agreed by the Local Planning Authority in writing.
5. Unless otherwise approved in writing by the Local Planning Authority demolition, remediation or construction work to implement the permission hereby granted shall only be carried out on site between 8:00am and 6:00pm Monday to Friday, 9:00am to 1:00pm on a Saturday and no work on a Sunday or Public Holiday. The term "work" will also apply to the operation of plant, machinery and equipment.
6. Concurrent with a reserved matters application, drawings shall be provided which show the possibility of the proposed new driveway to have visibility splays of 2.4m x 43m over land the subject of the application/highway in both directions, and then agreed in writing with the Local Planning Authority.



The area in advance of the sightlines shall be maintained throughout the life of the development clear of any object greater than 1m in height (0.6m in the case of vegetation) relative to adjoining nearside carriageway channel level.

7. The Reserved Matters submission shall include full details of the provision of 2 parking spaces each for No 33 Brooke Drive and the new dwelling and which shall be provided and be available for use concurrent with the first occupation of the new dwelling. The parking spaces shall be retained available for use thereafter.
8. The Reserved Matters submission shall include drawings which show details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off-site works.
9. The Reserved Matters submission shall include full details of a residential electric vehicle charging point which shall be provided as part of the development prior to first occupation of the dwelling and which shall be maintained for the life of the approved development.

### **Reasons for Conditions**

1. The condition is imposed in accordance with article 3 (1) of The Town and Country Planning (General Development Procedure) Order 1995 (as amended).
2. The condition is imposed in accordance with sections 91, 56 and 93 of the Town and Country Planning Act 1990.
3. The condition is imposed in accordance with sections 91, 56 and 93 of the Town and Country Planning Act 1990.
4. 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.
5. In the interests of residential amenities.

6. In the interests of highway safety.
7. In the interests of highway safety
8. To ensure that the development can be properly drained.
9. In the interests of reducing emissions in line with policies CS20 and CS8 of the Core Strategy.

### **Notes**

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

5. Ideally, car parking provision should be made on the basis of two spaces per two/three bedroom dwelling or three spaces per four/four plus bedroom dwelling. A single garage should have internal measurements of 3m x 6m, spaces in front of a garage should be 6m in length and other spaces 2.4m x 5.5m. There should be adequate space behind each space for manoeuvring.
6. Construction works are likely to require Traffic Management and advice regarding procedures should be sought from Dave Bailey, Traffic Management, 01629 538686. All road closure and temporary traffic signal applications will have to be submitted via the County Councils web-site; relevant forms are available via the following link -  
[http://www.derbyshire.gov.uk/transport\\_roads/roads\\_traffic/roadworks/default.asp](http://www.derbyshire.gov.uk/transport_roads/roads_traffic/roadworks/default.asp)
7. You are notified that you will be liable to pay the Community Infrastructure Levy (CIL) to Chesterfield Borough Council as CIL collecting authority on commencement of development. This charge will be levied under the Chesterfield Borough Council CIL charging schedule and s211 of the Planning Act 2008. A CIL Liability Notice will be issued at the time of a detailed planning permission which first permits development, in accordance with the Community Infrastructure Levy Regulations 2010 (as amended). The extent of liability will be dependent on the permitted Gross Internal Area. This will be calculated on the basis of information contained within a subsequent detailed planning permission. Certain types of development may be eligible for relief from CIL, such as self-build or social housing, or development by charities. Further information on the CIL is available on the Borough Council's website.

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## ITEM 2

Case Officer: Chris Wright  
Tel. No: 01246 345787

File No: CHE/19/00297/FUL  
Plot No: 2/308

### **Ground floor rear extension at 4 The Dell, Ashgate, Chesterfield for Mr and Mrs Renshaw**

#### **1.0 CONSULTATIONS**

Ward Members	No comments received.
Highways Authority	No objection.
Neighbours	5 No representations received from 6 neighbours

#### **2.0 THE SITE**

- 2.1 This application relates to a detached two storey dwelling to the eastern side of a cul-de-sac called The Dell. It is a residential area and is surrounded by housing to the south, west, east and north, and there is also a vacant housing plot to the north of the site.
- 2.2 The street is dominated by brick built two storey detached dwellings. The existing house has tile hanging at first floor level to the front and sides of the dwelling, with red brick on the ground floor and to the entirety of the rear elevation. The dwelling also has a detached double garage to the side.

#### **3.0 SITE HISTORY**

- 3.1 No relevant applications.

#### **4.0 PROPOSAL**

- 4.1 Planning approval is sought for a flat roof single storey side/rear extension. This would be sited at the south-east corner of the

dwelling and would project to the rear by 6m and to the side by 1.3m. The extension would be 4.2m in width and would project to within 1 metre of the boundary with No 6 The Dell. There would be patio doors to the rear and side and there would be a lantern-style roof light.

4.2 The proposal has been amended on several occasions. The initial proposal was for the rear extension to be constructed in matching materials to the house (brick) however this was amended after the applicant requested a change of the proposal to render along with rendering of the brick areas of the existing dwelling. This was the subject of additional neighbour consultation however after further consideration the applicants reverted the proposal back to use of matching materials.

4.3 The proposal extension would be used as a living room.

## **5.0 OFFICER ASSESSMENT**

### **5.1 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).

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

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



- CS6 Sustainable Design and Construction
- CS18 Design

### 5.1.3 **Other Relevant Policy and Documents**

The Sections of the National Planning Policy Framework (NPPF) considered relevant to the decision are:

- Chapter 12: Achieving well-designed places

Other relevant documents include:

- SPD 'Sustainable Design' (adopted Oct 2008)
- SPD 'Successful Places' (adopted July 2013)
- Planning Practice Guidance

## 5.2 **Key Issues**

- Principle of Development
- Design and Visual Amenity
- Residential Amenity
- Highways Safety and Parking Provision

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

5.3.1 The application site is located within a residential area. The proposed development would be ancillary to the residential use of the host dwelling which is considered to be appropriate and acceptable in principle.

5.3.2 The proposed extension is considered acceptable in principle against policies CS1, CS2 and CS3 of the Core Strategy and the wider objectives of the revised NPPF.

### 5.4 **Design and Visual Amenity**

5.4.1 In accordance with Core Strategy Policy CS18 all new development should identify, respond to and integrate with the character of the site and surroundings and respect the local

distinctiveness of its context. In doing so developments are expected to respect the character, form and setting of the site and surrounding area; having regard to its function, appearance, scale and massing.

- 5.4.2 The rear extension will not be visible from the streetscene and is designed to fit in with the existing scale and design of the existing house. The proposal is not considered to have a detrimental visual impact on the area especially now that the applicant proposes matching materials to the existing dwelling for its construction. On this basis the proposal is acceptable in terms of design under policies CS2 and CS18.

## **5.5 Residential Amenity**

- 5.5.1 Core Strategy Policy CS2 comments that development will be expected to have an acceptable impact on the amenity of users and neighbours. The Council's SPD 'Successful Places' provides further guidance in respect of privacy, day light and sunlight, overshadowing and external amenity space.
- 5.5.2 The proposal would be positioned to the rear of the dwelling immediately to the north of the nearest neighbour at 6 The Dell such that there would be no overshadowing impact. Whereas the extension projects to the rear by 6 metres and is closer to the boundary with No 6 it will not have a detrimental impact on the neighbour because of the orientation, the presence of a mature boundary separating the properties and on the basis of the fact that no windows are positioned facing towards No 6. The proposal will have no adverse impact in terms of overlooking, overshadowing or massing and it is noted that objections received from neighbours do not raise these matters as issues. It is considered that the proposal is acceptable in terms of design under policies CS2 of the Core Strategy.

6.0 **Highways**

6.1 In terms of highway safety the proposal is not considered to have any detrimental impact upon highway safety.

7.0 **REPRESENTATIONS**

7.1 5 comments received from 6 different neighbours as follows:

7.2 1 The Dell – The resident has commented about the lack of a site notice being sited on the street and that not all neighbours received notification letters of the proposal. They also consider that the proposed change is not sustainable and would have significant negative impact on the streetscene

7.3 11 The Dell – The resident objects to the proposed change from brick to render.

7.4 15 The Dell – Considers that there is an inconsistency in how the application is described and what is intended, that they have already began some works on site and the proposal will negatively impact the streetscene. They also consider that the hanging tiles would lead to the staining of the render, that adding render unnecessarily is not sustainable and that this render would need to be re-painted regularly.

7.5 6 The Dell – The residents commented that the proposal may impact the foundations of their garage and fence, that there are inconsistencies in the description of the scheme on the website and how the agent has described it, that the bricks on the house have weathered well and that rendering a house that doesn't need to be rendered is not environmentally friendly. They object to the change of the dwelling from brick to render.

7.6 5 and 7 The Dell – The residents have commented that the proposal was not advertised appropriately, that there is confusion between what is advertised/described and what appears to be actually intended, that they already appear to have completed

some works on site and that the proposed works would lead to a negative impact on the streetscene. They also consider that the hanging tiles would lead to the staining of the render, that adding render unnecessarily is not sustainable and that this would render would need to be re-painted regularly.

7.7 ***Officer comment - The proposal has been amended to remove the render from the extension and house with matching materials now being proposed. There are no objections to the rear extension which would not be generally visible ion the streetscene and therefore would be difficult to argue has an adverse impact on the streetscene. Regarding the impact on foundations this is a private matter between the respective property owners and any damage to the neighbour's property is not a planning matter.***

## 8.0 **HUMAN RIGHTS ACT 1998**

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

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

8.2 The action in considering the application is in accordance with clearly established Planning law and the Council's Delegation scheme.

8.3 The objective of arriving at a decision is sufficiently important to justify the action taken over the period of the life of the application.

- 8.4 The decision taken is objective, based on all planning considerations and is, therefore, not irrational or arbitrary.
- 8.5 The methods used are no more than are necessary and required to accomplish the legitimate objective of determining an application.
- 8.6 The interference caused by a refusal, approval or approval with conditions, based solely on planning merits, impairs as little as possible with the qualified rights or freedoms of the applicant, an objector or consideration of the wider Public Interest.

9.0 Statement of Positive and Proactive Working With Applicants

- 9.1 The following is a statement on how the Local Planning Authority (LPA) has adhered to the requirements of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 in respect of decision making in line with paragraph 38 of the February 2019 National Planning Policy Framework (NPPF).
- 9.2 Given that the proposed development subject to conditions would not conflict with the revised NPPF (February 2019) and with 'up-to-date' Development Plan policies, it is considered to be 'sustainable development' and there is a presumption on the LPA to seek to approve the application. The LPA has been sufficiently proactive and positive in proportion to the nature and scale of the development applied for.

10.0 **CONCLUSIONS**

- 10.1 The proposed development is considered to sufficiently reflect the architectural characteristics and form of the existing dwelling and local context. Furthermore, it is not considered that the development would result in significant injury to the amenity of nearby residential properties or lead to a negative impact upon highway safety. As such, this application is considered to comply with the requirements of policies CS2 and CS18 of the Chesterfield

Local Plan: Core Strategy 2011 – 2031 and Chapter 12 of the revised National Planning Policy Framework.

## 11.0 **RECOMMENDATION**

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

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

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

02. All external dimensions and elevational treatments shall be as shown on the approved plans 01; 02A and 03A with the exception of any approved non material amendment.

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

03. The external walling materials for the extension shall match the existing dwelling unless otherwise agreed by the Local Planning Authority in writing.

*Reason – In the interests of visual amenity.*

### 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.

CHE/19/00297/FUL



**CHESTERFIELD**  
BOROUGH COUNCIL

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Case Officer: Paul Staniforth  
Tel. No: (01246) 345781  
Ctte Date: 22<sup>nd</sup> July 2019

File No: CHE/19/00166/COU  
Plot No: 2/1637

### ITEM 3

## CHANGE OF USE FROM ENGINEERING UNIT TO PLACE OF WORSHIP AT BRITISH TELECOM TELEPHONE EXCHANGE, HOLBECK CLOSE CHESTERFIELD FOR IKON CHURCH.

Local Plan: Area of Major Change  
Ward: St Helens

### 1.0 CONSULTATIONS

<b>Local Highways Authority</b>	Comments received 01/05/2019 – see report
<b>Design Services</b>	Comments received 16/04/2019 – further detail required
<b>Environmental Services</b>	Comments received 11/04/2019 – no adverse comments to make
<b>Economic Development Unit</b>	Objects to application – see report
<b>Crime Prevention Design Advisor</b>	Comments received 23/04/2019 – see report
<b>Coal Authority</b>	No comments received
<b>Yorkshire Water Services</b>	No comments received
<b>Environment Agency</b>	Comments received 18/04/2019 – no objection
<b>Lead Local Flood Authority</b>	Comments received 18/04/2019 – No comment to make
<b>DCC Strategic Planning</b>	No comments received
<b>C/Field Cycle Campaign</b>	Comments received 12/04/2019 - see report
<b>Ward Members</b>	No comments received
<b>Site Notice / Neighbours</b>	1 objection received

### 2.0 THE SITE

2.1 The application site is a part of the wider Chesterfield Waterside Regeneration area of major change which is located between

Brimington Road to the east, the A61 bypass to the west and which stretches from the Brewery Street roundabout close to the railway station to the south through to the DCC depot site to the north.

## 2.2

The site which extends to approximately 1490 square metres is currently occupied by Multiplex Engineering, a distributor and stockist of valves and instrumentation. The River Rother bounds the east side of the site and is defined by a green corridor of semi-wooded land, with the Cuckoo Way footpath route running alongside between the river and the site boundary fence. The riverside footpath along the east side of the site runs along the complete length of the site and which links to Brimington Road to the east and Canal Wharf to the west just south of the new housing phase agreed for Avant Homes. To the north the route continues to connect to Lockoford Lane at Tapton Lock and which also doubles back up to Brimington Road at Tapton Hill Bridge. The western boundary is formed by the A61 Chesterfield bypass. To the south is Chesterfield Motor Cross Store within a warehouse building alongside the entrance to the site and further to the south and south west are temporary surface car park areas. To the north is vacant cleared land between the site boundary and the A61 footbridge and which was last occupied as part of the Arnold Laver Timber Yard site. The site is accessed from Brimington Road via Holbeck Close which and which provides vehicular access to the south east corner of the site.



## 2.3

The overall Waterside site is largely vacant however a number of businesses remain on the west of Brimington Road at Peel House,

the former Telephone Exchange and Chesterfield Motorcross store on Holbeck Close and industrial buildings to west Brimington Road. The application site itself comprises of 3 no buildings arranged in an L shape with associated hardsurfaced parking areas on the south east side. The 3.7 acre site is advertised for sale by Commercial Property Partners.

### 3.0 **RELEVANT SITE HISTORY**

3.1 CHE/0284/0066 – 3 metre high palisade security fence – Approved 5<sup>th</sup> April 1984

3.2 CHE/0986/0557 – Permission for use of land as vehicle store area at Chesterfield TEC – Approved 17<sup>th</sup> November 1986.

3.3 CHE/0788/0550 – Conversion of storage area into classroom/training areas with new windows – Approved 12<sup>th</sup> September 1988.

3.4 CHE/08/00243/FUL – Construction of canal basin – Approved 10<sup>th</sup> June 2008.

3.5 CHE/09/00662/OUT – Outline for Mixed Use Regeneration scheme comprising residential (1560), retail (A1, A2, A3, A4, A5), Offices (B1), Doctors Surgery and Creche (D1), 2 hotels (C1), Health and Fitness (D2), Nursing Home (C2), ancillary creative uses including possible arts centre, canal link, open space and eco and linear parks, new public realm and car parking including a MSCP. – Approved with Conditions 9<sup>th</sup> March 2011 (Associated s106 legal agreement).

3.6 CHE/09/00706/ADV – Boards to advertise 6 character areas of the scheme – Approved 2<sup>nd</sup> March 2010.

3.7 CHE/13/00464/REM – Approval of Reserved Matters for 19 dwellings, access, parking and landscaping - Approved with Conditions 8<sup>th</sup> November 2013.

3.8 CHE/13/00817/REM1 – Variation of Conditions of outline CHE/09/00662/OUT – 5 (phasing plan); 6 (A61 footbridge Improvement); 8 (public realm strategy); 27 (fish passage around

weir); 37 (northern access to Brimington Road); 38 (Toucan crossing on Brimington Road). – Approved 26<sup>th</sup> February 2014.

- 3.9 CHE/13/00833/EIA – Screening request associated with variation of conditions 5, 6, 8, 27, 37 and 38 of outline CHE/09/00662/OUT – Determined 24<sup>th</sup> December 2013.
- 3.10 CHE/15/00119/FUL – New road bridge and access road off Brimington Road – Approved 1<sup>st</sup> July 2015.
- 3.11 CHE/15/00520/NMA – None Material Amendment to add condition to outline CHE/09/00662/OUT specifying approved plans and minor changes to conditions 5 (phasing plan), 34 (limit on other accesses), 35 (Highways and access infrastructure staging plan), 38 (Toucan crossing on Brimington Road), 39 (timing for provision of Holbeck Close signalisation), 40 (multi user link to station from Brimington Road) and 45 (streets to base course level) – Approved 4<sup>th</sup> January 2016.
- 3.12 CHE/16/00183/REM1 – Variation of Conditions 3 (Tie to Design & Access Statement and masterplan), 10 (Code for Sustainable Homes), 11 (BREEAM very good), 12 (10% renewable energy), 13 (bird and bat opportunities), 14 (household recycling), 39 (timing for provision of Holbeck Close signalisation) and 47 (approved plans) of outline CHE/09/00662/OUT – Approved 12<sup>th</sup> May 2017.
- 3.13 CHE/16/00186/DOC – Discharge of conditions 4 (links to screening opinion and EIA), 10 (Code for Sustainable Homes), 11 (BREEAM very good), 12 (10% renewable energy), 13 (bird and bat opportunities), 14 (household recycling), 17 (split between comparison and convenience retail) and 21 (levels for Station Place area) of outline CHE/09/00662/OUT – Approved 15<sup>th</sup> December 2016.
- 3.14 CHE/16/00187/REM – Approval of Reserved Matters for layout, scale and access for Basin Square area (increasing storey heights) – Approved 16<sup>th</sup> December 2016.
- 3.15 CHE/16/00188/FUL – temporary surface car park and enabling earthworks to create development platforms in Basin Square area – Approved 14<sup>th</sup> June 2016.

- 3.16 CHE/16/00189/EIA – Screening Request for temporary car park and enabling works – Determined 1<sup>st</sup> April 2016.
- 3.17 CHE/16/00190/REM – Approval of Reserved Matters for Acoustic Bund and Enabling Earthworks – Approved 29<sup>th</sup> June 2016.
- 3.18 CHE/16/00191/DOC – Discharge of Conditions 4 (links to screening opinion and EIA), 10 (Code for Sustainable Homes), 11 (BREEAM very good), 12 (10% renewable energy), 13 (bird and bat opportunities), 14 (household recycling), 15 (ecological survey to Park and Island areas) and 21 (levels for Station Place area) of outline CHE/09/00662/OUT – Approved 15<sup>th</sup> June 2016.
- 3.19 CHE/16/00192/EIA – Screening Request for enabling development platforms – Determined 1<sup>st</sup> April 2016.
- 3.20 CHE/16/00404/DOC – Discharge of Conditions 5 (phasing plan for infrastructure across site), 8 (public realm strategy) and 9 (Ecological Management Strategy) of outline CHE/09/00662/OUT – Approved 9<sup>th</sup> August 2016.
- 3.21 CHE/16/00423/DOC – Discharge of Conditions 16 (building recording strategy) and 23 (contamination risks strategy) of outline CHE/09/00662/OUT – Approved 5<sup>th</sup> September 2016.
- 3.22 CHE/16/00475/EIA – Screening Request for dredging works to river – Determined 1<sup>st</sup> August 2016.
- 3.23 CHE/16/00528/DOC - Discharge of Conditions 3 (phasing programme for bund construction) of CHE/16/00190/REM – Approved 26<sup>th</sup> September 2016.
- 3.24 CHE/16/00529/FUL – Dredging River to make navigable with associated works – Approved 10<sup>th</sup> October 2016.
- 3.25 CHE/16/00531/DOC – Discharge of Condition 14 (phasing programme for bund construction) of CHE/16/00188/FUL – Approved 26<sup>th</sup> September 2016.
- 3.26 CHE/16/00762/DOC – Discharge of Condition 13 (barrier between site and Holbeck Close) of CHE/16/00188/FUL – Approved 1<sup>st</sup> February 2017.

- 3.27 CHE/17/00028/DOC – Temporary car park and enabling earthworks to create development platform and discharge of condition 9 (lighting strategy) of CHE/16/00188/FUL – Approved 27<sup>th</sup> June 2017.
- 3.28 CHE/17/00300/DOC – Discharge of Condition 12 (screen barrier between site and A61) of CHE/16/00188/FUL – Approved 20<sup>th</sup> June 2017.
- 3.29 CHE/17/00741/NMA – None Material Amendment of CHE/15/00119/FUL to change bridge from skew design to straight and alterations to retaining walls – Approved 31<sup>st</sup> October 2017.
- 3.30 CHE/17/00752/DOC – Discharge of Conditions 2 (bridge parapets), 3 (abutment modelling), 4 (Coal Mining Risk Assessment), 5 (soft landscaping), 10 (water vole and otter survey) and 12 (himalayan balsam) of CHE/15/00119/FUL – Approved 11<sup>th</sup> December 2017.
- 3.31 CHE/18/00083/REM1 – Variation of Conditions 3 (tie to Design & Access Statement and Masterplan), 5 (phasing plan), 8 (public realm strategy), 14 (archaeological recording and WSI), 18 (tie to FRA), 24 (Water Vole management strategy), 25 (fish passage around weir), 33 (highway and access staging plan) and 45 (approved plans) of CHE/16/00183/REM1 to omit canal arm – Approved 24<sup>th</sup> April 2018.
- 3.32 CHE/18/00599/FUL – New road bridge and access road off Brimington Road – Approved 25<sup>th</sup> October 2018.
- 3.33 CHE/18/00626/REM1 – Variation of Conditions 31 (highways improvements), 37 (junction improvements at Holbeck Close/Brimington Road), 39 (junction improvements at Brewery Street/Brimington Road), 41 (pedestrian crossing) and 45 (approved plans) of CHE/16/00183/REM1 – Approved 17<sup>th</sup> December 2018.
- 3.34 CHE/19/00069/DOC – Discharge of Condition 6 (A61 footbridge improvement) of CHE/18/00626/REM1 – Discharged 17<sup>th</sup> April 2019

- 3.35 CHE/19/00116/REM – Approval of Reserved Matters of CHE/18/00626/REM1 for office building in Basin Square area – Undetermined.
- 3.36 CHE/19/00205/DOC – Discharge of Condition 5 (Ecology mitigation concerning bridge construction) of CHE/18/00599/FUL – Approved 17<sup>th</sup> May 2019

#### 4.0 **THE PROPOSAL**

- 4.1 The IKON Church began in Chesterfield in 1987. In 2012 it moved into its first permanent building in Chesterfield on Britannia Road. In 2014, the Church launched its second location in Derby and in 2016 a third location in Sheffield. In November 2017, the Church changed its name from Christian Life Church to IKON Church. The Church wishes to expand its community services programme which currently includes a parent/carer and toddler group reaching over 100 families, children’s clubs that run in all the major school holidays, weekly youth services reaching 150 teenagers, weekly volunteering opportunities for almost 200 people in a variety of roles and a large number of small groups addressing various needs that meet across the area. The church holds 3 services each Sunday in its Chesterfield location which attract several hundred people.
- 4.2 As part of the continued growth of the Ikon Church they now seek a new location within Chesterfield that will facilitate an increase in their offering to the local community and to expand their capacity. This application represents the first stage in the strategy for the IKON Church. The applicant considers that the building is suitable for operation as a Church in its current format without need for external alterations or major internal alterations and as such IKON Church intend to purchase the property and use it as a Church immediately.
- 4.3 The application form refers to no existing parking spaces on site however this is clearly incorrect. The proposal will provide an 80 space car park.
- 4.4 The applicant is eager to work within the broad parameters of the masterplan for the site and considers the operation of the Church, which will largely be undertaken outside of office hours, to

complement the current identification of the site as an office use. They consider the inclusion of the church in this area will add to the vibrancy of the immediate area which connects the residential area to the north with the main shopping area to the south. The applicant accepts that the change of use of an existing building does not form part of the overall vision for the wider Chesterfield Waterside Project. Nonetheless, the proposals would not preclude these wider regeneration objectives and the proposed use falls within the range of uses granted approval under outline planning permission CHE/09/0062/OUT.

4.5 The application is supported by the following list of plans / documents:

- Site Plan – 20/782-03A
- Concept 3D View – 20/782-04
- Concept Plan – 20/782-01A
- The Ikon Centre Brochure
- Planning Statement dated June 2019 by DLP Planning Ltd.

## 5.0 **CONSIDERATIONS**

### **Planning Background / Principle of Development**

5.1 The site has a significant planning history relating to the wider Waterside Regeneration Area. The site the subject of this application benefits from a live outline planning permission CHE/09/00662/OUT for a mixed use Regeneration scheme comprising residential (1560), retail (A1, A2, A3, A4, A5), Offices (B1), Doctors Surgery and Creche (D1), 2 hotels (C1), Health and Fitness (D2), Nursing Home (C2), ancillary creative uses including possible arts centre, canal link, open space and eco and linear parks, new public realm and car parking including a MSCP and which was approved in 2011 subject to a number of planning conditions and a unilateral undertaking (s106 agreement) covering the provision of public art, cctv, affordable housing, an education contribution, employment and training scheme, management of green space and suds infrastructure and on and off site highways work.

5.2 The site is therefore accepted for redevelopment and the policy position confirms that a regeneration scheme is a priority for the



Council. Policy PS3 of the adopted Chesterfield Core Strategy 2011 - 2031 - Chesterfield Waterside and the Potteries specifically refers to the site and which states:

*“Within Chesterfield Waterside and the A61 Corridor area as defined in diagram 10, planning permission will only be granted for development that contributes towards:*

- *Creating jobs in office, industry, retail, tourism and education*
- *Restoring Chesterfield Canal and the River Rother to navigation and creating a new canal terminus*
- *Achieving a mix of uses including residential, office, employment and leisure*
- *Improving access to the site including enhancing the footpath and cycle network*
- *A high quality urban environment including eco-park and green infrastructure corridor*
- *Managing flood risk*

*Land within the Chesterfield Waterside area will be comprehensively redeveloped in accordance with an approved masterplan, including provision of a new Local Centre.*

*Outside of the Chesterfield Waterside site, other proposals will be considered on the basis of their contribution to the overall objectives of an approved masterplan and the Core Strategy.*

*Retail, food and drink and leisure uses ancillary to the main form of development will be permitted, other proposals will be considered against policy CS16 of this Core Strategy.”*

5.3 Due consideration is also required to be given to:

- National Planning Policy Framework (NPPF) – Core Planning Principles & Requiring Good Design.
- National Planning Practice Guidance (NPPG).
- Waterside Design and Access Statement and Masterplan.
- Waterside Public Realm Strategy (2016).

5.4 Paragraph 10 of the NPPF identifies that, at the heart of the Framework is a presumption in favour of sustainable development and this is also reflected within policy CS3 of the adopted Core Strategy. Paragraph 11 of the Framework provides a definition of sustainable development stating:

*Plans and decisions should apply a presumption in favour of sustainable development...*

*For decision-taking this means:*

- a) *approving development proposals that accord with an up-to-date development plan without delay; or*
- b) *where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
  - i. *the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
  - ii. *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

5.5 Paragraph 8 of the Framework also establishes economic, social and environmental objectives as a way of achieving sustainable development.

- a) ***an economic objective*** – *to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*
- b) ***a social objective*** – *to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and*
- c) ***an environmental objective*** – *to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.*

5.6 Chapter 8 of the Framework provides guidance on promoting healthy and safe communities by ensuring that planning policies and decisions aim to achieve healthy, inclusive and safe places which promote social interaction, through design features such as mixed developments, shared spaces, pedestrian access and active frontages. Paragraph 92 of the Framework states;

*“To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:*

*a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;*

*b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;*

*c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;*

*d) ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community; and*

*e) ensure an integrated approach to considering the location of housing, economic uses and community facilities and services*

5.7 Policy CS17 directs that new development of social infrastructure facilities will be permitted in and on the edge of the town, district and local service centres where they are accessible by public transport, cycling and walking, unless they are meeting a specific local need. Opportunities to deliver new or enhanced provision as part of new developments will be maximised, depending on the capacity and suitability of existing services.

The co-location and multi-use of facilities will be encouraged. Where proposals involve the provision of new or expanded social infrastructure facilities, they should be well related to existing centres and settlements and public transport infrastructure and should provide high standards of accessibility for all sectors of the community.

5.8 The development plan in this case is the 2013 Chesterfield Core Strategy which is considered to be up to date in so far as policies concerning Waterside are concerned and it is considered therefore that paragraph 11c of the Framework is engaged. It is the case that the Council's new emerging local plan has been submitted to PINS for an Examination in Public and which has been arranged for 14<sup>th</sup> to 26<sup>th</sup> October 2019. The new emerging Local Plan includes policy SS3 which relates to the Waterside area and which states:

*Within the Chesterfield Waterside area as set out on the policies map, planning permission will only be granted for development that contributes towards:*

- Creating jobs in office, industry, retail, tourism and education;

- *Restoring Chesterfield Canal and the River Rother to navigation and creating a new canal terminus;*
- *Achieving a mix of uses including residential, office, employment and leisure;*
- *Improving access to the site including enhancing the footpath and cycle network;*
- *A high quality urban environment including eco-park and green infrastructure corridor;*
- *Managing flood risk.*

*Land within the Chesterfield Waterside area will be comprehensively redeveloped in accordance with an approved masterplan, including provision of a new Local Centre located adjacent to the existing canal basin.*

*Planning applications submitted for development outside of the existing outline planning permission, but which otherwise deliver the objectives of the approved masterplan, will be expected to contribute towards the overall delivery of the infrastructure required for comprehensive development, secured through a section 106 agreement.*

The emerging policy reflects generally the existing local plan policy PS3 however at this stage less weight can be afforded to the emerging policy.

- 5.9 The site is identified in the agreed masterplan as the Waterfront character area and is considered to be the main employment / office area within the scheme, providing an area of high-quality riverside business accommodation (B1). Buildings are identified as being 4 to 5 storey and the masterplan features a terraced riverside public realm which is intended to enhance the schemes relationship with the river/waterside area.
- 5.10 The overall masterplan for the Chesterfield Waterside development seeks to provide a mixture of land uses including uses in class D1 and it is accepted that a place of worship would fall within use class D1. An additional paragraph has been included in the emerging Waterside policy SS3 for supporting development that is outside of the existing outline planning permission, but which otherwise delivers the objectives of the approved masterplan is provided. This is to allow some flexibility but which would still support the overall principles of supporting the regeneration of the

site. The applicant considers the proposed use of the building as a Church fits neatly within the D1 use class and that an interim use of the existing building as a Church would not jeopardise the delivery of the wider Waterside scheme and that the applicant is willing to work with developers to ensure that the vision for the area is delivered.

5.11 It is the case that the Waterside scheme is progressing with reserved matters submissions agreed for components of the site and works underway on site, however, the site subject to this application has not been included within any of the submitted schemes so far. The Council previously agreed to the opportunity to secure sites through the CPO process should they be required for the comprehensive redevelopment of the site however it is accepted that this has not been progressed to date and there are no clear or definitive timescales for submission of a reserved matters application on the application site.

5.12 The spatial strategy set out in Local Plan policy CS1 and CS2 seeks to concentrate new development within walking and cycling distance of centres and in locations in need of regeneration. The site is allocated for comprehensive redevelopment as part of Place Making policy PS3 and the site is Previously Developed Land not of high Environmental Value. The principle of development of this land is therefore well established. However policy PS3 clearly sets out that “*Land within the Chesterfield Waterside area will be comprehensively redeveloped in accordance with an approved masterplan*”. This masterplan is set out in the relation to the outline planning approval in place for the Chesterfield Waterside Development CHE/09/00662/OUT and subsequent amendments, including the associated Design and Access Statement. The policy also requires development to contribute towards a range of objectives:

- Creating jobs in office, industry, retail, tourism and education
- Restoring Chesterfield Canal and the River Rother to navigation and creating a new canal terminus
- Achieving a mix of uses including residential, office, employment and leisure
- Improving access to the site including enhancing the footpath and cycle network
- A high quality urban environment including eco-park and green infrastructure corridor
- Managing flood risk

5.13 The principles set out for the development of this area are for office development of approximately 4-5 stories and a shared surface Riverside promenade running north south alongside the River Rother as part of the walking and cycling 'spine' throughout the wider Waterside Development. A landscape and acoustic bund is also to be created alongside the A61 and this character area would be expected to provide the largest proportion of new employment development within the Waterside Scheme (up to 32,000 sqm of B1 office floorspace).



Extract from Masterplan for the site

5.14 The proposed change of use would deliver none of the requirements of the approved masterplan. The use is at odds with the use proposed for the site in the masterplan, it does not make any provision for the shared surface that would be necessary to improve walking and cycling provision through the site, which in the long term will be required to connect proposed development in the Basin Square Character Area to the south (which is subject to a current application for a new office building, and pre-application discussion for 300 plus apartments) and the Park and Island

Character Areas to the north (currently subject to planning approval for 173 houses by Avant Homes). Failure to secure such improvements would significantly harm the ability to deliver the comprehensive improvements to the environment and accessibility required to link these sites and ensure a sustainable form of development. Amongst the key objectives of policy PS3 is creating jobs in office use. The proposed use would generate just 4 jobs, in comparison with the masterplan proposal that this site should be the main office element of the Waterside site.

- 5.15 The Economic Development Unit (EDU) has confirmed that they do not support the proposals on the basis that the Chesterfield Waterside development is an important regeneration scheme for Chesterfield which has long been identified as a key priority for regeneration through the delivery of a high-quality, mixed-use development. Chesterfield Waterside is a major site, fundamental to the regeneration of Chesterfield town and Chesterfield Canal, and also a key housing site, providing a large part of the borough's new homes, alongside a mixture of other uses including office space. The EDU considers the proposed development would impede the delivery of large-scale employment led development on the Waterfront Character Area, which will prevent much needed job creation for local people. The development would also have implications for the delivery of the wider Chesterfield Waterside redevelopment. The proposed development would prevent the delivery of the vision for the area. The proposed use would generate 4 jobs, in comparison with the masterplan proposal that this site should be the main office element of the Waterside site, the main site for employment generating uses that will contribute to the wider economy. The EDU considers the redevelopment of the application site for a place of worship would be contrary to both adopted and emerging planning policy and the application if approved, could prevent the development of the Waterfront Character Area and delivery of vital employment generating uses, including B1 office space and a nursing home. This could result in the prevention of large-scale job creation within Chesterfield Waterside.

- 5.16 The current building is not particularly attractive and its retention would not be in accordance with the objective of creating a 'high quality urban environment ... and green infrastructure corridor'. Policy PS3 also seeks to enhance the footpath and cycle network within this area and no proposals are included for such

improvements and the proposed development would sever the proposed shared surface link through the site.

- 5.17 Turning to the proposed use, policy CS17 applies. This requires that new Social Infrastructure (which would include religious buildings), should be “*permitted in and on the edge of town, district and Local Service Centres where they are accessible by public transport, cycling and walking, unless they are meeting a specific local need*”. Although the wider masterplan proposals do include provision for a Local Centre as part of the Basin Square development, this would not meet this criteria and there is a risk that approving this proposal would make the Local Centre more difficult to deliver due to the lower density of working and living population that it would be serving in the long term due to loss of the office elements of the scheme. No evidence has been provided with the application that the proposed development would be meeting a ‘specific local need’ that could not be served from a more sequentially preferable site that is in accordance with the policy.
- 5.18 The outline planning permission is subject to a detailed S106 agreement that sets out planning obligations relating to highways and transport improvements, affordable housing, open space, public art, education provision and site management. These were put in place to oversee the comprehensive provision of suitable infrastructure to support the wider regeneration scheme and ongoing maintenance and management of public spaces and infrastructure. If the current scheme is approved, it is likely that the proportion of contribution to the wider pot will not be realised and a section 106 agreement requiring proportionate contributions to the relevant elements including the travel plan requirements, public art, open space, and management arrangements is unlikely to be agreed.
- 5.19 In summary therefore the principle of the proposed development is considered to be contrary to Local Plan policies PS3 and CS17. It would not achieve the objectives of policy in terms of a comprehensive regeneration of the Waterside site or the required improvements in terms of jobs, walking and cycling provision and quality of urban environment. In the absence of evidence of a specific local need for the proposed use to be in this location it would also be contrary to policy CS17.



5.20 Notwithstanding the clear concerns and objections to the scheme as referred to above and what would be considered to be a clear and convincing reason for refusal of the proposal the NPPF requires at para 54 that local planning authorities consider whether otherwise unacceptable development could be made acceptable through the use of conditions. Whereas the applicant has not sought a temporary permission in this case, section 72 of the Town and Country Planning Act 1990 allows the local planning authority to grant a planning permission for a specified temporary period and in this case it is necessary therefore to consider whether say a temporary 3 year consent would be appropriate. The applicant has indicated that they would welcome the opportunity to work with developers to deliver the overall vision and objectives of Chesterfield Waterside as a regeneration area albeit this is not subject of the current change of use application. Furthermore the applicant has indicated that the existing building is suitable for use as a church in its current format without the need for external alterations or major internal alterations and the Church intend to use the building immediately on purchase. It is also the case that Chesterfield Waterside would need to work with the owners of the property or proceed along the route of Compulsory Purchase and this has not happened so far. It is considered unlikely that a 3 year temporary permission would cause a problem in so far as bringing forwards of this site as part of the comprehensive redevelopment of the site in line with the masterplan. After 3 years the permission would be lost unless a further permission is granted to continue with the use and such an arrangement would safeguard the opportunity to CPO the site and proceed with the desired redevelopment scheme. The alternative would be that the building remains unused and continues falling into disrepair.

5.21 The circumstances where a temporary permission may be appropriate include for example where a trial run is needed in order to assess the effect of the development on the area or where it is expected that the planning circumstances will change in a particular way at the end of that period. A temporary planning permission may also be appropriate on vacant land/buildings to enable use for a temporary period prior to any longer term regeneration plans coming forward (a meanwhile use) or more generally to encourage empty property to be brought back into use. This can benefit an area by increasing activity. The NPPF indicates that it will rarely be justifiable to grant a second temporary permission and further permissions should normally be granted permanently or refused if there is clear justification for doing so.

There is no presumption that a temporary grant of planning of planning permission should be granted permanently. It is considered appropriate in this case to issue a temporary 3 year consent.

### **Design and Appearance Considerations**

- 5.22 In design and appearance terms the scheme involves retention of the existing engineering building which contributes poorly to the local area and which does not reflect the architectural and quality aspirations for the development of the waterside site. This context and design approach is set out clearly in the Design and Access Statement and accompanying Masterplan which was agreed as part of the outline planning permission. It could not be argued therefore that the proposed scheme is in compliance with the Waterside Design and Access Statement which was approved as part of the original outline planning permission and provides the design framework which underpins the design approach to all parts of the wider regeneration area. Condition 03 of the outline permission requires a statement of design compliance to demonstrate how the scheme accords with the Masterplan and this has not been provided in this case.
- 5.23 The Crime Prevention Design Advisor has commented however that there are no objections to the change of use to a place of worship in principle. There is no detail regarding changes to the site, so it is assumed that security provision, such as boundary fencing would be retained, which is necessary bearing in mind the relative isolation of the site, passing footpath, and form of proposed use meaning that it would be unoccupied for extended periods of time. Consequently the CPDA recommends that permission for this change of use should be conditional upon the setting out of a risk commensurate security management plan for the site.
- 5.24 On the basis of the assessment above it is considered that the scheme is considered to be contrary to the aspirations of the Masterplan for the wider site and is not acceptable as a permanent permission. On this basis the scheme would not therefore reflect the requirement of policy CS18 of the Core Strategy and the wider NPPF.

## **Highways Matters**

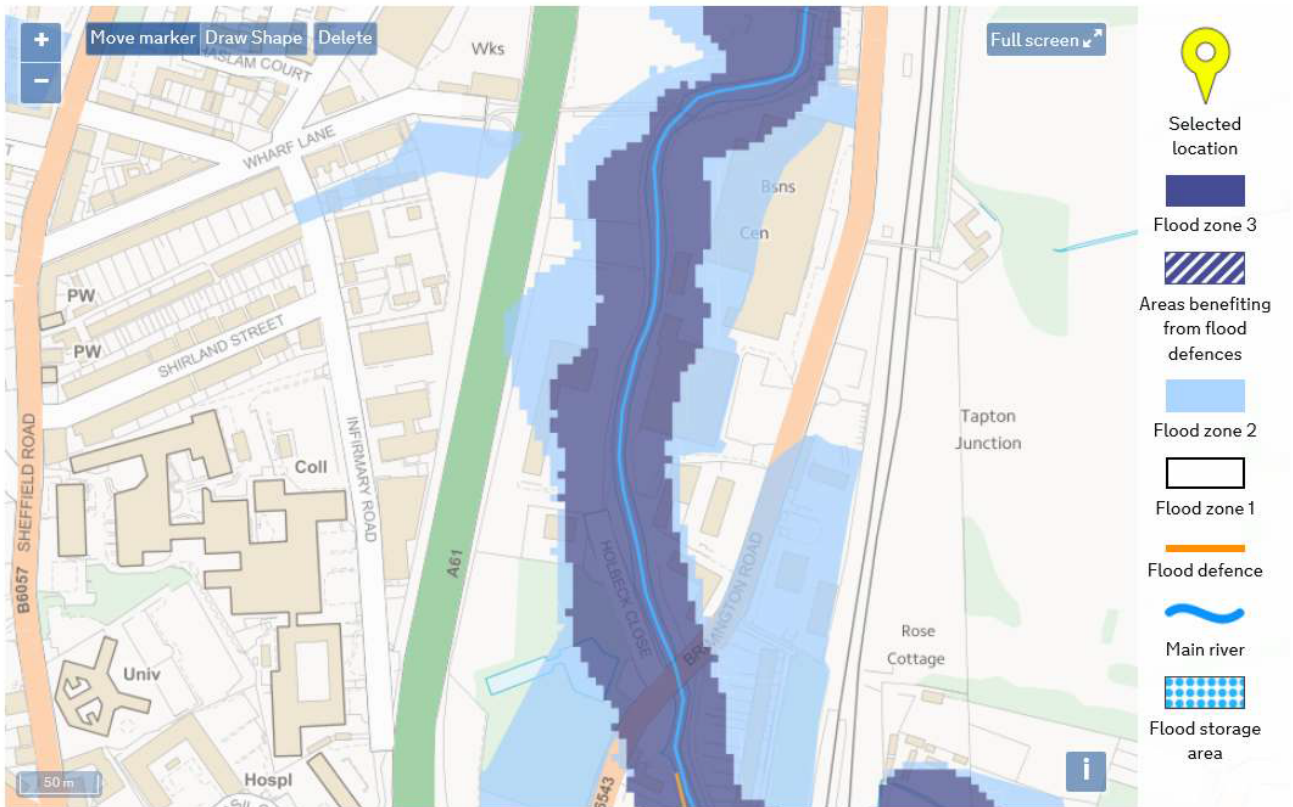
- 5.25 Policy CS20 requires development to prioritise pedestrian and cycle access to and within the site, and to protect and improve the strategic pedestrian and cycle network. As submitted, the application includes no measures to achieve this and, as set out above under 'Principle of Development', would harm the ability to deliver strategic improvements as part of the wider regeneration scheme. The proposal is therefore contrary to policy CS20 in this respect.
- 5.26 The site relies on access via Holbeck Close which is not an adopted highway and is understood to be controlled by Chesterfield Waterside.
- 5.27 The Highway Authority confirm that Holbeck Close is an unadopted road however they confirm that subject to the off street parking on the site being adequate to satisfy the Council then it is considered unlikely that the proposals would result in severe harm to operation of the public highway and on this basis they have raised no objection.
- 5.28 The application form indicates that there are no parking spaces on site and that the intention is to deliver 80 new spaces as part of the scheme. Clearly there are existing parking spaces on the site and which were used in connection with the engineering use of the site. The site is also of sufficient size to be able to provide space for the parking of 80 vehicles and in the event that permission was being recommended this issue could be detailed and required by condition.
- 5.29 The Chesterfield Waterside development secured a number of highway mitigation improvements to the surrounding highway network, in order to offset the transport impact of development. These identified the broad form of mitigation and trigger points for implementation of such works and was governed by proposals within certain 'character' areas within the development. Conditions also required details of a highway and access infrastructure staging plan highlighting the phasing of highway infrastructure to support the specific 'character' areas. This application is not bound by the terms set out in the signed s106 agreement and the obligations contained within are therefore unlikely to be achieved.

- 5.30 The Chesterfield Cycle Campaign (CCC) notes that there are 80 proposed new parking bays but no mention is made of cycle parking in the application. CBC's own standards are a minimum 5% bicycle parking to car parking. Therefore we expect that a minimum of 4 bicycle parking spaces are provided as near to the entrance as possible. The CCC comment that CBC planning officers should be enforcing cycle parking standards for this application. They comment that because this application falls within the Waterside development area they question whether the building will remain? They also suggest that Holbeck Close will presumably need to be extended past this site to serve other potential commercial areas to the north and the Campaign is very keen that the Waterside master plan is adhered to and a high quality cycle path is provided alongside the river.
- 5.31 In the event that a planning permission were being recommended it is the case that a condition could require an appropriate percentage of cycle parking facilities for those attending the building.

### **Technical Considerations**

#### Flood Risk

- 5.32 The site involves significant areas of land identified on the Environment Agency's Flood Map for Planning as being within flood zones 2 and 3 (see below), including a significant proportion of the building to be retained and the proposed car parking area. A flood risk assessment is therefore required under guidance set out in the National Planning Practice Guidance and the NPPF. Whilst a FRA was submitted and agreed in connection with the outline permission for the Waterside development, this was based on a different set of proposals and a comprehensive approach to managing flood risk and mitigation throughout the site. In the absence of a suitable FRA the proposed development does not meet the requirement of national planning policy set out in the NPPF or Core Strategy Policy CS7.



Extract from Environment Agency Flood Risk Map

5.33 The Environment Agency and Lead Local Flood Authority have not raised an objection to the scheme and Design Services suggest that a use for worship purposes may well be less vulnerable and therefore compatible with the flood areas. Furthermore no additional impermeable areas of the site are proposed as the site is already largely surfaced and there is unlikely to be any increase in flood risk downstream. It is considered therefore that a change of use of the existing building as proposed could not be resisted on the basis of a change of use submission.

#### Ground Conditions

5.34 The EHO notes that the submitted application form states that the site is not known to be contaminated and that no contamination is suspected for all or part of the site. Notwithstanding the previous use of the site, including external storage of unused industrial equipment, the EHO and this therefore satisfies the requirements of Core Strategy policy CS8.

## 6.0 **REPRESENTATIONS**

6.1 The application has been publicised by site notice on 11<sup>th</sup> April and by advertisement in the local press on 18<sup>th</sup> April 2019.

6.2 As a result of the publicity representations have been received from Avison Young on behalf of Chesterfield Waterside as follows:

- The Chesterfield Waterside Development is an important regeneration scheme for Chesterfield which has long been earmarked as a key priority for regeneration through the delivery of a high-quality, mixed-use development. Outline planning permission CHE/09/00662/OUT was granted in March 2011 for circa 58,800sqm of mixed-use development plus 1,550 residential units set out in six distinct character areas.
- There have been three subsequent Section 73 planning applications which have followed the original 2011 planning permission. A Reserved Matters application for Phase 1 Basin Square to approve the layout, scale and access for a mixed-use development including a hotel, multi storey car park, office accommodation and apartments together with ground floor retail uses was approved on 16 December 2016. A Reserved Matters planning application pursuant to the outline approval was submitted in February 2019 for an office development within the southern portion of the Basin Square Character Area.
- Within the above document, the relevant Development Plan for the site comprises the Local Plan Core Strategy (2013) and the saved policies of the Replacement Chesterfield Borough Local Plan (2006). Policy PS3 (Chesterfield Waterside and the Potteries) offers specific policy context in relation to the Chesterfield Waterside site. The policy states that within the Chesterfield Waterside and the A61 Corridor area, planning permission will only be granted for development that contributes towards:
  - Creating jobs in office, industry, retail, tourism and education
  - Restoring Chesterfield Canal and the River Rother to navigation and creating a new canal terminus
  - Achieving a mix of uses including residential, office, employment and leisure
  - Improving access to the site including enhancing the footpath and cycle network

- A high-quality urban environment including eco-park and green infrastructure corridor
  - Managing flood risk
- The policy also clearly states that land within the Chesterfield Waterside area will be comprehensively redeveloped in accordance with an approved masterplan, including provision of a new Local Centre. Outside of the Chesterfield Waterside site, other proposals will be considered on the basis of their contribution to the overall objectives of an approved masterplan and the Core Strategy.
- CBC are currently preparing a new Local Plan that will replace the current Development Plan. The emerging Local Plan retains the Council's commitment to the delivery of the Chesterfield Waterside site for a high-quality, mixed-use development. Draft policy SS3 of the Chesterfield Borough Local Plan Submission Version (December 2018) essentially mirrors Policy PS3 and states that within the Chesterfield Waterside area, planning permission will only be granted for development that contributes towards:
  - a) Creating jobs in office, industry, retail, tourism and education
  - b) Restoring Chesterfield Canal and the River Rother to navigation and creating a new canal terminus
  - c) Achieving a mix of uses including residential, office, employment and leisure
  - d) Improving access to the site including enhancing the footpath and cycle network through the site and making links to the wider Trans Pennine Trail and Chesterfield Railway Station
  - e) A high-quality urban environment including eco-park and green infrastructure corridor
  - f) Managing flood risk
- The draft policy states that land within the Chesterfield Waterside area will be comprehensively redeveloped in accordance with an approved masterplan, including provision of a new Local Centre located adjacent to the existing canal basin. The draft policy also states that planning applications submitted for development outside of the existing outline planning permission, but which otherwise deliver the objectives of the approved masterplan, will be expected to contribute towards the overall delivery of the infrastructure

required for comprehensive development, secured through a section 106 agreement.

- Very limited information has been submitted in support of the planning application. No justification for the development or assessment of the proposal against the planning policy framework has been undertaken and no consideration has been given to the site's position within the consented masterplan site for Chesterfield Waterside.
- The site is allocated within the adopted and emerging Development Plan for mixed-use development. The associated policies require the site to be comprehensively redeveloped in accordance with an approved masterplan. In addition, the Chesterfield Waterside site benefits from an existing outline approval (CHE/09/00662/OUT) and a number of subsequent S73 approvals. Parts of the wider site have already come forward for development or will be developed in the near future through subsequent Reserved Matters applications, which accord with the parameters and Character Areas established through the outline permission.
- The application site is located within the Waterfront Character Area which identifies office accommodation of 4-5 storeys. The redevelopment of the application site for a place of worship would be contrary to both adopted and emerging planning policy and the existing outline permission on the site and could preclude the delivery of economic development. When considering the proposed development this would prevent the Council's commitment to the delivery of Chesterfield Waterside for the following reasons:
  - Firstly, the planning application if approved, could prevent the development of the Waterfront Character Area and delivery of vital employment generating uses, including B1 office space and a nursing home. This could result in the prevention of large-scale job creation within Chesterfield Waterside
  - Secondly, this development prevents Chesterfield Waterside from achieving the appropriate mixture of uses on the site. Adopted Policy PS3 states that planning permission will only be granted for development that contributes to a mix of uses including residential, office, employment and leisure;
  - Thirdly, the loss of the redevelopment of this area could prevent further redevelopment of the Chesterfield Waterside



- site, as approval of the planning application could result in a substantial loss of financial cross subsidy for the wider site;
- Fourthly, the adopted policy (PS3) states that land within the Chesterfield Waterside will be comprehensively redeveloped in accordance with the approved Masterplan. It should be noted that draft Policy SS3 also makes reference to this. The proposed development in this case does not form part of the approved Masterplan.
  - Finally, draft Policy SS3 states that the proposed development submitted outside of the existing outline planning permission but would otherwise deliver the objectives of the approved masterplan, will be expected to contribute towards the overall delivery of the infrastructure required for comprehensive development, secured through S106. The proposed development neither contributes to delivering the objectives of the approved masterplan or the infrastructure required for comprehensive development.
  - Chesterfield Waterside is a major site, fundamental to the regeneration of Chesterfield town and Chesterfield Canal, and also a key housing site, providing a large part of the borough's new homes, alongside a mixture of other uses including office space. The proposed development would impede the delivery of large-scale employment led development on the Waterfront Character Area, which will prevent much needed job creation for local people. The development would also have implications for the delivery of the wider Chesterfield Waterside redevelopment. In addition, the proposed development is contrary to adopted planning Policy PS3 and emerging Policy SS3 for the reasons set out above. The proposed development is not in line with the approved masterplan for Chesterfield Waterside, would prevent the delivery of CBC's vision for the area and does not contribute to achieving the following as set out in Policy PS3:

## 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 temporary permission is considered to be no more than necessary to control the development in the interests of the delivery of the wider regeneration scheme and which interferes as little as possible with the rights of the applicant.

7.4 Whilst, in the opinion of the objectors, the proposal raises issues of concern, it is not considered that this is harmful in planning terms, such that any additional control to satisfy those concerns would go beyond that necessary to accomplish satisfactory planning control

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

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

8.2 The proposed development conflicts with the masterplan approach to the comprehensive redevelopment of the site and the principles of the relevant Development Plan policies for the reasons given in the report above however it is not inappropriate to grant a temporary 3 year permission pending a comprehensive redevelopment of the site.

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

## 9.0 **CONCLUSION**

9.1 The report identifies clear concerns and objections to the proposal and why a permanent planning permission should not be granted however the local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions. The applicant has indicated that the use could operate at the building with little alteration suggesting that they could just move in and operate a church from the building. Whilst the applicant indicates an intention to purchase the property the alternative may be to lease. In the circumstances it would not be inappropriate in planning terms to allow a temporary 3 year consent for the use pending the comprehensive redevelopment of the site in line with the masterplan and which will provide appropriate time for the applicant to work with developers to deliver the overall vision and objectives of Chesterfield Waterside.

9.2 Whereas the use is contrary to policy PS3 and CS17 of the Core Strategy and emerging Policy SS3 this would on balance be less of a conflict in the event that a temporary permission were to be given in the intervening period prior to the site being comprehensively redeveloped. The NPPF clearly states that a temporary planning permission may be appropriate on vacant land/buildings to enable use for a temporary period prior to any longer term regeneration plans coming forward. It is accepted that ongoing conversations need to take place between Chesterfield Waterside and the site owner to progress the comprehensive development of the site. As such, the proposal accords with the requirements of the wider National Planning Policy Framework.

## 10.0 **RECOMMENDATION**

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

1 The change of use hereby permitted is granted for a limited period of three years only, expiring on 22.07.2022. 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.

*Reason*

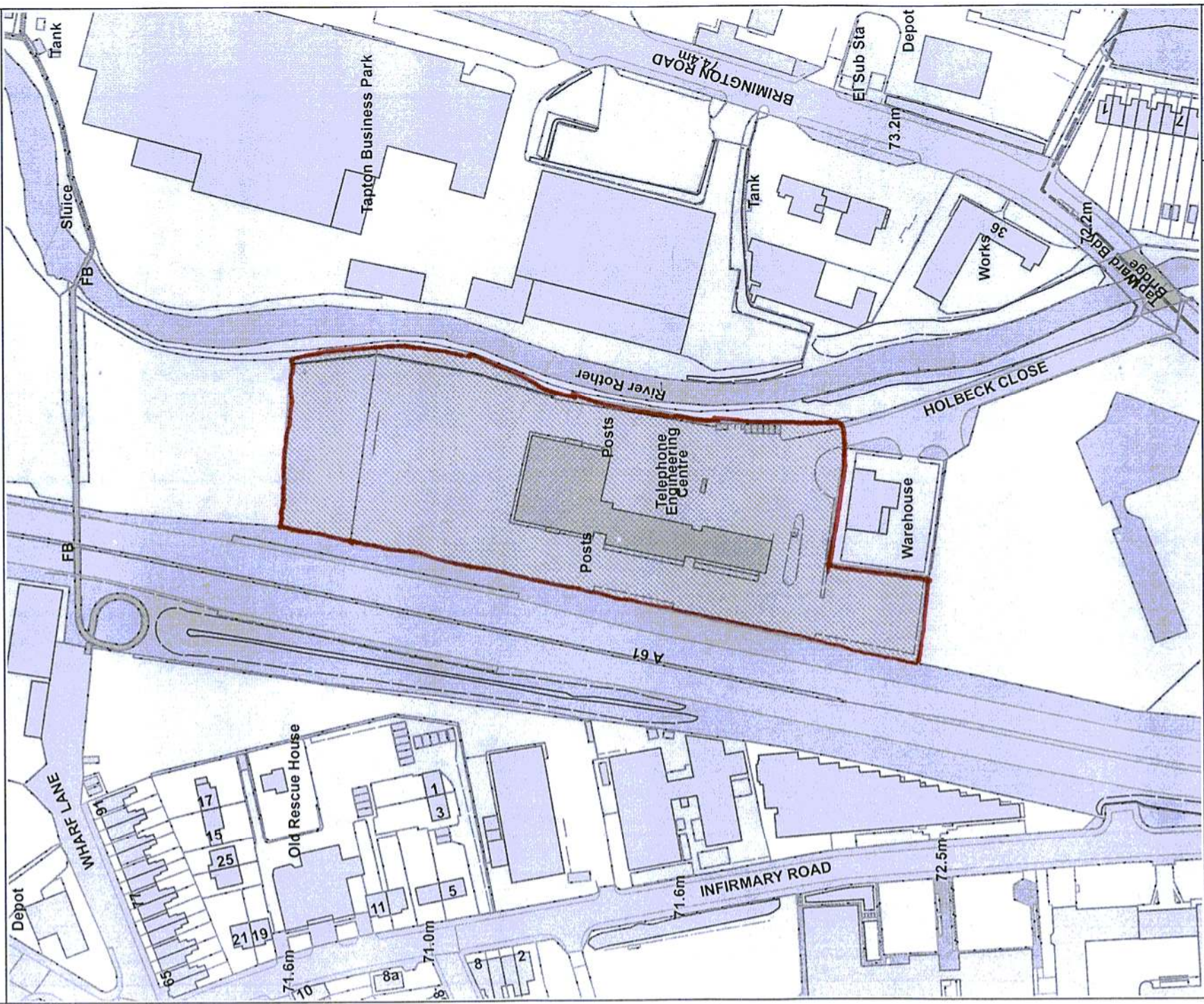
*The use hereby approved is not considered suitable as a permanent form of development having regard to the comprehensive redevelopment of the Chesterfield Waterside site and in accordance with the provisions of policies PS3 of the Core Strategy*

2. The use hereby approved shall not be commenced until details of an 80 space car park and 4 cycle racks has been submitted to the local planning authority for consideration. The details subsequently agreed in writing by the local planning authority shall be provided on site and be available for use prior to the use commencing and which shall be retained thereafter for the life of the planning permission.

*Reason*

*In the interests of highway safety and provision of appropriate parking facilities on the site.*

CHE/19/00166/COU



**CHESTERFIELD**  
BOROUGH COUNCIL

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Case Officer: Paul Staniforth  
 Tel. No: (01246) 345781  
 Ctte. date 22<sup>nd</sup> July 2019

File No: CHE/19/00116/REM  
 Plot No: 2/1637

**Item 4**

**RESERVED MATTER APPLICATION FOR APPROVAL OF LAYOUT, SCALE, APPEARANCE AND LANDSCAPING OF THE OFFICE BUILDING WITHIN BASIN SQUARE PURSUANT TO CHE/18/00626/REM1 ON LAND EAST OF A61 KNOWN AS CHESTERFIELD WATERSIDE, BRIMINGTON ROAD, TAPTON, CHESTERFIELD, DERBYSHIRE FOR CHESTERFIELD WATERSIDE LTD.**

Local Plan: Area of Major Change  
 Ward: St Helens

1.0 **CONSULTATIONS**

<b>Local Highways Authority</b>	Comments received 16/05/2019 and 28/06/19 – see report
<b>Design Services</b>	Comments received 26/03/2019 – see report
<b>Environmental Services</b>	Comments received 13/03/2019
<b>Economic Development Unit</b>	Supports application – see report – 13/03/19
<b>Crime Prevention Design Advisor</b>	Comments received 25/03 – see report
<b>Coal Authority</b>	Comments received 25/03/2019 no objection
<b>Yorkshire Water Services</b>	Comments received 28/03/2019 – concerns - see report
<b>Environment Agency</b>	No formal comment to make 13/03/19
<b>Lead Local Flood Authority</b>	Comments received 11/03/2019 – No comments to make
<b>DCC Policy and Monitoring</b>	Comments received 01/04/2019 – see report
<b>Sustrans</b>	Comment received 18/03/2019 - see report
<b>Urban Design Officer</b>	Comments received 08/04/2019 – see report
<b>C/Field Cycle Campaign</b>	Comments received 12/04/2019 – see report

<b>Transition Chesterfield</b>	Comments received 22/04/2019 Objection – see report
<b>Ward Members</b>	No comments received
<b>Site Notice / Neighbours</b>	No representations received

## 2.0 **THE SITE**

2.1 The application site is a part of the wider Chesterfield Waterside Regeneration area of major change which is located between Brimington Road to the east, the A61 bypass to the west and which stretches from the Brewery Street roundabout close to the railway station to the south through to the DCC depot site to the north.

2.2 The site is a part of the Basin Square Character area at the southern end of the site and which comprises a mix of potential uses comprising of residential, office, hotel/spa and MSCP along with areas of public realm. The Basin Square area of the site is accessed from Brimington Road to the north of the proposed office building and which links into the wider public realm area up to the basin area. The A61 is situated to the west and separated from the site by a mature landscaped boundary.

2.3 The overall Waterside site is largely vacant however a number of business remain on the west of Brimington Road at Peel House, the former Telephone Exchange on Holbeck Close and industrial buildings to west Brimington Road. The application site itself has been cleared of its former uses and buildings and comprises of a large level platform of rough undeveloped but prepared ground and which is currently being used as a temporary public car park.





- 3.0 **RELEVANT SITE HISTORY – Basin Square area**
- 3.1 CHE/08/00243/FUL – Construction of canal basin – Approved 10<sup>th</sup> June 2008.
- 3.2 CHE/09/00662/OUT – Outline for Mixed Use Regeneration scheme comprising residential (1560), retail (A1, A2, A3, A4, A5), Offices (B1), Doctors Surgery and Creche (D1), 2 hotels (C1), Health and Fitness (D2), Nursing Home (C2), ancillary creative uses including possible arts centre, canal link, open space and eco and linear parks, new public realm and car parking including a MSCP. – Approved with Conditions 9<sup>th</sup> March 2011 (Associated s106 legal agreement).
- 3.3 CHE/13/00817/REM1 – Variation of Conditions of outline CHE/09/00662/OUT – 5 (phasing plan); 6 (A61 footbridge Improvement); 8 (public realm strategy); 27 (fish passage around weir); 37 (northern access to Brimington Road); 38 (Toucan crossing on Brimington Road). – Approved 26<sup>th</sup> February 2014.
- 3.4 CHE/13/00833/EIA – Screening request associated with variation of conditions 5, 6, 8, 27, 37 and 38 of outline CHE/09/00662/OUT – Determined 24<sup>th</sup> December 2013.
- 3.5 CHE/15/00520/NMA – None Material Amendment to add condition to outline CHE/09/00662/OUT specifying approved plans and minor changes to conditions 5 (phasing plan), 34 (limit on other accesses), 35 (Highways and access infrastructure staging plan), 38 (Toucan crossing on Brimington Road), 39 (timing for provision of Holbeck Close signalisation), 40 (multi user link to station from Brimington Road) and 45 (streets to base course level) – Approved 4<sup>th</sup> January 2016.
- 3.6 CHE/16/00183/REM1 – Variation of Conditions 3 (Tie to Design & Access Statement and masterplan), 10 (Code for Sustainable Homes), 11 (BREEAM very good), 12 (10% renewable energy), 13 (bird and bat opportunities), 14 (household recycling), 39 (timing for provision of Holbeck Close signalisation) and 47 (approved plans) of outline CHE/09/00662/OUT – Approved 12<sup>th</sup> May 2017.

- 3.7 CHE/16/00186/DOC – Discharge of conditions 4 (links to screening opinion and EIA), 10 (Code for Sustainable Homes), 11 (BREEAM very good), 12 (10% renewable energy), 13 (bird and bat opportunities), 14 (household recycling), 17 (split between comparison and convenience retail) and 21 (levels for Station Place area) of outline CHE/09/00662/OUT – Approved 15<sup>th</sup> December 2016.
- 3.8 CHE/16/00187/REM – Approval of Reserved Matters for layout, scale and access for Basin Square area (increasing storey heights) – Approved 16<sup>th</sup> December 2016.
- 3.9 CHE/16/00188/FUL – temporary surface car park and enabling earthworks to create development platforms in Basin Square area – Approved 14<sup>th</sup> June 2016.
- 3.10 CHE/16/00189/EIA – Screening Request for temporary car park and enabling works – Determined 1<sup>st</sup> April 2016.
- 3.11 CHE/16/00190/REM – Approval of Reserved Matters for Acoustic Bund and Enabling Earthworks – Approved 29<sup>th</sup> June 2016.
- 3.12 CHE/16/00191/DOC – Discharge of Conditions 4 (links to screening opinion and EIA), 10 (Code for Sustainable Homes), 11 (BREEAM very good), 12 (10% renewable energy), 13 (bird and bat opportunities), 14 (household recycling), 15 (ecological survey to Park and Island areas) and 21 (levels for Station Place area) of outline CHE/09/00662/OUT – Approved 15<sup>th</sup> June 2016.
- 3.13 CHE/16/00192/EIA – Screening Request for enabling development platforms – Determined 1<sup>st</sup> April 2016.
- 3.14 CHE/16/00404/DOC – Discharge of Conditions 5 (phasing plan for infrastructure across site), 8 (public realm strategy) and 9 (Ecological Management Strategy) of outline CHE/09/00662/OUT – Approved 9<sup>th</sup> August 2016.
- 3.15 CHE/16/00423/DOC – Discharge of Conditions 16 (building recording strategy) and 23 (contamination risks strategy) of outline CHE/09/00662/OUT – Approved 5<sup>th</sup> September 2016.

- 3.16 CHE/16/00528/DOC - Discharge of Conditions 3 (phasing programme for bund construction) of CHE/16/00190/REM – Approved 26<sup>th</sup> September 2016.
- 3.17 CHE/16/00531/DOC – Discharge of Condition 14 (phasing programme for bund construction) of CHE/16/00188/FUL – Approved 26<sup>th</sup> September 2016.
- 3.18 CHE/16/00762/DOC – Discharge of Condition 13 (barrier between site and Holbeck Close) of CHE/16/00188/FUL – Approved 1<sup>st</sup> February 2017.
- 3.19 CHE/17/00028/DOC – Temporary car park and enabling earthworks to create development platform and discharge of condition 9 (lighting strategy) of CHE/16/00188/FUL – Approved 27<sup>th</sup> June 2017.
- 3.20 CHE/17/00300/DOC – Discharge of Condition 12 (screen barrier between site and A61) of CHE/16/00188/FUL – Approved 20<sup>th</sup> June 2017.
- 3.21 CHE/18/00083/REM1 – Variation of Conditions 3 (tie to Design & Access Statement and Masterplan), 5 (phasing plan), 8 (public realm strategy), 14 (archaeological recording and WSI), 18 (tie to FRA), 24 (Water Vole management strategy), 25 (fish passage around weir), 33 (highway and access staging plan) and 45 (approved plans) of CHE/16/00183/REM1 to omit canal arm – Approved 24<sup>th</sup> April 2018.
- 3.22 CHE/18/00626/REM1 – Variation of Conditions 31 (highways improvements), 37 (junction improvements at Holbeck Close/Brimington Road), 39 (junction improvements at Brewery Street/Brimington Road), 41 (pedestrian crossing) and 45 (approved plans) of CHE/16/00183/REM1 – Approved 17<sup>th</sup> December 2018.
- 4.0 **THE PROPOSAL**
- 4.1 Outline planning permission was granted in 2011 under code CHE/09/00662/OUT and which was amended under applications CHE/16/00183/REM1 and CHE/18/00626/REM1 in so far as the

Basin Square area of the Waterside area. Reserved Matters were subsequently agreed for layout, scale and access for Basin Square area under code CHE/16/00187/REM. The Waterside scheme proposed a Mixed Use Regeneration of the site comprising residential (1560), retail (A1, A2, A3, A4, A5), Offices (B1), Doctors Surgery and Creche (D1), 2 hotels (C1), Health and Fitness (D2), Nursing Home (C2), ancillary creative uses including possible arts centre, canal link, open space and eco and linear parks, new public realm and car parking including a MSCP.

- 4.2 The current application site relates to a part of the wider redevelopment area and comprises what was referred to as the Basin Square character area. The site comprises of one main section which is a plateau of land to the west of and between Brimington Road and the A61. The scheme proposes a 7 storey office building with ground floor retail space totalling overall approximately 4008 gross internal m<sup>2</sup> of floor space. The retail space on the ground floor amounts to a gross internal area of 491 sqm.
- 4.3 The overall building height will be 28.50m. The building form will comprise of brick facades and a flat roof from ground level to sixth floor with a combination of recessed storey height double glazed windows and façade modelled brick detailing to create a 3D visual effect to enhance the shadowing of day-lighting / sun-lighting. A podium level is defined by storey-height metal clad panels with large apertures and metal balustrade to create visual interest to pedestrians in Basin Square.
- 4.4 In terms of landscaping, the scheme proposes a scheme for the public realm area is proposed and which includes:
- i. A public realm apron of both hard and soft materials around the building which help to activate the building edges and create useable spaces; and
  - ii. The main vehicular entrance access off Brimington Road, which transitions into a shared space.
- The scheme proposes 4 trees in the proposed verge across the frontage of the building to Brimington Road.

- 4.5 The proposed materials of construction for the building will be as follows:
- Facades:  
Ground to sixth floors - Facing brick facades with feature brick panels all supported on concealed stainless steel angles fixed to steel structural frame.  
Seventh floor - To be dark metal wall cladding. External louvers to plant area to be aluminium, polyester powder coated.
  - Windows  
Polyester powder coated thermally broken aluminium frames with hermetically sealed double glazed solar controlled glazing and spandrel panels will be used. Window system includes aluminium louvre where required for mechanical ventilation.
  - Doors  
Polyester powder coated thermally broken aluminium frames with hermetically sealed double glazed solar controlled glazing will be used. The main entrance doors will be electrically operated automatic telescopic glazed sliding doors. Main entrance doors to retail unit(s) will be subject to separate application by the retailer(s).
- 4.6 The scheme is accessed from Brimington Road via a new entrance which has already been agreed and which links into the other components of the Basin Square area. Under phase 1A associated with this scheme it is proposed to provide:
- A 3 metre wide shared footpath and cycle way along the west side of Brimington Road with a 2 metre verge to the rear and which runs from the new access radii northwards for approximately 115 metres.
  - A new bus shelter and bus stop on the northbound side of Brimington road positioned 40 metres north of the proposed office building.
  - A new bus stop on the southbound side of Brimington Road positioned 60 metres north of the proposed office building.
  - A new proposed pedestrian crossing over Brimington road positioned 8 metres to the north of the proposed office building.
- 4.7 The proposed permanent parking solution for the Basin Square element of the Waterside project is for the construction of a multi-storey car park that will have around 442 parking spaces to be provided over 7 floors and which will provide the permanent parking solution for the built-to-rent apartments, commercial office

space (subject of this application), a hotel and any demand from the ancillary retail with a large proportion of the car park also expected to be used by the general public for off street parking. The multi storey car park is envisaged to be constructed in the latter phase of the Basin Square character area after the construction of the office building. There is an existing temporary car park located to the south of the Basin Square site and accessed directly from the Brewery Street/Brimington Road mini roundabout and which has the capacity for around 90 vehicles and is used by members of the general public.

4.8 The application is supported by the following list of plans / documents:

#### Site Layout

- Site Location Plan – CWD-BBA-01-ZZ-DR-A-1100 rev P01
- Floor Plans (levels 00,01,02,03) – CWD-BBA-01-ZZ-DR-A-2100 rev P01
- Floor Plans (levels 04,05,06,RF) – CWD-BBA-01-ZZ-DR-A-2101 rev P03
- Proposed Site Plan – CWD-ALA-00-XX-DR-L-0004 rev P01
- Elevations sheet 2 - CWD-BBA-01-ZZ-DR-A-3102 rev P02
- Elevations sheet 1 - CWD-BBA-01-ZZ-DR-A-3101 rev P02
- Site Sections - CWD-ALA-00-XX-DR-L-0003 rev P01
- Site Sections - CWD-BBA-01-ZZ-DR-A-4101 rev P01
- Site Sections - CWD-BBA-01-ZZ-DR-A-4102 rev P01
- Illustrative Plan - CWD-ALA-00-XX-DR-L-0004 rev P02
- Landscaping Plan - XXX-ALA-00-XX-DR-L-0001 rev P01
- Planting Plan - CWD-ALA-00-XX-DR-L-0002 rev P01
- Proposed Highway Works A – 05/004 rev V06
- Proposed Highway Works B – 05/005 rev V05
- Access junction Swept Path Analysis – 05/006 rev V03

#### Supporting Documents

- BREEAM Pre Assessment Summary report by 3 Planets dated 27/02/18
- Preliminary Energy Assessment report by SDA dated Oct 2017
- EIA Screening report by Avison Young dated Feb 2019
- Planning Statement by Avison Young dated Feb 2019
- Design and Access Statement by Bond Bryan Architects dated 12/06/18

- Landscape Design and Access Statement by Ares Landscape Architects dated April 2018
- Technical Note – access proposal and car park strategy by Curtins dated 15/02/19
- Ecology Advice Note by Bowland Ecology Ltd dated 25/01/18

## 5.0 **CONSIDERATIONS**

### **Planning Background / Principle of Development**

- 5.1 The site has a significant planning history relating to the wider Waterside Regeneration Area. The site the subject of this reserved matters application benefits from a live outline planning permission CHE/09/00662/OUT for mixed-use development plus comprising 58,800 square metres of commercial and 1,550 residential units set out in six character areas along with associated access, public open space, landscaping and surface water balancing and which was approved in 2011 subject to a number of planning conditions and a s106 agreement covering the provision of public art, cctv, affordable housing, an education contribution, employment and training scheme, management of green space and suds infrastructure and on and off site highways work.
- 5.2 A Section 73 planning application (reference: CHE/16/00183/REM1) to vary conditions associated to the outline planning permission was submitted in March 2016. It varied the conditions to increase the height parameters of selected buildings approved within the Basin Square Character Area and was granted on 12th May 2017. As well as amending the conditions to refer to an updated Building Heights Parameter Plan, it was also necessary to amend a condition relating to the proposed highways works within the Basin Square Character Area on Brimington Road, south of the junction with Holbeck Close, to enable a phased approach to the implementation of these works to take place. The Section 73 application was submitted alongside a Reserved Matters application for Phase 1 Basin Square to approve the layout, scale and access for a mixed-use development including a hotel, multi storey car park, office accommodation and apartments together with ground floor retail uses within the Basin Square Character Area. This Reserved Matters application was approved on 16<sup>th</sup> December 2016.

- 5.3 Another Section 73 planning application was submitted in February 2018 to vary the conditions under planning permission CHE/16/00183/REM1 to amend the approved plans to omit the canal arm (reference: CHE/18/00083/REM1). As part of the original outline planning permission, it was proposed to raise the water levels in the River Rother through construction of a new weir, which was intended to provide a navigable section of the river for canal boats via a new canal arm. An alternative, less intrusive engineering method was proposed to ensure delivery of a navigable section for canal boats along the River Rother linking the Chesterfield Canal with the new basin without the need for a new canal arm. The Section 73 planning application was granted on 24th April 2018.
- 5.4 A further S73 planning application was submitted reference CHE/2018/00626/REM1 to seek amendments to some of the conditions as currently worded under the outline planning permission reference CHE/18/00083/REM1 to update the Highways drawings. Since the original outline planning permission was granted, the highways scheme for Basin Square has progressed and a more appropriate and economical scheme had been agreed with Derbyshire County Council. A new proposed highways plan (drawing reference: 05011-P09) at Basin Square was submitted as part of the S73 planning application and was agreed 17<sup>th</sup> December 2018.
- 5.5 The proposed office use building is located within the southern section of the 'Basin Square' Character Area and is being brought forward in line with the aspirations for the site as approved under the outline permission as amended by the s73 submissions referred to above and in line with the approval of reserved matters scheme agreed for siting, access and layout.
- 5.6 The outline permission is supported by an Indicative Masterplan (Drawing Reference CWD-BB1-Z0-ZZ-DR-01005 P02 without canal arm) which outlined key development principles for the site for later Reserved Matters applications. Scale parameters for each use with reference to a schedule of accommodation and a number of parameters plans were also agreed. These plans included a Building Heights Parameter Plan which specifies maximum building heights and outlined the maximum scale parameters and formed the basis of the Environmental Impact Assessment (EIA). Condition 45 of the permission requires:



*“The development hereby permitted shall be carried out in accordance with the following approved plans, unless otherwise agreed with the Local Planning Authority:*

- Site plan edge red (MM001 Rev C)*
- Building Heights Parameters Plan (ref no: CWD-BBA-Z0-ZZ-DR-01006 P02)*
- Character Area Plan (drawing no. CWD-BBA-Z0-ZZ-DR-A-01008 P01)*
- 05012-P02 (Proposed Staging Masterplan)*

- 5.7 The proposals which form the basis of this Reserved Matters application have been informed by the development parameters that were approved as part of the outline planning permission. The scheme is therefore accepted for redevelopment as proposed and the policy position confirms that the scheme is a priority for the Council.
- 5.8 The following policies of the adopted Chesterfield Core Strategy: Local Plan (2013) apply:
- PS3 Chesterfield Waterside and the Potteries
  - CS7 Managing the Water Cycle
  - CS9 Green Infrastructure and Biodiversity
  - CS18 Design
  - CS20 Influencing the Demand for Travel
- 5.9 It is also the case that the following Council Supplementary Planning Document applies:
- Designing Out Crime (2007)
- 5.10 Due consideration is also required to be given to:
- National Planning Policy Framework (NPPF) – Core Planning Principles & Requiring Good Design.
  - National Planning Practice Guidance (NPPG) – Design (ID: 26).
  - Waterside Design and Access Statement (Rev. A Jan 2010).
  - Waterside Public Realm Strategy (2016).
- 5.11 The development proposed is a reserved matters submission and which generally accords with the outline permission for the wider redevelopment and which also generally accords with local plan and national planning policy. The issue of the principle of the development now proposed on this part of the site is therefore

accepted and which is not an issue for consideration as part of this application. Policy PS3 of the Core Strategy promotes the Waterside development as a way of contribution to jobs, restoring the canal and river to navigation with a new basin, achieving a mix of use, improved access to the site including the footpath and cycle network, a high quality environment and a scheme which manages flood risk. This particular submission is therefore all about the detail and compliance with the conditions of the outline permission and s106 legal agreement.

- 5.12 The Economic Development Unit (EDU) is supportive of this application. They refer to the scale of the proposal and that there will be significant employment, training and supply chain opportunities created during the construction phase of the scheme. The EDU recommend that a local labour / supply chain clause is negotiated and secured via either a s106 agreement or planning condition which would encourage local employment, training and supply chain opportunities during the construction and operational phases to promote the opportunities to local businesses and local people and for the operation of the development once construction is complete.
- 5.13 The existing s106 agreement includes clauses at 6.1 and 6.2 which require an Employment Training and Contracting Scheme and which are required to be satisfied by the applicant.

### **Design and Appearance Considerations**

- 5.14 The National Planning Policy Framework (NPPF) confirms that the Government attaches great importance to the design of the built environment and that good design is a key aspect of sustainable development. Importantly, the Framework requires development to function well and add to the overall quality of the area; establish a strong sense of place, optimise the potential for the site to accommodate development; respond to local character and history; create safe and accessible environments; and be visually attractive as a result of good architecture and appropriate landscaping.
- 5.15 The layout of the office building seeks to maximise the efficiency of the site and to promote the local street scene. It is also set within the parameters the agreed Masterplan and within the approved Building Heights Parameters Plan. The office development will

eventually be brought forward alongside the build to rent development, hotel and multi storey car park, however these buildings will be subject to separate Reserved Matters planning applications. It is envisaged that all of Basin Square Phase 1 will all be arranged around a large public 'square' which forms the centre piece of the public realm with accessible routes into and through the site. The office building includes the opportunity for retail use on the ground floor which will assist in providing an attractive and active frontage to Brimington Road thereby seeking to improve the overall streetscape. The office is located adjacent to the site's entrance, so will add to the principle route through the site.

- 5.16 The building extends to 6 storeys plus a reduced podium storey with space for an external plant and occupant amenity spaces. It is proposed for the ground floor of the building to be used for retail use and for the remaining floors to be in office use. Whilst the proposal is technically for a 7 storey building it is considered that this accords generally with the reference in the building heights parameters which have been agreed which refers to the office building as 6+ storey. It is considered the podium storey is not as much a 7-storey building and therefore can be regarded as 6+ storeys. It is the case that the building would not be as significant given the scale of neighbouring proposed buildings which include a 12 storey build to rent building and 9 storey hotel. The Council has already agreed this approach to the proposed height of the office development in November 2017.
- 5.17 The building form comprises brick facades from ground level to sixth floor with a combination of recessed storey height double glazed windows and facade modelled brick detailing to create a 3D visual effect to enhance the shadowing of day-lighting/ sunlighting. Consideration is also been given to different masonry products, raised masonry features etc. Ground and first floor storeys are visually combined using double height glazing to differentiate the retail and office uses. These levels also incorporate a horizontal band to control the location of retail signage, the details of which will be subject to a separate 'display of advertisements' application by the retail tenant(s).



- 5.18 Having regard to the detailed design and appearance considerations of the proposed reserved matters submission the Council's Urban Design Officer (UDO) and the Crime Prevention Design Advisor (CPDA) were invited to review the submission.
- 5.19 The UDO comments that the scale and mass of the building reflects that proposed under the previous reserved matters approval. Recessed panels and fenestration with vertical proportions add depth and modelling to the façade and assist in moderating the otherwise relatively bulky form of the building. Double height openings to the ground floor will create the impression of large windows at street level and provide a positive interface with the adjacent public frontages and the building. The UDO comments that overall, the planting proposals are acceptable. A line of fastigiata oak trees are indicated to the south side of the access and along Brimington Road and which will represent a positive addition to the streetscene and will form the first part of a tree lined edge that will extend further along Brimington Road with subsequent development around Basin Square. The general arrangement of hard landscaping is acceptable however, details of hard landscape materials, walls, retaining walls and raised planting beds, together with all street furniture should also be required by condition. The cycle shelter is relatively large and prominently positioned and a suitable design and finish will be required.

- 5.20 The UDO comments that architectural details, such as recessed window openings and panels will be critical to achieving the depth and modelling required helping moderate the scale and mass of the building. The depth of reveal to the windows and panels should be sufficiently deep to achieve visual relief to the façade. As such, the inclusion of some raised decorative brickwork panels and/or replacement of some spandrel panels with coloured glazed brick panels could introduce subtle ‘accents’ and assist in creating additional interest and personality to the appearance of the building. Additional relief to the blank north facing elevation in the form of further modelling of the façade would also be beneficial, particularly at lower levels.
- 5.21 It is noted that the proposals indicate the presence of an electricity substation within the red line on the western edge of the site, adjacent to the proposed MSCP. Substations can be utilitarian in appearance and it is recommended that details of its design, appearance and finished treatment are required by condition. The UDO also comments that it is unclear at this stage, how it is intended to provide external lighting. For example will lighting be fixed to the building or are lighting columns intended? If so, where are these to be located and what will they look like? It will be important to ensure that any external lighting is carefully integrated into both the landscape and building design in order to harmonise with the scheme as a whole. In addition, the narrow passageway on the north side of the office building will need to be well lit and safe for people using this route, particularly given the absence of windows on this elevation (for fire separation reasons). As such, details of external lighting will be necessary and should be required by condition.
- 5.22 The Crime Prevention Design Advisor has assessed the scheme and the BREEAM pre assessment and agrees the scheme is acceptable in so far as access, outlook and external landscaping are concerned and the CPDA has no further comments to make.
- 5.23 The applicant has provided revised plans and accepted the need for conditions to deal with the issues raised. The package of revisions received are appropriate and on this basis the scheme is considered to reflect the requirement of policy CS2 and CS18 of the Core Strategy and the wider NPPF. Overall having regard to the amendments presented it is considered that the applicant / developer has sought to address where possible the comments of

consultees and the changes made are welcomed as positive improvements to the design and appearance of the overall scheme. It is considered that the scheme presents an appropriate design response that has due regard to the site opportunities and which has been appropriately treated in the proposed site layout to ensure a good standard of design overall is achieved.

### **Highways Matters**

5.24 Proposed revised highways plans (drawing references: 05/005-V04 and 05/004-V04) have been submitted by Curtins and which show the extent of works proposed in connection with the phase 1A works with the office scheme.

5.25 The scheme is accessed from Brimington Road via a new entrance which has already been agreed in terms of position and which links into the other components of the Basin Square area. Under phase 1A associated with this scheme (as revised) it is proposed to provide:

- A 3 metre wide shared footpath and cycle way along the west side of Brimington Road with a 2 metre verge to the rear and which runs from the new access radii northwards for approximately 115 metres.
- Provision of the new access with kerb radii but providing a 2 metre footway to the south of the access (Increased to 3 metres as part of phase 1C works).
- A new bus shelter and bus stop on the northbound side of Brimington road positioned 40 metres north of the proposed office building.
- A new bus stop on the southbound side of Brimington Road positioned 60 metres north of the proposed office building.
- A new proposed pedestrian crossing over Brimington road positioned 8 metres to the north of the proposed office building.

5.26 The Highway Authority has confirmed its support for the latest revised details with just one issue remaining. This concerns the provision of a clear 3 metres to the rear of the proposed new bus stop on Brimington Road (north bound). The submitted plan showed a deflection in the footpath to achieve a 2 metres clearance based on a bus shelter of 1 metre wide by 2 metres length set at 0.5 metres from the carriageway edge. It is

understood that the details of the type and size of the bus shelter have not been considered or agreed by the Public Transport Unit at DCC however similar bus stops are in place in the vicinity. It is clearly necessary to ensure an increase in the footway width behind the bus stop to 3 metres on the basis that the route will be a shared footway and cycle route and is likely to be well used as the developments on the site are realised over time as phases are built out.

5.27 The applicant has agreed to the need to achieve the standard referred to by the highway authority and has submitted further revised plans which show a clear 3 metres width behind the bus shelter. The Highway Authority confirm their support for the revised plans which have been submitted.

5.28 The Highway Authority has recommended a number of conditions which it considers appropriate to impose as follows:

- A Construction Management Plan 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.
- Throughout the construction period vehicle wheel cleaning facilities.
- Delivery of the proposed phase 1a highway works.
- Delivery of the on site manoeuvring space prior to occupation.
- Increase in pavement width to rear of bus stop.

5.29 In parking terms the development of a MSCP will provide the long term future parking arrangements for office workers however this would be the subject of a separate planning application. It is necessary therefore to consider where office workers arriving by car will park and in this respect the applicants car parking strategy relies on the availability of the temporary surface car park areas which exist in the applicants control on neighbouring sites. The Highway Authority has also commented that the Borough Council

needs to be satisfied that the parking provision and strategy is appropriate and whilst it is clear that the permanent MSCP solution will need to come forward in the near future the use of the temporary spaces available on adjacent land is considered to be acceptable. This is not a matter which needs to be controlled by condition because it is clear that prospective tenants of the office building will need to ensure the parking strategy is appropriate and this will be tied up in the legal arrangements between developer and tenant. It is unlikely therefore that the office building will be developed out, let and provided with no car parking opportunities.

- 5.30 The Chesterfield Waterside development secured a number of highway mitigation improvements to the surrounding highway network, in order to offset the transport impact of development. These identified the broad form of mitigation and trigger points for implementation of such works and was governed by proposals within certain 'character' areas within the development. Conditions also required details of a highway and access infrastructure staging plan highlighting the phasing of highway infrastructure to support the specific 'character' areas. This reserved matters submission is bound by the terms set out in the signed s106 agreement. Conditions of previous consents have also included requirements, for example, to provide details of improvements to the footbridge over the A61, improvement of pedestrian / cycle routes through the site and details of a Toucan crossing point on Brimington Road with pedestrian / cycle directional signage etc. The applicants intention is to comply with and satisfy the requirements of the s106 and conditions referred to.

#### Sustrans

- 5.31 Comments have been received objecting to the proposal which state that the local plan requires upgrading of all access routes to the canal and the Waterside Basin for both pedestrian and cycle use. They state that the local plan states that planning permission will only be granted for development that contributes towards improving access to the site including enhancing the footpath and cycle network. Sustrans comment that they are very disappointed that the footbridge is not being upgraded to achieve the local plan requirement
- 5.32 The scheme provides a new 3 metre wide shared footpath/cycle route running along the Brimington Road frontage as an



enhancement of what currently exists and which links into a proposed wider pedestrian and cycle network improvement which will connect into the wider area as and when developments come forward on the Waterside site. This aligns with the existing planning permission and s106 agreement which reflects the requirements of the Core Strategy. Reference to the footbridge is a reference to the A61 footbridge which is not part of this application and is being considered separately under the relevant DOC submission with DCC. The Sustrans comments are therefore considered not to relate to this application and are being considered separately under the DOC submission (condition 6 of the outline approval)

### Chesterfield Cycle Campaign

- 5.33 The scheme includes 10 No Sheffield Style cycle racks in a covered structure located to the rear of the building. The building also provides 2 shower rooms/changing facilities.
- 5.34 The Cycle Campaign has confirmed it has no objection to this particular scheme but they do go on to comment that they are disappointed to see an entrance to a proposed 700 space car park crossing a previously approved shared pedestrian and cycle path on the west side of Brimington Road. They refer to the opportunity for a Copenhagen style crossing similar to what has been built on Derby Road.
- 5.35 Transition Chesterfield raises a concern that opportunities to create a pedestrian and cycle friendly development are being lost. They comment that development will create significant additional traffic along Brimington Road and Brewery St making it more hazardous for pedestrians to cross. This includes significant numbers of students and other people crossing Brimington Road en route from the train station to Chesterfield College or the new development. They comment that they have previously raised concerns about plans to amend the mini roundabout which will make it faster and busier, and we have also raised repeated concerns about the need for a zebra crossing instead of the existing inadequate 'refuge' on Brimington Road. This ideally would be a Copenhagen style wide crossing to accommodate the large numbers of people that will want to cross here. Instead the plan proposes a shared use footway with tactile paving. This means at busy times pedestrians will have to wait a long time to cross, or, more likely, weave in and

out of stationary traffic or wait for a vehicle to stop to let them pass. The main entrance to the office building also provides a wide vehicle access with a raised junction area but again no dedicated crossing point for pedestrians or cyclists. This is on a newly provided shared use path which further down the road will also cross a loading bay. It appears that pedestrians and cyclists are given low priority and their needs are being simply fitted around the needs of vehicular traffic, with the minimum of thought and cost.

- 5.36 It is not clear where the 700 space car park reference has come from since the application document cross references to an intended mscp providing approximately 442 spaces. Notwithstanding this the access position referred to has already been agreed and accepted and this issue is not therefore one for consideration as part of the current reserved matters submission. The latest submitted drawings show works proposed within highway limits at the junction of Brewery Street with Brimington Road which will come forward under phase 1B as part of the development of the plot at this corner of the site and which include a new pedestrian crossing, new bus shelter and footway/cycleroad works. The standard and specification of the new access and the works within highway limits is considered and agreed by Derbyshire County Council as local highway authority.

### **Technical Considerations**

- 5.37 The reserved matters application has been reviewed by a number of consultees (listed in section 1.0 above) having regard to matters concerning flood risk, drainage, noise, ecology protection / enhancement, land condition and contamination and these matters and the details thereof are either already dealt with under the various discharge of conditions applications (see planning history above) or will be dealt with through forthcoming details under the provisions of the conditions included in this report. Whilst some of the consultees have made comments in respect of this application reference the matters they have raised are referred to below.

### **Design Services**

- 5.38 Comment that no objections arise and that the conditions of CHE/18/00626/REM1 will need to be agreed prior to construction.

## Yorkshire Water Services

- 5.39 Commented that the submitted drawing appears to show the building proposed to be built-over the line of a 690/300mm public combined sewer crossing the site and that a 6.5 metre stand off distance is required.
- 5.40 It is understood that the sewer was diverted as part of the infrastructure delivery preparation for the site and the works were undertaken with grant assistance to redirect the sewer along the bypass boundary in connection with the provision of the bund. Yorkshire Water Services are therefore based on out of date plans.

### Environment Agency

- 5.41 Confirm they have no comment to make regarding the scheme.

### Lead Local Flood Authority

- 5.42 The LLFA comment that they have no comment to make on the application but will comment further at the discharge of condition stage.

### Coal Authority

- 5.43 On the basis that the outline permission predates the risk based approach to Development Management by the Coal Authority then no objections arise to the proposal however they hope the developer will ensure that consideration is given to the risks posed by past coal mining activity when developing the site.

### Environmental Health Officer

- 5.44 The EHO has considered the application and comments that on the basis traffic was modelled and assessed as part of the original outline application in 2009, traffic levels and assumptions made at the time will now be out of date and should therefore be undertaken again.

5.45 This is a reserved matters submission flowing from the outline planning approval and it is not possible therefore to require a repeat of the traffic data collection and modelling exercise. The information agreed at the outline stage has to be accepted as being appropriate.

#### Energy and Carbon Reduction

5.46 The application includes a Preliminary Energy Assessment by SDA and a BREEAM Pre Assessment by 3 Planets and which consider how the building can achieve the BREEAM Excellent standard by reviewing the proposed energy and carbon reduction strategy within the context of local and national planning policy. The reports consider and evaluate the building fabric as well as the heating and cooling systems as the only variables able to be changed are the air permeability and fabric U-values. The scheme incorporates U-value levels and air permeability levels which are 20% better in comparison to the Building regulations AD L2A limits. The scheme is also designed to limit solar heating in the summer and thereby reducing the need for air conditioning but at the same time maximise natural lighting into the building. The measures incorporated into the design of the development reduce the predicted CO<sub>2</sub> consumption from 25.7kgCO<sub>2</sub>/m<sup>2</sup> to 20.8kgCO<sub>2</sub>/m<sup>2</sup> which allows for an outstanding BREEAM score and which is over and above the building regulation requirements and in line with condition 11 of the outline planning permission.

5.47 It is concluded that the energy strategy of the applicant adheres to the principles and aspirations of sustainable design and construction as advanced by national and local government and which satisfies the requirements of condition 11 of the outline permission.

#### Ecology

5.48 The applicant has provided an Ecology update which confirms that the site is of very low ecological value due to its use as a hardsurfaced temporary car park area.

## 6.0 **REPRESENTATIONS**

6.1 The application has been publicised by site notice on 8<sup>th</sup> March 2019 and by advertisement in the local press on 21<sup>st</sup> March 2019 and no representations have been received as a result.

## 7.0 **HUMAN RIGHTS ACT 1998**

7.1 Under the Human Rights Act 1998, which came into force on 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 National Planning Policy Framework (NPPF).

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

The applicant has taken advantage of pre application submission conversations.

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

9.0 **CONCLUSION**

9.1 The proposals which form the basis of the Reserved Matters application being submitted generally comply with the parameters of the outline planning permission. The outline planning permission approved 30,350 sqm of B1 office use and the Indicative Masterplan shows offices to be located at first floor level fronting Brimington Road, with ground floor retail uses. This Reserved Matters planning application accords with the location and amount as previously approved. It has been previously agreed with the Council that the number of storeys proposed is acceptable as it will not be significant given the reference to 6+ storeys and the scale of neighbouring proposed buildings.

9.2 The proposed development is entirely acceptable in planning terms and will act as an important catalyst to the overall regeneration of the Chesterfield Waterside area.

9.3 The proposals are considered to be appropriately designed having regard to the intended character of the surrounding area and which are considered to be generally in line with the outline planning permission, the masterplan and the aspirations for the site. The proposal would not have an unacceptable detrimental impact on the amenities of local residents or highway safety. As such, the proposal accords with the requirements of policies CS2, CS10, CS18 and CS20 of the Core Strategy and the wider National Planning Policy Framework.

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

10.0

## **RECOMMENDATION**

10.1

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

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

### Site Layout

- Site Location Plan – CWD-BBA-01-ZZ-DR-A-1100 rev P01
- Floor Plans (levels 00,01,02,03) – CWD-BBA-01-ZZ-DR-A-2100 rev P01
- Floor Plans (levels 04,05,06,RF) – CWD-BBA-01-ZZ-DR-A-2101 rev P03
- Proposed Site Plan – CWD-ALA-00-XX-DR-L-0004 rev P01
- Elevations sheet 2 - CWD-BBA-01-ZZ-DR-A-3102 rev P02
- Elevations sheet 1 - CWD-BBA-01-ZZ-DR-A-3101 rev P02
- Site Sections - CWD-ALA-00-XX-DR-L-0003 rev P01
- Site Sections - CWD-BBA-01-ZZ-DR-A-4101 rev P01
- Site Sections - CWD-BBA-01-ZZ-DR-A-4102 rev P01
- Illustrative Plan - CWD-ALA-00-XX-DR-L-0004 rev P02
- Landscaping Plan - XXX-ALA-00-XX-DR-L-0001 rev P01
- Planting Plan - CWD-ALA-00-XX-DR-L-0002 rev P01
- Proposed Highway Works A – 05/004 rev V06
- Proposed Highway Works B – 05/005 rev V05
- Access junction Swept Path Analysis – 05/006 rev V03

### Supporting Documents

- BREEAM Pre Assessment Summary report by 3 Planets dated 27/02/18
- Preliminary Energy Assessment report by SDA dated Oct 2017
- EIA Screening report by Avison Young dated Feb 2019
- Planning Statement by Avison Young dated Feb 2019
- Design and Access Statement by Bond Bryan Architects dated 12/06/18
- Landscape Design and Access Statement by Ares Landscape Architects dated April 2018
- Technical Note – access proposal and car park strategy by Curtins dated 15/02/19
- Ecology Advice Note by Bowland Ecology Ltd dated 25/01/18

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

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

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

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

*Reason – In the interests of highway safety.*

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

*Reason – In the interests of highway safety.*

05. The highway works shown on Curtins drawings 05/005-V05 and 05/004-V06 as phase 1A shall have been completed prior to first occupation of the building hereby approved.



*Reason – In order to achieve appropriate highways infrastructure to support the development in the interests of highway safety*

06. The onsite manoeuvring and turning spaces shown on Ares drawing CWD-ALA-00-XX-DR-L-0004 S2 REV P02 shall have been completed and be available for use prior to first occupation of the building hereby approved and shall be retained available for use thereafter.

*Reason – In order to achieve appropriate highways infrastructure to support the development in the interests of highway safety.*

07. 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 first occupation of the office building.

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

08. The soft landscape scheme detailed on drawing CWD-ALA-00-XX-DR-L-0002 S2 REVP01 shall be implemented within the first planting season following completion of the development in accord with an implementation programme which has previously been agreed in writing by the local planning authority. The implementation programme shall include a schedule of landscape maintenance for a minimum period of five years. The agreed details, or any approved amendments to those details shall be carried out in accordance with the implementation programme.

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

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

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

10. No development above floor-slab/D.P.C level shall take place until details of the proposed shop frontages 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 first occupation of the office building and shall be retained thereafter.

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

11. No development above floor-slab/D.P.C level shall take place until details of inclusion of some raised decorative brickwork panels and/or replacement of some spandrel panels with coloured brick panels have been submitted to the Local Planning Authority for consideration. The details subsequently agreed in writing, or any approved amendments to those details, shall be carried out as part of the construction of the building and shall be retained thereafter.

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

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

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

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

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

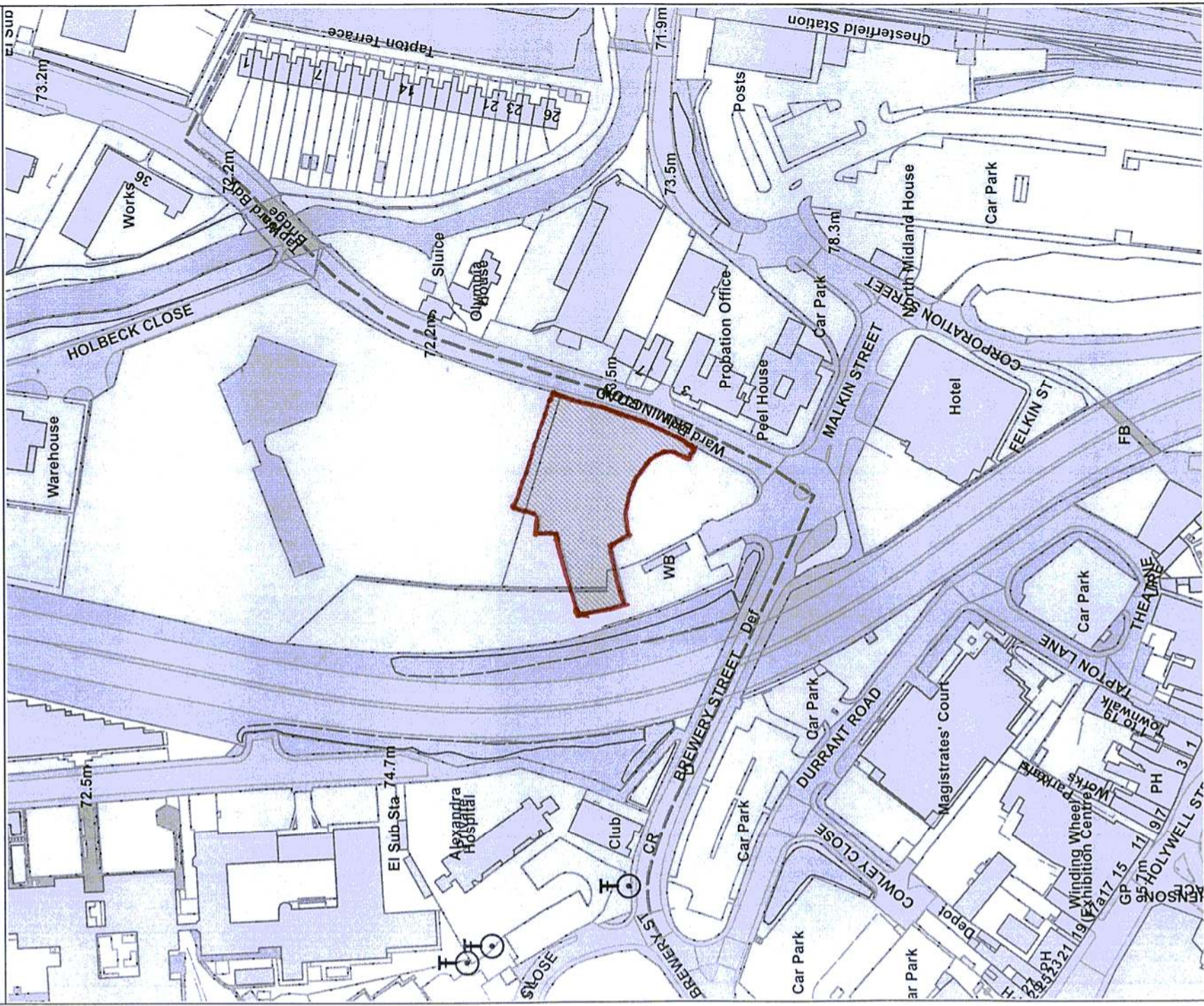
14. Prior to the construction of the cycle parking facility, full details of the proposed building shall be submitted to the local planning authority for consideration. The cycle parking facility shall only be constructed in accordance with the details which have been agreed in writing by the Local Planning Authority and which shall be available for use concurrent with the first occupation of the office building. The cycle parking facility shall be retained available for use thereafter.

*Reason - The condition is imposed in order to enhance the provision for cyclists within the development in line with policy CS18 and CS20 of the Core Strategy 2011-31.*

## Notes

01. If work is carried out other than in complete accordance with the approved plans, the whole development may be rendered unauthorised, as it will not have the benefit of the original planning permission. Any proposed amendments to that which is approved will require the submission of a further application.
02. This approval contains condition/s which make requirements prior to development commencing. Failure to comply with such conditions will render the development unauthorised in its entirety, liable to enforcement action and will require the submission of a further application for planning permission in full.
03. This permission is granted further to an earlier grant of outline planning permission (CHE/09/00662/OUT as amended by CHE/18/00626/REM1) to which any developer should also refer.
04. Pursuant to Sections 149 and 151 of the Highways Act 1980, steps shall be taken to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.

CHE/19/00116/REM



**CHESTERFIELD**  
BOROUGH COUNCIL

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Case Officer: Rob Forrester File No: CHE/19/00156/FUL  
 Tel. No: (01246) 345580 Plot No: 2/1605  
 Ctte Date: 22nd July 2019 U.P.R.N 000074077320

**ITEM 5**

**Construction of 9 new detached dwellings and access road. Noise Impact Assessment received 20.05.2019 - Coal Mining Report, Coal Mining Risk Assessment, Geo-technical & Geo Environmental Risk Assessment, Desk Top Study and Site Photographs received 03.06.19 and Revised Layout Plan received on 03.07.2019 on land at Land at Whitebank Close, Hasland, Derbyshire. S41 OTS**

Local Plan: Unallocated  
 Ward: St Leonards

1.0 **CONSULTATIONS**

<b>Local Highways Authority</b>	Comments received 09/05/2019 – requires amendments to road width and bin-storage.
<b>CBC Strategic Planning Team</b>	Comments received 19/06/2019 No objection in principle.
<b>CBC Conservation Officer</b>	Comments received 22/05/2019 No objection in principle.
<b>Historic England</b>	Comments received 20/05/2019 Do not wish to offer any comments.
<b>CBC Urban Design Officer</b>	There are no urban design objections to the proposed development.
<b>Sport England</b>	Comments received 31/05/2019 See report – no objection.
<b>CBC Tree Officer</b>	Comments received – see report.
<b>Derbyshire Wildlife Trust</b>	Comments received 01/05/2019 Ecology concerns unlikely - Advises 1 condition
<b>Yorkshire Water Authority</b>	Comments received 13/06/2019 – advises 2 conditions
<b>Coal Authority</b>	Comments received 25/04/2019 – Fundamental concern at lack of mining report – comments on

	submitted report – adequate rock-cover would ensure that any shallow workings would have no risks to surface development – objection withdrawn
<b>Crime Prevention Design Advisor</b>	Comments received 11/04/2019 No comments to make in respect of the current submission.
<b>Environment Agency</b>	Comments received 02/04/2019 No formal comment to make.
<b>DCC Lead Flood Authority</b>	Comments received on 23/04/2019 - as this is a minor dev – no formal comment
<b>CBC Drainage</b>	Comments received 16/04/2019 – Site not at flood-risk. Drainage details required
<b>CBC Environmental Health</b>	Comments received 07/06/2019 – no adverse comments.
<b>Ward Members</b>	No comments received
<b>Site Notice / Neighbours</b>	1 representation received

## 2.0 **THE SITE**

2.1 The site consists of disused tennis courts, in use as a temporary car park associated with the neighbouring bowls club. The ground within the site is terraced to provide level surfaces, with steps and banks between. Most of the site is now overgrown and surfaces are perished. The highest ground is at the Southern corner, falling away to the North.

2.2 The site, which is surrounded by mature trees, is within a residential area at the northern end of Hasland close to the junction with the A617, and is situated adjacent to the bowling greens and a substantial Listed Building (Bank Close House) which is a residential care home.





Photos showing existing site access drive and dwellings on Hasland Road



Photos showing the former tennis court/car-park and the bowling green and adjacent listed building

- 2.3 The site is accessed from the private drive serving the former tennis court and bowling green which is an extension of Whitebank Close. The bowling club lies to the west of the site, with the Listed Building (Bank Close House), to the north-west. An access track runs from the Whitebank Close turning head along the south east boundary of the site and which provides an access to the playing fields located to the south.
- 2.4 The surrounding land is in residential use with Hasland Road (B6039) being in close proximity to the east and north-east of the site.

### 3.0 **RELEVANT SITE HISTORY**

3.1 There is no relevant Planning History on the site, although being Council-owned land, a development brief has been prepared to inform the sale of the land (which suggested a development of 5 dwellings).

3.2 There is a permission for a single-storey dwelling adjacent to the access drive on its eastern side at 1a Whitebank Close - CHE/10/00230/EOT and on the land to the north (within the curtilage of the Listed Residential Home) has a resolution to grant permission for enabling development (outline for 14 dwellings - CHE/16/00229/OUT) subject to a Section 106 agreement, but this scheme remains un-determined.

### 4.0 **THE PROPOSAL**

4.1 The application submitted seeks full planning permission for the erection of 9 dwellings served from a private drive (which is to be upgraded with an enlarged turning head) which runs north from Whitebank Close. The turning head is suitable for a refuse vehicle, and the access drive also gives, access to a proposed new car-park for the bowling club and the football field.

4.2 The development will be served by a new drive from the turning head at the southern end of the site, and comprises 4 bungalows between the drive and Hasland Road, and 5 houses, between the access drive and the bowling club and Bank Close House and its extensive grounds.

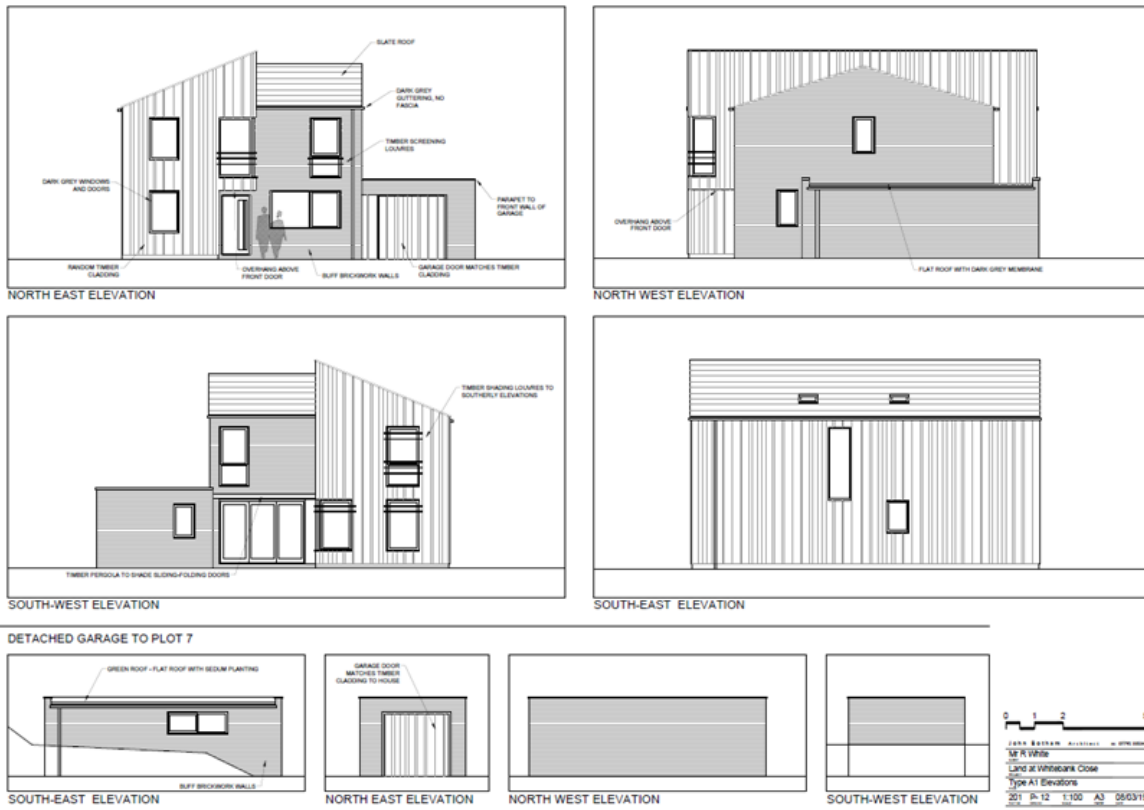
4.3 The bungalows are 3 bedroomed units with integral garages and modest rear gardens, and the houses are of 4/5 bedrooms, with either an attached garage or detached garage. They have larger gardens, particularly plot 5, the unit closest to the Listed Building.

4.4 The dwellings are of a very modern contemporary design with mono-pitched slate roof/ timber cladding and unusual window fenestration.



The Proposed Site Layout is shown below





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

- The development is in a sustainable location close to services
- The site has considerable tree-cover around the boundaries, but open areas within the site
- It is separated from surrounding houses by the track to the bowling green which has a new panel-fence
- It is separated from the listed building by a landscaped bank and TPO trees
- The Development brief was for 5 units however a revised access drive is to be created that can support more units
- The development will have a minimal impact on the Listed Building and will retain most of the trees with a protection zone to the TPO trees
- The dwellings will have a simple cul-de-sac with the end left clear to give views of the trees
- The materials and design give a 'woodland' feel to the scheme and the garages have a flat sedum roof and the front gardens will be open with tree planting

- The site is readily suited to both houses and bungalows which continue the character of the Close
- The bungalows are suited for the elderly

4.6 In addition to the Design and Access statement, the application is accompanied by the following technical documents:-

- Coal Mining Report
- Contamination Report
- Noise Report

## 5.0 **CONSIDERATIONS**

### 5.1 **Planning Policy Background**

5.1.1 The site is situated within St Leonards Ward within Hasland and is an area which is unallocated in the Local Plan and is predominantly residential in nature.

5.1.2 Having regard to the nature of the application proposals, the following Core Strategy Policies are applicable:- CS1 (Spatial Strategy), CS2 (Location of Development), CS3 (Presumption in favour of Sustainable Development), CS4 (Infrastructure Delivery), CS6 (Sustainable Design), CS7 (Management of the Water Cycle), CS8 (Environmental Quality), CS9 (Green Infrastructure and Biodiversity), CS10 (Flexibility in delivery of Housing), CS18 (Design), CS19 Historic Environment, and CS20 (Demand for Travel) of the Core Strategy and the wider National Planning Policy Framework (NPPF) apply. In addition the Councils Supplementary Planning Document on Housing Layout and Design 'Successful Places' is also a material consideration.

### 5.2 **Principle of Development**

#### **Local Plan Spatial Strategy**

5.2.1 The main policy considerations relating to the principle of development are Core Strategy policies CS1, CS2 and CS10. These policies are considered to be in date and relevant to the proposal and paragraph 11c of the NPPF is engaged.

5.2.2 **CS1** sets out that the overall approach is to concentrate new development within walking and cycling distance of centres and focus on areas that need regenerating. In terms of walking

distance, the site is around 1000m to the south east of Chesterfield Town Centre and 1000m to the north west of the Hasland District Centre and is in close to a Primary school via a well-used and lit route. Given the distance and route, this is considered reasonable in terms of distance from a centre, as set out in CS1. However some weight can also be given to the Chartered Institute of Highways and Transport guidance and the residential design SPD, which makes reference to “800m” being a ‘walkable neighbourhood’. There are bus stops in close proximity and good cycle routes to the centres.

- 5.2.3 **CS2** (Principles for Location of Development) sets criteria for assessing proposals for development on unallocated sites. In relation to criteria a, as mentioned above, the site is within a reasonable walking distance from a centre, and therefore contributes to delivering the spatial strategy in this regard. The spatial strategy also sets out the overall housing requirement for the borough, and the proposal would make a contribution, albeit small, to delivering that.
- 5.2.4 **CS10** states that “planning permission for housing-led greenfield development proposals on unallocated sites will only be permitted if allocated land has been exhausted or...there is less than a 5 year supply of deliverable sites.” As the site is predominantly a previously developed site due to the hardstanding/surfaced car park, and the Council is currently able to demonstrate a five year supply of deliverable housing sites, policy CS10 would indicate that planning permission should be granted for the development, and the NPPF also favours the development of previously developed sites.
- 5.2.5 Given that the Local Plan has relevant policies that are not out of date there is no requirement to apply the approach to the presumption in favour of sustainable development set out in policy CS3 and paragraph 11d of the NPPF.
- 5.2.6 The site is an appropriate and logical one for housing development within Hasland.

### **Loss of Sports Facility**

- 5.2.7 The site is currently used as a car-park for the bowling and football club and their associated pitches/greens, although it was formerly

a series of tennis courts that were on several level terraces with steps between, although the facility has been declared redundant by the Council and has not been in use for many years, and is unsightly.

- 5.2.8 The loss of existing sports facilities to other uses is restricted by Paragraph 97 of the NPPF, and in such instances, Sport England are a statutory consultee, and their own playing fields policy states that “Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of:
- all or any part of a playing field, or
  - land which has been used as a playing field and remains undeveloped, or
  - land allocated for use as a playing field unless, in the judgement of Sport England, the development as a whole meets with one or more of five specific exceptions.’
- 5.2.8 The current proposal will provide a new hard-surfaced access drive to the playing fields/greens (as the current access track is of poorly surfaced gravel) and an alternative parking facility for the bowling club is indicated on the submitted plans (although does not form part of this application) which is closer to the facility.
- 5.2.9 The Council has also been in discussions with the football club for the provision of additional meeting rooms although an application has yet to be submitted, however the Council are committed to a process of gradual improving of the sports facilities to be funded in-part from the sale of the application site.
- 5.2.10 The proposal involves redevelopment of part of a multi-sport site that currently includes football and bowls uses. The portion of the site identified for disposal and redevelopment predominantly comprises areas of hard standing that were formerly tennis courts but are now used as car parking for the Bowls Club. The Football Club has its own car parking elsewhere within the wider multi-sport site. The application area identified for redevelopment forms part of the overall playing field unit at the multi-sport site and is an ancillary function supporting its use.

5.2.11 The Forward Planning Section has commented as follows:-  
“Under policy CS9 of the Local Plan, development that would lead to the loss of sports facilities (including former sports facilities) will only be granted where:  
i. They are identified as surplus to demand; or  
ii. The development would result in alternative or improved provision;  
iii. And where the site is not needed for other open space, play provision or sports facilities.  
Last Updated June 2013, The Chesterfield Outdoor Sports and Playing Pitch Strategy Sept 2014, p.44 concludes that “Courts on other public sites that have fallen into disrepair should not be reinstated”. The site is not in an area that has been identified as being deficient in other forms of open space provision, including Community Parks and Play Areas. The tests set out in policy CS9 can therefore be met and the site is appropriate for redevelopment for other uses.

5.2.12 Sport England does not object to the proposals and state:-  
“Sport England provided pre-application comments on the principle of redevelopment of the area included within the current application site back in 2015, and advised that the land affected was judged to be surplus to requirements in terms of its former tennis use.  
It was further advised that subject to the implementation of measures to support the sustainability of the retained sports uses on the wider site (including lease arrangements, revised access, parking and other associated infrastructure works), the project overall could be considered to accord with Exception 1 of Sport England’s playing fields policy and Paragraph 74 (now 97) of the National Planning Policy Framework.  
No material changes in circumstances have been identified to justify taking an alternative position on the proposal, and Sport England has received up to date confirmation that within the sales contract for the application site there is to be a specified requirement for the delivery of replacement car parking on the retained Council owned multi-sports site (within 2 years and prior to the redevelopment of the former tennis courts). It has also been confirmed that there be a requirement to improve the access track serving the retained sports ground.  
Subject to the above legal arrangements being finalised and in place, then Sport England would not wish to raise an objection to the application.



5.2.13 The loss of the former tennis courts is acceptable in Policy terms as part of a larger enhancement proposal for the existing sports facilities. As it is not possible to impose restrictions on the sale of the land through the planning process, it would be appropriate in planning terms to require the provision of the re-placement parking facility prior to commencement of the development as a condition, which coincides with the requirements of the sales particulars and the views of Sport England.

### 5.3 **Design and Appearance**

5.3.1 In respect of design and appearance matters the application, the site provides 3, 4 and 5-bedroomed family housing in a modern compact form to reflect the wooded nature of the site.

5.3.2 The dwellings follow the principles of the design-brief for the site, and as the site is well screened from public vantage points, the development is visually acceptable.

5.3.3 The design is considered to be appropriate in the street scene and the scale is appropriate, given the surroundings, the screened nature of the site and the high surrounding banking, which also has a screening effect.

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

5.3.5 It is considered that the siting, design and scale of the development proposals are acceptable having regard to the provisions of policies CS2, CS18 and CS19 of the Core Strategy.

### 5.4 **Impact on the Setting of the Listed Building and Mature Trees**

5.4.1 The site is not within a Conservation Area, however the site is closely related to, and has a joint boundary with the grounds of a Listed Building.

5.4.2 The Planning Committee has resolved to grant outline planning permission for 14 dwellings on the land to the front of the listed building next to the 'carriage-drive', whereas the current site is situated obliquely to the side, and is separated from the carriage-

drive by a steep bank, and an avenue of protected trees, and as a result, the development is not considered to impact on the setting of the listed building, although careful attention to boundary treatment and landscaping will be important.

- 5.4.3 Whilst the Conservation Officer had some initial concerns, the scheme has been amended to locate the dwelling unit closest to the boundary with the listed building further from the boundary, and the agent has specified natural materials (timber cladding and slate), screening to the concrete wall surrounding the bowling green (also close to the listed building) and boundary treatment. The Conservation Officer has no comments in relation to the amendments.
- 5.4.4 Following the relocation of dwelling 5 further from the listed building and protected trees and to their being no development within the root protection area, the Tree Officer raises no objection in relation to the impact on the protected trees, and whilst some poor quality trees (including some overly-mature Leylandii) would be felled, there would be no adverse impact on the protected trees.
- 5.4.5 The scheme would not therefore impact on the setting of the listed building or protected trees and therefore complies with Policies CS6, CS8, CS9, CC18 and CS19 of the Core Strategy.

## 5.5 **Highways Issues**

- 5.5.1 The proposed development is served from a new turning head designed to accommodate a refuse lorry turning and situated at the end of Whitebank Close (which will also serve the sports clubs and the proposed new car park) and Whitebank Close is to be widened by a metre in order to provide a new footpath to the eastern side. The applicant has acquired additional land from 1A Whitebank Close for the purpose. The improved access standard has allowed the number of units on the site to be increased from the 5 originally referred to in the Design Brief for the site.
- 5.5.2 The amended plans resolve the previous Local Highways Authority (LHA) concerns and provides improved distance between the garages and the new cul-de-sac. The amended scheme also shows the additional width required by the L.H.A and there would be a condition requiring the new bowling-green car-park be provided before development commences.

5.5.3 Whilst the final Highway Authority comments on the amended plans are awaited, the proposal is a very modest one, some distance from the public highway, and the scheme is considered to be acceptable in highway safety terms.

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

## 5.6 **Flood Risk & Drainage**

5.6.1 In respect of matters of drainage and potential flood risk, the site does not fall within a flood-risk zone, and the run-off from the site during rainy conditions will be to the public surface water and the proposal will not impact on drainage or off-site flooding.

5.6.2 As the revised plan provides for the required separation distance to the sewer, Yorkshire Water have no objections and drainage can be subject to conditions, and the development complies with the provisions of policies CS2 and CS7 of the Core Strategy.

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

5.7.1 The site the subject of the application comprises the former tennis courts, and not considered to be 'at risk' from contamination, as demonstrated by the submitted report having regard to policy CS8 of the Core Strategy.

5.7.2 In respect of land condition the site lies within the Coal Authority's defined high-risk area and a mining report was requested. As a result of the submitted report and discussions with the Coal Authority, they have withdrawn their objection stating that there would be adequate rock-cover above any shallow workings such that risks to the surface would not arise, and it is considered that the development complies with the provisions of policies CS2 and CS8 of the Core Strategy.

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

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

5.7.5 The submitted noise report indicates that the occupants of the dwellings would not be subject to excessive road noise.

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

## 5.8 Other Considerations

5.8.1 From an ecology perspective the only issue is the loss of some planting, although Derbyshire Wildlife Trust considers that ecology constraints are unlikely and that with the retention of the boundary trees and provision of bat and bird boxes within the development to improve bio-diversity/compensate for any habitat loss, the development is acceptable subject to conditions.

5.8.2 It is not considered that any ecology or wildlife be harmed by the proposal which therefore complies with the provisions of policies CS2 and CS9 of the Core Strategy.

## 6.0 Community Infrastructure Levy (C.I.L)

6.1 Having regard to the nature of the application proposals the development comprises the creation of 9 no. new dwellings and the development is therefore CIL Liable.

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

		<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>
<b>Plot</b>	<b>Proposed Floorspace (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>
6,7,8,9	183 x 4	732	£50 (Medium Zone)	307	288	£39,014.58
5	222 x 1	222	£50	307	288	£11,832.29

2,3,4	139 x 3	417	£50	307	288	£22,225.52
1	134 x 1	134	£50	307	288	£7,142.01
Total						£80,214.40

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).

## 7.0 **REPRESENTATIONS**

7.1 The application has been publicised by means of a Press advertisement (publicity period expired 09/05); a site notice (publicity period expired 02/05) and neighbour letters (publicity period expired 29 April 2019).

7.2 As a result of the applications publicity, 1 letter of objection has been received from a resident of 50 Hasland Road which makes the following points:-

- Object to the loss of trees which we need more f, for conservation purposes, for pollution and as wildlife habitat (Owls, Woodpecker and other birds)
- Loss of soakaway – Horns Bridge already often floods in heavy rainfall and the sewer in Hasland Road can't cope and floods the houses with sewage
- The extra traffic on an already busy road will cause extra problems – we have trouble crossing the road to the bus-stop
- With climate change, we don't need building on soakaway land or the loss of trees, as this will not help in any way

## 8.0 **HUMAN RIGHTS ACT 1998**

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

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

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

8.3 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.

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

9.1 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).

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

9.3 The applicant /agent and any objectors/supporter will be notified of the Committee date and invited to speak, and this report informing them of the application considerations and recommendation /conclusion is available on the web-site.

10.0 **CONCLUSION**

10.1 The proposed development is considered to be an appropriate and logical re-use of this site, and the development has been sited, detailed and designed such that the development proposals comply with the provisions of policies CS1, CS2, CS3, CS6, CS7, CS8, CS9, CS18, CS19 and CS20 of the Chesterfield Local Plan: Core Strategy 2011 – 2031.

10.2 Planning conditions have been recommended to address any outstanding matters and ensure compliance with policies CS2,

CS8, CS9, CS18, CS19 and CS20 of the Chesterfield Local Plan: Core Strategy 2011 – 2031 and therefore the application proposals are considered to be sustainable and acceptable.

### **RECOMMENDATION**

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

#### **Conditions**

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
02. The development hereby approved shall only be carried out in full accordance with the approved plans (listed below) with the exception of any approved non material amendment.

Drawing Number - 201 P01 - Location Plan;

Drawing Number - 201 P02 Rev C (Amended Plan received on 03.07.2019) – Proposed Block Plan;

Drawing Number - 201 P11 - Dwelling Type A1 and Garage - Proposed Plans;

Drawing Number - 201 P12 - Dwelling Type A1 and Garage - Proposed Elevations;

Drawing Number - 201 P13 - Dwelling Type A2 - Proposed Plans;

Drawing Number - 201 P14 - Dwelling Type A2 - Proposed Elevations;

Drawing Number - 201 P15 Rev A (Amended Plan received on 28.03.2019) - Dwelling Type D and Garage - Proposed Plans;

Drawing Number - 201 P16 Rev A - Dwelling Type D and Garage - Proposed Elevations; Drawing Number - 201 P17 - Dwelling Type F - Proposed Plans and Elevations;

Drawing Number - 201 P18 - Dwelling Type G - Proposed Plans and Elevations, and

Drawing Number - 201 P19 - Proposed Street Scene.

03. The development hereby approved shall not be commenced until such time as the replacement car-parking facilities for the Bowling Club have been provided to the satisfaction of the Local Planning Authority.

04. No development above floor-slab/D.P.C level shall be carried out until the precise specifications or samples of the walling and roofing materials to be used shall be submitted to and approved in writing by the Local Planning Authority. Only those materials approved in writing by the Local Planning Authority shall be used as part of the development.
05. Demolition, remediation or construction work to implement the permission hereby granted shall only be carried out on site between 8:00am and 6:00pm in any one day on Monday to Friday, 9:00am to 5.00pm on a Saturday and at no time on a Sunday or Public Holiday. The term "work" will also apply to the operation of plant, machinery and equipment.
06. Prior to the 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 specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing.
  - f) a specification for scaffolding and ground protection within tree protection zones.
  - g) Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area.
  - h) 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
  - i) Boundary treatments within the RPA
  - j) Methodology and detailed assessment of root pruning
  - k) 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.

07. 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.
08. 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.
09. 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.

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:
  - a) evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical;
  - b) evidence of existing positive drainage to public sewer and the current points of connection;
  - and c) the means of restricting the discharge to public sewer to the existing rate less a minimum 30% reduction, based on the existing peak discharge rate during a 1 in 1 year storm event, to allow for climate change. If an existing connection for surface water drainage to public sewer cannot be evidentially proven, surface water discharge to public sewer shall be restricted to a maximum of 3.5 litres a second.
12. 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.
13. Prior to building works commencing above foundation level, a Biodiversity Mitigation and 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 prior to occupation of any dwelling, and maintained thereafter for the life of the development.

Measures shall include (but are not limited to):

- three woodcrete (or similar) bird boxes shall be installed within the scheme, with positions/specification/numbers clearly shown on a plan.
- three integrated bat boxes shall be installed within the scheme, with positions/specification/numbers clearly shown on a plan.

- small fencing gaps (130 mm x 130 mm) in boundary treatments will be clearly shown on a plan to maintain hedgehog connectivity.

14. 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 with or without modification), no fences, gates or walls shall be erected within the curtilage of any dwellinghouse.
15. No dwelling shall be occupied until such time as the turning head and works to Whitebank Close have been carried out as shown on the submitted plan No 201-P02 Rev C, and the access drive and the areas shown on the approved plans as reserved for parking, garaging, circulation and standing of vehicles have 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.
16. 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. Prior to their installation, full details of the entrance gate feature shown on Plan No 210-P-02 Rev C shall be submitted to and approved in writing by the Local Planning Authority. The entrance gates shall be constructed in accordance with the approved scheme, and thereafter retained in the agreed form.
17. Notwithstanding the provision of the Town and Country Planning (General Permitted)(England) Development Order 2015 (as amended) there shall be no extensions outbuildings or garages constructed (other than those shown on the submitted plans) to the side or rear of the dwellings on plots 4 or 5, or to the rear of dwellings on plots 1-3, without the prior written agreement of the Local Planning Authority.

#### Reasons for Conditions

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. In order to ensure that adequate facilities remain for the existing sports facility as the loss of the existing parking could jeopardise the public access to, and enjoyment of the sports facility. This condition needs to be a pre-commencement condition as the development is only acceptable when alternative facilities are provided, as required by Policy CS9 of the Adopted Chesterfield Borough Council Local Plan:Core Strategy 2011-2031.
04. The condition is imposed in order to ensure that the proposed materials of construction are appropriate for use on the particular development and in the particular locality in the interest of visual amenity.
05. In the interests of residential amenities.
06. In order to ensure that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality and pursuant to section 197 of the Town and Country Planning Act 1990. The submission of the details prior to commencement of development is necessary in order to satisfy the Local Planning Authority that their statutory duty to protect trees is maintained.
07. In order to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and bio-diversity benefits and to enhance its setting within the immediate locality.
08. In the interests of residential amenities.
09. In the interests of reducing emissions in line with policies CS20 and CS8 of the Core Strategy.
10. In the interest of satisfactory and sustainable drainage.
11. To ensure that no surface water discharges take place until proper provision has been made for its disposal.
12. To ensure that the development can be properly drained.
13. In the interests of ecology.

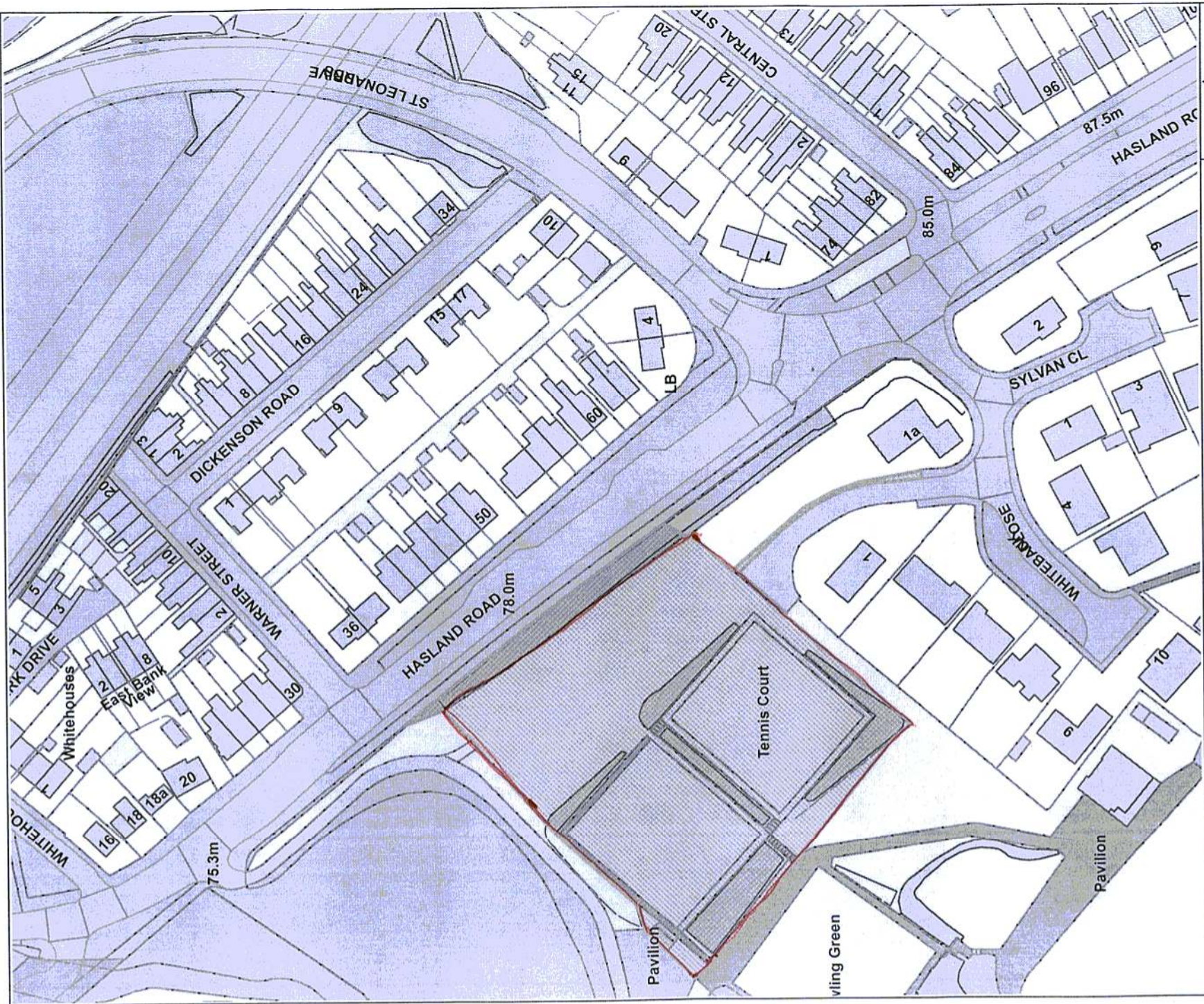
14. In order to ensure that the passage of hedgehogs is not restricted and the setting of the nearby listed building is preserved.
15. In the interest of Highway safety
16. In order to ensure adequate parking in the interest of free-flow of traffic and highway safety.
17. In order to protect the setting of the nearby listed building and to allow maintenance of the public surface water sewer.

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.

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CHE/19/00156/FUL



**CHESTERFIELD**  
BOROUGH COUNCIL

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# Agenda Item 5

<b>COMMITTEE/SUB</b>	Planning Committee
<b>DATE OF MEETING</b>	22nd July 2019
<b>TITLE</b>	DELEGATION
<b>PUBLICITY</b>	For Publication
<b>CONTENTS</b>	Items approved by the Group Leader, Development Management under the following Delegation references:-  Building Regulations P150D and P160D, P570D, P580D
<b>RECOMMENDATIONS</b>	Not applicable
<b>LIST OF BACKGROUND PAPERS</b>	Relevant applications

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

Building Regulations	Stuart Franklin	345820
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## Committee List - Chesterfield

Reference Number	Site Address	Description Of Work	Decision Date	Decision Type
19/03109/DEXFP	299 High Street New Whittington Chesterfield S43 2AP	Structural alterations	06/06/2019	A
19/03125/DEXFP	12 Caernarvon Close Walton Chesterfield S40 3DY	New structural opening with installation of beam above	06/06/2019	A
19/02780/DOMFP	23 Bridle Road Woodthorpe Chesterfield S43 3BY	Proposed new build	17/06/2019	C
19/02269/DEXFP	52 Elliott Drive Inkersall Chesterfield S43 3DP	Single Storey Dining Room Extension	19/06/2019	C
19/03237/DEXFP	11 Woodthorpe Road Woodthorpe Chesterfield S43 3BZ	Structural Alterations	25/06/2019	A
19/03042/DEXFP	8 Errington Road Chesterfield S40 3EP	Single storey rear extension	27/06/2019	A
19/03012/DEXFP	14 Garden Close New Whittington Chesterfield S43 2DR	Attached Garage	02/07/2019	A
19/03658/DEXFP	82 Highfield Lane Newbold Chesterfield S41 8BA	Single Storey Kitchen Extension	03/07/2019	C

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# Agenda Item 6

<b>COMMITTEE/SUB</b>	Planning Committee
<b>DATE OF MEETING</b>	22nd July 2019
<b>TITLE</b>	DELEGATION
<b>PUBLICITY</b>	For Publication
<b>CONTENTS</b>	Items approved by Development Management and Conservation Manager under the following Delegation references:-  Planning Applications P020D, P200D to P250D, P270D to P320D, P350D to P370D, P390D, P420D to P440D  Agricultural and Telecommunications P330D and P340D
<b>RECOMMENDATIONS</b>	Not applicable
<b>LIST OF BACKGROUND PAPERS</b>	Relevant applications

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

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

<b>Code No FileNo</b>	<b>Ward</b>	<b>Proposal</b>	<b>Decision</b>	<b>Decision Date</b>
CHE/18/00721/RET	Brimington South	Retrospective application for enlargement of two bedroom bungalow comprising of a rear dormer loft conversion, two single storey extensions to the rear of the dwelling and a proposed storm canopy to be erected above the front door (revised drawings and materials information submitted 28/06/19)  At 5 Station Road Brimington Derbyshire S43 1JH For Mr Ian Blanksby	CP	05/07/2019
CHE/18/00852/FUL  1294	Brimington North	Erection of 3-storey 4 bedroomed dwelling, with remote parking, culverting of water-course to provide garden; erection of close-boarded fence and associated bin-store/cycle shed - revised plans received 11/02/2019 - Ecological Appraisal received 04.06.19 - Revised drawing received 10.04.19  At Land At Upper King Street Brimington For Nicholas James Homes Limited	WDN	27/06/2019
CHE/19/00058/FUL	St Leonards	Installation of a new door opening in existng window opening to provide a secondary entrance for inclusive access - revised drawings received 01.07.2019  At Halifax 6 Central Pavement Chesterfield Derbyshire S40 1PQ	CP	03/07/2019

CHE/19/00067/RET	Old Whittington	Erection of boundary fence (amended plans received on 04.07.2019) At 31 Roecar Close Old Whittington Derbyshire S41 9PN  For Mr Colin Haslam	CP	08/07/2019
2150				
CHE/19/00097/RET	Lowgates And Woodthorpe	Retention of altered opening to west facing elevation At Leyfield House Lowgates Staveley S43 3TR  For Mr Sean Brister	CP	03/07/2019
984				
CHE/19/00138/FUL	Middlecroft And Poolsbrook	Proposed parking improvements to create 10 off street parking spaces At Foxstone Close Staveley For Chesterfield Borough Council	CP	26/06/2019
1704				
CHE/19/00149/FUL	Dunston	Refurbishment of existing unit and proposed new warehouse. At Denka U.K. Ltd Broombank Road Chesterfield Trading Estate Chesterfield S41 9QJ For Denka U.K. Ltd.	CP	18/06/2019
1506				
CHE/19/00168/FUL	Dunston	Proposed construction of site offices associated with the storage of plant and equipment. At Land At Sheepbridge Works Sheepbridge Lane Sheepbridge S41 9QD For Hall Plant Hire Ltd	CP	02/07/2019



CHE/19/00169/RET	Dunston	Retrospective consent for demolition of former outbuilding and construction of new building for use as a beauty salon At 166 Kirkstone Road Newbold S41 8HF  For Ms Magdalena Siekierska	CP	26/06/2019
313				
CHE/19/00176/FUL	Dunston	Conversion of warehouse space into office space At 24 Bridge Business Centre Beresford Way Chesterfield S41 9FG  For Coolspirit	CP	02/07/2019
208				
CHE/19/00183/FUL	St Helens	Erection of a sectional concrete garage at the side of the dwelling At 10 Enfield Road Newbold Derbyshire S41 7HP  For Mr Chris Sadler	CP	28/06/2019
6427				
CHE/19/00186/FUL	Brockwell	Construction of a dropped kerb At 7 Wallsend Cottages Newbold Road Newbold Derbyshire S41 7AE  For Mr Thomas Jolley	CP	03/07/2019
CHE/19/00203/LBC	Brockwell	Listed Building Consent for replacement of single glazed wooden frame windows on rear elevation with upvc glazed units At 98 Saltergate Chesterfield Derbyshire S40 1LG  For Mr James Wright	CP	21/06/2019
1978				

CHE/19/00204/FUL	West	Two storey front extension, loft conversion and alterations to previously approved side extension (Revised Elevations received on 27.06.2019 and revised floor plans received on 01.07.2019).	CP	01/07/2019
2269		At 177 Old Road Chesterfield Derbyshire S40 3QL		
		For Mr Richard Maris		
CHE/19/00206/FUL	Dunston	Change of use from retail (Class A1) to hot food takeaway (Class A5); installation of extraction and ventilation equipment; and external alterations. Revised Plans received on 12.04.2019 and noise assessment received on 24.05.2019.	CP	26/06/2019
1025		At 22-24 Station Road Whittington Moor S41 9AQ		
		For DPSK Ltd		
CHE/19/00212/FUL	Walton	Proposed ground floor garage, utility room, porch, driveway and dormers to first floor. Revised drawings received 12.06.2019	CP	28/06/2019
11		At 41 Lichfield Road Walton Derbyshire S40 3EZ		
		For Mr Darren Ashmore		
CHE/19/00223/FUL	Old Whittington	Second chimney stack from firing furnace through building roof (approx 4m external height)	CP	25/06/2019
1012		At Heraeus Electro-Nite (UK) Ltd Carlisle Close Sheepbridge		
S41 9ED		For Heraeus Electro-Nite (UK) Ltd		

CHE/19/00225/FUL	St Leonards	Demolition of existing porch and construction of conservatory At 2A Hartington Road Spital Chesterfield S41 0HE For Mr Paul Stanley	CP	20/06/2019
1352				
CHE/19/00231/FUL	Holmebrook	Construction of a rear, side infill extension with glazed roofing and loft conversion with roof lights. removal of side window to bathroom and replacement with roof light. - Revised elevations, floor plans and site layout received 06.06.19 At 178 Old Road Chesterfield S40 3QP For Mr Dan Kimpton	CP	05/07/2019
762				
CHE/19/00234/FUL	Brimington North	Drop kerbs for vehicle access At 27 Dorset Drive Brimington S43 1DP For Mr Charles Cupitt	CP	24/06/2019
0114				
CHE/19/00238/ADV	St Leonards	1 internally illuminated fascia sign (4000 x 800mm) and 1 internally illuminated projecting sign (900 x 550mm) At Mansfield Building Society 91 New Square Chesterfield S40 1AH For Mansfield Building Society	CP	05/07/2019
CHE/19/00248/FUL	West	Front porch extension At 8 Ashgate Avenue Ashgate Chesterfield S40 1JB For Mr R Boston	CP	26/06/2019
6448				

CHE/19/00249/FUL 1073	Hollingwood And Inkersall	Dropped kerb for access At 101 Station Road Hollingwood Derbyshire S43 2HW  For Mr Steven Herring	CP	18/06/2019
CHE/19/00250/RET	Lowgates And Woodthorpe	Retrospective consent for two storey side extension with front ground floor projection At Wyvern Eckington Road Staveley Derbyshire S43 3XZ For Mr and Mrs G Rolfe	CP	18/06/2019
CHE/19/00255/COU 6659	St Helens	Change of use to dwellinghouse in multiple occupancy At 29 & 29A Sheffield Road Stonegravels Chesterfield S41 7LR For Marlow Richards Ltd	CP	25/06/2019
CHE/19/00257/FUL 5466	Brockwell	Installation of front dormer window At 51 Foljambe Road Chesterfield Derbyshire S40 1NN For Dr Emma Cantrill	CP	24/06/2019
CHE/19/00259/DOC 218, 4127	Dunston	Discharge of planning condition 23 (Highway Works) on application CHE/16/00016/OUT At Land To The West Of Dunston Lane Newbold Derbyshire  For William Davis Ltd	DPC	25/06/2019

CHE/19/00260/FUL	Hollingwood And Inkersall	Installation of new "Fast Forward" booth, with a 48 sqm extension and associated works to the site.	CP	25/06/2019
1017		At Markham Vale Services, Mcdonalds Restaurants Ltd Markham Lane Duckmanton S44 5HB For McDonald's Restaurants Ltd		
CHE/19/00261/ADV	Hollingwood And Inkersall	Reconfiguration of the fascia signage suite to accommodate the extension - 8 fascia signs including 1 new sign	CP	25/06/2019
1017		At Markham Vale Services, Mcdonalds Restaurants Ltd Markham Lane Duckmanton S44 5HB For McDonald's Restaurants Ltd		
CHE/19/00263/FUL	Barrow Hill And New Whittington	Erection of a car port at lower ground floor level with deck and garden room over at ground floor level- amended drawings received 19/06/2019 due to scale issues.	REF	24/06/2019
358		At 180 Handley Road New Whittington S43 2ER For Mr Ian Milliken		
CHE/19/00264/FUL	Dunston	Ground floor front and rear extension	CP	05/07/2019
		At 437 Newbold Road Newbold S41 8AE For Mr Joe Bradley		
CHE/19/00265/FUL	Walton	Provision of new link road, gardeners store building, additional staff parking and relocation of recycling/refuse area	CP	28/06/2019
2410		At Walton Hospital Whitecotes Lane Walton S41		

CHE/19/00266/FUL	Lowgates And Woodthorpe	Removal of existing telecommunications mast and associated apparatus and installation of new 20 metre mast including 6 antennas, 4 . 600 millimetre dish antennas and associated apparatus, removal of 6 equipment cabinets at ground level and installation of 9 equipment cabinets and associated ancillary works.  At T Mobile 96008 Telecommunications Mast Fan Road Staveley For MBNL Limited	CP	28/06/2019
CHE/19/00268/CPO	St Helens	Construction of new building to provide 2 additional classrooms, with associated group and toilet accommodation spaces  At Highfield Hall Primary School Highfield Lane Newbold S41 8AZ For Mike Ashworth	OBJ	18/06/2019
CD2/0419/7				
CHE/19/00269/RET	Old Whittington	Erection of an industrial building ancillary to existing operations  At Silversteel Manor Carrwood Road Chesterfield Trading Estate Chesterfield S41 9QB For I Grunweg Ltd.	CP	28/06/2019
5920				
CHE/19/00271/FUL	Old Whittington	Alterations and extensions to bungalow  At 155 Church Street North Old Whittington S41 9QR For Mr Craig Pygall	CP	05/07/2019
385				

CHE/19/00274/DOC	Brockwell	Discharge of planning condition 11 (landscaping treatments etc) of CHE/18/00136/FUL - New multi-storey car park providing	DPC	08/07/2019
1229		At Saltergate Multi Storey Car Park Saltergate Chesterfield		
		For Chesterfield Borough Council		
CHE/19/00276/FUL	West	Two storey side and two storey rear extension	CP	03/07/2019
2485		At 7 Park Hall Gardens Walton S42 7NQ		
		For Mr and Mrs Lisa Fletcher		
CHE/19/00283/FUL	Hasland	Two storey side and rear extension	CP	08/07/2019
5424		At 267 Hasland Road Hasland Derbyshire S41 0AA		
		For Mrs Manuela Major		
CHE/19/00287/FUL	Brockwell	Installation of a drug dispense unit into the existing shop front, to include downlighter and dome CCTV	CP	08/07/2019
6319		At Ashgate Manor Pharmacy Ashgate Road Chesterfield S40 4AA		
		For PCT Healthcare Ltd		
CHE/19/00291/FUL	Dunston	Constructon of new equestrian manege	CP	03/07/2019
4072		At Dunston Hole Farm Unnamed Road Accessing Dunston Hall And Hole Farm Chesterfield S41 9RL		
		For Mr and Mrs Heppenstall		

CHE/19/00306/DOC	St Leonards Discharge of condition 5 (archaeological investigation)of CHE/18/00672/FUL - 32 office enterprise centre including hard and soft landscaping works and alterations to the remaining car park layout	REF	10/07/2019
1645	At Holywell Cross Car Park Holywell Street Chesterfield Derbyshire For Chesterfield Borough Council		
CHE/19/00309/NMA Dunston	Non material amendment to CHE/17/00351/REM - re Visitor spaces adjacent to plots 19 and 21 allocated to respective plots	UP	24/06/2019
218	At Land To The West Of Dunston Lane Newbold Derbyshire For William Davis Ltd		
CHE/19/00312/TPO Brockwell	Felling of oak tree At 37 Bentham Road Chesterfield S40 4EZ For Mr Andrew Brough	REF	27/06/2019
CHE/19/00328/TPO Rother	Crown thin GRP 1 X3 & GRP 2 X2 Hawthorne by 25-30 % and GRP 3 Elder - Coppice on a 5 year rotation  T1 Alder - crown thin by 30 % & crown lift to 4.5m, T2 Apple tree - fell and replace with a fruit tree, T3 & T4 Alder - crown thin by 30 %, T5 Ash - crown thin by 30 %  At 10 Staunton Close Chesterfield Derbyshire S40 2FE  For Mrs Lisa Such	SC	01/07/2019



CHE/19/00330/CA	West	Fell two elms and crown lift by 4.5m and UP crown thin 25% of one lime At St Thomas' Church Chatsworth Road Chesterfield S40 3AW  For Mr Ian Eaton		28/06/2019
CHE/19/00331/CLO	St Leonards	Garage conversion, alterations to window configuration and enlarged drive  At 2 Healaugh Way Chesterfield S40 2UU For Mr Briggs	GR	28/06/2019
CHE/19/00333/TPO	Linacre	Removal of large limb growing over neighbouring property, reduce lateral limb growing over garden of remaining tree by 6m to reduction point and remaining lateral branches by 1.5 - 2m and removal of dead wood throughout crown.  At 15 Woodland Walk Holme Hall Chesterfield S40 4YB For Mrs Roland	CP	01/07/2019
CHE/19/00338/TPO	Rother	T1 Sycamore - Crown thin by 30% to reduce excessive shading to property and reduce limbs / branches that protrude out of crown.  T2 Ash - Crown  thin by 20% to reduce shading on the property and reduce lateral branches back away from property by 2.5 to 3m  At 98 Boythorpe Road Boythorpe S40 2LR  For Mr Peter Turner	CP	03/07/2019

CHE/19/00343/TPD Walton	<p>Single storey extension to rear</p> <p>At</p> <p>4 Ashton Close</p> <p>Walton</p> <p>Derbyshire</p> <p>S40 3RD</p> <p>For</p> <p>Mr Paul Else</p>	PANR	03/07/2019
CHE/19/00370/TPO Dunston	<p>1 x Ash tree to be pollarded due to excessive shading</p> <p>At</p> <p>The Hawthornes</p> <p>8 Lancaster Road</p> <p>Newbold</p> <p>Derbyshire</p> <p>S41</p> <p>8TR</p> <p>For</p> <p>Mr Gary Fearnhough</p>	CP	04/07/2019



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## *Delegated List - Planning Applications*

### Key to Decisions

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

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<b>COMMITTEE/SUB</b>	Planning Committee
<b>DATE OF MEETING</b>	22 <sup>nd</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/19/00312/TPO TPO 4901.67 27/06/19	The felling of one Oak tree reference T9 on the order map for Mr Brough of 37 Bentham Road. The tree is allegedly causing light issues, dropping debris and structural damage.	Consent is refused to the felling of one Oak tree because no supporting evidence was submitted with the application to support the alleged structural damage and pruning works to the tree will alleviate the light and debris issues. It was also advised that the neighbouring conifer hedge is reduced in height to allow more light into the garden.
CHE/19/00328/TPO TPO 4901.203 01/07/19	The felling of one Apple tree and the pruning of 5 Hawthorns, 3 Alder, and a small group of Elder tree within W1 on the order map for Mrs Lisa Such of 10 Staunton Close. The trees are allegedly causing light issues and the Apple tree is leaning towards the property.	<p>Consent is refused to the crown reduction of two Alder trees and 3 Hawthorn trees as the works are considered to be unnecessary and would do little if anything to increase light levels as there are other trees along this river corridor.</p> <p>Consent is granted to the crown lifting and crown thinning of trees to allow more light to filter through the canopy and the coppicing of a small group of Elder trees.</p> <p>Consent is also granted to the felling of one Apple tree with a replacement native fruit</p>

		tree such as Hazel, Wild Cherry or Sloe Berry to be planted as the replacement tree in the next available planting season after felling.
CHE/19/00333/TPO TPO 4901.191 01/07/19	The pruning of one Ash tree reference T3 on the Order Map for AA Tree Services on behalf of Mrs Roland of 15 Woodland Walk, Holmehall. The tree has one competing stem with a poor union at the base.	Consent is granted to the removal of the competing stem and the re-shaping of the tree by a maximum of 2-3 metres to the side branches.
CHE/19/00338/TPO TPO 4901.227 03/07/19	The pruning of one Sycamore tree reference T2 and one Ash tree reference T3 on the Order Map for Mr Andy Turner of 98 Boythorpe Road.	Consent is granted to the crown thinning of both trees to allow more light to enter the property and the reduction of branches on T2 Sycamore to reshape the crown and on T3 Ash to clear the property by 2 metres.
CHE/19/00370/TPO TPO 4901.34 04/07/19	The pruning of one Ash tree reference T43 on the Order Map for Mr Fearnough of 8 Lancaster Road, Newbold.	Consent is granted to the re-pollarding of one Ash tree back to previous pollarding points or to sound wood reducing the tree by 35% in height.
CHE/19/00381/TPO TPO 4901.215 04/07/19	The felling of one Horsechestnut tree reference T20 on the Order map for Mr Edward Fletcher of 5 Old Sycamore Place, Stonegravels. The tree allegedly has no amenity value and has decay at the base and bleeding canker on the main stem.	Consent is granted to the felling of one Horse chestnut tree due to little if any amenity value. The tree was reduced in size previously due to its poor condition but its location in the rear garden means that the tree cannot now be seen except by the new owner of the property. The tree is also

		<p>suffering from bleeding canker and decay at the base.</p> <p>The duty to plant a replacement tree has been dispensed with on this occasion due to insufficient room and no suitable planting location.</p>
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**SECTION 2****NOTIFICATION OF INTENT TO AFFECT TREES IN A CONSERVATION AREA**

<b><u>CONTENTS OF NOTICE</u></b>	<b><u>SUMMARY OF CONSIDERATIONS</u></b>	<b><u>TERMS OF DECISION</u></b>	<b><u>DATE OF DECISION</u></b>
CHE/19/00330/CA The felling of 2 Elm trees (1 dead) and the pruning of one Lime tree for Mr Eaton of 69 Heaton Street, Brampton.	The trees are within the Chatsworth Road Conservation Area and the applicant wishes to fell/prune the trees which are within the grounds of St Thomas's Church but overhang and block out light to the rear garden of his property.	Agreement to the felling/pruning of trees. The felling/pruning will have no adverse effect on the amenity value of the area.	28/06/19

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## AGENDA ITEM

### APPEALS REPORT

**MEETING:** PLANNING COMMITTEE  
**DATE:** 22nd July 2019  
**REPORT BY:** DEVELOPMENT MANAGEMENT AND  
CONSERVATION MANAGER

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#### FOR PUBLICATION

#### BACKGROUND PAPERS FOR PUBLIC REPORTS

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

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#### 1.0 PURPOSE OF REPORT

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

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

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

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**APPEALS**

<b><u>FILE NO.</u></b>	<b><u>WARD</u></b>	<b><u>APPELLANT</u></b>	<b><u>CASE</u></b>	<b><u>MEMBER OFFICER</u></b>	<b><u>DATE REC</u></b>	<b><u>TYPE AND DATE</u></b>	<b><u>DECISION AND DATE</u></b>
2/1932	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	Dismissed 9/7/19 see appendix B
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)	Allowed 01/07/19 see appendix A
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	

## Appendix A

### Appeal by Mr Peter Walters

Extension to rear of 96 Boythorpe Road, Boythorpe, Chesterfield.

CHE/18/00657/FUL

2/3823

1. Planning permission was refused on 10<sup>th</sup> January 2019 for permission for an extension to the rear of 96 Boythorpe Road, Boythorpe for the following reasons:

*The proposed extension as a result of its overbearing impact and impact on the levels of day light/sun light received by the neighbouring dwelling at no.94 Boythorpe Road is not acceptable having regard to the adverse impact on residential amenity. The proposal would lead to a development that would have a large overbearing extension to the south of the house, and this would have a significant adverse impact on the primary window of a kitchen sited on the side of the neighbouring house. The proposal would introduce a negative impact on the residential amenity of no.94 Boythorpe Road and be contrary to the Council's Supplementary Planning Document 'Successful Places' (3.11 Amenity), policies CS2 and CS18 of the Chesterfield Borough Local Plan and paragraph 127 of the revised National Planning Policy Framework (2018).*

2. An appeal against the decision has been determined by the written representation appeal method and has been allowed.
3. The main issues are the effect of the development on the living conditions of the occupiers of No 94 Boythorpe Road in respect of outlook and light.
4. The proposed extension would be sited to the rear of the property, it would be single storey at its closest point to No 94, with its roof rising up to two story a little further away. The submitted plans show an existing conservatory would be removed to facilitate its construction. The conservatory is a reasonably substantial structure, with a tiled pitched roof. The neighbouring property of No 94 Boythorpe Road has a kitchen window which looks directly onto the existing side elevation of the appeal property. This outlook is already restricted by a

timber panelled fence, and the existing side elevation of No 96, which consists of a brick single storey elevation, several windows, and a tiled roof which slopes away from the window. The proposed extension would be sited to the rear of the property and would not affect the direct outlook of the neighbour's kitchen window. At a wide angle looking east, the outlook would be marginally interrupted by the roofline of the proposed extension. Nonetheless, due to its distance away, it would not appear overbearing and would not have a significant impact on the living conditions of the occupiers of No 96.

5. With regards to light, the appeal dwelling is positioned to the south of No 94. Considering the path of the sun, the dwelling and existing conservatory already casts its shadow towards No 94 at certain parts of the day. The inspector was of the view that the proposed extension would not cause any significant increase in overshadowing than already experienced.
6. The inspector took account of the representations in relation to privacy. The proposed Juliet balcony at the first-floor level would principally overlook the appellant's own rear garden, and there is sufficient separation from neighbouring gardens to prevent significant overlooking. The inspector therefore found no harm to the living conditions of No 94 in respect of outlook and light, and the proposed extension accords with Policies CS2 and CS18 of the Chesterfield Local Plan, Supplementary Planning Document 'Successful Places', and paragraph 127 of the National Planning Policy Framework.
7. There is an Ash tree to the front of the appeal property, and a Sycamore and Ash tree at No 98 Boythorpe Road which overhang the rear garden, all of which are protected by a Tree Preservation Order. Due to their locations and having regard to the wider evidence, the inspector saw no reason to believe they would be affected by the proposed extension.
8. For the reasons given above the appeal was allowed and planning permission has been granted for an extension to the rear elevation of a dwelling at 96 Boythorpe Road, Boythorpe, Chesterfield, Derbyshire S40 2LR in accordance with the

terms of the application, CHE/18/00657/FUL, dated 19 September 2018, subject to the following conditions:

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following plans: Site location plan; Block plan; Proposed and existing elevations; and Proposed and existing floor plans.
- 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

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## Appendix B

### Appeal by Mr K Hearn

5 Detached houses and demolition of redundant dutch barn at  
Chesterfield Cattery, Crow Lane, Chesterfield.

CHE/18/00225/FUL

2/1932

1. Planning permission was refused on 28<sup>th</sup> August 2018 for permission for 5 detached houses at Chesterfield Cattery, Crow Lane for the following reasons:
  - 1. The site the subject of the application is on land allocated under policy EVR2 of the 2006 Local Plan (a saved designation of the Chesterfield Local Plan: Core Strategy 2011 - 2031) as open countryside. Policy CS10 of the Chesterfield Local Plan: Core Strategy 2011 - 2031 states that greenfield led housing development will not be accepted where the Local Planning Authority is able to demonstrate a 5 year housing land supply. On the basis that the Local Planning Authority is currently able to demonstrate a 5 year housing land supply the development would be contrary to the provisions of policy CS10 and EVR2 and the wider provisions of the National Planning Policy Framework 2018.*
  - 2. The site is situated in a rural location and having regard to its specific characteristics, under the provisions of Policy CS1, the new dwellings would not be within walking distance of a centre (the nearest being Chesterfield Town Centre, approximately 1.5km away, with a significant proportion via unlit roads without pavements). On this basis the proposals fail to meet the provisions of Policy CS1 of the Chesterfield Local Plan: Core Strategy 2011 - 2031 and the wider provisions of the 2018 National Planning Policy Framework.*
2. An appeal against the decision has been determined by the hearing appeal method and has been dismissed.
3. The main issues are whether the appeal site represents an appropriate location for housing having regard to national and local policies which seek to protect the character and

appearance of the countryside and whether any adverse impacts would significantly outweigh the benefits of the proposal and whether the Council can demonstrate a 5 year housing land supply.

#### *Location of Development*

4. The appeal site is an irregular shaped plot located off Crow Lane, a very narrow country lane with limited places for vehicles to pass. The site comprises a long access drive with buildings set back from the road. They include a dwelling, stables, cattery building and Dutch barn under part of which is a shed type structure which also served the cattery business that operated from the site prior to the licence expiring. The site also includes 3 paddocks and a ménage. To the north of the site is Dobbin Clough Farm with the remaining parts of the site surrounded by a golf course. Generally, the site and the wider area has a rural character.
  
5. For planning purposes the site is located outside of an identified settlement and as such is located in open countryside. Saved Policy EVR2 of the Replacement Chesterfield Borough Local Plan 2006 amongst other things restricts development in open countryside to that which is necessary for the needs of agriculture and forestry or is related to recreation, tourism or other types of farm or rural diversification. The proposal does not involve any of these uses. There was some dispute between the parties regarding whether the site should be treated as greenfield development. The site contains a mix of previously developed land and greenfield and from the plans it would appear that around half of the development would be located on greenfield. At the Hearing the appellant stated that there was no intention that the scheme would encroach onto the paddock but acknowledged that there may be an error on the plans as a result of the way the driveway has been drawn. Nevertheless, the inspector was required to determine the scheme before her on the evidence she had, along with her observations on site, and was of the view that plot 5 of the development would encroach onto the paddock. At the Hearing the appellant referred to a house in the paddock to the south west of the site, which is shown on a plan from the 1800s. However, the property has long since gone and any remains have blended into the landscape.



6. The parties did not agree on whether the Dutch barn forms part of previously developed land. Whilst it is not currently used for agricultural purposes the Council identified that its construction dates from the time the site operated as a farm. It is clear from the form of the building, with open sides that it is agricultural in appearance. Irrespective of any covenant or licence to run a cattery from the site, there has been no change of use in planning terms and the shed structure sitting under the canopy of the barn is separate to it. The inspector was of the view that the Dutch barn is an agricultural building and therefore under the definition contained in the glossary of the NPPF is not previously developed land.
7. Policy CS10 of the Local Plan: Core Strategy 2011-2031 (Core Strategy) restricts housing led development on unallocated greenfield sites where the Council cannot demonstrate a 5 year housing land supply to sites that accord with the provisions of Policy CS1 and CS2 of the Core Strategy and where a specific housing need in the location proposed can be demonstrated. Even if the site were classified as previously developed land, the development would be required to adhere to Policy CS1 and Policy CS2 of the Core Strategy. Policy CS1 of the Core Strategy sets out a spatial strategy for the Borough which seeks to concentrate new development within walking distance of centres and to locations that need regeneration in areas of multiple deprivation. Amongst other considerations, Policy CS2 of the Core Strategy seeks to locate development where it maximises opportunities for walking and cycling and the use of public transport.
8. At some 1.5km from the nearest centre of Chesterfield town centre, the Council state that the site falls outside the distance and travel times contained in the Highways and Transportation Guidance 'Guidelines for Journeys on Foot'. The appellant says this should be afforded little weight as it is not contained within the NPPF or local policy. Even if this were the case, the inspector considered the quality of the route to be poor. At the Hearing the Council acknowledged that the distance to a centre may not be a determining factor in every development. Nevertheless, the inspector was not convinced in the case of this development that access to

facilities would be via a desirable route for families with young children, older people or those with mobility issues. This is because of the narrow, unlit road which is subject to the national speed limit and has limited forward visibility in places. Even if it is not a congested route, it is unpaved with few places for pedestrians to take refuge from traffic despite the appellant's reference to their own experience of using the route with ease. This is an issue given that what is proposed is family housing.

9. The appellant says the Highways Authority are of the view that the road is safe. However, in the evidence before the inspector they reference the condition of the road, as identified above. Although there are a number of public footpaths in the area, not all of them appear well used from the inspectors observations on site. The inspector acknowledged that maintenance issues of the network are not the responsibility of the appellant but the surrounding footpaths do not offer a route into the nearest centre that would overcome the concerns the inspector identified. The appellant has referenced paragraph 98 of the NPPF which seeks to ensure the protection and enhancement of public rights of way and taking opportunities to add links. However, there is little before the inspector to indicate that the development would make any meaningful contribution on this matter with no improvements to the network proposed. The inspector therefore give this matter little weight.
10. The appellant says that neither distance nor quality should be used as a measure of accessibility to services and facilities. The inspector disagreed. Irrespective of whether the route forms part of the strategic cycle network and the proximity of the site to green infrastructure, the inspector was of the view that the occupants of the dwellings would in all likelihood be reliant on the car as a mode of transport to access services and facilities to meet day to day needs. The inspector did not therefore consider that the proposal would support the provisions of paragraph 103 of the NPPF which states that planning should actively manage patterns of growth to support the use of public transport, walking and cycling. Whilst the appellant has referenced the installation of electric charging points at the properties, it would not compel their use. The

extent to which this would provide mitigation would consequently be limited.

### *Housing Land Supply*

11. Paragraph 1.10.1 of the Planning Appeal Procedural Guide states that a decision should be made under the circumstances existing at the time it is made. Account therefore needs to be made of amongst other things, to any changes to policy, legislation or guidance and matters that are material to the appeal. Since the decision was issued by the Council a revised version of the NPPF has been published and as a monitoring year has passed, the Council has also prepared and published on 29 May 2019 a revised 5 year housing land supply statement for 1 April 2019 – 31 March 2024, in line with paragraph 73 of the NPPF.
12. At the Hearing the Council explained that as the strategic policies in the Core Strategy are more than 5 years old they had used OAN based information in the calculation using Local Housing Need LHN methodology set out in the NPPF. Although the appellant identified a significant shortfall and historical poor delivery of housing numbers in the Borough, the methodology adopted by the Council takes into account under delivery and includes an additional 20% for poor historical performance, as required by the PPG. The Council state that they have a 6.7 year housing land supply. The Council's supply statement sets out the sites that make up the 5 year supply of deliverable sites. Whilst it was acknowledged by the parties that the statement is a reflection of the situation at the time of publication, the appellant maintained that the Council could not demonstrate a 5 year housing land supply, which was also their position at the time of the submission of statements. Whilst conceding on the inclusion of the site referred to as Waterside following the submission of details of planning permissions submitted by the Council, the appellant states that the Council cannot demonstrate a 5 year supply because of the inclusion of sites at Walton Hospital. The inclusion of other sites in the statement was also questioned, although they were not mentioned by name. At the Hearing the Council provided evidence to support the inclusion of the sites, providing copies of emails between the Council and Homes England, the contents of which is summarised in the housing land supply statement. Despite use of subjective

phrases such as 'likely to deliver', the information does provide evidence to support the inclusion of the site within the Council's housing land supply calculation.

13. On the evidence before the inspector in the Council's supply statement and at the Hearing there was little to suggest that the Council has prepared a statement that does not accord with the NPPF definition of deliverable. This led the inspector to take the view that the Council is currently able to demonstrate a 5 year housing land supply.

### **Other Matters**

14. At the Hearing the appellant referenced extensively a site granted planning permission on 11 June 2019 at Oldfield Farm. Despite some similarities to the case, identified by the appellant, the inspector considered the cases to be materially different. The scheme, which is smaller is to be located on a site that has a different relationship to the urban area, being located on the edge of built up development on the boundary of the settlement of Brimington. As such the site has better connectivity despite being further walking distance from an identified centre than Chesterfield Cattery. The inspector also noted the evidence that identifies that the site is within walking and cycling distance of a primary school, pubs, bus stops and a convenience store in Brimington Common which could provide for day to day needs. It is also apparent that there is the fallback of a Class Q conversion which carries weight and which is not applicable in the case before me. In any event, each case is determined on its own merits and the inspectors assessment was based on the information before her.
15. Reference was also made to Pond House Farm in support of the proposal. However, as an allocation in the emerging Local Plan that is subject to notable objection and a refused planning application, the inspector gave this little weight at this time. The appellant identified that there have been huge improvements to the site since it was brought by the current owner and that the development would improve the site further. It is identified that the scheme would lead to the delivery of 5 new gardens which would add to the biodiversity value of the site. However, given that increased biodiversity at the site could be achieved in the absence of the scheme, the inspector gave this limited weight.

16. The site is located adjacent to a Grade II Listed Building, referred to as Dobbin Clough Farmhouse, and attached barn to the south of the house. The property is said to have a mediaeval origin which contributes to its importance and significance. The Council is of the view that the development would not harm the setting of the Listed Building and based on the information before the inspector she had no reason to take a different view. The appellant says the site was omitted from the Council's Land Availability Assessment. Given that a positive appraisal in the assessment does not necessarily lead to the grant of planning permission, exclusion from the study does not weigh against the site in the consideration of the scheme.

### **Planning Balance and Conclusion**

17. The development of 5 dwellings would be an efficient use of land that would generate economic benefits during construction and occupation of the properties thereafter. The scheme would add to the housing land supply, although the scale of the gain would be limited by the size of the development. However, the site is not in an appropriate location for housing development and the Council is currently able to demonstrate a 5 year housing land supply. The proposal would consequently conflict with saved Policy EVR2 of the 2006 Local Plan and Policies CS1 and CS10 of the Core Strategy, the relevant parts of which are outlined above and for the reasons identified, the inspector concluded that the appeal should be dismissed.

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## ENFORCEMENT REPORT

**MEETING:** PLANNING COMMITTEE

**DATE:** 22<sup>ND</sup> JULY 2019

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

**WARD:** As listed in the report

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### **FOR PUBLICATION**

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

### **BACKGROUND PAPERS**

LOCATION: LEGAL SERVICES

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

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

#### **2.0 BACKGROUND**

2.1 The table summarises formal planning enforcement by the Council.

#### **3.0 INFORMAL ACTION**

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

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

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

#### **5.0 RECOMMENDATION**

5.1 That the report be noted.

GERARD ROGERS  
LOCAL GOVERNMENT AND  
REGULATORY LAW MANAGER

PAUL STANIFORTH  
DEVELOPMENT MANAGEMENT  
& CONSERVATION MANAGER

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

Enforcements currently Authorised: 8

## ENFORCEMENT REPORT

10 July 2019

Address	Authorised <small>days from</small>	Breach	CHE/	Issued <small>days to issue</small>	Effective <small>days to (-) /from</small>	Comply <small>days to (-) /from</small>	Notes	<small>update last update</small>	Ward
<b>Enforcement Notice</b>		<i>Total currently Authorised: 6    Authorised to Issue Average: 248.5 days</i>							
Markham Road	Markham House 18/02/08 <small>4,160</small>	storage of commercial vehicles		20/03/08 <small>31</small>	18/04/08 <small>4100</small>	20/10/08 <small>3915</small>	Complied by 2009. Unauthorised use has started again. Prosecute.	<input type="checkbox"/> <small>04/03/19</small>	HI
Station Lane	03/04/18 <small>463</small>	importation of materials - creation of hard surfacing		03/07/18 <small>91</small>	08/08/18 <small>336</small>	08/08/19 <small>-29</small>	Issued. In effect - no appeal. Application now received	<input type="checkbox"/> <small>08/05/19</small>	BHW
Station Lane	03/04/18 <small>463</small>	importation of materials - industrial use		03/07/18 <small>91</small>	08/08/18 <small>336</small>	08/08/19 <small>-29</small>	Issued. In effect - no appeal. Application now received	<input type="checkbox"/> <small>08/05/19</small>	
Tarpon View Road	47 24/04/17 <small>807</small>	unauthorised extension	16/00648	14/06/19 <small>781</small>	22/07/19 <small>-12</small>	22/01/20 <small>-196</small>	Application for retention dismissed on appeal. Application for changes to extension CHE/17/00827/FUL approved, but unauthorised extension not removed. Issued, requiring demolition of unauthorised part and to make good.	<input checked="" type="checkbox"/> <small>24/06/19</small>	SH



Address		Authorised <i>days from</i>	Breach	CHE/	Issued <i>days to issue</i>	Effective <i>days to (-) /from</i>	Comply <i>days to (-) /from</i>	Notes	update <i>last update</i>	Ward
Walton Works		27/06/16 <i>1,108</i>	use for war and horror style games					Cease war and horror style games at weekends and after 18:00 hours, and pyrotechnics at any time. 12/12/16 Committee approval for Section 106 planning obligation to regulate unauthorised use. In contact with operator to conclude agreement.	<input type="checkbox"/> <i>04/04/18</i>	Wa
York Street	2	09/10/17 <i>639</i>	conversion and extension of roof space	17/00800/FUL				Flat conversion approved 03/04/18, condition requiring removal of balcony, canopy, french windows appealed, but dismissed 18/12/18. Consider further enforcement if not now comply.	<input type="checkbox"/> <i>19/12/18</i>	Ha

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**Planning Contravention Notice**

*Total currently Authorised: 1 Authorised to Issue Average: 0 days*

Details at 10 July 2019

Address	Authorised <i>days from</i>	Breach	CHE/	Issued <i>days to issue</i>	Effective <i>days to (-) /from</i>	Comply <i>days to (-) /from</i>	Notes	update <i>last update</i>	Ward
Springwell Hill	13/06/19 27	waste / engineering works		13/06/19 0	13/06/19 27	04/06/19 36	Information about current ownership, materials imported and use of land. Opportunity to make representations.	<input checked="" type="checkbox"/> 13/06/19	BHW

### Stop Notice

Total currently Authorised: 1 Authorised to Issue Average: days

Walton Works	27/06/16 1,108	use for war and horror style games of game play					See notes for Enforcement Notice.	<input type="checkbox"/> 03/03/17	Wa
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Action authorised by Committee except Breach of Condition, Planning Contravention, Section 215 Notices, Advertisement Discontinuance, prosecutions and urgent action which are authorised by officers

Key to Ward abbreviations: BNW Barrow Hill and New Whittington • BN Brimington North • BS Brimington South • B Brockwell • D Dunston • Ha Hasland • Hb Holmebrook • HI Holngwood and Inkersall • L Linacre • LG Loundsley Green • LW Lowgates and Woodthorpe • MP Middlecroft and Poolsbrook • Mo Moor • N Newbold • OW Old Whittington • R Roper • SH St Helens • SL St Leonards • Wa Walton • We West

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