



Please ask for Emily Taylor
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The Chair and Members of Planning Committee

Councillors A Bellamy, I Callan and T Gilby – Site Visit 1

Councillors B Dyke and C Ludlow – Site Visit 2

Councillors M Davenport, E Fordham and K Hollingworth – Site Visit 3 and Site Visit 4

21 October 2022

Dear Councillor,

Please attend a meeting of the PLANNING COMMITTEE to be held on MONDAY, 31 OCTOBER 2022 at 1.00 pm in Committee Room 1, the agenda for which is set out below.

AGENDA

Part 1(Public Information)

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

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

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|------------|--|
| 1. 11:10am | 366 Brimington Road,
Tapton, Chesterfield
CHE/22/00581/OUT |
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- | | |
|------------|--|
| 2. 11:25am | The Elm Tree Inn, High Street, Staveley, Chesterfield, S43 3UU
CHE/21/00778/FUL |
| 3. 11:55am | 48 Newbold Road, Newbold, Chesterfield
CHE/22/00464/FUL |
| 4. 12:15pm | 48 Newbold Back Lane, Chesterfield
CHE/21/00585/FUL |

Members are reminded that only those attending on site will be eligible to take part in the debate and make a decision on these items, unless a reasonable adjustment is in place by prior arrangement. Members intending to declare a Disclosable Pecuniary Interest, or any other matter which would prevent them taking part in discussions on an item, should not attend the site visit for it

Ward members are invited to attend on site and should confirm their attendance by contacting Emily Taylor on tel. 01246 345236 or via e-mail: Emily.Taylor@chesterfield.gov.uk by 9.00 a.m. on Monday 31 October, 2022. If you do not confirm your attendance, it will be assumed that you will not be attending on site.

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

1. Apologies for Absence
2. Declarations of Members' and Officers' Interests Relating to Items on the Agenda
3. Minutes of Planning Committee (Pages 5 - 30)
4. Applications for Planning Permission - Plans Determined by the Committee (Pages 31 - 142)
5. Applications to Fell or Prune Trees (P620D) (Pages 143 - 148)

6. Appeals Report (P000) (Pages 149 - 152)
7. Enforcement Report (P410) (Pages 153 - 156)
8. 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 of Part I of Schedule 12A of the Act."

Part 2 (Non Public Information)

9. Hasland Hotel, Calow Lane, Hasland, Chesterfield, Derbyshire (Pages 157 - 168)

Yours sincerely,

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

Head of Regulatory Law and Monitoring Officer

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PLANNING COMMITTEE

Monday, 10th October, 2022

Present:-

Councillor Simmons (Vice Chair in the Chair)

Councillors D Collins
Barr
Bingham
Brady
Catt

Councillors Davenport
T Gilby
Miles
Simmons
G Falconer

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

CHE/22/00511/FUL – Erection of a new 3 bedroom bungalow with attached garage and associated landscaping works on land west of Wash House Lane, off Chatsworth Road, Chesterfield for Mr and Mrs Allenby.

Councillors Barr, Bingham, Brady, Catt, Davenport and Falconer.

CHE/22/00276/RET – Retrospective consent for erection of fencing and permission for change of use of front of the building, (flat roof area) to sale of retail garden sundries and the front of the site for plant sales and display of garden buildings and cladding to the exterior of the building at Old Hardys Builder Yard, 194-196 Newbold Road, Chesterfield for the Gardens Buildings Co Ltd.

Councillors Barr, Bingham, Brady, Catt, Davenport and Falconer.

CHE/21/00789/FUL – Single storey detached sports bar set in the car park of the Technique Stadium (revised plans received 15/07/2022) at Technique Stadium, 1866 Sheffield Road, Whittington Moor, Chesterfield, Derbyshire, S41 8NZ for Chesterfield Football Club.

Councillors Barr, Bingham, Brady, Catt, Davenport and Falconer.

CHE/21/00464/OUT – Outline application for erection of 2 buildings (one up to 6 storey and one up to 4 storey) for mixed use comprising of offices (eg), hotel (C1), residential (C3), retail (Ea), food and drink (Eb), fitness

(Ed), creche (F1e), event space with carpark at Chesterfield Hotel site, Malkin Street, Chesterfield, Derbyshire, S41 7UA for Chesterfield Borough Council and Prestige (Midlands) Hotels LTD.

Councillors Barr, Bingham, Brady, Catt, Davenport and Falconer.

Councillors Gilby, Miles and Simmons were unable to attend on site and received relevant site information by other means as a reasonable adjustment.

*Matters dealt with under the Delegation Scheme

59 APOLOGIES FOR ABSENCE

Apolgoies for absence were received from Councillors Borrell, Callan, Caulfield, Marriott and Mann.

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

No declarations of interest were received.

61 MINUTES OF PLANNING COMMITTEE

RESOLVED -

That the Minutes of the meeting of the Planning Committee held on 26 September, 2022 be signed by the Chair as a true record.

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

62 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/22/00511/FUL - ERECTION OF A NEW 3 BEDROOM BUNGALOW WITH ATTACHED GARAGE AND ASSOCIATED LANDSCAPING WORKS ON LAND WEST OF WASH HOUSE LANE, OFF CHATSWORTH ROAD, CHESTERFIELD FOR MR AND MRS ALLENBY

In accordance with Minute No. 299 (2001/2002) Mr Chris Allenby addressed the meeting.

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

***RESOLVED -**

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

A.

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby approved shall only be carried out in full accordance with the approved plans: Site Location Plan, Proposed Elevations drawing no.PL-003C, Proposed Elevations without trees drawing no.PL-005B, Proposed Floorplan drawing no.PL-002C, Site Section and Street Elevation, Tree Protection Plan, Arboricultural Assessment and Method Statement: with the exception of any approved non-material amendment.
3. Construction work shall only be carried out between the hours of 8:00 am to 6:00 pm Monday to Friday and 9:00 am to 5:00 pm on a Saturday. Construction work shall not be carried out on Sundays or Public Holidays. The term 'construction work' shall include mobile and fixed plant/machinery, (e.g. generators) radios and the delivery of construction materials.
4. 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.
5. The site shall be developed with separate systems of drainage for foul and surface water on and off site.

6. 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 maximum rate of 3.5 litres per second.

7. No dwelling approved as part of the development shall be occupied until the requirement for water consumption (110 litres use per person per day) in Part G of the Building Regulations has been complied with for that dwelling.

8. All lighting used on site shall be designed so as to control glare and overspill onto nearby residential properties.

9. Obscure glazing to a Pilkington Scale level 4 shall be utilised on the northern and western elevation windows of the proposed dwelling, as shown on drawing PL-005B. These windows only, shall be installed and retained obscurely glazed thereafter unless otherwise agreed in writing by the Local Planning Authority.

10. 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.

11. Notwithstanding the provision of the Town and Country Planning (General Permitted) Development Order 1995 (as amended) there shall be no extensions, outbuildings or garages constructed, or additional windows erected or installed at or in the dwellings hereby approved without the prior written agreement of the Local Planning Authority.

12. A new vehicular access shall be formed to Wash House Lane in accordance with the approved plans, laid out, constructed and maintained in perpetuity free from any impediment to its designated use.

13. At the commencement of operations on site, (excluding condition 12 above, and site clearance), space shall be provided within the site

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

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any statutory instrument amending, revoking and/or replacing that Order, the garage to be provided in connection with the development shall not be used other than for the parking of vehicles except with the prior grant of planning permission pursuant to an application made to the Local Planning Authority in that regard.

15. The premises, the subject of the application, shall not be occupied until space has been provided within the application site in generally accordance with the application drawings for the parking and manoeuvring of resident's vehicles (the parking bay measuring a minimum of 2.4m x 5.5m), laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.

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

17. To ensure that breeding birds are protected from harm, no removal of hedgerows, trees, shrubs or brambles shall take place between 1st March and 31st August inclusive, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period, and details of measures to protect the nesting bird interest on the site, have first been submitted to and approved in writing by the local planning authority and then implemented as approved.

18. In order to ensure that the biodiversity enhancement measures are fully implemented and sympathetically managed a Biodiversity Enhancement Plan shall be submitted to, and be approved in writing by, the LPA prior to the commencement of the development. The BEP should

be drawn up in accordance with the Preliminary Ecological Appraisal and Small Sites Metric prepared by Estrada Ecology June 2022. The BEP should include the following:

- a) Details of the ecological features to be created including methods, composition and location
- b) Aims of management
- c) Appropriate management methods for achieving aims and objectives.
- d) Prescriptions for management actions.
- e) Details of the body or organization responsible for management.
- f) Remedial measures if the aims of the BEP are not being met.
- g) Locations of bat boxes, bird boxes, hedgehog holes (include specifications/installation guidance/numbers)
- h) Precise details of the green roof type and continued maintenance.

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

19. Before any development or construction work begins, a pre-commencement meeting shall be held on site and attended by the developers appointed arboricultural consultant, the site manager/foreman and a representative from the Local Planning Authority (LPA) to discuss details of the working procedures and agree either the precise position of the approved tree protection measures to be installed OR that all tree protection measures have been installed in accordance with the approved tree protection plan. The development shall thereafter be carried out in accordance with the approved details, or any variation as may subsequently be agreed in writing by the LPA.

20. Prior to the commencement of the intrusive ground investigations (Mining), details of the tree protection measures should be submitted to the Local Planning Authority for approval and the ground investigations shall only proceed on the basis of the tree protection measures agreed in writing by the local planning authority.

21. Prior to the commencement of the development hereby approved (including demolition and all preparatory work),

- details of all tree protection monitoring and site supervision by a suitably qualified tree specialist (where arboricultural expertise is required) shall be submitted to and approved in writing by the Local Planning Authority.

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

- Details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and concrete mixing.
- Methods to improve the rooting environment for retained and proposed trees and landscaping.
- a full specification for the construction of the new access to be constructed using a no-dig specification. Details shall include relevant levels and sections.

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

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

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

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

23. No development shall commence until;

- a) a scheme of intrusive site investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and;
- b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have

been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

24. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works.

25. No development shall take place including any works of demolition until a construction management plan or construction method statement has been submitted to and been approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The statement shall provide for but not necessarily be restricted to the following as appropriate.

- Parking of vehicles of site operatives and visitors
- Routes for construction traffic, including abnormal loads/cranes etc
- Hours of operation
- Method of prevention of debris being carried onto highway
- Pedestrian and cyclist protection
- Proposed temporary traffic restrictions
- Arrangements for turning vehicles

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

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

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

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

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

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

27. Within 2 months of commencement of development, details of the proposed air source heat pump shall be submitted to the Local Planning Authority for consideration. The proposal shall include details of precise model, location and noise levels emitted from the unit. The Air Source Heat Pump approved in writing by the Local Planning Authority shall be implemented as approved and maintained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

28. Prior to any tree removal taking place on site a scheme shall be submitted to and approved in writing by the Local Planning Authority to seek to reduce the speed of the carbon release. Works shall be completed in accordance with the agreed details.

B. That a CIL Liability Notice be issued for £14,756 as per section 5.11 of the Officer's Report.

CHE/22/00276/RET - RETROSPECTIVE CONSENT FOR ERECTION OF FENCING AND PERMISSION FOR CHANGE OF USE OF FRONT OF THE BUILDING, (FLAT ROOF AREA) TO SALE OF RETAIL GARDEN SUNDRIES AND THE FRONT OF THE SITE FOR PLANTS SALES AND DISPLAY OF GARDEN BUILDINGS AND CLADDING TO THE EXTERIOR OF THE BUILDING AT OLD HARDYS BUILDERS YARD, 194-196 NEWBOLD ROAD, CHESTERFIELD FOR THE GARDENS BUILDINGS CO LTD

***RESOLVED -**

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

1. The introduction of retail sales and fencing to the site frontage will result in harm to the character of the street scene detrimental to the visual amenity of the area contrary to Policy CLP20 of the Adopted Chesterfield Local Plan.
2. The introduction of a frontage sales area will result in a loss of off street parking provision for the premises resulting in indiscriminate parking along the street conflicting with the bus stop and cycle paths adversely impacting on the amenity of the area. As such the proposal is contrary to policies CPL20 and 22 of the Adopted Local Plan.

CHE/21/00464/OUT - OUTLINE APPLICATION FOR ERECTION OF 2 BUILDINGS (ONE UP TO 6 STOREY AND ONE UP TO 4 STOREY) FOR MIXED USE COMPRISING OF OFFICES (Eg), HOTEL (C1), RESIDENTIAL (C3), RETAIL (Ea), FOOD AND DRINK (Eb), FITNESS (Ed), CRECHE (F1e), EVENT SPACE WITH CAR PARK AT CHESTERFIELD HOTEL SITE, MALKIN STREET, CHESTERFIELD, DERBYSHIRE, S41 7UA FOR CHESTERFIELD BOROUGH COUNCIL AND PRESTIGE (MIDLANDS) HOTELS LTD.

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

***RESOLVED -**

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

A.

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

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

3. The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

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4. The development hereby approved shall only be carried out in full accordance with the approved plans (listed below) with the exception of any approved non material amendment or specific condition set out below. All external dimensions and elevational treatments shall be as shown on the approved plan/s (listed below).

- Site Location Plan – CHE-MAB-ZZ-ZZ-DR-A-00101 rev P01
- Existing Site Plan – CHE-MAB-ZZ-ZZ-DR-A-00102 rev P04
- Proposed Site Plan – CHE-MAB-ZZ-ZZ-DR-A-00103 rev P04
- Illustrative Building Heights – CHE-MAB-ZZ-ZZ-DR-A-00104 rev P04
- Illustrative Use Types – CHE-MAB-ZZ-ZZ-DR-A-00105 rev P05
- Illustrative Access and Movement – CHE-MAB-ZZ-ZZ-DR-A-00106 rev P04
- Illustrative Street Activation – CHE-MAB-ZZ-ZZ-DR-A-00107 rev P04
- Proposed Site Phasing Plan – CHE-MAB-ZZ-ZZ-DR-A-00115 rev P02

5. Notwithstanding the provisions of the Town and Country Planning (Use Classes Order) 1987 (or any Order revoking and/or re-enacting that Order), the uses hereby agreed shall be restricted to:

- C1 Hotel;
- C3 Dwellings;
- E(a) - for the display or retail sale of goods, other than hot food, principally to visiting members of the public;
- E(b) - for the sale of food and drink principally to visiting members of the public where consumption of that food and drink is mostly undertaken on the premises;
- E(d) - for indoor sport, recreation or fitness;
- E(f) - for a creche, day nursery or day centre, not including a residential use, principally to visiting members of the public; E(g)(i) – office;

- F1(e) - as a public hall or exhibition hall;
- Sui Generis - maker space;
- Sui generis - public house / bar / drinking establishment.

6. No more than 500sqm of cumulative floorspace (Gross Internal Area) of the building/s across the application site shall be used for any combination of the following uses:

- E(a) - for the display or retail sale of goods, other than hot food, principally to visiting members of the public;
- E(b) - for the sale of food and drink principally to visiting members of the public where consumption of that food and drink is mostly undertaken on the premises;
- E(d) - for indoor sport, recreation or fitness;
- E(f) - for a creche, day nursery or day centre, not including a residential use, principally to visiting members of the public;
- F1(e) - as a public hall or exhibition hall;
- Sui Generis - public house / bar / drinking establishment.

7. The cumulative total of residential units across the site shall be limited to no more than 9.

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

9. No development shall take place on any phase of the development until a detailed design and associated management and maintenance plan of the surface water drainage scheme for the complete site, in accordance with the principles outlined within the Flood Risk and Drainage Assessment has been agreed in writing by the local planning authority.

10. 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 for any phase of the development is proposed to a public sewer, the information provided shall include:-

- 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.

11. Prior to commencement of any phase of the development, the applicant shall submit for approval to the LPA details indicating how additional surface water run-off from the site will be avoided during the construction phase. The applicant may be required to provide collection, balancing and/or settlement systems for these flows. The approved system shall be operating to the satisfaction of the LPA, before the commencement of any works, which would lead to increased surface water run-off from site during the construction phase and which shall be maintained as such for the duration of the construction phase.

12. Prior to the first occupation of any phase of the development, a verification report carried out by a qualified drainage engineer shall be submitted to and approved by the Local Planning Authority. The verification report for each phase shall demonstrate that the drainage system has been constructed in accordance with the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls).

13. 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 approved in writing. The intrusive site investigations shall be carried out in accordance with authoritative UK guidance.

14. Where the findings of the intrusive site investigations (required by condition 13 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.

15. Prior to the development being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

16. a) Prior to work commencing on any phase of the application site a detailed scheme for the investigation and recording of contamination and a report for that phase shall have been submitted to and approved in writing by the Local Planning Authority;

b) Prior to works commencing on each phase of the site, detailed proposals in line with current best practice for the removal, containment or otherwise rendering harmless such contamination (the 'Contamination Proposals') shall be submitted to and approved in writing by the Local Planning Authority;

c) For each part or phase of the development, 'Contamination Proposals' relevant to that phase or part shall be carried out either before or during such development as appropriate;

d) If during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the 'Contamination Proposals' then the revised 'Contamination Proposals' shall be submitted to and approved in writing by the Local Planning Authority;

e) If during development work site contaminants are found in areas previously expected to be clean then their remediation shall be carried out in line with the agreed 'Contamination Proposals';

f) Prior to the commencement of any construction works in any area that has been subject to remediation, a verification report shall be submitted to and approved in writing by the Local Planning Authority.

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17. The Reserved Matters applications for each phase of the development shall accommodate Electric Vehicle charging points (EVCPs) to be provided on site at a rate of at least 10 percent of the car parking spaces being provided on the site. The Charging points shall be available for use concurrent with the first use of the building hereby approved and which shall thereafter be retained and maintained operational for the lifetime of the development.

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18. The development shall accommodate provision for cycle parking on the site and full details shall be submitted to local planning authority for consideration as part of the reserved matters submission. The details submitted shall show facilities for showering and changing as part of each reserved matters submission. The details agreed in writing shall be implemented on site and shall be available concurrent with the first occupation of each phase of the new building and shall be retained as such thereafter.

19. The reserved matters submissions for each phase of the development shall include an updated travel plan assessment setting out actions and measures with quantifiable outputs and outcome targets. The Travel Plan which is subsequently agreed shall be implemented as part of the development carried out.

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20. The reserved matters submissions for each phase of the development shall include detail of improvements to be made to public transport including the introduction of real time information.

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21. The reserved matters submissions for each phase of the development shall include an assessment of the highways impact of the scheme in the form of a transport Statement and which shall include full details of any mitigating off site alterations or mitigation measures.

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22. The reserved matters submissions for each phase of the development shall include full technical detail and supporting reports to demonstrate that the development proposed safeguards the integrity of the substantial highway retaining wall along the south west boundary of the site.

23. The reserved matters submissions for each phase of the development shall include detail of a Highway Construction Management Statement / Plan which shall include the following matters:

- parking for vehicles of site personnel, operatives and visitors
- site accommodation
- storage of plant and materials
- routes for construction traffic to and from the site and measures to ensure adherence to the approved routing plan for vehicles under the applicant's / developer's control
- provision of roadside boundary hoarding behind any visibility zones
- any proposed temporary traffic management.
- details of wheel washing facilities for construction traffic

The development shall be carried out in accordance with the agreed details.

24. The reserved matters submissions for each phase of the development shall include full detail of the proposed means of access to the site for vehicles together with detail of how the use of the access can minimise the impacts and protect the pedestrian and cycle users passing by the site.

25. The reserved matters submission for each phase of the development shall include full details of any extraction equipment, refrigeration units or air conditioning units to be installed on the exterior of the building.

26. The reserved matters submission for each phase of the development shall include a detailed lighting scheme for the site. The submission shall provide details of the chosen luminaires, their locations and any mitigating features such as dimmers, PIR sensors and timers. A lux contour plan shall be included to demonstrate acceptable levels of light spill beyond the site boundaries.

27. The reserved matters submission for each phase of the development which include any residential accommodation shall include an air quality assessment and demonstrate how the report has been taken into account in the proposal.

28. No individual dwelling hereby approved as part of the reserved matters for any phase of the development shall be occupied until the optional requirement for water consumption (110 litres use per person per day) in Part G of the Building Regulations has been complied with for that dwelling.

29. The reserved matters submission for each phase of the development shall include submission of a statement setting out how the development will minimise CO2 emissions during construction and occupation in terms of:

- i. following the steps in the energy hierarchy by seeking to use less energy, source energy efficiently, and make use of renewable energy before efficiently using fossil fuels from clean technologies;
- ii. optimising the efficient use of natural resources;
- iii. reducing emissions through orientation and design.

30. Prior to removal of the London Plane tree taking place on site, a scheme shall be submitted to and approved in writing by the Local Planning Authority to seek to reduce the speed of the carbon release. Works shall be completed in accordance with the agreed details.

31. The reserved matters submission for each phase of the development shall include a detailed biodiversity net gain plan for the development which shall include the following: -

- Headline Results of the latest version of the DEFRA Metric or any equivalent measurement superseding it, with its supporting calculations showing the predevelopment and the post-development biodiversity value of the onsite habitat;
- information about the steps taken or to be taken to avoid and minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat;

- steps taken to provide a biodiversity net gain on site; or - where not all the Biodiversity Net Gain can be provided on site, any proposal for biodiversity gain or registered offsite biodiversity gain allocated to the development and the biodiversity value of that gain in relation to the development.
- An implementation programme.

32. The reserved matters submissions for each phase shall include an Employment and Training Scheme. The Scheme shall include a strategy to promote local supply chain, employment and training opportunities throughout the construction of the development.

B. That a CIL Liability Notice be issued as per section 5.11 of the Officer's Report.

CHE/21/00789/FUL – SINGLE STOREY DETACHED SPORTS BAR SET IN THE CAR PARK OF THE TECHNIQUE STADIUM (REVISED PLANS RECEIVED 15/07/2022) AT TECHNIQUE STADIUM, 1866 SHEFFIELD ROAD, WHITTINGTON MOOR, CHESTERFIELD, DERBYSHIRE, S41 8NZ FOR CHESTERFIELD FOOTBALL CLUB

***RESOLVED -**

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

A.

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall only be carried out in full accordance with the approved plans (listed below) with the exception of any approved non-material amendment. All external dimensions and elevational treatments shall be as shown on the approved plan/s (listed below):
 - Existing Site Plan and Site Location Plan, drawing no. 7464-010 Rev P2, 1:1250 and 1:200 @ A1

- Proposed Site Plan, Floor Plan and Elevations, drawing no. 7464-100 Rev P2, 1:100, 1:200 @ A1
- Proposed Car Park Relocation Sketch Option 1, drawing no. 7464-SK011, Rev 02, 1:500 @ A3

3. a) Prior to work commencing on site, the application site shall be subjected to a detailed scheme for the investigation and recording of contamination and a report has been submitted to and approved in writing by the Local Planning Authority;
- b) Prior to works commencing on site, detailed proposals in line with current best practice for the removal, containment or otherwise rendering harmless such contamination (the 'Contamination Proposals') shall be submitted to and approved in writing by the Local Planning Authority;
- c) For each part of the development, 'Contamination Proposals' relevant to that part shall be carried out either before or during such development as appropriate;
- d) If during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the 'Contamination Proposals' then the revised 'Contamination Proposals' shall be submitted to and approved in writing by the Local Planning Authority;
- e) If during development work site contaminants are found in areas previously expected to be clean then their remediation shall be carried out in line with the agreed 'Contamination Proposals';
- f) Prior to the commencement of any construction works in any area that has been subject to remediation, a verification report shall be submitted to and approved in writing by the Local Planning Authority.

4. Within 2 months of the development hereby permitted commencing, a scheme (including a programme of implementation and maintenance) to demonstrate a net measurable gain in biodiversity through the development, shall be submitted to and approved in writing by the Local Planning Authority. The net measurable gain shall be implemented, retained and maintained thereafter in accordance with the scheme and programme so approved.

5. Notwithstanding the submitted details, within 2 months of the development hereby permitted commencing, details for the treatment of all parts of the site not covered by buildings shall be submitted to and approved in writing by the Local Planning Authority. The site shall be landscaped strictly in accordance with the approved details in the first

planting season after completion or first occupation of the development, whichever is the sooner. Details shall include:

- a) a scaled plan showing trees and plants to be planted including species and planting density. The plan shall include indications of all existing trees, hedgerows and other vegetation on the land to be retained and detail measures for the protection of retained vegetation during the course of development, including details of ecologically beneficial landscaping to provide a biodiversity enhancement.
- b) proposed hardstanding surfacing materials and shall include elevational drawings of boundary treatments including materials, types of fencing/walling and treatment/colour.
- c) a schedule detailing sizes and numbers of all proposed trees/plants
- d) Sufficient specification to ensure successful establishment and survival of new planting.

6. The landscaping agreed under condition 5 above shall be retained and maintained as follows:

- a) All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner;
- b) All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock.
- c) Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority.
- d) All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

7. No construction or demolition works, movement of construction traffic, or deliveries to and from the premises, shall occur other than between 0800 and 1800 hours weekdays, and 0800 and 1300 hours on Saturdays, and at no time 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.

8. Within 2 months of the development hereby permitted commencing, a scheme for secure cycle parking (minimum of 7 racks) shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking provided shall be secure, in an overlooked, lit location with protection from weather and shall be provided concurrent with the first operation of the building hereby approved and thereafter retained and maintained operational for the lifetime of the development.

B. That a CIL Liability Notice be issued for £31,724 as per section 6.6 of the Officer's Report.

**63 APPLICATIONS FOR PLANNING PERMISSION - PLANS
DETERMINED BY THE DEVELOPMENT MANAGEMENT AND
CONSERVATION MANAGER (P140D)**

*The Development Management and Conservation Manager reported that pursuant to the authority delegated to him, he had determined the under-mentioned applications subject to the necessary conditions:-

(a) Approvals

CHE/22/00008/REM	Variation of conditions 2,3,4 and 6 and removal of condition 7 of CHE/18/00127/FUL (Conversion and extension to existing garage to form separate dwelling) at 130 Church Street North, Old Whittington S41 9QP for Mrs Clare Gascoyne
CHE/22/00230/FUL	Extensions to extrusion shop at Brett Martin, Stephenson Road, Staveley S43 3JP for Mark Spacie
CHE/22/00244/FUL	Replacement garage, new porch and utility room extension at 19 High View Close, Hady, Chesterfield S41 0DL for Mr John Verovkins

CHE/22/00248/FUL	Conversion and refurbishment of first and second floors to create four residential units with associated access. (Revised plans received 23/08/2022) at 43 Knifsmithgate, Chesterfield S40 1RL for Mr Adeal Ali
CHE/22/00321/LBC	Replacement of external windows and doors sets. at Highfield Hall Primary School, Highfield Lane, Newbold, S41 8AZ for Dave Massingham
CHE/22/00420/LBC	Listed Building Consent for replacement of flat roof covering and Installation of structural restraint helical bars together with elevation repointing at Highfield Hall Primary School, Highfield Lane, Newbold, Chesterfield S41 8AZ for Derbyshire County Council
CHE/22/00431/FUL	Proposed rear extension garage conversion, porch and render to existing walls at 386 Ashgate Road, Chesterfield S40 4DD for Mr David Mawson
CHE/22/00462/FUL	Installation of two rapid electric vehicle charging stations. Two existing parking spaces will become EV charging bays, along with associated equipment at Chesterfield Lawn Tennis Club, Hawksley Avenue, Chesterfield S40 4TW for InstaVolt Ltd
CHE/22/00480/ADV	Illuminated signage at Ravenside Retail Park Park Road, Chesterfield S40 1TB for Marks and Spencer
CHE/22/00493/FUL	Demolition of rear conservatory, and erection of a rear single storey extension with a sloping roof and associated raised platform with railings - re-submission of application CHE/21/00138/FUL at 20 Brookside Bar, Chesterfield S40 3PJ for Mr Nicholas Sowden

CHE/22/00500/FUL	Erection of a new health and well being hub at Chesterfield and North Derbyshire Royal Hospital, Chesterfield Road, Calow S44 5BL for Chesterfield and North Derbys Royal Hospital
CHE/22/00509/AGR	Erection of an agricultural storage building at Manor House, 84 Whittington Hill, Old Whittington Chesterfield S41 9HA for Mrs L Banks
CHE/22/00537/FUL	Single storey side extension at 3 Bradwell Place, Inkersall S43 3DG for Mr James Goodwin
CHE/22/00538/LBC	Alterations to the interior of the Grade II Listed property at Rose Cottage 481 Chatsworth Road, Chesterfield S40 3AD for Mr Anthony Anderson
CHE/22/00545/LBC	Replace the thatching on the main roof and single-storey off-shot extension at Revolution House, High Street, Old Whittington, Chesterfield S41 9JZ For Chesterfield Borough Council
CHE/22/00590/TPO	T1 London Plane - pollard back to pollard points as regular maintenance of the tree at 19 Yew Tree Drive, Somersall, Chesterfield S40 3NB for Mr Garry Hodgeson

(b) Discharge of Planning Condition

CHE/22/00634/DOC	Discharge of condition 10 (Construction management plan) of CHE/20/00078/FUL - Demolition of existing public house and residential development of 12 two-bedroom dormer bungalow at Harehill Mews, Harehill Road, Grangewood for Erica Development Ltd
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(c) Partial Discharge of Conditions

CHE/22/00240/DOC	Discharge of condition 3- Coal mining risk assessment, for application CHE/21/00631/FUL At Telefonica (47650) Telecommunications Mast Canal Wharf, Chesterfield S41 7NA for Cornerstone
CHE/22/00311/DOC	Discharge of planning conditions 4 (construction management plan), 10 (surface water runoff), 11 (drainage), 12 (coal mining), 13 (external materials), 15 (landscaping), 17 (construction management) and 18 (biodiversity) of CHE/19/00459/FUL - Demolition of existing former pharmacy building and erection of two pairs of semi-detached dwellings and conversion of existing retained doctors surgery to one pair of semi-detached dwellings at Avondale Surgery, 3 - 5 Avondale Road, Chesterfield S40 4TF for Chris Hannan
CHE/22/00567/DOC	Discharge of conditions 3 (Site investigation report) and 7 (Landscaping details) of application CHE/20/00760/FUL- Conversion and extension of existing garage to form new dwelling at Land Adj 72 Walton Road, Walton, Chesterfield S40 3BY for Mr Adam Bowler
CHE/22/00637/DOC	Discharge of conditions 6 (EVC charging points), 7 (lighting scheme) and 9 (land scaping scheme) of CHE/21/00308/FUL - Levelling off of existing car park surface and the re-surfacing and marking out of parking pays for 80 vehicles and 4 disabled users, to include necessary fencing and kerbing 3 No floodlights to be sited in car park at Car Park Opposite Cemetery, Inkersall Road, Staveley, Chesterfield for Staveley Miners Welfare FC
(d) Unconditional Permission	
CHE/22/00613/CA	T1 and T2 - Willow trees - to be felled to ground level due to being close to the perimeter stone

wall of the garden where roots are starting to intrude. The client will also be replanting a new tree in replacement, but further away from the wall structure at 81 High Street, Old Whittington S41 9LA for Mr Daniel Witham

(e) Conditional Consent for Non-material Amendment

CHE/22/00624/NMA Non material amendment to application
CHE/22/00309/FUL- Single storey rear extension and conversion of two dwellings into one.
Proposed extension wall treatment to be revised from render to stone at 272-274 Old Road, Chesterfield S40 3QN for Mrs Clare Dolman

(f) Withdrawn

CHE/22/00468/TPD Extending current dining room to the patio.
Rebuidling current wall which is 1.24m Overall distance to be 3.3m wide and 6m length, to be in line with existing outbuildings at 70 Kendal Road, Newbold S41 8JA for Mr Kevin Waring.

64 APPLICATIONS TO FELL OR PRUNE TREES (P620D)

There were no applications to fell or prune trees.

65 APPEALS REPORT (P000)

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

***RESOLVED -**

That the report be noted.

66 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.

67 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 involves the likely disclosure of exempt information as defined in Paragraph 6 of Part I of Schedule 12A of the Act.

68 CONDITION OF LAND AT 12 EDINBURGH ROAD, CHESTERFIELD

The Development Management and Conservation Manager submitted a report to inform members of the poor land condition at 12 Edinburgh Road, Chesterfield, and requested authority to grant Section 215 Notices requiring removal of the stored materials.

***RESOLVED –**

1. That authority be granted for the service of Section 215 Notices requiring removal of the unroadworthy vehicle, trailer, stone, slabs, domestic goods, pallets and building waste material from the premises with a compliance period of 3 months.
2. That in the event of default in compliance with the notice, the Council will proceed on the basis of direct action with the Council undertaking the works themselves.

Agenda Item 4

COMMITTEE/SUB	Planning Committee
DATE OF MEETING	31st October 2022
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 31st October 2022**

ITEM 1	CHE/21/00585/FUL - DEMOLITION OF DETACHED TWO STOREY HOUSE AND ERECTION OF DETACHED DWELLING (REVISED DESCRIPTION AND PLANS 25.08.22), AT 48 NEWBOLD BACK LANE, CHESTERFIELD FOR MR DEAN HARPER.
ITEM 2	CHE/21/00778/FUL - CHANGE OF USE OF EXISTING DRINKING ESTABLISHMENT TO RESIDENTIAL WITH TWO STOREY EXTENSION (BLOCK A) AND PHASED CONSTRUCTION OF TWO NEW BUILD UNITS (BLOCK B & C) FORMING TOTAL OF 20 SELF-CONTAINED APARTMENTS WITH ASSOCIATED LANDSCAPING, BIN STORE AND CYCLE STANDS AND PARTIAL DEMOLITION OF LOW BRICK WALL WITH PICKET FENCING ON EAST BOUNDARY OF SITE TO FACILITATE NEW ACCESS TO SITE – (RESUBMISSION OF CHE/16/00835/FUL) ON SITE AT THE ELM TREE INN, HIGH STREET, STAVELEY, CHESTERFIELD, S43 3UU FOR MRS V ZHENG.
ITEM 3	CHE/22/00581/OUT - OUTLINE APPLICATION FOR DEMOLITION OF EXISTING DETACHED GARAGE AND ERECTION OF A 3/4 BEDROOM CHALET BUNGALOW (1.5) STOREY WITH SEPARATE DETACHED GARAGE WITH ALL MATTERS RESERVED AT 366 BRIMINGTON ROAD, TAPTON, CHESTERFIELD FOR MR PETER LYTHGOE
ITEM 4	CHE/22/00464/FUL - CHANGE OF USE OF OFFICE TO 8 BED HMO AND ASSOCIATED ALTERATIONS AT FORMER CORNER HOUSE INDEPENDENCE PROJECT, 48 NEWBOLD ROAD, NEWBOLD, CHESTERFIELD FOR MR JAMES NORTON

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ITEM 1**Demolition of detached two storey house and erection of detached dwelling (revised description and plans 25.08.22), at 48 Newbold Back Lane, Chesterfield for Mr Dean Harper**

Local Plan: Not allocated

Ward: Brockwell

Plot No:

Committee Date: 31st October 2022**SUMMARY OF CONSULTATIONS**

Coal Authority	Conditions recommended
Highway Authority	Comments made and conditions recommended.
Archaeology	Condition recommended
CBC Forward Planning	Acceptable in policy terms, consider biodiversity and CIL liability.
Derbyshire Wildlife Trust	Recommend bat surveys are undertaken.
CBC Environmental Health	Conditions to minimise airborne dust, lighting, ground conditions and construction working hours.
CBC Tree Officer	Recommend landscaping condition for replacement tree planting
CBC Conservation Officer	Comment made see report
CBC Design Services	Current drainage system could be utilised, not an area for flooding, Building Control and Yorkshire Water approval may be required.
Representations	See section 6.0
Cllr E Fordham	Support the proposal. The Tree Officer comments can be incorporated. Residents are keen for this to progress.

2.0 THE SITE

- 2.1 The application site is an existing dwelling and garden situated on the corner of Glade Close and Newbold Back Lane. The dwelling is the oldest property in the area and is of traditional design being a gabled dwelling with double frontage and central porch. The property is in need

of repair and appears to have been vacant for some time. The garden was overgrown with a substantial tree to the front garden in very close proximity to the dwelling and a large tree to the rear. These trees have now been removed from site and the garden partly cleared as shown in the images below:





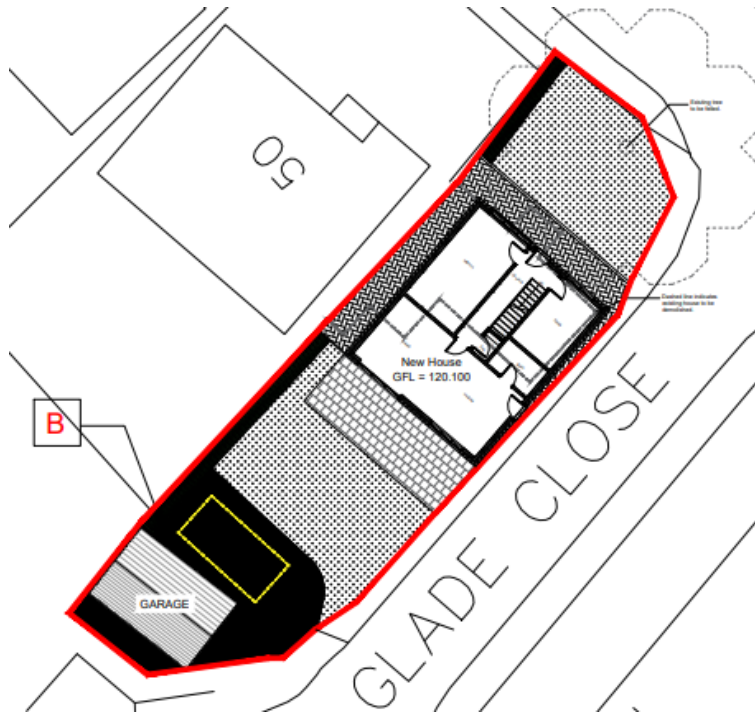
3.0 **SITE HISTORY**

3.1 No relevant recent planning history.

4.0 **THE PROPOSAL**

4.1 Planning permission is sought to demolish the existing dwelling and construct a new four bedroom detached dwelling in its place with detached garage to the south western corner of the site. The dwelling is of a contemporary design with enlarged glazing and gable to the front elevation and decorative brickwork. Access to the site will remain from Glade Close albeit moved further to the south on the angled part of the boundary to allow garage access.

4.2 The layout proposed is as follows:



4.3 The design of the dwelling:



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 Chesterfield Borough Local Plan 2018 – 2035.

5.2 Chesterfield Borough Local Plan 2018 – 2035

CLP1 Spatial Strategy (Strategic Policy)

CLP2 Principles for Location of Development (Strategic Policy)

CLP3 Flexibility in Delivery of Housing (Strategic Policy)

CLP4 Range of Housing

CLP13 Managing the Water Cycle

CLP14 A Healthy Environment

CLP16 Biodiversity, Geodiversity and the Ecological Network

CLP20 Design

CLP21 Historic Environment

CLP22 Influencing the Demand for Travel

5.3 Other Relevant Policy and Documents

- National Planning Policy Framework (NPPF)

5.4 Key Issues

- Principle of development
- Design and appearance
- Impact on Heritage Assets
- Impact on residential amenity
- Highway safety
- Biodiversity and trees
- Ground conditions
- Drainage

5.5 Principle of Development

- 5.5.1 Policies CLP1 and 2 of the Adopted Local Plan set out the strategic approach to the siting of sustainable development. CLP1 states that the overall approach to growth will be to concentrate new development within walking distance of a range of Key Services, focussing on areas of regeneration. This is reiterated in Policy CLP2 where it states that; Planning applications for developments that are not allocated the Local Plan, will be supported according to the extent to which the proposals meet the requirements which are set out in order of priority beginning with the requirements of CLP1.

- 5.5.2 In considering this site against the criteria in CLP1, as the site is surrounded by existing housing and within walking distance of a range of local services and facilities, it is considered that the proposal is sustainably located and therefore meets the requirements of policies CLP1 and 2. Therefore, the principle of a replacement residential unit in locational terms is appropriate in this case.

5.6 **Design and Appearance**

- 5.6.1 Policy CLP20 of the Adopted Local Plan seeks that; All development should identify and respond positively to the character of the site and surroundings and respect the local distinctiveness of its context, that development will be expected to a) promote good design, and b) respect the character, form and setting of the site and surroundings.

- 5.6.2 The design of the dwelling is contemporary which is considered to be appropriate to the site and surroundings where there is a mix of housing types and ages of dwellings in the locality. The ridge height of the dwelling will be no higher than the existing. The form with gable to the frontage is intended to bookend the bungalows located between the proposed dwelling and no. 70 as seen in this google street view image and photograph below particularly when viewed from the north:





5.6.3

It is acknowledged that the site is prominent on the skyline when viewed from the south along Newbold Back Lane with the adjacent bungalows being screened from view at this point. Therefore, from this angle the intention to bookend the design with no. 70 is not immediately apparent. However, the design proposed is nevertheless considered to assimilate well within this view even when viewed in isolation.





- 5.6.4 Subject to a condition to secure appropriate finished materials the proposal is considered to be acceptable in terms of the street scene.
- 5.6.5 The application contains no detail regarding boundary treatments and therefore these need to be conditioned to ensure an appropriate finish in the street scene and to neighbouring boundaries to ensure privacy between the properties. Details of the hard and soft landscaping will also need to be agreed via condition.
- 5.6.6 Subject to conditions the proposal is considered to be appropriate to the surroundings in line with the requirements of policy CLP20 of the Adopted Local Plan.

5.7 Impact on local list asset

- 5.7.1 Policy CLP21 sets out that in regard to other non-designated assets such as potential below ground archaeology; the exceptional circumstances where loss or partial loss of designated or non-designated heritage asset is considered to be justified, the council will require the developer to have the asset surveyed and recorded by a suitably qualified professional in advance of any alterations, demolition or groundwork.
- 5.7.2 The NPPF in para 205 requires that: Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible.

However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.

5.7.3 The existing dwelling is not on the Local List of heritage assets but is nevertheless a non-designated heritage asset given its age and interest to local history. Archaeology were asked to comment on the loss of the building and they responded as follows:

We do not have a record for this building on Derbyshire HER. Looking at historic mapping the house seems to be associated with a relatively short-lived concern known as Reservoir Colliery buildings and shafts are shown north of Back Lane on the 1880 mapping, and by 1900 further buildings including the extant house and shafts are shown south of the road, although by this stage the Colliery is shown as Disused. Given the vast amount of small scale coal working that went on around Chesterfield in the late 19th century, there is almost no documentary evidence of this colliery, though I have located records of fines issued to the owner a Mr James Fell during 1887 and 1888, so it was obviously active at that date. The house may represent a rather modest owners or managers house of the period and would therefore have a degree of local heritage significance. For the purposes of planning it should be identified as an undesignated heritage asset, because it has evidential value in relation to the social context of small-scale coal extraction around Newbold in the later 19th century. In terms of the principle of demolition and replacement it can be difficult to resist this given that we are dealing with an undesignated building outside a conservation area, though retention and conversion of the house would be a heritage gain and would be a first port of call under the NPPF policies. Please be advised further on this by your conservation officer. Should demolition be consented then historic building recording (Historic England Level 2/3) in advance of demolition would be indicated by NPPF para 205. A condition for building recording is therefore recommended.

5.7.4 The Council's Conservation Officer commented as follows:
The building appears by the 1888- 1913 and the 1892-1914 maps (the block close to the W in the maps which is I assume a well)



The property pre-dates everything around it. It is of traditional proportions architectural style and materials. The proposed replacement is attempting to match to a more modern style that has since developed in the area since the 1960s. In many ways, this is a potential loss to the origins of this settlement.

The property has no statutory designation. It is not included on the Local List of Heritage Assets. The heritage value may not have been appreciated by the owner/architect. This may be one situation where it is assumed an old style and easier to replace. It might be worth a conversation about what potential a restoration project may have? This is based on a desk review only.

- 5.7.5 In response to these comments the applicant provided a structural survey which concludes:
It will be apparent that, with due consideration the building is not in a state that can be rectified. Subsidence is considered the major cause of the problems to the building, with poor quality masonry and construction, which rendering seeks to hide. Trees front and back will have, over time, reduced the carrying capacity of the ground and will have contributed to the poor state of the foundations.
- 5.7.6 It is considered that whilst the building itself is a non-designated asset its demolition is not inappropriate due to the poor condition of the building as confirmed by the Structural Report. In line with the advice of the Archaeologist it is considered reasonable for a record of the building to be provided prior to demolition given the importance of the structure in the history and development of the local area. Subject to this condition it is considered that the loss of the building is acceptable.

5.8 Impact on Residential Amenity

- 5.7.1 Policy CLP14 requires that: All developments will be required to have an acceptable impact on the amenity of users and adjoining occupiers, taking into account noise and disturbance, dust, odour, air quality, traffic, outlook, overlooking, shading, daylight and sunlight and glare and other environmental impacts.
- 5.7.2 Environmental Health has commented:
To minimise noise impacts on the existing residential dwellings, I recommend that demolition work and construction work shall be restricted via condition.
A lighting condition is also recommended.
As the government has set an aspirational target for all new vehicles in the UK to be zero emission at source by 2040 (as contained in The UK Plan for Tackling Roadside Nitrogen Dioxide Concentrations: Detailed Plan, published July 2017), I ask that infrastructure for electric charging points be installed as part of the build phase.
- 5.7.3 In terms of noise and nuisance it is considered the above recommended conditions be included in the recommendation to ensure impacts from lighting, construction work are minimised and that EV charging is provided for the new dwelling.
- 5.7.4 Also to consider is the impact of the scheme in terms of overlooking, loss of light and privacy.
- 5.7.5 The proposed rear garden of the property from the rear elevation of the new dwelling would be in the region of 17.9m in length which is above the minimum requirement and demonstrates appropriate separation from neighbouring properties. The single storey garage building which replaces a shed on site is located to the frontage of the integral garage to no. 7 Glade Close. Due to the siting, the single storey and low pitch height, the garage it is considered to result in acceptable impacts to the neighbouring property.
- 5.7.6 The proposed dwelling has a greater footprint than the original but does not project further to the rear than the adjacent dwelling. Therefore, the structure is not considered to impact adversely on the amenity of the neighbouring property no. 50.
- 5.7.7 It is therefore considered that the development will not result in amenity impacts that would be of such concern that a refusal of planning

permission would be warranted. The development is therefore acceptable in line with policy CLP14 of the Adopted Local Plan.

5.8 Highways Safety and Parking Provision

5.8.1 Local Plan policy CLP20 and CLP22 require consideration of parking provision and highway safety.

5.8.2 The Highway Authority has commented:
A four-bedroom dwelling is proposed whereby the Highway Authority would look for the provision of three off-street parking spaces. It is noted that two spaces are proposed, it is not though considered that a recommendation of refusal could be sustained on this issue alone. A single garage should have internal dimensions of 3m x 6m and it is noted that the garage proposed is slightly below these dimensions although not considered sufficient for refusal. The second off-street parking space is adjacent to the garage. Comments are given on the basis that both spaces would be easily accessible from the existing vehicular access. On the basis of the above, conditions are recommended.

5.8.3 Concern has been raised that the proposed access point would conflict with an existing lighting column. Whilst the location of the access is on an angled border of the site adjacent to the garage it is considered likely that a wider access will be formed, once the boundary details are considered via condition, in order to ensure ease of access into the site. Part of the site is shown for parking which is considered to be acceptable. However, again once the final surfacing details are known a larger area could be provided for vehicles to park. Given the existing access and the lack of any concern from the highway authority it is considered that safe access can be formed without causing harm to highway safety and as such the proposal complies with policies CLP20 and 22 in terms of highway safety and parking.

5.9 Biodiversity, impact on protected species, enhancement and Trees

5.9.1 Local Plan policy CLP16 states that all development will “protect, enhance, and contribute to the management of the boroughs ecological network of habitats, protected and priority species ... and avoid or minimise adverse impacts on biodiversity and geodiversity and provide a net measurable gain in biodiversity.” The NPPF in paragraph 170 requires decisions to protect and enhance sites of biodiversity and

paragraph 174 also requires plans to “pursue opportunities for securing measurable net gains for biodiversity”.

5.9.2

The Council’s Tree Officer has commented on the proposal:

There is one Ash tree to the frontage and one Willow to the rear of the existing property that are proposed for removal to facilitate the development. It is also proposed that sections of the boundary hedging are to be removed. No tree/landscape survey has been submitted with the application, but it is clear from the submitted layout drawing reference PL_01 that the retention of the existing trees would restrict any new development.

The Ash tree is covered by Ivy, restricting any inspection of the lower 50% of the trees crown. The visible, upper crown has extended long branches and although the tree does have some visual amenity, it is considered that the provision of a good landscaping scheme with two new suitable tree species planted to the frontage of the development would add more visual amenity and biodiversity to the site if the correct species such as Mountain Ash or Hawthorn are planted.

No detailed landscaping scheme has been provided and the site layout plan PL_01 shows mainly hard surfacing and grass which does not provide a suitable soft landscaping scheme in mitigation for the vegetation lost. Landscaping provisions within the site should therefore be made for tree and shrub planting which should contribute to general appearance and amenity of the site. The plant species selected should add to the biodiversity of the site, providing habitats and a food source for wildlife which should contribute to the softening of the build and hard landscaped areas.

In general, there are no objections to the development but enhancements to landscaping and appearance of the site should be made. A condition should therefore be attached if consent is granted to the application for a landscaping scheme which would mitigate against the loss of the trees and other soft landscaping features. Landscaping condition recommended.

5.9.3

The trees referred to have already been removed from the site as the owner was permitted to, as the trees were not protected. Nevertheless the loss of the trees on such a small site is considered to be acceptable particularly given the construction issues already caused to the existing dwelling, it is therefore understandable that the owner has acted to remove these. Compensatory planting is to be agreed via a landscaping scheme as recommended by the Tree Officer.

- 5.9.4 Derbyshire Wildlife Trust commented on the scheme initially requesting more detail regarding potential for roosting bats within the trees and building and any bird nesting. No concerns were raised in regard to foraging badgers and therefore no further information has been sought in regard to this matter.
- 5.9.5 In response to the DWT comments regarding potential bat roosts the applicant has had a survey commissioned, prior to the removal of the trees, which concluded:
No bat roosts were identified at the site. However, bats are highly mobile creatures that switch roosts regularly and therefore the usage of a site by bats can change over a short period of time. Any bats that begin using the building during the intervening period between the surveys being undertaken and works commencing could be injured or killed and their roosts destroyed.
Therefore, a precautionary working method will be implemented, as detailed in Table 3 of the report. Requirements for a sensitive lighting strategy and opportunities for enhancement are also outlined in Table 3. And include the provision of bat boxes and a lighting scheme.
- 5.9.6 Despite further consultation taking place no further comment has been received from DWT. However, conditions are recommended in line with the recommendations of the submitted report which is considered to be an appropriate assessment of on-site risk and which includes enhancement features. A footnote will also be added noting the requirements of the wildlife and countryside act 1981. The matter of breeding/nesting birds is also to be covered by an informative note as this will now only relate to the domestic curtilage garden works. On this basis the proposal is considered to be acceptable in terms of ecological impacts and biodiversity enhancements.

5.10 Ground conditions

- 5.10.1 Policy CLP14 requires that; Proposals for development on land that is, or is suspected of being, contaminated or unstable will only be permitted if mitigation and/or remediation are feasible to make the land fit for the proposed use.
- 5.10.2 The site is in the high risk area for former coal mining activity. The Coal Authority were therefore consulted and initially requested a Coal Mining Risk Assessment. In response to this being submitted the following comments were received:

As you are aware, the Coal Authority objected to this planning application in our previous letter to you dated 15 September 2021 as no Coal Mining Risk Assessment had been submitted at that time in order to assess the risks to the proposed development from former coal mining activity recorded at this site. The planning application is now accompanied by a Coal Mining Risk Assessment, dated 07 October 2021 prepared for the proposed development by Haigh Huddleston & Associates (Civil & Structural Engineering Consultants). The Assessment has been informed by historical and coal mining information.

Having carried out a review of the available information, the report author considers that currently the site is potentially at risk as a result of shallow coal beneath the site. As a general rule of thumb, if there is less than the standard 10 x rock cover to seam extraction ratio, this could affect the surface stability for the redevelopment of a site (CIRIA C758D Abandoned mine workings manual). Therefore, in order to confirm the actual ground conditions (depth / condition of the coal seam / competent rock cover) and to inform the extent of any remedial and / or mitigation measures considered necessary to ensure the safety and stability of the proposed development (NPPF paras. 183 and 184), recommendations have been made that intrusive ground investigations, including gas monitoring are required. The intrusive site investigations should be designed and undertaken by competent persons to ensure that these are appropriate to assess the ground conditions on the site to establish the coal-mining legacy present and the risks it may pose to the development and inform any mitigation measures that may be necessary.

Mine Gas:

It should be noted that wherever coal resources or coal mine features exist at shallow depth or at the surface, there is the potential for mine gases to exist. These risks should always be considered by the LPA. The Planning & Development team at the Coal Authority, in its role of statutory consultee in the planning process, only comments on gas issues if our data indicates that gas emissions have been recorded on the site. However, the absence of such a comment should not be interpreted to imply that there are no gas risks present. Whether or not specific emissions have been noted by the Coal Authority, local planning authorities should seek their own technical advice on the gas hazards that may exist, and appropriate measures to be implemented, from technically competent personnel

Conditions recommended.

- 5.10.3 The Council's Environmental Health Officer commented that:
The proposed location is within an area of Chesterfield that could be affected by land contamination. Should planning permission be granted for this proposal, I would strongly recommend that the developer ensure the site is 'suitable for use by completion of: -
a) a Phase 1/desk study, and then, if necessary
b) a Phase 2/intrusive site investigation, and then, if necessary
c) a Remediation Strategy and the, if necessary
d) a Validation report
Condition recommended.

- 5.10.4 It is considered that conditions will ensure the ground is investigated and mitigated suitably to ensure safe end use of the site. On this basis the proposal meets the requirements of policy CLP14 of the Adopted Local Plan.

5.11 Drainage

- 5.11.1 Policy CLP13 requires that; The council will require flood risk to be managed for all development commensurate with the scale and impact of the proposed development so that developments are made safe for their lifetime without increasing flood risk elsewhere. Development proposals will be expected to demonstrate that water is available to support the development proposed and that they will meet the optional Building Regulation water efficiency standard of 110 litres per occupier per day.

- 5.11.2 As this is for a replacement dwelling it is likely that appropriate drainage infrastructure is in place below the site to ensure appropriate drainage connections which will be considered through the building regulation process and via the Statutory undertaker. A condition in relation to water efficiency is recommended. On this basis the proposal meets the requirements of policy CLP13 of the Adopted Local Plan.

5.12 Development Contributions and CIL Liability.

- 5.12.1 The proposed development is liable for the Community Infrastructure Levy (CIL), subject to any exemptions that may be applied for. The site is located within the medium CIL charging Zone as set out in the Council's Charging Schedule ([Community Infrastructure Levy \(CIL\) \(chesterfield.gov.uk\)](https://www.chesterfield.gov.uk)). The CIL charge is calculated as follows:

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

Dev Type	Proposed Floorspace (GIA in Sq.m)	Less Existing (Demolition or change of use) (GIA in Sq.m)	A Net Area (GIA in Sq.m)	B CIL Rate	C Index (permission)	D Index (charging schedule)	E CIL Charge
Residential (C3)	134	81.4	53	£50	332	288	£3,055

5.12.2 It is noted that through the amendments made to the application this figure may need to be updated through the CIL process.

6.0 **REPRESENTATIONS**

6.1 Eight representations have been received from four parties which raise the following issues:

- Concern regarding the red edge and boundary ownership and access rights.
- There should be a 1m gap between no. 50 and no. 48.
- Will the new dwelling block out light or overpower the adjacent dwellings.
- The garage has an entrance over the pavement that has a street light, there are also gas and water installations in this location.
- The garage should be moved to allow access.
- The garage will block the street lighting which illuminates our property.
- The current design with dormers does not reflect the surrounding area or the original farm house.
- The dormer windows will look directly into neighbouring properties.
- We have evidence of ecology and high numbers of bats possibly roosting in the existing tree.
- Badgers use the garden as a foraging area.
- The site is an eyesore and is attracting strangers lurking around.
- There have been squatters in the building.
- It would be good to have a new property in place of the existing.
- Support the removal of the property and the new one.

- Can anything be done to speed up the planning process.
- I do not want bits of the property to fall off onto my roof.
- What does research into the history of the house achieve?
- Consider the consequences of inaction.

6.2

Officer response:

Matters of land ownership are not matters that can be resolved through the planning process as these are a civil matter. However, it appears that these matters may have been resolved given the change in the content of the comments received through the processing of the application. Other matters raised are addressed in the report above. The case has been brought before the committee as soon as possible.

7.0

HUMAN RIGHTS ACT 1998

7.1

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

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

7.2

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

7.3

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

8.0

STATEMENT OF POSITIVE AND PROACTIVE WORKING WITH APPLICANT

8.1

The following is a statement on how the Local Planning Authority (LPA) has adhered to the requirements of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 in respect of decision making in line with paragraph 38 of 2019 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 objectors/supporter will be notified of the Committee date and invited to speak, and this report informing them of the application considerations and recommendation /conclusion is available on the website.

9.0 CONCLUSION

9.1 The principle of replacing the existing dwelling which in poor condition is accepted in this sustainable location. To address the loss of the building as a non-designated heritage asset it is considered that building recording via condition will ensure appropriate consideration of the history of the site. The loss of trees is considered to be acceptable due to the nature of the site and the harm already caused to the building. This loss is to be compensated through a landscaping scheme for the development. The design is considered to be appropriate to the site and street scene and parking is within acceptable limits. Now that appropriate ecological survey work has been completed conditions can be imposed in terms of ecological impacts and enhancements. Any amenity impacts are considered to be within reasonable limits. Therefore, subject to conditions the scheme is considered to be acceptable in line with the planning policies set out above.

10.0 RECOMMENDATION

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

Conditions

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

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

2. The development hereby approved shall only be carried out in full accordance with the approved plans (listed below) with the exception of any approved non-material amendment. All external dimensions and elevational treatments shall be as shown on the approved plan/s (listed below).

Proposed plans and elevations PL-02 Rev C received 25.08.22

Proposed site and block plan PL-01 Rev B received 25.08.22

Reason: In order to clarify the extent of the planning permission.

3. No development shall commence until;
 - a) a scheme of intrusive site investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and;
 - b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed. The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason: To ensure the site is safe for use in accordance with policy CLP14 of the Adopted Local plan.

4. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason: To ensure the site is safe for use in accordance with policy CLP14 of the Adopted Local plan.

5. a) No development including demolition shall take place until a Written Scheme of Investigation for historic building recording has been submitted to and approved by the local planning authority in writing, until all on-site elements of the approved scheme have been completed to the written satisfaction of the local planning authority, and until the provision to be made for analysis, reporting, publication and

dissemination of the results and archive deposition has been secured. The Written Scheme of Investigation shall include an assessment of significance and research questions; and

1. The programme and methodology of site investigation and recording
2. The programme and provision for post-investigation analysis and reporting
3. Provision to be made for publication and dissemination of the analysis and records of the site investigation
4. Provision to be made for archive deposition of the analysis and records of the site investigation

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

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

Reason: To ensure appropriate building recording of the non-designated heritage asset in line with policy CLP21 of the Adopted Local Plan.

6. A scheme of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation etc, the details of which shall include :-
 - a) all plant species, planting sizes, planting densities, the number of each species to be planted and plant protection, including two new in mitigation for the two trees lost to the development;
 - b) means of enclosure/boundary treatments;
 - c) hard surfacing materials;

Reason: To ensure a satisfactory landscaped setting for the development and to compensate for the loss of trees in accordance with Policy CLP16 of the Adopted Local Plan.

7. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning

authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

Reason: To ensure a satisfactory standard of landscaping in the interests of amenity in accordance with Policy CLP16 of the Adopted Local Plan.

8. Prior to installation, a scheme shall be submitted to and approved in writing by the Local Planning Authority detailing the proposed lighting scheme. All works shall be fully implemented in accordance with the approved scheme.

Reason: To ensure that the development does not appear as an unduly prominent feature in the area and in the interests of biodiversity in accordance with policies CLP20 and 16 of the Adopted Local Plan.

9.
 - a) Prior to work commencing on site, the application site shall be subjected to a detailed scheme for the investigation and recording of contamination and a report has been submitted to and approved in writing by the Local Planning Authority;
 - b) Prior to works commencing on site, detailed proposals in line with current best practice for the removal, containment or otherwise rendering harmless such contamination (the 'Contamination Proposals') shall be submitted to and approved in writing by the Local Planning Authority;
 - c) For each part of the development, 'Contamination Proposals' relevant to that part shall be carried out either before or during such development as appropriate;
 - d) If during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the 'Contamination Proposals' then the revised 'Contamination Proposals' shall be submitted to and approved in writing by the Local Planning Authority;
 - e) If during development work site contaminants are found in areas previously expected to be clean then their remediation shall be carried out in line with the agreed 'Contamination Proposals';
 - f) Prior to the commencement of any construction works in any area that has been subject to remediation, a verification report shall be submitted to and approved in writing by the Local Planning Authority.

Reason: This pre commencement condition is required in the interests of safeguarding the proposed development and adjacent properties from the possible harmful effects of development affecting contaminated land, in accordance with Policy CLP14 of the Adopted Local Plan.

10. Before any other operations are commenced, 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. Once implemented the facilities shall be retained free from any impediment to their designated use throughout the construction period.

Reason: In the interests of highway safety in accordance with Policies CLP20 and 22 of the Adopted Local Plan.

11. The proposed dwelling shall not be occupied until space has been laid out within the site in accordance with the application drawing for cars to be parked. Once provided, such spaces shall be maintained free from any impediment to their designated use for the life of the development.

Reason: In the interests of highway safety in accordance with Policies CLP20 and 22 of the Adopted Local Plan.

12. The development shall be constructed in accordance with the recommendations contained within the submitted Bat emergence and Re-entry Surveys Report Issue 2 dated 27.06.2022.

Reason: In best interest of protected species and ecological enhancement in accordance with policy CLP16 of the Adopted Local Plan.

13. Prior to the development hereby permitted progressing above slab level, a scheme (including a programme of implementation and maintenance) to demonstrate a net measurable gain in biodiversity through the development (in line with the recommendations contained within the Bat emergence and Re-entry surveys report Issue 2 dated 27.06.2022) shall have been submitted to and approved in writing by the Local Planning Authority. The net measurable gain shall be implemented, retained and maintained thereafter in accordance with the scheme and programme so approved.

Reason: In the interests of achieving a net measurable gain in biodiversity in accordance with policy CLP16 of the adopted

Chesterfield Borough Local Plan and to accord with paragraph 170 of the National Planning Policy Framework.

14. No individual dwelling hereby approved shall be occupied until the optional requirement for water consumption (110 litres use per person per day) in Part G of the Building Regulations has been complied with for that dwelling.

Reason: To protect the water environment in accordance with policy CLP13 of the of the adopted Chesterfield Borough Local Plan and to accord with paragraph 149 of the National Planning Policy Framework.

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

Reason: In the interests of reducing emissions in line with Policy CLP22 of the Adopted Local Plan 2020.

16. Details, including samples where necessary, of all materials to be used in the construction of the external surfaces of the proposed development shall be submitted to and approved in writing by the Local Planning Authority before any work to any external surface is carried out. The development shall thereafter be constructed in accordance with the approved details.

Reason: To ensure a satisfactory external appearance of the development in accordance with policy CLP20 of the Adopted Local Plan.

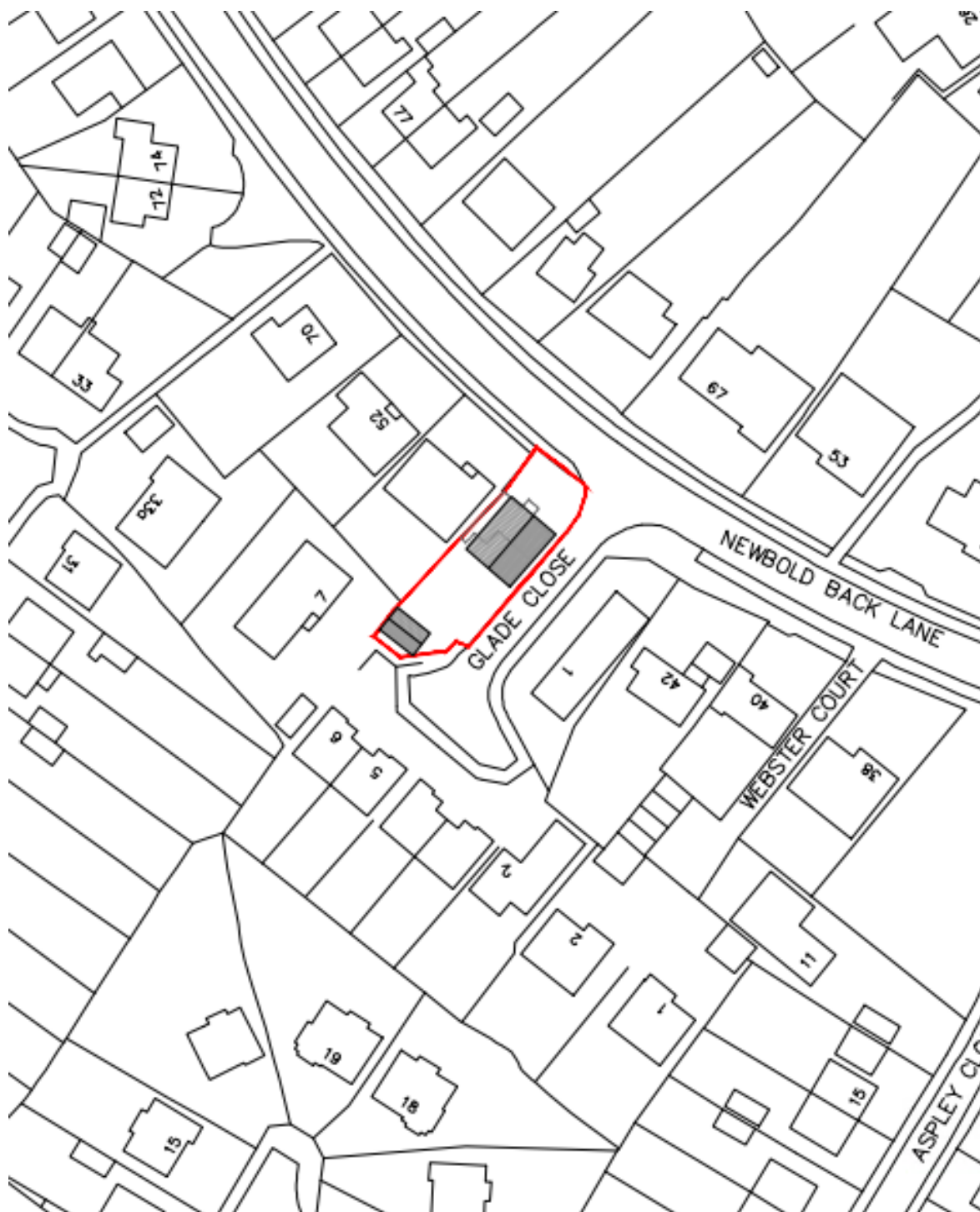
17. No construction or demolition works, movement of construction traffic, or deliveries to and from the premises, shall occur other than between 0800 and 1800 hours weekdays, and 0800 and 1300 hours on Saturdays, and at no time on Sundays or Public Holidays.

Reason: To safeguard the privacy and amenities of the occupiers of adjoining properties in accordance with policy CLP14 of the Adopted Local Plan.

Informatives:

1. The Local Planning Authority have during to the consideration of this application engaged in a positive and proactive dialogue with the applicant with regard to design in order to achieve a positive outcome for the application.
2. The Highway Authority recommends that the first 5m of the proposed access/driveway should not be surfaced with a loose material (i.e. unbound chippings or gravel etc.). In the event that loose material is transferred to the highway and is regarded as a hazard or nuisance to highway users, the Authority reserves the right to take any necessary action against the householder.
3. Pursuant to Sections 149 and 151 of the Highways Act 1980, steps shall be taken to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.
4. When you carry out the work, you must not intentionally kill, injure or take a bat, or intentionally or recklessly damage, destroy or block access to any structure or place that a bat uses for shelter. These would be offences under the Wildlife and Countryside Act 1981, the Habitats Regulations 1994 and the Countryside and Rights of Way Act 2000.
5. To ensure that breeding birds are protected from harm, no removal of hedgerows, trees, shrubs or brambles should take place between 1st March and 31st August inclusive, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period, and details of measures to protect the nesting bird interest on the site established and implemented.

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Item 2

CHANGE OF USE OF EXISTING DRINKING ESTABLISHMENT TO RESIDENTIAL WITH TWO STOREY EXTENSION (BLOCK A) AND PHASED CONSTRUCTION OF TWO NEW BUILD UNITS (BLOCK B & C) FORMING TOTAL OF 20 SELF-CONTAINED APARTMENTS WITH ASSOCIATED LANDSCAPING, BIN STORE AND CYCLE STANDS AND PARTIAL DEMOLITION OF LOW BRICK WALL WITH PICKET FENCING ON EAST BOUNDARY OF SITE TO FACILITATE NEW ACCESS TO SITE – (RESUBMISSION OF CHE/16/00835/FUL) ON SITE AT THE ELM TREE INN, HIGH STREET, STAVELEY, CHESTERFIELD, S43 3UU FOR MRS V ZHENG

Planning Committee 31st October 2022

Ward: Middlecroft & Poolsbrook

1.0 CONSULTATION RESPONSES

Ward Members	No representations received
Staveley Town Council	No comments received
Environmental Health	No objections to proposal – conditions recommended, see report
Local Highway Authority	Comments received see report
Design Services	Comments received – see report
Yorkshire Water Services	Comments received – see report
Lead Local Flood Authority	Comment received – see report
Coal Authority	comment received – see report
Economic Development Unit	Supports application – see report
Community Housing Team	No comments received
Derbyshire Constabulary	No objection to revised plans

Chesterfield Civic Society	Comments received – see report
Conservation Officer	No comments received
Derbyshire Wildlife Trust	Comments received – see report
DCC Archaeology	Comments received – see report
NHS CCG	not requesting a contribution as development falls under threshold
Housing Delivery Officer	No comments received
Representations	Representation via County Cllr Hayes obo 34 High Street and No. 2 representations received.

2.0 THE SITE

- 2.1 The site the subject of the application comprises of the former Elm Tree Inn public house and its associated curtilage, which includes a car park to the side and rear of the main building.





- 2.2 The property itself has several modern extensions on the rear (west) elevation and also includes a smoking shelter / canopy to the southern elevation and single and two storey extensions to the northern elevation. The principle elevation of the public house (east) fronts onto High Street in Staveley. The site is the subject of site investigation works associated with the previous application (which has now expired).
- 2.3 Currently the application site is served by an existing highway access onto High Street and this provided access to a car parking facility in association with the application site when it was operating as a public house. The site is situated within the Staveley Conservation Area.

3.0 SITE HISTORY

- 3.1 CHE/0791/0478 – Erection of signs - Approved 16/09/1991
- 3.2 CHE/06/00734/FUL – To erect 2 no. awning to the side façade of the building - Approved 19/10/2006
- 3.3 CHE/11/00398/RET – Retrospective application for retention of smoking shelter – shelter to be modified - Approved 11/08/2011
- 3.4 CHE/15/00769/FUL – Conversion of public house to flats including erection of a two storey extension and erection of a detached building to form 13 self-contained flats. - Application withdrawn 25/01/2016

- 3.5 CHE/16/00835/FUL – Change of use of existing drinking establishment to residential with two storey extension and two new build units forming 23 self contained apartments with associated landscaping, bin store and cycle stands - resubmission of CHE/15/00769/FUL - Approved 07/12/2017 with s106 agreement signed requiring a Management Scheme in respect of the Common Amenity Land on the site and a payment for DCC to monitor parking for 2 years to decide if a TRO was required. The report identified the requirement for a % for Art contribution and Affordable Housing however these were not included due to viability reasons.

4.0 **THE PROPOSAL**

- 4.1 The application submitted seeks full planning permission for the proposed conversion of the existing public house in to 6 no. self – contained flats (1 x 1 bed/2p; 1 x 2 bed/2p; 3 x 3 bed/4p and 1 x 3 bed/6p); and the erection of 2 no. new blocks of development comprising 14 no. self-contained flats (Block B with 2 x 2 bed/4p and Block C with 4 x 1 bed/2p and 8 x 2 bed/4p). The scheme has been reduced in dwelling units from 24 total to 20 as a result of negotiation.
- 4.2 The conversion of the pub is facilitated by a proposed infill two storey extension to the rear of the building and by demolition of a small single storey pitched roof extension located at the far rear of the property.



- 4.3 The proposed new build component of the scheme takes the form of two new blocks (B and C) of development with one 2.5 storey block positioned

along the entire rear portion of the existing car park and the other a 2.5 storey block positioned slightly set back from the site frontage to the LH side of the existing access to the site. The proposed development on the front will be in line with the building to the left, known as no. 23 High Street, Staveley.



Block B



Block C

- 4.4 Low carbon and/or renewable energy technologies which would include solar panels on the roof to Block C and ground source heat pumps are to be incorporated into the development.
- 4.5 The application is accompanied by the following latest documents;

- 0557-100-A – Location plan
- 0557-A-01-A – Design & Access statement
- 0557-010A-A – Existing ground floor plan – Block A(1)
- 0557-011A-A – Existing first floor and roof plans – Block A
- 0557-020A-A – Existing front and side elevations – Block A
- 0557-050C-D – Proposed ground and first floor plan - Block C
- 0557-021A-A – Existing rear and side elevations – Block A
- 0557-050A-B – Proposed ground floor plan – Block A(1)
- 0557-051A-B – Proposed first floor and roof plan – Block A(1)
- 0557-060A-B – Proposed front and side elevations – Block A
- 0557-051C-D – Proposed second floor and roof plan – Block C(1)
- 0557-061A-B – Proposed rear and side elevations – Block A
- 0557-060B-B – Proposed front and side elevations – Block B
- 0557-061C-D – Proposed rear and side elevations – Block C
- 0557-050B-B – Proposed floor plan – Block B(1)
- 0557-150-C – Proposed site plan
- 0557-152-B – Phased construction strategy
- 0557-060C-E – Proposed front and side elevations – Block C
- 0557-151-B – Landscape design layout and specification
- 0557-153-C – Proposed NIA and GIA Plans
- 0557-155A-B Proposed Plans and Accommodation Schedule
- 0557-155B-B Proposed Plans, Elevations & Accommodation Schedule
- 0557-155C-E Proposed Plans, Elevations & Accommodation Schedule
- Appendix 1 – Exploratory Hole Logs
- Appendix 2 – Gas Monitoring Data
- BRE365 Soakaway 1 in 100 year + 40 for CC – Rev A (1)
- Elm Tree Inn Staveley Proposed Ecological Enhancement Letter by Arc Ecology dated 16/10/19
- J01978 – Drainage Design Layout (1)
- Elm Tree Inn Archaeology WSI by Trent & Peak dated 23/1/20
- 0557-141 Existing Site Plan showing partial demolition
- Interim Report on an Archaeological strip, map and record by Trent & Peak dated 20/5/20
- Phase II Geo-environmental Investigation Report by Earth Environmental & Geotechnical dated Dec 20

- Proposed drainage layout REV B
- Soakaway Design J01978 by JNM Engineering Ltd

5.0 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 Chesterfield Borough Local Plan 2018 – 2035.

5.1.2 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that; In the exercise, with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

5.2 Chesterfield Borough Local Plan 2018 – 2035

CLP1 Spatial Strategy (Strategic Policy)

CLP2 Principles for Location of Development (Strategic Policy)

CLP4 Range of Housing

CLP8 Vitality and Viability of Centres (Strategic Policy)

CLP10 Social Infrastructure

CLP11 Infrastructure Delivery

CLP12 Renewable Energy (Strategic Policy)

CLP13 Managing the Water Cycle

CLP14 A Healthy Environment

CLP15 Green Infrastructure

CLP16 Biodiversity, Geodiversity and the Ecological Network

CLP17 Open Space, Play Provision, Sports Facilities and Allotments

CLP20 Design

CLP21 Historic Environment

CLP22 Influencing the Demand for Travel

5.3 National Planning Policy Framework

Part 2. Achieving sustainable development

Part 5. Delivering a sufficient supply of homes

Part 8. Promoting healthy and safe communities

Part 9. Promoting sustainable transport

Part 11. Making effective use of land

Part 12. Achieving well-designed places

Part 14. Meeting the challenge of climate change, flooding and coastal change

Part 15. Conserving and enhancing the natural environment

Part 16. Conserving and enhancing the historic environment

5.3 Supplementary Planning Documents

Successful Places' Residential Design Guide

6.0 CONSIDERATION

6.1 Principle of Development

6.1.1 The application site is situated within the built settlement of Staveley Town Centre (as identified on the Policies Map) in a mixed area that is both residential and commercial in nature. The site is also located within the Staveley Town Centre Conservation Area. The development of the site is considered to accord with the provisions of Local Plan policy CLP1, which sets out the need to focus new housing development around centres and regenerations areas and therefore, in principle, the Strategic Planning Officer notes the location, within the centre, is considered to be suitable for residential development. This is subject to the proposal satisfying other policy as outlined in the Local Plan.

6.1.2 One key material consideration is the loss of a public house which is regarded as social infrastructure and the impact this would have on Staveley Town Centre. Local Plan policy CLP10 states that "development will not be acceptable... if it would result in the loss of a facility which is required to meet a local need or contributes to the network of facilities through the borough unless:

- 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; and

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 continuous 12 month period that includes advertisement for let or sale at a realistic price.

6.1.3 In this case, it is noted that there are other public houses in the immediate area (eg Beechers Brook and Tilly's Tavern both located on the High Street and Harleys on Market Street) and therefore criterion a) of CLP10 is considered to be satisfied. Criterion b) however has not been demonstrated in this application submission as no viability assessment has been submitted with the application. However due to the application site history, it is considered unreasonable to require the applicant to demonstrate the premises operating as a public house is unviable owing to the time that has passed since it was last in use as a public house (understood to be in excess of 4 years) and the fact that a permission has since been issued for conversion to residential use. For these reasons it is not considered to be reasonable or appropriate for the application to demonstrate compliance with criterion b) of CLP10.

6.1.4 Comments from the Strategic Planning Officer indicate, as set out in Local Plan policy CLP8, any development would need to "make a positive contribution to the centre's viability and vitality and be of an appropriate scale". CLP8 also states however that residential uses will be permitted at first floor level and above (with the exception of suitable provision for access) and on appropriate redevelopment sites where it would not undermine the vitality of the centre. The application site is located centrally and prominently in the town centre area of Staveley and therefore the loss of a town centre use, such as a public house, in this location would potentially have an adverse impact on the centre's viability and vitality. As previously indicated, owing to the current situation of the premises being vacant for a number of years, (no information regarding the previous marketing of the pub has been provided and therefore the LPA is unaware of the exact time the premises has been vacant, how it has been marketed in the past or if any alternative uses have been sought for the site) and the fact that a permission has previously been granted for a residential conversion, then no objection can be raised on this ground. It is not

possible however to conclude to what extent the proposal accords with provisions a – d of CLP8. But it is considered however that the proposal accords with criterion e) as the application proposed would contribute to tackling vacant, under used buildings within centres, particularly in historic buildings, which the Elm Tree is considered to be as it located within the Conservation Area.

- 6.1.5 It is acknowledged that the development does result in the loss of a town centre use in the ground floor of the existing building, which is contrary to the provisions of CLP8 criterion b) however the fact that the proposed development would introduce a new use in an existing vacant premises in a location that already demonstrates a mix in retail and residential use, is not considered that this issue alone would be sufficient as a reason for refusal. Furthermore, the Council granted an almost identical scheme in 2017.
- 6.1.6 It is therefore possible to conclude that the proposed development is considered to broadly accord with the provisions of CLP8 and CLP10 however given the lack of information regarding the previous marketing and viability of the current use, it is uncertain to what extent the application can be considered to comply with CLP10 criterion b) and as a result, criterion a) of CLP8. Notwithstanding this however, there is acknowledged site history for this site and it is considered that the introduction of a new use in a historic building on a street that demonstrates a mix of retail and residential to be of material consideration and be acceptable in principle.
- 6.1.7 The Chesterfield & North Derbyshire Royal Hospital has commented that the impact of the development should result in a contribution of £61,000 via a s106 agreement. It is the case however that hospital funding is covered centrally and not covered through the s106 process. The NHS Derby and Derbyshire CCG has indicated the CCG will not be making a funding request for this development as it falls under the threshold set out.
- 6.1.8 The Councils policy team has referred to the need for a development of residential units to provide 5% affordable units split between affordable rent (90%) and affordable home ownership (10%). This would equate to 1 unit overall based on the scheme of 20 units. It is accepted that it would be

unlikely or feasible for a registered provider to take on the management of one of the apartments and a commuted sum should therefore be sought. Consultation with the Councils Housing Delivery Manager and Housing team suggests that such a commuted sum would amount to £65,191. It is the case however as before that the applicant may well put forward the argument that such a commuted sum would call into question the viability of the scheme and the same process should therefore be followed as was the case in 2017.

6.1.9 Since the last scheme the Local Plan now requires that 25% of the units should meet the M4(2) standard for water efficiency however the applicant has indicated that all the units will meet the standard. Policy CLP13 of the local plan states that development proposals will be expected to demonstrate that water is available to support the development proposed and that they will meet the optional Building Regulation water efficiency standard of 110 litres per occupier per day. A condition of the permission can ensure provision in line with the policy requirement.

6.1.10 The Economic Development Unit supports the application commenting that there will be employment, training and supply chain opportunities created during the construction phase and they recommend a local labour/supply chain clause is negotiated by either condition or s106 to encourage local employment, training and supply opportunities to local businesses and local people in line with the Councils Corporate Plan and Local Plan. This can be secured by condition of any approval.

6.2 Design and Appearance including Heritage

6.2.1 Local Plan policy CLP20 states in part; all development should identify and respond positively to the character of the site and surroundings and respect the local distinctiveness of its context 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. The site is also situated within the Staveley Conservation Area and policy CLP21 requires that development should protect the significance of designated heritage assets and their settings including Conservation Areas.



6.2.2 The principle of the development is considered to be accepted subject to the development being of an appropriate design and appearance and demonstrating appropriate relationship with the adjoining and adjacent neighbours. The 2017 scheme accepted a very similar proposal for the site.

6.2.3 The proposed site layout illustrates that the new build development will be laid out in two distinct blocks. The rear block being a 2.5 storey in height set against the rear elevation of Morrisons and the front block (also 2.5 storey in height) being aligned with the gable of no. 23 High Street and therefore being set back from the building line of The Elm Tree. Having regard to the separation distances presented by the development proposed and the neighbouring properties, it is considered that the proposals are acceptable in streetscene terms.

6.2.4 Having regard to the design of the proposed development, it is considered the appearance of proposed Block B is on the whole acceptable. It is noted in comments from the Civic Society that the appearance of this building “will not form a harmonious bridge with the rendered pub adjoining it on the other side, nor will it be in character with other buildings on High Street.” The Civic Society continue with their comments to indicate a “plain (or rendered) brick elevation would be much more in keeping with the older built up area of Staveley, where real timber framed buildings probably disappeared in the seventeenth century.” The Civic Society indicate their reasoning for this being that very little middle-class housing was built in Staveley between the two World Wars which would have been the prime of

this design of property. Whilst the comments are noted, it is considered due to the siting of Block B as proposed, that the block can relate to the premises to the south or the north of the application site and as both are different in visual appearance terms, the outcome will be different depending on the design chosen. The applicant could also propose a contemporary building to nestle between the differing styles of the former pub and the premises to the south, no. 23 High St. It is considered that relating proposed Block B to the premises to the south is acceptable. Overall, the design of Block B is considered appropriate for the streetscene given the presence created by the design and appearance and the hierarchy of the building. It is considered however that if the applicant is to adopt the approach of mimicking the appearance of the premises to the south, it must be done sympathetically. The inclusion of a dormer in the centre of the roof in the front elevation and the proposed dormer in the rear elevation were considered to be inappropriate and therefore were removed in revised plans. The appearance of the dormer on the rear especially was described as clumpy and heavy and detracting of the overall appearance of the building. The revisions resolve these concerns which were expressed.

6.2.5 Considering the design of the unit proposed to be sited at the rear of the site (Block C), it is considered this design has also been amended to accommodate concerns which were expressed and have been addressed regarding the design. The design has been simplified removing the mock timber and the pitched roof dormers and replacing them with contemporary styled flat roof clad staircase enclosures and square rendered projecting double height bays. Block C is considered to warrant a more simple, understated design that takes the appearance of an old workshop / out building that may have typically been found at the rear of public houses and which can take on an ancillary appearance to the main former public house building and proposed Block B. It is considered the design of Block C as amended and proposed is now acceptable and which assists in screening what is a poor rear façade of Morrisons when viewed across the current pub car park from the High Street and from the pedestrian entrance from High Street to Morrisons.

6.2.6 The use of timber windows and decorative finials throughout the scheme is also a welcomed detail and is considered to contribute positively to the overall scheme however it will be critical to ensure appropriate materials are specified by condition on any permission granted.

6.2.7 The County Archaeologist has commented that because of the sites location in the medieval core of Staveley, conditions were attached to the previous consents for the site requiring an archaeological scheme of works. A WSI was agreed for this work against the condition, and part of the fieldwork was carried out on site, leading to an interim report which is submitted with the current application. Further work involving archaeological monitoring was agreed to be carried out during the next phase of work, but this has yet to take place and there is no WSI for this part of the archaeological scheme. The Archaeologist comments that the scheme is broadly similar to that previously proposed in terms of archaeological impacts, so there is no need to revisit the agreed approach at this stage and it is recommended that the remaining archaeological work is carried out in line with NPPF para 205. A WSI will need to be approved setting out the extent and scope of monitoring and allowing for full reporting and archiving of the results from the previous phase. The following condition should therefore be attached to any planning consent: “No development shall take place until a written scheme of investigation (WSI) for archaeological 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 shall be included.”

6.2.8 It is considered that the issues raised above can be suitably dealt with through use of conditions on any approval granted and which will satisfy the requirements of policies CLP20 and CLP21.

6.3 Neighbours Amenity

- 6.3.1 Local Plan policy CLP14 states that development will be expected to have an acceptable impact on the amenity of users and neighbours.
- 6.3.2 Internally, the development proposed does present a lesser separation distance than sought in the LPA's adopted SPD, especially noting the distance between the rear elevation of the converted public house (Block A) and the new rear block (Block C). These distances however are considered to be a compromise that enables the best opportunity for securing appropriate redevelopment of the entire site. Given the proposal will result in a new use for the site (being residential) it is considered any prospective purchaser / occupier of any of the flats would be aware of the relationship between the individual components of the development.
- 6.3.3 The relationship of the adjoining neighbours has been assessed as a material consideration. The neighbour to the rear of the site and western end of the southern boundary is Morrisons and the buildings face away from the site and proposed development. The neighbour to the south fronting High Street (No 23 High Street) is in use as a day care nursery and which has an external rear garden area running along the southern boundary of the site. This building is positioned on the boundary of the site with no openings facing the site but with what appear to be air condition units mounted on the gable which overhang the site. The neighbouring property to the north at 27 High Street is all currently vacant and appears to comprise of a rendered commercial unit (Advertising Agency) on the High Street frontage and a stone cottage to the rear. These properties are on the site boundary and attached to the existing Elm Tree building but there are no openings facing toward the site in any of the buildings.



Morrisons buildings to rear of site



23 High Street



27 High Street

6.3.4 In terms of the impact on No 23 High Street the proposed block B will sit attached to the side gable of the building in line with the main façade to the High Street and to the rear to the extent of the two storey section of No 23.

There will be an impact on the projecting air conditioning units and there will clearly need to be a Party Wall Act agreement between the property owners however this is not regarded as a material planning consideration. Because Block B is to the north of and does not project forward or to the rear of 23 the impacts of this building will be very limited. In so far as the relationship between Block C and 23 High Street the separation distance at the closest point (front of Block C to nearest rear window in 23) is 21 metres and which is considered acceptable. There will be a view into rear external area of the property from the upper floor windows to the rear of block B and front of Block C however the external play area is associated with a commercial property and the amenity impacts are therefore less of a concern. It is considered that the siting of the proposals are acceptable having regard to the neighbours at 23 High Street.

6.3.5 To the north of the application site No 27 High Street is attached to the existing Elm Tree building however a section of the outbuildings to the rear are to be demolished to make way for a replacement new single storey extension and a yard area which would set the building away from the site boundary. There would be a ground level door and two windows facing into the courtyard area however there would be no adverse impact on No 27. The windows to the front of Block C to the rear of the site would be angled away from the rear of 27 and would be at a very acute angle such that there would be no adverse impact on amenity.

6.2.6 To the west of the application site, the proposed flats will have an outlook overlooking the rear elevation of Morrisons. The high wall of Morrisons will be approximately 4.5 metres from the rear elevation of Block C which is the same as the scheme accepted in 2017. It is also acknowledged that proposed flats in Block C have been designed to enhance the light that penetrates the rooms and improve the amenity for occupants.

6.3.2 It is considered the outlook for the occupants of Block C flats that have windows in the west elevation, that the outlook will be poor for these occupants. The high boundary wall that forms the rear of Morrisons is located to the west of this site and being in close proximity (4.5 metres) it is considered natural lighting and outlook will be limited for the occupants however this same relationship was accepted by the Council in 2017.

- 6.3.3 Having regard to the internal design of the proposed flats, the initial scheme was considered to be lacking in internal space as all units fell below the Nationally Described Space Standards however the latest revised scheme has reduced the number of dwellings from 24 to 20 such that the space available for each unit now increases and meets the standard referred to.
- 6.3.4 Concerns were also expressed regarding the outdoor amenity space which was considered to be lacking for the scheme proposed. The ground floor flats in Block B and Block C will have access to a private garden area with the remaining flats having access to a communal area which will provide outdoor space. The scheme has also been amended to now incorporate balcony areas to the upper floor units to Block C and given the town centre location of the site, this is considered to be reasonable and sufficient compromise in this case.
- 6.3.5 It was considered necessary and appropriate for the applicant to review the number of units proposed at the site to ensure the amenity issues raised could be addressed. It is considered the revisions to the scheme ensure the amenity for the occupants will be the best they can be given the circumstances of the town centre location and the impacts on the neighbouring properties will also be limited and not detrimental to their amenity to a point where refusal of planning permission could be justified.

6.4 Noise and nuisance

- 6.4.1 Local Plan policy CLP14 states that development will be expected to have an acceptable impact on the amenity of users and neighbours. To understand if the proposed development would raise concerns in respect of noise, the Environmental Health Officer was consulted with and he raised no concerns for the proposed end use of the application site but noted that should planning consent be granted, a condition restricting the hours of work to be imposed to protect the neighbouring amenity. The condition would read as follows;
“Work shall only be carried out on site between 08:00 to 18:00, Monday – Friday and 09:00 to 17:00 on Saturdays. There shall be no work carried out

on Sundays or Bank Holidays. The term “work” will also apply to the operation of plant, machinery and equipment as well as the accepting of deliveries.”

Reason – *To protect the residential amenity of the neighbouring area and in the interests of CLP14.*

6.4.2 This condition is considered to be reasonable and can therefore be imposed by condition on any permission granted for this scheme.

6.5 Highway Safety

6.5.1 Local Plan policy CLP20 and CLP22 require consideration of parking provision and highway safety. As such, the Local Highway Authority were consulted in respect of this application. The comments received are detailed below;

6.5.2 *“It is assumed that, in particular, the Section 106 Agreement entered into in respect of the previous application is still applicable. From the highway point of view this particularly relates to monies for the monitoring of the situation post development and the introduction of a Traffic Regulation Order if /as appropriate following the monitoring period. Should this not be the case, the Highway Authority would be grateful if you could revert back to them for further comments in respect of this issue as some sort of funding will need to be secured.*

Given that consent has previously been granted for development and subject to the above, there are no objections to the proposal and it is recommended that the following conditions are included in any consent.

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

2. *Before any other operations are commenced a new pedestrian access to High Street shall be formed in accordance with the application drawing.*
3. *Before any other operations are commenced (excluding creation of the new access, the subject of condition 1 above), the existing vehicular and pedestrian access to High Street 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.*
4. *The development hereby permitted shall not be occupied until the cycle parking facilities shown on the approved drawings have been implemented and made available for use. The cycle parking facilities shall thereafter be retained for use by the occupants of, and visitors to, the development at all times.*
5. *There shall be no gates or other barriers on the access off High Street.*

6.5.3 The comments received from the Local Highway Authority are noted and whereas the 2017 planning permission lapsed the applicant had already paid as obligated the £4000 under the Section 106 Agreement that was entered into to provide a fund for monitoring of the situation post development and the introduction of a Traffic Regulation Order if deemed necessary. The TRO monies were requested as a result of concerns the LHA had with regards to the lack of off street parking for the scheme which the LHA concluded was “highly likely to lead to an increase in parking on the adjacent highway in the vicinity of a junction which would make entering / exiting the junction difficult and there are currently no parking restrictions on the site frontage.” The funds were provided for a period of two years monitoring post completion of the scheme.

6.5.5 Given the situation in respect of car parking and that off street parking has generally remained unaltered (has reduced as units reduced from 24 to 20) since the approval of the previous application, it is considered reasonable to utilise the fund already paid to the Council for the purpose however this

will need to be reflected in a fresh s106 agreement. The remaining conditions can be imposed as recommended by the LHA since they are considered to be reasonable and appropriate for the development however condition 5 is not justified on the basis that the access is not being used by vehicles and security bollard/posts are to be installed to prevent this. Whilst the plans do not indicate any gates or other barriers at the access the necessity for the condition does not meet the tests for imposition of such a condition.

6.5.6 It is acknowledged that CLP22 also requires development to “encourage more active and healthy lifestyles, and the Council will seek to maximise walking, cycling and the use of public transport through the location and design of development and parking provision.” It is therefore considered the lack of off street parking provision for this application is both appropriate and acceptable given the location of the application site and the appropriate walking distances and connectivity the site offers. It is considered that the number of cycle parking spaces provided at 40 as indicated in the submitted plans is an appropriate response.

6.5.3 It is therefore considered that the proposed development as amended can be considered to address the concerns raised by the LHA and these can be met through the monies obtained through the previous Section 106 Agreement. It is agreed that a car free scheme is appropriate given the location within the town centre area and on the basis that any inappropriate local on street parking can be dealt with by possible TRO.

6.6 Biodiversity including trees and landscaping

6.6.1 Local Plan policy CLP16 states that all development will “protect, enhance, and contribute to the management of the boroughs ecological network of habitats, protected and priority species ... and avoid or minimise adverse impacts on biodiversity and geodiversity and provide a net measurable gain in biodiversity.” The NPPF in paragraph 170 requires decisions to protect and enhance sites of biodiversity and paragraph 174 also requires plans to “pursue opportunities for securing measurable net gains for biodiversity”.

6.6.2 To understand the impact the proposed development will have biodiversity and ecology at the application site, Derbyshire Wildlife Trust were consulted. The initial response from the DWT is detailed below;

“note that no current Ecological Appraisal has been submitted, however we have re-visited the Protected Species Appraisal submitted for the previous application. This was undertaken in 2016 and assessed the building to have ‘negligible – low’ potential to support roosting bats, with features that could be used by bats limited to several raised roof tiles. Given that the report is now six years old, it requires an update in accordance with CIEEM guidelines on the lifespan of ecological survey data. This should comprise a current visit by an ecologist to inspect the building both externally and internally, as it is possible that new features may have developed in the interim. They note that the Ecological Enhancement Letter submitted for the previous application has again been submitted. We provided comments on this in our letter dated 4th August 2020 (Ref: DWTCHE248-2), however these comments have not since been addressed. These remain applicable and relate to swapping the bird box models and incorporating some level of herbaceous planting along with the proposed shrubs and trees. Beneficial herbaceous species can easily be incorporated in simplistic, low maintenance schemes, such as rosemary, lavender, verbenas and scabious. We also suggest that climbers would be appropriate for the western boundary, such as honeysuckle and clematis. The update survey should be undertaken prior to determination. The minor improvements to the enhancement scheme could be undertaken now or secured through a condition.”

6.6.3 In response the applicant has provided an updated Protected Species Appraisal by Arc Ecology dated June 2022 and which confirms that notwithstanding the deterioration in the condition of the building that there remained no evidence of bat presence either internally or externally on the building or that bats had used the building historically. The survey also confirmed that there was no evidence of any nesting birds and that there are no features suitable for supporting birds. The survey concludes that there are no constraints on the re-development of the site arising from any ecology issue.

6.6.4 Having regard to the comments made by DWT it is considered that the applicant has reacted and assessed any potential impact upon the bat and bird species. Under policy CLP16 the Council will secure a biodiversity net gain / enhancement and it will be necessary therefore to impose a suitable planning condition on this development requiring the developer to provide, for example, bird and bat boxes within the site and other measures to encourage biodiversity. In addition opportunities for the introduction of soft landscaping will also be required under a separate condition.

6.6.3 On this basis the submission is considered to provide a suitable response to ecology and biodiversity issues in accordance with the requirements of policy CLP16.

6.7 Ground conditions and contamination including air quality

6.7.1 Having regard to the ground conditions the Coal Authority were consulted with, whilst the Environmental Health Officer was consulted with in respect of air quality and land contamination.

6.7.2 Comments received from the Coal Authority indicated that the site falls within the Defined Development High Risk area and therefore a CMRA is required. The comments respond to the submission of a CMRA as follows;

“The planning application is supported by a Phase II Geo-environmental Investigation Report, dated December 2020 and prepared by Earth Environmental & Geotechnical. This report sets out details of the intrusive site investigations carried out on site and their findings.

The report authors state that five boreholes were drilled on site to depths of 30m and that although coal seams were encountered in the boreholes this was all intact. They note that there was no evidence of shallow coal workings, voids or loss of flush encountered. Based on these findings no recommendations for further works are proposed.

It should be noted that where SUDs are proposed as part of the development scheme consideration will need to be given to the implications of this in relation to the stability and public safety risks posed

by coal mining legacy. The developer should seek their own advice from a technically competent person to ensure that a proper assessment has been made of the potential interaction between hydrology, the proposed drainage system and ground stability, including the implications this may have for any mine workings which may be present beneath the site.

Mine Gas

It should be noted that wherever coal resources or coal mine features exist at shallow depth or at the surface, there is the potential for mine gases to exist. These risks should always be considered by the LPA. The Planning & Development team at the Coal Authority, in its role of statutory consultee in the planning process, only comments on gas issues if our data indicates that gas emissions have been recorded on the site. However, the absence of such a comment should not be interpreted to imply that there are no gas risks present. Whether or not specific emissions have been noted by the Coal Authority, local planning authorities should seek their own technical advice on the gas hazards that may exist, and appropriate measures to be implemented, from technically competent personnel.

On the basis of the information submitted, and the professional opinions of the report authors set out therein, the Planning team at the Coal Authority has no objection to this planning application. Please note that any comments that the Coal Authority may have made in a Planning context are without prejudice to the outcomes of a Permit application.”

6.7.3 Reviewing the comments received from the Coal Authority, it is noted there is no evidence of shallow coal workings, voids, or loss of flush encountered at the application site and on that basis, the Coal Authority do not indicate the need for further conditions to be attached to any decision granted. It is noted however that the Coal Authority draws attention to the proposed drainage to be used at the application site and if this is to be SUDs, appropriate consideration will need to be given in light of the coal mining legacy of the application site.

6.7.4 As the development site is located within a high risk area, the applicant will need to be aware of mine gases when developing the site and it is considered this will be addressed in the requirements set out by the EHO.

6.7.5 When consulted with, the EHO did not raise any comments in respect of air quality however this is not surprising given the scheme proposed does not include provision for off street parking. The EHO did however indicate that whilst the applicant has submitted a geo-environmental report this only “describes the made ground (which is near the surface of the site) and assesses the depths of coal measures and associated gas issues. No assessment seems to have been made on the possible contaminated land issued related to the made ground. As such I am unable to make any comments on possible contaminated land on the site”. The EHO therefore requested that a condition requiring details relating to land contamination be imposed on any decision issued. The recommended wording is as follows;

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

- I. A desktop study/Phase 1 report documenting the history of the site.
- II. A site investigation/Phase 2 report where the previous indicates contaminative use(s). The site investigation/Phase 2 report shall document the ground conditions of the site. The site investigation shall establish the full extent, depth and cross-section, nature and composition of the contamination. Ground gas, groundwater and chemical analysis, identified as being appropriate by the desktop study, shall be carried out in accordance with current guidance using UKAS accredited methods. All technical data must be submitted to the Local Planning Authority.
- III. A detailed scheme of remedial works should the the presence of ground gas or other contamination. The scheme shall include a Remediation Method Statement and Risk Assessment Strategy to avoid any risk arising when the site is developed or occupied.

B. If, during remediation works any contamination is not been considered in the Remediation Method Statement, then additional

remediation proposals for this material approval. Any approved proposals shall thereafter form part of the Remediation Method Statement.

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

6.7.6 The imposition of this condition is considered to be reasonable given the information provided with the application does not cover the matter relating to made land contamination. Subject to any decision being granted, and complying with the condition imposed, it is considered the development can be considered to comply with the requirements of Local Plan policy CLP14.

6.8 Developer contributions

6.8.1 The application proposed the creation of new dwellings and is therefore CIL Liable. The site, subject of the application is located within the Low CIL charging zone and therefore CIL Charging rate is currently £20 per square metre (index rate linked). The applicant has provided a CIL form 1 and the CIL Liability is calculated on gross internal floor space as follows.

		A	B	C	D	E
Proposed Floorspace (GIA in Sq.m)	Less Existing (Demolition or change of use) (GIA in Sq.m)	Net Area (GIA in Sq.m)	CIL Rate	Index (permis sion)	Index (charging schedule)	CIL Charge
503 conversion	22	481	£20 (Low Zone)	332	288	£11,089
1524 new build		1524	£20 (Low Zone)	332	288	£35,136

Total		2005				£46,225
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Net Area (A) x CIL Rate (B) x BCIS Tender Price Index (at date of permission) (C) / BCIS Tender Price Index (at date of Charging Schedule) (D) = CIL Charge (E).

6.9 Flooding and drainage

6.9.1 As set out in Local Plan policy CLP13 and the NPPF, the LPA is required to ensure the flood risk for all development is managed to ensure that developments are made safe for their lifetime without increasing the flood risk elsewhere.

6.9.2 In line with this requirement, the application was referred to Yorkshire Water Services and the Council's Design Services (drainage) team for comment. The comments received from each are provided below;

6.9.3 The comments received from Yorkshire Water Services;

"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;

'No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority.

(To ensure that the site is properly drained and in order to prevent overloading, surface water is not discharge to the public sewer network).

6.9.4 It also noted in the comments received from YWS that they endorse the surface water to be drained by a soakaway however the existing building will be discharging to the public sewer network and no evidence has been provided that a surface water connection exists. Evidence will be required. YWS say that if the drainage can be amended so that the existing building can be discharged to the proposed soakaways within the site then no additional ground investigation will be required. Comments received from the Lead Local Flood Authority seek additional information including detail

of management and maintenance arrangements for the drainage infrastructure and it is considered that this detail can be secured by an appropriately worded pre commencement condition.

7.0 REPRESENTATIONS

- 7.1 The occupants of 34 High Street (via County Councillor Hayes) have made comment. Reference is made to working for a Housing Association and an awareness of planning in regards to parking and that it appears this matter has been completely overlooked. Reference is made to an issue with parking, speeding cars and access for delivery vehicles during the day on the High Street and the addition of extra properties will only compound this matter. The residents also question if there has been a Housing Needs Survey carried out since it seems we have a current plan in Chesterfield and North East Derbyshire to build huge amounts of properties and there are a large amount of flats already in Staveley which tend to turnover as families and circumstances change. The residents comment that they are aware that larger flats are generally unpopular with families as is lack of adjacent parking and it is their guess that someone out of area has purchased the pub, done a financial viability assessment and decided how much they can make on what could potentially be damaging to the local area which is already fragile. The neighbours comment that they have created and fostered a lovely little community on the High Street and they are not opposed to change of use of properties as their own home had many commercial uses until they purchased it in 2013 but they put it back to its originally designed use, not multiple occupancy. They worry that the pub has been deliberately neglected to make it unsafe and warrant a decision being made to demolish it. This is a conservation area where we all know the rules to follow and it appears that the purchaser has manufactured this situation for their own ends. The neighbours indicate that a suitable compromise would be to develop the current building into 2 family homes with parking and private gardens that would keep the historical value and make a sympathetic addition to the High Street.
- 7.2 A local resident has also commented that traffic is already a big problem and having this amount of apartments/flats will only add in a negative way to the current issue. Although the applicant is installing bike storage

facilities not every person whom resides in this building will only use a cycle. The resident also comments that the wildlife will also be greatly impacted and either driven out of the area which is such a shame and due to lack of places for the wildlife to breed and live will leave the wildlife with nothing. The resident comments that currently Staveley has a big problem with homeless/drug users and this will only increase if these properties are given the go-ahead. Are the properties going to be private tenants or local authority or both? Unless the whole area is improved and a major look at safety has taken place prior to the agreement then this will be a constant nightmare for the police and local residents. If you look at the amount of times police are called to the area you will see that this is already a problem that as yet has no action plan to move forward just dreams.

- 7.3 Councillor D Rhodes (Staveley) objects. He comments that the building needs urgent attention but 24 flats will create a parking issue and the front facing windows are going to open onto a footpath.

Comments – The comments received in respect of the parking provision at the proposed development are noted however the previous scheme did not provide any parking either and the application site is noted to be in a sustainable location and does offer cycle storage facilities within the application site and therefore the lack of parking is considered to be overcome for such a central sustainable location. Furthermore, there are opportunities for parking within the locality for residents who may own a vehicle and their visitors and the scheme delivers the opportunity to introduce a TRO should the need arise as a result of indiscriminate parking in the locality.

The comments received in respect of windows opening on to the footpath are noted however this is currently the case as the existing windows at the public house open on to the footpath. It is not considered that the proposed change of use raises concerns in this respect.

In terms of the impact on the conservation area this has been accounted for in the scheme and this report. The building has stood empty for some time and has deteriorated as a result however there

is nothing to suggest that this was the intention of the owner. The issue of antisocial behaviour in the area is a matter for the police.

8.0 HUMAN RIGHTS ACT 1998

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

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

8.2 The action in considering the application is in accordance with clearly established Planning law and the Council's Delegation scheme. It is considered that the recommendation accords with the above requirements in all respects.

9.0 STATEMENT OF POSITIVE AND PROACTIVE WORKING WITH APPLICANT

9.1 In accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 and paragraph 38 of 2021 National Planning Policy Framework (NPPF) as the proposed development does not conflict with the NPPF or with 'up-to-date' policies of the Local Plan, it is considered to be 'sustainable development' to which the presumption in favour of the development applies.

9.2 The Local Planning Authority has worked with the applicant to negotiate solutions to issues raised and to enhance the scheme and has engaged in a positive and proactive manner.

10.0 CONCLUSION

10.1 Overall the proposal as amended is considered to accord with the provisions of Local Plan policies achieving a reuse of this key town centre site and which will contribute to and enhance the local streetscene and the character of the area. The development opportunity is considered to be sustainable.

11.0 RECOMMENDATION

11.1 That a CIL Liability Notice be served;

11.2 That a s106 agreement be entered into in relation to the following:

- Use of the £4000 already paid under the previous s106 agreement for monitoring by DCC of parking in the vicinity of the site for a period of 2 years post occupation of the site and to be used towards any TRO deemed necessary;
- Payment of a contribution of £65,191 in lieu of onsite affordable housing unless a viability study demonstrates such a contribution will prevent the development from taking place;
- Arrangements for the Management and Maintenance of the common amenity areas within the site.

11.3 That the application be **APPROVED** subject to the following conditions on completion of the s106 agreement:

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.

- 0557-100-A – Location plan
- 0557-A-01-A – Design & Access statement
- 0557-010A-A – Existing ground floor plan – Block A(1)

- 0557-011A-A – Existing first floor and roof plans – Block A
- 0557-020A-A – Existing front and side elevations – Block A
- 0557-050C-D – Proposed ground and first floor plan - Block C
- 0557-021A-A – Existing rear and side elevations – Block A
- 0557-050A-B – Proposed ground floor plan – Block A(1)
- 0557-051A-B – Proposed first floor and roof plan – Block A(1)
- 0557-060A-B – Proposed front and side elevations – Block A
- 0557-051C-D – Proposed second floor and roof plan – Block C(1)
- 0557-061A-B – Proposed rear and side elevations – Block A
- 0557-060B-B – Proposed front and side elevations – Block B
- 0557-061C-D – Proposed rear and side elevations – Block C
- 0557-050B-B – Proposed floor plan – Block B(1)
- 0557-150-C – Proposed site plan
- 0557-152-B – Phased construction strategy
- 0557-060C-E – Proposed front and side elevations – Block C
- 0557-151-B – Landscape design layout and specification
- 0557-153-C – Proposed NIA and GIA Plans
- 0557-155A-B Proposed Plans and Accommodation Schedule
- 0557-155B-B Proposed Plans, Elevations & Accommodation Schedule
- 0557-155C-E Proposed Plans, Elevations & Accommodation Schedule
- J01978 – Drainage Design Layout (1)
- 0557-141 Existing Site Plan showing partial demolition
- Soakaway Design J01978 by JNM Engineering Ltd

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. No development shall take place until full details of the proposed means of disposal of surface water drainage,

including details of any balancing works and off -site works, have been submitted to and approved by the local planning authority. The details shall include evidence of existing positive drainage to a public sewer from the site and the means of achieving a minimum 30% reduction of flow into the public sewer based on the existing peak discharge rate during a 1 in 1 year storm event. Furthermore, unless otherwise approved in writing by the local planning authority , there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works .

Reason - To ensure that no surface water discharges take place until proper provision has been made for its disposal.

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

Reason - To ensure that the development can be properly drained and In the interest of satisfactory and sustainable drainage.

05. There shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

Reason - To ensure that no foul or surface water discharges take place until proper provision has been made for their disposal.

Site Investigations

06. A. Development shall not commence until details as specified in this condition have been submitted to the Local Planning Authority for consideration and those details, or any

amendments to those details as may be required, have received the written approval of the Local Planning Authority.

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

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

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

B. If, during remediation works any contamination is not been considered in the Remediation Method Statement, then additional remediation proposals for this material approval. Any approved proposals shall thereafter form part of the Remediation Method Statement.

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

Reason – To ensure potential contamination land issues are appropriately dealt with as part of the scheme.

Archaeology / Heritage

07. The development shall proceed on the basis of the updated Interim Report on Archaeological Strip Map and Record dated October 2021. Prior to phases 2 or 3 commencing on site a Written Scheme of Investigation (WSI) for the second phase of fieldwork 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
1. The statement of significance and research objectives; and
 2. The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works; and
 3. The programme for post investigation assessment and subsequent analysis, publication and dissemination and deposition of the resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

Reason - To ensure that any archaeological interest is appropriately assessed and documented prior to any other works commencing which may affect the interest in accordance with policy CS19 of the Core Strategy and the wider NPPF.

08. Prior to their installation further details of the proposed replacement windows to the public house building shall be submitted to the Local Planning Authority for consideration. These windows shall be traditional sash windows and not uPVC imitation sash which detract from the character and appearance of the Conservation Area. Only those windows which receive written approval shall be installed on site in accordance with the agreed schedule and details.

Reason – To ensure that the materials and finishes to the retained building are complimentary to the character and appearance of the Staveley Conservation Area in accordance with policy CS19 of the Core Strategy and the wider NPPF.

Ecology

09. Prior to the commencement of development a detailed enhancement strategy that provides details of enhancement measures for roosting bats and nesting birds in the scheme shall be submitted to and approved in writing by the Local Planning Authority. Such approved measures shall be implemented in full as part of the development and maintained as such thereafter.

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

Highways

10. The space to be provided for the storage of plant and materials, site accommodation and welfare facilities and the spaces for onsite loading and unloading of vehicles as shown on drawing 0557/152/B shall be laid out and be available free from any impediment to their intended use and be maintained as such throughout the contract period.

Reason – In the interests of highway safety.

11. The secure cycle parking facilities as shown on drawing A-SPEC-00-A rev A shall be fully implemented for each phase and made available for use prior to the first occupation of each phase of the development hereby permitted and shall thereafter be retained for use at all times.

Reason – In the interests of highway safety.

12. The arrangements for storage of bins as shown on drawing A-SPEC-00-A rev A shall be fully implemented for each phase

and made available for use prior to the first occupation of each phase of the development hereby permitted and shall thereafter be retained for use at all times.

Reason – In the interests of highway safety.

13. The existing vehicular and pedestrian access to High Street shall be permanently closed 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. The new pedestrian access to High Street shall be thereafter formed in accordance with the application drawings and which shall be completed prior to first occupation of the development hereby granted.

Reason – In the interests of highway safety.

Others

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

Reason - In the interests of residential amenities.

15. 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.

16. 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.

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

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

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

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

19. No individual dwelling hereby approved shall be occupied until the optional requirement for water consumption (110 litres use per person per day) in Part G of the Building Regulations has been complied with for that dwelling.

Reason: To protect the water environment in accordance with policy CLP13 of the of the adopted Chesterfield Borough Local Plan and to accord with paragraph 149 of the National Planning Policy Framework.

Notes

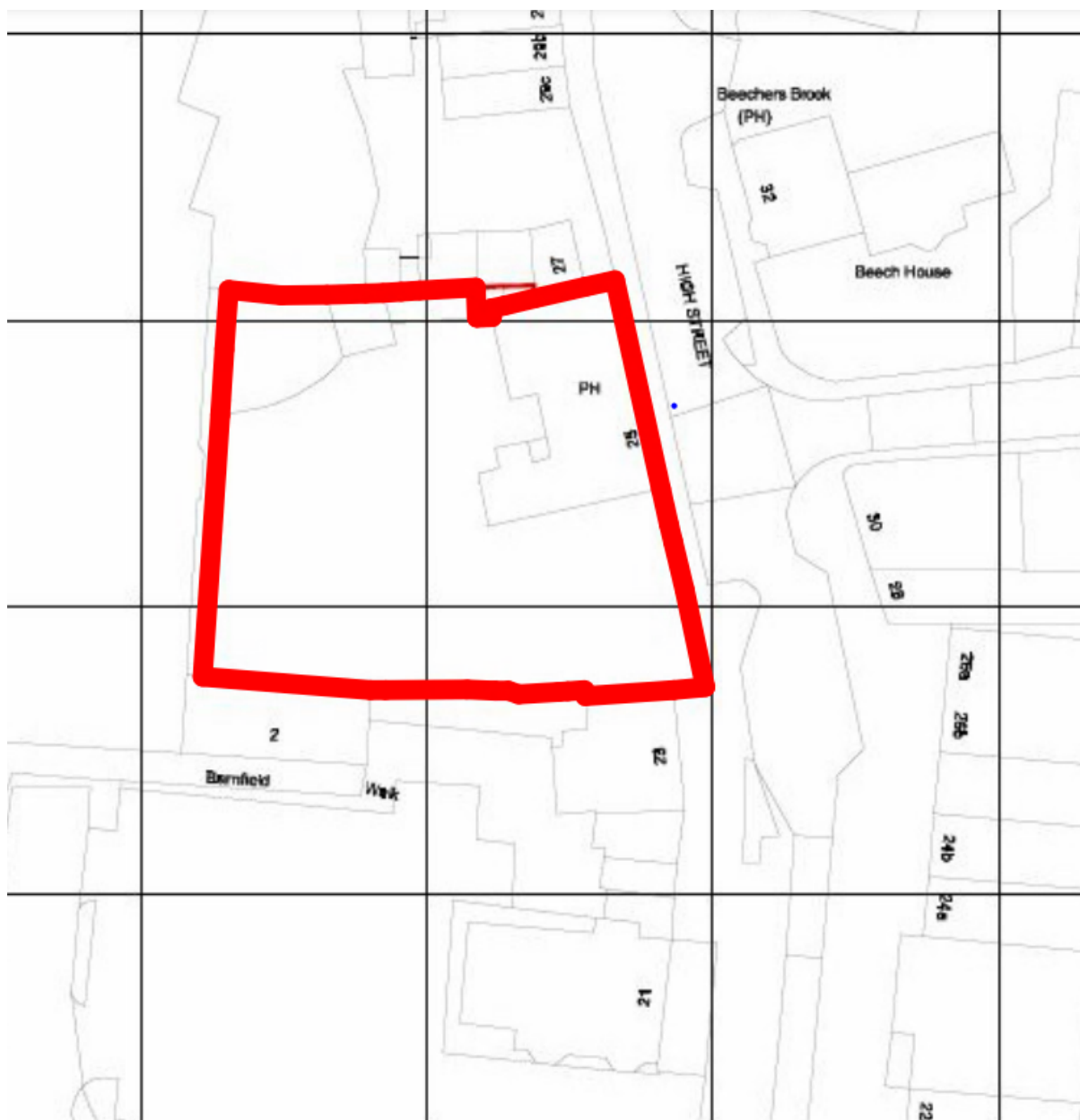
01. If work is carried out other than in complete accordance with the approved plans, the whole development may be rendered unauthorised, as it will not have the benefit of the original planning permission. Any proposed amendments to that which is approved will require the submission of a further application.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

Highways

03. Pursuant to Sections 149 and 151 of the Highways Act 1980, the applicant must take all necessary steps to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable

steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.

04. The application proposals are affected by a Prescribed Building Line under the Roads Improvements Act 1925. Whilst it is an offence to undertake building works in advance of this line, it may be possible for the applicant to apply to rescind the line. The applicant is advised to write to the Strategic Director of the Economy, Transport and Communities Department at County Hall, Matlock, Derbyshire DE4 3AG at least 6 weeks before commencing works requesting that the line be removed and confirming that they will meet the Authority's administrative/legal costs if the removal is approved.



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Item 3

Case Officer: Chris Wright

File No: CHE/22/00581/OUT

**PROPOSAL: OUTLINE APPLICATION FOR DEMOLITION OF EXISTING
DETACHED GARAGE AND ERECTION OF A 3/4 BEDROOM CHALET
BUNGALOW (1.5) STOREY WITH SEPARATE DETACHED GARAGE WITH
ALL MATTERS RESERVED AT 366 BRIMINGTON ROAD, TAPTON,
CHESTERFIELD FOR MR PETER LYTHGOE**

1.0 **CONSULTATIONS**

Ward Members:	No comments received.
Local Highway Authority:	No objection, subject to condition
Chesterfield Design Services:	The site is at risk of surface water flooding, but no objection. Mitigation may be required.
Yorkshire Water Services:	No comment
Environmental Health:	No objection subject to conditions related working hours and air quality.
Coal Authority:	Material Consideration, in low risk coal mining area.
Forward Planning:	No objection provided.
Representations:	2 objections received for the original iteration of scheme. Objection due to lack of information and potential impact to neighbouring dwellings.

2.0 **THE SITE**

- 2.1 The application site presently forms part of the rear garden curtilage of no.366 Brimington Road, which is to the west side of the dwelling. No 366 is 58m long and 27m wide and includes a

dormer bungalow to the front of the site and a detached single garage to the side/rear. There is a significant amount of mature trees, shrubs and landscaping to the site.

- 2.2 The site is in a residential area and has housing to all sides. There is an existing driveway and entrance to the southern side of the site. The land falls away slightly from east to west.



3.0 **RELEVANT SITE HISTORY**

- 3.1 No relevant applications

4.0 **THE PROPOSAL**

- 4.1 Outline planning approval is sought to erect a detached dormer bungalow and garage to the rear of the site. All matters are reserved for approval at a later date. Some indicative information has been provided regarding an approximate location of the dwelling and that the existing access will be retained and widened to accommodate parking for the existing dwelling.

4.2 Further information such as access, scale, layout, appearance and landscaping would be considered in a reserved matters application at a later date. No information has been provided regarding boundary treatments, biodiversity on site or the access driveway.

4.3 This application does not include any details regarding future parking arrangements for the main dwelling.

5.0 **CONSIDERATION**

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 require that, 'applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise'. The relevant Development Plan for the area comprises of the Chesterfield Borough Local Plan 2018 – 2035.

5.2 **Chesterfield Borough Local Plan 2018 – 2035**

CLP1	Spatial Strategy (Strategic Policy)
CLP2	Principles for Location of Development (Strategic Policy)
CLP3	Flexibility in Delivery of Housing (Strategic Policy)
CLP13	Managing the Water Cycle
CLP14	A Healthy Environment
CLP16	Biodiversity, Geodiversity and the Ecological Network
CLP20	Design
CLP22	Influencing the Demand for Travel

5.3 **National Planning Policy Framework (2021)**

Part 2.	Achieving sustainable development
Part 4.	Decision-making
Part 5.	Delivering a sufficient supply of homes
Part 8.	Promoting healthy and safe communities
Part 9.	Promoting sustainable transport
Part 12.	Achieving well-designed places
Part 14.	Meeting the challenge of climate change, flooding and coastal change
Part 15.	Conserving and enhancing the natural environment

5.4 **Supplementary Planning Documents**

Successful Places' Residential Design Guide

5.5 **Principle of Development**

- 5.5.1 The comments of the Planning Policy Officer have been sought and which confirm that the principle of development should primarily be assessed through the application of policies CLP1 and CLP2. Primary amongst these considerations is that new development should be directed to regeneration areas and those within walking distance of a range of key services. The council's Residential Design SPD sets out (on page 41) that a walkable neighbourhood is one with a local centre/shop within 600-800m and a primary school within 800-1000m, depending on the safety and convenience of the route.
- 5.5.2 The location of the proposed development is not fully compliant with policies CLP1 and CLP2. There is no GP within walking distance and the closest primary school (Christ Church) is 1.7 km away. The Sheffield Road Local Centre is the closest centre to the application site (at approximately 1.2 km), however there is a supermarket (with pharmacy) around 900m away via a safe pedestrian route. The Lockoford Amenity Greenspace and Play Area are located within 300m and there is a pub and bus stop within the indicated walkable catchments.
- 5.5.3 Policy CLP2 states that planning applications for developments that are not allocated the Local Plan, will be supported according to the extent to which they meet criteria a-h. The proposal would not be located on Previously Developed Land (criterion b), offers no wider regeneration or sustainability benefit of any significance (criterion c) and the site only performs moderately well against criterion (d), as services within a convenient walking distance are limited.
- 5.5.4 The site is however located within the built-up area (as defined on the Local Plan Policies Map – CLP3) and whilst it is not within walking distance of the full range of key services, the cycle and public transit links on Brimington road would support access to a range of key services within the town centre (CLP2 criterion e). The route to the supermarket (with pharmacy) exceeds the walkable threshold by only a short distance and the route is

considered to be of good quality. The proposal is for a single dwelling and so is unlikely to prejudice the Local Plan's aim to deliver development of housing on primarily brownfield sites.

- 5.5.5 The proposed development site is situated within walking distance from key services and is located on land that is currently utilised as residential curtilage. The site is located within a built-up area (settlement boundary) where new housing development would be considered appropriate in principle. As such, this proposed development site is considered to be sufficiently sustainable for a development of this nature and generally adheres to the policies CLP1 and CLP2.

5.6 **Residential Impact**

- 5.6.1 Local Plan policy CLP14 states that development will be expected to have an acceptable impact on the amenity of users and neighbours. The Council's SPD 'Successful Places' provides further guidance in respect of privacy, day light and sunlight, overshadowing and external amenity space.
- 5.6.2 The application is an outline proposal with all matters reserved. The development site is 27m deep and 29m wide. The rear gardens of the dwellings on Brimington Road are 30-40m in depth with the adjacent rear gardens of dwellings on Malia Road being 8-12m in depth. Although no specific details have been included at this stage since layout is not being considered, it is considered that a scheme is possible on the site that could provide a sufficient sized garden and not lead to overlooking and overshadowing. The site also includes mature landscaping including the boundaries, and it is considered that if the majority of this is retained then this will limit any potential adverse impact of a future scheme.
- 5.6.3 On the basis of the above, the site is considered an appropriate size for erection of 1 single storey dwelling. It would be acceptable with the requirements of Policies CLP14 and CLP20 of the Local Plan and the advice contained within the 2021 NPPF (paragraph 130) which states that planning decisions should ensure that developments have a "high standard of amenity for all existing and future users" and chapter 3.11 (Amenity) of the Council's SPD 'Successful Places'. This is subject to any further reserved matters or full application, which will provide more information in regards access, appearance, layout, scale, appearance and landscaping.

5.7 **Design and Visual Impact**

- 5.7.1 Local Plan policy CLP20 states in part; all development should identify and respond positively to the character of the site and surroundings and respect the local distinctiveness of its context 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.
- 5.7.2 The application has been made on an outline basis with all matters reserved for future consideration. The proposed dwelling will be to the rear of the existing dwelling, and it is unlikely to be highly visible from the streetscene. It could however be visible from the rear of the surrounding dwellings, and such appearance would be consideration in a further submission. The principle has been shown to be possible on site, but further details of the scheme will be considered at a reserved matters stage.
- 5.7.3 The Planning Policy Officer refers to Policy CLP13 which requires all new homes to meet the optional Building Regulation water efficiency standard of 110 litres per occupier per day and that this should be secured through an appropriate condition. This can be made a requirement of any approval granted.

5.8 **Highways Issues**

- 5.8.1 Local Plan policies CLP20 and CLP22 require consideration of parking provision and highway safety.
- 5.8.2 The proposal would includes access from Brimington Road and would provide parking and manoeuvring for 2 vehicles on site.
- 5.8.3 The Highways Authority commented that *“the submitted details propose a 3-4 bedroom bungalow with a detached garage. The application site is located on Brimington Road (B6543) which is a classified road subject to a 30mph speed limit and it appears that the proposed bungalow will be served via the existing vehicular access to Brimington Road which serves the existing dwelling. Due to the width of the fronting footway/verge the access benefits from acceptable levels of emerging visibility in either direction.*

As the access would serve multiple dwellings it is recommended that access is widened to a minimum of 4.25m (with an additional 0.5m provided to any side bound by a physical barrier) for the first 5m from the nearside highway boundary so that vehicles can pass in two-way traffic.

It's unclear if the proposed garage is for single or double vehicular use, typically, single vehicular garages should have minimum internal dimensions of 3.0m x 6.0m and 6.0m x 6.0m for double garages.

Parking should be provided on the basis of 2 spaces per 2/3-bedroom dwelling or 3 spaces for a 4 or more-bedroom dwelling.

Additionally, existing parking levels should be maintained with any displaced off-street parking being replaced accordingly i.e. the single vehicular garage that will be demolished. Each parking bay should measure a minimum of 2.4m x 5.5m (2.4m x 6.5m when located in front of garage doors) with an additional 0.5m of width to any side adjacent to a physical barrier e.g. wall, hedge, fence, etc.

Brimington Road is a classified road, therefore, turning space should be provided within the site so that vehicles can both enter and emerge in a forward gear. It appears likely that the proposed bungalow would be in excess of the recommended maximum manœuvre distance of 25m from Brimington Road, an area suitable for the standing and turning of a typically supermarket delivery type vehicle (9m x 9m) should be provided within the site clear of any off-street parking provision.

The Highway Authority has no objections to the proposal, and it is recommended that conditions are included in any consent"

5.8.4 The application includes access as a reserved matter. It does show where the likely access will be on site, which will utilise the existing access for no.366 and that the scheme is proposed to demolish the existing garage on site and construct a driveway to a garage for the new dwelling, but the design and location of the garage is not known at present. The front/side of no.366 is fairly spacious and it is considered there is space to create parking and turning for the residents of no.366 as well as providing an access and driveway to the new dwelling. Further information will be required in a reserved matters submission to clarify how this will be provided.

5.8.5 It is considered however that the access arrangements are considered to be achievable subject to further information

submitted at later date. The proposal therefore is acceptable with the requirements of Policy CLP20 of the Local Plan which seeks the provision of adequate and safe vehicle access and parking (criteria g) and a safe, convenient and attractive environment for pedestrians and cyclists (criteria h), as well as CLP22.

- 5.8.6 The Planning Policy Officer refers to the need for any off-street parking spaces to incorporate at least one Electric Vehicle Charging point to meet the requirements of policy CLP22 and this can be secured as part of any consent granted.

5.9 **Biodiversity**

- 5.9.1 Local Plan policy CLP16 states that all development will “protect, enhance, and contribute to the management of the boroughs ecological network of habitats, protected and priority species ... and avoid or minimise adverse impacts on biodiversity and geodiversity and provide a net measurable gain in biodiversity.” The NPPF (para. 170) requires plans and planning decisions to contribute to and enhance the natural and local environment by; minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- 5.9.2 No specific and detailed information has been provided in this regard. The site has several mature hedges and trees in place however none of these are protected. As part of landscaping issues this will be considered at a reserved matters stage and it is considered that the existing baseline and proposed situation on site will be clearly defined and shown on site, ensuring that no biodiversity loss occurs.
- 5.9.3 Proportionate evidence will be required to demonstrate that a net gain in biodiversity will be achieved. The applicant should submit a biodiversity baseline, and either the DEFRA small sites metric or CIEEM basic measurement tool, with measures to demonstrate a net gain in biodiversity (10% should be sought wherever possible).
- ## 5.10 **Developer Contributions**
- 5.10.1 The Council’s CIL Officer reviewed the application and highlighted that the site falls within the medium charging zone. The CIL liability

would be calculated at the reserved matters stage, based on proposed floorspace when it is known.

5.11 **Coal mining risk and ground contamination**

- 5.11.1 The application site is within a Low Risk Area in respect of former coal mining activity and on this basis the Coal Authority has recommended informative notes to be included in a decision.
- 5.11.2 The Council's Environmental Health team has been consulted on the proposal and they have concluded that the site is not within an area of potential land contamination and they have no objections.
- 5.11.3 On this basis the proposal is considered to meet the requirements of policy CLP14.

5.12 **Flood Risk**

- 5.12.1 The site is shown to be at risk of surface water flooding but in a low/medium area in relation to risk of flooding. CBC's drainage team and Yorkshire Water have been consulted on the scheme. CBC's drainage team requested that the applicant is made aware of the surface water flooding issue and that this should be considered in the design of the dwelling through a further application. YWS have raised no concerns.
- 5.12.2 Conditions can be included in a permission to ensure these issues are considered further prior to any future works. This ensures that the proposal is acceptable in relation to Policy CLP13 of the Local Plan.

5.13 **Lighting, noise and air pollution issues**

- 5.13.1 The Council's Environmental Health team has commented that several conditions are required to ensure that the proposal doesn't lead a negative impact in terms of an increase in noise pollution from construction and air pollution from increased traffic. They have requested a restriction on workings hours for construction and the inclusion of electric charging points into the scheme.
- 5.13.2 The requested conditions have all been included in this decision, to ensure that it is compliant with CLP14 of the Local Plan.

6.0 **REPRESENTATIONS**

- 6.1 The application has been advertised via letters sent to surrounding local residents and 2 comments have been received regarding the proposal. The local residents have objected on the basis that they don't know where the proposed scheme would be sited and don't know how it would impact their amenity in terms of their outlook.

Comment

The submission concerns only the principle of an additional dwelling on the site and they have not expressed an objection to this. The detail would follow in a reserved matters submission should permission be granted and the neighbours would be reconsulted at that time.

7.0 **HUMAN RIGHTS ACT 1998**

- 7.1 Under the Human Rights Act 1998, which came into force on 2nd 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 The action in considering the application is in accordance with clearly established Planning law and the Council's Delegation scheme. It is considered that the recommendation accords with the above requirements in all respects.
- ## 8.0 **STATEMENT OF POSITIVE AND PROACTIVE WORKING WITH APPLICANT**
- 8.1 In accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 and paragraph 38 of 2021 National Planning Policy Framework (NPPF) as the proposed development does not conflict with the NPPF or with 'up-to-date' policies of the Local Plan, it is considered to be 'sustainable

development' to which the presumption in favour of the development applies.

- 8.2 The Local Planning Authority have during and prior to the consideration of this application engaged in a positive and proactive dialogue with the applicant in order to achieve a positive outcome for the application.

9.0 **CONCLUSION**

- 9.1 The proposal is in outline form only with all matters reserved for approval at a later date. The proposed development is considered to be acceptable in principle and the site is of an appropriate size and shape to accommodate one new dwelling without detriment to the street scene or the amenity of nearby properties. As such, the proposal accords with the requirements of Policies CLP1, CLP2, CLP3, CLP13, CLP14, CLP16, CLP20 and CLP22 of the adopted Local Plan and the National Planning Policy Framework subject to the imposition of relevant conditions.

10.0 **RECOMMENDATION**

- 10.1 It is therefore recommended that 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.

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

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.

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

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.

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

Hours of construction

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

Reason - In the interests of residential amenities.

Highways – details of site storage/compound

5. Prior to the commencement of operations on site (excluding demolition/ site clearance), space shall be provided within the site curtilage for storage of plant and materials, site accommodation, loading and unloading of goods vehicles, parking and manoeuvring of site operatives and visitors vehicles and maintained throughout the contract period in accordance with the approved designs free from any impediment to its designated use.

Reason - In the interests of highway safety and CLP22

Highways – parking provision provided prior to occupation

6. The reserved matters submission shall include parking provision for the existing dwelling (2-3 spaces dependent upon bedroom numbers). The premises, the subject of the application shall not be taken into use until space has been provided, laid out and constructed in accordance with the application drawings for the parking (and turning) of residents and visitors vehicles and

thereafter maintained throughout the life of the development free from any impediment to its designated use

Reason - In the interests of highway safety in accordance with policy CLP22 of the Adopted Local Plan

Electric charging provision

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

Reason - In the interests of reducing emissions in line with policies CLP14.

Biodiversity enhancement

8. 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 a detailed biodiversity net gain plan for the development (or any phase of that development) and the creation of suitable habitat which enhances the ecological interest of the site with a maintenance plan, in line with guidance within Paragraph 175d of the NPPF. This shall include a comparison to the existing baseline situation on site and potential removal of mature hedgerows and trees.

Reason - In the interests of ecology and policy CLP16.

Drainage

9. 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 and inline with CLP13.

Drainage

10. 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 maximum rate of 3.5 litres per second.

Reason - To ensure that no surface water discharges take place until proper provision has been made for its disposal.

Drainage

11. No individual dwelling approved as part of the reserved matters of the development shall be occupied until the requirement for water consumption (110 litres use per person per day) in Part G of the Building Regulations has been complied with for that dwelling.

Reason: To protect the water environment in accordance with policy CLP13 of the of the adopted Chesterfield Borough Local Plan and to accord with paragraph 149 of the National Planning Policy Framework.

12. The premises, the subject of the application, shall not be occupied until space has been provided within the site curtilage for the parking and manoeuvring of residents and delivery vehicles, located, designed, laid out and constructed all as agreed in writing with the Local Planning Authority and maintained throughout the life of the development free from any impediment to its designated use. Existing off-street parking levels for No 366 Brimington Road shall be maintained, any displaced off-street parking shall be replaced accordingly.

Reason: In the interests of highway safety in accordance with policy CLP22 of the Adopted Local Plan

13. No part of the development shall be occupied until details of arrangements for storage of bins and collection of waste have been submitted to and approved by the Local Planning

Authority. The development shall be carried out in accordance with the agreed details and the facilities retained for their designated purposes at all times thereafter.

Reason: In the interests of residential amenity and highway safety in regards CLP14 and CLP20.

Informatives

1. Pursuant to Sections 149 and 151 of the Highways Act 1980 it is an offence to allow mud or other extraneous material to be carried from a development site and deposited on the highway. Measures shall be put in place to ensure that this does not occur or if it does that appropriate measures are taken to cleanse the highway. The Highway Authority reserves the right to undertake street cleansing where the developer fails to do so and to recover the costs from them.

2. Planning permission does not give you approval to work on the public highway. To carry works associated with this planning permission, separate approval must first be obtained from Derbyshire County Council as Highway Authority - this will take the form of a section 184 licence (Highways Act 1980). It is strongly recommended that you make contact with the County Council at the earliest opportunity to allow time for the process to be completed. Information and relevant application forms, regarding the undertaking of access works within highway limits, are available via the County Council's website www.derbyshire.gov.uk, email highways.hub@derbyshire.gov.uk or telephone 01629 533190.

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

4. Pursuant to Section 163 of the Highways Act 1980, where the site curtilage slopes down towards the public highway, measures shall be taken to ensure that surface water run-off from within the site is not permitted to discharge across the

footway margin. This usually takes the form of a dish channel or gulley laid across the access immediately behind the back edge of the highway, discharging to a drain or soakaway within the site.

5. The Highway Authority recommends that the first 5m of the modified access / driveway should not be surfaced with a loose material (i.e. unbound chippings or gravel, etc.). In the event that loose material is transferred to the highway and is regarded as a hazard or nuisance to highway users, the Authority reserves the right to take any necessary action against the landowner.

6. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is also available on the Coal Authority website at: www.gov.uk/coalauthority



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Item 4

Case Officer: Chris Wright

Application No: CHE/22/00464/FUL

Change of use of office to 8 bed HMO and associated alterations at Former Corner House Independence Project, 48 Newbold Road, Newbold, Chesterfield for Mr James Norton (description altered from 9 to 8 bedrooms)

Committee date: 31/10/22

Ward: Brockwell

1.0 CONSULTATION RESPONSES

Ward Members	- 1 comment received from Cllr Hollingworth, supporting the objections from local residents.
Highways Authority	- No objection
Environmental Health	- No comment received
CBC Private Housing	- No objection
Derbyshire Constabulary	- Comments received, noting issues of over-densification and anti-social issues in the area.
Forward Planning	- comment received – see report
Community Safety Officer	- No comment
Tree Officer	- No objection, subject to condition
Neighbours	- 22 comments received from local residents – see report.

2.0 THE SITE

- 2.1 This application concerns no.48 Newbold Road, which is a detached Victorian brick finished building sited on the eastern side of the junction of Cobden Road and Newbold Road. The building is on the local heritage list and has extensive mature soft landscaping to the front and sides including several larger trees. It has parking to the rear with a

driveway along with the rear of the site, as well as pedestrian access from the front of the site. The site was previously used for non-residential purposes for a children's charity's office, and is in a generally residential area, but there are several uses in the locality such as a vets, church and Barnados. The property was originally built for residential use, but it is unclear when this usage changed.

- 2.2 There is a garden to the front and side, space for bins to the rear and 4-6 vehicles on site, as well as a previous planning permission to increase the parking numbers on site by 2 vehicles.
- 2.3 The building is 2 storey with a basement space.
- 2.4 There are several HMOs and units split into multiple occupation in the locality including 1-3 Cobden Road, 18 Cobden Road, 31 Cobden Road, 50 Cobden Road, 56 Cobden Road, 85 Newbold Road, 87 Newbold Road, 89 Newbold Road and 91 Newbold Road.

3.0 SITE HISTORY

- 3.1 CHE/20/00497/FUL - Creation of 5 parking spaces to the rear of the property and associated external works – Conditional Permission – 02/09/20

- 3.2 Relevant applications in locality –

85-87 Newbold Road - CHE/19/00606/FUL - Change of use from hotel (Use Class - C1) to a House-in-Multiple-Occupation (Sui-Generis - Use) involving shared residential accommodation, associated alterations and provision of parking spaces - revised drawings received 14 11 2019, further revisions and information received 25.11.2019 – Conditional Permission – 07/01/20

91 Newbold Road - CHE/17/00394/COU - Change of use from vacant vet's offices to a 1 bedroom flat - Revised site location plan received 26/06/17 – Conditional Permission – 09/08/17

91 Newbold Road – CHE/15/00234/COU - Change of use from C3 (dwelling) to sui generis (9 bedroom House in Multiple Occupation) – Conditional Permission – 05/08/15

1 Highfield Road - CHE/15/00351/FUL - Change of use of a residential care home (C2) to a 7 bed house in multiple occupation – Refused – 07/10/15 – A subsequent appeal was allowed on 6/4/16

4.0 THE PROPOSAL

4.1 Planning approval is sought to change the building into an 8 bed house in multiple occupancy, with a communal lounge area and utility room in the basement, 4 bedrooms with en-suite bathrooms and a kitchen-diner at ground floor and 4 bedrooms with en-suite bathrooms and a lounge/dining area at 1st floor. There are also some minor external changes as well.

4.2 Schedule of rooms:

Basement

Lounge/tv room – 21.2m²

Utility room – 5.4m²

Ground floor

Bedroom 1 – 17.5m²

Bedroom 2 – 16.7m²

Bedroom 3 – 14.3m²

Bedroom 4 – 20m²

Kitchen/diner – 15.8m²

First Floor

Living/diner – 18.8m²

Bedroom 5 – 9.8m²

Bedroom 6 – 20.3m²

Bedroom 7 – 20.6m²

Bedroom 8 – 15.7m²

4.3 The shared garden area is approximately 250m², but this includes areas of soft landscaping which cannot be easily utilised, and most of which is proposed to be retained. The proposed site plan also includes additional parking spaces to the rear/side of the site. The external works include introducing an entrance to the front of the basement with stairs down to this space and a new door, it is unclear at present what sort of door will be provided for the basement room, as well as removing an additional door to the side of the building.

5.0 PLANNING POLICY

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 require that, 'applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise'. The relevant Development Plan for the area comprises of the Chesterfield Borough Local Plan 2018 – 2035.

5.2 **Chesterfield Borough Local Plan 2018 – 2035**

- CLP1 Spatial Strategy
- CLP2 Principles for Location of Development (Strategic Policy)
- CLP4 Range of Housing
- CLP14 A Healthy Environment
- CLP16 Biodiversity, Geodiversity and the Ecological Network
- CLP20 Design
- CLP22 Influencing the Demand for Travel

5.3 **National Planning Policy Framework**

- Chapter 2. Achieving sustainable development
- Chapter 5. Delivering a sufficient supply of homes
- Chapter 7. Ensuring the vitality of town centres
- Chapter 8. Promoting healthy and safe communities
- Chapter 9 Promoting sustainable transport
- Chapter 12. Achieving well-designed places

5.4 **Supplementary Planning Documents**

- Successful Places Residential Design Guide

6.0 **CONSIDERATION**

6.1 **Principle of Development**

6.1.1 The Council's strategic planning team has been consulted on the scheme with regard to the issue of principle. They have commented that the location of the proposed residential use would be in accordance with Local Plan policy CLP1 as it would be within walking distance of a range of Key Services as set out in policy CLP2. The proposal would also accord with the majority of requirements in policy CLP2 however, in relation to criterion (f) of policy CLP2, which requires that new development utilises existing capacity in social infrastructure (Policy

CLP10) or are of sufficient scale to provide additional capacity, either on site or through contributions to off-site improvements, some closer analysis is appropriate.

- 6.1.2 Whilst the proposal in isolation is small scale, such development if repeated can cumulatively result in increases in population density that have implications for the provision of social infrastructure. The cumulative impact of similar types of development in the 'neighbourhood' is a material consideration and should be considered. This consideration is linked to the potential for such types of development to 'saturate' an area and lead to a detrimental impact on a places character and amenity. Whilst the Council has no adopted SPD on the matter, the cumulative impact of HMOs on an areas infrastructure, character and amenity are material considerations and require an analysis of the concentration and also frequency of HMOs in a locality and street.
- 6.1.3 There is no published guidance on what thresholds might be reasonable when assessing the number of HMOs in a locality although some Local Planning Authorities have adopted SPD's on the matter. These SPD's generally look to apply thresholds to the number of HMOs within a radius of new HMO proposals and also to the number of HMO's in a row. The council has a record of licensable HMO's in the area, however there are a number of unregistered HMO's in the area and the extent of unregistered HMO's or student accommodation within the locality is not evidenced.
- 6.1.4 The application site is not allocated for any specific land use of policy constraint on the adopted Local Plan. The main policies applying to the principle of the development are therefore policies CLP1 and CLP2. These seek to direct new development to locations within walking and cycling distance of centres. In addition, policy CLP20 seeks to maximise the use of walking, cycling and public transport through the location of development.
- 6.1.5 The Council's residential SPD describes a 'walkable' development as one that has access to a good range of facilities within typically a 10-minute walking distance via a safe, convenient route. The application site is within walking distance of Chesterfield Town Centre and closer still to the Newbold Local Centre, which includes a Spar store. In addition, Newbold Road is a frequent bus route (with services to Chesterfield Town Centre approximately every 12 minutes on weekdays). The site is previously developed land and benefits from good access to a range of services. On balance the proposal is generally in line with the requirements of policies

CLP1 and CLP2 (and the locational aspects of CLP20) and supports the council's overall spatial strategy in terms of locations for new development.

- 6.1.6 The application site was an office building for a charity but was originally built as a dwelling, and it is proposed to change this to a residential HMO. It would be close to the town centre and re-uses an existing building. It would be within reasonable walking distance of existing services, facilities, employment, public transport and public open space.
- 6.1.7 The proposed development is considered acceptable in principle against policies CLP1, CLP2 and CLP20 of the Local Plan and the wider objectives of the revised NPPF, however an assessment of the detailed impacts are required under policy CLP14, CLP20 and CLP22 as referred to below.

6.2 Design and Appearance of the Proposal

- 6.2.1 Local Plan policy CLP20 states in part; all development should identify and respond positively to the character of the site and surroundings and respect the local distinctiveness of its context 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.
- 6.2.2 The proposal does not include any significant external changes to the building. A basement entrance will be created but after visiting the site this is considered to be a re-introduction of the door which previously existed. This is also below ground level and will not be highly visible. It is also proposed to introduce a window into the bottom section of a bay window on the ground floor to provide more natural light into the basement area. In this regard the proposal is considered to have no significant impact on design and appearance issues and is acceptable from a planning perspective. The proposal therefore accords with the provisions of policy Local Plan policy CLP20 and should be approved in this regard.
CLP7 Managing the Water Cycle.
- 6.2.3 The Planning Policy Officer has commented that the proposed accommodation will need to meet the optional building regulation water efficiency standard of 110 litres per occupier per day, and should permission be granted this will need to be secured by condition.

6.3 Residential Amenity/anti-social behaviour

- 6.3.1 Local Plan policy CLP14 states that development will be expected to have an acceptable impact on the amenity of users and neighbours. The Council's SPD 'Successful Places' provides further guidance in respect of privacy, day light and sunlight, overshadowing and external amenity space.
- 6.3.2 The proposal is for a type of development that would house unrelated individuals who will rely on a shared kitchen and dining area. These types of development can present design challenges in terms of achieving both an acceptable level of amenity for future occupiers of the proposal and also for neighbouring occupiers. Whilst the shared nature of the accommodation means that it is likely to be unreasonable to insist on levels of privacy and space that would normally be required for self-contained flats or dwellinghouses, nevertheless, there are still national and local policy requirements that require an acceptable level of residential amenity to be achieved, within reason.
- 6.3.3 The NPPF at paragraph 127f requires that planning decisions; create places that...promote health and well being, with a high standard of amenity for existing and future occupiers. Local Plan policy CLP20 also sets out relevant amenity related criteria for assessing the proposal, in particular:
- (a) promote good design that positively contributes to the distinctive character of the borough, enriches the quality of existing places and enhances the quality of new places;
 - (j) have an acceptable impact on the amenity of users and neighbours
- 6.3.4 The adopted Residential Design Guide SPD: A guide to sustainable housing layout and design also contains guidance on the provision of amenity space and bin storage.
- 6.3.5 When assessing the proposal against the above policies and guidance it is considered appropriate to assess the adequacy (in terms of amenity) of the following:
- The amount of floorspace provided within the bedrooms and communal areas.
 - The provision of areas for communal use such as sitting, dining, cooking and washing.
 - The amount and quality of private amenity space.
 - Levels of daylight, sunlight and privacy for future occupiers and neighbouring occupiers.

- Appropriately located and sized space for storing household waste and recycling.

- 6.3.6 Whilst the Council has no adopted internal space standards, the Government's technical housing standards – nationally described space standard and national design guidance are material considerations, as are the relevant sections of the Housing Act 2004 and The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006: Schedule 3. Meeting the minimums for rooms sizes and facilities in the housing and licensing legislation does not necessarily mean that a high standard of amenity is to be achieved but failure to meet them is likely to be evidence of a scheme which would have poor a level of amenity for future occupiers.
- 6.3.7 With regard to the above issues the proposal does not add new windows or propose any significant external building works and there is a reasonable sized garden for the residents to utilise. The proposed bedrooms are also of an adequate size for the residents and which meet the standards referred to.
- 6.3.8 The scheme was revised to remove a bedroom on the 1st floor and to introduce an additional lounge/diner space such that the scheme now has a lounge/diner in the basement, a kitchen/diner on the first floor and a lounge/diner at 1st floor. The basement room has also been amended to include a fully glazed door and a high-level window to introduce more natural light into the space since on its own this was not considered to be an adequate space for shared amenity, as it had no outlook or natural light. The addition of additional natural light into this space and the additional 1st floor communal space created is now considered to be acceptable.
- 6.3.9 The Council's Private Housing Team has commented that:
"The property will be a licensable HMO when complete; the landlord is an existing HMO landlord in Chesterfield and is well aware of his need to licence and will no doubt be in contact when appropriate. He has already been in contact with me regarding the conversion."

The bedrooms all exceed the minimum requirements for double bedrooms but given the level of kitchen facilities and knowing the landlord I imagine he will be letting to single people as those facilities will only support a maximum of 10 persons.

As all rooms are en-suite so there is no issue with bathing provision. The kitchen facilities appear to offer two sets of cooking facilities and two sinks/drainers; 2 fridge freezers, adequate worktop; adequate storage space is assumed. The utility provides an additional sink/drainer, 2 washing machines and 2 dryers plus additional worktop etc. The kitchen and communal spaces are adequately sized. The kitchen facilities meet our guidance standards.

There is an assumption that the conversion will meet all relevant building regulations including fire safety, ventilation etc; In terms of fire safety, there are no obvious significant layout issues or problems with escape.

Overall, therefore I have no objections to the application”

- 6.3.10 There have been 22 objections received from local residents and one of the issues raised is the potential for the increase in anti-social behaviour, crime, noise and disturbance from the development, and/or the scheme leading to an over-densification of HMOs within the vicinity of the site, and this leading to an increase in negative impacts beyond acceptable levels. The comments received included:

- Over-densification of HMOs in locality,
- Increased levels of anti-social behaviour in the area including drug dealing, littering, noise and increased crime levels
- Poor amenity for future residents on building,
- Impacting residential amenity of surrounding residents,
- Fear of crime on locality.

Local residents wrote about the existing situation in the area and some of the issues that have occurred in relation to crime levels, police activity, increased fear of crime and the general changes in the street that have occurred since more HMOs have been opened in the locality.

- 6.3.11 The Council consulted with Derbyshire Constabulary in regards the proposal and they provided the following comments:

“My reply follows discussion with the area Police Safer Neighbourhood team and interrogation of our systems which record calls for service, crimes and criminal intelligence for the immediate area, with a view to forming a useful picture of the area profile.

There are no specific design issues which would be relevant for the application, so I expect that your determination will concentrate on proliferation of any particular use class, at least from a community safety and amenity perspective.

On balance the picture I see does resonate with that presented by residents and the local member who have provided comments, in that our resourcing is not exclusive to, but heavily weighted towards the current 7 bed HMO at 50 Cobden Road, with 22 visits listed since conversion to an HMO for matters of burglary, assaults, thefts, criminal damage, controlled drug offences, and noisy parties, more recently with a proliferation of domestic disputes through 2022.

These matters aren't exclusive to number 50, but are noticeably out of scale to the remainder of the street, where incidents are more sporadic at both smaller rental and owner occupied housing.

You will I'm sure have access to statistics over the balance of HMO, rental and owner occupier for the locality.

I expect that the key points for you and the planning committee to consider are the balance here and likely effects upon community cohesion in both the short, mid and long terms.

My own views formed over an extended time dealing with HMOs is that this form of short-term tenancy contributes much less active interest or capable guardianship to communities, both key factors in reducing crime and disorder, with levels of interest reducing and social problems increasing as density rises.

Consequently there is I think merit in the argument presented by some that lower density rental would be more appropriate in context, and I wonder if the applicants might be persuaded to explore this option, accepting a likely lower yield for them.

I accept of course that the behaviour and management of tenants may not be seen strictly as a material consideration, and that there is an argument that there are other HMOs within the area which exist without problems.

My advice in this case would be to consider both the scale of the proposal and proliferation of the immediate area in determining the likely effects of approving this application.

- 6.3.12 In paragraph 92 of the NPPF (2021) it states that “*planning policies and decisions should aim to achieve healthy, inclusive and safe places which: are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion.*”

6.3.13 In policy CLP14 it states that *“all developments will be required to have an acceptable impact on the amenity of users and adjoining occupiers, taking into account noise and disturbance”* and in policy CLP20 it states that *“all development will be expected to:*

- k) have an acceptable impact on the amenity of users and neighbours;*
- l) be designed to be safe and secure and to create environments which reduce the potential for crime”*

6.3.14 Having regard to the above there have been a number of representations made as a result of the applications publicity that highlight the local area is already experiencing issues connected with crime and disorder and the representations indicate that these issues are having a serious adverse impact upon local amenity. Serious crime and disorder issues involving the police and safer neighbourhood partnership have been reported involving No.50 Cobden Road (which is a house that has been split up into several units). Local residents have commented in their responses that the proposal could make a serious situation on the street worse. Such comments are based on their experiences of the fact that there are already is an increased number of multiple occupancy properties in the local area. The application increases the prospect of a further property not being occupied as a single household, but with short term rental accommodation and making the property more likely to attract a higher proportion of residents with social problems, chaotic lifestyles and no connection or affinity for their surroundings. It does not automatically follow that this will be the case with the application proposal, however.

6.3.15 Some of the issues reported by Derbyshire Constabulary include burglary, assaults, thefts, criminal damage, controlled drug offences and noisy parties. Amongst the objections from local residents the comments have highlighted issues such as vandalism, drug dealing, drinking alcohol and unconscious people collapsed on local driveways and littering.

6.3.16 It is considered that there is a generalised correlation between multiple occupancy properties and increased levels of anti-social behaviour and noise and disturbance to surrounding residents. It is appreciated however that the existing application site is an existing office use and a previous household where some level of noise could arise. The proposal provides no management facilities on the site with all the available accommodation being used as part of the lettable HIMO accommodation. It is also considered that instances of excessive noise by residents can often be a management issue for landlords, and that careful picking of residents for the accommodation and clear expectations of the behaviour standards of residents can help to ensure that there are less likely to be issues related

to the amenity of the area however this is not a matter which can be appropriately controlled by the Council as local planning authority. A specific, detailed management plan has been requested from the agent for the scheme and in response the applicant has confirmed that they personally self-manage all their local properties and that it is entirely in their interest to attract good, reliable tenants who treat the properties as their home and so the owners invest in those buildings to facilitate that with high quality finishes and well apportioned spaces. The team has 1.5 full time staff purely dedicated to the management of the properties and tenants to make sure that this is achieved. They say that in this case tenants apply through a strict consultation process managed by the Owners, with detailed ID, proof of current employment, signed agreements and deposits required, and the owners meet and show round all prospective tenants. There is also a general restriction to people over 25 years old and the rooms would not generally be available to those on social security benefits, but tenants include a wide range of different people, for example, mature / post graduate students, academic researchers, as well others in long term permanent employment, such as carers, teachers and construction industry workers. CCTV is provided to keep an eye on both the outside the property and in communal spaces, with the owners on site at least once a week to carry out maintenance, ensure the upkeep of the properties and resolve any issues. Detailed inspections occur every 3 months, but tenants, neighbours, staff and keyholders etc all have the owners' personal mobile numbers if there is anything that needs discussing.

- 6.3.17 A fear of crime resulting in a detrimental impact on the amenity of the area can be regarded as a material planning consideration. Whilst there is no direct evidence to support such fears will come to fruition as a direct result of the current proposed conversion of 48 Newbold Road into a HIMO, it is also impossible to prove that no risk exists, and speculation by neighbours can give rise to fears notwithstanding that they would not be supported by any evidence.
- 6.3.18 Notwithstanding the above, objections to the proposal have been received from adjacent residents on the street which refer to a very clear fear of crime and anti-social behaviour in the vicinity of the site and which is supported by the evidence of police calls out to the area over the last 2 years. Objectors effectively challenge the council to take a precautionary approach, as referred to in the NPPF, by resisting proposals which have a higher risk of contributing to an existing problem situation. Whilst a number of representations focus on general public concerns a number of the letters refer to specific fear and subsequent effect on their amenity.

“It made me very scared and unsettled for weeks when the police visited us one evening asking if we had witnessed anything related to the stabbing in the next door HMO.”

“We are regularly subjected to drunken and drug abusive behaviour up and down, all hours of the day.”

“A couple of years ago we were burgled by some of the tenants residing in 50 Cobden Road and a friend of mine was sexually assaulted at the top of the road by a perpetrator resident in one of the local HMOs. We are worried that another HMO is a threat to public safety.”

“I fear not only for my friends mental health but the health and wellbeing of the residents and local community.”

Residents of the street have stated that their quality of life is already intolerable and the perceived threats arising from the proposal would mean that they may not continue to live on the street.

6.3.19 The Council does not hold an accurate database of the separate housing types in the local vicinity, with permitted development rights allowing the conversion of family homes into smaller HMOs without the need for planning permission and properties only required to be licensed when 5 or more people live there. The comments received from local residents have however made reference to local properties which have been changed from single units into multiple use units.

6.3.20 The proposal may exacerbate existing amenity problems for residents and pedestrians in this area in terms of increases to crime, disorder and anti-social behaviour. It is considered that resident behaviour seen as favourable for promoting community safety, such as territoriality, capable guardianship of the public realm and community interaction become diluted when tenure shifts away from owner-occupiers towards the rental sector, with a compounding factor being higher density units. Conversely short-term tenancies of town centre HIMO properties tend to attract a higher proportion of residents with social problems, chaotic lifestyles and no connection or affinity for their surroundings. For the application site this appears to be the case, and an intensified use of HIMO within a relatively small area, located with walking distance of the town centre. It is unclear if the increase in multiple use buildings has exceeded the tipping point away from owner-occupiers towards the high-density short-term rental market, however there is a clear risk that the approval of an additional large HIMO property in the area would inevitably aggravate existing problems. It is considered that the strict management of these units with clear expected standards of tenants and landlords would help to manage some of the negative issues however no such proposals have been put forward by the applicant and in any event, once approved it is

considered that the planning system has limited powers in this regard, as the issues become environmental health/police issues.

- 6.3.21 The scheme has been reduced in scale from 9 to 8 bedrooms and includes 3 separate areas for amenity, as well as a reasonable sized garden for the benefit of the amenity of the residents of the property. It is accepted that there are existing anti-social and crime issues in the locality, and that some of these issues are associated to other houses in multiple occupancy or flats/bedsits. It is accepted that such issues could well relate to the poor management of those properties and not HMOs per se. The fear of crime is a legitimate material planning consideration, this issue has to be considered as part of the planning balance, and in this case it is considered that there is sufficient evidence to refuse this application on these grounds alone.

6.4 Highways Safety

- 6.4.1 Local Plan policies CLP20 and CLP22 require consideration of parking provision and highway safety. In relation to highway safety the proposal includes 8 bedrooms and 6 parking spaces. Parking permits are required to utilise on-street parking. The Highway Authority has also confirmed that they have no objections to the proposal.
- 6.4.2 The Local Plan does not set out any specific parking standards in its policies, although those in Appendix G of the previous Local Plan can be used to give an indication of expectations. This gives a figure of 1 space per 2 units for Houses in Multiple Occupation. For the proposed development (which proposes 8 single rooms) this would be 4 spaces. A total of six defined spaces are proposed, although additional parking could be provided on site if users utilise the space more efficiently. The site is in a sustainable location with a range of facilities within walking and/or public transport distance and there is a lack of an objection from the Highway Authority.
- 6.4.3 Local objections from residents have commented that the proposed use has insufficient parking spaces and there are limited spaces for the residential parking permit system in the area. Local residents also fear that the scheme could lead to a negative impact on highway safety in the local area. It is considered that a condition could be included in the event that a planning permission was recommended to ensure that the units are only let on the basis of 1 person per room. The proposal is considered to have adequate parking for the intended use. It is also considered that the

scheme could include cycle parking facilities on site for the residents, and that this could be conditioned.

- 6.4.4 It is considered that due to the parking on site and its location and access to on-street parking in the local area that the development will not lead to any significant negative impact sufficient to justify a refusal. On this basis the proposal is considered to accord with the provisions of policies CLP20 and CLP22 of the Local Plan.

6.5 Biodiversity/landscaping

- 6.5.1 Local Plan policy CLP16 states that all development will “protect, enhance, and contribute to the management of the borough’s ecological network of habitats, protected and priority species ... and avoid or minimise adverse impacts on biodiversity and geodiversity and provide a net measurable gain in biodiversity.” The NPPF in paragraph 170 requires decisions to protect and enhance sites of biodiversity and paragraph 174 also requires plans to “pursue opportunities for securing measurable net gains for biodiversity”.
- 6.5.2 Proportionate evidence is required to demonstrate that a net gain in biodiversity will be achieved. The applicant should submit a biodiversity baseline, and either the DEFRA small sites metric or CIEEM basic measurement tool, with measures to demonstrate a net gain in biodiversity (10% should be sought wherever possible).
- 6.5.2 The scheme does not include the significant loss of biodiversity on site, with the addition 2 bird/bat boxes and 4 habitat piles on site proposed. This is considered reasonable compared to the scale of the site. On this basis the proposal is considered to accord with the provisions of policy CLP16 of the Local Plan, subject to condition.

6.6 Tree Officer/Landscaping

- 6.6.1 The Council’s Tree Officer was consulted on the proposal and he provided the following comments:
- “There is no objection to the application but as stated in the ‘Planning and Sustainability Statement’, the land surrounding the house which comprises of gardens, drive, and paved spaces have not been maintained and is very overgrown.*
- There are also proposals for minor alterations to the exterior of the building, the majority of which include external works alterations which have previously been approved under application CHE/20/00497/FUL and landscaping to improve the street frontages.*

Further details should therefore be provided which can be attached as a condition for the protection of the existing trees and shrubs and any proposed new landscaping.

The following condition should therefore be attached if consent is granted to the application”.

- 6.6.2 The site has many mature trees and shrubs in the surrounding gardens and is overgrown/unmanaged in places also. After clarifying the intentions of the applicant/agent, it was confirmed that the proposal does not include the removal of significant levels of trees/shrubs. This ensures that the scheme is acceptable in this regard, subject to condition.

7.0 REPRESENTATIONS

- 7.1 22 comments from local residents received objecting on issues such as:
- Over-density of HMOs in locality,
 - Insufficient parking in the area,
 - Exacerbate highway safety in area,
 - Increased levels of anti-social behaviour in the area including drug dealing, littering, noise and increased crime levels
 - Potential impact on levels of soft landscaping on site and associated wildlife,
 - Poor amenity for future residents on building,
 - Impacting residential amenity of surrounding residents,
 - Increased demand on local sewers,
 - Fear of crime on locality.
- 7.2 The issues raised have been considered in the report.

8.0 HUMAN RIGHTS ACT 1998

- 8.1 Under the Human Rights Act 1998, which came into force on 2nd October 2000, an Authority must be in a position to show:
- Its action is in accordance with clearly established law
 - The objective is sufficiently important to justify the action taken
 - The decisions taken are objective and not irrational or arbitrary
 - The methods used are no more than are necessary to accomplish the legitimate objective
 - The interference impairs as little as possible the right or freedom
- 8.2 The action in considering the application is in accordance with clearly established Planning law and the Council's Delegation scheme. It is

considered that the recommendation accords with the above requirements in all respects. The applicant has a right of appeal against a refusal

9.0 STATEMENT OF POSITIVE AND PROACTIVE WORKING WITH APPLICANT

- 9.1 The following is a statement on how the Local Planning Authority 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 the 2021 National Planning Policy Framework (NPPF).
- 9.2 The proposed development conflicts with the principles of the NPPF and the relevant Development Plan policies for the reasons given in the report above. The conflict with Development Plan policies has led the LPA to conclude the development does not fully meet the definitions of "sustainable development" having regard to local character and amenity issues and a presumption on the LPA to seek to approve the application is not considered to apply.

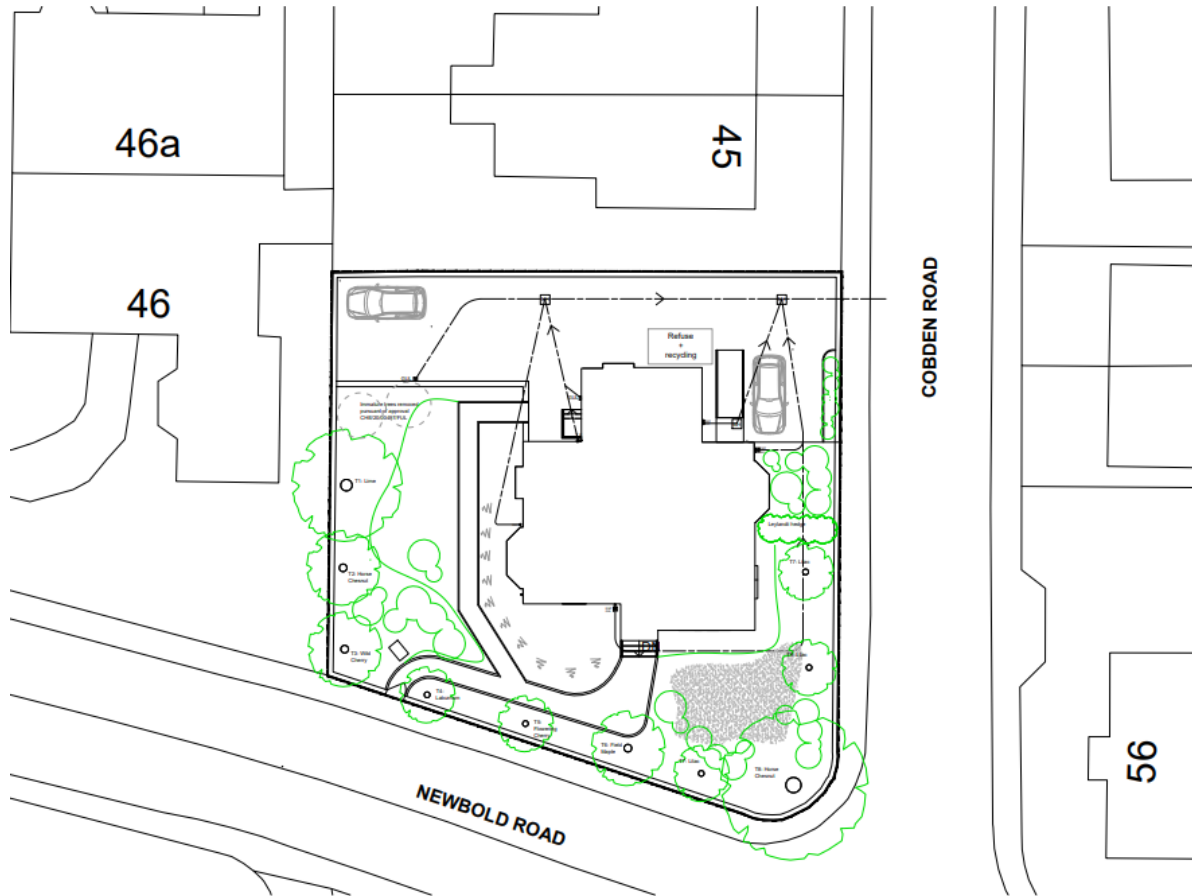
10.0 CONCLUSION

- 10.1 The proposal to convert the property to a shared house in multiple occupancy for 8 units will most likely result in a further multi occupancy property on the street with potentially adversely affect on the character of the area by increasing the risk of additional anti-social behaviour and more specifically the heightened anxiety of local residents and the fear of crime and anti social behaviour to the detriment of the amenity of the area and the existing residents. The local planning authority has no control over the way in which the property is managed or let to individuals and it is appropriate therefore to consider that the property could be developed and let as a similar property to those operating at 50 Cobden Road next door. As such, the proposal conflicts with policies CLP14 and CLP20 of the adopted Chesterfield Local Plan 2018-35 and the wider National Planning Policy Framework.

11.0 RECOMMENDATION

- 11.1 It is therefore recommended that the application be REFUSED for the following reasons:

1. The development is contrary to the best interests of the amenity of local residents. The proposed conversion to a property in multiple occupation would increase the likelihood of the property being occupied by short term tenancies which are more likely to attract a higher proportion of residents with social problems, chaotic lifestyles and no connection or affinity for their surroundings. The street is already suffering from serious anti-social behaviour issues which are causing significant impacts on the existing residents who fear for their safety and the proposal brings with it the prospects of a worsening situation. This is considered to be harmful to the safety of the local community and residential amenity in general and is considered to be contrary to the requirements of Policy CLP14 and CLP20 of the adopted Chesterfield Local Plan 2018-35 and the wider requirements of the NPPF 2021.



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COMMITTEE/SUB	Planning Committee
DATE OF MEETING	31st October 2022
TITLE	DELEGATION
PUBLICITY	For Publication
CONTENTS	Items approved by the Development Management and Conservation Manager under the following Delegation references:- Felling and Pruning of Trees P100D, P120D, P130D
RECOMMENDATIONS	Not applicable
LIST OF BACKGROUND PAPERS	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**

<u>CODE NO</u>	<u>DESCRIPTION OF PROPOSAL</u>	<u>TERMS OF DECISION</u>
CHE/22/00697/TPOEXP TPO 4901.112 03/10/22	The felling of one Sycamore tree reference T65 on the Order map and which is located to the frontage of the Co op Food store, Newbold Village. The tree has been dying back over the last 3 years and is now dead.	Consent is granted to the felling and stump grinding of one Sycamore tree with a duty to plant one new Oak tree in the same location.
CHE/22/00642/TPO TPO 4901.223 04/10/22	The felling of one dead tree (species unknown) and the pruning of nine Sycamore trees, one Hawthorn, one Oak and one Ash within W1 on the Order Map situated to the rear of 4 Dalewood Close, Hady.	Consent is granted to the felling of one dead tree. The duty to plant a replacement tree has been dispensed with on this occasion due to no loss of amenity and lack of planting locations. Consent is also granted to the pruning of 12 trees to crown lift over the highway and clear street lighting heads.
CHE/22/00589/TPO TPO 4901.174 07/10/22	The pruning of one Ash tree reference T7 on the Order Map and which is situated in the grounds of 38 Foxbrook Drive, Walton	Consent is granted to the crown reduction of one Ash tree with Ash dieback by a maximum of 2 metres pruning back to suitable replacement branches and leaving a well-balanced crown.

CHE/22/00666/TPO TPO 4901.159 12/10/22	The pruning of one Oak tree reference T58 on the Order Map and which is situated in the frontage of 756 Chatsworth Road	Consent is granted to the crown thinning by 15% and removal of dead wood and epicormic re-growth.
CHE/22/00628/TPO TPO 4901.253 12/10/22	The pruning of one Beech tree reference T1 on the Order Map and which is situated in the grounds of 15 Balmoak Lane, Tapton.	Consent is granted to the crown thinning of one Beech tree by 25%.
CHE/22/00679/TPO TPO 4901.306 13/10/22	The pruning of 46 trees reference T1-47 (excluding T33 Maple) on the Order Map and which are situated on the boundary of Chesterfield Town Hall Car Park, Rose Hill, the junction of Rose Hill West/Saltergate and adjacent to the Masonic Hall, Saltergate.	Consent is granted to crown lift the trees by a maximum of 3 metres, clear lamp heads and other structures by 1 metre and remove dead wood.
CHE/22/00639/TPO TPO 4901.44 19/10/22	The felling of nineteen dead or dangerous trees referred to as T45 & T46 Ash, T50, T52, T56, T66 & T67 Sycamore T54, T58, T59, T60, T62 Elm and T65 Holly in the submitted AWA report and within W1 and T18, T32, T34 Ash, T22, T24 & T30 Sycamore within A1 on the Order map. Also, the pruning of nineteen trees	Consent is granted to the felling of 19 trees with a condition that 19 replacement trees are to be planted within the cleared open space within Woodland 1 to create a woodland edge in the first available planting season after felling. Consent is also granted to the reduction in height of 19 trees adjacent to the highway and properties.

	referred to as T57, T61, T63, T68 Sycamore, T47, T48, T49, T51, T64 Ash, T53 Elm and T55 Poplar (Please note this tree is shown as red to be felled on the submitted tree plan but confirmed to be reduced to a 4m stem) within W1 and T19, T20, T21 & T28 Ash, T23, T26, T27, T29 Sycamore within A1 on the Order Map and which are situated in the woodland off Hulford Street and Dunston Road.	
CHE/22/00733/TPOEXP TPO 4901.09 19/10/22	The felling of one dangerous Beech tree reference T2 on the Order map for Mr Littlewood of 1 Quarry Lane, Brampton. The tree has a large split on the main stem.	Consent is granted to the felling of one Beech tree with a condition to plant a replacement cut leaved Beech tree in the first available planting season after felling.

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APPEALS REPORT

MEETING: PLANNING COMMITTEE

DATE: 31st October 2022

REPORT BY: DEVELOPMENT MANAGEMENT AND
CONSERVATION MANAGER

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

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>
2/1675	West ward	Dr C J Martin	CHE/21/00527/TPO – Felling of Lime T1 at 2 Somersall Lane Refusal	Officer delegation	20/9/21	Written Reps (fast track)	
2/69	St Leonards ward	Mr F Casey	CHE/21/00314/PA Prior Approval for Raising roof to create an additional storey at 35 Spital Lane	Officer delegation	29/9/21	Written Reps	
2/2150	Old Whittington ward	Michael Ellis Thompson	CHE/21/00809/FUL Pair of Houses at 132 High Street, Old Whittington Refusal	Officer delegation	22/04/22	Written Reps	
2/3651	Brimington South ward	Mr and Mrs C Franczak	CHE/19/00752/FUL Two detached dwellings and garages at City Farm off Dark Lane Refusal	Officer delegation	10/05/22	Written Reps	
2/1694	Middlecroft and Poolsbrook	DOT Surveying	CHE/21/00900/TEL 5g telecom mast at Inkersall Green Road highway verge Refusal	Officer delegation	13/05/22	Written Reps	
2/4084	Middlecroft & Poolsbrook ward	Mr M Bellfield	CHE/21/00508/FUL – 3 dwellings on land adjacent to St Josephs Church, Chesterfield Road, Staveley Refusal	Officer delegation	13/06/22	Written Reps	

2/4150	West ward	Mr D Pogson of 31 Storrs Road	CHE/22/00250/TPO – Felling 2 Beech trees at 25a Storrs Road Refusal	Officer delegation	21/06/22	Hearing	
2/4431	Holmebrook ward	Claire Hancock	CHE/21/00171/FUL - Pair dwellings on land at 33 Boythorpe Avenue Refusal	Planning Committee against officer advice	28/09/22	Written Reps	

FOR PUBLICATION Agenda Item 7

ENFORCEMENT REPORT

MEETING: PLANNING COMMITTEE

DATE: 31ST OCTOBER 2022

REPORT BY: HEAD OF REGULATORY LAW
DEVELOPMENT MANAGEMENT & CONSERVATION MANAGER

WARD: As listed in the report

FOR PUBLICATION

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

BACKGROUND PAPERS

LOCATION: LEGAL SERVICES

1.0 PURPOSE OF REPORT

1.1 For non-exempt information about current formal enforcement progress.

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 Enforcement team.

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
HEAD OF REGULATORY LAW

PAUL STANIFORTH
DEVELOPMENT MANAGEMENT
& CONSERVATION MANAGER

Further information on this report from Gerard Rogers, Regulatory Law
Tel 01246 936471 or email gerard.rogers@chesterfield.gov.uk

Enforcements currently Authorised: 8

ENFORCEMENT REPORT

20 October 2022

Address		Authorised days from	Breach	CHE/	Issued days to issue	Effective days to (-) /from	Comply days to (-) /from	Notes	update last update	Ward
Breach of Condition Notice			Total currently Authorised: 1 Authorised to Issue Average: 540 days							
York Street	2	23/09/19 1,123	balcony, canopy and french door	17/00800/FUL	16/03/21 540	16/03/21 583	16/04/21 552	Issued. One month to submit details. Then 6 months after approval to carry out works. Not complied. Prosecute - awaiting instructions.	<input type="checkbox"/> 18/03/21	Ha
Enforcement Notice			Total currently Authorised: 4 Authorised to Issue Average: 31 days							
Inkersall Road	2 Inkersall Farm Cottages	16/05/22 157	unauthorised vehicular access					Instructed. Complied without formal action.	<input checked="" type="checkbox"/> 04/10/22	HI
Markham Road	Markham House	18/02/08 5,358	storage of commercial vehicles		20/03/08 31	18/04/08 5298	20/10/08 5113	Complied by 2009. Unauthorised use has started again. Prosecute - awaiting instructions.	<input type="checkbox"/> 14/11/19	HI
Pottery Lane West	10	18/07/22 94	Storage of vehicles					Instructed	<input checked="" type="checkbox"/> 20/10/22	Mo

Details at 20 October 2022

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
York Street	2	09/10/17 <i>1,837</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 served - see separate entry.	<input type="checkbox"/> <i>19/12/18</i>	Ha

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Section 215 Amenity Notice

Total currently Authorised: 3 Authorised to Issue Average: days

Edinburgh Road	12	10/10/22 <i>10</i>	unroadworthy vehicle, trailer and miscellaneous building materials etc					Instructed	<input checked="" type="checkbox"/> <i>20/10/22</i>	SH
Highfield Road	80	05/10/20 <i>745</i>	Removal of debris and waste					Update report 15/02/21. Working with occupier and representative with view to progress without formal action.	<input type="checkbox"/> <i>15/02/21</i>	SH

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
Tapton Terrace	26	05/10/20 <small>745</small>	removal of Heras fencing and erection of new boundary fence, removal of vans, debris and waste					Update report 15/02/21. Progressing without formal action.	<input type="checkbox"/> 15/02/21	SL

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

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