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The Chair and Members of Planning  
Committee

12 June 2020

Dear Councillor,

Please attend a meeting of the PLANNING COMMITTEE to be held on MONDAY, 22 JUNE 2020 at 1.00 pm, the agenda for which is set out below.

This meeting will be held virtually via Microsoft Teams software, for which members of the Committee and others in attendance will receive an invitation. Members of the public will be able to access Part 1 (Public Information) of the meeting online by following the link [here](#).

AGENDA

Part 1(Public Information)

1. Apologies for Absence
2. Declarations of Members' and Officers' Interests Relating to Items on the Agenda
3. Minutes of Planning Committee (Pages 3 - 48)
4. Applications for Planning Permission - Plans Determined by the Committee (Pages 49 - 154)
5. Building Regulations (P880D) (Pages 155 - 158)
6. Applications for Planning Permission - Plans Determined by the Development Management and Conservation Manager (P140D) (Pages

159 - 170)

7. Applications to Fell or Prune Trees (P620D) (Pages 171 - 178)
8. Appeals Report (P000) (Pages 179 - 182)
9. Enforcement Report (P410) (Pages 183 - 186)
10. Local Government Act 1972 - Exclusion of Public

To move "That under Section 100(A)(4) of the Local Government Act, 1972 the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 6a of Part I of Schedule 12A of the Act."

Part 2 (Non Public Information)

11. Unauthorised development at 20 North Crescent, Duckmanton, Chesterfield, Derbyshire S44 5EZ (Pages 187 - 192)

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Randy', with a stylized flourish at the end.

Local Government and Regulatory Law Manager and Monitoring Officer

## **PLANNING COMMITTEE**

**Monday, 18th May, 2020**

Present:-

Councillor Callan (Chair)

Councillors Barr  
Bingham  
Brady  
Catt  
Caulfield  
Davenport  
T Gilby

Councillors Miles  
Simmons  
Kelly  
Marriott  
Borrell  
G Falconer  
Mann

\*Matters dealt with under the Delegation Scheme

### **121 APOLOGIES FOR ABSENCE**

No apologies for absence were received.

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

Councillor P Mann declared an interest in item 4 as he is leader of Staveley Town Council who might benefit as a result of Community Infrastructure Levy contributions if the application is ultimately approved on appeal.

### **123 LOCAL GOVERNMENT ACT 1972 - EXCLUSION OF PUBLIC**

#### **RESOLVED –**

That under Section 100(A)(4) of the Local Government Act 1972 the public be excluded from the meeting for the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 6a of Part 1 of Schedule 12A of the Act.

### **124 APPEAL BY CHATSWORTH SETTLEMENT TRUSTEES REGARDING LAND SOUTH OF WORKSOP ROAD, MASTIN MOOR,**

**CHESTERFIELD**

The Principal Planner and Spatial Planning and Key Sites Manager submitted a report considering legal advice obtained on the appeal decision relating to the 14 October 2019 planning application CHE/17/00469/FUL - Residential development of up to 650 dwelling (inc. elderly care and specialist accommodation), a local centre (inc. local retail, health facilities and services), open space, community garden extension (inc. community building and parking) and associated infrastructure - revised information received (flood risk assessment April 2018, viability assessment July 2018, archaeological assessment November 2018, design & access statement/ masterplan February 2019, revised masterplan June 2019 and overarching wsi for archaeology September 2019) at land south of Worksop Road, Mastin Moor, Chesterfield, Derbyshire for Chatsworth Settlement Trustees.

**RESOLVED –**

That option 2 outlined in the officer's report be supported.



## **PLANNING COMMITTEE**

**Monday, 1st June, 2020**

Present:-

Councillor Callan (Chair)

Councillors Barr  
Bingham  
Brady  
Catt  
Caulfield  
Davenport

Councillors Miles  
Simmons  
Kelly  
Marriott  
Borrell  
G Falconer

\*Matters dealt with under the Delegation Scheme

### **125 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Gilby and Mann.

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

The Development Management and Conservation Manager had previously declared an interest in CHE/17/00469/OUT - Residential development of up to 650 dwellings at land south of Worksop Road, Mastin Moor, Chesterfield, Derbyshire for Chatsworth Settlement Trustees and could not discuss the application in Agenda Item 8, Appeals Report.

### **127 MINUTES OF PLANNING COMMITTEE**

#### **RESOLVED -**

That the Minutes of the meeting of the Planning Committee held on 9 March, 2020 be signed by the Chair as a true record.

### **128 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/20/00159/FUL - ERECTION OF A 64 BED, 2 STOREY, RESIDENTIAL CARE HOME FOR THE ELDERLY WITH ROOFSPACE ANCILLARY ACCOMMODATION AND ASSOCIATED EXTERNAL WORKS AT THE FORMER WALTON PH, 59 ST AUGUSTINES ROAD, CHESTERFIELD, DERBYSHIRE S40 2SA FOR CROWN CARE DEVELOPMENTS

In accordance with Minute No. 299 (2001/2002) Councillor Flood (objector) addressed the meeting.

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

Time Limit etc

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

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

Location Plan - 1902  
 Site Plan As Existing - 1902 FL(0-)01  
 Site Plan As Proposed - 1902 CL(0-)02F  
 Block Plan - 1902 CL(0-)03  
 GF Plan - 1902 CL(2-)01D  
 FF Plan - 1902 CL(2-)02E  
 SF Plan - 1902 CL(2-)03E  
 Roof Plan - 1902 CL(27)01E  
 Elevations - 1902 CL(2-)04B  
 Street Sections - 1902 CL(2-)05A  
 Elevations with Overlay - 1902 CL(2-)06  
 Design and Access Statement  
 Phase I SI Desk Top Study  
 Coal Mining Search  
 Intrusive Site Investigation  
 Ecological Survey

Ecological Survey with Updated Walkover  
Landscape & Ecological Management Plan  
Drainage Layout  
Green Travel Plan  
Visualisation of Scheme (3D)  
Site Photographs

## Drainage

3. The site shall be developed with separate systems of drainage for foul and surface water on and off site. The maximum foul water discharge rate shall not exceed 5 (five) litres per second.

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

- i) evidence that other means of surface water drainage have been properly considered and why they have been discounted; and
- ii) the means of discharging to the public sewer network at a rate to be agreed by the Local Planning Authority in consultation with the statutory sewerage undertaker.

## Land Condition

5. Development shall not commence until the results and conclusions of the intrusive site investigations already undertaken have been considered and corroborated by a suitably qualified person to address the comments of the Coal Authority (dated 24 March 2020); and if necessary a further scheme of remediation and mitigation has been prepared and submitted to the Local Planning Authority for consideration and written approval. Only those details which receive the written approval of the Local Planning Authority shall be carried out on site.

## Archaeology

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

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

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

## Highways

7. Prior to the commencement of development a detailed scheme of highway improvement works for the provision of the amended access onto St Augustines Road, 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. These works shall include the creation of a dropped kerb access arrangement, the closure of any redundant access points and provision of exit visibility splays. No part of the development shall be brought into use until the required highway improvement works have been constructed in accordance with the approved details.

8. No development shall take place until a Construction Management Plan or Construction Method Statement (CMP / CMS) has been submitted to and been approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The statement shall provide for:

- parking of vehicles of site operatives and visitors
- routes for construction traffic
- swept paths for construction vehicles expected to enter the site (largest vehicle to be demonstrated)
- hours of operation
- method of prevention of debris being carried onto highway
- pedestrian and cyclist protection
- proposed temporary traffic restrictions
- arrangements for turning vehicles

9. Throughout the period of development vehicle wheel cleaning facilities shall be provided and retained within the site. All construction vehicles shall have their wheels cleaned before leaving the site in order to prevent the deposition of mud and other extraneous material on the public highway.

10. No part of the development hereby approved shall be occupied until space has been laid out within the site in accordance with the approved plan for cars to be parked and for vehicles to be manoeuvred such that they may enter and leave the site in forward gear. Thereafter all spaces and dedicated manoeuvring areas shall be maintained free from any impediment to their designated use in perpetuity.

11. No building or use hereby permitted shall be occupied until a Travel Plan comprising immediate, continuing and long-term measures to promote and encourage alternatives to single-occupancy car use has been prepared, submitted to and been approved in writing by the Local Planning Authority. The approved Travel Plan shall then be implemented, monitored and reviewed in accordance with the agreed Travel Plan Targets.

12. The development hereby permitted shall not be occupied until further details of the 10 no. cycle parking spaces have been submitted, approved in writing by the Local Planning Authority and implemented. The cycle parking facilities shall thereafter be retained for use by the staff, occupants of, and visitors to, the development at all times.

## Ecology

13. A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to the commencement of the development.

The LEMP shall include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery for a period of no less than 10 years.

The scheme shall include a timetable for implementation relative to the completion of dwellings hereby approved. Thereafter the approved ecological mitigation, compensation and enhancement scheme shall be

implemented in full in accordance with the approved timetable and retained as such thereafter.

The approved plan will be implemented in accordance with the approved details.

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

15. Measures to maintain connectivity for hedgehogs shall be clearly shown on a plan (gaps 130 mm x 130 mm in close-board fencing and/or railings and/or hedgerows) and the detail thereof shall be submitted to the Local Planning Authority for their written approval prior to any boundary treatments being implemented on site. Thereafter these details shall be retained on site throughout the lifetime of the development.

### Landscaping

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

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

17. 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.

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

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

#### Local Labour

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

#### Others

20. Consent hereby approved does not extend to the window openings serving Dining Room F and the F4 Corridor. Prior to commencement of development revised details shall be submitted amending these windows to single casement and detailing them as obscurely glazed. Only those details which receive written approval by the Local Planning Authority shall be implemented on site in accordance with the approved scheme and shall thereafter be maintained as approved in perpetuity.

21. Prior to the commencement of the development, details of the existing and proposed land levels and the proposed floor levels of the development hereby approved shall be submitted to the Local Planning Authority for consideration. The details submitted shall include sufficient cross sections to fully assess the relationship between the proposed

levels and immediately adjacent land/dwellings. The development shall be constructed at the levels approved under this condition unless otherwise agreed, in writing, by the Local Planning Authority.

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

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

24. Electric Vehicle Charging Points (EVCPs) shall be provided in accordance with the approved site layout for at least 2 no. car parking spaces; and passive provision shall be made available for the remainder of the site so that spaces are capable of being readily converted to EVCPs in the future. Thereafter the EVCP's shall be retained and maintained operational for the lifetime of the development.

B. That a S106 agreement be negotiated concerning % for Art and signed concurrent with the planning permission.

Councillor Kelly joined the meeting at this point.

CHE/20/00125/OUT - OUTLINE APPLICATION FOR DETACHED TWO BEDROOM DWELLING AT 15 NEWBRIDGE LANE, BRIMINGTON, CHESTERFIELD S43 1LX

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

Reserved matters submission

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



#### Time frame for reserved matters submission

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.

#### Time frame for commencement

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.

#### Land contamination

4. Concurrent with the submission of a reserved matters application, evidence that the site is suitable for use shall be submitted to the Local Planning Authority for consideration and written approval. The evidence shall include the completion of

a. a Phase 1/desk study report documenting the previous land use history of the site.

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

c. a Remediation Strategy (if necessary) and

d. a Validation report

All the reports a) to c) shall be submitted to the Council and approved in writing by the Local Planning Authority prior to the development commencing.

#### Hours of construction

5. Construction work shall only be carried out between the hours of 8:00 am to 6:00 pm Monday to Friday and 9:00 am to 5:00 pm on a Saturday. Construction work shall not be carried out on Sundays or Public Holidays. The term 'construction work' shall include mobile and fixed plant/machinery, (e.g. generators) radios and the delivery of construction materials

#### Details of surface water drainage

6. Concurrent with a reserved matters application details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off-site works shall be submitted to the Local Planning Authority for written approval. Only those details which have been approved in writing by The Local Planning Authority shall be installed on site.

#### Highways – submission of visibility splays

7. The details submitted as part of the reserved matters scheme shall include detail showing the existing access to Newbridge Lane to be modified in accordance with details to be submitted for consideration. The detail shall provide visibility splays of 2.4m x 25m in the critical direction and 2.4m x maximum achievable over land the subject of the application, land in the ownership/control of the applicant and highway to 1.0m into the carriageway in the non-critical direction. The area in advance of the sightlines shall be maintained clear of any object greater than 1m in height (0.6m in the case of vegetation) relative to the adjoining nearside carriageway channel level.

#### Highways – no gates or barriers

8. There shall be no gates or other barriers on the existing or new access.

#### Highways – gradient of access

9. The proposed access/driveway to serve the replacement parking for the existing dwelling shall ideally be no steeper than 1:14 and no steeper than 1:12.

#### Highways – parking provision provided prior to occupation

10. The details submitted as part of the reserved matters scheme shall include parking provision for the existing dwelling (1 space) and the proposed dwelling (2 spaces). The dwelling hereby approved shall not be occupied until the agreed parking for both the existing and proposed dwelling has been provided and constructed all as agreed in writing with the Local Planning Authority and which shall thereafter be maintained throughout the life of the development free from any impediment to its designated use.

#### Electric charging provision

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

#### Materials

12. 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.

#### Biodiversity enhancement

13. Concurrent with the submission of landscaping details as part of a reserved matters application plans/drawings shall be submitted to the Local Planning Authority for written approval demonstrating the creation of suitable habitat which enhances the ecological interest of the site, in line with guidance within Paragraph 175d of the NPPF. This could include native landscaping, retention of existing features of ecological value (such as the hedgerow) and incorporation of bat and bird boxes into the new dwelling. The approved biodiversity enhancement shall be installed in accordance with the approved details in the first planting season after completion or first occupation of the development whichever is the sooner.

**129     BUILDING REGULATIONS (P880D)**

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

### Approvals

20/00930/DEXFP	Rear extension and garage at 18 Medlock Road Walton Chesterfield S40 3NH
20/01010/DEXFP	Removal of internal wall at 17 St Paul's Avenue Hasland Chesterfield S41 0NG
20/00740/DEXFP	Removal of loadbearing wall between kitchen and dining room at 72 Morris Avenue Newbold Chesterfield S41 7BA
20/00950/DEXFP	Creation of ground floor wc and removal of loadbearing wall between kitchen and dining area at 40 Langtree Avenue Old Whittington Chesterfield S41 9HP
20/01200/DCC	Installation of level access shower, step lift, concrete upper and lower landings, retaining walls, paths and ramps at 85 Elm Street Hollingwood Chesterfield S43 2LQ
20/01198/DCC	Alteration of utility/toilet area to provide level access shower and new rear entrance door at 22 Taylor Crescent Spital Chesterfield S41 0HR
20/00578/DEXFP	Convert existing detached dwelling into 2 no. semi- detached dwellings at 66 South Street North New Whittington Chesterfield S43 2AB
20/01203/DEXFP	Extension at 210 Walton Road Walton Chesterfield S40 3BS
20/01341/DEXFP	Extension and alterations at 47 Herriot Drive

## Chesterfield S40 2UR

20/00443/DEXPI	Replace conservatory roof with Guardian solid roof system at 1 Tideswell Close Staveley Chesterfield S43 3TE
20/01348/DEXFP	Internal alterations and new windows at 11 Ramsey Avenue Walton Chesterfield S40 3EF
20/01263/DCC	Proposed widening of entrance door with level access and ramp at 72 Gorse Valley Road Hasland Chesterfield S41 0JP
20/00518/DEXFP	Loft conversion at 15 Pevensey Avenue Newbold Chesterfield S41 8QF
20/01415/DEXFP	Single storey rear extension at 17 Southfield Avenue Hasland Chesterfield S41 0LX
20/01227/DEXFP	Loft conversion at 22 Hady Crescent Chesterfield S41 0EA
20/00917/DEXFP	Two storey rear extension at 27 Ashgate Avenue Chesterfield S40 1JB
20/01382/DEXFP	Chimney breast removal to first floor ceiling and ground floor wall removal at 51 Clarkson Avenue Birdholme Chesterfield S40 2RS
20/01638/DEXFP	Loft conversion at 525 Chatsworth Road Chesterfield S40 3JS
20/00597/DCC	Replacement through floor lift at 13 North Crescent Duckmanton Chesterfield S44 5EX
20/01672/DEXFP	Wall removal at 18 Belvedere Close Somersall Chesterfield S40 3LU
20/01633/DEXFP	Internal wall removal at 14 Springfield Avenue Chesterfield S40 1DJ
20/00405/DEXFP	Construction of bowls pavilion at Stand Road Park

	Stand Road Newbold Chesterfield S41 8SW
20/00812/DEXFP	Single storey shower room, entrance lobby and utility room extension at 17 Enfield Road Newbold Chesterfield S41 7HN
20/01674/DEXFP	Garage conversion including raising the roof at 22 Peak View Road Brockwell Chesterfield S40 4NW
20/01649/DEXFP	Alteration to hipped end to gable end and loft conversion with rear roof dormer at 8 Rayleigh Avenue Brimington Chesterfield S43 1JS
20/01698/DEXFP	Single storey rear extension at 38 Langer Lane Birdholme Chesterfield S40 2JG
20/00667/OTHFP	Bed store project at Chesterfield and North Derbyshire Royal Hospital Chesterfield Road Calow Chesterfield S44 5BL
20/01742/DCC	Creation of wc within part of existing bedroom and conversion of existing ground floor bathroom into a wet room for disabled person at 32 Oak Street Hollingwood Chesterfield S43 2HL
20/01486/DEXFP	Single storey rear extension at 88 Newbold Back lane Chesterfield S40 4HQ
20/00944/DEXFP	Proposed single storey extension at 24 Ashgate Avenue Ashgate Chesterfield
20/01720/DEXFP	Removal of wall and installation of new French doors and new door to garage at 2 Pingle Grange Brimington Chesterfield S43 1QE
20/01632/DEXFP	Side extension and internal alterations at 175 Handley Road New Whittington Chesterfield S43 2EP
20/00508/DEXFP	Two storey side and rear extension at 1 Beeley Close Inkersall Chesterfield S43 3EB

20/01363/DEXFI	2 no. first floor flats at 15 Lowgates Staveley Chesterfield S43 3TT
20/01745/DEXFP	Conversion of existing garage into study and utility room, internal alterations, ground floor kitchen extension and first floor extension to create new bedroom and extend existing bedroom at 19 Hawthorn Way Holme Hall Chesterfield S42 7JS
20/01861/DEXFP	Garage conversion at 67 Swaddale Avenue Tapton Chesterfield S41 0SX
20/01878/DEXFP	Two storey side extension to create dining area and cloakroom with bedroom over at 20 Tunstall Way Walton Chesterfield S40 2RH
20/01153/DEXFP	Two storey extension at 43 Ulverston Road Newbold Chesterfield S41 8ED
20/01604/DEXFP	Garage conversion at 6 Trevorrow Crescent Chesterfield S50 2GH
20/01962/DEXFP	Single storey rear extension and alterations at 10 Larch Way Brockwell Chesterfield S40 4ET
20/02062/DCC	Renew pitched roof covering and upgrade roll out mineral insulation at Fairview Children's Home 267 Newbold Road Newbold Chesterfield S41 7AL

130 **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/19/00414/REM	Variation of condition 2 (to allow single storey sun lounges at rear of Plots 1 and 2) of
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CHE/16/00042/FUL - Demolition of existing house and associated outbuildings, sheds and barns and construction of four new houses on site

To vary drawing numbers relating to the approval in relation to Plots One and Two at Lodge Farm, Westwood Lane, Brimington S43 1PA for Syndicate of Owners

- |                  |  |
|------------------|--|
| CHE/19/00428/FUL | Two storey rear extension for dining room and playroom and additional bedrooms above and porch to front of property (revised site location plan received 23.08.2019, revised drawings received 11.10.2019) at 5 Infirmary Road, Chesterfield S41 7NF for Mr Rajib Paul |
| CHE/19/00544/LBC | Replacement of three windows at Manor house 84 Whittington Hill Old Whittington S41 9HA for Mrs Linda Banks  |
| CHE/19/00594/FUL | Single storey side extension and porch extension (amended drawings received 31.01.2020, alterations to northern elevation materials 12.02.2020) at Lockwood House 24 Abercrombie Street Chesterfield S41 7LW for Mr D Daniels  |
| CHE/19/00595/FUL | Two storey side extension with single storey rear extension and new front bay window (revised drawings received 20.11.2019 and 13.12.2019). Additional information (revised plans) received 19.12.2019. at 7 Lake View Avenue Walton Chesterfield S40 3DR for Mr A Dix |
| CHE/19/00602/FUL | Side extension to property at 75 Laurel Crescent Hollingwood Derbyshire S43 2LS for Mrs Sharon May   |
| CHE/19/00640/FUL | Raising of ridge height to outbuilding, internal alterations, replacement windows, forming new openings and re-roofing outbuildings with slate roof at Ashton Lodge 28 Abercrombie Street Chesterfield S41 7LW for Mr. A. Bird   |



CHE/19/00641/LBC	Listed building consent to raise ridge height to outbuilding, internal alterations, replacement windows, forming new openings and re-roofing outbuildings with slate roof at Ashton Lodge 28 Abercrombie Street Chesterfield S41 7LW for Mr. A. Bird
CHE/19/00687/FUL	Extension to existing car showroom and erection of a new valet bay (red line boundary amended, revised site layout plan and Coal Mining Risk Assessment received 18.02.2020 at Stoneacre Chesterfield Honda Lockoford Lane Chesterfield S41 7JB for Stoneacre Motor Group
CHE/19/00730/FUL	Detached dormer bungalows with attached single garage (revised parking layout, drawings and supporting information regarding Coal Mining site investigations and mine shaft capping details received 21.01.2020, additional supporting information received 20.02.2020) at land adjacent to 19 Bentham Road Chesterfield S40 4EZ for Mr David Jackson
CHE/19/00735/FUL	Re-submission of CHE/19/00341/FUL - demolition of existing garages and erection of 6 self-contained single storey complex behavioural bungalows and 6 self contained assisted living apartments over 2 storeys and new tarmac through road linking Bank Street and Chester Street. Revised drawing and information received 05.12.2019. Revised drawings received 14.1.2020 - additional information received 23 01 2020. Revised drawings received 14.02.2020 at Garage Sites Bank Street Chesterfield Derbyshire S40 1BH for Chesterfield SSL Ltd
CHE/19/00760/FUL	Single storey extension to side of house and re-building of rear extension at 45 Calow Lane Hasland Derbyshire S41 0AP for Mrs Hannah Colin

CHE/19/00766/FUL	First floor extension over existing ground floor extension at 244 Brimington Road Tapton Derbyshire S41 0TB for Mr Adrian Clarke
CHE/19/00772/FUL	Single storey rear extension (revised plans receives 03.02.2020 showing reduced ridge height of rear extension, garage conversion and off-street parking for 3 vehicles) at 15 Westwood Drive Inkersall Chesterfield S43 3DF for Mr and Mrs. Hunt
CHE/19/00779/REM	Variation of condition 2 (external dimensions of the link building) of CHE/18/00603/FUL - Demolition of existing link building with proposed replacement link building at 9D Holywell Street Chesterfield S41 7SA for Mr. Roy Cutt
CHE/19/00780/FUL	Demolition of existing detached garage, formation of single storey rear extension, new access steps to garden and timber fencing to form enclosed garden space at 106 Spital Lane Spital Chesterfield S41 0HN for Mr and Mrs Gundry
CHE/19/00782/RET	Retrospective consent for retention of signage at 5 Lordsmill Street Chesterfield Derbyshire S41 7RW for The Goldsmith Clinic
CHE/19/00792/FUL	Re-submission of CHE/19/00157/FUL - Erection of mixed use leisure development comprising mixed use office/leisure complex comprising office, retail, bar, restaurant (Use Classes A1, A2, A3, A4, A5, B1 and D1), car parking and servicing, landscaping and access at former Derbyshire Fire and Rescue Station Sheffield Road Whittington Moor Derbyshire S41 8LF for Blue Deer Ltd
CHE/19/00795/FUL	Level access to branch with installation of external platform lift and steps (revised plans received 12.02.2020 showing level access from public highway and internal steps and platform lift) at 27 Market Place Chesterfield S40 1PN for TSB Bank

CHE/19/00797/REM	Variation of condition 2 of CHE/15/00591/FUL (change of use from mixed office/residential to a three bedroom detached house and external modifications) to change the position of the front garden from the right to the left hand side at 37A High Street Staveley Derbyshire S43 3UU for Mr Barrie Collins
CHE/19/00804/FUL	Rear single storey extension at 21 Bent Lane Staveley Derbyshire S43 3UG for Mr Neil Wright
CHE/19/00805/FUL	Single storey rear extension to form sun lounge at 65 Yew Tree Drive Somersall Chesterfield S40 3NB for Mrs Judi Coley
CHE/19/00808/FUL	Demolition of existing single storey garage and erection of a single storey side / rear extension to provide second downstairs reception room or alternative ground floor accommodation for dependant relatives for Mr Kurt Goodman
CHE/19/00809/COU	Change of use from a two bedroom house to a site office for a contractor carrying out a new housing development on the land at the rear of this property for a period of 10 months at 31 Manor Drive Brimington Derbyshire S43 1NJ for Chesterfield Borough Council
CHE/19/00814/FUL	All-weather viewing Shelter. Consultation letters issued again 06.02.2020 due to website issues at Bowling Green Broom Gardens Brimington Derbyshire S43 1NH for Mrs Pamela Wright
CHE/20/00007/FUL	Change of use of ground floor of flat 2 from joint office (with flat 7) to a separate one bedroomed flat (revised plans received 02.03.2020) at Newbold Court Offices 2 and 7 Brome Head Way Newbold S40 8AN for Action Housing and Support
CHE/20/00012/FUL	Pitch roof to existing side and rear single storey extension at 14 Pine Street Hollingwood

Chesterfield S43 2LG for Mr and Mrs Carole Pearce

CHE/20/00013/FUL	Demolition of existing integral garden room and construction of utility room extension in its place, first floor extension above lounge to create master bedroom sitting area and first floor extension above dining room to create new bedroom 4 at Manor Cottage Balmoak Lane Tapton Chesterfield S43 1QQ for Mr and Mrs Gilbert
CHE/20/00016/RET	Retrospective application to retain the advert sign currently in place after the change of use application no CGE/19/00184/COU at 35 Stephenson Place Chesterfield Derbyshire S40 1XL for Bar 35 Chesterfield Ltd
CHE/20/00021/FUL	Single storey rear extension at 106 Langer Lane Birdholme Derbyshire S40 2JJ for Mr Phil Green
CHE/20/00024/FUL	Erection of two storage structures for wooden pallets at Inspirepac Ltd Carrwood Road Chesterfield Trading Estate Chesterfield S41 9QB for Smurfit Kappa Inspirepac
CHE/20/00029/FUL	Change of use of a disused former vicarage (house and office complex) to mixed community centre purpose and office space at Loundsley Green Community Centre Cuttholme Road Loundsley Green Chesterfield S40 4QU for Mr Simon Redding
CHE/20/00032/FUL	Single storey side/rear extension to existing bungalow at 251 Walton Road Walton Derbyshire S40 3BT for Ms Sharon Jones
CHE/20/00035/LBC	Listed building consent for re-roofing with natural slate and replacement cast iron effect guttering at Manor House Farm 118 The Green Hasland Derbyshire S41 0JU for Mr John Vaughan

CHE/20/00038/OUT	Outline application for residential development for 1-2 dwellings at 103 London Street New Whittington Derbyshire S43 2AQ for Mr John Ward
CHE/20/00044/LBC	Removal of existing cement based render and replace with new white lime render at Lodge Cottage 2 Somersall Lane Somersall Derbyshire S40 3LA for Ms Adele Downer
CHE/20/00046/REM	Variation of condition 1 (approved drawings) of CHE/15/00838/REM - redevelopment of training centre for residential purposes (37 dwellings) - approval for access, appearance, landscaping, layout and scale) - to allow for a new site plan showing minor amendments to house types on Phase 3 at former Ringwood Centre Victoria Street Brimington Derbyshire S43 1HY for Rockliffe Homes
CHE/20/00047/RET	Retention of a fence to rear of property at 1 Magpie Way Newbold Derbyshire S41 8FA for Mrs Anne Rogers
CHE/20/00048/FUL	Rear double storey extension, single storey side extensions and removal of existing conservatory at 9 Woodthorpe Road Woodthorpe S43 3BZ for Mr and Mrs Matthew Green
CHE/20/00056/FUL	Erection of a single storey building for storage of foundry consumable items At Hi Quality Steel Castings Chesterfield Foundry Pottery Lane East Chesterfield S41 9BH for Hi Quality Steel Casting Ltd
CHE/20/00059/ADV	Installation of 2 non-illuminated fascia signs to fencing adjacent the vehicle entrance gates at the southern boundary of the site facing Dunston Road (work not yet started). Installation of 1 no. non-illuminated fascia sign to the west elevation of Unit 5 (work already complete) at Units 1-5 Dunston Trade Park

Dunston Road Chesterfield S41 9QD for  
Somero Enterprises Ltd

CHE/20/00060/FUL	Construction of a permanent wash bay area, associated screening and linking to existing drainage, installation of an additional conditioning condensor unit to rear elevation of Unit and Installation of one additional floodlight over the wash bay area at Units 1-5 Dunston Trade Park Dunston Road Chesterfield S41 9QD for Somero Enterprises Ltd
CHE/20/00061/FUL	Removal of flat roofed dormer, renovation of and small extension to outbuilding and raising ridge line of outbuilding. Information received 20.03.2020 at Crewe Cottage Dark Lane Brimington Derbyshire S43 1QQ for Mr and Mrs James Coleman
CHE/20/00062/LBC	Removal of flat roofed dormer, renovation of and small extension to outbuilding and raising ridge line of outbuilding. Information received 20.03.2020 at Crewe Cottage Dark Lane Brimington Derbyshire S43 1QQ for Mr and Mrs James Coleman
CHE/20/00063/FUL	Re-submission of CHE/19/00442/FUL - porch extension and dormer roof extension at 18 Horsecwood Road Walton S42 7LS for Mr Leigh Drummond
CHE/20/00069/SOL	Installation of a 38.7kW solar pv system (119 JA Solar 325 watt panels) on the south facing roof of the building at Unit 8 Devonshire Industrial Hamlet Station Road Brimington Derbyshire S43 1JU for Phoenix Sealing
CHE/20/00072/FUL	Proposed garage conversion including raising the roof at 22 Peak View Road Brockwell Chesterfield Derbyshire S40 4NW for J Stark

CHE/20/00073/FUL	Demolition of existing extension and detached garage and erection of a two storey extension, attached garage and associated works - resubmission of CHE/19/00421/FUL at 41 Gloucester Road Stonegravels Chesterfield Derbyshire S41 7EF for Mrs Liz Roberts
CHE/20/00074/FUL	Rear extension and re-siting of garage (additional garage information received 05/03/2020) at 37 Eastwood Park Drive Hasland Derbyshire S41 0BD for Mr. Mallender
CHE/20/00077/FUL	Alterations and single storey side extension with associated external works (revised drawings received 05.03.2020) at 47 Herriot Drive Chesterfield Derbyshire S40 2UR for Mr and Mrs Moore
CHE/20/00080/FUL	Conversion of the rear of the existing integral garage into playroom and widening of existing driveway to create additional parking space at 26 Pomegranate Road Newbold Derbyshire S41 8BN for Mr Andrew Woodward
CHE/20/00084/FUL	Ground floor extension to the front and side elevation at Direct Tyres 41 High Street Staveley Derbyshire S43 3UU for Mr Brian Hutton
CHE/20/00085/FUL	Demolition of existing conservatory and erection of a single storey side extension to dwelling at 28 Elkstone Road Holme Hall Chesterfield S40 4UT for Mr Nick Hawkins
CHE/20/00086/FUL	Single storey rear extension and construction of terrace at 46 Lange Lane Birdholme S40 2JG for Mr and Mrs Richard Wilson
CHE/20/00087/FUL	Sub-division of former bank premises to two separate units and installation of new front entrance doorway to 13 Church Street at 13 Church Street at 13 Church Street Staveley S43 3TL for Lloyds Banking Group

CHE/20/00089/FUL	Single storey front extension with pitched roof at 8 Linden Park Grove Chesterfield S40 1HY for Mr and Mrs Lawrence McCran
CHE/20/00090/FUL	Erection of non-advertising two bay cantilever with full end panels bus shelter, complete with hardstanding - (shelter dimensions - 3:18m x 1.7 m x 2.6m high). Hardstanding dimensions - 4.0m x 2.5m at land situated off Lansbury Avenue, opposite junction Saddletree View Lansbury Avenue Mastin Moor Derbyshire for Chesterfield Borough Council
CHE/20/00092/FUL	Two storey side extension and single storey rear extension at 19 Weston Close Holme Hall Chesterfield S40 4UN for Mrs Emily Redmond
CHE/20/00095/FUL	Single storey front and side extension adjoining existing porch at 11 Whisperwood Close Duckmanton S44 5HL for Mr Paul Clarke
CHE/20/00118/FUL	Demolition of existing detached garage and erection of two storey extension at 294 Ashgate Road Chesterfield S40 4BW for Mr Peter Fox
CHE/20/00137/CA	3 Mountain Ash - crown lift to 2.5m and crown clean at Chesterfield Labour Club 111-113 Saltergate Chesterfield S40 1NF for Labour Club
CHE/20/00139/FUL	Single storey rear extension and hip to gable loft conversion with rear dormer at 173 Whitecotes Lane Walton S40 3HJ for Mrs Wendy Smith
CHE/20/00141/FUL	Installation of step lift with concrete platforms, masonry retaining walls, concrete landings and concrete paved paths at 85 Elm Street Hollingwood Derbyshire S43 2LQ for Mrs Ann Cartwright
CHE/20/00142/FUL	Two storey side extension end of house for kitchen/utility and first floor bedroom/en suite at 2



Sandiway Walton S40 3HG for Mr Martin Decent

CHE/20/00144/NMA	Non-material amendment to CHE/19/00239/FUL (residential development comprising erection of 21 no 2, 3 and 4 bedroomed dwellings) to allow for the addition of new sub station to rear of Plot 1 to facilitate charging for electric powered vehicles at former Brockwell Court Brockwell Lane Brockwell Chesterfield S40 4PJ for Starfish Group
CHE/20/00147/FUL	Move existing fence from back edge of footpath to area to the west of the site at P A R Insulations and Wires Ltd Foxwood Close Sheepbridge S41 9RH for P A R Insulations and Wires Ltd
CHE/20/00148/FUL	Front and rear extension at 27 Clarkson Avenue Birdholme Derbyshire S40 2RS for Mr A Hull
CHE/20/00151/TPO	T1 Beech - prune back 2 low branches by 2 metres. Branch overhanging boundary fence and garden. T2 Horsechestnut Tree - 2 low branches too close to building. Prune back 2 metres from building at Hasland Junior School Broomfield Avenue Hasland Derbyshire S41 0LP for Derbyshire County Council
CHE/20/00153/TPO	Land to the rear of 4 Foxbrook Close. T7 - Ash - crown lift approx. 8m and crown reduction 15% reduce overhand garden at 4 Foxbrook Close Holme Hall Chesterfield S42 7PA for Taylor Wimpey Yorkshire
CHE/20/00157/TPO	T31 - Oak tree - crown lift to 5.2m and crown clean to remove dead, damaged/dangerous branches. Remove new growth on the main stem to the first major fork at 55 The Green Hasland Derbyshire S41 0LW for Mrs Jean Goddard
CHE/20/00164/REM	Removal of condition 6 (lighting) of CHE/19/00675/FUL- provision of artificial grass pitch; car park resurfacing and installation of 11 no. flood lighting columns at Staveley Miners

	Welfare FC Inkersall Road Staveley Derbyshire S43 3WL for Staveley Miners Welfare Football
CHE/20/00165/TPO	To fell one conifer at 400 Old Road Chesterfield Derbyshire S40 3QF for Mr Shaun Drury
CHE/20/00170/TPO	G1 - Sycamore and Beech crown thinning on both trees by 20%. Prune back lone branch, crown lift to first major fork. T3 - Oak - remove dead wood at The Green Nursing Home 45 The Green Hasland Derbyshire S41 0LW for Mr Mark Collier
CHE/20/00172/TPO	5 Beech trees at bottom of garden. 25% thinning from crown to allow more light into garden. Remove one limb over playhouse. Remove limb overhanging the road for safety at 161 Langer Lane Birdholme Derbyshire S40 2JW for Mr Darren Cooling
CHE/20/00174/TPO	T1 Walnut tree - crown clean 20%. T2, 3, 4 and 5 Sycamore ivy covered - crown lift 15%. T6, 7 and 8 Sycamore pollard to original point. T9 Beech needs crown thin. T10 Damson to fell (poor tree, leaning towards house). T11 Silver Birch crown thin 15%/ T12, 13 and 14 Beech - crown thin 15%. T15 Ash - crown thin 15%. T16 Ash for removal at 14B Spital Lane Spital Chesterfield Derbyshire S41 0HJ for Mr David Turner
CHE/20/00175/NMA	Non-material amendment to CHE/19/00385/FUL (erection of 72 bed care home with associated private amenity space and parking facilities including change of use from "sui generis" car park) to allow alterations to approved plans at 6 Ashgate Road Chesterfield Derbyshire S40 4AA for Ashgate Road Developments Ltd
CHE/20/00178/NMA	This NMA relates to the proposal to change the detail of 15 number units (plots 92 to 106) located in the south east corner of the scheme adjacent to the site entrance from Dunston Road. Strata Homes propose to amend external finishes of

plots 92 to 106 from masonry to a timber framed and clad finish, along with a reduced roof pitch, as part of a more carbon efficient design as part of the affordable housing offer. This only layout change is the sub-division of the terrace of 5 houses (plots 102 to 106) into a terrace of 3 houses (102 to 104) and 2 semi-detached houses (plots 105 and 106) at 360 Dunston Road Chesterfield Derbyshire S41 9RL for Strata Homes Yorkshire Ltd

CHE/20/00192/NMA	Non-material amendment to CHE/18/00605/FUL (refurbish and extend existing property and change use to residential care home facility and demolition of existing ancillary building to the rear and erection of three storey building to create assisted living facility) to replace glazed screens on ground floor with individual windows at 6 Ashgate Road Chesterfield Derbyshire S40 4AA for William May Developments Ltd
CHE/20/00231/CA	Fell Ash tree at 6 The Willows Oakfield Avenue Chesterfield S40 3HN for Mr John McDonnell
CHE/20/00258/TPO	Felling of one dangerous Robinia tree at the former car park of Walton Hospital at grounds Walton Hospital Whitecotes Lane Walton Derbyshire for The Environment Partnership
CHE/20/00259/TPO	T2 Oak - cut back lower limb back to main stem. T3 Oak - cut branch back to main stem deadwood both trees at Street Record Cheedale Avenue Loundsley Green Chesterfield Derbyshire for Starfish Commercial
CHE/19/00661/FUL	Change of use from retail shop across two floors to retail shop (Use Class A1) and hot food takeaway (Use Class A5) at ground floor, creation of two self-contained flats at first floor, alterations to entrance door to front and installation of cooking extraction flue and two external escape stairs to rear. Information received 31.01.2020

and 10.03.2020 at 30 High Street Staveley  
Derbysire S43 3UX for Mr and Mrs Hardie

CHE/19/00663/FUL	Two storey side and rear extension (amended drawings received 25.11.2019, revised drawings received 03.02.2020 and revised drawings showing porch received 25.02.2020) at 56 Dale Bank Crescent New Whittington Chesterfield S43 2DN for Mr Richard Bradwell
CHE/20/00028/RET	Two storey rear extension at 31 Brearley Street Old Whittington Derbyshire S41 9LN for Mr M Cotton
CHE/20/00051/FUL	New fence to boundary - max 2.5m high at 107 Coniston Road Newbold Derbyshire S41 8E for Mr Christopher Humphreys
CHE/20/00071/FUL	Conversion of existing 4 bed house into two new 2 bedroom semis at 66 South Street North New Whittington Chesterfield S43 2AB - additional drawing received 14th April 2020 at 66 South Street North New Whittington Derbyshire S43 2AB for Mr Ash Rawson
CHE/20/00079/FUL	Construction of new parts hub building and separate valet/photo building and provision of new compound to the south of the motorstore site with wash building at Arnold Clark Motorstore Meltham Lane Chesterfield S41 7LG for Arnold Clark Automobiles
CHE/20/00092/FUL	Two storey side extension and single storey rear extension at 19 Weston Close Holme Hall Chesterfield S40 4UN for Mrs Emily Redmond
CHE/20/00106/COU	Change of use of ground floor to A3 (restaurant/café) at 41A High Street Staveley Derbyshire S43 3UU for Brian Hutton
CHE/20/00108/FUL	Removal of redundant chimney stack and installation of a dormer type extension for en suite

	bathroom. Revised drawings received 14.04/2020 at 5 Miriam Avenue Somersall S40 3NF for Mr and Mrs Roger Buckley
CHE/20/00111/ADV	Erection of an illuminated pharmacy cross sign at Ashgate Manor Pharmacy at Ashgate Road Chesterfield S40 4AA for PCT Healthcare Limited
CHE/20/00116/FUL	Single storey extension to front (north) elevation at 48 Foxbrook Drive Walton S40 3JR for Mr A Dalton
CHE/20/00142/FUL	Two storey side extension to gable end of house for kitchen/utility and first floor bedroom/en suite at 2 Sandiway Walton S40 3HG for Mr Martin Decent
CHE/20/00149/FUL	Demolition of existing conservatory and erection of a ground floor extension to front, side and rear with raised rear patio area at 3 Sycamore Lane Hollingwood Derbyshire S43 2LD for Mr Peter Marples
CHE/20/00152/FUL	Single storey front extension and two storey side extension at 19 Westfield Close Chesterfield S40 3RS for Mr and Mrs S Randell
CHE/20/00168/FUL	Erection of a 2.2m double skin boundary wall to the above property (revised on 11.05.2020 to 1.8 in height via email) at 2 Woodbridge Rise Walton Derbyshire S40 3LL for Mr Peter Bissett
CHE/20/00169/REM1	Variation of condition 4 of D1 use to be increased to 7:00-22:30 Monday to Friday and 7:00-22:30 Saturday and Sunday of CHE/19/00634/FUL - change of use and elevational alterations of part of premises from Class A1 to Class D1 use for Salvation Army Church at Lidl Foljambe Road Chesterfield S40 1NJ for Salvation Army Trading Company Limited
CHE/20/00181/FUL	(i) Formation of new openings

	(ii) Formation of new access ramp to serve fire escape At Lidl Foljambe Road Chesterfield Derbyshire S40 1NJ for Salvation Army Trading Company Ltd
CHE/20/00182/ADV	6 illuminated fascia signs and 2 illuminated freestanding totem signs at Lidl Foljambe Road Chesterfield S40 1NJ for Salvation Army Trading Company Ltd
CHE/20/00185/RET	Retrospective application for the installation of an ATM installed through a secure panel to the far righthand side of the shop front (revised drawing 23.04.2020 at 2 Wharf Lane Chesterfield S41 7NE for Notemachine UK Ltd
CHE/20/00186/ADV	Retrospective consent for retention of internally illuminated ATM fascia and internally illuminated cash signage above the ATM at 2 Wharf Lane Chesterfield S41 7NE for Notemachine UK Ltd
CHE/20/00199/FUL	Front and rear single storey extensions at 210 Lockoford Lane Tapton S41 0TQ for Mr Paul Precious
CHE/20/00268/NMA	Non-material amendment to CHE/18/00626/REM1 (outline planning application with all matters reserved except for means of access proposing the demolition of existing buildings and erection of a comprehensive mixed use regeneration scheme comprising residential (use class C3); retail (use class A1); financial/professional services (use class A2); restaurants, drinking establishments and hot food establishments (use classes A3, A4 and A5); offices (use class B1); doctors surgery and creche (use class D1); two hotels (use class C1); health and fitness (use class D2); nursing home (use class C2); ancillary creative uses including a possible arts centre, a new canal link, new open spaces including linear and eco parks, new public realm and car parking arrangements including two multi storey car parks

at Chesterfield Waterside, A61 Corridor, to vary condition 31 (highway improvements) at land at east of A61 known as Chesterfield Waterside Brimington Road Tapton Derbyshire for Chesterfield Waterside Ltd

(b) Refusals

CHE/19/00771/FUL	Residential development of 31 affordable dwellings with associated access, parking and landscaping. Revised design and access statement and revised transport statement received 27 1 2020. Phase II Site Investigations received 04 02 2020 at land to the east of Lodge Close Brimington Chesterfield S43 1PB for The Guinness Partnership
CHE/20/00006/FUL	New external timber porch structure to side elevation and extending existing external step to fire doors at The Barley Mow 52 Saltergate Chesterfield S40 1JR for Punch Pub Co
CHE/20/00033/FUL	Replace existing front fence with a 2 metre high fence at 44 Wikeley Way Brimington S43 1AQ for Mr Richard Reddish
CHE/20/00058/OUT	Outline application for erection of a detached dwelling at 105 Church Street North Old Whittington Derbyshire S41 9QN for Mr K Layton
CHE/20/00104/NMA	Non-material amendment to CHE/17/00855/FUL (demolition of existing dwelling and erection of replacement house) to change the rear from render to brickwork at 23 Bridle Road Woodthorpe Derbyshire S43 3BY for Mr Shane Weatherall
CHE/20/00126/DOC	Discharge of planning conditions 12 (railway excavation and earthworks) and 13 (vibro compaction machinery) of CHE/16/00171/OUT - Outline application for the residential development and creation of new site access at 955 Sheffield Road Sheepbridge S41 9EJ for Vistry Partnerships

CHE/20/00129/DOC	Discharge of conditions 6 (drainage) and 8 (SW management) of CHE/16/00171/OUT - Outline application for the residential development and creation of new site access at 955 Sheffield Road Sheepbridge S41 9EJ for Vistry Partnerships
CHE/20/00130/	Discharge of condition 10 (site investigation of CHE/16/00171/OUT - Outline application for the residential development and creation of new site access at 955 Sheffield Road Sheepbridge S41 9EJ for Vistry Partnerships
CHE/20/00133/DOC	Discharge of conditions 40 (employment and training scheme) and 41 (broadband details) of CHE/16/00171/OUT - Outline application for the residential development and creation of new site access at 955 Sheffield Road Sheepbridge S41 9EJ for Vistry Partnerships
CHE/20/00162/DOC	Discharge of condition 5 (site investigation) of CHE/17/00459/FUL - new dwelling on land adjacent to 82 Walton Road, including reconfiguring of boundary between 82 Walton Road and new dwelling along with new site crossover onto Delves Close at 82 Walton Road Walton Derbyshire S40 3BY for Ms Andrea Collins
CHE/18/00373/ADV	Installation of 3 fascia signs at 39 Chatsworth Road Chesterfield S40 2AH for Cardtronics UK Ltd, trading as Cashzone
CHE/20/00096/TPO	Tree Preservation Order: TPO Old Road 4901.172 (T41). T3 Oak of MWA Arboricultural Report. Works - reduce height by 3m and crown radius by 2.0m. Prune on a biennial cycle to maintain at broadly reduced dimensions.
(c) Discharge of Planning Condition	
CHE/19/00709/DOC	Discharge of planning conditions 4 (windows and doors schedule) and 6 (courtyard details) of



	CHE/16/00225/LBC - refurbishment and extension of the existing Bank House Close with provision for new vehicular access off Hasland Road at Bank House Close Residential Home Hasland Road Hasland Derbyshire S41 0RZ for Vital Balance Ltd
CHE/19/00762/DOC	Discharge of planning condition 22 (Acoustic fence detail (1004 Noise Bund Details) of CHE/19/00007/REM - Approval of reserved matters of appearance, layout and scale, of CHE/18/00083/REM1, for the development of 177 dwellings, public openspace and associate infrastructure. Amendment 27.02.2020 at land at east of A61 known as Chesterfield Waterside Brimington Road Tapton Derbyshire for Avant Homes (Central)
CHE/19/00778/DOC	Discharge of planning conditions 2 (drainage layout), 4 (materials), 7 (landscaping) and 10 (car parking) of CHE/19/00096.REM -(Erection of a two storey dwelling at 12 Cavendish Street North Old Whittington Derbyshire S41 9DH for Mr Thomas Hunt
CHE/19/00794/DOC	Discharge of planning condition 26 (bin storage of CHE/17/00685/REM - residential development of 120 dwellings at land north-east of Sainsburys Roundabout Rother Way Chesterfield for Harron Homes
CHE/20/00031/DOC	Discharge of condition 2 (landscaping proposals and condition 5 (bin collection and waste storage proposals) of CHE/18/00190/REM - reserved matters application for appearance, landscaping, layout and scale for residential development for up to 75 dwellings at land at Cranleigh Road Woodthorpe Derbyshire for Avant Homes
CHE/20/00034/DOC	Discharge of condition 3 (off street parking provision of CHE/18/00787/FUL - Front extension forming 2 garage spaces set partially below

ground with 2 floors above and loft conversion above existing bungalow. Off road parking and increase in extent of dropped kerb to form off street parking/turning area at 92 Spital Lane Spital Chesterfield S41 0HJ for Mrs Joanne Youd

CHE/20/00036/DOC

Discharge of planning condition 2 (acoustic testing) of CHE/19/00319/REM1 -Variation of condition 2 (changes to internal layout) of CHE/18/00144/FUL (Conversion of the Grade II listed building to 10 residential apartments at first and second floor and refurbishment of ground floor (former Post Office) A1 unit with change of use to include A1-A3 uses. Works to include partial demolition of rear single storey structures and brick service flue, internal alterations and upgrades, with proposed new residential access stair to the rear courtyard to connect to the existing stairs at first floor level at The Old Post Office 1 Market Place Chesterfield Derbyshire for Mr Nav Kalkat

CHE/20/00040/DOC

Discharge of planning conditions 4 (surface water drainage), 6 (materials), 9 (vehicle and pedestrian access) and 13 (bin storage) of CHE/18/00444/MA - erection of one 3 bed bungalow and three 2 bed bungalows and additional parking at land adjacent 31 Manor Drive Brimington Derbyshire for Chesterfield Borough Council

CHE/20/00050/DOC

Discharge conditions 3 (materials) and 4 (garage door) of CHE/18/00690/FUL - demolition of garage and bathroom and two storey extension to side and rear of house to create a garage, ground floor living and 2 first floor bedrooms and bathrooms at 17 Storrs Road Chesterfield Derbyshire S40 3QA for Mr Les King

CHE/20/00055/DOC

Discharge of planning conditions 3 (surface water drainage), 4 (site storage), 9 (permeable driveway), 10 (materials), 13 (site investigation), 14 (site investigation), 15 (hard and soft landscaping), 16 (bin and cycle storage), 18 (bats

	and birds) and 19 (lighting strategy) of CHE/16/00216/FUL - Residential development of 7 units and associated ancillary works at Jacksons Bakery New Hall Road Chesterfield Derbyshire S40 1HE for Mr James Blackburn
CHE/20/00067/DOC	Discharge of planning condition 4 (soft landscaping) of CHE/14/00508 - Orangery ground floor rear extension, new stone terrace, remodel and replacement garage at 135 High Street Old Whittington Derbyshire S41 9LQ for Mr Lee Fletcher
CHE/20/00070/DOC	Discharge of planning conditions 3 (site investigation) and 10 (materials) of CHE/18/00738/FUL - erection of one new dwelling at land at Highgate Close New Whittington Derbyshire for Mr Mapes
CHE/20/00082/DOC	Discharge of condition 3 in relation to planning application number CHE/16/00132/FUL at 15 Oakley Avenue Brockwell Chesterfield S40 4DS for ASW (Consultants) Ltd
CHE/20/00099/DOC	Discharge for conditions 13 (bat survey), 15 (lighting strategy) and 16 (ecology report) of CHE/17/00421/FUL - residential development of 12 units and associated ancillary works at 46 Newbold Road Newbold Derbyshire S41 7PL for Mr Cordin, Peppermint Grove Ltd
CHE/20/00102/DOC	Discharge of condition 2 (construction of estate roads) of CHE/17/00326/REM at former Cammac Coal Depot Dunston Road Chesterfield S41 9RL for Strata
CHE/20/00107/DOC	Discharge of planning conditions 5 (grassland management plan), 6 (ecological enhancement), 8 (construction method statement), 10 (parking provision), 13 (drainage), 15 (surface water), 17 (hard and soft landscaping) and 18 (external lighting) of CHE/17/00893/FUL - alterations and

	refurbishment of existing animal welfare facility at RSPCA 137 Spital Lane Spital Chesterfield S41 0HL for RSPCA Chesterfield and North Derbyshire Branch
CHE/20/00109/DOC	Discharge of planning conditions 4 (materials), 5 (site set up), 13 (coal mining risk assessment) and 15 (tree protection) of CHE/19/00498/FUL - Construction of new four bedroom, one and a half storey detached dwelling, served from new access drive at Trevilla 73 Hady Hill Hady S41 0EE for Mrs Fletcher
CHE/20/00117/DOC	Discharge of conditions 8 (site compound/ construction method statement), 16 (ecological enhancement), 17 (soft landscaping), 19 (hard landscaping), 20 (tree protection), 21 (arboricultural method statement), 23 (employment and skills plan) and 25 (materials) of CHE/19/00385/FUL - erection of 72 bed care home with associated private amenity space and parking facilities including change of use from "sui generis" car park at Goldwell Rooms Car Park Ashgate Road Chesterfield Derbyshire for Ashgate Road Developments Ltd
CHE/20/00121/DOC	Discharge of conditions 5 (Phase 3 remediation strategy) of CHE/17/00421/FUL residential development of 12 units and associated ancillary works at 46 Newbold Road Newbold Derbyshire S41 7PL for Peppermint Grove Ltd
CHE/20/00123/DOC	Discharge of planning condition 26 (hard and soft landscaping of CHE/17/00237/OUT - retention and conversion of Thornfield House and the demolition of other associated buildings and redevelopment for residential use at Commerce Centre Canal Wharf Chesterfield S41 7NA for Woods and Sons Developments Ltd
CHE/20/00127/DOC	Discharge of planning conditions 32 (env management plan), 33 (landscape and ecological

	management plan) and 35 (Biodiversity Enhancement) of CHE/16/00171/OUT - Outline application for the residential development and creation of new site access at 955 Sheffield Road Sheepbridge S41 9EJ for Vistry Partnerships
CHE/20/00131/DOC	Discharge of planning conditions 22 (details of estate roads) and 28 CHE/16/00171/OUT - Outline application for the residential development and creation of new site access at 955 Sheffield Road Sheepbridge S41 9EJ for Vistry Partnerships
CHE/20/00132/DOC	Discharge of condition 30 (future management and maintenance of CHE/16/00171/OUT - Outline application for the residential development and creation of new site access at 955 Sheffield Road Sheepbridge S41 9EJ for Vistry Partnerships
CHE/20/00134/DOC	Discharge of planning conditions 19 (site set up) and 43 (materials) of CHE/16/00171/OUT - Outline application for the residential development and creation of new site a access at 955 Sheffield Road Sheepbridge S41 9EJ for Vistry Partnerships
CHE/20/00135/DOC	Discharge of condition 2 (landscaping) of CHE/19/00532/REM - reserved matters application for appearance, landscaping, layout and scale of CHE/16/00171/OUT (residential development) at 955 Sheffield Road Sheepbridge S41 9EJ for Vistry Partnerships
CHE/20/00136/DOC	Discharge of condition 4 (env noise survey) of CHE/19/00532/REM - reserved matters application for appearance, landscaping, layout and scale of CHE/16/00171/OUT - outline application for residential development and creation of new site access (all matters reserved save for access) at 955 Sheffield Road Sheepbridge S41 9EJ for Vistry Partnerships
CHE/20/00146/DOC	Discharge of condition 9 (hard landscaping layout)

	of CHE/18/00768/REM - residential development of 33 dwellings at land to south of Poplar Farm Rectory Road Duckmanton Derbyshire for Woodall Homes
CHE/20/00201/DOC	Discharge of conditions 3, 4 and 6 in relation to planning application number CHE/19/00292/FUL at Plover Hill Farm Wetlands Lane Brimington Derbyshire S43 1QG for Tracy Jenkins
CHE/20/00179/DOC	Discharge of planning conditions 3 (materials), 4 (windows and doors), 8 (hard and soft landscaping), 9 (site storage), 15 (drainage) and 17 (tree protection of CHE/18/00121/FUL - erection of new cottage, garage/carport and tree works at land north of 87 High Street and west of 3 Ashleigh Close Old Whittington Derbyshire for Robert Smith
CHE/20/00191/DOC	Discharge of conditions 2 (dimension of elevational treatments), 3 (health and safety plan), 4 (external lighting), 5 (desktop study), 6 (contractors management plan), 7, 8 and 9 (school travel plan), 10 and 11 (drainage), 12 (tree survey) of CHE/19/00105/FUL - proposed new nursery building - revised drawing 28.04.2020 at Newbold C of E School Cranborne Road Newbold S41 8PF for Newbold C of E Primary School
CHE/20/00209/DOC	Discharge of conditions 10 (footpath connection) and 14 (site remediation) of CHE/19/00385/FUL - erection of 72 bed care home with associated private amenity space and parking facilities, including change of use from "sui generis" car park at Goldwell Rooms car park Ashgate Road Chesterfield Derbyshire for Ashgate Road Developments Ltd
CHE/20/00216/DOC	Discharge of planning conditions 4 (drainage), 6 (construction management plan), 7 (access points), 10 (biodiversity enhancement strategy), 12 (materials) and 14 employment and training

scheme of CHE/18/00672/FUL - 32 office enterprise centre including hard and soft landscaping works and alterations to the remaining car park layout at Holywell Cross Car Park Holywell Street Chesterfield for Robert Woodhead Ltd

- CHE/20/00235/DOC Discharge of conditions nos 5 (site investigation), 6 (desk top study), 7 (construction management plan), 12 (tree protection) and 16 (materials) in respect of planning application number CHE/19/00593/FUL - erection of 4 no semi-detached 2/3 bedroomed dwellings with associated car parking and external works served from widened access drive at land to the side and rear of 102 Highfield Lane Newbold Derbyshire for JJK Project Services
- CHE/20/00256/DOC Discharge of conditions 5 (materials) and 26 (hard and soft landscaping) of CHE/17/00237/OUT at development site at former Commerce Centre Canal Wharf Chesterfield S41 7NA for Woods and Sons Developments Ltd
- CHE/20/00261/DOC Discharge of conditions 25 (materials) of CHE/15/00115/OUT - outline planning application for the development of up to 146 residential dwellings with approval of access from Dunston Road at land off Dunston Road Chesterfield Derbyshire S41 9RL for Strata

(d) Split decision with conditions

- CHE/20/00026/TPO Oak tree T11 - crown clean to remove dead branches. Crown thin and lift to allow light. Reduction of branches growing towards the rear of No:7 (conservatory) and Nos: 7 and 9 to retain balance of the tree at 7 Bunting Close Walton Derbyshire S42 7NU for Mr Martin Eaton
- CHE/20/00097/TPO Lime (T3) - thin crown by 25%, crown lift over public footpath. To reduce lowest limb y 2-3

metres on western side which is overhanging neighbour's property and footpath at 81 High Street Old Whittington Derbyshire S41 9LA for Mr Timothy Swift

(e) Retrospective application approved

CHE/20/00041/RET Retrospective application for installation of 2 external Air Source Heat Pumps at Broomhill Care Centre Broomhill Road Old Whittington Derbyshire S41 9EB for Intacare Ltd

(f) Prior Notification Approval

CHE/20/00066/TPD Single storey rear pitched roof extension at 12 Endowood Road Somersall Derbyshire S40 3LX for Mr James Wilkins

CHE/20/00120/TPD Single storey conservatory to rear at 6 St Augustines Crescent Chesterfield Derbyshire S40 2SG for Mr Elliott and Ms Bradbury

CHE/20/00189/TPD Single storey rear extension, matching materials with gable front. Pitched tile roof with the room being used as a lounge diner at 6 Steeple Grange Chesterfield Derbyshire S41 0HU for Mr Lee Walker

CHE/20/00205/TPD Single storey brick extension to rear of property at 97 Hucknall Avenue Loundsley Green Chesterfield Derbyshire S40 4BZ for Mrs Diane Broadhead

(g) Conditional Permission Vary Conditions

CHE/20/00075/REM Variation of condition 2 (approved plans) of CHE/16/00222/FUL due to error in floor levels between first floor stables and new build link extension at Bank Close House Residential Home Hasland Road Hasland Derbyshire for Vital Balance Ltd



- CHE/20/00076/REM Variation of conditions 3 (sections through lobby) and 7 (sectional drawings of link between extension and stable) of CHE/16/00225/LBC - refurbishment and extension of the existing Bank Close House with provision for new vehicular access off Hasland Road in order to change first floor level of new build and link roof and walls and connection to stables at Bank Close House Residential Home Hasland Road Hasland Derbyshire for Vital Balance Ltd
- CHE/20/00122/REM Variation of condition 1 (approved drawings house type G and C 180-15-RevA to be change to 180-15-RevC) of CHE/19/00346/REM - demolition of existing commercial buildings and erection of 34 dwellings and conversion and change of use of existing Thornfield House to 4 flats at former Commerce Centre Canal Wharf Chesterfield S41 7NA for Woods and Sons Developments Ltd
- (h) EIA Not Required
- CHE/20/00171/EIA Request for a screening opinion for the construction of a solar farm, batteries and associated infrastructure at Inkersall Farm Inkersall Road Staveley Derbyshire S43 3YH for Low Carbon
- CHE/20/00213/EIA Chesterfield Canal restoration (Eckington Road to Hague Lane) - request for environmental impact assessment screening at Eckington Road to Hague Lane Eckington Road Staveley Derbyshire for Chesterfield Canal Trust
- (i) Conditional Permission NMAZ
- CHE/20/00221/NMA Non-material amendment to CHE/13/00675/OUT (redevelopment of land for employment uses) to allow amendments to conditions to enable the development of the site in a progressive manner at land accessed from Farndale Road Staveley Derbyshire for Tawnywood Ltd

## 131 **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/20/00174/TPO      Consent is granted to the felling of one Damson tree and the pruning of 14 trees within W1 on the order map for Mr David Turner of 14b Spital Lane, Spital.

The duty to replant has been dispensed with on this occasion due to other trees in the garden and no loss of amenity.

CHE/20/00258/TPOEXP      Consent is granted to the felling of one Robinia tree which is split down the main stem and located next to the public footpath reference T30 on the Order map for The Environmental Partnership at the former car park of Walton Hospital, Whitecotes Lane, a condition to replant with another Robinia this planting season October 2020 in the same location that is reasonably possible.

CHE/20/00259/TPO      Consent is granted to the pruning of two Oak trees reference T3 and T4 on the Order map for Dronfield Tree Services on behalf of Starfish Group at the former Brockwell Court development site off Cheedale Avenue.

## 132 **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.

## 133 **ENFORCEMENT REPORT (P410)**

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

**\*RESOLVED -**

That the report be noted.

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# Agenda Item 4

COMMITTEE/SUB	Planning Committee
DATE OF MEETING	22 <sup>nd</sup> June 2020
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 22 JUNE 2020**

- ITEM 1    CHE/20/00078/FUL - DEMOLITION OF EXISTING PUBLIC HOUSE AND RESIDENTIAL DEVELOPMENT OF 12 TWO-BEDROOM DORMER BUNGALOWS AT THE TRUMPETER INN, HAREHILL ROAD, GRANGEWOOD, CHESTERFIELD, DERBYSHIRE FOR ERICA DEVELOPMENTS LTD**
- ITEM 2    CHE/20/00177/FUL - PROPOPOSED DEMOLITION OF EXISTING SEMI-DETACHED PROPERTY AND BUILD NEW DETACHED DORMER BUNGALOW AT WALTON VILLA, 32 MATLOCK ROAD, CHESTERFIELD, DERBYSHIRE, S42 7LD for Mr JOHN SCOTT**
- ITEM 3    CHE/20/00250/FUL - RE-SUBMISSION OF CHE/19/00199/FUL - ERECTION OF A FREESTANDING TWO STOREY RESTAURANT WITH DRIVE-THRU (A3/A5), CAR PARKING, LANDSCAPING AND ASSOCIATED WORKS. INSTALLATION OF 2NO. COD (CUSTOMER ORDER DISPLAY) WITH ASSOCIATED CANOPIES AT LAND ADJ TO THE ROYAL MAIL DEPOT, WEST BARS, CHESTERFIELD, DERBYSHIRE FOR MCDONALDS RESTAURANTS LTD**





Case Officer: Sarah Kay  
Tel. No: (01246) 345786  
Ctte Date: 22<sup>nd</sup> June 2020

File No: CHE/20/00078/FUL  
Plot No: 2/749

## **ITEM 1**

### **DEMOLITION OF EXISTING PUBLIC HOUSE AND RESIDENTIAL DEVELOPMENT OF 12 TWO-BEDROOM DORMER BUNGALOWS AT THE TRUMPETER INN, HAREHILL ROAD, GRANGEWOOD, CHESTERFIELD, DERBYSHIRE FOR ERICA DEVELOPMENTS LTD**

Local Plan: Unallocated  
Ward: Rother

#### **1.0 CONSULTATIONS**

<b>DCC Highways</b>	Comments received 20/04/2020 – see report
<b>CBC Planning Policy</b>	Comments received 16/03/2020 – see report
<b>Coal Authority</b>	Comments received 05/03/2020 – see report
<b>Crime Prevention Design Advisor</b>	Comments received 07/03/2020 – no objections
<b>C/Field Cycle Campaign</b>	No comments received
<b>DCC Archaeology</b>	Comments received 03/03/2020 – no objections
<b>DCC Planning Policy</b>	Comments received 12/03/2020 – see report
<b>Design Services (Drainage)</b>	Comments received 03/03/2020 – see report
<b>Derbyshire Wildlife Trust</b>	Comments received 09/03/2020 – see report
<b>CBC Economic Development Team</b>	No comments received
<b>CBC Environmental Health Officer</b>	Comments received 13/02/2020 – see report
<b>Lead Local Flood Authority</b>	Comments received 06/04/2020 – see report
<b>CBC Tree Officer</b>	Comments received 12/03/2020 – see report
<b>CBC Urban Design Officer</b>	Comments received 08/06/2020 – see report
<b>Yorkshire Water Services</b>	Comments received 05/03/2020 – see report
<b>Ward Members</b>	No comments received
<b>Site Notice / Neighbours</b>	Three representations received

#### **2.0 THE SITE**

- 2.1 The site the subject of the application is known locally as The Trumpeter PH, which is a detached premises located off Harehill Road in Grangewood.



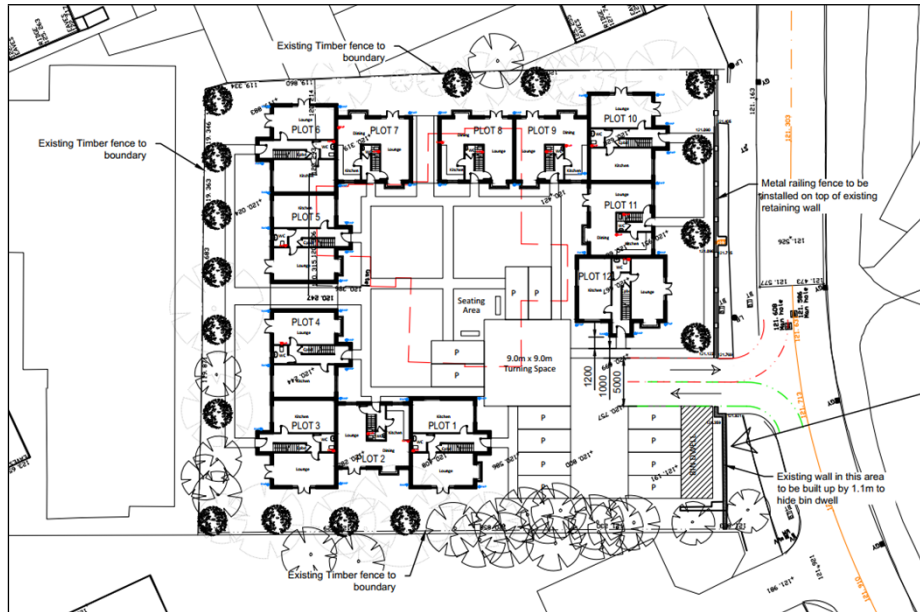
- 2.2 The area surrounding the site is residential with semi-detached housing to the south, Harehill Court (flats for the elderly) to the North and Royal Primary Care Grangewood and Cohen's Chemist to the East.
- 2.3 Access to the site is gained from Harehill Road via a primary access point located to the north western corner of the site which leads into the PH car park. There is also a secondary access located in the south western corner.
- 2.4 The site slopes gradually from the road to the south west rising by some 0.75m. There are mature trees located on all boundaries except the Harehill Road frontage.

### 3.0 **RELEVANT SITE HISTORY**

- 3.1 CHE/15/00256/FUL - New mixed use scheme to create local centre (including A1 - Retail, A2 - Financial & professional services, A3 - Food & drink, A4 - Drinking establishments, A5 - Hot food takeaway, C3 - Dwellings and Sui Generis - Other) to replace existing public house. Approved conditionally 14/07/2015.
- 3.2 CHE/1084/0615 - Permission for car park and landscape scheme. Approved conditionally 29/11/1984.

### 4.0 **THE PROPOSAL**

- 4.1 The application submitted seeks full planning permission for the demolition of the existing premises and the erection of a development comprising 12 no. 2 bed dormer bungalows.
- 4.2 The development takes the form of a mews development that will be one and a half storey in scale and will be laid out in a horseshoe arrangement that will share a central communal garden.



4.3

A communal car parking area will be created to the north west of the site adjacent to the current access point, which will be modified. Overall there will be 12 no. off street parking spaces.

4.4 The application submission is accompanied by the following documents / plans (superseded plans have been struck through):

- Site Location Plan
- ~~19-755-01 - Site Plan~~
- ~~19-755-02 - Ground Floor Plan~~
- ~~19-755-03 - First Floor Plan~~
- 19-755-04 – Elevations
- TPG01 - Tree Survey
- TPG02 - Tree Constraints
- TPG03 - Tree Protection Plan
- TPG04 - Landscape Masterplan
- 2292 01 P1 – Visibility Splay
- 2292 02 P1 – Existing Drainage Plan
- 2292 03 P2 – Proposed Drainage Plan
- 2292 04 P1 – Proposed Drainage Area
- 2292 05 P2 – Drainage Details
  
- Phase I Desk Study and Coal Mining Risk Assessment
- Planning Statement
- Design and Access Statement

Revised Plans Received 22/05/2020

- 19-755-01 D - Site Plan
- 19-755-02 D - Ground Floor Plan
- 19-755-03 C - First Floor Plan

5.0 **CONSIDERATIONS**

5.1 **Planning Policy Background**

5.1.1 The site is situated within the built settlement of Rother in an area predominantly residential in nature. Having regard to the nature of the application policies CS1, CS2, CS3, CS7, CS8, CS9, CS15, CS17, CS18 and CS20 of the Core Strategy and the wider National Planning Policy Framework (NPPF) apply. In addition the Councils Supplementary Planning Document on Housing Layout and Design 'Successful Places' is also a material consideration.

5.2 **Principle of Development**

5.2.1 The site is currently unallocated on the adopted local plan (The Core Strategy 2013 and the RCBLP 2006) but sits adjacent to the Grangewood local centre. The Grangewood Local Centre is identified in Core Strategy Policy CS15 but has already been developed in its entirety for a Health Centre and pharmacy to serve the Grangewood area and the Local Centre currently has no other shops or facilities. There is however the adjacent Trumpeter pub, the site of which is the subject of the current planning application. The 2015 planning permission (CHE/15/00256/FUL) proposed a new mixed-use scheme on the Trumpeter site to create an extended local centre (including A1 - Retail, A2 -

Financial & professional services, A3 Food & drink, A4 Drinking establishments, A5 Hot food takeaway, and C3 Dwellings) to replace the existing public house and resulted in the site being shown as an extended local centre where Policy LP9 of the emerging submission draft Local Plan is relevant. Policy LP9 does allow for residential development at ground floor level “on appropriate redevelopment sites where it would not undermine the vitality of the centre”. The extended retail offer on the site has however been shown to not to be viable through subsequent market testing and, as the previous permission was not implemented, residential use could not undermine the vitality of the centre as it currently exists. The adopted local plan shows the site to be unallocated and a residential scheme is therefore acceptable in principle. Whilst substantial weight can now be given to the emerging local plan (following receipt of the Inspectors’ Report), and on face value the proposal would be at odds with the allocation on the proposed Policies Map and parts of policy LP9, the prospect of the site coming forwards for town centre uses has been demonstrated to be unlikely given the viability issues and therefore it is considered that a residential scheme can be accepted.

5.2.2 The owner of the site has confirmed that since the planning was granted in July 2015 the site was the subject of marketing by Fishwicks and other national agents and in Mid 2016 Heron Foods showed initial interest in the site and the large unit as an anchor tenant. During the following 12 months the site plan was changed to accommodate a larger unit on request from Heron Foods from the new proposed development, with agreements in early 2018. During the legal process to lease, Heron Foods were bought out by BM Bargains and in April 2018 reversed their decision on taking the large unit as the anchor tenant, due to other similar new sites underperforming. From May 2018 for a further 12 months numerous retail groups were contacted including Coop, Iceland, Sainsburys, Farm Foods, Costcutter, Spar, Londis, One Stop convenience stores who all came back with a no to the site due to its location commenting that they thought its appeal was fairly limited. Also during this time, the site details were also forwarded on to numerous national agents without any positive feedback, due to location and market conditions for retail. To this date even though planning had been put in for residential, in February 2020, the owner again contacted the groups COOP and Tesco/One Stop who have maintained there position due to location as being not for them.

5.2.3 It is apparent that without an Anchor tenant for the site, the site would not be viable and therefore would be in serious danger of failing financially. The whole point of the original scheme was to create a new commercial district centre with supporting businesses and whilst this would provide a valuable facility for the local community it has become clear over the past 5 years that such a plan is unlikely to become a reality. It is also the case that the recent changes in the retail market, in addition to the dramatic rise of online ordering, will have further diminished the chances of an extended centre, working as a retail hub, ever coming to fruition.

- 5.2.2 The proposal falls just outside walking and cycling distance of the Birdholme District Centre but is within walking distance of the GP surgery and pharmacy referred to above. The application site is also within walking distance of bus stops serviced by the no.39 bus route, a frequent service operating between Grangewood and Chesterfield town centre. In overall terms the proposal accords with the Spatial Strategy set out in Policy CS1, which focuses new housing development to centres and regeneration areas, and CS2a. The proposal would utilise existing development space, preserving land of environmental and agricultural value (CS2 b & c). The proposal would provide 12 residential units and make a contribution to the housing requirement set out Policy CS1 of the Local Plan. The development would result in a loss of social infrastructure and as such the principle of development would only be accepted should the proposal accord with the tests set out within policy CS17.
- 5.2.3 Policy CS17 (Loss of Social Infrastructure) states that the loss of social infrastructure can only be accepted if:
- a) There is an equivalent facility available in the locality or an equally accessible one is made available prior to the commencement of redevelopment to serve the same need; or
  - b) It can be demonstrated through a viability assessment that the current use is economically unviable and all reasonable efforts have been made to let or sell the unit for the current use over a 12 month period.
- 5.2.4 There are several alternative facilities within the local area such as the Whitecotes, The Boythorpe and The Blue Stoops public houses which would satisfy criterion a). Information has been provided within the planning statement in respect of criterion b) with regards to ongoing viability issues which have persisted since 2012 and have resulted in a continuing loss-making business with limited opening hours, which undermine the value of the facility as a community asset.
- 5.2.5 Submission Local Plan policy LP11 (which also relates to Social Infrastructure) may now be afforded some weight in decision making as no objections to the policy were received during the Pre-Submission Local Plan Consultation or through the public examination. The tests presented are identical to those referred to above however Policy LP11 requires a consideration of both criteria a and b. Despite the absence of detailed marketing evidence, the weight to be given to emerging policy LP11 combined with the benefits of revitalising the site for a positive use and improving its immediate setting should be taken into account.
- 5.2.6 Taking account of the above, it is considered that the principle of development is considered to be acceptable.
- 5.3 **Design and Appearance Considerations (inc. Neighbouring Impact / Amenity)**
- 5.3.1 The existing building on the site is somewhat run down and contributes very little to the streetscene.





5.3.2 The scheme has been the subject of numerous amendments to take account of comments which have been made in relation to design of the scheme.

5.3.3 The Urban Design Officer has commented that the drawings appear to be generally consistent with the proposals discussed at the pre-application stage in respect of a layout of dormer bungalows set around a central quadrangle space. Parking and turning is located on the NW corner and a landscaped perimeter is shown around the site boundaries. He commented that the proposed buildings have an attractive appearance, with steep roof pitches and architectural detail that will make a positive contribution to the appearance of the site and its immediate surroundings. As such, there is no objection on the grounds of urban design to the general layout and appearance of the scheme. Nevertheless, comments were made on a number of detailed aspects of the proposals as below:

**Boundary treatments** - The site frontage would benefit from the introduction of a site boundary treatment, such as a railing to provide a defensible edge to the street. In addition, secure enclosures should be provided from the corners of Plots 1 and 10 to prevent access to the rear garden edges/site perimeter in the interests of safety and security. As such, details of external site boundary treatments should be required by condition, together their implementation prior to occupation and their subsequent retention.

**Plots 6- 10** - The first floor windows and roof lights on the south elevation should be glazed with obscure glass due to their proximity to the boundaries of the adjacent residential properties (N/B – all bedrooms are dual aspect with two windows).

**Materials** – Details of external materials to be submitted and agreed together with samples if requested.

**Landscape Implementation** – The proposed landscaping proposals should be required to be implemented on accordance submitted scheme within the first planting season following completion of the development.

**Bin Storage** – A bin dwell area is situated at the front of the site (NW corner) although it is unclear whether the applicant intends to screen these from view. No details appear to be provided at this stage. However, given the prominent position of the bin storage area, it would be unsightly for the bins to remain on view. As such, a suitably robust and attractive bin enclosure detail should be provided. It is recommended that the applicant provides a detail at this stage, or this could be subject of a condition, together with its implementation prior to first occupation.

5.3.4 The applicant has amended the plans as follows:

- 1) Units 10 - 12 were previously moved 1.2m towards the southern boundary leaving 2.5m (approx.) between unit 10 and the boundary fence.
- 2) Adjusted the construction of the proposed wall between the bin dwell & the road and added the iron railing to the top.
- 3) The vehicular access was previously widened to 5m and the movement of vehicles in and out of the site shown as green (incoming) and red (outgoing) on the site plan. Additional dimensions are now added to these paths
- 4) The path has been updated to allow Pedestrian access directly from the existing path. (Please note due to the change of level this will be ramped)
- 5) Velux's have been removed on the First floor (plan 19-755-03C)
- 6) Individual bin & recycling stores have been added.

5.3.5 It is considered that the scheme as amended is acceptable and subject to conditions can be agreed.

5.3.6 In so far as the impact on the amenity of neighbours it is the case that the scheme provides an acceptable relationship with the dwellings to the south on Fairford Close and the care home at Harehill Court to the north. The scheme extends the line of the side gable of 42 Harehill Road (shown in the photograph below) across the site frontage and provides appropriate separation distances to other property facing the site at 1-6 Fairford Close. Furthermore, the site is to the north of these dwellings and there will not be any issues of overshadowing. The site boundaries are also mature landscaped edges to the site and this is likely to be the reason why none of the neighbours adjacent to the site have raised any concerns with the development. It is considered that the scheme is acceptable as proposed in so far as policy CS2 is concerned.





## 5.4 Highways Issues

5.4.1 The application site is currently served by 2 no. access points taken from Harehill Road, which as part of the development proposals will be amended to serve the new development. The primary access point will be widened to serve the communal parking areas (there will be a total of 12 no. parking spaces) and a 9m x 9m turning area will be dedicated in the site layout for turning. The secondary access point will be closed.

5.4.2 The application submission has been reviewed by the **Local Highways Authority** (LHA) who has provided the following response:

*The submitted details propose demolition of the existing Public House and redevelopment of the site with 12no. 2 bedroom bungalows, all vehicular access being taken via the existing northern access to the site.*

*Given the existing use of the site, it's considered that the development proposals would be unlikely to cause severe harm to operation of the public highway.*

*The site access and shared driveway should be of 5.0m minimum width with a 2.0m width segregated pedestrian footway adjacent to it on at least 1 side. It's recommended that a further 0.5m margin is provided on the opposite side of the driveway to achieve the recommended minimum overall corridor width of 7.5m to serve a development of the scale proposed.*

*The Site Plan submitted to this office indicates introduction of gates across the existing northern access to the site set approximately 5m behind the nearside carriageway channel. Bearing in mind the proposed scale of development, the Highway Authority would recommend that there are no gates/ barriers to obstruct access at all times to the area annotated as 'Turning Space'. If gates are to be permitted, these should be located a minimum of 10m beyond the rear of footway in order to reduce the likelihood of the highway being obstructed by stationary vehicles whilst opening/ closing is carried out.*

*The existing southern access to the site will be made redundant by the proposals and, as such, will need to be formally closed by removal of the tactile paving and introduction of a kerb and footway at the appropriate level.*

*Taking into consideration the perceived occupancy of the proposed dwellings, has creation of a direct pedestrian link with the adjacent Medical Centre/ Pharmacy been explored? There does not appear to be any reference to a link contained within the details forwarded to this Authority and it's suggested that a link would be most beneficial for residents of the development site.*

*It's noted that off-street parking is proposed to be provided on the basis of 1no. space per 2 bedroom dwelling. It's suggested that this is a very low provision and makes no allowance for visitor parking. However, I trust that you will ensure that the level of off-street parking satisfactorily meets your own*

*Authority's standards as any under-provision would be likely to result in vehicles being parked within areas dedicated to manoeuvring, thereby leading to awkward/ overlong reversing, or on the fronting highway/ footway in close proximity to a bend in road alignment and a bus stop, situations considered against the best interests of safe and efficient operation of the public highway. In order to meet current recommendations, parking spaces should be of 2.4m x 5.5m minimum dimension (larger where designated for the disabled).*

*An area for standing of waste bins has been demonstrated adjacent to the site access. It's recommended that the views of the local refuse collection service are sought with respect to suitability for them to collect directly from this area.*

*Therefore, it's recommended that the applicant is given opportunity to submit revised details to satisfactorily address the above issues. However, if you are minded to determine the proposals as submitted, it's recommended that the following Conditions are included within any Consent:-*

- 1. Unless otherwise approved in writing by the Local Planning Authority, the development shall not be commenced until a detailed scheme demonstrating the proposed access driveway layout, together with a programme for the implementation and completion of the works, has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied until the works have been completed in accordance with the approved details.*
- 2. Space shall be provided within the site for storage of plant and materials, site accommodation, loading, unloading and manoeuvring of goods vehicles, parking and manoeuvring of employees and visitors vehicles, laid out and constructed in accordance with detailed designs first submitted to and approved in writing by the Local Planning Authority. The facilities shall be retained free from any impediment to their designated use throughout the entire construction period.*
- 3. The premises, the subject of the application, shall not be taken into use until space has been provided within the application site in accordance with the approved application drawings for the parking/ loading and unloading/ manoeuvring of residents/ visitors/ service and delivery vehicles, laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.*
- 4. There shall be no gates or other barriers to prevent access to the designated Turning Area at all times, unless otherwise agreed in writing by the Local Planning Authority.*
- 5. Prior to the occupation of any dwelling, the existing southern vehicular access to Harehill Road shall be permanently closed with a physical barrier and the existing vehicle crossover reinstated as footway in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority.*

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

5.4.3 In response to the commentary received above the scheme was amended and a revised set of plans submitted. The scheme is now considered to be acceptable with an appropriate means of access where visibility splays are appropriate. The number of parking spaces at 1 per unit can be accepted as appropriate given the good access the site provides to public transport provision. Appropriate on site turning facilities are also included in the scheme. The owner of the site has confirmed that since the planning was granted in July 2015 the site had been somewhat strangled for the first 12 months to 2016 due to the adjacent medical centres landlords ASSURA and their own issues with leases with the NHS. The intention was to provide a public footpath constructed with the agreement of ASSURA (the landlords for the medical centre) which would have connected the two sites providing a lot more connectivity within the area to the site. Unfortunately, due to issues within the Medical centre and beyond the site owners control, the footpath link was not forthcoming. This restricted and put off some potential anchor tenants for the scheme.

5.4.4 The conditions suggested by the Highway Authority are appropriate and can be imposed on any permission granted.

## 5.5 **Flood Risk / Drainage**

5.5.1 In respect of matters of drainage and potential flood risk (having regard to policy CS7 of the Core Strategy), it is noted that the application site is located in Flood Risk Zone 1. The site is not at risk of any known surface water flooding. In this context the application is accompanied by detailed drainage plans / proposals.

5.5.2 The application submission has been reviewed by the **Lead Local Flood Authority** (LLFA), the Council's **Design Services** (DS) team and **Yorkshire Water Services** (YWS) who provided the following responses:

*LLFA – The LLFA need the applicant to supply further information:*

- Basic calculations of the greenfield/brownfield runoff and discharge rates, - The applicant has supplied a reduction to the considered brownfield rates only. The LLFA need to see that greenfield rates are supplied and achieved unless there is clear evidence as to why this could not be done.*
- There should be no surcharging of the proposed below ground drainage network upto the 3.3% and no flooding of the site up to the 1% plus suitable climate change annual rainfall events.*
- A quick storage estimate to show the required storage volume of surface water on site and an indication of the likely location – From the 'Proposed Drainage Plan' drawing 2292/03 Rev P2 the cellular storage appears to have been sited under a shared pathway for more than one*

*property and the LLFA has concerns as to how this would be safely maintained in this location.*

- Calculations should include allowances for the current Environment Agency guidance for climate change and urban creep.*
- Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate (as per National Planning Policy Framework 165). – Please detail the full range of sustainable drainage systems considered for this site and reasons for them being proposed or not proposed.*

*Please note the following advisory notes in relation to surface water management of the site.*

- The applicant will need to provide details and calculations including any below ground storage, overflow paths (flood routes), surface detention and infiltration areas, etc, to demonstrate how the 100 year + 30% Climate Change rainfall volumes will be controlled and accommodated, also incorporating a sensitivity test to 40% Climate Change. In addition, an appropriate allowance should be made for urban creep throughout the lifetime of the development.*
- If the greenfield run-off for a site is calculated at less than 2 l/s, then a minimum of 2 l/s could be used (subject to approval from the LLFA).*

*DS - We have no objection to the above application. The site is not shown to be at risk of flooding on the Environment Agency flood maps. The proposed drainage design for the development offers significant reduction of the surface water discharge rate from based upon the existing scenario. The proposed drainage systems is also demonstrated not to allow flooding during a 1 in 100 year + climate change allowance rainfall event. Any discharge to the public sewer may require Yorkshire Water approval.*

*YWS - If planning permission is to be granted, the following conditions should be attached in order to protect the local aquatic environment and Yorkshire Water infrastructure:*

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

*(In the interest of satisfactory and sustainable drainage )*

*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.*

*(To ensure that no surface water discharges take place until proper provision has been made for its disposal and in the interest of sustainable drainage)*

*1) The developer is proposing to discharge surface water to public sewer however, sustainable development requires appropriate surface water disposal. Yorkshire Water promote the surface water disposal hierarchy and the developer must provide evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical before considering disposal to public sewer. The developer and LPA are strongly advised to seek comments on surface water disposal from other drainage bodies as further restrictions may be imposed.*

*As a last resort, and upon receipt of satisfactory evidence to confirm the reasons for rejection of other methods of surface water disposal, curtilage surface water may discharge to public surface water sewer. Surface water discharges to the public sewer must have a minimum of 30% reduction based on the existing peak discharge rate during a 1 in 1 year storm event. The developer will be required to provide evidence of existing positive drainage to a public sewer from the site to the satisfaction of Yorkshire Water and the Local Planning Authority by means of physical investigation. On site attenuation, taking into account climate change, will be required before any discharge to the public sewer network is permitted.*

- 5.5.3 Having regard to the comments made above, whilst the application is accompanied by a detailed drainage design it appears that some further supplementary information is required by both the LLFA and YWS to ensure that the system has been designed to achieve greenfield run off rates. It is considered that these details can be required by the imposition of a pre-commencement condition (as this is how drainage would usually be dealt with in the planning process).
- 5.5.4 Overall however subject to the above it is considered that the requirements of policy CS7 of the Core Strategy and the wider NPPF can be met and the development proposals are acceptable in this regard.

## 5.6 **Land Condition / Contamination**

- 5.6.1 The site the subject of the application comprises of previously developed land and therefore land condition and contamination need to be considered having regard to policy CS8 of the Core Strategy. The application submission is supported by a Coal Mining Risk Assessment and Phase I Desk Top Report.
- 5.6.2 In respect of land condition the **Coal Authority (CA)** were consulted on the application submission and provided the following response:

*The Coal Authority concurs with the recommendations of the Phase 1 Desk Study Report & Coal Mining Risk Assessment; that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site.*

*The Coal Authority recommends that the LPA impose planning conditions should planning permission be granted for the proposed development requiring these site investigation works prior to commencement of development.*

*This is our recommendation for condition wording. Whilst we appreciate that you may wish to make some amendment to the choice of words, we would respectfully request that the specific parameters to be satisfied are not altered by any changes that may be made.*

- 1. No development shall commence until intrusive site investigations have been carried out on site to establish the exact situation in respect of coal mining legacy features. The findings of the intrusive site investigations shall be submitted to the Local Planning Authority for consideration and approval in writing. The intrusive site investigations shall be carried out in accordance with authoritative UK guidance.*
- 2. Where the findings of the intrusive site investigations (required by the condition above) identify that coal mining legacy on the site poses a risk to surface stability, no development shall commence until a detailed remediation scheme to protect the development from the effects of such land instability has been submitted to the Local Planning Authority for consideration and approval in writing. Following approval, the remedial works shall be implemented on site in complete accordance with the approved details.*

5.6.3 In addition to the comments of the CA, the Council's **Environmental Health Officer** (EHO) was also consulted on the application and they made the following comments in respect of land condition / contamination:

*The supporting information - Land at Trumpeter Inn, Harehill Road, Grangewood Phase 1 Desk Study Report & Coal Mining Risk Assessment (CMRA) – indicates that further work, in the form of a Phase II investigation, and, if required, follow up remedial works, is required for this site. I look forward to assessing this information when it is submitted in respect to this proposed development.*

5.6.4 Having regard to the above, it will be necessary to ensure that further intrusive site investigations are undertaken to assess the potential impact of any recorded / unrecorded coal mining legacy and land contamination; and ensure that appropriate remediation is undertaken. A pre-commencement planning condition can be imposed to this effect to ensure that the development accords with the provisions of policy CS8 of the Core Strategy and the wider NPPF.

## 5.7 **Ecology / Biodiversity**

5.7.1 The application site comprises of previously developed land with mature trees surrounding the site boundary. In the context of policy CS9 of the Core

Strategy, new development is required to deliver a net gain in biodiversity and in this case the demolition of the existing premises is also a material consideration.

5.7.2

The application submission has been reviewed by the Councils **Tree Officer (TO)** and **Derbyshire Wildlife Trust (DWT)** in the context of the above policy framework and the following comments were received:

*TO - There are 32 trees on the site and it is proposed that 17 of those are removed to facilitate the development. There are also 6 trees off site that may be affected by the development.*

*A tree survey, tree constraints plan and tree protection plan by Weddle Landscape Design have been submitted with the application.*

*There are no objections to the proposed 17 trees being removed as shown on drawing TPG O3 Tree Protection Plan and in mitigation 19 new trees will be planted along with a variety of mix species of shrubs, climbers, bulbs and two hedges as shown on drawing TPG 04 Landscape Masterplan by Weddle Landscape Design. The tree and shrub planting provides a green setting to the frontage and also strengthens the existing vegetation along the boundaries.*

*The tree protection plan reference TPG O3 shows the type and alignment of the tree protection fencing which is in accordance with BS5837 Trees in Relation to Design, Demolition and Construction.*

*I therefore have no objection to the application as long as the tree protection measures submitted on drawing TPG O3 Tree Protection Plan with the application are adhered to at all times and attached as a condition if consent is granted to the application and the landscaping scheme, drawing reference TPG 04 Landscape Masterplan by Weddle Landscape Design is also attached.*

*DWT - In have reviewed the application documents and note that no ecological information has been provided. The site has very little soft landscaping which is comprised of habitats with rather limited biodiversity value, therefore a full ecological appraisal is not required; however, the proposals include demolition of the existing building and therefore present a risk of affecting roosting bats. Planning policy requires the council to fully consider the impacts on European Protected Species such as bats as part of the decision making process when assessing a planning application and therefore I must advise that the application does not include sufficient information at this time.*

*As a minimum, a survey is required to assess the suitability of the structure for use by roosting bats. This daytime survey can be carried out at any time of year; however, if the results indicate that the site is suitable for bats or evidence of a roost is found then further surveys would be required during the peak bat activity season (May to August inclusive) to provide survey effort*

*compliant with current good practice guidelines. Presence of nesting birds should also be considered. The surveys should be undertaken by a suitably experienced and licensed bat ecologist, ideally with membership of a relevant professional body such as CIEEM that has recognised professional standards and code of conduct.*

*These surveys would all be required prior to determining the application. On a more general note, the retention and protection of the existing trees is welcomed. This combined with creation of new soft landscaping around the edge of the site and in the central zone around the seating area, indicates that a net gain for biodiversity should be achievable within the proposed layout. Details of soft landscaping and planting scheme could be addressed either within the main application or by pre-commencement condition, although the Trust recommends that native species or those with recognised benefit to wildlife are used in preference to purely ornamental cultivars.*

*Consideration should also be given to opportunities for ecological enhancement such as bat and bird boxes on the new structures or retained trees.*

- 5.7.3 Having regard to the commentary received above, those of the TO are noted. The application submission includes details of existing and proposed soft landscaping which is sufficiently detailed to enable the TO to assess and conclude that the loss of some trees can be mitigated by an appropriate scheme of replacement planting to achieve a biodiversity balance. As a previously developed site, this would accord with the provisions of policy CS9 of the Core Strategy and wider NPPF principles.
- 5.7.4 Turning to the comments of DWT, the proposed demolition of the existing public house building does require further consideration of potential ecological impact. The building could have potential to house roosting bats and therefore there is a statutory requirement for the Local Planning Authority to consider this and ensure that any potential impact upon this protected species has been properly assessed.
- 5.7.5 As part of the application process, the agent was made aware of the comments made by DWT and they agreed that a preliminary bat survey should be undertaken. They had accepted the need for this survey to be undertaken, as advised by DWT, prior to the determination of this application.
- 5.7.6 Notwithstanding the above however, due to current Covid-19 circumstances the agent has reported difficulty in securing a suitably qualified ecologist who is prepared to travel to the site and undertake a preliminary bat survey at the premises. The window for undertaking a bat survey runs from April – September so the LPA is mindful that if these surveys cannot be undertaken in this window (as DWT has requested), the applications determination will have to be delayed. This potentially goes against current government advice that economic recovery should be facilitated through the granting of planning permissions without delay.



5.7.7 In this instance, whilst the LPA would usually insist that bat survey work is undertaken prior to determination, the agent has indicated that they would be agreeable to a pre-commencement condition being imposed which prevented demolition of the building before the survey work is undertaken and any necessary mitigation measures are agreed in writing by the LPA. Mitigation is likely to be agreed in the form of integral bat brick being incorporated in the development proposals, but aside from this, if bats were found to be present the developer would be required to secure a necessary license from Natural England before any works could take place to translocate the bats. It is highly unlikely that the presence of bats would prevent the demolition of the building in the long-term.

5.7.8 Having regard therefore to the considerations set out above, on balance, the potential impact of the overall development upon any on site ecological interest can be suitably conditioned to ensure that appropriate survey and necessary mitigation is secured. Subject to this condition it is considered that the requirements of policy CS9 of the Core Strategy would be met and the development acceptable in this regard.

## 5.8 **Heritage / Archaeology**

5.8.1 The premises the subject of the application are likely to date from mid-late 20<sup>th</sup> century and the surrounding estate of a similar era. The building is not considered to be of any specific architectural merit / quality and there are no designated heritage assets located in the immediate or wider locality.

5.8.2 Having regard to the provisions of policy CS19 of the Core Strategy and the wider NPPF the demolition of building and the redevelopment of the site do not give rise to any adverse heritage / archaeological concerns. Furthermore it is noted that **DCC Archaeology** has reviewed the application submission and has no comments to make.

## 5.9 **Other Considerations**

### 5.9.1 Community Infrastructure Levy (CIL)

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

The site the subject of the application lies within the medium CIL zone and therefore the CIL Liability will be calculated (using calculations of gross internal floor space and be index linked). Existing floorspace to be demolished can be offset from the CIL charge if it can be demonstrated that the existing floorspace is “in use” in accordance with the definition on the CIL Regulations.

		<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>
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Proposed Floorspace (GIA in Sqm)	Less Existing (Demolition or change of use) (GIA in Sqm)	Net Area (GIA in Sqm)	CIL Rate	Index (permission)	Index (charging schedule)	CIL Charge
1234	384	850	£50 (medium)	344	288	<b>£50,763.88</b>

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

## 5.9.2 S106 / Planning Obligations

Having regard to the nature of the application proposals several contribution requirements are triggered given the scale and nature of the proposals. Policy CS4 of the Core Strategy seeks to secure necessary green, social and physical infrastructure commensurate with the development to ensure that there is no adverse impact upon infrastructure capacity in the Borough.

Internal consultation has therefore taken place with the Council's own **Economic Development Unit**, as well as externally with **North Derbyshire Care Commissioning Group** (CCG) on the development proposals to ascertain what specific contributions should be sought.

The responses have been collaborated and it will be necessary to look to secure by planning condition the requirement for local labour (best endeavours) in accordance with the Economic Development Unit response, which is a standard approach taken to deal with local labour / supply as required by the provisions of policy CS13 for all major development schemes. The CCG has not responded with a need for any contribution so it is the case that no GP / Health Contribution is to be sought in this case.

## 6.0 REPRESENTATIONS

6.1 The application has been publicised by site notice posted on 13/02/2020; by advertisement placed in the local press on 20/02/2020; and by neighbour notification letters sent on 13/02/2020.

6.2 As a result of the applications publicity there have been three representations received as follows:

### **49 Baden Powell Road**

Stance: Customer made comments in support of the Planning Application  
Comment Reasons:

- Policy
- Visual

Comment: It's an awful run down pub. Unpleasant lady been running it and

alienated surrounding community. Really hope for the sake of the community this pub is demolished. Will be a great day for all.

#### **A Local Resident**

I agree with the Design & Access Statement and support the redevelopment of this Brownfield land.

I like the appearance of the proposed development and feel it represents a great improvement over the existing run down pub.

I feel the proposed development will also help to reduce the crime / vandalism / antisocial behaviour potential that the pub and its car park could attract.

#### **78 Newbridge Lane**

OBJECTIONS TO PLANNING / Looking at the application in detail:

#1.3 The efficient use of land can mean anything. Using land as the hub of a community is efficient in social terms. I will come to the question of viability later.

#5.4 Social infrastructure quite obviously has as its core The Pub is the Hub as a definition.

#5.14 The National Planning Policy Framework (NPPF) has strong words to say about the viability testing of pubs too.

#5.14 a) economic; loss of a pub means loss of employment not just at the pub itself but to its suppliers, local and national.

b) social; the pub is the hub slogan applies to all pubs, even the failing ones like The Trumpeter.

c) environmental; it looks sad and run down, and while the site needs improvement, housing is not the only way.

#6.3 The availability of alternatives; this argument becomes thinner as time and pub closures stage by thin stage gradually reduces the availability.

#6.4 Viability; many are the reasons for alleged unviability.

- High rent: freeholder more interested in balance sheet than profit account.
- Low gross margin due to restriction of supply: inability to buy in the open market from local brewers for example.
- Business rates: government policy since they were nationalised in the 1980s.
- Low turnover due to hostile environment.

All of these can amount to deliberate running down in order to realise the value of the land on which it stands. Losses can therefore be nothing other than creative accounting and are frequently not the tenants fault.

Finally, I ask that this application be judged in the light of tomorrows economic world of the year 2021 not in the light of the economic and social difficulties associated with the CoVid 19 pandemic.

6.3

***Officer Response: See comments made in report above regarding the loss of a community facility and policy CS17 and Emerging policy LP11. The report argues that alternative facilities are available within the local area. Furthermore, a redevelopment of the site including a more appropriate sized replacement A4 drinking use received planning permission but did not come forward as a deliverable scheme due to viability issues.***

## 7.0 **HUMAN RIGHTS ACT 1998**

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

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

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

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

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

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

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

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

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

## 9.0 **CONCLUSION**

9.1 The proposed development is considered to be appropriately sited, detailed and designed such that the development proposals comply with the provisions of policies CS1, CS2, CS4, CS10, CS18, CS19 and CS20 of the Chesterfield Local Plan: Core Strategy 2011 – 2031.

- 9.2 Planning conditions have been recommended to address any outstanding matters and ensure compliance with policies CS7, CS8, CS9, CS18 and CS20 of the Chesterfield Local Plan: Core Strategy 2011 – 2031 and therefore the application proposals are considered acceptable.

10.0 **RECOMMENDATION**

- 10.1 GRANTED subject to the issuing of a CIL Liability Notice in line with paragraph 5.9 above and subject to the following conditions:

Time Limit

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

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

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

Location Plan

Site Plan 19-755-01D

GF Plan – 19-755-02D

FF Plan – 19-755-03C

Elevations – 19-755-04A

Landscape Masterplan TPG 04

Tree Protection Plan TPG 03

Tree Constraints Plan TPG 02

Tree Survey TPG 01

Visibility Splays 2292/01 P1

Existing Drainage Plan 2292/02 P1

Proposed Drainage Plan 2292/03 P2

Proposed Drainage Areas 2292/05 P1

Drainage Details 2292/06 P2

Design and Access Statement Jan 20

Phase I SI Desk Top Study & Coal Mining Risk Assessment

Coal Mining Report

Supporting Planning Statement

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

Drainage

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

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

04. There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to:-
- i) evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical;
  - ii) evidence of existing positive drainage to public sewer and the current points of connection; and
  - iii) the means of restricting the discharge to the public sewer network 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.

*Reason - To ensure that no surface water discharges take place until proper provision has been made for its disposal and in the interest of sustainable drainage.*

#### Land Condition

05. No development shall commence until intrusive site investigations have been carried out on site to establish the exact situation in respect of coal mining legacy features. The findings of the intrusive site investigations shall be submitted to the Local Planning Authority for consideration and approval in writing. The intrusive site investigations shall be carried out in accordance with authoritative UK guidance.

*Reason - To ensure that the site is remediated to an appropriate standard having regard to ground conditions and coal mining legacy.*

06. Where the findings of the intrusive site investigations (required by condition 05 above) identify that coal mining legacy on the site poses a risk to surface stability, no development shall commence until a detailed remediation scheme to protect the development from the effects of such land instability has been submitted to the Local Planning Authority for consideration and approval in writing. Following approval, the remedial works shall be implemented on site in complete accordance with the approved details.

*Reason - To ensure that the site is remediated to an appropriate standard having regard to ground conditions and coal mining legacy.*

07. No development shall take place until a land contamination assessment is submitted to and approved in writing by the Local Planning Authority. The assessment shall include the following;
- a) reference to the existing Phase 1/desk study
  - b) a Phase 2/intrusive site investigation

- c) a Remediation Strategy (if necessary) and
- d) a Validation report

*Reason – In the interests of dealing with any land contamination issue*

### Highways

- 08 There shall be no gates or other barriers to prevent access to the designated turning area at all times, unless otherwise agreed in writing by the Local Planning Authority.

*Reason - In the interests of highway safety.*

- 09 Prior to the occupation of any dwelling, the existing southern vehicular access to Harehill Road shall be permanently closed with a physical barrier and the existing vehicle crossover reinstated as footway in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority.

*Reason - In the interests of highway safety.*

10. No development shall take place until a Construction Management Plan or Construction Method Statement (CMP / CMS) has been submitted to and been approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The statement shall provide for:
- parking of vehicles of site operatives and visitors
  - routes for construction traffic
  - swept paths for construction vehicles expected to enter the site (largest vehicle to be demonstrated)
  - hours of operation
  - method of prevention of debris being carried onto highway
  - pedestrian and cyclist protection
  - proposed temporary traffic restrictions
  - arrangements for turning vehicles

*Reason – In the interests of highway safety.*

11. No part of the development hereby approved shall be occupied until space has been laid out within the site in accordance with the approved plan for cars to be parked and for vehicles to be manoeuvred such that they may enter and leave the site in forward gear. Thereafter all spaces and dedicated manoeuvring areas shall be maintained free from any impediment to their designated use in perpetuity.

*Reason - In the interests of highway safety.*

### Ecology

12. Prior to commencement of the demolition of the building a preliminary bat survey of the site to assess the suitability of the structure for use by roosting bats shall be submitted to the local planning authority for consideration. If the results indicate that the site is suitable for bats or evidence of a roost is found then further emergence surveys would be required during the peak bat activity season (May to August inclusive) to provide survey information compliant with current good practice guidelines. The submitted information shall include mitigation measures and the demolition shall only proceed in accordance with the mitigation measure previously agreed in writing by the local planning authority.

*Reason - To safeguard against the loss of protected species and habitats in accordance with Policy CS9 and the National Planning Policy Framework.*

#### Landscaping

13. The landscaping scheme shown on the Landscape Masterplan shall be carried out in full during the first planting season following completion of the development hereby approved.

*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. 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.*

15. The details within the Tree Protection plan (TPP) reference TPG 03 by Weddle Landscape Design shall be adhered to at all times throughout any land stripping and development.

*Reason - In regards to the protection of trees on site and to ensure compliance with Policy CS9 of the Core Strategy Local Plan 2011-2033*

#### Local Labour

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



*Reason - In order to support the regeneration and prosperity of the Borough, in accordance with the provisions of Policy CS13 of the Core Strategy.*

Others

17. Before occupation of plots 7, 8 and 9 the rooflights shown for plots 7, 8 and 9 shall be obscure glazed to a minimum of Pilkington level 4 and which shall thereafter be retained as such .

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

18. Notwithstanding the provisions of the General Permitted Development Order (or any order re-enacting that order) there shall be no additional roof windows or extensions or alterations to the boundary treatments without the prior written approval of the Local planning authority.

*Reason – In the interests of the amenity of the neighbours and the surrounding local area*

19. Precise details of the means of enclosure of the boundary treatment to Harehill Road shall be submitted to the local planning authority for consideration. The detail agreed in writing shall be carried out on site prior to occupation of any unit and notwithstanding the provisions of the General Permitted Development Order shall be retained as constructed thereafter for the life of the development.

*Reason – In the interests of the amenity of the surrounding local area.*

20. Precise details of the means of enclosure of the bin stores shall be submitted to the local planning authority for consideration. The detail agreed in writing shall be carried out on site prior to occupation of any unit and shall be retained as constructed thereafter for the life of the development.

*Reason – In the interests of the amenity of the surrounding local area.*

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

*Reason – In the interests of residential amenity.*

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

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

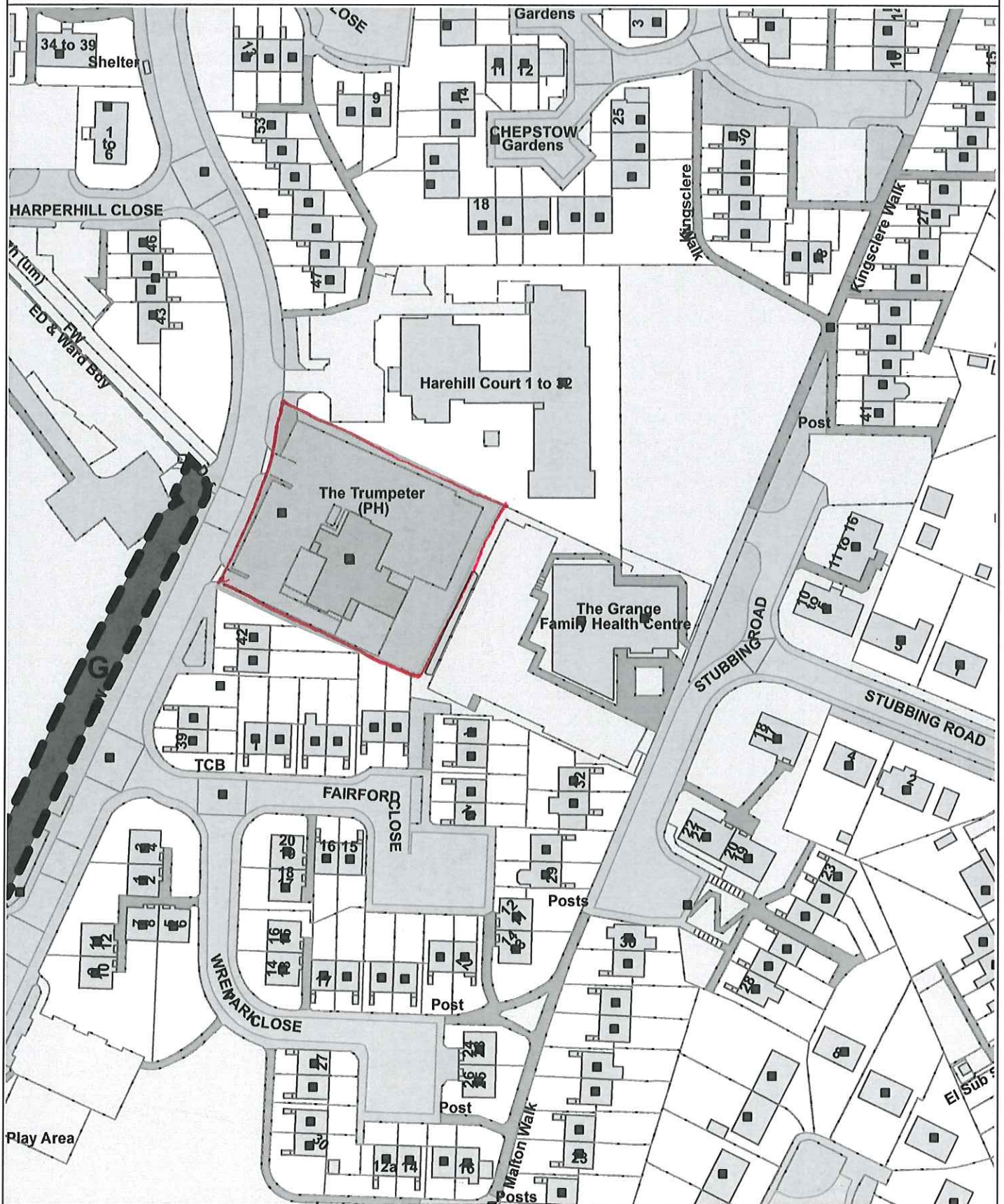
*Reason - The condition is imposed in order to ensure that the proposed materials of construction are appropriate for use on the particular development and in the particular locality.*

23. Electric Vehicle Charging Points (EVCPs) shall be provided in accordance with the approved site layout for at least 2 no. car parking spaces. Thereafter the EVCP's shall be retained and maintained operational for the lifetime of the development.

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

### **Notes**

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



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## **Item 2**

### **PROPOSED DEMOLITION OF EXISTING SEMI-DETACHED PROPERTY AND BUILD NEW DETACHED DORMER BUNGALOW AT WALTON VILLA, 32 MATLOCK ROAD, CHESTERFIELD, DERBYSHIRE, S42 7LD for Mr JOHN SCOTT**

Local Plan: Unallocated  
Ward: Walton

Planning Committee Date: 22<sup>nd</sup> June 2020

#### **1.0 CONSULTATIONS**

Ward members	No representations received
Strategic Planning Team	Comments received – see report
Environmental Services	Comments received – see report
Design Services	No objections – see report
Yorkshire Water Services	No representations received
Adjacent Authority	No representations received
DCC Highways	No objections- see report
Coal Authority	Comments received – see report
Urban Design Officer	No representation received
Neighbour letters and site notice	1 representation received – see report

#### **2.0 THE SITE**

- 2.1 The application site is located on the north side of Matlock Road, approximately 130 metres to the west of the junction of Foljambe Road and Matlock Road. The current property is a two storey semi-detached property. The property, the subject of the application is finished in a red brick, with white upvc windows and doors. There is a small porch at the property which is situated to the west of the application site, inset from the shared boundary by approximately 1.1 metres. The property has a slate roof. There is generous space at the frontage of the application site between the public highway and existing property which allows for at least no. 3 vehicles to be parked.
- 2.2 The semi-detached property is adjoined to a property to the south west. This property (no. 34 Matlock Road) presents as the far south west of the red brick property, as noted above. The remainder of the property is a mix of single storey and two storey; the single storey element of the property is formed of a double garage and porch/entrance way to the property. This is finished in red brick with white garage doors and white upvc windows and door. The



recessed two storey element of this property is finished in render. The character of the adjoining property is considered to be of relevance in this application due to existing and proposed relationship between the application site and the current adjoining property.





- 2.3 The north side Matlock Road is typically characterised by detached properties that are set back from the public highway resulting in generous off street car parking. The properties that front Matlock Road vary in appearance and as a result, there is no defining character to the street scene.
- 2.4 The north west boundary of the application site is currently formed of an evergreen hedge which also encapsulates the rear garden of the application site, and therefore extents of the north east and north west boundary are defined by this hedge. To the front of the application site, the boundary treatments alter. The south east boundary is formed of a stone wall that is approximately 1.8 metres in height. The south west boundary is formed of a timber fence that is approximately 1.2 metres in height. Finally, the south and south east boundary of the application site is formed of a stone wall with black railings.
- 2.5 The property, the subject of the application is located in an established residential area with properties to all boundaries. To the north and north west, and therefore the rear of the application site, the property shares a boundary with number 7 Fulford Close and number 22 Birkdale Drive. To the east of the application site, the property shares a boundary with no. 30 Matlock Road. This is a detached property that is situated immediately adjacent to the boundary shared with the application site. To the south of the application site, and therefore on the opposite side of the public highway, the property shares

a boundary with properties named as Kilbirnie and Woodside. These properties are situated in the neighbouring Local Authority however have been sent consultation letters. Finally, to the west of the application site, the property shares a boundary with, and is adjoined to no. 34 Walton Road.

### **3.0 RELEVANT SITE HISTORY & SURROUNDING SITE HISTORY**

- 3.1 CHE/04/00136/FUL – Replacement of hedge with natural stone wall and railings.

Conditional permission granted 28/04/2004

- 3.2 Relevant surrounding site history

- 3.2.1 36 Matlock Road

CHE/09/00142/FUL – Extension to existing dwelling

Conditional permission granted 21/04/2009

### **4.0 THE PROPOSAL**

- 4.1 The application proposes to demolish the existing semi-detached property and the building of a new detached dormer bungalow.

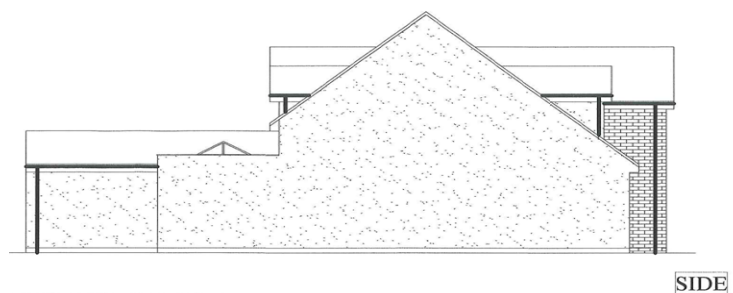


- 4.2 The proposed dormer bungalow will be of contemporary design that is situated approximately 1.5 metres inset from the west boundary of the application site. The proposed bungalow will be inset approximately 2.5 metres from the east boundary at the front elevation, whilst to the rear of the



proposed property (and therefore to the north of the plot), the bungalow will be situated approximately 1.5 metres inset from the east boundary. This is due to the tapering of the defined boundary.

- 4.3 The proposed dormer bungalow will present to the public highway with a width of approximately 11.8 metres. The proposed dormer bungalow will project a maximum of 16 metres on the east side of the property, whilst to the west side of the proposed bungalow, the building is shown to project approximately 12.5 metres to the north of the plot.
- 4.4 The proposed dormer bungalow will have a maximum height of 7.6 metres, with a gable roof design. The proposed bungalow will be 0.1 higher in height than the existing property. The roof of the proposed bungalow will extend further down than the existing roof of the property. The eaves height on the proposed bungalow will have a height of 2.8 metres on the south facing (front) elevation and 4.1 metres on the north facing elevation, whereas the existing dwellinghouse eaves are shown to have a height of 5.8 metres. This is shown in the drawings below.



- 4.5 The extended roof slope of 7.5 metres (at the front elevation) will include no. 2 dormer windows; each will be situated approximately 1.2 metres inset from the east and west elevation respectively. The dormer windows will have a maximum height of 2.4 metres and will be set back from the eaves by approximately 1.2 metres. The dormers will have a width of 1.6 metres and will each include a window which measures 1.2 metres x 1.2 metres. The dormer to the east of the application site will serve light to a bedroom at first floor level whilst the dormer to the west of the

application site will serve light to the dressing room, which is located off the master bedroom.

- 4.6 Located in between these dormer windows, a central projecting feature is proposed. This feature will have an overall width of 3.6 metres and project approximately 1 metre beyond the frontage of the property. The central feature will have a maximum height of 6.5 metres. The proposed feature will include a gable frontage, to reflect the gable fronts of the dormer windows. The eaves of the feature will have a height of 4.6 metres.
- 4.7 At first floor level, the proposed feature projection will include floor to ceiling glazing which has a width of 2.3 metres, and a maximum height of 3.2 metres. This glazing will allow light from the south elevation in to the property at ground floor and first floor level due to the open plan design of the entrance hall. At ground floor level, a large entrance is proposed that has an overall width of 2.2 metres, with a door centrally located between glass each side. The door has a width of 1 metre and a height of 2.2 metres. The glazing either side will also have a height of 2.2 metres.
- 4.8 At ground floor level, to the east, the property will have a window that will measure 1.8 metres x 1.2 metres. This window will serve a ground floor bedroom.
- 4.9 To the south west side of the property, the ground floor is shown to provide access to an integral garage. This garage will have internal measurements of 3.7 metres x 6.2 metres. The entrance door is shown to be 2.4 metres in width. At ground floor level, the scheme will provide a large kitchen and dinning area to the rear of the property, a utility room with a W/C, a ground floor bedroom with an ensuite. At first floor level, the proposed dormer bungalow has the master bedroom with a large dressing room, and a further no. 2 bedrooms, as well as the main bathroom. The scheme therefore identifies no. 4 bedrooms.
- 4.10 To the rear and therefore the north west elevation of the proposed bungalow, the property will include additional single storey projections beyond the dormer bungalow. The first floor of the dormer bungalow will include no. 3 dormer windows, to reflect those detailed at the front. The dormer proposed to the east of the application site will be the same as the dormer on the front elevation, whilst the dormer to the west of the north west elevation will include doors and a Juliet balcony, rather than a window. The doors proposed in the balcony to the west will serve the master bedroom at the property. The dormer to the east of the north west facing elevation, will serve light to the bedroom located to the rear of the application site. The central feature, will also appear in the rear elevation; only at the rear it is flush with the property to create an enlarged dormer. This will include a smaller window than that

proposed in the south east facing elevation. The window will measure 1.2 metres x 1.1 metres and will serve light to the main bathroom of the property.

- 4.11 At ground floor level, at the rear, to the east of the application site, the proposal includes a single storey element that projects 6.6 metres beyond the dormer bungalow. The width of this element of the proposal is indicated to be 4.7 metres. The overall maximum height of the single storey element is proposed to be 3.8 metres, with the eaves height being 2.9 metres. The roof is to be a dual pitched roof.
- 4.12 The single storey rear projection is shown to include bi-fold doors in the north west facing elevation only. There will be no. 3 velux windows included in the east facing roof slope, each will measure 0.9 metres x 0.3 metres. These will provide light to the kitchen/dining area to the property.
- 4.13 To the centre of the rear elevation, and extending to the west, there is a smaller projecting single storey element to the proposal. This is indicated to project 3.3 metres beyond the dormer bungalow. This will have a width of 7.2 metres. The overall maximum height of this element of the development is shown to be 3.5 metres; this height is as a result of a roof lantern proposed in the flat roof. The eaves and the flat roof will have a height of 3.1 metres.
- 4.14 This single storey rear element of the proposal is shown to include bi-fold doors in the north west elevation only. These will extend 3 metres across the north west facing elevation. The previously mentioned roof lantern will be inset approximately 2 metres from the extent of the flat roof.
- 4.16 In the east facing elevation of the proposed dwelling, no. 1 side door access is proposed, and no. 2 ground floor windows. The windows will measure 0.6 metres x 0.9 metres. No windows or doors are proposed in the west facing elevation.
- 4.17 The application form details existing boundary treatments to be retained as existing.
- 4.18 The application form and relevant drawings indicate the proposed dormer bungalow to be finished in predominantly render, with the feature projection on the south facing (front) elevation being finished in brick, with a tile roof. All windows and doors are proposed to be finished in upvc. The following material specifications have been detailed on drawing labelled *Proposed elevations, Rev A, Scaled 1:100 @A3*:
- Walls to be rendered (colour unknown)
  - Main entrance – reclaimed brick from original dwelling
  - Roof tile – Marley modern, grey

- 4.19 In an email from the agent, acting on behalf of the applicant, dated 23<sup>rd</sup> May 2020 (and available for public viewing), the agent confirms that the client is to build the newly exposed east facing elevation of no. 34 Matlock Road in red brick. This wall is exposed as a result of the demolition of the current semi-detached property. The agent confirms the willingness to have this information conditioned to any decision granted. Additionally, the agent also confirms that the correct and necessary steps will be taken to ensure the property known as no. 34 Matlock Road is remediated accordingly, and all agreements will be in place with the owners of the neighbouring property (no. 34 Matlock Road).
- 4.20 The application submission is supported by the following plans/ documents:
- Application form
  - Drawing – Site location plan
  - Drawing – Block Plan
  - Drawing – Cross Section A, D, and F
  - Drawing – Drainage layout
  - Drawing – Existing elevations and existing floor plans
  - Drawing – Proposed elevations and proposed ground and first floor layout
  - Drawing – Proposed landscaping
  - Drawing – Proposed layout
  - Drawing – Site compound
  - Planning statement

## **5.0 CONSIDERATIONS**

### **5.1 Planning policy**

- 5.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 require that, “applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise”. The relevant Development Plan for the area comprises of the saved policies of the Replacement Chesterfield Local Plan adopted in June 2006 (RCLP) and the adopted Chesterfield Borough Local Plan: Core Strategy (2011 – 2031).

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

- CS1            Spatial Strategy
- CS2            Principles for Location of Development
- CS3            Presumption in favour of sustainable development
- CS4            Infrastructure Delivery

- CS6 Sustainable design and construction
- CS7 Managing the water cycle
- CS8 Environmental Quality
- CS9 Green Infrastructure and biodiversity
- CS10 Flexibility in the delivery of housing
- CS18 Design
- CS20 Influencing the demand for travel

### 5.3 **Other relevant Policy and Documents**

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

### 5.4 **Key Issues**

- Spatial Strategy and Principle of development
- Design and appearance of the proposal
- Impact on the neighbouring residential amenity
- Highways safety, parking provision and air quality
- Biodiversity
- Flood risk and drainage
- Environmental quality and land stability
- Community Infrastructure Levy (CIL)

### 5.5 **Spatial Strategy and principle of development**

5.5.1 The application site is located in an established residential area on a main arterial route between Matlock and Chesterfield. The road is also served by a bus route, the operating route is the X17 Gold which operates between Matlock, Chesterfield, and Sheffield.

5.5.2 To assess the principle of the development and determine if it accords with planning policy, it was necessary to consult with the **Strategic Planning Team**. The comments received are detailed below:

5.5.3 *“The current development plan for Chesterfield Borough consists of the Local Plan Core Strategy (2013) and the saved policies of the Replacement Chesterfield Borough Local Plan (2006). However, there is also the emerging Local Plan (2018 to 2035) – this is currently being examined and was the subject of hearing sessions in October/November 2019. The Inspectors’ initial response has indicated a number of modifications that are currently being consulted on. Weight should be given to the emerging policies in accordance with the criteria of para 48 of the NPPF. Where this is relevant to the determination of this application it is highlighted below.*

## *PRINCIPLE OF DEVELOPMENT*

*The application involves replacement of a dwelling within a residential curtilage. The NPPF does not include residential gardens within the definition of Previously Developed Land but is unclear on how replacement dwellings should be dealt with. Although there is an existing dwelling on the site it also includes part of garden. Therefore the policies of the Local Plan relevant to greenfield sites should be considered.*

*The key policy considerations in determining this application will therefore relate to policies CS1, CS2, CS10 and CS20 of the Core Strategy.*

*The site also falls within the extent of the 'Urban Area' proposed as a modification to the emerging Local Plan Policies Map, for the application of emerging policy LP4. The implications of this and weight to be given to the emerging plan are discussed further below.*

*The council can demonstrate a five year supply of suitable housing sites (<https://www.chesterfield.gov.uk/media/990534/excbc002-five-year-supply-position-april-2019.pdf>) and the main policies for the determination of the application are considered up to date and in accordance with the NPPF. Paragraph 11(d) of the NPPF (the presumption in favour of sustainable development) is therefore not engaged and the application should be determined according to the policies of the Local Plan and other material considerations.*

### *Location of Development*

*Policies CS1 and CS2 seek to concentrate new development within walking and cycling distance of centres. Policy CS20 seeks to maximise walking, cycling and the use of public transport through the location and design of development. Paragraph 103 of the NPPF also states that planning should actively manage patterns of growth to support the use of public transport, walking and cycling. The council's Residential Design SPD indicates a distance of 800m to a centre is considered 'walkable'.*

*The application site is over a 800m to a range of facilities including a Local Centre, GP services and the nearest Infant School (Whitecotes Primary School). That said, there is a local Spar store close to the site and it is close to bus stops with services to Chesterfield Town centre (the hourly X17 service from Matlock).*

*Bearing in mind the small scale of the development proposed – a single replacement dwelling, it is unlikely that it will have any significantly greater*

*impact than the existing dwelling or generate more vehicle trips. The site is within the urban area (and will be within the Urban Area as defined in the new Local Plan). I am satisfied that the proposed development is sustainably located and is broadly in line with the Spatial Strategy as set out in policies CS1 and CS2.*

#### *Loss of Greenfield Site*

*Policy CS10 of the Core Strategy seeks to restrict housing led development on greenfield sites where the council can demonstrate a five-year supply of suitable housing sites. The council can also demonstrate a five-year supply of suitable housing sites. The proposal is therefore technically in conflict with policy CS10.*

*The replacement policy for CS10, LP4, moves the emphasis purely from greenfield sites to sites 'outside the urban area'. A modification to the emerging policies map has been prepared at the request of the Local Plan Inspectors establishing the extent of the urban Area, which would include the application site. Only limited weight should be given to the proposed boundary as it has not yet been the subject of consultation (which is expected to begin in March of this year following a report to the council's Cabinet on 25th February), but it is relevant in demonstrating the direction of travel for emerging policy. I would note that, if applied as proposed to be modified, the proposal would not be in conflict with policy LP4.*

*On this basis the technical loss of a greenfield site would not compromise the purposes of policy CS10 or the Core Strategy generally and limited weight should be given to this conflict in the circumstances.*

#### *OTHER MATTERS*

*Should planning permission be granted, the adopted and emerging Local Plan policies would require the following:*

- Electric Vehicle charging provision (one point per property) – secured by condition*
- A condition requiring measures to result in a net gain of biodiversity through planting, nesting and roosting provision*

*The development would be CIL liable. The site falls into the CIL high zone. With index linking the CIL rate is currently £92.78 per sqm gross internal floorspace. Any potential CIL charge may be affected by existing floorspace and possible exemptions and reliefs available in specific circumstances (eg: custom and self-build) but, if relevant, these must be applied for prior to any*

*commencement on site. The applicant should be made aware of these exemptions and the necessity of applying for them (if relevant) in a timely manner and asked to complete CIL form 1.*

#### **SUMMARY**

*The proposed development does not conflict with the objectives of policies CS1, CS2, CS10 and CS20 of the adopted Local Plan.*

*If approved, conditions should be applied as set out above and the development would be CIL liable.*

#### **5.5.4 Considerations**

As noted above, the application site is currently occupied by a residential property, and associated garden area, as well as being situated within an established residential area. The immediate street scene is residential in character. Policies CS1, CS2, and CS10 of the Core Strategy and the wider National Planning Policy Framework (NPPF) are therefore considered to apply when determining the principle of the development. In addition, the Council's Supplementary Planning Document on Housing Layout and Design "Successful Places" is also a material consideration.

Core Strategy CS1 seeks to concentrate development within walking and cycling distances of local centres. The application site is not located within 800 metres of the defined local centre, in this case Walton. However, as outlined in the Local Planning Authority's SPD, "*Successful Places: A guide to sustainable housing layout and design*" (adopted July 2013), it is indicated that a sustainable location may be considered to be a site that has a bus stop within 400m (or a 5 minute walk) of the site. There is an identified bus stop within 200 metres of the application site. It is therefore accepted that the proposal does not fully meet the requirements of Core Strategy Policy CS1.

Notwithstanding this, Core Strategy Policy CS2 details the principles for the location of development. Part b) requires development to utilise previously developed land. The application site is currently known as 32 Matlock Road and hosts a semi-detached property; therefore the site is currently developed. Part f) of Core Strategy CS2 also requires development to "*maximise opportunities for walking and cycling and the use of public transport (CS20)*". As identified the application site is located within 200 metres of bus stop and it is therefore considered to comply with Part F of CS2. Core Strategy CS10 seeks to restrict housing led development on greenfield sites, of which the application site is considered to consist of due to the garden area of the application site, when a five year housing supply is demonstratable. The proposal is therefore in conflict with the provisions of CS10, given the LPA is



able to demonstrate a five year housing supply. However, as highlighted by the Strategic Planning Officer, the emerging Local Plan identifies an emphasis on greenfield sites to sites “outside the urban area”. The emerging local plan indicates that the application site is in the defined extent of the urban area.

The Strategic Planning officer notes other matters that are also of consideration when determining this application. These other matters, which have been addressed in other sections of this report and include an electric charging point (CS2 and CS8) (see Section 5.8); net biodiversity gain (CS9) (see Section 5.9) and Community Infrastructure Levy (see Section 5.12).

On balance, the proposal is considered to be acceptable in principle with regards to CS1 and CS2. Due to the emerging local plan, greater weight is now given to LP4, which will replace CS10. The process is all but completed now and the new local plan is likely to be adopted by full Council at its meeting on 15<sup>th</sup> July 2020. The proposal would not be in conflict with LP4 due to the adjustment to the emphasis of greenfield sites that are not within an urban area. To give CS10 less weight in this application is considered to be an appropriate approach due to the application site being located within an established residential area and already hosts a semi-detached dwelling. Development is generally considered to be acceptable in accordance with CS1 and CS2. This is subject to material considerations which will be covered in the following sections of this report. The considerations discussed will include impact on neighbouring properties, highway safety and parking provision, biodiversity, environmental quality and land stability (covering policies CS2, CS8, CS9, CS18 and CS20 and the Council’s adopted SPD “Successful Places”).

## **5.6 Design and appearance of the proposal**

- 5.6.1 Core Strategy Policy CS18 states that *“all development should respect the character, form and setting of the site and surrounding area by virtue of its function, appearance and architectural style, landscaping, scale, massing, detailing, height and materials.”*
- 5.6.2 Core Strategy Policy CS2 states that *“All developments will be required to have an acceptable impact on the amenity of users or adjoining occupiers, taking into account things such as noise, odour, air quality, traffic, appearance, overlooking, shading, or other environmental, social or economic impacts.”*
- 5.6.3 As noted, the surrounding residential area is characterised by predominantly detached properties, that vary in architectural style. The street scene displays a mixture of red brick and render, with smooth and pan roof tiles.

- 5.6.4 The proposed development consists of a rendered bungalow with a reclaimed (from the current property) red brick detail feature to the front. The proposal has consideration for the street scene with the immediate surrounding properties being set back from the public highway. The proposed dormer bungalow is also set back from the highway and is shown to be situated in the established building line. The proposed dormer bungalow is also shown to be similar in height as the existing dwelling. This is considered to be acceptable given the surrounding properties are both two storey.
- 5.6.5 The proposal is therefore considered to be acceptable in design, scale and siting and as such would not appear unduly prominent within the existing street scene.
- 5.6.6 The application form and submitted drawings state the proposed dormer bungalow will be finished in render, however the colour of which has not been detailed. It is therefore recommended that formal clarification of the colour of the rendering to be controlled by a condition requiring the submission of details prior to ordering. The brick to be used in the feature at the frontage of the application site is detailed to be reclaimed brick from the existing property and the roofing is proposed to be “Marley Modern- Grey”. Both of these materials are considered to be appropriate for the context of the application site and are therefore considered to be acceptable.
- 5.6.7 The “Successful Places” SPD indicates that a four bedroom dwelling would require a minimum of 90 square metres out door amenity space. The outdoor amenity space provided at the application site exceeds this requirement as it provides approximately 220 square metres amenity space. It is considered the outdoor amenity space and internal accommodation in the proposed dormer bungalow would be of an acceptable standard for future occupiers.
- 5.6.8 The submitted plans indicate the existing boundary treatments will remain at the application site, as will the existing established garden. This can be seen in the photos below. As the garden is established at the application site, it is not considered necessary to require a soft and hard landscaping condition be attached to any decision granted.



5.6.9 To the south of the application site, and therefore the front, the proposed vehicle hard standing area is detailed to remain as existing. This is also considered to be acceptable and no further information is considered to be required.

5.6.10 Having consideration for the observations above, the proposal is considered to be acceptable with respect to layout and design. It is not considered that the proposal would result in significant adverse impacts on the visual amenity and character of the area. The proposal will therefore accord with the design provisions of policy CS2 and CS18 of the Core Strategy and the wider NPPF.

## **5.7 Impact on the neighbouring residential amenity**

5.7.1 Core Strategy Policy CS2 states that *“all developments will be required to have an acceptable impact on the amenity of users or adjoining occupiers taking into account things such as noise, odour, air quality, traffic, appearance, overlooking, shading or other environmental, social or economic impacts.”*

5.7.2 Core Strategy Policy CS18 also states that development must *“k) have an acceptable impact on the amenity of users and neighbours.”*

5.7.3 The application site is located in an established residential area, surrounded by other residential dwellings. Potential impacts of the proposed development will be considered below.

5.7.4 To the north and north west, and therefore the rear of the application site, the property shares a boundary with number 7 Fulford Close and number 22 Birkdale Drive. To the east of the application site, the property shares a boundary with no. 30 Matlock Road. To the south of the application site, and therefore on the opposite side of the public highway, the property shares a boundary with properties named as Kilbirnie and Woodside. Finally, to the

west of the application site, the property shares a boundary with, and is adjoined to no. 34 Walton Road.

#### **5.7.5 Impact on no. 34 Walton Road**

Number 34 Walton Road currently forms the other semi-detached property that the property the subject of the application adjoins to. Therefore, it is recognised there may be further impacts to this property than other neighbouring properties.

5.7.6 In line with the requirements of CS2 requiring all developments to have an acceptable impact on the appearance of adjoining neighbours, it is appropriate to consider the impact of the demolition of the east property which forms one of the semi-detached properties.

5.7.7 Following correspondence with the agent, the agent confirmed that the applicant would brick the exposed wall in red brick to match the existing property. The agent is happy to provide this information as a condition of any planning consent granted.

5.7.8 Whilst it may not be possible, it is considered that reclaiming bricks from the existing dwelling would be a more suitable solution to brick the exposed east elevation of no. 34 Matlock Road. It is considered that by doing this, the bricks will be aged and weathered similarly and therefore result in the east elevation of no. 34 Matlock Road blending better with the remainder of the red brick at the property. A condition will therefore be applied to any decision granted requiring reclaimed bricks where possible, or bricks which are similar in appearance. It is noted that the application proposes to use reclaimed bricks from the site for the projecting feature of the proposed bungalow and therefore this would be encouraged for the east gable elevation of no. 34 Matlock Road.

5.7.9 Similarly, CS2 requires development to have an acceptable environmental impact on adjoining properties. Whilst not necessarily a planning consideration and more related to Building Control, the applicant has also confirmed an application for the property known as no. 34 Matlock Road, as well as the proposed new dwelling at no. 32 Matlock Road, in respect of foundations and underpinning, will be submitted to building control for consideration. This confirms that the relevant and necessary structural works to the remaining property at no. 34 Matlock Road will be carried out. It is therefore considered by ensuring the correct ground works are carried out at no. 34 Matlock Road to ensure the property is correctly supported, the proposal complies with CS2.

- 5.7.8 The application does not propose to include any windows in the west facing elevation of the property, therefore potential adverse impacts of overlooking are considered to be minimal.
- 5.7.9 It is noted that the proposal includes a Juliet balcony to the west of the north west facing elevation of the dormer bungalow. This is not considered to have harm on the neighbouring property to the west due to the doors being situated further north in the plot than any windows in neighbouring property. In addition, the design of the balcony (being a Juliet balcony) does not create a raised platform area that would provide opportunities for overlooking.
- 5.7.10 Finally, due to the location of the application site in respect of no. 34 Matlock Road, it is considered there will be minimal impacts of overshadowing as a result of the proposed dormer bungalow.
- 5.7.11 Impact on no. 30 Matlock Road**
- Number 30 Matlock Road is located to the east of the application site. There are currently no. 2 windows at ground floor level in the west facing elevation of no. 30 Matlock Road. Due to the size of the windows and the location of each, the windows are not considered to be the main/sole window to each of the rooms they serve. The window to the north of the west facing elevation is currently obscured from view (when viewed from no. 32 Matlock Road) due to the garage that is located in close proximity to the application boundary.
- 5.7.12 In addition, only no. 1 of these windows will align with the proposed door and window at ground floor level to the dormer bungalow. The window located to the north of the west facing elevation will be in a similar location to the proposed doorway in the east facing elevation of the dormer bungalow.
- 5.7.13 As a result of the proposal, both of the windows in the west facing elevation of no. 30 Matlock Road are shown to be more readily viewable from no. 32 Matlock Road as a result of demolishing the existing garage at the application site.
- 5.7.14 As the windows located in the west facing elevation of no. 30 Matlock Road are at ground floor level, as are those proposed in the east facing elevation of no. 32 Matlock Road, it is considered these can be screen by means of a boundary treatment if it is felt necessary. Therefore, the windows are considered to have a negligible impact that can be mitigated and therefore acceptable.
- 5.7.15 To the rear of the application site (the north west), the dormer bungalow extends beyond the rear elevation of no. 30 Matlock Road by approximately 7.5 metres, 6.6 metres of this projects at a height of 3.8 metres. This projection will be inset a minimum of approximately 1.5 metres from the east boundary of the site.

5.7.16 It is noted that this proposed scheme projects further beyond the rear elevation of the current property, which projects by approximately 3.5 metres. As the proposed projection is single storey, it is considered that the impacts of such will be negligible on the neighbouring property, no. 30 Matlock Road. Furthermore, the proposed projection is situated a minimum of 1.5 metres away from the shared boundary. This helps to mitigate any overshadowing as a result of the proposal.

#### 5.7.17 **Impact on all other boundary sharing neighbours**

Due to the scale and orientation of the proposed development relative to the other neighbouring dwellings, it is not considered that the development would cause any significant injury to the residential amenity of the neighbours with respect to overshadowing and overlooking.

5.7.18 The **Environmental Health Officer** reviewed the proposal and the comments received are as follows:

*“To minimise noise impacts on the existing residential dwellings, I recommend that both ‘demolition work’ and ‘construction work’ shall only be carried out between the hours of 08:00am to 6:00pm, Monday to Friday and 09:00am to 5:00pm on a Saturday. Demolition and construction work shall not be carried out on Sundays or Public Holidays. The term ‘demolition work’ and ‘construction work’ shall include mobile and fixed plant/machinery, (e.g. generators), radios, and the delivery of construction materials.*

*NB. The above condition takes into account current guidance issued by Derbyshire County Council, Highways Agency and all Utility companies.”*

5.7.19 To protect the amenity of the neighbouring properties, it is considered reasonable to restrict the hours of construction. It is therefore considered that an appropriate planning condition can be imposed on any consent granted to restrict the construction hours accordingly.

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

### 5.8 **Highways Safety, Parking Provision and Air Quality**

5.8.1 Core Strategy Policy CS18 states that development will be expected to “*part g) provide adequate and safe vehicle access and parking*”.

5.8.2 Core Strategy Policy CS20 states that development proposals should demonstrate “*c)... appropriate parking provision in accordance with the*

*guidance set out in Appendix G” and requires the installation of electric charging facilities (part e).*

5.8.3 Core Strategy Policy CS2 states that *“All developments will be required to have an acceptable impact on the amenity of users or adjoining occupiers, taking into account things such as noise, odour, air quality, traffic, appearance, overlooking, shading or other environmental, social or economic impacts.”*

5.8.4 The **Local Highways Authority**, Derbyshire County Council Highways, were consulted on the scheme and provided the following comments:

*“No highway objections to the replacement dwelling, subject to adequate off street parking being demonstrated clear of sufficient manoeuvring space to enable all vehicles to enter and exit the site in a forward gear. Please note that current recommendations are that off-street spaces should be of 2.4m x 5.5m minimum dimension (2.4m x 6.5m where in front of garage doors) and single garages 3.0m x 6.0m minimum internal dimension to be counted towards parking provision.”*

5.8.5 The **Environmental Health Officer** was also consulted on this proposal, and the comments received are detailed below:

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

5.8.6 The comments from the Local Highways Authority have been noted. The proposal will provide off-street parking for a minimum of no. 3 vehicles. One space is provided in the garage and the other no. 2 are provided on the hardstanding at the property.

5.8.7 Appendix G of the Core Strategy states that for a 4 bedroom dwelling a recommended maximum of 3 off-street parking spaces should be provided. It is worth noting that this is a recommended “maximum” and Appendix G continues to state that the level of parking provision should be appropriate based on the site context, availability of on street car parking and accessibility of the development. It is considered that the site could provide three off street car parking spaces, and conditions could be imposed requiring the parking to be made available for the life of the development.

5.8.9 In relation to the air quality, one electric charging point for the new dwelling should be installed as part of the build phase of the dwelling and this shall be controlled by condition.

5.8.10 Subject to the imposition of conditions detailed above, the proposal is considered to accord with the provisions of CS2, CS18, and CS20 of the adopted Core Strategy.

## **5.9 Biodiversity**

5.9.1 Core Strategy Policy CS9 – Green Infrastructure and Biodiversity states that *“Development proposals will be expected to demonstrate that they will not adversely affect, or result in the loss of, features of recognised importance’ and the enhancement of the borough’s biodiversity (f).”*

5.9.2 The site, the subject of the application is currently occupied by a residential dwelling with an established garden to the front and rear of the application site.

5.9.3 It is considered that the demolition of this property is unlikely to adversely impact or result in the loss of habitats for protected species, such as bats. The presence of bats at the application site is considered unlikely due to the well maintained property offering limited opportunities for roosting. Notwithstanding this, prior to the demolition of this property, it is considered necessary to undertake a bat emergence survey to establish the presence of bats, or not. Mitigation measures will also need to be agreed prior to demolition to ensure that any bats found (which are a protected species) are dealt with in the correct manner. A planning condition will be attached to this decision notice to ensure the applicant provides the necessary information.

5.9.3 As highlighted by the **Strategic Planning Officer**, in accordance with CS9, the development is also required to result in a biodiversity net-gain. As identified, the existing curtilage of the property is an established garden area with a mix of mature shrubs and planting.

5.9.4 It is therefore considered reasonable to request the provision of bird/bat boxes to be provided in the scheme as a net gain at the application site. The provision of such will be ensured through the provision of a suitably worded planning condition.

## **5.10 Flood Risk and Drainage**

5.10.1 Core Strategy Policy CS7 Managing the Water Cycle states that *“The council will require flood risk to be considered for all development commensurate with the scale and impact of the proposed development” and “Sustainable Drainage Systems (SuDS) should be incorporated into all development, unless it can be demonstrated that this is not appropriate in a specific location. The council will seek the maximum possible reduction in surface water run off rates based on the SFRA or most recent national guidance”.*



5.10.2 The application site is located in Flood Zone 1, as defined by the Environment Agency and is therefore considered to be at low risk of flooding. Having regards to the provisions of CS7 and the wider NPPF, the application was referred to the Council's **Design Services (Drainage) Team** and **Yorkshire Water** for comments in respect of flood risk and drainage/waste water. The comments received are detailed below:

5.10.3 No comments have been received from **Yorkshire Water**, however **Design Services (Drainage) Team's** reviewed the application and provided the following response:

*"The site is not shown to be at risk of flooding, according to Environment Agency Flood Maps. Any new drainage for the proposed dwelling or any amendments to the existing drainage on site may require Building Control approval. Any new connections to the public sewerage system will need prior consent from Yorkshire Water".*

5.10.4 Policy CS7 requires all development to consider sustainable drainage systems to deal with surface water arising as a result of the development. As the application details there to be no changes to the frontage of the application site and the rear garden, it is considered that the application site demonstrates mitigation to surface water drainage through the provision of the grass at the front of the application site. An informative note should also be imposed highlighting any new connections to the public sewerage system will need prior consent from Yorkshire Water.

## **5.11 Environmental Quality and Land Condition**

5.11.1 Core Strategy Policy CS8 states that *"Unstable and Contaminated Land: Proposals for development on land that is, or is suspected as being, contaminated or unstable will only be permitted if the land is capable of remediation and fit for the proposed use and shall include: a) a desk top survey with the planning application b) a phase II study and strategy for remediation and final validation where the desk top survey (a) indicates remediation may be necessary, on any full or reserved matters planning applications A programme of remediation and validation must be agreed before the implementation of any planning permission on contaminated and/or unstable land. The requirement to undertake this programme will be secured using planning conditions.'*

5.11.2 The planning application site lies in an area considered to be at high risk of former coal mining legacy, having regard to the requirements of the NPPF and Policy CS8 of the Core Strategy, the application was referred to **The Coal Authority** for comments.

5.11.3 Initially, **The Coal Authority** responded on 31/03/2020, indicating the Authority had fundamental concern in relation to the application. The Coal Authority stated

*“In accordance with the agreed risk-based approach to development management in the defined Development High Risk Areas, the applicant should be informed that they need to submit a Coal Mining Risk Assessment Report, or equivalent report, to support this planning application. As no relevant information has been submitted at this time the Coal Authority objects to this planning application.”*

5.11.4 On the basis of the comments received above (full response available to view online), the applicant highlighted the information relating to coal mine workings in the Planning Statement. It was noted that this document was not visible to The Coal Authority at the time of consultation. **The Coal Authority** were reconsulted on the basis of this information being available. The comments, received on 15<sup>th</sup> April 2020, are provided below:

5.11.5 *“The Coal Authority previously commented on this planning application in a letter to the LPA dated 31 March 2020. We had requested that the applicant submit a Coal Mining Risk Assessment or equivalent report in support of their planning application.*

*It still does not appear that the applicant has submitted a Coal Mining Risk Assessment. However, the Planning Statement (Orange Design, March 2020) which accompanies this planning application clearly references that an intrusive site investigation will be carried out due to the site falling within an area of probable unrecorded coal mine workings at shallow depth. It states that these investigations will determine the foundation type for the proposed built development.*

*The Coal Authority considers that this statement reflects the applicant's intention to undertake investigations despite no desk-based study being undertaken. We expect that intrusive site investigations should determine the exact ground conditions and the presence or otherwise of shallow mine workings. This usually requires boreholes being sunk to at least 30m bgl. If workings are encountered within shallow depths with the potential to influence surface stability then the Coal Authority will expect that an appropriate scheme of remediation (drilling and grouting) to be undertaken to consolidate the ground. This is necessary to ensure that the application site is safe, stable and suitable for development in accordance with paragraphs 178-179 of the National Planning Policy Framework; regardless of foundation design.*

*The exact form and extent of intrusive site investigations need to be agreed with the Permitting Section of The Coal Authority as part of the applicant's permit application. These intrusive site investigations should be prepared and conducted by a suitably competent person and findings used to inform an appropriate scheme of remedial measures if necessary. In addition, it would*

*be prudent if consideration was also afforded to the risk posed by mine gas to the application site and proposed development.”*

5.11.4 The Coal Authority continue their response to detail the recommended conditions and the reasoning for such conditions. The full response from the Coal Authority is available for public viewing on the public access system. The recommended conditions can be found in Section 10 of this report. The conditions are considered reasonable to ensure the correct mitigation measures are identified and carried out at the application site in respect of the Coal Mining legacy.

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

5.12.1 The application proposes the creation of a new dwelling, and the development is therefore CIL liable.

5.12.2 The site, the subject of the application, lies within the high CIL Zone. As noted by the **Strategic Planning Officer**, *“With index linking, the CIL rate is currently £92.78 per sqm gross internal floorspace. Any potential CIL charge maybe affected by existing floorspace and possible exemptions and reliefs available in specific circumstances...”*

5.12.3 The floorspace of the proposed development has been calculated as 238.78 square metres. The existing floor space from the existing dwelling was deducted to give a net gain of floor space of +162.29 square metres.

This was calculated on the following basis:

Existing dwelling house floor space: 76.49 square metres

Proposed new dwelling floor space: 283.78 square metres

→ 283.78 – 76.49 = a net gain of 162.29 square metres.

This figure will be added to the calculations below:

5.12.4 Based on the calculations of gross internal floor space, CIL liability is calculated as set out below:

		<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>
<b>Development type</b>	<b>Proposed floor space (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 2020</b>	<b>CIL Charge</b>

Residential (C3)	239	162	£80.00 (High Zone)	334	288	£15,030
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#### Calculation:

CIL Charge (E) is calculated as outlined below:

Net Area (A) x CIL Rate x BCIS Tender Price Index (at date of permission) (C)

BCIS Tender Price Index (at date of charging schedule) (D)

Therefore, the CIL charge liable for this application is as follows:

$$\frac{162 \times £80 \times 334}{288} = £15,030.00$$

5.12.5 If the applicant considers an exemption to the CIL levy is applicable (e.g. custom and self build), such exemptions must be applied for prior to any commencement on site. The applicant will need to apply for such exemption in a timely manner and complete a CIL Form 1.

## **6.0 Representations**

6.1 The application has been publicised by neighbour notification letters to boundary sharing neighbours, which were posted on 17<sup>th</sup> March 2020; deadline for responses being 9<sup>th</sup> April 2020. A site notice was also displayed at the application site on 7<sup>th</sup> May 2020, deadline for responses being 30<sup>th</sup> May 2020.

One letter of representation have been received as a result. The letter is received from the daughter of her parents who live in the property adjoining the application site, and she also co-owns the property. The representation, received on 7<sup>th</sup> April 2020 is detailed below:

6.2 *“Thank you for your letter dated 17 March 2020, which was sent to my parents who reside at the adjoining semi-detached property known as ‘Iona’ No. 34 Matlock Road. I have an interest in the property as a co-owner.*

*The properties of No. 32 and No. 34 are unusual in so far as the location of the dividing common boundary, and they are made up of a two-storey red brick building and a set back rendered building (which was a later addition that enabled the property to be divided into two). Subsequently the floorspace of the main red brick building is divided between the two properties. The far LH side ground floor (GF) and first floor (FF) rooms of the red brick building form the living room and master bedroom of No 34; whilst the central windows and far RH side windows (GF and FF) form No 32.*

*I can confirm that whilst I have no objections to the proposals to demolish No. 32 and build a new dormer bungalow, the plans which have been submitted do not include any detail of the construction or finish of the new gable end wall which will be required to be built following partial demolition of the red bricked building. I assume that the works will require underpinning or new foundations to be built and tied back into No 34, but the current plans do not show this. I also have some reservations about the proposed finish of the new gable end that will be required to be formed and the materials which are to be used. This is not detailed but it will be necessary to ensure that they are an appropriate match to the existing red bricks or even more desirable if they can be reclaimed from the demolition works for this purpose.*

*I trust that these matters will be considered and clarified.”*

#### Officer's comments

The unusual location of the dividing boundary was noted by the case officer during a visit to the application site, and attention was drawn to the remaining red brick element of the property that will remain at no. 34 Matlock Road, following the demolition of no. 32 Matlock Road.

Following a site visit, the case officer contacted the agent to outline concerns for the newly exposed gable wall to be finished in render (as detailed in emails dated 31<sup>st</sup> March 2020). The proposed render was not considered to be the most appropriate material for the exposed gable wall due it forming part of the red brick element of the property.

The agent emailed the case officer back (on 23<sup>rd</sup> May 2020) to indicate that the applicant would build the new gable wall in the east elevation of no. 34 Matlock Road in red brick and would be able to provide a sample following a decision being issued.

The indication to build the gable wall in materials that are of a similar appearance is appropriate and it is suggested the use of reclaimed bricks from the site will be the most appropriate solution for this gable wall. The reasons for which have been highlighted in Section 5.7 of this report.

The agent also confirmed that the necessary underpinning will be carried out in accordance with Building Regulations whilst all necessary consents and notices will be served to the owners of no. 34 Matlock Road.

#### 6.3 The representation continues, and reads as follows;

*“In terms of the overall design of the proposed dormer bungalow these are considered in my opinion to be acceptable. The siting, scale and layout of the development proposals are unlikely to adversely impact upon the amenity or privacy of No. 34.*

*I note the comments which have been made by the Coal Authority in their consultee response dated 31 March 2020, requesting that a Coal Mining Risk Assessment (CMRA) is submitted and I support this. I do not believe the Planning Statement provided by the Agent dated 02 April 2020 addressed this matter sufficiently and a CMRA should be requested to be properly corroborated by the Coal Authority.*

*I also note that the commentary provided by the Agent in an email dated the 31 March 2020 indicates that the finish of the new gable end wall is to be rendered to match the existing property. I would however emphasise my comment above that a matching brickwork finish would be more desirable.*

*I fully understand that a number of the points I have raised above fall outside of the planning remit and relate to party wall / civil matters, however where they are material to the merits of the planning application I would appreciate if they are recorded and taken into account, nonetheless."*

#### Officer's comments

Following receipt of the representation comments from the Coal Authority were received on 15<sup>th</sup> April 2020. The comments, as outlined in Section 5.11 indicate that The Coal Authority is satisfied that necessary investigation works, which will inform the foundation type for the proposed development will be carried out. As such, The Coal Authority have recommended planning conditions to be applied to any decision granted to ensure the correct investigations and remediation works are undertaken.

## **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:

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

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

## **8.0 Statement of positive and proactive working with the applicant**

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

## **9.0 Conclusion**

- 9.1 It is considered that the proposed demolition of an existing semi-detached property, to be replaced by a detached dormer bungalow is acceptable, subject to the below recommended planning conditions. The proposed development is considered to accord with the provisions of CS2, CS18 and CS20 of the Core Strategy and whilst the proposal is not considered to accord with CS10, the emerging Local Plan does allow for development such as this in established urban areas (as considered in LP4) and this can now be given substantial weight in planning decisions. The proposed development is not considered to negatively impact on the amenity of the neighbouring residential units and does not present any concerns in respect of overshadowing and overlooking. As a result of the proposal, the development will require works to the existing attached property, no. 34 Matlock Road to ensure the dwelling is structurally supported correctly. This is a matter for Building Control, however has some planning merit. In addition, the development will also result in the need to rebuild the party wall between no. 32 and 34 Matlock Road. This will be required through a planning condition.

Overall, the scheme is considered to be appropriately designed and is situated in an appropriate location on the application site to ensure adequate parking can be achieved. The proposal is therefore considered to comply with CS2, CS8, CS9, CS18 and CS20 of the Chesterfield Local Plan: Core Strategy 2011 – 2031, the emerging local plan and the wider National Planning Policy Framework. This application would be liable for payment of the Community Infrastructure Level.

## **10.0 Recommendation**

- 10.1 That a CIL Liability Notice be served in line with Section 5.12 above.
- 10.2 That the above application be **GRANTED** subject to the following conditions and notes:

### **Conditions**

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

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

2. The development hereby approved shall be implemented as per the approved plan/s (drawings labelled as *Block Plan, Rev A – 1:500 @A3; Proposed elevations, Rev A – 1:100 @A3; Proposed layout, Rev A – 1:100 @A3; Proposed floor plan, Rev A – 1:50 @A3; Proposed floor layout, Rev A, 1:50 @A3; Cross Section A, Rev A – 1:50 @A3; Cross Section D, Rev A – 1:50 @A3; Cross Section F, Rev A – 1:50 @A3; Proposed landscaping plan, Rev A – 1:200 @A3; Site compound, Rev A – 1:200 @A3; and Drainage layout, Rev A – 1:100 @A3*), with the exception of any approved non-material amendment.

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

3. No development shall commence until intrusive site investigations have been carried out on site to establish the exact situation in respect of coal mining legacy features. The findings of the intrusive site investigations shall be submitted to the Local Planning Authority for consideration and approval in writing. The intrusive site investigations shall be carried out in accordance with authoritative UK guidance.



***Reason-*** To ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out. This condition is also in accordance with CS8.

4. Where the findings of the intrusive site investigations (required by condition 3 above) identify that coal mining legacy on the site poses a risk to surface stability, no development shall commence until a detailed remediation scheme to protect the development from the effects of such land instability has been submitted to the Local Planning Authority for consideration and approval in writing. Following approval, the remedial works shall be implemented on site in complete accordance with the approved details.

***Reason-*** To ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out. This condition is also in accordance with CS8.

5. Following implementation and completion of the approved remediation scheme (required by condition 4 above) and prior to the first occupation of the development, a verification report shall be submitted to and approved in writing by the Local Planning Authority to confirm completion of the remediation scheme in accordance with approved details.

***Reason-*** To ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out. This condition is also in accordance with CS8.

6. Construction work shall only be carried out between the hours of 08:00 am to 6:00pm Monday to Friday and 09:00 am to 5:00 pm on a Saturday. Construction work shall not be carried out on Sundays or Public Holidays. The term "construction work" shall include mobile and fixed plant/machinery (e.g. generators) radios and the delivery of construction materials.

***Reason-*** In the interests of the residential amenity and in accordance with CS8.

7. Prior to commencement of the demolition of the building a preliminary bat survey of the site to assess the suitability of the structure for use by roosting bats shall be submitted to the local planning authority for consideration. If the results indicate that the site is suitable for bats or

evidence of a roost is found then further emergence surveys would be required during the peak bat activity season (May to August inclusive) to provide survey information compliant with current good practice guidelines. The submitted information shall include mitigation measures and the demolition shall only proceed in accordance with the mitigation measure previously agreed in writing by the local planning authority.

***Reason-*** *To safeguard against the loss of protected species and habitats in accordance with Policy CS9 and the National Planning Policy Framework.*

8. A residential charging point shall be provided for the dwelling with an IPD65 rated domestic 13amp socket, directly wired to the consumer unit with 32 amp cable to an appropriate RCD. The socket shall be located where it can later be changed to a 32amp EVCP. Alternative provision to this specification must be approved in writing, by the Local Planning Authority. The electric charging point shall be provided in accordance with the stated criteria prior to occupation and shall be maintained for the life of the approved development.

***Reason-*** *In the interests of reducing emissions in accordance with CS8 and CS20.*

9. The dwelling hereby approved shall not be occupied until a minimum of no. 3 off street parking spaces have been made available for their designated use. Off street parking spaces shall each measure a minimum of 2.4 metres x 5.5 metres (unless parking in front of garage doors in which the space shall measure 2.4 metres x 6.5 metres). To be considered a parking space, the garage shall retain internal measurements of 3.0 metres x 6.0 metres minimum.

***Reason-*** *In the interests of highway safety and in accordance with CS18 and CS20.*

10. Prior to the ordering of materials, details of the proposed bricks to be used in the east facing gable of no. 34 Matlock Road shall be submitted to the Local Planning Authority for consideration. Only the bricks approved in writing shall be used in the east facing gable of no. 34 Matlock Road.

***Reason-*** *In the interests of requiring good design and ensuring the exposed gable wall at no. 34 Matlock Road is rebuilt appropriately. This condition is also in accordance with CS18.*

11. Prior to the ordering of roof materials, full details shall be submitted to the Local Planning Authority for consideration. Only the materials agreed in writing shall be used at the application site.

***Reason-*** *In the interests of requiring good design. This condition is also in accordance with CS18.*

12. Prior to the rendering of the dwelling hereby agreed full details of the colour shall be submitted to the Local Planning Authority for consideration. Only the render colour agreed in writing shall be used at the application site.

***Reason-*** *In the interests of requiring good design. This condition is also in accordance with CS18.*

13. Prior to the occupation of the development hereby approved, details of the ecological enhancement measures to be implemented at the site to provide a biodiversity net gain shall be submitted to the Local Planning Authority for consideration. Appropriate ecological enhancement measures shall include bird and/ or bat boxes and the details submitted shall include the number of units proposed and the location proposed. Only the ecological enhancement measures agreed in writing shall be implemented on site prior to the development hereby approved being first occupied. The ecological enhancement measures shall remain in perpetuity.

***Reason-*** *In the interests of ecological enhancements and in accordance with CS9.*

### **Notes**

1. If work is carried out other than in complete accordance with the approved plans, the whole development may be rendered unauthorised, as it will not have the benefit of the original planning permission. Any proposed amendments to that which is approved will require the submission of a further application.
2. The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant).

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should wherever possible be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

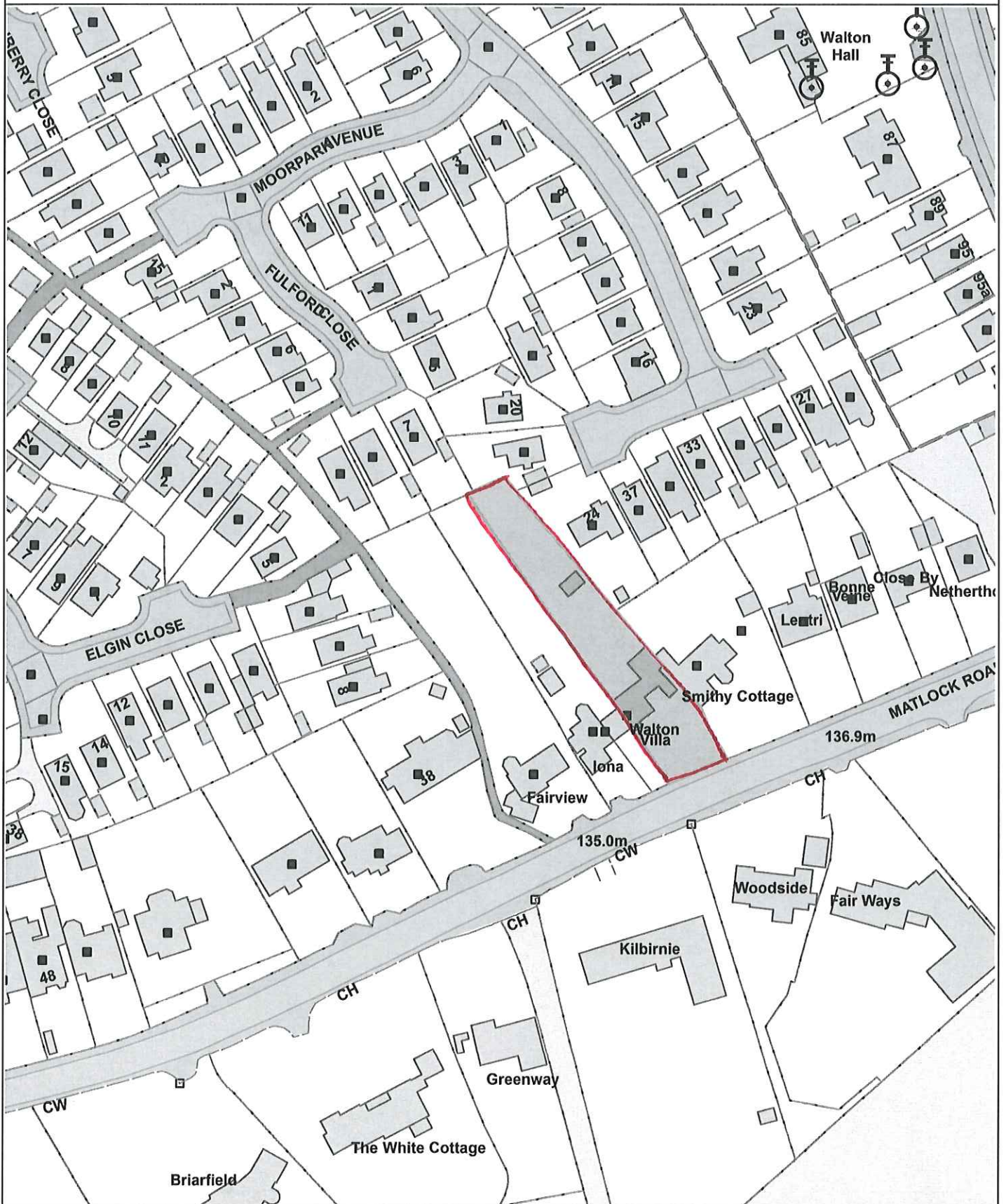
[www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries](http://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries)

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

Property-specific summary information on past, current and future coal mining activity can be obtained from: [www.groundstability.com](http://www.groundstability.com) or a similar service provider.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at: [www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

3. Any new drainage for the proposed dwelling or any amendments to the existing drainage on site may require Building Control approval. Any new connections to the public sewerage system will need prior consent from Yorkshire Water.



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Case Officer: Paul Staniforth  
Tel. No: (01246) 345781  
Ctte Date: 22<sup>nd</sup> June 2020

File No: CHE/20/00250/FUL  
Plot No: 2/1272

### **ITEM 3**

#### **RE-SUBMISSION OF CHE/19/00199/FUL - ERECTION OF A FREESTANDING TWO STOREY RESTAURANT WITH DRIVE-THRU (A3/A5), CAR PARKING, LANDSCAPING AND ASSOCIATED WORKS. INSTALLATION OF 2NO. COD (CUSTOMER ORDER DISPLAY) WITH ASSOCIATED CANOPIES AT LAND ADJ TO THE ROYAL MAIL DEPOT, WEST BARS, CHESTERFIELD, DERBYSHIRE FOR MCDONALDS RESTAURANTS LTD**

Local Plan: Town, District & Local Centre  
Ward: St Leonards

#### **1.0 CONSULTATIONS**

<b>CBC Strategic Planning</b>	Comments received 21/05/2020 – see report
<b>CBC Environmental Services</b>	Comments received 30/04/2020 – no adverse comments to make / see report
<b>CBC Design Services (Drainage)</b>	Comments received 05/05/2020 – see report
<b>CBC Economic Development</b>	Comments received 15/05/2020 – see report
<b>Environment Agency</b>	Comments received 28/04/2020 – no objection / comments to make
<b>Yorkshire Water Services</b>	No comments received
<b>Derbyshire Constabulary</b>	Comments received 14/05/2020 – see report
<b>Lead Local Flood Authority</b>	Comments received 11/05/2020 – no objection / comments to make
<b>DCC Highways</b>	Comments received 22/05/2020 – see report
<b>DCC Archaeology</b>	No comments received
<b>Chesterfield Civic Society</b>	No comments received
<b>Chesterfield Cycle Campaign</b>	Comments received 12/05/2020



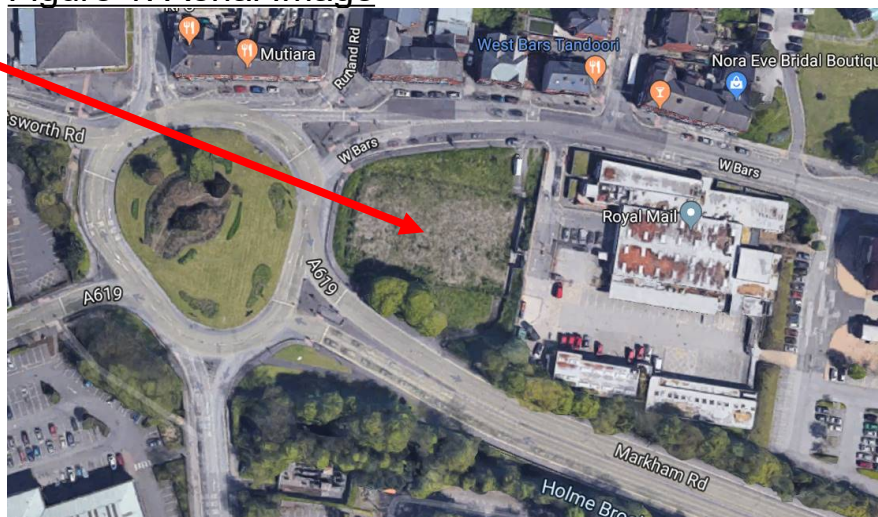
	– see report
<b>Transition Chesterfield Coal Authority</b>	No comments received
	Comments received 04/05/2020 – see report
<b>CBC Tree Officer</b>	Comments received 06/05/2020 – see report
<b>CBC Urban Design Officer</b>	Comments received 04/05/2020 – see report
<b>Ward Members</b>	Comments received from Cllr Fordham regarding public consultation
<b>Site Notice / Neighbours</b>	3 representations received

## 2.0 **THE SITE**

2.1 The site the subject of the application is that of the former Royal Mail Multi Storey Car Park (MSCP), West Bars which was demolished and cleared in 2015. Since demolition the site has been fenced off and is naturally regenerating with overgrowth.

2.2 The site measures approx. 0.32ha in area and shares highway frontage with West Bars, West Bars roundabout and Markham Road.

Figure 1: Aerial Image



3.3 In association with its former use as a MSCP, the site access is taken off Markham Road to the south and the site egress is onto West Bars to the north. Levels across the site generally fall from north to south, with both access and egress on an incline, but the former footprint of MSCP building is level in the centre of the site.



There is a retaining wall positioned along the eastern edge of the site which is shared with the Royal Mail Depot, who is positioned at a higher level.

Photo 1 and 2: Site from West Bars



Photo 3 and 4: Site from Markham Road



- 3.4 There are three mature Maple trees located to the Markham Road frontage which are protected by Tree Preservation Order 4901.334.

3.0 **RELEVANT SITE HISTORY**

- 3.1 CHE/20/00287/ADV, CHE/20/00288/ADV and CHE/20/00289/ADV – applications for various McDonalds signage.  
- still pending consideration.
- 3.2 CHE/19/00199/FUL - Proposed erection of a freestanding two storey restaurant with drive-thru (A3/A5), car parking, landscaping

and associated works inc. installation of 2 no. COD (customer order displays) with associated canopies.

- refused on 24/09/2019 by planning committee against the advice of officers for the following reasons:

*01. In the opinion of the local planning authority the development is not acceptable having regard to the following likely impacts:*

*a. The impact on highway safety having regard to the free flow of traffic on the West Bars roundabout and the adjacent roads taking account of how busy the site is likely to be and the space available on site for vehicle stacking;*

*b. The environmental problem arising from an increase in littering in the local area;*

*c. The contribution to a social health and wellbeing concern arising from a fast food outlet and the likely impact on obesity within the Borough of Chesterfield.*

*The development is thereby considered to be contrary to the Chesterfield Core Strategy policy CS2 and CS18 and the wider requirements of the 2019 National Planning Policy Guidance.*

***A subsequent Planning Appeal was lodged with a costs application against the Council for unreasonable behaviour. The appeal remains pending – APP/A1015/W/3249413. The Council has since sought Counsel advice on the issues raised and which has separately been reported to planning committee.***

- 3.3 CHE/19/00192/ADV - Installation of 5 illuminated fascia signs; CHE/19/00195/ADV - Installation of a free standing sign head on a 9m pole; and CHE/19/00196/ADV - Various site signs including 4 free standing illuminated double digital menu boards, 12 DOT non illuminated signs and 1 illuminated digital booth screen.  
- All withdrawn.
- 3.4 CHE/15/00039/TPO - T1, T2 and T3 Maples - minor pruning.  
- Conditional Permission 01/04/2015.
- 3.5 CHE/15/00038/DEM - Demolition of three storey, concrete frame (and clad) split level car park adjacent to Royal Mail's Chesterfield Delivery Office.  
- Prior Approval Granted 19/05/2015.

- 3.6 CHE/14/00251/ADV - One free standing (externally illuminated) 48 sheet general poster advertising display sited between West Bars and Markham Road.  
- Refused 12/06/2014; but Appeal Allowed 03/06/2015.

4.0 **THE PROPOSAL**

- 4.1 The application, which is submitted in full, proposes the erection of a two storey restaurant and drive-thru (Use Class A3 / A5) with parking, landscaping and associated works inc. the installation of 2 no. Customer Order Displays (COD) with canopies.
- 4.2 The application is a resubmission of the previously refused planning application CHE/19/00199/FUL (see planning history above).
- 4.3 The scheme proposes a restaurant of 518sqm within a two-storey building. The proposed site layout includes 29 parking spaces, 2 disabled parking spaces, plus 6 other spaces (including Grill, Staff and Electric Vehicle Charging Points). Cycle parking is also proposed. The majority of the site is occupied by parking, access and circulation space, given the nature of the A3/A5 use with drive-thru facilities. The grassed area to the south of the site, upon which the 3 no. mature Maple trees are located, is to be retained alongside the trees.
- 4.4 The layout shows the restaurant building positioned broadly centrally within the plot and set diagonally across the site, aligned northwest to southeast axis. Access is from Markham Road at the southeast corner, with the exit situated opposite, at the northeast corner onto West Bars. The drive-thru lane loops around the building following the western and north-western boundary and returns into the site parallel to the food collection windows on the north-east elevation.
- 4.5 The application submission is supported by the following plans / documents:

5743\_AEW\_8172\_0001 Rev A – Site Location Plan  
5743\_AEW\_8172\_0002 – Block Plan  
5743\_AEW\_8172\_0003 Rev A – Existing Site Plan  
5743\_AEW\_8172\_0004 Rev C – Proposed Site Plan  
5743\_AEW\_8172\_1005 – Proposed Elevations

5743\_AEW\_8172\_1006 – Proposed Floor and Roof Plan  
 5743\_AEW\_8172\_0015 – Proposed Landscape Plan  
 5743\_AEW\_8172\_0017 - Proposed Retaining Wall  
 4180561- 1000 Rev P3 – Proposed Levels  
 4180561- 1001 Rev P3 – Site Sections  
 4180561- 1200 Rev P3 – Proposed Drainage  
 4180561- 1210 Rev P1 – Drainage Detail (1 of 2)  
 4180561- 1211 Rev P1 – Drainage Detail (2 of 2)  
 4180561- 1212 Rev P3 – Proposed Drainage Maintenance Plan

- Supporting Statement (prepared by Planware Ltd dated March 2019)
- Drainage Calcs (prepared by Glanville Consultants Ltd dated February 2019)
- Transport Assessment (prepared by ADL Traffic and Highways Engineering Ltd dated April 2020)
- Travel Plan (prepared by McDonalds dated April 2020)
- Tree Survey, Arboricultural Impact Assessment, Arboricultural Method Statement & Tree Protection Plan [7195-D-AIA] (prepared by Hayden Arboricultural Consultants dated February 2018)
- Coal Mining Risk Assessment (prepared by Pam Brown Associates dated February 2019)
- Phase I Desk Study and Phase II Geo-Environmental Site Investigation (prepared by Pam Brown Associates dated March 2019)
- Standard Patio Area – Supporting Specification
- Odour Control – Supporting Information
- Goal Post Height Restrictor and COD/Canopy – Details
- Site Flythrough Video / Illustration – rec'd 02/08/2019
- CIL Forms / Liability
- McDonalds Litter Control – Standards / Guidance

## 5.0 **CONSIDERATIONS**

### 5.1 **Planning Policy Background**

- 5.1.1 The site is situated within the built settlement of St Leonards ward in an area on the outskirts of the Chesterfield Town Centre which is predominantly commercial in nature, with some residential uses to upper floors on West Bars opposite and beyond to the north and south.

- 5.1.2 Having regard to the nature of the application proposals the following planning policy is relevant:

**National Policy and Guidance**

- National Planning Policy Framework (NPPF) – Core Planning Principles & Requiring Good Design.
- National Planning Practice Guidance (NPPG) – Design (ID: 26)

**Chesterfield Core Strategy: Local Plan (2013)**

- CS7 Managing the Water Cycle
- CS9 Green Infrastructure and Biodiversity
- CS15 Vitality and Viability of Centres
- CS18 Design
- CS19 Historic Environment
- CS20 Influencing the Demand for Travel
- PS1 Chesterfield Town Centre

**Supplementary Planning Documents**

- Successful Places: A Guide to Sustainable Housing Layout and Design (2013)
- Designing Out Crime (2007)

<http://www.chesterfield.gov.uk/planning-and-building-control/local-development-framework/supplementary-planning-documents.aspx>

**A Building for Life 12 (BfL12) - The sign of a good place to live**

<http://www.designcouncil.org.uk/our-work/CABE/Our-big-projects/Building-for-Life/>

**Chesterfield Town Centre Masterplan (2015):**

<https://www.chesterfield.gov.uk/business-and-economic-growth/regeneration-and-economic-growth/chesterfield-town-centre-masterplan.aspx>

5.2 **Principle of Development**

- 5.2.1 The application site lies within the defined boundary of Chesterfield Town Centre and falls within the extent of Chesterfield Town Centre, covered by Core Strategy policy PS1. Policy CS15 of the Core Strategy also applies as it relates to the vitality and viability of centres.

- 5.2.2 Having regard to the nature of the application proposals and looking at the principle of development, the location of the development proposals on previously developed land on the edge of the town centre would inevitably accord with the Council's strategy of concentrating development within walking and cycling distance of centres (Policies CS1 and CS2).
- 5.2.3 In the context of policy CS15 (vitality / viability of centres) the site is not within the primary retail core of Chesterfield Town Centre and the use of the development proposed is considered to be a main town centre use which is complimentary to the town centre location. This type of use in a defined centre is generally acceptable in principle and it is a sequentially appropriate location, therefore no sequential assessment required. Overall the principle of the development proposals accord with the provisions of policies CS1, CS2 and CS15 and are considered to be acceptable.
- 5.2.4 Alongside the Spatial Strategy, the Core Strategy includes a package of place making policies inc. Policy PS1 (Chesterfield Town Centre) which states that subject to policy CS15, planning permission will be granted for development that contributes towards a) providing employment, services, leisure and retail ..... b) supporting the objectives of the TC masterplan ..... c) economic development .... providing a diverse range of uses inc. retail, food and drink.
- 5.2.5 In regard to these provisions the Chesterfield Town Centre Masterplan, whilst not a formal planning document, is a material consideration given its reference in policy PS1. The site is identified as a "potential development opportunity" in the masterplan. The masterplan states; "The West Bars MSCP is physically obsolete and represents a substantial gateway opportunity. The site could be suitable for commercial office, retail/leisure and or mixed use residential development. High quality development will be especially important on this site as it is the main gateway as visitors enter the town from the west".
- 5.2.6 Overall (subject to detailed considerations such as design etc. set out below) the principle of development is considered to accord with the provisions and aspirations of policy PS1.
- 5.2.7 The final inspectors report on the new emerging local plan has now been received and which should now be given substantial weight.

The direct relation between the Core Strategy policies mentioned above and the new policies is as follows:

CS1 – LP1

CS2 – LP2

CS15 – LP9

PS1 – SS1

The site continues to be located within the boundaries of Chesterfield Town Centre on the proposed Policies Map. Substantial weight should be given to the emerging Local Plan under the provisions of paragraph 48 of the NPPF as the Local Plan has now reached an advanced stage of preparation, there are no remaining unresolved objections and the Inspectors' Report confirms that, subject to the published modifications, the policies are consistent with the Framework. However, the differences between the Core Strategy and Emerging Local Plan policies would not result in any material change to the consideration of the application.

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

5.3.1 The site lies at the western edge of Chesterfield Town Centre (Policy CS15), but outside the retail core, where a wide range of uses is encouraged. In this respect new development should make a positive contribution to the centre's viability and vitality and be of an appropriate scale.

5.3.2 The Town Centre Masterplan – Strategic Development Framework (2015) identifies this site as suitable for a number of potential uses, but emphasises the importance of high quality design due to the main gateway nature of the location.

5.3.3 The application submission was reviewed by the Council's **Urban Design Officer** (UDO) and the **Crime Prevention Design Advisor** (CPDA) – who raised no objections subject to the CCTV details being submitted for approval prior to installation. The UDO made the following more detailed comments:

*The previous application (19/00199/FUL) was the subject of considerable design discussions and the proposals were amended by the applicant in response to the design issues raised at that time.*

*The orientation of the building was rotated to address the West Bars frontage and the layout and site plan adjusted to suit these changes. A more clearly defined pedestrian link from West Bars was also introduced together with the provision of cycle parking close to the entrance to the building and electric vehicle charging points. In addition, landscaping was enhanced around the site perimeter with West Bars, softening the appearance of the development and supporting the potential for improved ecology and air quality.*

*The current application appears to be identical to the previously negotiated scheme, which was deemed to be acceptable in terms of urban design considerations. As such, there are no objections to the current application on design grounds.*

*The proposal is considered to meet the requirements of Policy CS18 (Design).*

*Notwithstanding the submitted information, it is recommended that conditions are attached to the grant of any planning permission to require details of the following:*

- Materials (including samples if requested).*
- Full details of landscaping proposals, including species, planting sizes, planting density, locations and details to ensure its implementation.*
- Facing the retaining walls with timber cladding in accordance with the submitted details prior to opening of the restaurant.*
- No means of enclosure other than that approved as part of this application.*

- 5.3.6 Having regard to the commentary set out above it is considered that the development proposals are appropriately sited, detailed and designed having regard to the provisions of policies CS2 and CS18 of the Core Strategy. The design of the building positively addresses gateway location of the site and multiple highway aspects which surround it in an appropriate manner. Where appropriate or where further details are needed planning conditions can be imposed to require the submission of further information (landscaping, materials, CCTV, lighting etc.) but overall it is considered that the design and appearance of the scheme



meets the requirements of policies CS2 and CS18 of the Core Strategy.

#### Neighbouring Impact / Amenity

- 5.3.7 The application site is predominantly adjoined by existing commercial uses and public highway however there are residential properties located to the upper floors of premises on West Bars opposite and beyond on Clarence Road and Rutland Road to the north.
- 5.3.8 In this regard whilst the overall scale and design of the scheme mean it is unlikely the development will impose any adverse amenity impacts upon these properties in terms of overlooking, overshadowing and/or overbearing; the operative nature of the site and any potential impacts arising are a consideration.
- 5.3.9 As a restaurant / takeaway with drive-thru facilities there will be a frequent / high turnover of visitors to the site which could have the potential to impact upon the amenity of local residents having regard to noise. Other matters such as odour and litter may also be of concern.
- 5.3.10 The application is supported by Odour Control Specifications for the kitchen installation and extraction equipment (specific to the applicant – McDonalds) and also the proposed operators Litter Control Standards and Guidance. In regards to Odour the application submission has been reviewed by the Council's **Environmental Health Officer** (EHO) who did not raise any specific concerns or comments about odour or litter. It is therefore assumed that the proposals are acceptable to them in this regard. In terms of litter, the applicant is responsible for litter control on their site and there are waste bins indicated on the proposed site layout. In terms of litter off site, the approach set out by the applicant to patrol areas off site is commendable, however it must be noted that the behaviour of people who leave the site and discard of litter inappropriately is not a matter which can be controlled through planning legislation.
- 5.3.11 Turning to the issue of noise, the application form submitted did not originally detail any proposed opening hours however the supporting planning statement suggested a desire to operate the site 24/7, unless amenity considerations dictated otherwise.

Furthermore the servicing requirements for the site are set out in the supporting planning statement advising that the site will receive typically 3 deliveries per week, which are managed and timed by service delivery software.

- 5.3.12 These proposals were discussed with the EHO when the previous application (19/00199) was determined. The EHO was of the opinion there could be an adverse impact upon neighbouring amenity if opening and service hours were not restricted. The EHO recommended servicing hours be restricted, with no deliveries taking place between 22:30hrs on any day and 07:00hrs on the following day; and opening hours be restricted with the store being closed between 24:00hrs – 06:00hrs on any day.
- 5.3.13 Having regard to the above the servicing and opening hours restrictions suggested by the EHO were put back to the applicant for consideration and they were confirmed acceptable (email dated 22 May 2020). Accordingly in the interests of protecting neighbouring residential amenity, appropriate planning conditions can be imposed restricting these hours as agreed.

#### 5.4 **Highways Issues / Demand for Travel**

- 5.4.1 In respect of matters of highway safety and demand for travel the application submission is accompanied by a Transport Assessment (TA) and Travel Plan (TP), which has been reviewed by the **Local Highways Authority** (LHA) who advised:

*From a highways viewpoint, the development proposals are identical to those the subject of the aforementioned application.*

*A revised Transport Assessment has been submitted in support of the development proposals, this being prepared in response to the refusal of the previous application, and the Highway Authority has reviewed this. It should be understood that, as a generality, the Highway Authority does not “agree” the content of a Transport Assessment or, inevitably, concur with every detail contained therein. However, providing it is considered that the conclusion is sound then it is not regarded as reasonable or warranted to require the applicant to devote resources to amending detail which would not vary the conclusion. In this case the Highway Authority does not consider that there is an evidence base to suggest that the conclusion that the development would not have a significant*

*adverse effect on capacity or safety of the local road network is incorrect. Certainly, there is no data that would support a reason for refusal of planning permission on the basis that the development would result in severe harm on the highway network, with reference to Paragraph 32 of the National Planning Policy Framework.*

*It's noted that the minor revisions to the Travel Plan as recommended within the e-mail of 19 October 2019 do not appear to have been incorporated within the submitted document. However, it's suggested that these revisions do not affect the validity of the document and may be made as a part of the next update.*

*Therefore, as the proposed site layout, access modifications, etc. are identical to those submitted in association with CHE/19/00199/FUL, it's recommended that Conditions in line with those proposed for the earlier application are included within any Consent. These may be updated/ modified as follows:-*

*1. No development shall take place until a Construction Management Plan or Construction Method Statement (CMP / CMS) has been submitted to and been approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The statement shall provide for:*

- parking of vehicles of site operatives and visitors*
- routes for construction traffic*
- swept paths for construction vehicles expected to enter the site (largest vehicle to be demonstrated)*
- hours of operation*
- method of prevention of debris being carried onto highway*
- pedestrian and cyclist protection*
- proposed temporary traffic restrictions*
- arrangements for turning vehicles*

*2. Prior to the commencement of development a detailed scheme of highway improvement works for the provision of the amended access from Markham Road and amended egress onto West Bars, 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. These works shall include the provision of exit visibility sightlines; formal closure of any*

*sections of existing vehicular access made redundant by the development; and detailed designs for any retaining structure(s) adjacent to the public highway. The developer will 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.*

*3. Prior to the development, the subject of the application, being brought into use, the vehicular and pedestrian accesses shall be created/ modified in accordance with the approved designs, the subject of Condition 2 above, all areas in advance of the visibility sightlines shall be retained throughout the life of the development free of any object greater than 1m in height (0.6m in the case of vegetation) relative to adjoining nearside carriageway channel level.*

*4. No part of the development shall be taken into use until space has been provided within the site curtilage for the parking/ loading and unloading/ manoeuvring of staff/ customers/ service and delivery vehicles, located, designed, laid out and constructed all in accordance with the approved site layout and maintained throughout the life of the development free from any impediment to its designated use.*

*5. The development hereby permitted shall not be occupied until details of cycle parking facilities for the visitors to the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.*

*6. There shall be no gates or other barriers to prevent free passage of vehicles through the site, unless otherwise agreed in writing by the Local Planning Authority.*

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

8. *The Approved Travel Plan shall be implemented in accordance with the timescales specified therein, to include those parts identified as being implemented prior to occupation and following occupation, unless alternative timescales are agreed in writing with the Local Planning Authority. The Approved Travel Plan shall be monitored and reviewed in accordance with the agreed Travel Plan targets.*

9. *Prior to installation a scheme detailing any external lighting shall be submitted to the Local Planning Authority for consideration. Only a scheme which receives approval in writing shall be implemented on site. If within a period of 24 months from the lighting installation being implemented, any complaints are received about glare / overspill, the lights causing the effect shall be immediately turned off. Before the installation is allowed to be switched back on a night time lighting survey shall be undertaken to assess the full impact of the installation and remedial measures shall be submitted to the Local Planning Authority for consideration and written approval. Thereafter those remedial measures shall be implemented with immediate effect and retained thereafter as approved.*

5.4.2 In addition to the comments of the LHA above, comments were also received from the **Chesterfield Cycle Campaign (CCC)** as follows:

*CCC - Having looked at the resubmitted application there don't appear to be many changes affecting cycling, therefore the Campaign's objections still stand.*

*Whilst there is now a clear walking route from West Bars, cyclists entering the site will still have to legally use the roundabout and enter off Markham Road.*

*The pedestrian walkway next to the parking bays remains. This is the most dangerous position to put a walkway with cars reversing in and out of parking bays.*

*From an air quality point of view the patio area is adjacent to the drive through waiting area, cars will be sat there with engines running creating poor air quality where customers are sat, many of them children.*

*With the declaration of a climate emergency it seems incompatible to create another car dependant facility in the town which will add to the congestion in this already very busy area.*

- 5.4.7 It is understood that the applicant has liaised with the LHA directly to resolve any issues concerning the site access and egress as they prepared to submit their appeal against the previous refused planning permission and the LHAs comments reflect this. Having regard to the comments received above it is noted that the Local Highways Authority are satisfied that the site can be safely served by the access and egress arrangements which are set out in the submission and detailed in the accompanying TA. On this basis it is considered that the site access and egress proposals do not give rise to any adverse highway safety concerns and are acceptable.
- 5.4.8 Having regard to parking, in the Chesterfield Town Centre 518sqm of A3 / A5 floor space would trigger a requirements of 21 no. customer spaces based upon the Core Strategy Parking Standards; and with 65 no. employees, a further 16 no. spaces for staff (however it is unlikely the 65 no. staff would all be FT and present on site at the same time). Overall therefore the 36 no. spaces that are proposed are considered to meet the parking standards set out in Appendix G of the Core Strategy and are acceptable.
- 5.4.9 It is accepted that having regard to the site access and egress positions, their position respective to the site layout offer the creation of a drive-thru stacking lane with a capacity to accommodate at least 18 no. cars. Furthermore, the case officer reviewed a number of other sites operated by the same applicant in the local area (Chesterfield, Barlborough, Mosborough and Sheffield) and concluded that this level of vehicle stacking was commensurate with other sites (which ranged from 15 – 19 spaces). It is therefore reasonable to assume that the site should operate effectively without queues being formed that would adversely affect the flow of traffic on the public highway.
- 5.4.10 The continued objections made by CCC are noted, however it is considered that the application presents the most feasible solution to pedestrian / cycle access and parking, taking into account the site operative requirements and the constraints of the surrounding highway network. The resubmitted scheme presents the same

solution as was negotiated under the previous application submission and was deemed acceptable.

- 5.4.11 Overall therefore it is considered that the development proposals have been appropriately assessed in terms of their potential traffic impacts and in respect of their proposed layout. The development proposals are considered to be appropriately sited and designed (subject to condition) such that they accommodate appropriate access, parking, manoeuvring and egress arrangements to ensure the development will operate without giving rise to any adverse highway safety concerns. In respect of policies CS2, CS18 and CS20 of the Core Strategy (and subject to appropriate conditions) the proposals are acceptable in highway safety and demand for travel terms.

## 5.5 **Flood Risk / Drainage**

- 5.5.1 In respect of matters of drainage and potential flood risk (having regard to policy CS7 of the CS), it is noted that the application site is located in Flood Risk Zone 1. The site is not at risk of any known surface water flooding. In this context the application is accompanied by a detailed Drainage Strategy (inc. Calcs) prepared by Granville Consultants Ltd.
- 5.5.2 Given its 'minor' application classification, both the **Environment Agency** (EA) and the **Lead Local Flood Authority** (LLFA) have declined to comment on the specific development proposals. In addition **Yorkshire Water Services** (YWS) has also offered no detailed response.
- 5.5.3 In respect of the on-site drainage proposals, the application form details that the development is to be connected to existing mains drains for foul and surface water, and the application submission is accompanied by detailed drainage proposals which have been reviewed by the Council's **Design Services (Drainage)** team (DS Team).
- 5.5.4 The DS Team advised, '*The site is not shown to be at risk of flooding, according to the Environment Agency Flood Maps. We have reviewed the proposed drainage details and it is shown not to flood in a 1 in 100 year storm, including an allowance for climate change. Any new discharge to the public sewer will require prior approval from Yorkshire Water*'.

- 5.5.5 Having regard to the comments received above it is assumed that the detailed drainage design is acceptable to the DS team and is therefore acceptable as designed. No further details are requested by the DS Team, so if permission is granted a planning condition should be imposed requiring implementation of the drainage proposals in full.

5.6 **Land Condition / Contamination**

- 5.6.1 The site the subject of the application comprises of previously developed land and therefore land condition and contamination need to be considered having regard to policy CS8 of the Core Strategy. The application submission is supported by a Coal Mining Risk Assessment and Phase I and II Site Investigation Report.

- 5.6.2 In respect of land condition the **Coal Authority (CA)** were consulted on the application submission and provided the following response:

*The Coal Authority considers that the content and conclusions of the applicant's Coal Mining Risk Assessment report (February 2019) and subsequent Phase 1 Desk Study & Phase 2 Geo-environmental Site Investigation report, informed by contemporary site investigation data, are sufficient for the purposes of the planning system and meet the requirements of the NPPF in demonstrating that the application site is, or can be made, safe and stable for the proposed development. The Coal Authority therefore wishes to raise no objection to the proposed development. However, further more detailed considerations of ground conditions, foundation design and gas protection measures may be required as part of any subsequent building regulations application.*

- 5.6.3 In addition to the comments of the CA, the Council's **Environmental Health Officer (EHO)** was also consulted on the application, but they made no specific comments in their response relating to land condition / contamination.

- 5.6.4 Based upon the advice received from the CA and the EHO in specific relation to land condition / contamination the proposals do not give rise to any adverse issues in this regard. The provisions of policy CS8 of the CS are subsequently met.



## 5.7 **Trees / Biodiversity**

5.7.1 As described in section 2.0 above, the site was cleared in 2015 and despite being previously development land it has started to naturally regenerate with vegetation and overgrowth. Furthermore there are three mature Maple trees located along the southern edge of the application site which are protected by TPO.

5.7.2 The application submission is supported by a Tree Survey, Arboricultural Impact Assessment, Arboricultural Method Statement & Tree Protection Plan prepared by Hayden Arboricultural Consultants and these documents have been reviewed by the Council's **Tree Officer** (TO) who offered the following comments:

*There are 3 Maple trees on the south boundary of the site covered by the above mentioned Tree Preservation Order reference T1-T3 on the Order map.*

*It is proposed to build a two storey restaurant with drive thru with associated parking and hard landscaping works on the site with the retention of the 3 protected trees. The majority of main development proposals are not within the rooting environment and designated Root Protection Areas (RPA's) of the retained trees with just a small encroachment for the drive thru.*

*The installation of new hard surfaces for the drive thru and footpath will slightly encroach into the RPA of one tree to be retained as shown as T002 in the tree report. As stated in the tree report 'the negligible extent of the intrusion into the periphery of its RPA, 0.48%, it is considered this activity will not have an adverse effect on the tree's longevity. No adverse arboricultural implications are therefore expected'.*

*The tree survey, tree Impact assessment and Tree Protection Plan submitted with the application by Hayden's Arboricultural Consultants dated 11<sup>th</sup> February 2018 provides details of the tree protection measures to be implemented.*

*It is proposed that some tree pruning works are carried out to the 3 Maple trees; however these works are not required to allow the development to commence so a formal tree pruning application is therefore invited for consideration.*

*I therefore have no objections to the application as it stands as shown on drawing 5743-AEW-8172-0004 Rev C 'Proposed Site Plan' and as long as the following tree protection measures are attached as a condition if consent is granted to the application:*

- The tree protection measures as outlined in the Tree Report, Tree Impact Assessment and Tree Protection Plan and drawing 7195-D-AIA by Hayden's Arboricultural Consultants dated 11th February 2018 shall be adhered to at all times throughout the site clearance and construction phases unless otherwise agreed to in writing by the Local Planning Authority.*
- There shall be no tree pruning works carried out to the 3 protected trees reference T-T3 of TPO 334 unless a formal tree pruning application is submitted and approved in writing.*
- Details shall be submitted on a site layout plan showing the location where the storage of materials, site cabins, car parking and other associated plant materials are to be located and approved before construction commences. These should be outside the designated RPA's.*
- There shall be no excavations for services ie Electrical cables, inspection chambers, sewage etc within the designated RPA's unless otherwise agreed in writing by the Local Planning Authority.*

5.7.3 Having regard to the comments made by the TO above it is considered that the conditions requested are reasonable and proportionate in the interests of protecting the rooting environments of the protected Maple trees. In addition, albeit self-set, the redevelopment of the site will clear all regenerated soft vegetation so in the interests of securing a 'net gain' in biodiversity in accordance with policy CS9 of the CS soft landscaping will need to be secured.

5.7.4 Soft landscaping enhancements are illustrated in principle of the site layout plan drawing. Further details of species etc. and an ongoing maintenance programme will also need to be secured by appropriate planning condition, as this has not been worked up fully and is not detailed in the application submission. It is however considered that an appropriate scheme can be accommodated to secure full compliance with policy CS9 of the CS. The developer may also consider including other biodiversity enhancements such as bird boxes in any such scheme, but it is accepted given the way in which the site and drive thru will operate that these measures may not be practical.

## 5.8 **Heritage / Archaeology**

5.8.1 Having regard to potential heritage / archaeological impacts the site sits outside of the Town Centre Conservation Area and the development proposals do not affect any designated heritage assets (listed buildings).

5.8.2 **DCC Archaeology** (DCC Arch) have previously commented about the application site as follows:

*'It is some little way outside the medieval town and the recent excavations at 15-17 West Bars (a good 200m closer in) suggested that even this location was peripheral and had spells both inside and outside the town. The site has an HER entry for railway activity on the southern part – historic mapping suggests cranes/sidings were present in the early 20<sup>th</sup> century. Mapping also suggests a row of 19<sup>th</sup> century houses along the West Bars frontage with yards/gardens behind, although a lot of this has been lost to the roundabout. Although this 19<sup>th</sup> century archaeology would be of interest if well preserved I note that the site has subsequently been substantially developed, with ground levels lowered significantly as part of this. I therefore feel on balance that there is little or no archaeological potential and that there is no need for archaeological involvement in the redevelopment proposals.'*

5.8.3 In respect of the commentary received above, the absence of any comments / response from the Chesterfield Civic Society and the observations made in relation to nearby heritage assets the proposals do not give rise to any adverse heritage / archaeological concerns that need further consideration.

## 5.9 **Other Considerations**

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

Having regard to the nature of the application proposals the development comprises the creation of new A3 / A5 Use Class floor space and the development is therefore CIL Liable.

The site the subject of the application lies within the single retail CIL zone (£80 / sqm charge [index linked]) 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>Develop ment Type</b>	<b>Proposed Floorspace (GIA in Sqm)</b>	<b>Less Existing (Demoliti on or change of use) (GIA in Sqm)</b>	<b>Net Area (GIA in Sqm)</b>	<b>CIL Rate</b>	<b>Index (perm ission )</b>	<b>Index (chargi ng schedu le)</b>	<b>CIL Charge</b>
Retail (A1-A5)	518	0	518	£80	344	288	<b>£49,498</b>

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

#### 5.9.2 S106 / Planning Obligations

In respect of development classification, the application is only categorised as a minor development and therefore the usual S106 / Planning Obligations triggered by a 'major' application classification are not applicable.

The Council's **Economic Development** team commented on the planning application consultation seeking the imposition of a local labour clause and raising concerns about the fact the use proposed is not in line with the Town Centre Masterplan (where there is aspiration for a 'gateway' development on this site). Furthermore they commented that they would seek assurance the 65 jobs being proposed are new jobs, and not transferals from the existing town centre McDonalds.

Despite the ED team comments above, Policy CS13 (Economic Growth) of the Core Strategy quite clearly states that local labour clauses / conditions will be sought on 'major' developments; and therefore it would be unreasonable to impose this requirement on a 'minor' application decision (which this is). Furthermore there is no planning mechanism to prevent closure of another store, nor to insist that jobs / positions are not transferred.

Having regard to other S106 / Planning Obligation triggers, policy CS18 of the Core Strategy requires a 'public art' contribution from all 'major' development proposals and therefore similarly to the EDU request for local labour; a % for Art contribution cannot be sought for the site.

## 6.0 **REPRESENTATIONS**

6.1 The application has been publicised by site notice posted on 30/04/2020; and by neighbour notification letters sent on 29/04/2020.

6.2 As a result of the application publicity there have been 4 representations received as follows:

### **A Local Resident (by email)**

Please be advised I would like to object to the proposed new McDonalds on West Bars.

As previously stated I think we have enough unhealthy, litter producing fast food outlets. I believe this outlet would destroy other local businesses meaning further closures and the continuing decline of retail occupancy.

Litter is evident from current outlets in many parts of the town already and this will just compound the impact.

The West Bars is the gateway to the historic town centre and travelled by many tourists, what a shame to have this gateway identified by said outlet.

The noise, vehicular increase and it's associated pollution will be a blight on the local area. The traffic is already extremely heavy there with queues common place.

The amenity value of the local area with yet another monstrosity will surely be compromised.

I feel it is about time the local council started supporting local business and enterprise and stopped being so desperate to attract anything in any area and at any cost.

### **3 Cherry Tree Drive, Duckmanton**

I would question is any information has been collated to the traffic and safety aspects of such an outlet and also how many fast food outlets are operating in the town and surrounding area?

If this is approved West Bars will become more gridlocked than it is already, together with increased waiting traffic bringing about safety concerns for pedestrians in the area.

There will be an increased risk of RTCs on the roundabout which is overloaded at peak times.

As fast food outlets attract mostly the younger generation it is apparent that the standard of driving will not always be of the standard required. Any vehicles waiting to be served will cause a hazard if backed up and people become impatient.

The location is not conducive for such a building or business and the problems it is bound to bring.

#### **4 Lower Grove Road**

We still object to this proposal and feel that the timing is particularly exploitative and self-serving in the current situation when the council planning committee have already objected once, to put it in again when the council is under severe financial pressure and the planning committee is unable to meet, nor can representations be made in person is extremely opportunistic.

Our reasons for the objection remain as follows:

- 1) The development would increase the build up of traffic on West Bars roundabout in an area which is already busy due to the proximity to the Royal Mail sorting office.
- 2) The town centre already has 2 McDonalds, and a large number of various other fast chain food eateries, this is taking away any individuality from the town and ruining tourism and visits to the town.
- 3) The development would increase anti-social behaviour in the area.
- 4) The development would increase litter in the area.
- 5) The development would spoil a piece of land that has currently returned to nature and the view, which is currently pleasant and would be replaced with traffic and more golden arches.
- 6) The development would further encourage the people of the town to make unhealthy food choices due to the cheap availability of such food.
- 7) The development would increase noise pollution throughout the day and late into the night.

#### **17 Clarence Road**

I'm writing to inform you that myself and my wife are very concerned about the proposed McDonald's opening at the bottom of my road, if it's given the go ahead you'll be allowing a massive McDonald's to open up in what is a residential area. The traffic in the area is already pretty bad but if the McDonald's is allowed to open it will become unbearable. The added air pollution as well as

all the litter (and there will be lots of it) makes a mockery of the fact that Chesterfield Council declared a climate emergency, not to mention the added methane from the cows that'll need slaughtering to meet demand. As I've mention, the litter will utterly transform the character of our Queens Park, it will very quickly become filled with burger wrappers, straws, cups and those brown paper bags you see outside all McDonald's. The message that opening another McDonald's so close to the other two the town has is not good, what chance do the kids of Chesterfield have if the council is encouraging them to become obese, it really is cheap junk food. I also don't think that it's fair on our under pressure NHS, obesity is one of the biggest problems our NHS and our country is facing and to open another McDonald's so close to our towns schools would be a massive dereliction of responsibility. Now more than ever we need to be encouraging healthy eating and healthy living, it seems so daft to have the Beat The Street initiative running past 3 McDonald's!!

Also, a number of new small food businesses have open in the area, these are run by our own townspeople, they will quickly go out of business if a massive 24 hour drive through is allowed to open, again it just sends the message that you the council don't care. So I implore you to use some common sense and to refuse this planning application again, I can't see what has changed since the last application? And since Corvid 19 took hold across the world, Now more than ever we need to look after ourselves and each other.

6.3 ***Comments : See sections 5.2, 5.3 and 5.4 above which provide a response to the points which have been made.***

## 7.0 **HUMAN RIGHTS ACT 1998**

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

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

- 7.2 It is considered that the recommendation is objective and in accordance with clearly established law.
- 7.3 The recommended conditions are considered to be no more than necessary to control details of the development in the interests of amenity and public safety and which interfere as little as possible with the rights of the applicant.
- 7.4 Whilst, in the opinion of the objectors, the development affects their amenities and the amenity of the local area, it is not considered that this is harmful in planning terms, such that any additional control to satisfy those concerns would go beyond that necessary to accomplish satisfactory planning control

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

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

9.0 **CONCLUSION**

- 9.1 The principle of the use and the development proposals are considered to accord with provisions of policies CS1, CS2, CS15 and PS1 of the Chesterfield Local Plan: Core Strategy 2011 – 2031.



- 9.2 The development is considered appropriately sited, scaled and designed such that they do not present any adverse impacts upon the amenity, character or appearance of the surrounding area. The proposals do not give rise to any adverse highway safety issues and adequately served by existing and proposed infrastructure in accordance with policies CS2, CS18 and CS20 of the Chesterfield Local Plan: Core Strategy 2011 – 2031.
- 9.3 The application submission is supported by the preparation of assessment and reports which illustrates the proposed developments ability to comply with the provisions of policies CS7, CS8, CS9, CS18 and CS20 of the Chesterfield Local Plan: Core Strategy 2011 – 2031 and where necessary it is considered that any outstanding issues can be mitigated and addressed in any appropriate planning conditions being imposed.
- 10.0 **RECOMMENDATION**
- 10.1 That a CIL Liability notice be served in line with the calculation referred to at paragraph 5.9.1 above
- 10.2 That the application be approved 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.

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

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

5743\_AEW\_8172\_0001 Rev A – Site Location Plan  
5743\_AEW\_8172\_0002 – Block Plan  
5743\_AEW\_8172\_0003 Rev A – Existing Site Plan  
5743\_AEW\_8172\_0004 Rev C – Proposed Site Plan  
5743\_AEW\_8172\_1005 – Proposed Elevations  
5743\_AEW\_8172\_1006 – Proposed Floor and Roof Plan  
5743\_AEW\_8172\_0015 – Proposed Landscape Plan  
5743\_AEW\_8172\_0017 - Proposed Retaining Wall

4180561- 1000 Rev P3 – Proposed Levels  
4180561- 1001 Rev P3 – Site Sections  
4180561- 1200 Rev P3 – Proposed Drainage  
4180561- 1210 Rev P1 – Drainage Detail (1 of 2)  
4180561- 1211 Rev P1 – Drainage Detail (2 of 2)  
4180561- 1212 Rev P3 – Proposed Drainage Maintenance Plan

Supporting Statement (prepared by Planware Ltd dated March 2019)

Drainage Calcs (prepared by Glanville Consultants Ltd dated February 2019)

Transport Assessment (prepared by ADL Traffic and Highways Engineering Ltd dated April 2020)

Travel Plan (prepared by McDonalds dated April 2020)

Tree Survey, Arboricultural Impact Assessment, Arboricultural Method Statement & Tree Protection Plan [7195-D-AIA] (prepared by Hayden Arboricultural Consultants dated February 2018)

Coal Mining Risk Assessment (prepared by Pam Brown Associates dated February 2019)

Phase I Desk Study and Phase II Geo-Environmental Site Investigation (prepared by Pam Brown Associates dated March 2019)

Standard Patio Area – Supporting Specification

Odour Control – Supporting Information

Goal Post Height Restrictor and COD/Canopy – Details

Site Flythrough Video / Illustration – rec'd 02/08/2019

CIL Forms / Liability

McDonalds Litter Control – Standards / Guidance

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

### Drainage

03. The development hereby approved shall be constructed in accordance with the Drainage Scheme detailed on drawing no's 4180561- 1200 Rev P3 – Proposed Drainage, 4180561- 1210 Rev P1 – Drainage Detail (1 of 2), 4180561- 1211 Rev P1 – Drainage Detail (2 of 2) and 4180561- 1212 Rev P3 – Proposed Drainage Maintenance Plan. The building shall not

be occupied until sewage disposal and drainage works have been completed in accordance with the approved plans, unless any alternative is otherwise agreed in writing by the Local Planning Authority.

*Reason - In the interest of satisfactory and sustainable drainage and in accordance with policy CS7 of the Core Strategy.*

#### Construction Management

04. No development shall take place until a Construction Management Plan or Construction Method Statement (CMP / CMS) has been submitted to and been approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The statement shall provide for:
- parking of vehicles of site operatives and visitors
  - routes for construction traffic
  - swept paths for construction vehicles expected to enter the site (largest vehicle to be demonstrated)
  - hours of operation
  - method of prevention of debris being carried onto highway
  - pedestrian and cyclist protection
  - proposed temporary traffic restrictions
  - arrangements for turning vehicles

*Reason – In the interests of highway safety.*

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

*Reason – In the interests of residential amenity.*

#### Tree Protection

06. Prior to commencement of development Root Protection Area's (RPA's) shall be established to the 3 no. protected Maple trees on site in accordance with the Tree Protection Plan (drawing 7195-D-AIA) and tree protection measures

shall be erected as outlined in the Tree Report, Tree Impact Assessment and Tree Protection Plan by Hayden's Arboricultural Consultants dated 11th February 2018. Throughout site clearance and construction phases the measures outlined therein shall be adhered to at all times unless otherwise agreed in writing by the Local Planning Authority.

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

07. In association with the CMP / CMS (required by condition 4) details shall be submitted to and be approved in writing by the Local Planning Authority showing the proposed areas for storage of materials, site cabins, car parking and other associated plant materials and these facilities should be outside the designated RPA's of the 3 no. protected trees and shall not interfere with the rooting environment of these trees. Throughout site clearance and construction phases the layout outlined therein shall be adhered to at all times unless otherwise agreed in writing by the Local Planning Authority.

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

08. There shall be no excavations for services i.e. electrical cables, inspection chambers, sewage infrastructure etc. within the designated RPA's unless these details have been exclusively submitted under the provisions of this condition for prior consideration and written approval by the Local Planning Authority.

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

## Highways

09. Prior to the commencement of development a detailed scheme of highway improvement works for the provision of the amended access from Markham Road and amended egress onto West Bars, 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. These works shall include the provision of exit visibility sightlines measuring 2.4m x 46m on to West Bars; and the maximum achievable sight stopping distance from the West Bars roundabout onto Markham Road towards the site entrance of 51m. No part of the development shall be brought into use until the required highway improvement works have been constructed in accordance with the approved details. The developer will 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.

*Reason – In the interests of highway safety.*

10. Prior to the development, the subject of the application, being brought into use, the vehicular and pedestrian accesses shall be created/ modified in accordance with the approved designs, the subject of Condition 9 above, all areas (within the development site boundary) in advance of the visibility sightlines shall be retained throughout the life of the development free of any object greater than 1m in height (0.6m in the case of vegetation) relative to adjoining nearside carriageway channel level.

*Reason – In the interests of highway safety.*

11. Prior to installation a scheme detailing any external lighting shall be submitted to the Local Planning Authority for consideration. Only a scheme which receives approval in writing shall be implemented on site.

If within a period of 24 months from the lighting installation being implemented, any complaints are received about glare / overspill, the lights causing the effect shall be immediately turned off. Before the installation is allowed to be switched back on a night time lighting survey shall be undertaken to

assess the full impact of the installation and remedial measures shall be submitted to the Local Planning Authority for consideration and written approval. Thereafter those remedial measures shall be implemented with immediate effect and retained thereafter as approved.

*Reason – In the interests of amenity and to ensure the installation does not present any adverse overspill, nuisance or glare to adjoining to adjacent neighbouring properties / highway.*

12. The development hereby permitted shall not be occupied until all existing vehicular and pedestrian accesses to the existing highway made redundant as a result of the proposed development shall be permanently closed with a physical barrier and the footway reinstated in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority.

*Reason – In the interests of highway safety.*

13. No part of the development shall be taken into use until space has been provided within the site curtilage for the parking/ loading and unloading/ manoeuvring of staff/ customers/ service and delivery vehicles (including cycle parking), located, designed, laid out and constructed all in accordance with the approved site layout and maintained throughout the life of the development free from any impediment to its designated use.

*Reason – In the interests of highway safety.*

14. The development hereby permitted shall not be occupied until details of cycle parking facilities for the visitors to the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.

*Reason – In the interests of highway safety.*

15. There shall be no gates or other barriers to prevent free passage of vehicles through the site, unless otherwise agreed in writing by the Local Planning Authority.

*Reason – In the interests of highway safety.*

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

*Reason – In the interests of highway safety.*

#### Landscaping

17. Within 2 months of commencement of development full details of hard landscape works for the approved development shall be submitted to the Local Planning Authority for consideration.  
Hard landscaping includes proposed finished land levels or contours; means of enclosure; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.) retained historic landscape features and proposals for restoration, where relevant. These works shall be carried out as approved prior to the occupation of the dwellings.

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

18. Within 2 months of commencement of development details of a soft landscaping scheme for the approved development shall be submitted to the Local Planning Authority for consideration.  
The required soft landscape scheme shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers; densities where appropriate, an implementation

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

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

19. 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.*

#### Opening Hours / Servicing Hours

20. Opening hours of the restaurant / drive-thru shall be restricted to between the hours of 06.00am and 24.00pm (midnight) on any individual day.

*Reason – In the interests of residential amenity.*

21. Deliveries to the site shall only be made between the hours of 07.00am and 22.30pm on any individual day.

*Reason – In the interests of residential amenity.*

#### Others

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



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

23. Electric Vehicle Charging Points (EVCPs) shall be provided in accordance with the approved site layout for at least 2 no. car parking spaces; and passive provision shall be made available for the remainder of the site so that spaces are capable of being readily converted to EVCPs in the future. Thereafter the EVCP's shall be retained and maintained operational for the lifetime of the development.

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

24. The Approved Travel Plan shall be implemented in accordance with the timescales specified therein, to include those parts identified as being implemented prior to occupation and following occupation, unless alternative timescales are agreed in writing with the Local Planning Authority. The Approved Travel Plan shall be monitored and reviewed in accordance with the agreed Travel Plan targets.

*Reason - To encourage the wider use of more sustainable methods of transport.*

### **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.

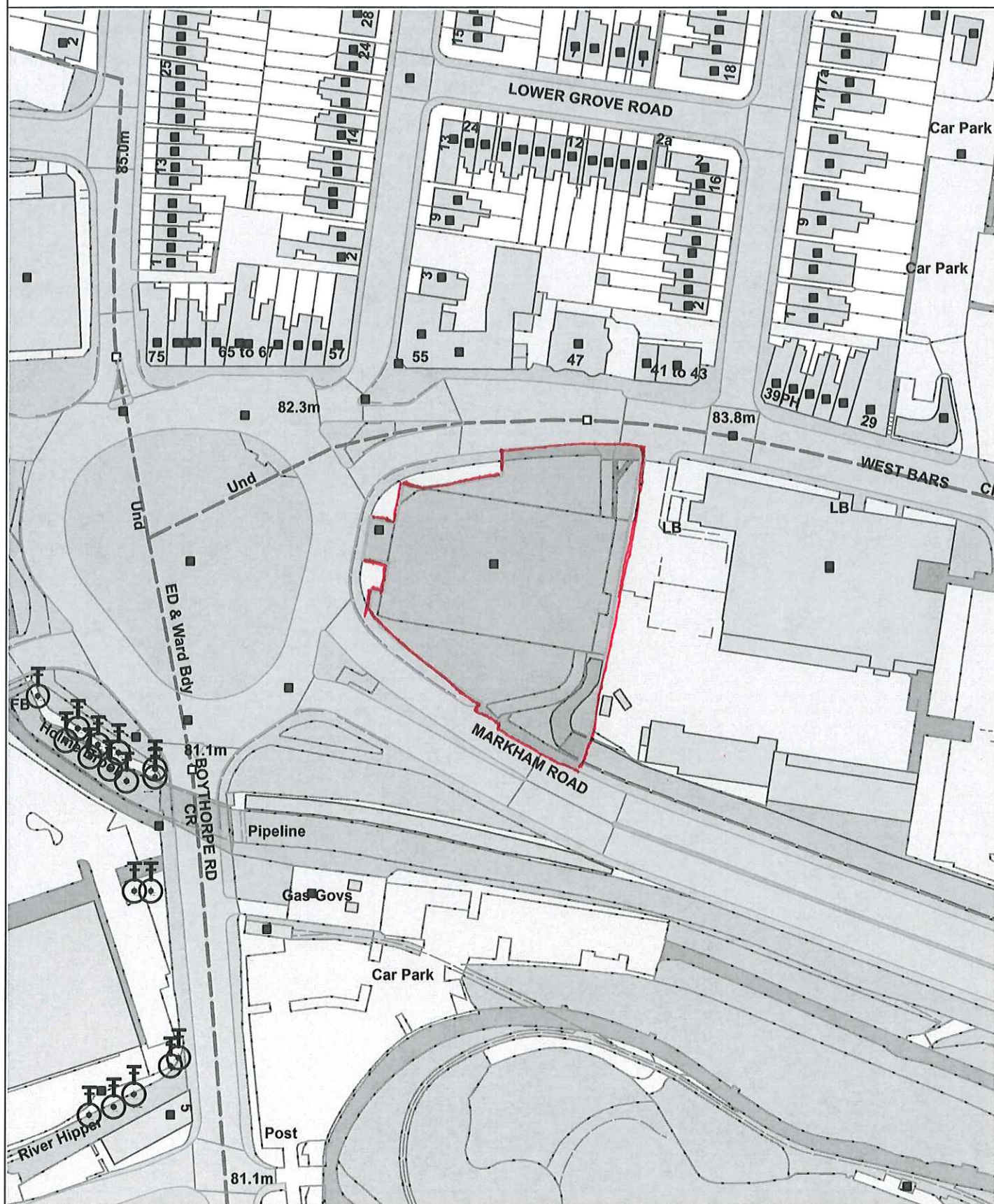
03. Please note that this permission is issued together with a separate Community Infrastructure Levy (CIL) Liability Notice, to which the developer should also refer. The developer should note the terms of the CIL Liability which is triggered upon commencement of development.

Further information can be found on the Council's website using the following web address  
[www.chesterfield.gov.uk/planning-and-building-control/planning-services/community-infrastructure-levy.aspx](http://www.chesterfield.gov.uk/planning-and-building-control/planning-services/community-infrastructure-levy.aspx)  
or alternatively please contact the Infrastructure Planning Officer (Rick Long) on 01246 345792.

04. In relation to the any works / conditions regarding trees the following British Standards should be referred to:
- a) BS: 3998:2010 Tree work – Recommendations
  - b) BS: 5837 (2012) Trees in relation to demolition, design and construction – Recommendations.
05. Pursuant to Section 163 of the Highways Act 1980, where the site curtilage slopes down towards the public highway measures shall be taken to ensure that surface water run-off from within the site is not permitted to discharge into the highway. This usually takes the form of a dish channel or gully laid across the access immediately behind the back edge of the highway, discharging to a drain or soakaway within the site.
06. Pursuant to Section 278 of the Highways Act 1980 and the provisions of the Traffic Management Act 2004, no works may commence within the limits of the public highway without the formal written Agreement of the County Council as Highway Authority. Advice regarding the technical, legal, administrative and financial processes involved in Section 278 Agreements may be obtained from the Executive Director of Economy Transport and Environment at County Hall, Matlock (tel: 01629 538658). The applicant is advised to allow approximately 12 weeks in any programme of works to obtain a Section 278 Agreement.
07. Under the provisions of the New Roads and Street Works Act 1991 and the Traffic Management Act 2004, all works that

involve breaking up, resurfacing and / or reducing the width of the carriageway require a notice to be submitted to Derbyshire County Council for Highway, Developer and Street Works. Works that involve road closures and / or are for a duration of more than 11 days require a three months notice. Developer's Works will generally require a three months notice. Developers and Utilities (for associated services) should prepare programmes for all works that are required for the development by all parties such that these can be approved through the coordination, noticing and licensing processes. This will require utilities and developers to work to agreed programmes and booked slots for each part of the works. Developers considering all scales of development are advised to enter into dialogue with Derbyshire County Council's Highway Noticing Section at the earliest stage possible and this includes prior to final planning consents.

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# Agenda Item 5

<b>COMMITTEE/SUB</b>	Planning Committee
<b>DATE OF MEETING</b>	22 <sup>nd</sup> June 2020
<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:-  No Agenda Item
<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
20/02061/DEXFP	2 Wilden CroftBrimingtonChesterfieldS43 1GT	Extension to rear of house to create larger lounge and dining room	26/05/2020	C
20/02128/DEXFP	23 Brookside BarChesterfieldS40 3PL	Extensions & Alterations	27/05/2020	A
20/01933/CBUS	11 Dormy CloseMansfield WoodhouseNottsNG19 9DP	Two storey side extension and roof alterations	27/05/2020	A
20/02218/DEXFP	176 Somersall LaneSomersallChesterfieldS40 3NA	Installation of 1 New Dormer Window to First Floor Far Right Hand Bedroom	29/05/2020	A
19/01156/DEXFP	8 Hartfield CloseHaslandChesterfieldS41 0NU	Single storey rear lounge extension and first floor extension to form bedroom with en-suite above existing garage	01/06/2020	A
20/02022/DEXFP	48 Foxbrook DriveWaltonChesterfieldS40 3JR	Single Storey Extension	02/06/2020	A
20/01643/DEXFP	151 Brockwell LaneBrockwellChesterfieldS40 4EP	Single storey rear extension and front porch	03/06/2020	A
20/02123/OTHFP	Chesterfield And North Derbyshire Royal HospitalChesterfield RoadCalowChesterfieldS44 5BL	The creation of a Charity hub retail unit within the hospital Main Entrance Concourse area	04/06/2020	A
20/01690/DCC	1 Cornwall CloseBrimingtonChesterfieldS43 1EG	Single storey rear extension	08/06/2020	C
20/01904/DEXFP	27 Clarkson AvenueBirdholmeChesterfieldS40 2RS	Front and rear extension	09/06/2020	A
20/02432/DEXFP	20 Enfield RoadNewboldChesterfieldS41 7HN	Single/two storey rear extension	10/06/2020	C

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# Agenda Item 6

<b>COMMITTEE/SUB</b>	Planning Committee
<b>DATE OF MEETING</b>	22 June 2020
<b>TITLE</b>	DELEGATION
<b>PUBLICITY</b>	For Publication
<b>CONTENTS</b>	<p>Items approved by Development Management and Conservation Manager under the following Delegation references:-</p> <p>Planning Applications P020D, P200D to P250D, P270D to P320D, P350D to P370D, P390D, P420D to P440D</p> <p>Agricultural and Telecommunications P330D and P340D</p>
<b>RECOMMENDATIONS</b>	Not applicable
<b>LIST OF BACKGROUND PAPERS</b>	Relevant applications

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

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

<b>Code No FileNo</b>	<b>Ward</b>	<b>Proposal</b>	<b>Decision</b>	<b>Decision Date</b>
CHE/19/00598/COU	Old Whittington	Change of use from car showroom to fitness and martial arts club.  At The Service Centre Brimington Road North Chesterfield S41 9BH  For Mr Steven McPhail	CP	09/06/2020
CHE/19/00774/ADV	Old Whittington	1 single sided LED illuminated pole sign. (Revised drawings submitted 18/03/20 and additional information added 02/04/20 regarding sign details and 28/05/20 regarding sign angle)  At Chesterfield Skoda 1 Discovery Way Whittington Moor Derbyshire S41 9EG  For Digital Showrooms Limited	CP	29/05/2020
CHE/19/00811/FUL	Middlecroft And Poolsbrook	Demolition of existing conservatory and erection of a replacement rear extension and replacement window to the front of the premises - revised plan received 30 01 2020. Revised drawings received 18.02.2020. Email received 19/05/20 regarding parking  At 11 Church Street Staveley S43 3TL  For Spire Funeral Services	CP	20/05/2020
CHE/19/00812/COU	West	Retrospective consent for change of use from A1 (shop) to D1 (training establishment and beauty salon) (clarification email in regards the business received on 19/02/20)  At Cavendish House 590A Chatsworth Road Chesterfield S40 3JX  For Mr Stephen Roberts	CP	02/06/2020

CHE/20/00065/FUL	St Helens	Two storey rear extension At 20 Enfield Road Chesterfield Derbyshire S41 7HN For Mr Daniel Wedge	CP	29/05/2020
CHE/20/00113/REM1 approved	CP And New Whittington	Barrow Hill 26/05/2020 plans in relation to application number CHE/18/00648/FUL - To amend the list of approved plans to just reflect the weir removal. At Breck Farm Watermeadows Breck Lane Barrow Hill Derbyshire  For Miss Rachel Walker	Variation of condition 2 -	
CHE/20/00119/FUL	West	Single storey side, rear and front extension At 24 Ashgate Avenue Ashgate Chesterfield S40 1JB For Mr and Mrs Goodwin	CP	02/06/2020
CHE/20/00124/FUL	Hasland	External works to existing public house including new free standing pergola, new and refurbished furniture, repairs to existing fences and planters and installation of new festoon lighting  At Devonshire Arms 3A Mansfield Road Hasland S41 0JB For Star Pubs and Bars	CP	20/05/2020
CHE/20/00183/FUL	Walton	Demolition of existing conservatory and erection of a single storey rear extension At 17 Hazel Drive Walton Derbyshire S40 3EN  For Lisa Sutton	CP	08/06/2020

CHE/20/00190/LBC	Brockwell	Listed Building Consent to repair defective stone cill, re-point affected brickwork, clean and re-paint cast iron window frame, make good internal plaster and re-configure internal partition walls to improve toilet facilities	CP	04/06/2020
		At10A Marsden Street Chesterfield Derbyshire S40 1JY		
		For Mr Mahroof Saddique		
CHE/20/00196/REM1 (approved	CP And Poolsbrook	Middlecroft 03/06/2020 drawings) of CHE/18/00867/REM (redevelopment of site for residential use) to allow for removal of low brickwork front wall	Variation of condition 1	
		At Land At Middlecroft Road Staveley Derbyshire		
		For TGN Construction Ltd		
CHE/20/00202/FUL	Walton	Extension and conversion of garage at front of property together with a first floor extension above to provide dependent relatives accommodation	CP	29/05/2020
		At11 Selby Close Walton Derbyshire S40 3HA		
		For Mr Jonathan Green		
CHE/20/00207/FUL	Hollingwood And Inkersall	Installation of 4 electric vehicle charging stations within the existing car park, along with associated equipment and 2 canopies. Remarking of car parking surface. Installation of height restricting metal barriers at existing car park access points.	CP	26/05/2020
		At Markham Vale Services Enterprise Way Duckmanton Derbyshire		

CHE/20/00217/FUL	Hollingwood And Inkersall	Ground Floor extension to front of property to form porch and larger dining room At 6 Damson Croft Hollingwood Derbyshire S43 2HY  For Mr Neil Smith	CP	21/05/2020
CHE/20/00218/FUL	West	Single storey rear extension (amended drawings received 27.05.2020 indicating gutter line within site curtilage)  At 16 Storrs Road Chesterfield Derbyshire S40 3PZ  For Mrs Jo Topham	CP	27/05/2020
CHE/20/00224/REM1	Old Whittington	Removal of condition 3 (heat stove and flue) of CHE/18/00830/LBC (Erection of a single-storey rear extension and associated landscaping works. Removal of masonry below existing window sill to form door access between existing building and proposed extension. Demolition of existing garage with new garage to be constructed further back on the site) as stove is to be omitted from the proposal At Long Cottage 79 High Street Old Whittington Derbyshire S41 9LA  For Mr Jon Carr	CP	27/05/2020
CHE/20/00226/FUL	Brimington North	Single storey, flat roof rear extension for disability facilities At 1 Cornwall Close Brimington S43 1EG  For Mr G Gaskin	CP	28/05/2020
CHE/20/00227/DOC	Holmebrook	Discharge of planning conditions 15 (materials), 17 (surface water run off) and 19 (Employment) in relation to Scheme of CHE/19/00735/FUL-	DPC	28/05/2020



demolition of existing garages and erection of 6 self contained single storey complex behavioural bungalows and 6 self contained assisted living apartments over 2 storeys and new tarmac through road linking Bank Street and Chester Street. Additional information received 27.04.2020.

At Garage Sites  
Bank Street  
Chesterfield  
S40 1BH

For Chesterfield SSL Ltd

CHE/20/00230/FUL Moor	Amendment to CHE/19/00798/FUL CP (Extensions to side and rear of property - part single storey and part two storey) to change proposed front bay window to a fully glazed box bay. At 19 Dukes Drive Newbold S41 8QB For Stansbury	27/05/2020
CHE/20/00232/TPD Rother	Single storey rear pitched roof extensionPANR  At 24 Whitecotes Lane Walton Derbyshire S40 3HL  For Mr Dean Reece	26/05/2020
CHE/20/00241/FUL Rother	Rear extension CP At 38 Langer Lane Birdholme Derbyshire S40 2JG  For Mr & Mrs Blakeley	04/06/2020
CHE/20/00246/FUL Moor	Alterations to existing garage. Raising CP and re-finishing the roof, new fascias and new entrance doors. At 90 Peveril Road Newbold S41 8RX For Mr Whitaker	05/06/2020

CHE/20/00248/FUL	Barrow Hill And New Whittington	Removal of existing rear conservatory and garage and erection of a two storey rear and side extension - re- submission of CHE/19/00622/FUL  At 112 Burnbridge Road Old Whittington Derbyshire S41 9LS  For Mr Robert Allen	CP	26/05/2020
CHE/20/00296/TPO	Brimington South	Oak T3 - Crown lift over driveway by 4m and cut back from property by 1 - 2m  At 8 Limetree Close Brimington Derbyshire S43 1RB  For SUHA	CP	27/05/2020
Ash T4 T5 - Fell				
CHE/20/00299/CA	West	Beech tree - Crown reduction At Avondale 13 Somersall Lane Somersall Derbyshire S40 3LA  For Mr John Miller	UP	29/05/2020
CHE/20/00301/DOC	Hollingwood And Inkersall	Discharge of condition 5 (soft landscaping) of CHE/18/00575/REM - Reserved matters application for CHE/15/00291 - Construction of a Use Class B8 unit with ancillary B1(a) offices, a sub-station with associated access; parking; servicing area; engineering, landscaping; and, drainage works  At Markham Employment Growth Zone Markham Lane Duckmanton Derbyshire S44 5HS For AJA Architects LLP	DPC	26/05/2020

Non material amendment to  
 CHE/18/00626/REM1 - Variation of  
 conditions 31 (highway improvements)  
 ,37 (junction improvements Holbeck  
 Close/Brimington Road),39 (junction  
 improvements Brewery St/Brimington  
 Road) 41 (pedestrian crossing) and 45  
 (approved plans) of  
 CHE/16/00183/REM1 - Outline  
 planning application with all matters  
 reserved except for means of access  
 proposing the demolition of existing  
 buildings and erection of a  
 comprehensive mixed use regeneration  
 scheme comprising residential (use  
 class C3); retail (use class A1);  
 financial/professional services (use  
 class A2); restaurants, drinking  
 establishments and hot food  
 establishments (use classes A3, A4  
 and A5); offices (use class B1); doctors  
 surgery and creche (use class D1); two  
 hotels (use class C1); health and  
 fitness (use class D2); nursing home  
 (use class C2); ancillary creative uses  
 including a possible arts centre, a new  
 canal link, new open spaces including  
 linear and eco parks, new public realm  
 and car parking arrangements including  
 two multi storey car parks at  
 Chesterfield Waterside, A61 Corridor

At Land At East Of A61Known As Chesterfield Waterside  
 Brimington Road  
 Tapton  
 Derbyshire

For Chesterfield Waterside Ltd

CHE/20/00315/TPO Barrow Hill  
 And New  
 Whittington

Limetree to be reduced by 50% due to CP  
 stability undermined by water  
 At Woodland To Rear Of  
 33 - 37 Coupland Close  
 Old Whittington  
 Derbyshire  
 For Mrs June Macdonald

27/05/2020

CHE/20/00320/TPO Dunston

Alder tree - 3m crown lift  
 At 2 Bowness Road  
 Newbold  
 Derbyshire  
 S41 8AH

CP

04/06/2020

CHE/20/00342/TPO	Hollingwood And Inkersall	Removal of Oak tree (dangerous) within CP G1 of TPO 233		03/06/2020
		At 16 Booker Close Inkersall Derbyshire S43 3WA		

For Mrs Heidi Townsend Glossop

CHE/20/00347/CA	West	Crown reduce small ash tree in rear garden	UP	09/06/2020
		At 540 Chatsworth Road Chesterfield Derbyshire S40 3AY		

For Mr Toby Perkins

## **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 June 2020
<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/20/00174/TPO  TPO 4901.265  16/04/20	The felling of one Damson tree and the pruning of 14 trees within W1 on the order map for Mr David Turner of 14b Spital Lane, Spital. The Damson tree is part of a large group of trees and is leaning towards the property and is insignificant within the group. The trees are located on a steep banking and some require re-pollarding to retain public safety and other require normal maintenance works to retain their size and shape in the garden setting.	Consent is granted to the felling of one Damson tree. The duty to replant has been dispensed with on this occasion due to other trees in the garden and no lose of Amenity.  Consent is also granted to re-pollard 3 Sycamore trees and crown lift and crown thin the remaining 11 trees.
CHE/20/00258/TPOEXP  TPO 4901.132  20/04/20	The felling of one Robinia tree which is split down the main stem and located next to the public footpath reference T30 on the Order map for The Environmental Partnership at the former car park of Walton Hospital, Whitecotes Lane.	Consent is granted to the felling of the tree with a condition to replant with another Robinia this planting season October 2020 in the same location that is reasonably possible.
CHE/20/00259/TPO  TPO 4901.32	The pruning of two Oak trees reference T3 & T4 on the Order map for Dronfield Tree Services on behalf of Starfish	Consent is granted to crown clean two Oak trees by removing dead wood, damaged branches and stubs left from poor pruning

27/04/20	Group at the former Brockwell Court development site off Cheedale Avenue. The trees were pruned in contravention of a Tree Preservation Order and the works are to rectify the poor pruning cuts left on the trees.	works pruning back to suitable replacement branches or the main stem.
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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/20/00096/TPO TPO 4901.172 6/05/20	The pruning of one Oak tree reference T41 on the Order map for MWA Arboriculture Ltd on behalf of Mr Upfold of 402 Old Road, The tree is allegedly causing subsidence damage to the property.	Consent is refused to crown reduction of one Oak tree by 30% because the information provided did not justify the works to reduce the tree for the alleged subsidence damage to the property. Further details and investigations have been requested.
CHE/20/00296/TPO TPO 4901.111 27/05/20	The pruning of one Oak tree reference T3 on the Order map for JB Hibberd Ltd on behalf of Mr Mark Osbourne of 152 Rockingham Street, Sheffield. The tree is located to the frontage of 8 Lime Tree Close, Brimington.	Consent is granted to the crown lifting of one Oak tree by a maximum of 4 metres and the reduction of side branches growing towards the property to give a clearance of 2 metres from the structure.
CHE/20/00315/TPO TPO 4901.176 27/05/20	The pruning of one Lime tree within W1 on the Order map for Mrs June McDonald of 33 Coupland Close, Old Whittington. The tree has evidence of movement of the root plate.	Consent is granted to the crown reduction of one Lime tree by 50% to removal any risk of uprooting and retain the tree in the woodland setting.
CHE/20/00342/TPOEXP TPO 4901.233 03/06/20	The felling of one damaged and dangerous Ash tree within G1 on the Order map for Mrs Heidi Townsend Glossop of 16 Booker Close. Part of the tree recently failed and fell into the	Consent is granted to the felling of one Ash tree with a condition to plant a Rowan tree in the first available planting season after felling.

	adjacent road leaving the remainder of the tree dangerous.	
CHE/20/00320/TPO  TPO 4901.308  04/06/20	The pruning of one Alder tree reference T1 on the Order map for Mrs Holt of 2 Bowness Road, Newbold.	Consent is granted to the crown lifting of the tree by 3 metres to clear the driveway and garden.

**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/20/00299/CA The pruning of one Beech tree to the frontage of 13 Somersall Lane, Somersall.	The tree is within the Somersall Conservation Area and the applicant wishes reduce the size of the tree due to its location in the front garden and limited space to mature.	Agreement to the pruning of one Beech tree. The pruning of the tree will have no adverse effect on the amenity value of the area.	29/05/20
CHE/20/00347/CA The pruning of one Ash tree in the rear garden of 540 Chatsworth Road, Brampton.	The tree is within the Chatsworth Road Conservation Area and the applicant wishes reduce the size of the tree due to its location in the rear garden and limited space to mature.	Agreement to the pruning of one Ash tree. The pruning of the tree will have no adverse effect on the amenity value of the area.	09/06/20

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## AGENDA ITEM

### APPEALS REPORT

**MEETING:** PLANNING COMMITTEE

**DATE:** 22<sup>nd</sup> June 2020

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

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#### FOR PUBLICATION

#### BACKGROUND PAPERS FOR PUBLIC REPORTS

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

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#### 1.0 PURPOSE OF REPORT

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

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

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

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## APPEALS

<u>FILE NO.</u>	<u>WARD</u>	<u>APPELLANT</u>	<u>CASE</u>	<u>MEMBER OFFICER</u>	<u>DATE REC</u>	<u>TYPE AND DATE</u>	<u>DECISION AND DATE</u>
2/208	Old Whittington ward	Nikki Cooper	CHE/19/00389/COU – Change of Use from B8 warehouse to D2 gym at unit 18 Broombank Park Refusal	Officer delegation	28/01/20	Written Reps (HAS)	
2/5549	Hasland ward	Rock Paper Scissors	CHE/19/00744/FUL – Extension to rear 10 The Green. Refusal	Officer Delegation	10/02/20	Written Reps (CAS)	
2/4071	Moor ward	Mr D Revitt	Unauthorised building to rear of 10 Pottery Lane West. Enforcement Notice Grounds b) and c)	Planning Committee	25/2/20	Written Reps	
2/4077	Hollingwood & Inkersall ward	Katie Buxton	4 Ringwood Meadows Tree Replacement Notice	Officer Delegation	2/3/20	Written Reps	
2/1272	St Leonards ward	McDonalds	CHE/19/00199/FUL – new restaurant on land at West Bars roundabout Refusal	Planning Committee against officer advice	20/3/20	Written Reps	
2/5337	Woodthorpe & Lowgates ward	Chatsworth Settlement Trustees	CHE/17/00469/OUT	Planning Committee against officer advice	14/4/20	Public Inquiry	

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# FOR PUBLICATION Agenda Item 9

## ENFORCEMENT REPORT

**MEETING:** PLANNING COMMITTEE

**DATE:** 22<sup>nd</sup> JUNE 2020

**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: 5

## ENFORCEMENT REPORT

12 June 2020

Address		Authorised <small>days from</small>	Breach	CHE/	Issued <small>days to issue</small>	Effective <small>days to (-) /from</small>	Comply <small>days to (-) /from</small>	Notes	update <small>last update</small>	Ward
<b>Breach of Condition Notice</b>			Total currently Authorised: 1 Authorised to Issue Average: days							
York Street	2	23/09/19 263	balcony, canopy and french door	17/00800/FUL				Instructed. About to be issued.	<input type="checkbox"/> 03/12/19	Ha
<b>Enforcement Notice</b>			Total currently Authorised: 4 Authorised to Issue Average: 281 days							
Markham Road	Markham House	18/02/08 4,498	storage of commercial vehicles		20/03/08 31	18/04/08 4438	20/10/08 4253	Complied by 2009. Unauthorised use has started again. Prosecute - awaiting instructions.	<input type="checkbox"/> 14/11/19	HI
Pottery Lane West	10	06/01/20 158	two unauthorised metal structures.		06/02/20 31			Initially action against one structure approved 12/11/19, then second structure installed and further report on both structures approved 06/01/20. Issued. Appeal.	<input checked="" type="checkbox"/> 04/03/20	Mo

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
Tapton View Road	47	24/04/17 <i>1,145</i>	unauthorised extension	16/00648	14/06/19 <i>781</i>	22/07/19 <i>326</i>	22/01/20 <i>142</i>	Application dismissed on appeal. Application for changes to extension CHE/17/00827/FUL approved, but unauthorised extension not removed. Issued, requiring demolition of unauthorised part. Not complied, but builder now contracted. CV-19.	<input type="checkbox"/> 26/02/20	SH
York Street	2	09/10/17 <i>977</i>	conversion and extension of roof space	17/00800/FUL				Flat conversion approved 03/04/18, conditions requiring removal of balcony, canopy, french windows appealed, but dismissed 18/12/18. Not complied with conditions. BCN authorised - see separate entry.	<input type="checkbox"/> 19/12/18	Ha

Address	Authorised days from	Breach	CHE/	Issued days to issue	Effective days to (-) /from	Comply days to (-) /from	Notes	update last update	Ward
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Action authorised by Committee except Breach of Condition, Planning Contravention, Section 215 Notices, Advertisement Discontinuance, prosecutions and urgent action which are authorised by officers

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

SJP - single justice procedure: prosecutions dealt with by the Magistrates Court on paper without a hearing in open court  
CV-19 - coronavirus implications for enforcement or compliance

By virtue of paragraph(s) 6a of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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