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Governance

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The Chair and Members of Planning Committee

Please ask for

Martin Elliott

Councillor P Stone – Site Visit 1

Direct Line

01246 345236

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01246 345252

Councillors Lang, McManus – Site Visits 1 and 2

Councillors Hollingworth, M Rayner - Site Visit 3

19 August 2014

Dear Councillor,

Please attend a meeting of the PLANNING COMMITTEE to be held on TUESDAY, 26 AUGUST 2014 at 3.00 pm in Council Chamber, Town Hall, Rose Hill, Chesterfield S40 1LP, the agenda for which is set out below.

AGENDA

Part 1(Public Information)

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

Planning Committee Members should assemble in Committee Room 1 at **12:40 p.m.** Ward members wishing to be present should attend on site as indicated below:-

1. **CHE/13/00675/OUT** – Redevelopment of land for employment uses [use classes B1, B2 and B8] at land accessed from Farndale Road, Chesterfield for Tawnywood Limited **1:10pm**
2. **CHE/14/00324/FUL** – New Office Head Quarters and Production Facility at land at Colliery Close, Staveley for Krantech Holdings Ltd **1:35pm**

Chief Executive
Huw Bowen



3. **CHE/14/00491/FUL** - Phase 1 - Kitchen extension and internal alterations; Phase 2 – Children’s room extension/toilets at Dunston Inn, Dunston Lane, Chesterfield for Manvesh Enterprise Ltd **2:10pm**

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

Ward members are invited to attend on site and should confirm their attendance by contacting Martin Elliott, either tel. 01246 345236 or via e-mail: martin.elliott@chesterfield.gov.uk by 9.00 a.m. on Tuesday, 26 August. 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 1 - 24)

4 August 2014
4. Applications for Planning Permission - Plans Determined by the Committee (Pages 25 - 92)
5. Building Regulations (P880D) (Pages 93 - 96)
6. Applications for Planning Permission - Plans Determined by the Development Management and Conservation Manager (P140D) (Pages 97 - 126)
7. Applications to Fell or Prune Trees (P620D) (Pages 127 - 134)
8. Appeals Report (P000) (Pages 135 - 138)
9. Enforcement Report (P410) (Pages 139 - 142)

Yours sincerely,

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

Local Government and Regulatory Law Manager

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PLANNING COMMITTEE

Monday, 4th August, 2014

Present:-

Councillor Brittain (Chair)

| | | |
|-------------|---------|-------------|
| Councillors | Allen | Elliott |
| | Barr | Hill |
| | Bingham | Avis Murphy |
| | Callan | Simmons |
| | Clarke | David Stone |
| | Collard | |

*Matters dealt with under the Delegation Scheme

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

CHE/14/00239/FUL – Erection of two detached bungalows on land adj. 34 Greenbank Drive, Chesterfield for Mr T H Stockton.

Councillors Allen, Barr, Bingham, Brittain, Callan, Clarke, Collard, Elliott, Hill, Avis Murphy, Simmons and David Stone.

CHE/14/00279/FUL – Demolition of care home and erection of 3 dwellings at Rydall House, 21 Somersall Lane, Chesterfield for County Developments Bakewell Ltd.

Councillors Allen, Barr, Bingham, Brittain, Callan, Clarke, Collard, Elliott, Hill, Avis Murphy, Simmons and David Stone.

CHE/14/00186/OUT – Residential development of block of 6 flats on land to the rear of 98 Grangewood Road, Chesterfield for Mr Ronny Hooper.

Councillors Allen, Barr, Bingham, Bradford (Ward Member), Brittain, Callan, Clarke, Collard, Elliott, Flood (Ward Member), Hill, Avis Murphy, Simmons and David Stone.

CHE/14/00321/FUL - Conversion to six one bedroom flats at 36A Foljambe Road Chesterfield for Mr Donald Clapham.

Councillors Allen, Barr, Bingham, Brittain, Callan, Clarke, Collard, Elliott, Hill, Avis Murphy, Simmons and David Stone.

22 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Davenport and Gilby.

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

No declarations of interest were received.

24 MINUTES OF PLANNING COMMITTEE

RESOLVED –

That the Minutes of Planning Committee held on 23 June, 2014 be signed by the Chair as a true record.

25 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/14/00186/OUT - RESIDENTIAL DEVELOPMENT - BLOCK OF 6 FLATS AT LAND TO THE REAR OF 98 GRANGEWOOD ROAD, GRANGEWOOD, CHESTERFIELD, DERBYSHIRE, S40 2TA FOR MR RONNY HOOPER

In accordance with Minute No. 299 (2001/2002), Mr. D. Reece, an objector, and Councillor Flood, in support of objectors, addressed the meeting.

Members felt that the proposal would not integrate with the character of the site, as properties on Grangewood Road consisted of two storey dwellings and not flats. Members also raised concerns relating to access, increased traffic and car parking.

That the officer recommendation be overruled and the application be refused for the following reason:-

1. In the opinion of the Local Planning Authority the proposed development of a block comprising 6 no. flats would sit uncomfortably with the Grangewood Road context, as it would fail to respect the character, form and setting of the site in accordance with policy CS18 of the Chesterfield Local Plan: Core Strategy 2011 – 2031.
2. The proposal relies upon use of an existing access route onto an unadopted car parking courtyard area located off Stubbing Road in a location where demand for on street parking is high and any intensification in the use of this access by vehicles is considered to be against the best interest of highway safety and contrary to the provisions of policy CS18 of the Chesterfield Local Plan: Core Strategy 2011 – 2031 which stipulates development should be served by adequate and safe vehicle access and parking.

CHE/14/00279/FUL - PROPOSED DEMOLITION OF CARE HOME AND ERECTION OF 3 DWELLINGS (REVISED SITE LAYOUT RECEIVED 18/07/2014) AT RYDALL HOUSE, 21 SOMERSALL LANE, SOMERSALL, CHESTERFIELD, DERBYSHIRE, S40 3LA FOR COUNTY DEVELOPMENTS BAKEWELL LTD.

In accordance with Minute No. 299 (2001/2002), Mr. S. Haslam (Mitchell Proctor, Architects), agent for the applicant, addressed the meeting.

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

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. All external dimensions and elevational treatments shall be as shown on the approved plans, with the exception of any approved non material amendment.
3. No development shall take place until details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off-site works, have been prepared in an appropriate drainage strategy to be submitted to and approved in writing by The Local Planning Authority. The site shall be developed with separate systems of

drainage for foul and surface water on and off site and the required drainage strategy should have regard to the Council's appended 'minimum standards for drainage' document.

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

5. No development shall take place (excluding demolition/site clearance) until space is provided within the site curtilage, for site accommodation, storage of plant and materials, parking and manoeuvring of site operative's and visitor's vehicles together with the loading/unloading and manoeuvring of goods vehicles. The space shall be constructed and laid out to enable vehicles to enter and leave the site in a forward gear, in surface materials suitable for use in inclement weather and maintained free from impediment throughout the duration of construction works.

6. Three car parking spaces (which may include the garages to each plot), measuring a minimum of 2.4 metres by 4.8 metres, shall be provided on site prior to the occupation of each of the dwellings hereby approved. Thereafter the three car parking spaces to each dwelling shall be retained permanently for domestic car parking.

7. 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.

8. The dwellings shall be designed and constructed to a minimum of Sustainable Homes Code Level 4 standard. On completion of the development, and prior to first occupation, a copy of the certificate issued as evidence of compliance in this respect shall be submitted to the Local Planning Authority.

9. Notwithstanding the provision of the Town and Country Planning (General Permitted) Development Order 1995 (as amended) there shall be no ionic 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.

10. In accordance with the recommendations of the Tree Survey Report prepared by Heathscapes dated July 2013 and the agents email dated 18/07/2014 the following trees covered by Tree Preservation Order 4901.43 are permitted to be removed in accordance with the development hereby approved:

T456, T460, T468, T472, T473, T474, T475, T476, T477, T478 and G29.

In addition the Local Planning Authority can confirm that the Heathscapes Tree Report correctly reports the following trees referred to in 4901.43 are missing from site:

T455, T459, T465 and T461.

11. Prior to the commencement of any development (including the demolition of the existing building) Root Protection Areas (RPAs) shall be established to the remaining trees covered by Tree Preservation Order 4901.43 as per the following schedule:

| | |
|---|------|
| X2 Sycamore trees - highway grass verge | 7.0m |
| T458 Lime | 6.4m |
| T462 Lime | 5.7m |
| T464 Horsechestnut | 7.7m |
| T466 Maple | 5.4m |
| T467 Horsechestnut | 5.8m |
| T469 Holly | 3.9m |
| T470 Cypress | 4.8m |
| T471 Yew | 6.0m |
| T472 Yew | 4.0m |
| Pine trees at 19a Somersall Lane | 8.4m |

In accordance with the above schedule, unless prior written authorisation is given by the Local Planning Authority, protective fencing shall be erected and ground protection measures installed to each RPA conforming with BS 5837:2012 'Trees in relation to design, demolition and construction' which shall thereafter be maintained in situ throughout the entire construction phase. In order to ensure that access can be ascertained to the site, fencing to the RPAs of T458 and T462 shall be placed along the existing line of hard surfacing currently in situ beyond the site access.

12. In accordance with condition 11 above, there shall be no excavation works undertaken within any of the RPAs and materials shall not be stored in any of these defined areas. Any works involved in the installation of the 1.8m boundary fencing alongside Somersall Lane; new service channels or drainage connections; and any new hard surfacing or driveway kerb edging that fall within any of the defined RPAs shall first be submitted to the Local Planning Authority for consideration (in the form of a RPA works methodology). Only works which receive written approval from the Local Planning Authority shall be undertaken on site in accordance with the agreed RPA works methodology.

13. Prior to the commencement of development works to maximise visibility from the existing access driveway, including the clearance / cutting back of vegetation and shrubbery across the entire controlled site frontage from ground floor to 3.5m above ground floor shall have been undertaken; and thereafter the vegetation shall be maintained to this standard in perpetuity. The applicant should be made aware that these works may require separate tree works consent as recommended in advisory note 7.

14. Upon commencement of development and prior to occupation of the first dwelling hereby approved a scheme illustrating the provision of a bin dwell area within the site frontage to be utilised by occupants on refuse collection days shall be submitted to the Local Planning Authority for consideration. Only the subsequently approved scheme shall be provided on site before the first dwelling is occupied and thereafter shall be maintained in perpetuity for use solely as designated.

CHE/14/00239/FUL - ERECTION OF TWO DETACHED BUNGALOWS ON LAND ADJACENT TO 34 GREENBANK DRIVE, CHESTERFIELD FOR MR T H STOCKTON

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

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The consent hereby granted shall not extend to the use of reconstructed artificial walling stone for the bungalows. 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 unless otherwise agreed by the Local Planning Authority in writing.

3. Upon commencement of the development full details of boundary treatments shall be submitted to the Local Planning Authority for consideration. The scheme shall include retention of the residue of the castellated stone wall through which the two access drives are proposed along the site frontage. Only the details approved in writing by the Local Planning Authority shall be implemented on site as part of the development and be retained as such thereafter.

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

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

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

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

III. A detailed scheme of remedial works should the investigation reveal the presence of ground gas or other contamination. The scheme shall

include a Remediation Method Statement and Risk Assessment Strategy to avoid any risk arising when the site is developed or occupied.

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

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

6. 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.

7. The dwellings hereby approved shall not be occupied until space has been laid out within the requisite site for the parking of vehicles connected with the proposed dwellings in accordance with the approved plan. The parking spaces shall thereafter be retained for their designated purpose in perpetuity.

8. Unless evidence setting out a viability argument for none achievement of Sustainable Homes Code Level 4 standard has first been agreed in writing with the local planning authority, the dwellings shall be designed and constructed to a minimum of Sustainable Homes Code Level 4 standard. On completion of the development, and prior to first occupation, a copy of the certificate issued as evidence of compliance in this respect shall be submitted to the Local Planning Authority.

9. All external dimensions and elevational treatments shall be as shown on the approved plans, with the exception of any approved non material amendment.

**CHE/14/00321/FUL - PROPOSED CONVERSION TO SIX ONE
BEDROOM FLATS AT 36A FOLJAMBE ROAD, CHESTERFIELD,
DERBYSHIRE, S40 1NJ FOR MR DONALD CLAPHAM**

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

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. All external dimensions and elevational treatments shall be as shown on the approved plans, with the exception of any approved non material amendment.
3. Prior to commencement of development a detailed schedule of external works to the building and any boundary treatments shall be submitted to the Local Planning Authority approval including details of any external brickwork/stone repairs (and the associated approval of sample repair materials); and a schedule of any replacement windows including the proposed design, finish and profile of any replacement windows. Only those details and materials which receive approval in writing shall be implemented on site in accordance with the approved schedule of works.
4. Prior to commencement of development a detailed scheme illustrating the exact siting and screening treatment of the proposed bin store shall be submitted to the Local Planning Authority for consideration and written approval. The details shall include the exact number and dimensions of the proposed refuse reciprocals to be provided to each flat / dwelling or for the facility as a whole and shall demonstrate there is adequate space for the store without detriment to the on site parking arrangement. Only a scheme which receives approval in writing shall be implemented on site (prior to the occupation of the first flat / dwelling hereby approved) in accordance with the approved details.
5. Prior to the occupation of the first flat / dwelling hereby approved a solid 1.8m high boundary treatment (the details of which shall first have been agreed in writing by the Local Planning Authority) shall be erected to screen the entire depth of the rear garden of No 34 Foljambe Road on the southern boundary of the application site. Thereafter the boundary treatment shall be retained and maintained as a suitable screen in perpetuity.

26 BUILDING REGULATIONS (P880D)

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

(a) Approvals

| | |
|---------------|--|
| 13/01709/DCC | Derbyshire County Council - Extension to school comprising a classroom, associated WC/s and circulation at Richardson Endowed Primary School Main Road Smalley Ilkeston Derbyshire DE7 6EF |
| 14/00550/DCC | Derbyshire County Council - New standalone classroom building at Norbriggs Primary School Norbriggs Road Chesterfield Derbyshire S43 3BW |
| 14/00700/DCC | Derbyshire County Council - Shower room extension for front of dwelling at 20 Cotswold Close Glossop Derbyshire SK13 6NB |
| 14/00997/DEX | Domestic Extensions/Alterations - Extend and rebuild existing bedroom at 24 Douglas Road Chesterfield Derbyshire S41 0UD |
| 14/00540/DOM | Domestic Buildings and New Dwellings - Dwelling on land adjacent 8 Lathkill Avenue Chesterfield Derbyshire S43 3JA |
| 14/00846/OTHD | Other Works (Domestic) – Garage at 12 Station Road Barrow Hill Chesterfield Derbyshire S43 2NL |
| 14/01004/DEX | Domestic Extensions/Alterations - Single storey mono-pitch extension at 4 Holbrook Close Chesterfield Derbyshire S40 3JP |
| 14/00760/DEX | Domestic Extensions/Alterations - Single storey rear extension at 37 Malia Road Chesterfield Derbyshire S41 0UF |
| 14/00845/OTHD | Other Works (Domestic) – Garage at 10 Station Road Barrow Hill Chesterfield Derbyshire S43 2NL |

- 14/00698/DCC Derbyshire County Council - Garage conversion, alteration to shower room at 4 Nevis Close Chesterfield Derbyshire S40 4NS
- 14/00906/OTHC Other Works (Commercial) - Creation of Office/ Store and Shop at Unit 1 Ireland Close Fan Road Industrial Estate Ireland Close Chesterfield Derbyshire S43 3PE
- 14/01002/DEX Domestic Extensions/Alterations - Ground floor extension at 161A Old Road Chesterfield Derbyshire S40 3QL
- 14/00922/DEX Domestic Extensions/Alterations - Single storey extension to create ground floor WC and shower room at 29 Southdown Avenue Chesterfield Derbyshire S40 4QP
- 14/00878/OTHC Other Works (Commercial) - Internal refurbishment to 'Fresh Format' layout for Wm Morrisons at William Morrison Ltd Barnfield Close Chesterfield Derbyshire S43 3UL
- 14/01152/DEX Domestic Extensions/Alterations - Rear extension at 9 Ashopton Road Chesterfield Derbyshire S41 8WD
- (b) Refusal
- 14/00811/DCC Derbyshire County Council - Installation of 4no bay modular unit with glazed link to existing school at Highfields Upper School Chesterfield Road Matlock Derbyshire DE4 3FW
- (c) Decision Advice Notices
- 14/00833/PART Partnership Application - Extension to front side and rear at 11 Bright Meadow Halfway Sheffield S20 4SY

- 14/00754/PART Partnership Application - Single storey front and rear extension at 99 Parkhead Road Sheffield S11 9RA
- 14/00880/DCC Derbyshire County Council - Disabled adaptations to WC facilities at Lady Manners School Shutts Lane Bakewell Derbyshire DE45 1JA
- 14/00352/DCC Derbyshire County Council - Single storey extension providing bedroom and shower room at 112 The Common Crich Derbyshire DE4 5BW
- 14/00925/DCC Derbyshire County Council - External works to provide retaining walls, concrete landings, steps and guard railings. Fit new step lift. Provide soakaway at 48 Horsley Crescent Langley Mill Derbyshire NG16 4FX
- 14/00879/DCC Derbyshire County Council - Installation of stud partition and smoke detection rooms 023 & 021; internal door with glazed panels and fire rated door at Lady Manners School Shutts Lane Bakewell Derbyshire DE45 1JA
- 14/01051/DCC Derbyshire County Council - Adaptation of existing to shower room with new SVP and inspection chamber at 17 Albert Road Long Eaton Derbyshire NG10 1JZ
- 14/00313/DCC Derbyshire County Council - Installation of new staircase at 210A Heanor Road Heanor Derbyshire DE75 7QY
- 14/00905/DCC Derbyshire County Council - Disabled adaptations to install step lift, ramps and stores at The Pingle School Coronation Street Swadlincote Derbyshire DE11 0QA
- 14/00883/DCC Derbyshire County Council - Disabled adaptations including installation of step lift, accessible toilet

and cupboards at Elmsleigh Infant and Nursery
School Queens Drive Swadlincote Derbyshire
DE11 0EG

14/00924/DCC

Derbyshire County Council - Ground floor wc
extension and external access at 10 Douglas
Avenue Heanor Derbyshire DE75 7FQ

27 **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/13/00862/FUL

Proposed two storey side extension at 10 Larch
Way Chesterfield Derbyshire S40 4ET for Mr and
Mrs Richard Turner

CHE/14/00121/FUL

Rear extension, dropped curb and works to enlarge
existing vehicular access, loft conversion to form
additional bedroom and bathroom and boundary
walls at 70 Storrs Road Chesterfield Derbyshire
S40 3PZ for Mr L Mason

CHE/14/00268/RET

Retention of conservatory to west elevation to
replace recently demolished previous structure at
627 Chatsworth Road Chesterfield Derbyshire S40
3NT for Mr Jonathan Hardwick

CHE/14/00282/FUL

Two storey side, rear and front extension. and
adaptation of front boundary wall and gates at 76
Vincent Crescent Chesterfield Derbyshire S40 3NP
for Mr and Mrs Ben Sissons

CHE/14/00283/FUL

Removal of perimeter wall and creation of vehicular
access at 51 Ringwood Road Chesterfield
Derbyshire S43 1DF for Mr Lewis Durdin

- CHE/14/00297/FUL Proposed new vehicular access to Sheffield Road in conjunction with consent CHE/12/00566/FUL and CHE/13/00385/MA at Sandpiper Hotel Sheffield Road Sheepbridge Chesterfield Derbyshire S41 9EH for The Old Spinner Ltd
- CHE/14/00310/FUL Proposed extension at 157 Moorland View Road Chesterfield Derbyshire S40 3DD for Mr G Rookwood
- CHE/14/00325/TPO 4 Holly - reduce height by 50%. Certain trees will be reduced by 50% in height. Reduction in height is to permit more light/sunlight into rear garden of No 15 and to cut back overhanging branches at 17 Somersall Lane Chesterfield Derbyshire S40 3LA for Mr John Coleman
- CHE/14/00338/CA 4 Laurel - reduce height by 50%. Certain trees will be reduced by 50% in height. Reduction in height is to permit more light/sunlight in rear garden of No 15 and to cut back overhanging branches At 17 Somersall Lane Chesterfield Derbyshire S40 3LA For Mr John Coleman
- CHE/14/00342/TPO Sycamore requires a clean, 15% thin plus raise the canopy to 5m at 21 Yew Tree Drive Chesterfield Derbyshire S40 3NB for Mr Philip Heath
- CHE/14/00353/TPO T43 - Wild Cherry crown lift up to 2 metres to allow ease of access under tree. T44, T45, T47, T48, T49, T52, T53, T54, T57 - Lime - crown lift up to 4.5 metres, branches removed not to exceed 10 cm in diameter. Crown thin by 10% removing mainly inner epercormic growth from main trunk and removal of all dead wood. T46, T51 - Sycamore - crown lift up to 4.5 metres, branches removed not to exceed 10 cm in diameter, removal of all dead wood. T50 - Sycamore removal of 2 lower branches as discussed and removal of all dead wood at 37 Coupland Close Chesterfield Derbyshire S41 9TB for Mr Andrew White

- CHE/14/00356/TPO Removal of ivy and inspection of T1 (Ash Stem), reduce branches growing towards building to give 2m clearance of T2 (Ash) and crown lift to 5.2m from ground level, reduce branches growing towards building to give 2m clearance and crown clean of 3 (Beech) reduce branches growing towards west block to give a 1.5 metre clearance at Chesterfield College Sheffield Road Stonegravels Chesterfield Derbyshire S41 7NG for Chesterfield College
- CHE/14/00358/DOC Discharge of planning conditions of CHE/14/00133/RET - double driveway elevated to the height of the highway with ramp access to properties 42 and 44 at 44 Laburnum Street Chesterfield Derbyshire S43 2JJ for Mr Richard Cope
- CHE/14/00381/TPO T9 and T10- Oaks - to shorten lower branches within the crown extending over residential properties by 1.5 to 2m to suitable growing points, to crown clean. G2 and 3- Field Maple, Hawthorn, Hazel, etc, to crown lift over footpath to above height of lighting columns at land adjacent to 9 Bridge Bank Close Chesterfield Derbyshire for Chesterfield Borough Council
- CHE/14/00184/ADV One fascia sign and one blade sign at 1 Low Pavement Chesterfield Derbyshire S40 1PB for T H Baker
- CHE/14/00197/FUL New road junction on Erin Road south of Poolsbrook to provide revised access into MEGZ northern site (former Seymour colliery and coal stocking grounds) at New Road Junction Erin Road Chesterfield Derbyshire for Derbyshire County Council
- CHE/14/00219/COU Change of use from an office to a single dwelling at Ashton Lodge 28 Abercrombie Street Chesterfield Derbyshire S41 7LW for Mr Kenneth Jackson

- CHE/14/00243/FUL 2 x stables and feed store (for domestic use) to be positioned on existing hard standing (level site) at Manor House Farm 118 The Green Chesterfield Derbyshire S41 0JU for Mr Richard Taylor
- CHE/14/00263/LBC Listed Building Consent to remove 4 brass light fittings from fascia, install non illuminated fascia sign and non illuminated hanging sign at 1 Low Pavement Chesterfield Derbyshire S40 1PB for T H Baker
- CHE/14/00274/RET Widening of vehicular access and retention of hardstanding in front of property at 41 Norbriggs Road Chesterfield Derbyshire S43 3BT for Mr Whybrow
- CHE/14/00277/FUL Erection of a porch at 2 Walgrove Road Chesterfield Derbyshire S40 2DR for Mr Rob Beresford
- CHE/14/00283/FUL Removal of perimeter wall and creation of vehicular access at 51 Ringwood Road Chesterfield Derbyshire S43 1DF for Mr Lewis Durdin
- CHE/14/00286/FUL Single storey rear extension at 37 Malia Road Chesterfield Derbyshire S41 0UF for Miss M Sawle
- CHE/14/00290/FUL Removal of 2 existing portacabins and the installation of a single storey prefabricated sectional office building with entrance ramp/steps at Vanworld Station Road Whittington Moor Chesterfield Derbyshire for Autoworld, Huntson Holdings plc
- CHE/14/00293/FUL Porch to front door at 2 Station Road Hollingwood Chesterfield Derbyshire S43 2HS for Mr and Mrs P Kennel
- CHE/14/00298/FUL Alteration and extension to form 2 no separate apartments and designated parking at 2 Queen Mary Road Chesterfield Derbyshire S40 3LB for Mr Michael Sadler

- CHE/14/00300/FUL Side extension to existing bungalow at 3 Endowood Road Chesterfield Derbyshire S40 3LX for Mrs Beverley Norris
- CHE/14/00316/FUL Replacement of main entrance doors off Lordsmill Street elevation at Beetwell House Beetwell Street Chesterfield Derbyshire S40 1SH for Telereal Trillium
- CHE/14/00319/ADV Retrospective application for illuminated signage at Starbucks Coffee Markham Road Duckmanton Chesterfield Derbyshire for Euro Garages
- CHE/14/00329/ADV Retention of external fascia signage to garage shop premises at both front and rear elevations. All signage internally illuminated (static illumination) at Euro Garages Markham Road Duckmanton Chesterfield Derbyshire for Euro Garages
- CHE/14/00334/ADV One mounted signage comprising company logo and individual letters located centrally on front of building mounted directly onto external wall cladding for Ready Egg Products Limited Plot 5 at Markham Employment Growth Zone Markham Lane Duckmanton Chesterfield Derbyshire S44 5HS for Ready Egg Products Limited
- CHE/14/00335/FUL Conversion of existing barn/joiners store into consulting rooms at Sudbrook Hall Barlow Road Chesterfield Derbyshire S18 7TB for
- CHE/14/00343/FUL Proposed conservatory to the rear of the dwelling at 219 Spital Lane Chesterfield Derbyshire S41 0HP for Mr and Mrs Platts
- CHE/14/00346/FUL Two storey extension to front elevation and single storey rear extension to replace existing at 31 Storforth Lane Chesterfield Derbyshire S41 0PP for Mr Shaun Fanshaw
- CHE/14/00348/FUL Rear extension at 5 Foxbrook Court Chesterfield Derbyshire S40 3SS for Mr and Mrs R Umney

- CHE/14/00361/FUL Two storey front, side and rear extension at 205 Newbold Road Chesterfield Derbyshire S41 7BE for Mr Giulio Acierno
- CHE/14/00389/FUL Single storey rear extension to provide additional lounge space at 7 Lodge Close Chesterfield Derbyshire S43 1PB for Mr C Carlile
- CHE/14/00399/FUL Two storey rear extension at 41 Mansfeldt Road Chesterfield Derbyshire S41 7BW for Mr C Hewitt
- CHE/14/00409/REM Variation of condition 7 on application CHE/11/00252/FUL at Garage Site Barker Lane Chesterfield Derbyshire for Mr John Frederick
- CHE/14/00416/TPO Root prune one root beneath macadam footway at 75 Langer Lane Chesterfield Derbyshire S40 2JP for Derbyshire County Council
- CHE/14/00442/NMA Non material amendment to application CHE/14/00128/FUL to include a feature window above the French door at 7 Mary Ann Street Chesterfield Derbyshire S41 9EP for Mr Carl Madin
- CHE/14/00460/TPO Fell T69 and T70 (leylandii) as unsafe at Ashgate Croft School Ashgate Road Chesterfield Derbyshire S40 4BN for Ashgate Croft School
- CHE/14/00461/TPO T1-T36 (maple, lime, whitebeam) crown lift to 2.3m to prevent obstruction of pavements and car parks at Chesterfield Borough Council, Town Hall Rose Hill Chesterfield Derbyshire S40 1LP for Chesterfield Borough Council
- CHE/14/00470/NMA Non material amendment to change front and rear window and changes to the patio and boundary fence of CHE/13/00767/FUL - double storey side extension, single storey lean to at rear at 245 Chesterfield Road Staveley Chesterfield Derbyshire S43 3SA for Mr Rob Meadows

- CHE/14/00481/TPO T43- Beech, T44- Ash, T45 Ash, T46 Sycamore, T47 Sycamore, T48 Horse Chestnut, T49 Sycamore:- Crown lift all trees to 5.2m over carriageway and 2.5m over amenity land, crown clean (to include removal of deadwood, pruning out/shortening of weak branches or unions, removal of hanging branches) tipping back of branches to clear highway signage and lighting columns as necessary at Cromford Court Newbold Road Chesterfield Derbyshire S41 8AP for Chesterfield Borough Council
- (b) Refusals
- CHE/14/00177/FUL Demolition of existing buildings including retention of boundary walls, erection of retaining structures, change of use to car parking including long and short stay car parking and barriers and landscaping with lighting at 37 Station Road Chesterfield Derbyshire S41 7XD for Cordwell Properties LLP
- CHE/14/00251/ADV One free standing (externally illuminated) 48 sheet general poster advertising display sited between West Bars and Markham Road at land fronting Multi Storey Car Park West Bars Chesterfield Derbyshire for Clear Channel (UK) Limited
- CHE/14/00304/FUL Installation of external staircase in lieu of internal as means of ingress/egress to existing first floor residential unit at Tuck Ins 181 Sheffield Road Stonegravels Chesterfield Derbyshire S41 7JH for Mr G Hartshorn
- CHE/14/00328/TPO Fell Ash tree, replace with Ash or Oak on recommendation at 23 Hillside Drive Walton Chesterfield Derbyshire S40 2DB for Mr David Craig
- CHE/14/00307/ADV Double sided internally illuminated post sign at Plot 7 M1 Commerce Park Markham Lane Duckmanton Chesterfield Derbyshire for Euro Garages Limited

CHE/14/00320/FUL Proposed loft conversion raising ridge height and front 2 storey extension. Add adding gables plus 3 rear dormer windows at 159 Boythorpe Road Chesterfield Derbyshire S40 2ND for Mr and Mrs Burton

CHE/14/00365/FUL Rear flat roof dormer extension with windows and conversion of existing roof space to form new bedroom and bathroom at 35 King Street Chesterfield Derbyshire S43 1HU for Mr Mark Hollway

(c) Discharge of Planning Condition

CHE/14/00076/DOC Discharge condition 3,4,5,6,7,8 and 13. Application Number CHE/12/00676/FUL at land between 44 and 66 South Street North Chesterfield Derbyshire S42 2AB for c/o Agent

CHE/14/00162/DOC Discharge planning conditions 8, 9 and 10 from application CHE/13/00464/REM at land at east of A61 known as Chesterfield Waterside Brimington Road Chesterfield Derbyshire for Mr Pete Swallow

CHE/14/00163/DOC Discharge conditions 2 and 4 from application CHE/13/00464/REM at land at east of A61 known as Chesterfield Waterside Brimington Road Chesterfield Derbyshire for Mr Pete Swallow

CHE/14/00245/DOC Discharge of conditions 1 (materials) and 7 (site storage area) of CHE/13/00464/REM - application for approval of reserved matters pursuant to outline planning permission CHE/09/00662/OUT for a proposed residential development for 19 dwellings (11 houses and 8 apartments) with associated access, car parking and landscaping, revised plans received 25th September 2013 further revised plans received 30th October 2013 at land at east of A61 known as Chesterfield Waterside Brimington Road Chesterfield Derbyshire for Chesterfield Waterside Ltd

CHE/14/00391/DOC Discharge of conditions 2, (gutterings) glazing), 5 (DPC, 6 (cleaning of stone), 7 (external walling), 8 (details of new services), 14 (repair of boundary walling) 15 (replacement chimneys) and 16 (external masonry) of CHE/13/00713/LBC - Removal all non original brick outbuildings, timber lean to structures and form some new openings internally at 1 - 3 Cavendish Place Chesterfield Derbyshire S43 2NS for Chatsworth Settlement Trustees

(d) Other Council no objection without comments

CHE/14/00340/CPO Application to vary conditions 1 and 2 of application CW2/0311/171 (CHE/11/00173/CPO Change of use to indoor waste recycling centre for non hazards skip waste) to extend the duration of the development for a further 3 years at Unit 6 and 7 Sheepbridge Works Sheepbridge Lane Chesterfield Derbyshire S41 9RT for Mrs Emma Smith

(e) Other Council no objection with comments

CHE/14/00341/CPO New single storey standalone teaching classroom and replacement covered canopy and 90 sq metres compensation hardplay tarmac landscaping at Norbriggs Primary School Norbriggs Road Chesterfield Derbyshire S43 3BW for Derbyshire County Council

CHE/14/00489/CPO Replacement of existing hanging tile cladding and timber trims. Installation of external insulation system and new cladding and render finish at Norbriggs Primary School Norbriggs Road Chesterfield Derbyshire S43 3BW for Derbyshire County Council

(f) Prior Approval Not Required

CHE/14/00359/TPD Proposed conservatory 3.5 metres square by 4 metres high to the eaves at 8 Newby Road

- Chesterfield Derbyshire S41 8HG for Mr N Orwin and Mrs L Sowden
- CHE/14/00360/TPD Kitchen and lounge extension at 3 Holmebank West Chesterfield Derbyshire S40 4AS for Mr Anthony Shaw
- CHE/14/00370/TPD Proposed single storey rear kitchen extension with a lean-to roof at 20 Stuart Close Chesterfield Derbyshire S41 0SW for Mr and Mrs R Davies
- (g) Withdrawn
- CHE/14/00373/FUL Proposed side part two storey and part first floor extension at 14 Tylney Road Chesterfield Derbyshire S40 3NZ for Mr and Mrs J O'Mahony

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

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

(a) The felling and pruning of trees:-

- CHE/14/00/328/TPO Consent refused to the felling of one Ash tree reference T1 on the Order map for Heathscapes on behalf of Mr David Craig of 23 Hillside Drive, Walton, Chesterfield.
- CHE/14/00325/TPO Consent granted to the crown reduction of 4 Holly trees reference G2 on the Order map for Mr John Coleman of 15 Somersall Lane, Chesterfield.
- CHE/14/00353/TPO Consent granted to the crown lifting and crown thinning of 13 trees reference T43 Cherry, T44, T45, T47-T49, T52-T54 & T57 Lime, T46, T50 & T51 Sycamore on the Order map for Mr Andrew White of 37 Coupland Close, Old Whittington, Chesterfield.
- CHE/14/00381/TPO Consent granted to the crown lifting of two Oak trees reference T9 & T10 and the crown lifting of various trees species within G2 & G3

- on the Order map for William Thornhill on behalf of Chesterfield Borough Council Landscape Services.
- CHE/14/00342/TPO Consent granted to the crown lifting of one Maple tree reference T3 on the Order map for Heathscapes on behalf of Mrs Claire Willhousen of 21 Yew Tree Drive, Somersall, Chesterfield.
- CHE/14/00460/TPO Consent granted to the felling of two wind damaged Cypress trees reference T69 & T70 on the Order map for Ken Portas Tree Services on behalf of Ashgate Croft School, Ashgate, Chesterfield.
- The replacement trees are to be two Sweet Gums and planted as near as is reasonably practicable to the position of the original tree or other agreed alternative.
- CHE/14/00493/TPOEXP Consent granted to the felling of one wind damaged Ash tree reference T8 on the Order map for William Thornhill on behalf of Chesterfield Borough Council.
- The replacement tree is to be an Oak and planted as near as is reasonably practicable to the position of the original tree or other agreed alternative.
- CHE/14/00416/TPO Consent granted to the root pruning of one Lime tree reference T25 on the Order map for Adrian Wood on behalf of Derbyshire County Council Highways.
- CHE/14/00461/TPO Consent granted to the crown lifting of 36 trees around the perimeter of the Town Hall Car Park, Rose Hill reference T1-T36 Limes, Whitebeam and Maples for William Thornhill of behalf of Chesterfield Borough Council Landscape and Streetscene Services.

CHE/14/00481/TPO Consent granted to the crown lifting of 7 trees reference T43 Beech, T44 & T45 Ash, T46 & T49 Sycamore and T48 Horsechestnut on the Order map for William Thornhill on behalf of Chesterfield Borough Council Landscape Services.

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

CHE/14/00338/CA - The pruning of four Laurel trees situated in the grounds of 17 Somersall Lane and overhanging 15 Somersall Lane. Agreement to the pruning of four Laurel trees. The pruning of the trees will have no adverse effect on the amenity value of the area.

The trees are within the Somersall Conservation Area and the applicant wishes to crown reduce the trees by a maximum of 50% and prune back overhanging branches to allow more light into the dwelling and garden.

29 **APPEALS REPORT (P000)**

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

***RESOLVED –**

That the report be noted.

30 **ENFORCEMENT REPORT (P410)**

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

***RESOLVED –**

That the report be noted.

Agenda Item 4

| | |
|------------------------------|--|
| COMMITTEE/SUB | Planning Committee |
| DATE OF MEETING | 26 AUGUST 2014 |
| 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 Group Leader, Development Management – Planning Services. Additional background papers (if any) will be separately listed in the report. |

INDEX TO GROUP LEADER, DEVELOPMENT MANAGEMENT'S
REPORT ON THE 26TH AUGUST 2014

- ITEM 1** **CHE/14/00324/FUL – New office headquarters and production facility at land at Colliery Close, Chesterfield.**
- ITEM 2** **CHE/13/00675/OUT – Redevelopment of land for employment uses (use classes B1, B2 and B8) at land accessed from Farndale Road, Chesterfield.**
- ITEM 3** **CHE/14/00491/FUL – Phase 1 – kitchen extension and internal alterations; Phase 2 – childrens room extension/toilets at Dunston Inn, Dunston Lane, Chesterfield for Manvesh Enterprises Limited.**

Case Officer: Tony Wallace
Tel. No: (01246) 345787
Date: 26th August 2014

File No: CHE/14/00324FUL
Plot No: 2/190

ITEM 1

NEW OFFICE HEAD QUARTERS AND PRODUCTION FACILITY' AT LAND AT COLLIERY CLOSE, STAVELEY, CHESTERFIELD.

Local Plan: Existing Business and Industrial Areas
Ward: Lowgates And Woodthorpe

1.0 CONSULTATIONS

| | |
|-------------------------------|--|
| Highways DCC | No objection subject to conditions. |
| Ward Members | No comments received. |
| Environmental Services | Comments made (see main issues of report). |
| Drainage | No objection. |
| Yorkshire Water | No objection. |
| Environment Agency | No objection. |
| Coal Authority | No objection. |
| DCC Archaeology | No objection and no need for further information. |
| DCC Rights of Way | No objection. |
| CBC Economic Development Unit | No objection. |
| CBC Spatial Planning Team | Comments made and included in the main issues of report. |
| Derbyshire Wildlife Trust | No objection subject to conditions. |
| Leisure Services | No comments received. |

CHE/0298/0078 Roads and sewers infrastructure for future industrial development. GRANTED 16.09.1998.

CHE/0497/0186 Reclamation of colliery pithead including recovery of coal by opencast to facilitate industrial development. GRANTED 25.06.1997

3.2 The following history of nearby sites is relevant to the consideration of the proposal:

CHE/05/00107/FUL Development of industrial building with associated offices, access roads, car parking, service areas and associated works. GRANTED 20.05.2005

CHE/04/00913/FUL 2 storey block - offices and workshops. GRANTED 30.12.2004

4.0 THE PROPOSAL

4.1 Planning application for what is described on the application form as 'New office head quarters and production facility' at Land At Colliery Close, Chesterfield. The proposal is for the development of a plot of land for a building with a footprint of 1420.8sqm, containing a manufacturing area (B2 Use Class – 978.6sqm external gross floor area) and an office with two storeys (442.2sqm external gross floor area). The proposal includes a yard area serving a loading bay with a 25m turning space for HGV's and a separate parking area for staff and visitors containing 22 parking spaces (inclusive of two disabled spaces) and a cycle stand for 6 bicycles.

4.2 The main manufacturing element of the building is to be approximately 9.3m to eaves and 10.5m to ridge whilst the office element is to be attached to this with an approximate maximum height of 7.0m (excepting an entrance feature on the doorway which rises above the mono-pitched roof of the office block. The building is to be clad in powder coated profiled metal cladding in a variety of colours (Blue grey roof, Goose Wing Grey elevations). Blue brickwork is proposed to the office blocks elevations, alongside a significant extent of glazing.

4.3 As amended, a green coloured paladin fence is proposed to the sites boundary to a height of 2.4m.

- 4.4 The application was initially submitted with the following:
 - 4.4.1 Site Layout 002 Rev A
 - 4.4.2 Ground and First Floor Plan 003 Rev A
 - 4.4.3 Elevations 004 Rev A and 005 Rev A
 - 4.4.4 Topographic Survey Dwg No. 3986
 - 4.4.5 Design and Access Statement (SLA Design Ref 14/003 April 2014)
 - 4.4.6 Phase I Land Contamination Assessment (Preliminary Risk Assessment) by Groundsmiths (UK) Ltd (April 2014 reference GUK-0414/02/Rp-001/V1) incorporating an assessment of risk from coal mining legacy to land stability.
 - 4.4.7 Groundsure Geoinsight report
 - 4.4.8 Groundsure Enviroinsight report
- 4.5 The Applicants agent has (following a request from the LPA on the 18th July 2014 for further necessary information) submitted the following:
 - 4.5.1 Phase I Habitat Assessment (submitted 12th July 2014)
 - 4.5.2 Phase II Land Contamination Assessment (submitted 12th July 2014)
 - 4.5.3 Letter and email dated 12th August from BWB Consultancy including cost estimates for the development.
 - 4.5.4 The Applicant has submitted a draft Unilateral Obligation with local labour clause (submitted on the 14th August 2014)
- 4.6 The submitted plans show a 'phase 2 and phase 3' builds on the layout. However the application is not for these elements. Hence these elements of the scheme are not under consideration and are the Applicant's future aspiration and will require a separate planning application(s).

6.0 CONSIDERATONS

Environmental Impact Assessment Screening

- 6.1 An initial screening of the permission, under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 to 2006 has been carried out and an Environmental Statement/Assessment would not be necessary. A screening for 'Appropriate Assessment' is not necessary given the relatively small scale of development.

Planning Policy

The Development Plan

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

6.3 Replacement Chesterfield Borough Local Plan Policies ('RCBLP')

The Local Plan policies relevant to the decision are:-

EMP7 Development in Existing Business and Industrial Areas

6.4 Chesterfield Local Plan: Core Strategy 2011 -2031 ('Core Strategy')

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

| | |
|------|---------------------------------------|
| CS9 | Green Infrastructure and Biodiversity |
| CS13 | Economic Growth |
| CS15 | Vitality and Viability of Centres |
| CS18 | Design |
| CS20 | Influencing the Demand for Travel |

6.5 **Other Relevant Policy and Documents**

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

- 1. Building a Strong, Competitive Economy
- 2. Ensuring the Vitality of Town Centres
- 4. Promoting Sustainable Transport
- 7. Requiring good design
- 8. Promoting Healthy Communities
- 10. Meeting the challenge of climate change, flooding and coastal change
- 11. Conserving and Enhancing the Natural Environment

Other relevant documents include;

Manual for Streets 2 (DfT March 2007)

Planning Practice Guidance

Natural England Standing Advice

7.0 **Key Issues**

- 1. Principle of Development**
- 2. Economic Impact**
- 3. Design and Local Impact**
- 4. Highways Safety and Parking Provision**
- 5. Flood Risk and Drainage**
- 6. Pollution Control and Land Stability**
- 7. Biodiversity**

1. Principle of Development

- 7.1 The development is within a locality recognised as an existing employment area in the saved policies of the RCBLP and is to be put forward in the site allocations DPD for the current Local Plan as similar. In terms of the location of development, its scale and nature, it would be a suitable location and would not conflict with the spatial strategy of the Local Plan (policy CS1) subject to compliance with Local Plan policy CS2. As considered later in the main issues, the development is appropriate in principle in terms of flood risk management (according with the sequential approach to location) and in its likely impact on biodiversity (the derogations of the EU Habitat Directive not being applicable), subject to mitigation and enhancement measures, according in these respects with Local Plan policy CS2 and the NPPF. The site is not likely to be undevelopable in respect of land contamination or land stability. The development would not lead to a deficiency in existing infrastructure which could not be addressed by means of condition or under statutory undertaker's powers, in accordance with Core Strategy policy CS4.

2. Economic Impact

- 7.2 The proposal would maintain employment in the region (the business currently being located at Markham Vale within the Borough) and would provide a location where the business can expand without relocating, and provide in time new employment in the Borough. The Applicant has also agreed to enter into a unilateral planning obligation to make best endeavours to use local labour during the construction and operational phase of the development and has submitted a draft. As such, on the basis of the Planning Obligation being signed, the proposal would have a positive impact on the local economy and would assist in meeting the aims of the Spatial Strategy and Sustainable Community Strategy and the economic aims of the NPPF.

3. Design and Local Impact

- 7.3 The developments layout, appearance (of the building and hard landscaping) and access would be reasonable in respect of their impact on visual amenity and local character, complementing the existing premises on Colliery Close, albeit with a building style different to that of the nearby existing buildings. The proposed boundary fence (as

amended to a Paladin in a colour to match that on the 'Donkins' premises to the west) would complement the existing fencing to other premises and so would not compromise what is a positive element of Colliery Close's visual amenity.

- 7.4 The proposal lacks a landscaping scheme despite reference in the Design and Access Statement for the development providing an opportunity to introduce a degree of managed landscaping to all boundaries of the site, with new planting down Colliery Close, and a site layout plan which shows what is likely to be grass, trees and shrubs. Hence a condition is necessary to secure a soft landscaping scheme given the lack of detail in the submission in order to accord with Local Plan policy CS18 and the NPPF.
- 7.5 There are no obvious community safety issues arising from the development and in this respect no conflict with Local Plan policy CS18.
- 7.6 Sustainable Design
- 7.7 The Local Plan requires a design which can achieve BREEAM 'Very Good' in accordance with Local Plan policy CS6. The submitted Design and Access Statement for the development merely states that 'The design team have assessed the viability of achieving a BREEAM rating of 'very good' and have deemed it not financially viable' and no other supporting evidence has been submitted.
- 7.8 The LPA has given the Applicant the opportunity to remedy what was an insufficiently justified departure from Local Plan policy CS6. Local Plan policy CS6 does provides examples of what issues can be given weight when considering why BREEAM 'Very Good' cannot be achieved. The Applicant's agent has subsequently submitted the following:
- 7.8.1 A Cost Estimate by BWB Consultants of the development without achieving a BREEAM Very Good rating and a Cost Estimate by BWB Consultants of the development with an estimate for achieving BREEAM Very Good. The resultant cost of achieving BREEAM is identified as being 14%.
- 7.9 Normally the LPA would require a viability appraisal to scrutinise the failure of the Applicant to submit a scheme. Lynda Sharp the Council's Economic Development Unit (EDU) Manager, confirms that the Applicant is in receipt of a Regional Growth Fund via Sheffield City Region LEP and that without this grant the development is not viable. It is also the

case that the site is owned by Chesterfield Borough Council and that the Applicant is in the process of procuring the land. Hence there is sufficient information to conclude that a BREEAM rating of Very Good cannot be achieved. It is unlikely that without more funding or indeed a lower land value, anything over and above Building Regulations Approval can be secured.

7.10 However, the relevant Local Planning policy CS6 requires in instances where say viability prevents BREEAM Very Good being achieved, that the LPA consider evidence of the extent to which sustainability has informed the design of the proposal. The Applicant's agent initially submitted no evidence of what elements of the proposal are informed by sustainable design with the exception of an acknowledgement of the requirement for a sustainable urban drainage system; the submitted Design and Access statement being inadequate as the necessary evidence. However, subsequent to a request for further evidence from the LPA, this has been provided in a letter from BWB Consultants dated 12th August 2014 which sets out how sustainable design principles have informed the buildings design and also explains the constraints of the proposed use on achieving BREEAM which are specific to the manufacturing process of the Applicants business. There is sufficient evidence to conclude that an exception to BREEAM Very Good can be legitimately made and no conflict with Local Plan policy CS6 and the NPPF in respect of sustainable design.

7.11 Neighbouring Occupiers Amenity

7.12 There is no reason to suspect that the development will result in a significant and adverse change in the noise characteristics of the locality and no further assessment has been identified as necessary by the Borough Council's Environmental Health Officer. With regard to emissions from the manufacturing process this matter is adequately covered by separate pollution control legislation to the Planning Acts, paragraph 122 of the NPPF advises LPA's to not focus on processes or emissions subject to approval under pollution control regimes. The development is unlikely to adversely affect neighbouring occupier's amenities and business operations in respect of noise, odour, dust and vibration from operations including vehicular traffic, the physical impact of the proposal in terms of outlook, privacy, daylight and sunlight, in accordance with Local Plan policy CS2 and paragraphs 120 to 123 of the NPPF.

- 7.13 The proposal provides sufficient disabled parking to accord with Local Plan policies CS18 and CS20, other accessibility matters in relation to the building being addressed by Building Regulations.

4. Highways Safety and Parking Provision

- 7.14 The Highway Officer raises no objection and notes that Colliery Close is not an adopted Highway. The Highway Authority do not require a Travel Plan. Conditions are recommended which require the provision of the proposed vehicular and pedestrian access and visibility splays to be provided (2.4m x 43m); pedestrian inter-visibility splays and; provision of internal circulation and parking. Based on the scale and nature of development and having regard to the opinion of the Highway Authority, subject to conditions the proposal would not have severe implications for highway safety or traffic flow and would accord with Core Strategy policies CS2, CS18 and CS20 and paragraph 32 of the NPPF.

5. Flood Risk and Drainage

- 7.15 The proposed operational development is within a low flood risk area and is not considered to lead to an unacceptable risk to life or property from flooding. The phase 2 extension and phase 3 shown on the submitted plans would be closer to and possibly have small elements within higher flood risk areas and be subject to different policy requirements. However the application is purely for the building shown on the submitted plans and elevations, and the parking and turning areas show on the layout plan. There is potential for the development to increase surface water run off due to the loss of permeable land and a sustainable urban drainage system or evidence of such a systems unsuitability, is necessary to accord with Core Strategy policy CS7 and paragraph 103 of the NPPF. The Council's Drainage Team do not raise an issue.
- 7.16 Yorkshire Waters comments are awaited and will be verbally reported to Planning Committee if received. Following discussion between Yorkshire Water and the planning case officer, indications are that it is unlikely that fundamental problems exist to make the site unsuitable for development and standard foul and surface water conditions are adequate to ensure compliance with national and local planning policy.

6. Pollution Control and Land Stability

- 7.17 The site has been subject to a degree of remediation in the 1990s however relevant environmental limits on pollution have changes since the remediation, making it necessary for a land contamination assessment to be carried out, as required by the Council's Senior Environmental Health Officer (SEHO). Comments are still awaited from the SEHO on the submitted Preliminary Assessment (Phase I) and also on the recently submitted (12th August 2014) Site Investigation and Remediation Report. Members will be verbally updated of the SEHOs comments at Planning Committee.
- 7.18 The development is also in an area of coal mining subsidence risk and a referral area for the Coal Authority. The Phase II risk assessment adequately covers the risk to the degree that the Coal Authority recommend the matter resolved and that no further information or planning controls are necessary, legislation separate to the Planning Acts being sufficient to address land stability.
- 7.19 The Phase I risk assessment advised that a Phase II site investigation and if necessary a remediation strategy be carried out. The Phase II concluded in summary:
- 7.19.1 Low Risk to human health for end users (based on a commercial end use) is likely.
 - 7.19.2 A risk to construction workers but would be addressed by relevant Health and Safety legislation applicable to workplaces.
 - 7.19.3 Low risk to controlled waters
 - 7.19.4 Japanese Knotweed present but over 25m from proposed premises.
 - 7.19.5 Need for ground gas monitoring and this to inform mitigation. A membrane is recommended to a specific level as a precaution.
 - 7.19.6 Several options for foundations on the basis of there being no anticipated significant stability problems, including raft, pad and trench and piling.

- 7.20 Given that the Phase II has only just been submitted the LPA is awaiting the comments of the Coal Authority and SEHO and this will be reported verbally to Planning Committee. The SEHO is unlikely to object and if anything, will only be likely to raise issues which affect the extent and type of conditions being applied to the development should permission be granted.
- 7.21 The SEHO is not a mandatory consultee and in the absence of their advice the recommendations of the Applicant's consultant in respect of land contamination remediation can be given significant weight (ground gas investigation and importation of uncontaminated topsoil). It is likely that the development accords with or indeed can accord with (subject to conditions) Core Strategy policy CS8 and paragraphs 120 to 121 of the NPPF.
- 7.22 The Japanese Knotweed on the site is not a planning matter given that it is not within the area of development proposed. As current land owner the Council's estates team have been made aware of the issue by the LPA.

7.0 Biodiversity

- 7.23 The initially submitted application contained inadequate information on the proposals ecological impact. In applying the current Natural England standing advice the Council's LPA case officer concluded that as a minimum a phase I habitat and protected species assessment was likely to be necessary. Accordingly the applicant was required to submit one and provided this on the 12th July 2014. The Derbyshire Wildlife Trust (DWT) has assessed the submitted evidence and conclude that it is acceptable and that the recommendations of the Applicant's consultant be secured by conditions in respect of; protection fencing for a UK protected species along the eastern side of the site be place during construction and protection for breeding birds by limiting the timing of site clearance; avoidance of lighting spill into a protection zone for the UK protected species to the east.
- 7.24 Accordingly having regard to the submitted evidence and the comments of the DWT, subject to appropriate conditions the development would accord with Local Plan policy CS9 and the NPPF. Notably, there are opportunities within the buildings design and site for habitat enhancement, such as bat roosts. Local and national planning policy require enhancement where possible and a condition to this effect is necessary.

7.25 The evidence submitted indicates that EU Protected species are not present and would not be affected and so the derogations of the habitat directive need not apply.

8. Public Art

7.26 Core Strategy policy CS18 is clear that the Council will seek to negotiate up to 1% of the total development cost of a proposal for the design, implementation and maintenance of public artwork, to be secured by a legal agreement where necessary.

7.27 The Applicant's submission initially had no regard to this element of the Development Plan. However, on request further information has been provided to the effect that the Applicant states:

7.27.1 *Krantech Holding's budget has pressures as previously described and discussed. The benefits to the community in terms of employment opportunities and also ethos of the product being manufactured in Chesterfield we believe should be considered. This facility is going to provide employment opportunities for the local community for many years. Krantech Holdings are at their own expense recruiting staff from the local market and also undertake an apprenticeship scheme and thereby contribute to both the economy and community. However they are prepared to offer a sum of £4,000.00 as a contribution towards the public realm and facilities. I hope this gesture is acceptable.*

7.28 The LPA case officer has sought to negotiate a contribution to public art in the Borough, as is consistent with Local Plan policy and the approach taken on the nearby development for Donkins and at Prospect House (Donkins providing a contribution in lieu and the Prospect House development providing on-site provision). In knowledge of the viability constraints on the site and the likely economic benefits to the local economy and subsequent social benefits, the contribution of £4000 is acceptable to accord with Local Plan policy CS18 and it is appropriate to secure the contribution by means of a Grampian condition as opposed to a legal agreement given the size of contribution.

8.0 **REPRESENTATIONS**

8.1 1 representation has been received to date. The main issues raised are summarised below:

1. Traffic generation, although Donkins already generates an amount.
2. Krantechs existing premises is closer to the M1 motorway and this move would increase HGV traffic on the Staveley to Duckmanton Road.
3. The proposal relates to existing Donkin building.
4. Support for proposed landscaping as it will improve the sites present appearance.

Officer Comment:

8.2 The proposal will increase traffic on the local highway network but the Highway Authority has not identified any likely capacity or safety problems. Furthermore the Staveley to Duckmanton Road is designed to accommodate commercial traffic including HGV's and is undergoing further improvements as part of the Strategic Markham Vale development. The Applicant is seeking relocation as there is no other available, suitable and viable site to allow their new development and future expansion within Markham Vale.

8.3 The support is noted. The main issues raised have been considered and they do not amount to sustainable objections lacking robust evidence and failing to demonstrate a significant material planning disbenefit or non-compliance with the Development Plan and NPPF.

9.0 **CONCLUSIONS**

9.1 The development would accord with the Development Plan and would not conflict with the NPPF subject to conditions. There are no other materials consideration which would warrant a determination not in accordance with the Development Plan and NPPF.

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

9.3 The Government (since the 1st December 2012) requires LPA's to include a statement on every decision letter stating how they have

worked with the applicant in a positive and proactive way, in line with the requirements in paragraphs 186 and 187 of the NPPF.

9.4 The LPA has been sufficiently proactive and positive in proportion to the nature and scale of the development applied for, the LPA providing the Applicant with an opportunity to address deficiencies in supporting information, and advice on how to do so and carefully considering the application of conditions to address outstanding issues.

10.0 **HUMAN RIGHTS ACT 1998**

10.1 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

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

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

10.4 The applicant has a right of appeal against any conditions imposed.

11.0 **RECOMMENDATION**

11.1 To **delegate authority to GRANT** permission to the Development Management and Conservation Manager subject to the signing of the submitted draft Unilateral Planning Obligation and subject to the recommended conditions and if the Unilateral Obligation is not signed

within 4 weeks to bring the application back to Planning Committee for reconsideration.

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
02. Prior to development commencing an area of protection shall be created with a suitable fence as per the recommendations in Section 5, paragraph 5.2 of the submitted Phase 1 Habitat and Protected Fauna Survey by Whitcher Wildlife Ltd (ref 140764 dated 5th August 2014) and retained during the construction phase of the development.
03. Any vegetation clearance and site clearance to implement the development shall only be commenced outside the bird nesting season of March to September.
04. The vegetation to the east of the development beyond the proposed eastern boundary fence shall not be cleared during the construction phase of the development and no lighting shall be erected during the construction phase which has light spill and glare onto this eastern area of the site
05. Prior to development of the foul and surface water drainage for the site commencing a scheme of foul and surface water drainage shall be submitted to the Local Planning Authority in writing. Development shall not commence until the scheme has been approved in writing and the development shall be implemented in accordance with the approved scheme.
06. Prior to the first occupation of the site commencing a layer of topsoil shall be imported onto the site in accordance with the recommendations of the submitted Phase 2 geo-environmental assessment by Groundsmiths (UK) Ltd reference GUK-0414/02/Rp-002/V (May 2014) paragraph 10.3.34. Prior to the importation of the soil, verification of the chemical condition of the to be imported material, shall first have been submitted to and approved in writing by the Local Planning Authority.
07. Prior to the construction of the building hereby permitted commencing details of the results of ground gas monitoring and an assessments of the risk from ground gas and details of any remediation or mitigation necessary, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details so approved.

08. Prior to the occupation of the building hereby permitted commencing, notwithstanding the details on the submitted plans and application form, written details of a soft landscaping scheme and boundary treatments/enclosures shall be submitted to the Local Planning Authority for its approval in writing. Occupation of the building shall not commence until the scheme and boundary treatments/enclosures have been approved in writing by the Local Planning Authority and implemented. The implemented landscaping and boundary treatments shall be retained thereafter.
09. Prior to the implementation of any external lighting on the premises, a scheme shall be submitted to the Local Planning Authority in writing detailing the proposals for external lighting. The scheme to be submitted to the Local Planning Authority for its approval in writing shall contain the following information:
- a) A site plan showing the proposed locations and heights of the luminaires;
 - b) Full details, including pictures, of the luminaires to be installed;
 - c) A site plan plotting the existing and predicted illuminance levels (Lux) across the site and both horizontal and vertical overspill outside the site boundary over neighbours rear amenity spaces and on selected facades of neighbouring dwellings and properties;
 - d) Details of the measures to be taken for the avoidance of glare;
 - e) Operating times.
 - f) Intensity of illumination and power of light sources
 - g) angle and direction of beam of light from luminaires

External lighting shall not be installed and used on the site unless it accords with the scheme so approved in writing by the Local Planning Authority.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any Order revoking and re-enacting that Order, no extensions or buildings beyond the boundary enclosure shown on the approved site plan, shall be carried out without the permission of the Local Planning Authority.
11. Prior to the first occupation of the development hereby permitted commencing the proposed new accesses for pedestrians and vehicles shall be implemented in accordance with the approved site plan (002

Rev A dated 26.2.14), the areas in advance of the site lines shown on the approved plan being kept clear of obstructions to visibility (including boundary fencing) greater than 1.0m in height (0.6m in the case of vegetation) relative to the adjoining nearside carriageway channel level.

12. Prior to the first occupation of the development commencing, 2m x 2m by 45 degrees pedestrian inter-visibility splays shall be provided on either side of the new vehicular accesses into the site at the back of the pedestrian footway and shall be maintained free of any obstruction to visibility greater than 0.6m in height relative to footway level.
13. Prior to the first occupation of the development hereby permitted commencing, the parking and turning areas, including bicycle parking and disabled parking spaces shown on the submitted site plan, shall be provided in accordance with the DfT Traffic Advisory Leaflet 5/95 and DfT Local Transport Note 2/08 and shall be retained thereafter as free from outdoor storage and impediments to their intended use.
14. Prior to the first occupation of the development hereby permitted commencing a scheme to secure public art provision in the Borough shall be submitted to and approved in writing by the Local Planning Authority.
15. Prior to the construction of the building hereby permitted commencing a scheme of ecological enhancement (bat and bird roosts) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the scheme so approved and the approved scheme shall be in place prior to the first occupation of the building hereby permitted commencing, and retained thereafter.

Reasons for Conditions

01. The condition is imposed in accordance with section 51 of the Planning and Compensation Act 2004.
02. In the interests of biodiversity protection and to accord with policy CS9 of the Chesterfield Local Plan: Core Strategy (2011-2031) and the National Planning Policy Framework.
03. In the interests of biodiversity protection and to accord with policy CS9 of the Chesterfield Local Plan: Core Strategy (2011-2031) and the National Planning Policy Framework.

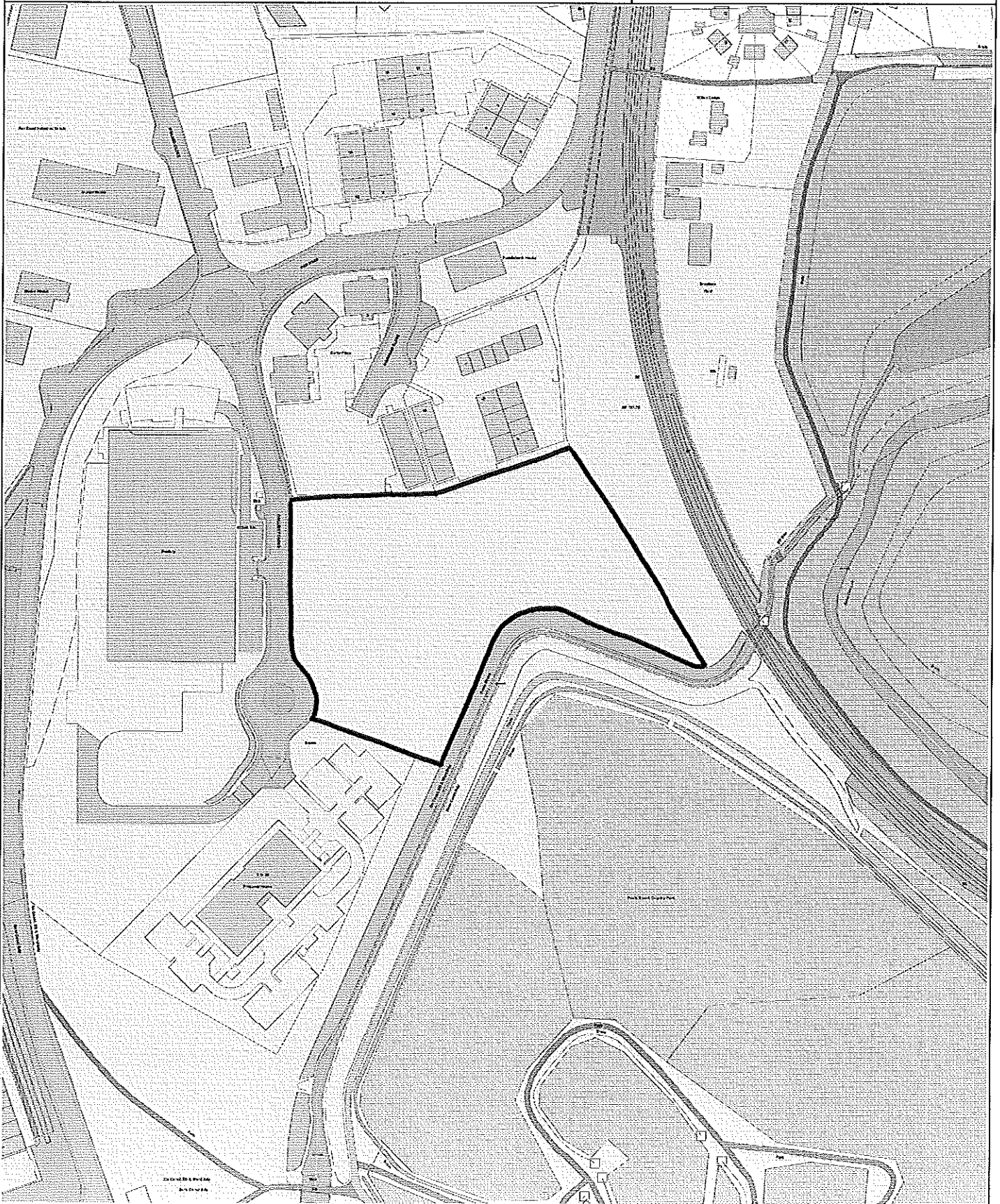
04. In the interests of biodiversity protection and to accord with policy CS9 of the Chesterfield Local Plan: Core Strategy (2011-2031) and the National Planning Policy Framework.
05. In the interests of flood risk management and pollution control and to accord with policies CS2, CS7 of the Chesterfield Borough Local Plan: Core Strategy (2011-2031) and the National Planning Policy Framework.
06. In the interests of pollution control and to accord with policy CS8 of the Chesterfield Borough Local Plan: Core Strategy (2011-2031) and the National Planning Policy Framework.
07. In the interests of pollution control and to accord with policy CS8 of the Chesterfield Borough Local Plan: Core Strategy (2011-2031) and the National Planning Policy Framework.
08. In the interests of visual amenity and local character and to accord with policy CS18 of the Chesterfield Borough Local Plan: Core Strategy (2011-2031) and the National Planning Policy Framework.
09. In the interests of visual amenity, local character and biodiversity and to accord with policies CS2, CS9 and CS18 of the Chesterfield Borough Local Plan: Core Strategy (2011-2031) and the National Planning Policy Framework.
10. In the interests of biodiversity protection and to accord with policy CS9 of the Chesterfield Borough Local Plan: Core Strategy (2011-2031) and the National Planning Policy Framework.
11. In the interests public safety, to acheive a safe and convenient access, and to accord with policies CS2, CS18 and CS20 of the Chesterfield Borough Local Plan: Core Strategy (2011-2031) and the National Planning Policy Framework.
12. In the interests public safety, to acheive a safe and convenient access, and to accord with policies CS2, CS18 and CS20 of the Chesterfield Borough Local Plan: Core Strategy (2011-2031) and the National Planning Policy Framework.
13. In the interests public safety, to acheive a safe and convenient access, and to accord with policies CS2, CS18 and CS20 of the Chesterfield

Borough Local Plan: Core Strategy (2011-2031) and the National Planning Policy Framework.

14. To contribute to regeneration of the Borough and promote local distinctiveness and to accord with policies CS1, CS2 and CS18 of the Chesterfield Borough Local Plan: Core Strategy (2011-2031) and the National Planning Policy Framework.
15. In the interests of biodiversity protection and enhancement to accord with policy CS9 of the Chesterfield Local Plan: Core Strategy (2011-2031) and the National Planning Policy Framework.

Informatives

01. The proposed development lies within a coal mining area which may contain unrecorded mining related hazards. If any coal mining feature is encountered during development, this should be reported to The Coal Authority. Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority. Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com
02. 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.
03. Pursuant to Section 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 are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.
04. Attention is drawn to the fact that, this permission is granted in conjunction with the completion of a separate planning obligation under Section 106 of the Town and Country Planning Act 1990 to which any developer should also refer.



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Case Officer: Tony Wallace
Tel. No: 01246 345787
Date: 26th August 2014

File No: CHE/13/00675/OUT
Plot No: 2/2542

ITEM 2

REDEVELOPMENT OF LAND FOR EMPLOYMENT USES (USE CLASSES B1, B2 AND B8) AT LAND ACCESSED FROM FARNDALE ROAD, CHESTERFIELD

Local Plan: Existing Business and Industrial Areas
River and Canal Environments
Proposed Employment Development Site
Other Sites for Employment Development

Ward: Lowgates And Woodthorpe

1.0 CONSULTATIONS

| | |
|-------------------------------|---|
| Highways DCC | No objections subject to mitigation off-site secured by Planning Obligation and conditions. |
| Ward Members | No comments received. |
| Staveley Town Council | No comments received. |
| Coal Authority | Objection. |
| CBC Economic Development Unit | No objection. |
| CBC Spatial Planning Team | Comments made and incorporated in main issues section of this report. |
| Drainage | No objection. |
| DCC Minerals Planning Auth. | No specific comments. No objection from County Ecologist subject to mitigation and compensation off-site and on-site secured by Planning Obligation and conditions. |

| | |
|---------------------------|---|
| Derbyshire Wildlife Trust | No objection subject to mitigation and compensation off-site and on-site secured by Planning Obligation and conditions. |
| Environmental Services | Requirement for land contamination assessment and conditions to control construction hours and external lighting. |
| Environment Agency | No objection subject to conditions. |
| Natural England | No objection in relation to nature conservation sites and no specific comment on other relevant matters. |
| Railtrack | No objection subject to conditions. |
| Yorkshire Water | No objection subject to conditions. |
| Neighbours/Site Notice | 2 representations received. |

1.1 The proposal was publicised by neighbour letters, site notice and in the local press as a major application. The statutory period of publicity has expired.

2.0 SITE LOCATION AND DESCRIPTION

2.1 The application site is significant in area covering 17.64ha of vacant land to the west of Hartington Industrial Estate. Hartington Industrial Estate is located off an adopted unclassified highway Farndale Road (the public highway not running to all businesses with private accesses existing) which has T-junction with Eckington Road (B6053). The site is around 750m from Staveley to the south where Hall Lane meets, Eckington Road and beyond this over a short distance the junction of Eckington Road with the A619 (roundabout junction of Lowgate and Duke Street). The site has access via B-Roads to the strategic highway network (J30 of the M1) approximately 6km to the east via Netherthorpe and Mastin Moor.

2.2 The site includes areas either side of the River Rother (an existing bridge spanning the river – possibly a ‘Bailey’ type construction), and a large extent of the site has an association of use with Staveley Works and

more recently use in connection with Hartington Colliery and as a tip for blast furnace slag between 1920 to 1966 (approximate). The site has not been designated as contaminated land under the S78A(2) of Environmental Protection Act 1990 but is affected by contamination. The site sits above a secondary aquifer within the Coal Measures.

2.3 The sites levels are man made and provide a pronounced raised edge to the west where the site meets a curve in a freight rail line. The site can be described as having a western sector, river corridor and an eastern sector. The western sector is mixture of vegetation (mainly woodland and scrub, grassland and open mosaic habitats) and bare ground, mostly clear of buildings. The river corridor meanders between the western and eastern sectors and is has wooded banks/sides. The eastern sector (south of the access road) has earth mounds and appears to be used for off-road vehicle driving, with tracks around the area and no enclosure with access off the private road leading from the adopted Farndale Road.

2.4 To the north and east of the site is Flogas Britain Ltd, a supplier and distributor of Liquid Petroleum Gas, Propane and Butane and to the east industrial premises. Farndale Road has a pedestrian footway which ceases before the application site, and is only on the southern side of the highway. Eckington Road has limited footway provision, with footway only on its western side (ceasing to the north) and running to the south to Staveley. The junction of Eckington Road and Farndale Road is located just into a national speed limit zone, a 30mph limit and signs being immediately to the south of the junction on approaching Staveley.

3.0 SITE HISTORY

3.1 The following planning history of the site is relevant to the consideration of the proposal:

CHE/13/00774/FUL Storage of gas-free tanks up to 2 tonnes capacity, pre and post refurbishment off-site. GRANTED 11.03.2014.

CHE/0185/0026 Permission for change of use to plant maintenance hire and storage yard on land at Farndale Road Hartington Industrial Estate Staveley Chesterfield for Mc Erlain Properties Ltd. GRANTED 12.03.1985

Derbyshire County Council Minerals Planning Authority Applications:

CHE/13/00112/CPO Ecological enhancement scheme at Campbell Landfill Site and Troughbrook Opencast Coal Site Staveley Lane, Chesterfield, Minerals Planning Authority reference: CM2/0213/144. PENDING CONSIDERATION.

CHE/11/00707/CPO The recovery of secondary aggregates, opencast coal and ancillary development. Hartington Reclamation, Farndale Road, Staveley. Applicant: Tawnywood Ltd. Derbyshire County Council Minerals Planning Authority reference: CM2/0911/81. PENDING CONSIDERATION.

CHE/11/00706/CPO Section 73 application for minor material amendment to Conditions 35, 36 and 37 of planning permission CW2/0108/214. Staveley Land Fill Site, Hall Lane, Staveley. Applicant: Fitwise Ltd. GRANTED 29/04/2008

CHE/11/00705/CPO The extraction of brick clay, secondary aggregates and incidental coal with stockpiling of brick clay and associated activities - Variation of Condition 4 (CM2/0707/77). Foxlow Tip and adjacent land, off Staveley Lane, Staveley. Applicant: Pheonix Brick Company Ltd.

3.2 The following planning history of nearby sites is relevant to the consideration of the proposal:

CHE/0897/0457 Fulwood Fabrications, Messroom extension. GRANTED 22.10.1997

CHE/0694/0360 Fulwood Fabrications, First floor extension to existing offices. GRANTED 23.08.1994

CHE/1096/0552 Construction of gas storage compound. GRANTED 04.12.1996

4.0 THE PROPOSAL

- 4.1 The proposal is now in outline with all matters reserved with the exception of a proposed new estate road and its junction with the 'existing' Highway Network i.e. the adopted section of Farndale Road. The application was initially submitted with the following:
- 4.1.1 Design and Access Statement (October 2013)
 - 4.1.2 Transport Assessment and Travel Plan Framework (August 2013)
 - 4.1.3 Flood Risk Assessment (April 2013)
 - 4.1.4 Ecological Method Statement (January 2013)
 - 4.1.5 Site plan boundaries – HR405 – Tawnywood Ltd (dated 31.7.2013)
 - 4.1.6 Proposed highway alignment – 47066862/GA/01-URS Infrastructure and Environment UK Ltd 5th June 2013.
- 4.2 The LPA in a letter dated the 20th January 2014 requested further supporting information from the Applicant's agent covering the main issues of; Economic Justification; Ecological impact mitigation and compensation; Flood Risk and Drainage; Landscape Character and Visual Impact, Pollution Control and Land Stability, Highway Safety and Transport Implications and clarification on the sites boundary, ownership and what matters the applicant was submitting for determination.
- 4.3 Several meetings were held with the Applicant's agent and the Applicant and responses have been received by email from the Applicant's Agent, the most recent being the 18th July 2014 by the LPA, consisting of:
- 4.3.1 Confirmation that the Applicant will enter into a Planning Obligation which will prevent the proposed development starting until Derbyshire County Council has granted planning permission for minerals development applied for under DCC application reference CM2/0911/81 addressing matters such as ecological mitigation and compensation, land stability and contamination, regrading of landform, flood risk, provision of a bridge over the River Rother.
 - 4.3.2 Acceptance of Heads of Terms for a Section 106 Obligation relating to; provision of biodiversity within the site to ensure no net loss of habitat and enhancement; contribution in lieu for highway

improvements to the junction of Hall Lane/Eckington Road; to make best endeavours to use local labour during construction and operational phases of the development.

- 4.3.3 Confirmation that the site will be within flood risk zone 1 (low risk) following the restoration necessary as part of the proposed minerals development (DCC application reference CM2/0911/81).
 - 4.3.4 Clarification that the application is for all matters reserved with the exception of the estate access road and junction with the adopted part of Farndale Road.
 - 4.3.5 Brief statement identifying two companies in the locality with a need for industrial premises with outdoor storage: Fitzwise Ltd – an associated company of the Applicant Tawnywood Ltd located in Hollingwood near the Chesterfield Canal and Flogas Britain Ltd located adjacent to the application site.
 - 4.3.6 A footway will be provided along Farndale Road to the site by the Applicant and confirmation that its implementation can be secured by condition i.e. there is sufficient land within the Applicant's Highway Authorities and Borough Council's control to carry out the provision.
- 4.4 The Applicant has also provided evidence in the form of title deeds to demonstrate ownership of the application site.

6.0 CONSIDERATONS

Environmental Impact Assessment Screening

- 6.1 An initial screening of the permission, under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 to 2006 has been carried out and indicates that under the Regulations and the development would be classified as Schedule 2, Class 10 (b) an Urban Development Project. However, having considered the likely impacts an Environmental Statement/Assessment would not be necessary. A screening for 'Appropriate Assessment' is not necessary given the relatively small scale of development.

Planning Policy

The Development Plan

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

6.3 Replacement Chesterfield Borough Local Plan Policies ('RCBLP')

6.3 The Local Plan policies relevant to the decision are:-

EMP7 Development in Existing Business and Industrial Areas

EVR13 River and Canal Environments

EMP5 Other Sites for Employment Development (Hartington Tip)

6.4 Chesterfield Local Plan: Core Strategy 2011 -2031 ('Core Strategy')

CS1 Spatial Strategy

CS2 Principles for Location of Development

CS3 Presumption in Favour of Sustainable Development

CS4 Infrastructure Delivery

CS5 Renewable Energy

CS6 Sustainable Design and Construction

CS7 Managing the Water Cycle

CS8 Environmental Quality

CS9 Green Infrastructure and Biodiversity

CS13 Economic Growth

CS15 Vitality and Viability of Centres

CS18 Design

CS19 Historic Environment

CS20 Influencing the Demand for Travel

6.5 **Other Relevant Policy and Documents**

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

- 1. Building a Strong, Competitive Economy
- 2. Ensuring the Vitality of Town Centres
- 4. Promoting Sustainable Transport
- 7. Requiring good design
- 8. Promoting Healthy Communities
- 9. Protecting Green Belt Land
- 10. Meeting the challenge of climate change, flooding and coastal change
- 11. Conserving and Enhancing the Natural Environment
- 12. Conserving and Enhancing the Historic Environment
- 13. Facilitating the Sustainable Use of Minerals

Other relevant documents include;

Planning Practice Guidance

Chesterfield Borough Council's Annual Monitoring Report (Dec 2012).

Chesterfield & North East Derbyshire Sustainable Community Strategy (2009-2026).

Employment Land Review Guidance Note (ODPM 2004)

Employment Land Topic Paper (CBC Sep 2011)

Joint Economic Development Strategy for Bolsover, Chesterfield and North East Derbyshire (2009 – 2014).

Manual for Streets 2 (DfT March 2007)

Natural England Standing Advice

Parks and Open Spaces Strategy (CBC 2002)

7.0 Key Issues

- 1. Principle of Development**
- 2. Economic Impact and Vitality of Centres**
- 3. Ecological Impact/Green Infrastructure**
- 4. Transport and Travel Impacts**
- 5. Design, Amenity and Landscape Character**
- 6. Flood Risk and Drainage**
- 7. Land Contamination and Land Stability**
- 8. Other Material Considerations**

1. Principle of Development

- 7.1 The development contains land within an area shown on the proposals map which reflects the current saved policies of the RCBLP (the Regulation 22 (1) (b) submission policies map), as existing business and industrial area (an area designation) and also within a large part of an employment development site (an allocation). The proposal would accord with the designation and allocation and relevant RCBLP policies EMP7 and EMP5. Subject to a limitation preventing anything other than ancillary B1a office floorspace the proposal would not be likely to have a significant adverse effect on the vitality of centres in the Borough and would not conflict with the sequential approach to the location of main town centre uses in accordance with Core Strategy policies CS2 and CS13 and the NPPF.
- 7.2 The principle of the loss of the existing habitats on the site and associated species is acceptable (see ecological impact main issue section of this report) on the basis that the necessary compensation and mitigation is secured by Planning Obligation and conditions, in accordance with Core Strategy policies CS2 and CS9 and the NPPF, no net loss of biodiversity being likely to occur in terms of quality and quantity and potential for an enhancement where possible.
- 7.3 The development would not conflict with the sequential approach to the location of development in respect of flood risk (see flood risk and drainage main issue section of this report) on the basis that a Planning Obligation and conditions can secure the necessary mitigation. In this respect the proposal would not conflict with Core Strategy policies CS2 and CS7, and the NPPF.

- 7.4 The site would be suitable for the development in respect of pollution control and land stability on the basis that a Planning Obligation and conditions can secure the necessary remediation and mitigation. In this respect the proposal would not conflict with Core Strategy policies CS2 and CS8, and the NPPF.
- 7.5 The site is a suitable location for the development in respect of transport and travel impacts, and reducing carbon emissions on the basis that a Planning Obligation and conditions can secure the necessary remediation and mitigation. In this respect the proposal would not conflict with Core Strategy policies CS2 and CS8, and the NPPF.
- 7.6 The development would accord with the spatial strategy in the Local Plan subject to Planning Obligations and conditions, and can deliver the necessary infrastructure to meet its requirements significant weight being given to the provision of employment and biodiversity in preference to public open space provision (no robust evidence of a need arising from the development being available), in these respects according with Local Plan policy CS1, CS2, CS3, CS4 and CS9 and the NPPF.

2. Economic Impact and Vitality of Centres

- 7.7 The proposal has the potential in theory, to have a significant positive impact on unemployment levels and deprivation in the Borough, albeit it being likely to have an impact in the medium to long term, given the predominantly speculative nature of the proposal. The minerals development and the restoration of the site following this under consideration by the Minerals Authority, is the most important proposal in respect of site preparation and enables the proposal being considered by the Borough Council LPA. The industrial proposal cannot occur as submitted without the minerals development gaining permission and being implemented.
- 7.8 The current proposal does carry some weight in respect of economic impact in that it will secure a local labour clause through a planning obligation and it sets the parameters for reserved matters applications in the future, providing a degree of certainty for developers, businesses and investors. On this basis it is recommend that should permission be granted the time limit on commencement of development be tailored to reflect the estimate of a 6year minerals extraction phase, as indicated in section 3 of the Non-Technical Summary of the Environmental Statement for minerals application CM2/0911/81.

- 7.9 On this basis, allowing for a year to give time for the Minerals Planning Authority to determine CM2/0911/81, taking the time limit to 6 years, and adding the usual 3 years time limit would bring the likely start date for the industrial development to 10 years. Such a time limit is recommended for the commencement of development given the potential importance of the site to meeting Local Plan aims to develop
- 7.10 The proposal would need to be conditioned to prevent anything other than ancillary office floorspace (use class B1a) to meet the sequential approach to the location of main town centres uses, to not require an impact assessment and to accord with Core Strategy policies CS2 and CS13 and the NPPF.
- 7.11 As such the proposal would have the potential to have a positive impact on the local economy and would assist in meeting the aims of the Spatial Strategy and Sustainable Community Strategy and the economic aims of the NPPF.

3. Ecological Impact/Green Infrastructure

- 7.12 The proposal is submitted on the basis of it only being implemented after the completion of the minerals development and associated remediation, mitigation, compensation and restoration, applied for (to Derbyshire County Council the Minerals Planning Authority) under minerals application reference CM2/0911/81.
- 7.13 The development will follow a minerals development which in effect would result in the loss of habitats of local and county ecological significance, and in effect an area of land worthy of designation as a Local Wildlife Site. However, the DCC Ecologist and Derbyshire Wildlife Trust have in conjunction with the Minerals Planning Authority and CBC Local Planning Authority negotiated from the Applicant an acceptable scheme of mitigation, compensation and restoration which will mainly be secured through the minerals application CM2/0911/81 and also associated minerals application CM2/0213/144. The relevant accepted compensation for the industrial development proposed is a Planning Obligation clause requiring open mosaic habitat and where possible other habitat (i.e. bat and birds roosts) within the landscaping and building design of the industrial development, to achieve overall a reasonably linked habitat of around 1.76ha in area.

- 7.14 This is the minimum necessary provision over and above that to be secured by minerals application CM2/0911/81 and also associated minerals application CM2/0213/144 to ensure that no net loss and also potentially a degree of enhancement will result, in accordance with Core Strategy policies CS2 and CS9 and the NPPF.
- 7.15 Subject to a Planning Obligation which prevents development commencing until the completion of the minerals development (minerals application CM2/0911/81) and also secures compensatory habitat within the site as part of reserved matters submissions for access, layout, landscaping and appearance, the proposal would be in these respects, be in accordance with Core Strategy policies CS2 and CS9 and the NPPF.

4. Transport and Travel Impacts

- 7.16 The Highway Authority identifies the potential for several areas where residual impacts of the development (having regard to its nature, scale and location, and the submitted Travel Plan) on the highway network are likely to require mitigation. The necessary mitigation recommended is:
- 7.16.1 A new section of pedestrian footway on Farndale Road
 - 7.16.2 A further speed survey at the junction of Farndale Road and Eckington Road (at the extent of the available visibility to the north) and investigation following this into the necessity of modifications to the highway to reduce vehicle speeds on Eckington Road in a southerly direction. The provision of speed mitigation measures if found to be necessary.
 - 7.16.3 A Planning Obligation clause to secure a traffic monitoring scheme at the junction of Hall Lane and Eckington Road to assess the impact of the development on safety and flow, with a financial contribution for the monitoring and also for mitigation if found to be necessary following monitoring.
- 7.17 The Highway Authority has not identified a need for public transport improvements to and within the site. The site is relatively accessible to the Trans Pennine Trail on foot and by bicycle and the Highway Authority has not identified a requirement for further off-site accessibility enhancements from the site to this pedestrian and bicycle transport network. However, provision will be needed on the estate access road for bicycles and pedestrians and a condition is necessary to secure this

(potentially adding width to the sides of the access road shown on the highway alignment plan submitted). The individual plots layout and circulation routes can be considered at the reserved matters stage.

- 7.18 Overall, the location of development would be adequately sustainable/accessible and mitigation is possible for the potentially severe adverse impacts of the development on travel patterns and the highway network, and this mitigation would be secured by Planning Obligation clauses and conditions, in accordance with Core Strategy policies CS2, CS18 and CS20 and the NPPF.

5. Design, Amenity and Landscape Character

- 7.19 The development is mainly in outline with the exception of the main estate access road to Farndale Road. The access road does not give rise to any significant design concerns provided that a pedestrian and cycle way is provided on at least one of its edges, through the site.
- 7.20 Most other design matters including accessibility and visual amenity can be considered during the reserved matters stage, provided that a condition is applied to ensure that reserved matters have regard to the Planning Obligation clause which requires the provision of habitat within the sites landscaping and buildings design, it being necessary to attach a condition which secures a landscaping scheme for the estate road to ensure linkages to individual sites landscaping as these come forward for consideration.
- 7.21 A condition is necessary to ensure that a BREEAM pre-assessment is submitted with any reserved matters application for individual development plots within the site and that BREEAM 'Very Good' or whatever level of sustainable design is demonstrated to be viable and feasible is achieved, having regard to an overriding requirement for new habitat provision within development plots over and above other BREEAM requirements.
- 7.22 In respect of renewable energy, there is no consideration in the submission of the potential for small scale hydro power generation from the River Rother as required by Core Strategy policy CS5. However, a condition can be applied to require the investigation of feasibility and ecological impacts prior to any reserved matters being submitted, in order that reserved matters and submission for compliance with the necessary sustainable design condition (BREEAM) can take account of the feasibility of such a source of renewable energy.

- 7.23 It is a realistic prospect that the site can be developed at the reserved matters stage in accordance with current national and local planning policies in respect of design, having regard to Core Strategy policies CS2, CS6, CS7, CS18 and CS20 and the NPPF.
- 7.24 The Applicant has agreed to make a contribution to the provision of public art up to 1% of the potential development cost of the development in accordance with Core Strategy policy CS18.
- 7.25 The development should not prejudice the localities visual amenity, nor prejudice nearby business operations and amenity as a result of noise, dust, vibrations and odour on the basis that: - there appears to be no particularly sensitive adjoining land uses and a condition can be applied to require an assessment of the impact on adjoining occupier's amenity in respect of noise, dust, vibrations and odour having regard to hours of opening and site layout at the reserved matters stage for any B2 and B8 uses. B1 uses are unlikely to require such control.
- 7.26 In respect of residential amenity and Breck Farm to the west, Hawthorn Hill Farm to the north west and the housing development to the east of Eckington Road, the operational and construction phase of the development is unlikely to have a significant adverse effect on amenity, or indeed prejudice a good standard of residential amenity, on the basis that: - separation distances are likely to be sufficient to obviate the need for controls on noise, dust, odour and vibrations from B2 and B8 businesses.
- 7.27 Furthermore, whilst there is some potential for an increase in noise from HGV movements on Eckington Road to the detriment of residential amenity if at night (i.e. between the hours of 11pm and 7am); the Council's Senior Environmental Health Officer (SEHO) has not recommended a limitation on the hour's of use. Consequently an hour's of use limitation is not recommended for the sake of residential amenity. Having regard to the Noise Assessment submitted for the minerals planning application CM2/0911/81 in Section 2.1 of the Environmental Statement, the SEHO's conclusion would appear to be reasonable.
- 7.28 The SEHO recommends the use of conditions to ensure that the impact on local amenity in respect of noise, dust, odour and vibrations during the construction phase of the development is not adverse. Such a condition is appropriate to ensure that the development is in accordance with Core Strategy policy CS2 and paragraphs 120 to 123 of the NPPF.

7.29 The development can be adequately screened by existing vegetation and also landscaping at the reserved matters stage to avoid a significant and adverse effect on landscape character, having regard to the Landscape Character Assessment for Derbyshire. There is unlikely to be any significant adverse landscape impacts from the necessary amelioration of ecological impacts as a result of negotiation between Derbyshire County Council and the developer. In this respect the proposal would not conflict with Core Strategy policy CS9 and the NPPF. Similarly there would be not be a significant adverse effect on the visual amenity of the green belt which is designated around and outside the sites North, West and North East boundaries in accordance with Core Strategy policy CS2 and the NPPF.

6. Flood Risk and Drainage

7.30 The proposal is submitted on the basis of the approval of and implementation of minerals development CM2/0911/81 which the Applicants Agent anticipates will result in the proposed industrial development being within flood risk zone 1.

7.31 The Environment Agency do not object to the development but do challenge the initially submissions claims that the development site will be within flood risk zone 1 only. The Environment Agency advise that subject to the minerals application being implemented (having regard to topographic surveys, hydraulic modelling, and recent observations contained with the Flood Risk Assessment within the Environmental Statement submitted with the minerals application CM2/0911/81) with remodelling of topography, the extent of indicative flood risk zones 2 and 3 will reduce within the site. However, they comment that the Flood Risk Assessment does not provide modelled data for a 0.1% (1 in 1000year) event and so disagree with that the site can be solely covered by flood risk zone 1 and that the Sequential Test should be applied.

7.32 The Applicant's Agent was requested on the 20th January 2014 for further information to address the Environment Agencies concerns. The response on the 22nd July 2014 was that the sites levels would be remodelled to ensure that the development platforms would be above 52m AOD (the level recommended by the Environment Agency in its consultation response).

- 7.33 Whilst the development does not meet the sequential test as submitted, contrary to Core Strategy policies CS2 and CS7, and the NPPF, a condition can be applied to ensure that levels are as recommended by the Environment Agency and proposed by the Applicant and so ensure that the development platforms would be in effect in a low risk area making the application of the Sequential Test unnecessary. As such significant weight is given to the ability to require such topographical changes by condition as a material consideration, outweighing the conflict with the Development Plan and NPPF.
- 7.34 A condition is necessary to secure where it is possible to provide an Sustainable Urban Drainage system within the site (with separate foul and surface water systems) and to ensure that run off rates are acceptable and accord with Core Strategy policies CS4 and CS7 and the NPPF, the public sewer system not having the capacity to deal with additional discharge of surface water from the development. A condition is also necessary to protect Yorkshire Water Infrastructure which crosses the site (a sewer of 225mm diameter) in accordance with Core Strategy policies CS2, CS4 and CS8 and the NPPF.

7. Land Contamination and Land Stability

- 7.35 The proposal is submitted on the basis of the approval of and implementation of minerals development CM2/0911/81 which has had a preliminary risk assessment as part of the Environmental Statement.
- 7.36 However, the preliminary risk assessment does not appear to explicitly consider the sensitivity of the proposed employment development and states in paragraph 3.3 that;

Detailed development proposals for structures at the site will be submitted at a later date at which time it is likely that a Part III investigation will be required based upon the approach set out in the following and, in particular, the Materials Management Plan and Verification Report and the site Compaction Report, together with any limited intrusive investigation that might be deemed appropriate at the time.

- 7.37 The Phase I identifies the following existing potential sources of contamination:

- Historic deposits of colliery spoil
- Historic deposition of slag

- Recent manufacturing processes
- Off-site sources including landfill site and works

- 7.38 The phase I identifies potential pathways and also receptors, in particular 'intended users', but is not specific about nature of the end users.
- 7.39 The Phase I concludes that the minerals recovery development would remove potential sources of contamination but refers to a need for a phase II and III assessment in advance of any 'new built development work in the future' also makes an assumption that the forming of development platforms would take into account the possibility of ground gas migration.
- 7.40 Based on the information submitted a Phase I, Phase II and Phase III Land Contamination Assessment is necessary, specific to the proposed industrial development prior to any construction excavations commencing on the site to implement the industrial development. The Assessment is also necessary to inform any reserved matters application and the necessary assessments and any necessary mitigation or remediation will need to be conditioned at the outline stage.
- 7.41 Similarly the Coal Authority do not consider that a reliance on the minerals development being carried out and completed is sufficient assessment of land stability in respect of historical coal mining. They object on the basis that a coal mining risk assessment has not been submitted by the Applicant. The Applicant's Agent was asked for such an assessment by the LPA on the 20th January 2014 and the Applicant's Agent has not responded in writing to this request. Nevertheless, given that the majority of the site is likely to be re-instated ground it is unlikely that the site will prove to be undevelopable, and the estate road submitted unfeasible due to land stability problems and a condition would be appropriate to secure the necessary coal mining risk assessment and any necessary mitigation and/or remediation. The condition should apply early to ensure that reserved matters are informed by its findings.
- 7.42 Subject to conditions the development would not conflict with Core Strategy policies CS2 and CS8, and the NPPF in respect of land contamination and land stability.

7.43 **8. Other Materials Considerations**

7.44 Part of the development site appears to be used informally for 'off-roading' by vehicles. Such a use could be carried out under permitted development rights for a total of 28 days in any one calendar year. Such a use whilst likely to be meeting a recreational demand, one not readily met in all Local Authorities areas, is not protected by the Core Strategy or NPPF to a degree that would outweigh the proposals planning benefits in meeting the economic aims of the Development Plan and NPPF.

8.0 **REPRESENTATIONS**

8.1 2 representations have been received to date. The main issues raised are summarised below:

1. The development includes an overlap of land onto Fulwood Fabrications, where an access road to parking is currently situated. The proposal would appear to build the estate access road over the access track to the parking at Fulwood Fabrications. The development would not facilitate the use of the westerly parking area at Fulwood Fabrications.
2. Agreement with the design and access statement, as it accords with the Staveley and Rother Valley Area Action Plan.

Officer Comment:

8.2 The comment of support is noted but only limited weight should be given to it, as the site does not fall within the proposed boundary of the as yet to be adopted, Staveley and Rother Valley Area Action Plan DPD.

8.3 The concerns of the business Fulwood Fabrications, located on the easterly side of the proposed new access onto Farndale Road are of consequence, given that the proposal would appear to prejudice parking provision at the existing premises. The boundary of the applications red line was queried with the Applicant's Agent by the LPA on the 20th January 2014, alongside a request to ensure that the development did not prejudice the access and parking to Fulwood Fabrications. The Applicant's Agent has not replied on this matter other than to provide title deeds which appear to show

that the western access and parking at Fulwood Fabrications is in fact not on land owned by Fulwood Fabrications.

8.4 The parking provision at Fulwood Fabrications which is likely to be affected appears to have been provided in part to meet a planning condition on permission CHE/694/360 (condition No.3). The condition requires the spaces to be free from obstruction. It appears that there may be a private legal matter relating to the ownership of the land and the appropriateness of the parking spaces to meet the condition. However, the proposal will potentially prejudice parking for the existing business and this is a material planning disbenefit and a condition is necessary to ensure that the parking is not prejudiced and the proposed access arrangement modified to accommodate the use of the parking, the matter of ownership and access rights being a private matter.

9.0 CONCLUSIONS

9.1 The proposal would accord with the Development Plan and NPPF with the exception of not meeting the sequential approach to the location of development in relation to flood risk. However, there are other material considerations of sufficient weight to outweigh the conflict with planning policy and the ability to apply conditions and the Applicant to enter into a Planning Obligation to address flood risk.

9.2 Statement of Positive and Proactive Working With Applicants

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

9.4 The LPA has been sufficiently proactive and positive in proportion to the nature and scale of the development applied for, the LPA providing the Applicant with an opportunity to address deficiencies in supporting information, and carefully considering the use of conditions and Planning Obligations to address outstanding issues.

10.0 HUMAN RIGHTS ACT 1998

10.1 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

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

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

10.4 The applicant has a right of appeal against any conditions imposed.

11.0 RECOMMENDATION

10.1 To **delegate the GRANT** of permission to the Development Management and Conservation Manager on the basis of the recommended conditions and on the completion of a Planning Obligation covering the following heads of terms:

1. Development prevented until permission granted for CM2/0911/81 and the relevant on site and off-site amelioration works have been completed in respect of topography changes, flood risk, drainage, biodiversity, land contamination, land stability and provision of a permanent bridge over the River Rother.
2. Biodiversity compensation and enhancement within the development site.
3. Contribution in lieu for Monitoring and Improvements at junction of Hall Lane and Eckington Road

4. Scheme of speed surveying and assessment of speed mitigation measures on Eckington Road to the north of its junction with Farndale Road.
5. Public Art Contribution up to 1% of the total development cost

Conditions

1. Approval of the details of the access (internal circulation), scale, 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 all the reserved matters shall be made to the Local Planning Authority before the expiration of ten years from the date of this permission.
3. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the matters reserved by this permission for subsequent approval by the Local Planning Authority, or in the case of the approval of such matters on different dates the date of the final approval of the last of such matters to be approved
4. The permission hereby granted does not permit B1(a) office development unless ancillary to other land uses. There shall be no development within the site which has a primary use of B1(a) office, any B1(a) office use.
5. Prior to the submission of any reserved matters, a biodiversity provision and management scheme to include details of all measures to ensure the provision and protection of a linked network of habitats within the site and subsequent management of this shall be submitted to the Local Planning Authority in writing. The scheme should demonstrate a clear net gain for biodiversity (in the region of 1.76ha of open mosaic habitat) is possible subject to the development of individual plots and should also include details of the proposed long term monitoring and management of all new habitats and features within the linking habitat, including any necessary restoration or replacement where habitats and features are not established successfully or are damaged or lost. No material operation to start development shall commence until the scheme has been approved in

writing by the Local Planning Authority and the development shall be implemented and the habitats managed in accordance with the approved scheme.

6. With every submission of reserved matters specific to an individual development plot on the site, a scheme of biodiversity provision and management for the individual plot for which approval of reserved matters is sought, shall be submitted to and approved in writing by the Local Planning Authority. No material operation to start development of the associated individual plot shall commence until the scheme has been approved in writing by the Local Planning Authority. The development of the associated individual plot shall be implemented in accordance with the approved scheme and also the habitats managed and maintained in accordance with the approved scheme.
7. Prior to the submission of any reserved matters, plans showing existing and proposed levels of the site and development platforms, demonstrating that the developable area of the site will be above the necessary level to be within Environment Agency Flood Risk Zone 1, in this instance no lower than 52m AOD. The levels shall be submitted to and approved by the Local Planning Authority and the development shall be carried out in accordance with the approved levels.
8. Prior to the submission of any reserved matters, the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved in writing by the Local Planning Authority:
 - 1) A preliminary risk assessment which has identified:
 - All previous uses
 - Potential contaminants associated with those uses
 - A conceptual model of the site indicating sources, pathways and receptors
 - Potentially unacceptable risks arising from contamination at the site
 - 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A validation certificate providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.

9. Prior to the submission of any reserved matters a coal mining risk assessment for the development and a scheme of necessary remediation or mitigation shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with any necessary remediation and mitigation identified in the scheme so approved.
10. Prior to the submission of any of the reserved matters a feasibility study of the potential for renewable energy generation from the River Rother for the development, shall be submitted to and approved in writing by the Local Planning Authority.
11. Concurrently with the submission of any reserved matters a BREEAM pre-assessment shall be submitted demonstrating how the individual plots of the development will achieve BREEAM 'Very Good'. If a 'Very Good' rating is not viable or feasible, evidence demonstrating the constraints and that the highest viable and feasible level of sustainable design will be achieved shall be submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
12. Prior to development of the element of the access road hereby permitted commencing and concurrently with the submission of reserved matters of access (internal circulation), layout and 'landscaping' a scheme setting out the details (including engineering drawings) of the precise alignment, surfacing, levels, width, lighting, drainage, constructional specification and phasing of construction of the access to and within the development hereby permitted

demonstrating an adoptable standard and provision of pedestrian and cycle routes and also how the existing parking at 'Fulwood Fabrications' would not be prejudiced, shall be submitted to the Local Planning Authority in writing for its consideration. Development shall not commence until the scheme has been approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved scheme.

13. Prior to development commencing a scheme of speed surveying and assessment of visibility and need for speed mitigation measures on Eckington Road to the north of its junction with Farndale Road, shall be submitted to and approved in writing by the Local Planning Authority. Any mitigation measures found to be necessary shall be implemented prior to the first occupation of any premises within the development.
14. Prior to development of the foul and surface water drainage for the site commencing a scheme of foul and a sustainable system of surface water drainage shall be submitted to the Local Planning Authority in writing. Development shall not commence until the scheme has been approved in writing and the development shall be implemented in accordance with the approved scheme.
15. Prior to the implementation of any external lighting on the premises, a scheme shall be submitted to the Local Planning Authority in writing detailing the proposals for external lighting. The scheme to be submitted to the Local Planning Authority for its approval in writing shall contain the following information:
 - a) A site plan showing the proposed locations and heights of the luminaires;
 - b) Full details, including pictures, of the luminaires to be installed;
 - c) A site plan plotting the existing and predicted illuminance levels (Lux) across the site and both horizontal and vertical overspill outside the site boundary over neighbours rear amenity spaces and on selected facades of neighbouring dwellings and properties;
 - d) Details of the measures to be taken for the avoidance of glare;
 - e) Operating times.
 - f) Intensity of illumination and power of light sources
 - g) angle and direction of beam of light from luminaires

External lighting shall not be installed and used on the site unless it accords with the scheme so approved in writing by the Local Planning Authority.

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any Order revoking and re-enacting that Order, no extensions, no new hard surfacing and no means of enclosure and; no alterations to hard and soft landscaping and means of enclosure, shall be carried out without the permission of the Local Planning Authority.
17. Concurrently with reserved matters submissions for any B2 or B8 use premises within the site a noise assessment including any necessary mitigation measures such as hours of use limitations, taking into account traffic generation, shall be submitted to and approved in writing by the Local Planning Authority. The development of premises on the site shall be carried out in accordance with the specific measures so approved and retained as such thereafter.
18. Unless otherwise approved in writing by the Local Planning Authority construction work to implement the permission hereby granted shall only be carried out on site between 8:00am and 6:00pm Monday to Friday, 9:00am to 1:00pm on a Saturday and no work on a Sunday or Public Holiday unless otherwise approved in writing by the Local Planning Authority. The term "work" will also apply to the operation of plant, machinery and equipment

Reasons for Conditions

1. The condition is imposed in accordance with section 51 of the Planning and Compensation Act 2004
2. The condition is imposed in accordance with section 51 of the Planning and Compensation Act 2004.
3. The condition is imposed in accordance with section 51 of the Planning and Compensation Act 2004.
4. In the interests of the vitality of the Borough's centres and highway safety and to accord with policies CS2, CS13 and CS15 of the Chesterfield Local Plan: Core Strategy (2011-2031) and the National Planning Policy Framework.

5. In the interests of biodiversity provision and protection and to accord with policy CS9 of the Chesterfield Local Plan: Core Strategy (2011-2031) and the National Planning Policy Framework.
6. In the interests of biodiversity provision and protection and to accord with policy CS9 of the Chesterfield Local Plan: Core Strategy (2011-2031) and the National Planning Policy Framework.
7. In the interests of flood risk management and pollution control and to accord with policies CS2, CS7 of the Chesterfield Borough Local Plan: Core Strategy (2011-2031) and the National Planning Policy Framework.
8. In the interests of pollution control and to accord with policy CS8 of the Chesterfield Borough Local Plan: Core Strategy (2011-2031) and the National Planning Policy Framework.
9. In the interests of ensuring that the development and adjoining land is protected from land instability and to accord with the National Planning Policy Framework.
10. To secure where possible renewable energy provision in the interests of meeting national and local climate change and energy source resilience strategy aims and objectives and to accord with policy CS5 of the Chesterfield Borough Local Plan: Core Strategy (2011-2031) and the National Planning Policy Framework.
11. To secure sustainable design in the interests of meeting national and local climate change strategy aims and objectives and to accord with policy CS18 of the Chesterfield Borough Local Plan: Core Strategy (2011-2031) and the National Planning Policy Framework.
12. In the interests public safety and climate change mitigation, to achieve a safe and convenient access, and to accord with policies CS2, CS18 and CS20 of the Chesterfield Borough Local Plan: Core Strategy (2011-2031) and the National Planning Policy Framework.
13. In the interests public safety, to achieve a safe and convenient access, and to accord with policies CS2, CS18 and CS20 of the Chesterfield Borough Local Plan: Core Strategy (2011-2031) and the National Planning Policy Framework.

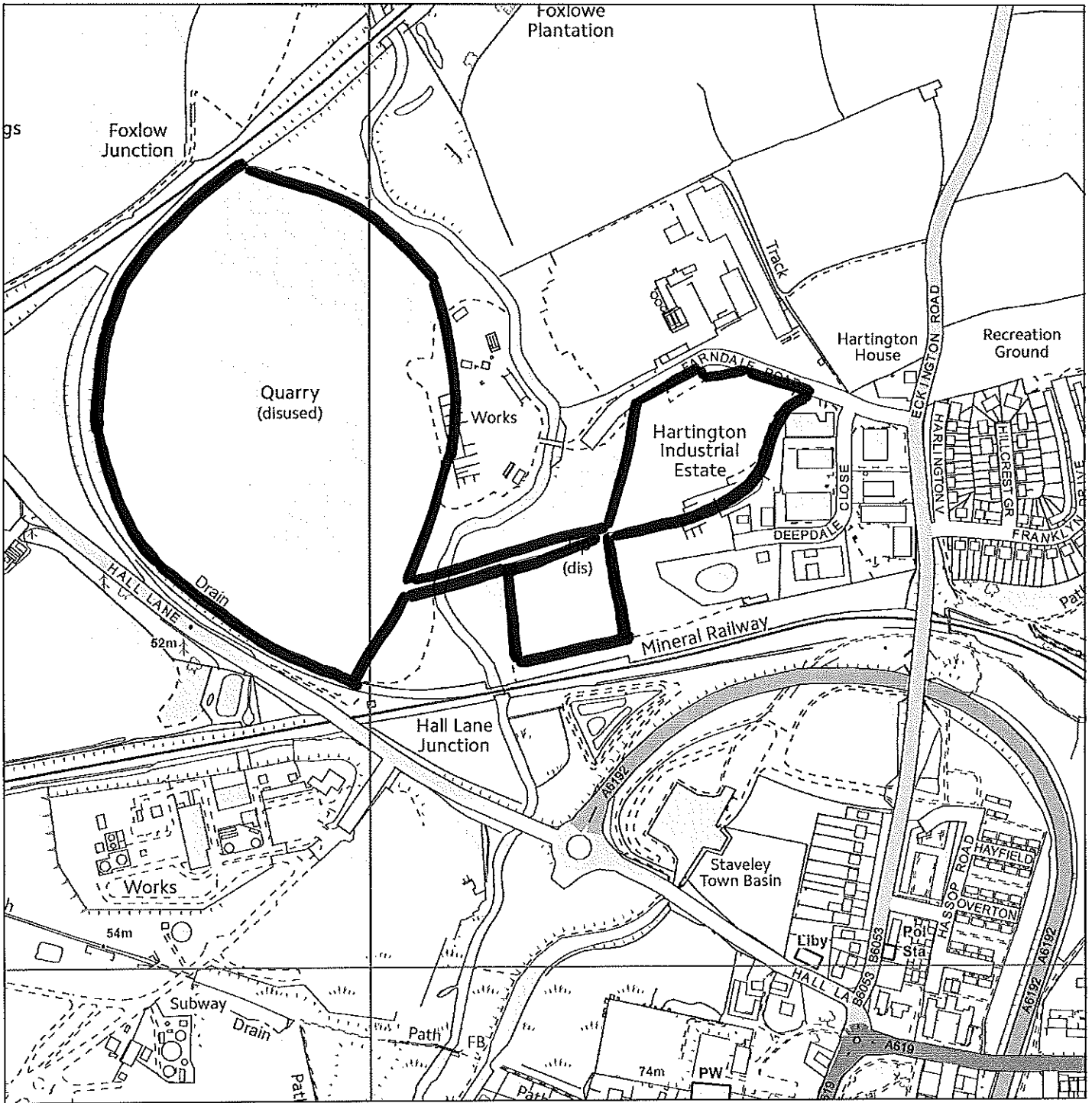
14. In the interests of pollution control and flood risk and to accord with policies CS7 and CS8 of the Chesterfield Borough Local Plan: Core Strategy (2011-2031) and the National Planning Policy Framework.
15. In the interests of biodiversity protection and visual amenity to accord with policy CS9 of the Chesterfield Local Plan: Core Strategy (2011-2031) and the National Planning Policy Framework.
16. In the interests of visual amenity, community safety and biodiversity protection and to accord with policies CS2, CS9 and CS18 of the Chesterfield Local Plan: Core Strategy (2011-2031) and the National Planning Policy Framework.
17. In the interests of pollution control and to accord with policy CS8 of the Chesterfield Borough Local Plan: Core Strategy (2011-2031) and the National Planning Policy Framework.
18. In the interests of pollution control and to accord with policy CS8 of the Chesterfield Borough Local Plan: Core Strategy (2011-2031) and the National Planning Policy Framework.

Informatives

01. The proposed development lies within a coal mining area which may contain unrecorded mining related hazards. If any coal mining feature is encountered during development, this should be reported to The Coal Authority. Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority. Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com
02. 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.
03. Pursuant to Section 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 are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.

04. Attention is drawn to the fact that, this permission is granted in conjunction with the completion of a separate planning obligation under Section 106 of the Town and Country Planning Act 1990 to which any developer should also refer.



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Case Officer: Lisa Howard
Tel. No: (01246) 345782
Ctte Date: 26th August 2014

File No: CHE/14/00491/FUL
Plot No: 2/313

ITEM 3

PHASE 1 – KITCHEN EXTENSION AND INTERNAL ALTERATIONS; PHASE 2 – CHILDRENS ROOM EXTENSION/TOILETS AT DUNSTON INN, DUNSTON LANE, CHESTERFIELD, DERBYSHIRE, S41 8HA FOR MANVESH ENTERPRISE LIMITED

Local Plan: Unallocated
Ward: Dunston

1.0 **CONSULTATIONS**

| | |
|------------------------|---|
| DCC Highways | No objection subject to no loss of parking. |
| Environmental Services | No objection subject to conditions relating to kitchen extraction equipment and the opening nature of proposed windows. |
| Ward Members | No comments received. |
| Neighbours/Site Notice | 13 no. representations have been received in addition to 1 no. petition containing 29 no. signatures. |

2.0 **SITE CONTEXT**

- 2.1 The application site occupies a corner plot between Kirkstone Road to the south and Dunston Lane to the east. The site comprises a detached two storey building that accommodates the Dunston Inn PH at ground floor, landlord accommodation at first floor and a detached single garage.
- 2.2 The PH is positioned towards the south eastern area of the plot orientated towards to the vehicular junction between Kirkstone Road and Dunston Lane. Vehicular access can be taken from either highway. As can be seen on the aerial photograph below,

areas of hard standing are located to the south east and northern areas of the site which serve to provide customer car parking.



3.0 **SITE HISTORY**

3.1 There is no planning site history relevant to the determination of this application.

4.0 **PROPOSED DEVELOPMENT**

4.1 This application seeks planning approval for the construction of a 2 phase development to accommodate a kitchen extension (Phase 1) and a children's play space (Phase 2).

4.2 The proposed extensions are to be single storey flat roof structures positioned along the north west facing elevation of the host building.

4.3 External building materials are to match those of the existing building.

5.0 **CONSIDERATIONS**

5.1 **Local Plan Issues**

5.1.1 The site that is the subject of the application lies in the built settlement of Dunston in an area that is predominantly residential in character. Having regard to the nature of the application proposals the development should be considered against policies CS18 of the Core Strategy and the wider National Planning Policy Framework as follows:

5.1.2 Policy CS18 of the Core Strategy states that all development should identify, respond and integrate with the character of the site and its surroundings and development should respect the local character and the distinctiveness of its context. In addition it requires development to have an acceptable impact on the amenity of neighbours.

5.1.3 In addition to the above, the National Planning Policy Framework was published March 2012. The Framework, which replaced all national Planning Policy Guidance Notes and Planning Policy Statements, places emphasis on the importance of good design stating:

'In determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area. Planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.'

5.2 **Amenity**

5.2.1 The application site is positioned in an area that is predominantly residential in character with neighbouring properties surrounding the site. As the proposed extensions are to be positioned on the northwest facing elevation of the building, the massing and scale of the extensions would have the greatest impact No.9 and No.11 Kirkstone Road.

5.2.2 No.9 and No.11 Kirkstone Road bound the application site to the south west. A case officer site visit confirmed that the site boundary which serves to separate No.9 and No.11 with the

application site is served by a timber fence measuring 1.8m in height. The proposed extension would comprise of a flat roof structure measuring 2.5m in height. At the closest point and at a length of approximately 2.8m the extension would sit approximately 1m from the shared boundary, with an increasingly greater distance thereafter.

- 5.2.3 2 no. windows are proposed to serve the children's room. Due to the proximity of these windows relative to No.9 and No.11 Kirkstone Road it is recommended that a condition is applied to ensure that these windows are non-opening in accordance with the recommendations of Environmental Services.
- 5.2.4 Having considered the scale and proportions of the proposed development in relation to No.9 and No.11 Kirkstone Road it is not considered that the development would cause significant injury to the residential amenity of these neighbouring properties, having regard to matters of privacy, overbearing impact and daylight/sunlight.
- 5.2.5 It is considered that sufficient distance would exist between the proposed extensions and neighbouring properties to the north, east and south to not cause significant injury in respect of massing, scale, overbearing impact, privacy or daylight/sunlight.
- 5.2.6 Concerns in respect of existing levels of anti social behaviour, noise and general disturbance encountered as a result of existing customers at the Dunston Inn have been noted. This is an existing matter which is controlled and managed under separate legislation. It is understood from the Council's Environmental Services team that these matters are currently being investigated and discussions are taking place to seek agreement on actions that can be undertaken to effectively address the concerns that have been raised.
- 5.2.7 The proposed extension would create additional floor space that would accommodate an internal children's play space and a kitchen extension. Providing the appropriate license is obtained, food could be served from the premises at present. Similarly, children can play outside and customers can sit outside. Taking account of these facts it is not considered that the extensions would generate significantly greater noise and disturbance than that already experienced and being monitored. Accordingly, it is

not considered that a reason for refusal on these grounds could be sustained.

5.2.8 Consideration has been given to the representations received. In the context of the provisions of Policy CS18 of the Core Strategy and the material planning considerations in relation to neighbour impact, it is not considered that the proposal would result in adverse harm to residential amenity and sufficiently accords with this policy.

5.3 **Design**

5.3.1 The application site occupies a prominent position and is open to public vantage points taken along Dunston Lane and Kirkstone Road. The proposed phased extensions are to be positioned along the northwestern elevation of the building which would make them visible to views outside of the site.

5.3.2 Nevertheless, it is considered that the proposed extensions are of an appropriate scale, siting and design such that the development would not appear intrusive or result in adverse harm to the character or appearance of the street scene and wider locality, in accordance with policy CS18 of the Core Strategy.

5.3.3 It is noted that external brickwork of the proposed extensions and window materials are to match those of the existing building. These materials are considered to be acceptable.

5.4 **Highways Issues**

5.4.1 Derbyshire County Council's Highways have been consulted on this application and have commented that no objection is raised subject to there being no loss of parking. Existing parking provision is to be retained. The extensions are not positioned such that they would cause an obstruction to the highway. Taking account of these comments the Council is satisfied that the development would not result in significant detriment to highway safety.

5.4.2 Specific concerns have been raised in respect of customers parking on the highway. There are no parking restrictions in place to prevent members of the public from parking along the highway. Car users that do not adhere to the Highway Code do so at their

own risk of enforcement action being taken by the Local highways Authority or the Police.

5.5 Other

5.5.1 The submitted plans make reference to 'Future Phase 3'. This application relates to Phase 1 and Phase 2 only. Any future development on the site would need to be the subject of a separate planning application that would be assessed against the relevant planning policies at that time and would be considered on its own merits.

5.5.2 Clarification has been sought in respect of the premises opening times. It is stated on the application form that the opening hours are as follows: Monday – Friday 12:00 – 22:30, Saturday 12:00 – 23:00 and Sunday 12:00 – 22:30. The license agreement that is already in place enables opening hours as follows: Monday to Saturday 10:00 – 01:30 and Sunday 12:00 – 00:30.

6.0 REPRESENTATIONS

6.1 A site notice was erected on a lamp post on Dunston Lane, adjacent to the application site on 22nd July 2014 and 11 no. neighbouring properties were notified in writing. At the time of preparing this report a total of 14 no. representations have been received; of which 7 no. raise objection to the scheme, 2 no. offer support, 1 no. neither objections or supports the development, 2 no. comprise emails from Daniel Sellers; 1 no. comprises a petition of 29 signatures in favour of the application, and 1 no. is a letter from the Applicant in response to the objections and concerns raised.

A full copy of each representation can be viewed on the application file, however for the purposes of planning committee the planning considerations are summarised as follows:

Points raised in **objection** to the application-

- Historical issues of excessive loud noise in the early hours of the mornings, drunken behaviour, fighting, local resident intimidation and litter would only increase and make life intolerable for local residents as a result of extending the premises;

- Flats roofs will invite children and teenagers to climb onto them, giving them closer access to the OAP bungalows to the rear;
- Extending the kitchen area will increase litter in the description of empty bottles, crisp bags, other food and drinks containers that can already be found on residents gardens on a regular basis;
- The present noise experienced from customers outside the Dunston Inn in the early hours of the morning affects quality of life; allowing these extensions will take the internal noises (particularly from the children's room) closer to the local residents;
- Cooking smells would permeate into neighbouring houses;
- The extensions will reduce the level of car parking on the site and attract more customers resulting in more damage to the existing car park and customers being forced to park on the road;
- Existing levels of noise and disturbance caused as a result of deliveries and the use of a fork lift truck on the site will only increase if permission were to be granted.

Comment: Concerns in respect of anti social behaviour, noise, litter and general disturbance encountered as a result of customers visiting the Dunston Inn have been noted. Matters of anti social behaviour and nuisance are controlled and managed under separate legislation. The concerns raised are understood to be historic and are currently being investigated by the Council's Environmental Services team. Discussions are taking place between Environmental Services and Manvesh Enterprise Ltd in order to seek an agreement on a plan of action to tackle the concerns that have been raised.

The proposed extensions are not to be located in such a position that would result in the loss of existing levels of onsite parking provision. No objection has been raised by Derbyshire County Council's Highways. Customers and other road users who choose to park along the highway are required to adhere to the Highway Code. Any car users that do not adhere to the Highway Code do so at their own risk of enforcement action being taken by the Local Highways Authority or the Police.

Submitted plans do not include details of kitchen extraction equipment. The Applicant has agreed to the application of a condition that requires details to be submitted and agreed prior to installation.

Points raised by the Landlord of the Dunston Inn in response to the objections that have been received are summarised as follows -

- In response to the smell of cooking, appropriate requirements to minimise the smell of food have been considered;
- The Landlord does have a fork lift truck licence; the fork lift truck is not driven in a public place and only at the rear of the pub when the pub is closed. This is on private property and does not pose a health and safety risk to anyone;
- Barrels are stacked in compliance with normal pallet levels;
- It is my intention to create a secure place to store and load barrels in order to alleviate any concerns regarding this. Without permission I will be unable to improve the current situation.
- I would refute comments made in respect of regular noise by welcoming noise abatement placing a noise level monitor at the premises for a week without my knowledge to assess the situation;
- I operate a zero tolerance to violence or drugs as my customers will vouch;
- The Police can verify that they have no concerns since my occupancy of the Dunston Inn;
- I am trying to create an up market venue for the benefit of the local community;
- Without development the property will remain linked to its current image and previous marred reputation.

Points raised in **support** of the application –

- Support that this property is to remain in use as a pub, in an age when many have closed;
- Since the new management strategies have been in place, this pub has greatly improved with the historical problems of previous tenants, which gave it a bad name, being dealt with;
- The assumption that all customers are noisy and aggressive, litter louts is totally objectionable;

- There are several other public houses and off licence facilities for people to obtain alcohol within walking distance; The Dunston Inn does not sell any types of cans.

Non planning matters -

- Residents experience regular disturbance and anti social behaviour as a result of existing customers at the Dunston Inn;
- There is a total disregard to health and safety. Beer kegs are stored on pallets three high with no barriers. A forklift truck is used to move pallets with no safety notices; and, children are left to play unsupervised;
- It is unbelievable that a public house that is already a blight on the community would be given planning permission to extend and become worse;
- What is phase 3?
- Clarification required in respect of the opening hours.

Comment: Concerns in respect of anti social behaviour, noise, litter and general disturbance encountered as a result of customers visiting the Dunston Inn have been noted. Matters of anti social behaviour and nuisance are controlled and managed under separate legislation. The concerns raised are understood to be historic and are currently being investigated by the Council's Environmental Services team. Discussions are taking place between Environmental Services and Manvesh Enterprise Ltd in order to seek an agreement on a plan of action to tackle the concerns that have been raised.

Submitted plans make reference to 'Future Phase 3'. This application relates to Phase 1 and Phase 2 only. Any future development on the site would need to be the subject of a separate planning application that would be assessed against the relevant planning policies at that time and would be considered on its own merits.

Clarification has been sought in respect of the premises opening hours. It is stated on the application form that the opening hours are as follows Monday – Friday 12:00 – 22:30, Saturday 12:00 – 23:00 and Sunday 12:00 – 22:30. The license agreement that is already in place enables opening hours as

follows: Monday to Saturday 10:00 – 01:30 and Sunday 12:00 – 00:30.

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.

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

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

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

8.2 Given that the proposed development does not conflict with the NPPF or with 'up-to-date' Development Plan policies, it is considered to be 'sustainable development' and there is a presumption on the LPA to seek to approve the application. The

LPA has used conditions to deal with outstanding issues with the development and has been sufficiently proactive and positive in proportion to the nature and scale of the development applied for.

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

9.0 **CONCLUSION**

9.1 Consideration has been given to all representations received. Matters of noise and anti social behaviour are controlled under separate legislation. It is apparent that steps are being taken by Environmental Services on existing issues. It is not considered that the proposed development would result in significantly greater harm to the residential amenity of nearby residential properties and a refusal on such ground could not be sustained. The proposal is of an acceptable design and scale and would not compromise parking standards or highway safety. Accordingly, the development demonstrates compliance with the provisions of policy CS18 of the Chesterfield Local Plan: Core Strategy 2011 – 2031 and the wider National Planning Policy Framework.

10.0 **RECOMMENDATION**

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

Conditions

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
02. All external dimensions and elevational treatments shall be as shown on the approved plans, with the exception of any approved non material amendment.
03. Notwithstanding the details on the approved plans, the windows that are shown to serve the Phase 2 development are to be non-opening and shall remain as such for the entirety of the development.

04. Prior to the installation of any kitchen extraction equipment, details of such equipment shall be submitted to and agreed in writing by the Local Planning Authority. The extraction equipment shall be installed in complete accordance with the details approved.
05. Development shall not commence until intrusive site investigations have been carried out by the developer to establish the exact situation regarding coal mining legacy issues on the site and approval for commencement of development given in writing by the Local Planning Authority. The investigation and conclusions shall include any remedial works and mitigation measures required/proposed for the site. Only those details which receive the written approval of the Local Planning Authority shall be carried out on site.

Reasons for Conditions

01. The condition is imposed in accordance with section 51 of The Planning and Compensation act 2004.
02. For the avoidance of doubt.
03. In the interests of protecting the residential amenity of nearby residential properties, having regard to policy CS18 of the Core Strategy.
04. In the interests of protecting the residential amenity of nearby residential properties, having regard to policy CS18 of the Core Strategy.
05. To fully establish the presence and/or otherwise of any coal mining legacy and to ensure that site is remediated, if necessary, to an appropriate standard.

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.

PLANNING COMMITTEE



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|----------------------------------|---|
| COMMITTEE/SUB | Planning Committee |
| DATE OF MEETING | 26 TH August 2014 |
| TITLE | DELEGATION |
| PUBLICITY | For Publication |
| CONTENTS | Items approved by the Group Leader, Development Management under the following Delegation references:- Building Regulations P150D and P160D, P570D P580D |
| 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:-

| | | |
|----------------------|-----------------|--------|
| Building Regulations | Malcolm Clinton | 345900 |
|----------------------|-----------------|--------|

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Decisions made under the Building Regulations

| | | | |
|---------------|---|------------------------|------------|
| 14/01143/OTHC | Other Works (Commercial) Replacement of fire damaged roof and minor alterations Dragon Engnies Ltd Henry Street Chesterfield Derbyshire S41 9BT | Conditional Approval | 24/07/2014 |
| 14/01083/DCC | Derbyshire County Council Replacement windows Great Hucklow CE Primary School Great Hucklow Buxton Derbyshire SK17 8RG | Decision Advice Notice | 23/07/2014 |
| 14/01084/DCC | Derbyshire County Council External tanking to perimeter of squash court Brough Park Leisure Centre Leek Staffordshire ST13 6AT | Decision Advice Notice | 23/07/2014 |
| 14/01182/DCC | Derbyshire County Council Forming new bedroom spaces through alteration of internal walls and replacement windows 64 Acorn Drive Belper Derbyshire DE4 3FW | Decision Advice Notice | 25/07/2014 |
| 14/01183/DCC | Derbyshire County Council Roof recover and upgrade of existing insulation Riddings Junior School Church Street Riddings Derbyshire DE55 4BW | Decision Advice Notice | 25/07/2014 |
| 14/01184/DCC | Derbyshire County Council Replacing single glazed aluminium windows with double glazed pvc units St Lukes CE (C) Primary School Spire Hollin Glossop Derbyshire SK13 7BS | Decision Advice Notice | 25/07/2014 |
| 14/01016/DCC | Derbyshire County Council Cantilever canopy to northern elevation of block 02 Parklands Infant School Derby Road Long Eaton Derbyshire NG10 4BJ | Conditional Approval | 25/07/2014 |
| 14/01112/DCC | Derbyshire County Council Ground floor toilet 29 Parks Avenue South Wingfield Derbyshire DE55 7NL | Decision Advice Notice | 23/07/2014 |
| 14/01113/DCC | Derbyshire County Council Replace existing timber doors and glazed panels with new insulated stud partition. Woodbridge Junior School Grange Street Alfreton Derbyshire DE55 7JA | Decision Advice Notice | 23/07/2014 |
| 14/01114/DCC | Derbyshire County Council External platform lift with excavation of existing bank and retaining wall and guarding and associated hard surfacing and level access 16 Colin Street Alfreton Derbyshire DE55 7HT | Decision Advice Notice | 23/07/2014 |
| 14/01170/DEX | Domestic Extensions/Alterations Single storey kitchen extension with associated internal alterations 20 Stuart Close Chesterfield Derbyshire S41 0SW | Unconditional Approval | 29/07/2014 |
| 14/01238/OTHC | Other Works (Commercial) Partial removal of part height partition; Closure of double door opening; Installation of new sink; General alterations Spire Infant And Nursery School Derby Road Birdholme Chesterfield Derbyshire S40 2EU | Conditional Approval | 29/07/2014 |
| 14/00763/DCC | Derbyshire County Council Refurbishment of Block 06 including works to: roof; external recladding; internal refit and rewire and upgrade fire doors and fire compartmentation Hasland Hall Community School Broomfield Avenue Chesterfield Derbyshire S41 0LP | Unconditional Approval | 28/07/2014 |
| 14/01087/DEX | Domestic Extensions/Alterations First Floor Extension to side of property 204 Walton Road Chesterfield Derbyshire S40 3BS | Conditional Approval | 01/08/2014 |
| 14/01167/DEX | Domestic Extensions/Alterations Single storey rear extension 125 Walton Road Chesterfield Derbyshire S40 3BX | Unconditional Approval | 23/07/2014 |
| 14/01044/DEX | Domestic Extensions/Alterations Single Storey Extension to Rear 37 Coupland Close Chesterfield Derbyshire S41 9TB | Conditional Approval | 23/07/2014 |

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Agenda Item 6

| | |
|----------------------------------|---|
| COMMITTEE/SUB | Planning Committee |
| DATE OF MEETING | 26 TH AUGUST 2014 |
| TITLE | DELEGATION |
| PUBLICITY | For Publication |
| CONTENTS | Items approved by the Group Leader, Development Management under the following Delegation references:- Planning Applications P020D, P200D to P250D, P270D to P320D, P350D to P370D, P390D, P420D to P440D Agricultural and Telecommunications P330D and P340D |
| 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:-

| | | |
|-----------------------|-----------------|--------|
| Planning Applications | Paul Staniforth | 345781 |
|-----------------------|-----------------|--------|

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Delegated List
Planning Applications

| Code No FileNo | Ward | Proposal | Decision | Decision Date |
|--|-------------------------------|---|-----------------|----------------------|
| CHE/14/00173/FUL 493 Lockoford Lane Chesterfield Derbyshire S41 | Moor | Installation of metal storage container (30 ft grey)for storage of additional equipment and engine test beds At Unit 4 and Unit 6 7JA For Mr Robert Kay | CP | 28/07/2014 |
| CHE/14/00241/FUL 3259 Chesterfield Derbyshire S40 4BY | West | Two storey extension to side and second storey extension above existing ground floor accommodation to rear together with loft conversions At 12 Hucknall Avenue For Mr and Mrs Goodwin | REF | 23/07/2014 |
| CHE/14/00266/FUL 3954 Chesterfield Derbyshire S41 0PZ | Hasland | Two storey side extension and detached garage At 123 Storforth Lane For Mrs D Bamford | REF | 29/07/2014 |
| CHE/14/00270/FUL 984 Eckington Road Staveley | Lowgates And Woodthorpe | Single storey extension to form two additional care bedrooms complete with en-suite bathrooms to existing care home. At Francis House | CP | 12/08/2014 |

Chesterfield
S43 3XZ

For
Francis House Ltd

13 August 2014

Page 1 of 14

| Code No FileNo | Ward | Proposal | Decision | Decision Date |
|---|------------------------------|--|----------|---------------|
| CHE/14/00292/DOC 51 78 Sheffield Road Stonegravels Chesterfield | St Helens | Discharge of Conditions Nos. 3, 4 and 5 of Planning Application No. CHE/13/00334/FUL - Single storey side extension comprising new dining area, kitchen and toilet facilities At St Helens Inn Derbyshire | SC | 30/07/2014 |
| S41 7LS | | For C/o Agent | | |
| CHE/14/00311/REM 544 Markham Lane Duckmanton Chesterfield | Hollingwood And Inkersall | Reserved matters application for CHE/0502/0312 - Construction of a Class B2/B8 unit with office space, and with associated landscaping, access and car parking arrangements At Plot 2 (North) Derbyshire | CP | 30/07/2014 |
| | | For Henry Boot Developments Ltd | | |
| CHE/14/00312/REM 2162 1721 146 - 150 Spital Lane | St Leonards | Variation of condition 2 of CHE/12/00780/REM - removal of footpath link from site layout At Land To The Rear Of and Including Chesterfield | CP | 06/08/2014 |
| Derbyshire | | For Wheeldon Brothers Ltd | | |

CHE/14/00318/FUL Walton

Extensions to side and rear of house to CP
create family room, laundry, wc,
garage and bedroom extension - Re-
submission of CHE/14/00007/FUL

06/08/2014

5570
Chesterfield
Derbyshire
S40 3DD

At
69 Moorland View Road

For
Mr I Whitley

13 August 2014

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| Code No FileNo | Ward | Proposal | Decision | Decision Date |
|--|-------------------------------|---|----------|---------------|
| CHE/14/00320/FUL 4417 Chesterfield Derbyshire S40 2ND | Rother | Proposed loft conversion raising ridge height and front 2 storey extension. Add adding gables plus 3 rear dormer windows. At 159 Boythorpe Road For Mr and Mrs Burton | REF | 23/07/2014 |
| CHE/14/00323/FUL 4622 Thompson Street Chesterfield Derbyshire | Moor | Construction of 2 No industrial units and associated car parking, landscaping and road entrance At Car Park Adjacent To For Mr James Wright | CP | 05/08/2014 |
| CHE/14/00345/FUL 2146, 4968 Renishaw Road Chesterfield Derbyshire S43 | Lowgates And Woodthorpe | Demolition of existing structurally unstable farm house and erection of new build dwelling At Holbrook Farm 3DW For Mrs Anna Miller | CP | 12/08/2014 |
| CHE/14/00357/FUL 6488 Chesterfield Derbyshire S40 3NB | West | Erection of six cat pens and use of premises as a cattery At 55 Yew Tree Drive | CP | 06/08/2014 |

For
Miss Josephine Fisher

CHE/14/00362/FUL St Leonards Erection of two pairs (four) semi CP
detached dwellings with off street parking

05/08/2014

1198
Pond Street
Chesterfield
Derbyshire

At
Land At

For
ACE Developments Limited

13 August 2014

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| Code No FileNo | Ward | Proposal | Decision | Decision Date |
|--|-------------|---|----------|---------------|
| CHE/14/00363/FUL 5256 Chesterfield Derbyshire S40 3QL | West | Ground floor extension At 161A Old Road For Mr and Mrs Barker | CP | 01/08/2014 |
| CHE/14/00364/COU 271 Lockoford Lane Chesterfield Derbyshire S41 7JB | Moor | Use of existing vacant employment unit as warehouse for trade sales only At Unit 3 For Sally Salon Services Limited | CP | 05/08/2014 |
| CHE/14/00367/REM 166 Ravenside Retail Park Park Road Chesterfield Derbyshire S40 1TB | St Leonards | Variation of condition 2 of CHE/13/00527/FUL to extend the permitted range of goods At Unit 4 For Ravenside Investments Ltd | CP | 24/07/2014 |
| CHE/14/00368/FUL 3683 Chesterfield Derbyshire S40 3PG | West | Demolition of garage, alterations and extension At 19 Brookside Glen For Mr Alex Rach | CP | 29/07/2014 |
| CHE/14/00371/FUL | St Helens | Single storey rear extension to rear of | CP | 29/07/2014 |

6427
Chesterfield
Derbyshire
S41 7HP

property
At
2 Enfield Road

For
Mr Carl Robinson

13 August 2014

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| Code No FileNo | Ward | Proposal | Decision | Decision Date |
|--|-------------|--|-----------------|----------------------|
| CHE/14/00372/FUL 530 Newbold Road Chesterfield Derbyshire S41 | Linacre | Extension to existing menage and erection of additional floodlights At Over Newbold Farm 9RP For Mrs H Hardy | CP | 24/07/2014 |
| CHE/14/00375/RET 857 Chesterfield Derbyshire S41 7SA | St Leonards | Retention of smoking shelter At 21-23 Holywell Street For Mr Giacchino Livoti | UP | 06/08/2014 |
| CHE/14/00376/FUL 5720 Chesterfield Derbyshire S40 3QB | West | Proposed two storey extension to rear of house At 90 Storrs Road For Mr P Clayton | CP | 24/07/2014 |
| CHE/14/00379/FUL 23 Chesterfield Derbyshire S41 0EZ | St Leonards | Demolition of existing outhouse and erection of two storey extension At 20 Stanley Street For Mrs Rachel Moles | CP | 30/07/2014 |
| CHE/14/00382/FUL 1357 67 York Street | Hasland | Rear extension to first floor flat At Top Flat | REF | 05/08/2014 |

Chesterfield
Derbyshire
S41 0PN

For
B H Developments

13 August 2014

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| Code No FileNo | Ward | Proposal | Decision | Decision Date |
|--|---------------------------------------|---|----------|---------------|
| CHE/14/00390/DOC 32 Chesterfield Derbyshire S43 2NS | Barrow Hill And New Whittington | Discharge of conditions 2 (bat mitigation), 4 (obscure glazing), 8 (parking spaces) and 15 (external elevational treatments) of CHE/13/00711/FUL -Re - submission for CHE/12/00735/FUL - Conversion of three existing dwellings to seven flats to include demolition of small brick outbuildings. The garden will be landscaped At 1 - 3 Cavendish Place For Chatsworth Settlement Trustees | DPC | 28/07/2014 |
| CHE/14/00394/FUL 308 Chesterfield Derbyshire S40 4DN | West | Extension to existing garage At 9 Pine View For Mr and Mrs Twigg | CP | 25/07/2014 |
| CHE/14/00398/DOC 561 Chesterfield Derbyshire S40 2AP | Holmebrook | Discharge of conditions 7 (travel plan) and 9 (BREAM) of CHE/10/00566/FUL - Demolition of existing property. Construction of new build residential accommodation, consisting 12 flats. Ancillary training rooms and offices to ground floor - revised plans received 17/11/2010 At 117 - 119 Chatsworth Road For Home Group | DPC | 28/07/2014 |

| Code No FileNo | Ward | Proposal | Decision | Decision Date |
|--|-------------------------------|--|----------|---------------|
| CHE/14/00400/FUL 2538 Chesterfield Road Brimington Chesterfield S43 1DQ | Hollingwood And Inkersall | New link building between Bottom and Middle lodge to provide a dining area. Conversion and first floor extension to the boiler house to provide 4 additional ensuite bedrooms and a new single storey lean to building along the existing garden wall to provide 4 additional ensuite bedrooms At Ringwood Hall Derbyshire For Lyric Hotels Ltd | CP | 01/08/2014 |
| CHE/14/00405/FUL 1681 Chesterfield Derbyshire S40 1LN | Brockwell | Extension to first floor bathroom to front of property At 34A Clarence Road For Mrs Sylvia Richards | CP | 11/08/2014 |
| CHE/14/00407/ADV CP 5735 Su12 19 Vicar Lane Chesterfield Derbyshire | St Leonards 30/07/2014 | Fascia and hanging sign At Clintons Cards S40 1PY For Clintons | | |
| CHE/14/00411/DOC | Dunston | Discharge conditions 3, 4, 5, 7, 8 and 9 of CHE/13/00380/FUL - Single storey extension, external alterations, | DPC | 28/07/2014 |

elevational changes, installation of
plant, external lighting and associated
external works

At
Goldminers Arms

4141
Littlemoor
Chesterfield
Derbyshire
S41 8QQ

For
Mr Henry Plant

13 August 2014

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| Code No FileNo | Ward | Proposal | Decision | Decision Date |
|--|-----------|--|----------|---------------|
| CHE/14/00412/FUL 3204 Chesterfield Derbyshire S40 4AS | Brockwell | Detached garage to rear At 35 Holmebank West For Mr Michael Jackson | CP | 06/08/2014 |
| CHE/14/00414/DOC 530 Newbold Road Chesterfield Derbyshire S41 8AG | Linacre | Discharge of Conditions - Planning Application No. CHE/14/00056/FUL (2 No. extensions to form 1 No. new classroom/workspace and extend 1 No. existing school hall) At St Marys R C High School For St Mary's R C High School | DPC | 31/07/2014 |
| CHE/14/00415/DEM 513 107 Saltergate Chesterfield S40 1SX | Brockwell | Proposed demolition of former Saltergate Medical Centre and Marsden Street Clinic Buildings (2 x rectangular blocks, mainly single storey brick built buildings with slate roofing and basement level. Three small outbuildings/portakabin to be removed At Former Saltergate Health Centre Derbyshire For Homes and Community Agency | PANR | 31/07/2014 |
| CHE/14/00417/FUL 07/08/2014 | Moor | Replacement of existing security shutters At | CP | |

1208
360 Sheffield Road
Whittington Moor

Asda Stores LTD

Chesterfield

Derbyshire
S41 8JZ

For
Asda Stores

13 August 2014

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| Code No FileNo | Ward | Proposal | Decision | Decision Date |
|---|-------------|--|----------|---------------|
| CHE/14/00418/TPO 2452 Chesterfield Derbyshire S41 0JF | Hasland | 1 x Oak Tree - Crown thin 15% and 5.2 Crown Lift At 58 Mansfield Road For Mr K Singh | CP | 29/07/2014 |
| CHE/14/00419/FUL 4959 Chesterfield Derbyshire S41 8AA | Dunston | Re-submission of CHE/13/00274/FUL - REF Proposed garage and conservatory extension, re-submission of CHE/13/00274/FUL with reduced height being 1m lower than existing ridge plus added tree screen planting At 589 Newbold Road For Mr David Downing | REF | 07/08/2014 |
| CHE/14/00420/DOC 1601 Alma Leisure Park Derby Road Chesterfield Derbyshire | St Leonards | Discharge of condition 3 (details of kitchen extraction equipment)of CHE/14/00029/COU - Change of use of Unit 2 (former Blockbuster unit) from Use Class A1 (retail) to Use Class A3 (restaurants and cafes) with ancillary takeaway. At Unit 2 S40 2EZ For Nando's Chickenland Ltd | DPC | 28/07/2014 |
| CHE/14/00428/FUL | St Helens | Overclad the 1960's section of the south block at Chesterfield College to improve the thermal performance of the building and to improve the aesthetic. | CP | 06/08/2014 |

3483
Infirmery Road

At
Chesterfield College of Technology & Arts

Chesterfield

Derbyshire
S41 7NG

For
Chesterfield College Of Technology

13 August 2014

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| Code No FileNo | Ward | Proposal | Decision | Decision Date |
|---|------------------------------|--|----------|---------------|
| CHE/14/00430/FUL 3773 Hasland Chesterfield S41 0NP | Hasland | First floor rear extension above an existing single storey extension comprising bedroom extension en-suite and wardrobe. At 11 Burgess Close For Mr Chris Hand | CP | 12/08/2014 |
| CHE/14/00446/TPO 1668 Walton Chesterfield Derbyshire S40 2DB | Walton | 3 horse chestnut trees that have been pollarded before. Two are to be re-pollarded and one heavily pollarded due to poor condition At 1 Hillside Drive For Mrs Janet Crellin | CP | 30/07/2014 |
| CHE/14/00447/DOC 1562 Tom Lane Chesterfield Derbyshire | Hollingwood And Inkersall | Discharge of planning conditions 7, 8, 9, 10 and 11 for CHE/13/00420/FUL At Land To West Of Duckmanton and North Of | DPC | 31/07/2014 |
| CHE/14/00463/TPO 1538 93 Newbold Road Chesterfield Derbyshire | St Helens | 1 x Pine - crown lift by removing the first five lower branches and reducing one branch growing towards the building At Carrick Veterinary Group | CP | 30/07/2014 |

S41 7PS

For
Mrs Julie Mullan

CHE/14/00465/FUL Brockwell

Proposed side and rear single storey CP
extension to form sun room, w.c., porch
and store

12/08/2014

1439
Chesterfield
Derbyshire
S40 4EQ

At
4 Beechdale Close

For
Mr Gino Mercuri

13 August 2014

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| Code No FileNo | Ward | Proposal | Decision | Decision Date |
|---|----------------------------------|--|----------|---------------|
| CHE/14/00467/TPO 1140 Staveley Chesterfield Derbyshire S43 3UX | Middlecroft And Poolsbrook | Sycamore tree - prune (25%) and shape At 40 High Street For Mrs Denise Marsden | SC | 05/08/2014 |
| CHE/14/00482/TPD 693 Chatsworth Road Chesterfield Derbyshire S40 | West | Erection of an orangery At York House 3PE For Mr and Mrs Hamshaw | PANR | 28/07/2014 |
| CHE/14/00484/TPO 5240 Chesterfield Derbyshire S41 0LW | Hasland | T1 Oak crown lift 4.2 m and thin by 20% At 59 The Green For Mr Robert Elvin | CP | 30/07/2014 |
| CHE/14/00488/TPD Chesterfield Derbyshire S40 1JE | West | Single storey rear extension with flat roof At 4 Rockingham Close For Mr and Mrs F Barlow | PANR | 04/08/2014 |
| CHE/14/00502/DOC | Brimington North | Discharge of conditions (samples) for CHE/13/00176/FUL - Proposed new dwelling with parking facility including altered car parking and garden provision | DPC | 28/07/2014 |

2982
Chesterfield
Derbyshire
S43 1DF

At
117 Ringwood Road

For
Property Plus

13 August 2014

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| Code No FileNo | Ward | Proposal | Decision | Decision Date |
|--|---------------------------------------|---|----------|---------------|
| CHE/14/00503/TPD Chesterfield Derbyshire S43 2NW | Barrow Hill And New Whittington | Extension to existing dining room, rear of the property, single storey. Built in keeping with existing At 15 Hill Grove For Bev Hilton | PANR | 04/08/2014 |
| CHE/14/00504/EIA 01/08/2014 3037 Rectory Road Chesterfield Derbyshire | Hollingwood And Inkersall | Residential - led mixed use development of up to 400 new homes, up to 500sqm of retail/commercial development (A class uses), provision of public open space, play facilities, public footpath network and green infrastructure At Land To South Of Tom Lane and West Of Duckmanton For Mr Tim Farley | | CP |
| CHE/14/00509/TPO 3994 The Green Chesterfield Derbyshire S41 | Hasland | T1 Horsechestnut tree - remove one diseased branch At Hasland Junior School 0LN For Derbyshire County Council | CP | 29/07/2014 |
| CHE/14/00514/REM | Hollingwood And Inkersall | Variation of condition 14 for CHE/13/00539/OUT- to enable working on a Sunday At | CP | 12/08/2014 |

1017
Markham Lane
Duckmanton

Plot 7 M1 Commerce Park

Derbyshire

S44 5HP

For

13 August 2014

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| Code No FileNo | Ward | Proposal | Decision | Decision Date |
|---|---------|--|----------|---------------|
| CHE/14/00523/DOC 1319 554 - 568 Chatsworth Road Chesterfield | West | Discharge of condition 18 of CHE/11/00223/FUL - construction of three new detached houses and garages with shared drive accessed from Oakfield Avenue at land to rear of 554 - 568 Chatsworth Road At Land To Rear Of Derbyshire For Mr Rockie White | DPC | 31/07/2014 |
| CHE/14/00530/TPO 1664 Boythorpe Crescent Chesterfield Derbyshire S40 | Rother | T1 - Clear stem to first major branches. T2 - Crown lift to low level ridge height 1.5 m crown lift growth towards chimney. At East Lodge 2NX For | CP | 05/08/2014 |
| CHE/14/00534/TPO 946 18 Lancaster Road Chesterfield Derbyshire S41 8TR | Dunston | Ash - Branches breaking out. Repollard. Sycamore - crown thin. Branches growing towards garage. Growing over garage. At Cotswold For Mr Peter Ashton | CP | 05/08/2014 |
| CHE/14/00535/CPO | Dunston | Delivery and installation of metal storage container on the rear of the school for storage purposes | OC | 07/08/2014 |

314
Dunston Lane
Chesterfield
Derbyshire

At
Dunston Primary School

S41 8EY

For
Derbyshire County Council

13 August 2014

Page 13 of 14

| Code No FileNo | Ward | Proposal | Decision | Decision Date |
|--|------------------------------|---|----------|---------------|
| CHE/14/00539/NMA 1017 M1 Commerce Park Markham Lane Duckmanton | Hollingwood And Inkersall | Non material amendment to CHE/13/00846/REM - Additional areas of render to the south and east elevations At Plot 7 Chesterfield Derbyshire S44 5HB For Marston's Inns and Taverns | UP | 12/08/2014 |
| CHE/14/00545/TPO Chesterfield Derbyshire S40 3LA | West | Felling 2 died Larch trees within G20 At 19A Somersall Lane For Dr David Lyons | CP | 29/07/2014 |
| CHE/14/00548/TPO 2905 Chesterfield Derbyshire S41 0LW | Hasland | Oak - crown lift to 5.2 metres, crown clean and clear telephone wires At 55 The Green For Mrs Jean Godhard | CP | 06/08/2014 |
| CHE/14/00573/TPO Rothey Grove Chesterfield Derbyshire | Linacre | Removal of one dangerous Ash tree in woodland At Woodland To North Of For Mr Wood | UP | 12/08/2014 |

| | |
|----------------------------------|---|
| COMMITTEE/SUB | Planning Committee |
| DATE OF MEETING | 26 TH AUGUST 2014 |
| TITLE | DELEGATION |
| PUBLICITY | For Publication |
| CONTENTS | Items approved by the Group Leader, Development Management 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/14/00509/TPO TPO 4901.248 29/07/14 | The removal of one dying lower branch on one Horsechestnut reference T3 on the Order map for Mr Derek Harrison on behalf of Derbyshire County Council. The tree is at Hasland Junior School and the dying branch is in the children's play area and needs removing for safety reasons. | Consent is granted to the removal of one lower branch growing towards Hasland Junior School pruning back to the main stem. |
| CHE/14/00545/TPOEXP TPO 4901.43 29/07/14 | The felling of two dead Larch trees within G20 on the Order map for Dr David Lyons of 19a Somersall Lane. The trees are within a large group of Larch trees to the rear of the property. | Consent is granted to the felling of 2 dead Larch trees. The duty to replant has been dispensed with on this occasion due to other trees in the local vicinity and no loss of amenity to the area. |
| CHE/14/00418/TPO TPO 4901.160 29/07/14 | The pruning of one Oak tree reference T15 on the Order map for Mr Singh of 3 Challands Close, Hasland. The tree is located in the rear car park of The Spar, Mansfield Road, Hasland and low over the garden of the neighbouring property and blocking out light. | Consent is granted to the crown lifting of the lower branches by 4.5 metres from ground level and crown thinning by 15% to allow more light to filter through into the garden space. |
| CHE/14/00446/TPO | The pruning of 3 Horsechestnut trees reference T9-T11 on the Order map for | Consent is granted to the re-pollarding of 3 trees pruning back to just above old pruning |

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| <p>TPO 4901.15 30/07/14</p> | <p>Precision Tree Care on behalf of Mrs Crellin of 1 Hillside Drive, Walton.</p> | <p>cuts. T11 will require a heavier pollard due to dead wood and die back of the crown pruning back into sound wood.</p> |
| <p>CHE/14/00463/TPO TPO 4901.259 30/07/14</p> | <p>The pruning of one Pine tree reference T2 on the Order map for Mrs Mullan on behalf of Carrick Vets at 93 Newbold Road. The tree is low over the footpath, lawn and driveway.</p> | <p>Consent is granted to the crown lifting of one Pine tree by removing the first 5 lower branches back to the main stem and the reduction of one lower branch by 1.5 metres growing over the footpath.</p> |
| <p>CHE/14/00484/TPO TPO4901.160 30/07/14</p> | <p>The pruning of one Oak tree reference T32 on the Order map for Mark Whatley Tree Services on behalf of Mr Robert Ewin of 59 The Green Hasland.</p> | <p>Consent is granted to crown lift the tree by 5.2 metres over the public highway and 4.5 metres over the front garden. Consent is also granted to crown thin the tree by 20% to allow more light to filter through and remove any dead wood.</p> |
| <p>CHE/14/00467/TPO TPO 4901.152 040814</p> | <p>The crown reduction of one Sycamore reference T190 on the Order map for LT Horticulture on behalf of Mrs D Marsden of 40 High Street, Staveley. The tree is allegedly causing debris to fall onto the roof and into the guttering.</p> | <p>Consent is refused to the crown reduction of one Sycamore by 25% because the tree has been inspected and is considered to be in sound condition with no visible defects or signs of instability. It is a tree of special amenity value being in a very prominent position in the street scene and within the Staveley Conservation Area.</p> <p>The works are considered to be excessive and would reduce the visual amenity value of the tree. Whilst it accepted that the location of the tree does cause some debris</p> |

| | | |
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| | | <p>to fall onto the roof and into the guttering it is not considered to be unreasonably burdensome and does not justify a reduction of the crown.</p> <p>Likewise the dropping of minor debris, insect residue and leaf fall is a natural and normal occurrence and not a sufficient reason to justify the crown reduction of the tree.</p> <p>It is considered that a crown reduction is an excessive action in order to overcome the perceived problems and it is further considered that a degree of pruning to reduce branches growing towards the building is more acceptable along with other pruning operations such as crown lifting and crown thinning to reduce the leaf density. Consent is therefore granted to the reduction of branches growing towards 40 & 42 High Street to give a maximum 2 metres clearance from the building structure pruning back to suitable replacement branches.</p> <p>Crown lift to 5.2 metres from ground level leaving a well balanced crown.</p> |
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| | | Crown thin to a maximum of 25% throughout the crown which includes the pruning of the outer canopy to leave an even density of foliage around the tree rather than removing branches from the inner crown only. |
| CHE/14/00534/TPO TPO 4901.34 05/08/14 | The re-pollarding of one Ash tree reference T50 on the Order map for Mr Ashton of 18 Lancaster Road. The tree has recently lost one large old stem from the main crown. | Consent is granted to the re-pollarding of one Mature Ash tree back to the old pollarding points. |
| CHE/14/00530/TPO TPO 4901.332 05/08/14 | The pruning of one Lime reference T1 and one Copper Beech reference T2 on the Order map for Ace Developments Ltd at East Lodge, Boythorpe Crescent. The trees branches are low over the Lodge and yard entrance. | Consent is granted to the crown lifting of two trees to clear the building structure and stock yard entrance. |
| CHE/14/00548/TPO TPO 4901.160 06/08/14 | The pruning of one Oak tree reference T31 on the Order map for Mrs Godhard of 55 The Green, Hasland. The tree is low over the public highway. | Consent is granted to the crown lifting by 5.2 metres from ground level along with a crown clean to remove dead wood and clear telephone wires. |
| CHE/14/00485/TPO TPO 4901.169 13/08/14 | The pruning of two Lime trees reference T23 & T24 on the Order map for Mr Roy Willett on behalf of Mr Metham of 161 Walton Back Lane. The trees are allegedly blocking out light | Consent is granted to a 5 metres crown lift and the crown thinning by 20% to allow more light into the garden. |

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| | and low over the garden area. | |
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APPEALS REPORT

MEETING: PLANNING COMMITTEE
DATE: 26TH AUGUST 2014
REPORT BY: GROUP LEADER,
DEVELOPMENT MANAGEMENT

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, Director of Regeneration, 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
GROUP LEADER, DEVELOPMENT MANAGEMENT

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 345781.

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APPEALS

| <u>FILE NO.</u> | <u>APPLICATION CODE & 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> |
|------------------------|---|-------------------------|---|--|------------------------|-----------------------------------|---------------------------------|
| 2/319 | CHE/12/00785/FUL West ward | Tesco Stores Ltd | Crispin – extension | Planning Committee Refusal against officer advice | 30/4/13 | Inquiry 15/07/14 – 17/07/14 | |
| 2/319 | CHE/12/00786/FUL West ward | Tesco Stores Ltd | Crispin – External Alterations | Planning Committee Refusal against officer advice | 30/4/13 | Inquiry 15/07/14 – 17/07/14 | |
| 2/319 | CHE/12/00787/FUL West ward | Tesco Stores Ltd | Crispin – Plant, Equipment and screening | Planning Committee Refusal against officer advice | 30/4/13 | Inquiry 15/07/14 – 17/07/14 | |
| 2/319 | CHE/12/00788/FUL West ward | Tesco Stores Ltd | Crispin - ATM | Planning Committee Refusal against officer advice | 30/4/13 | Inquiry 15/07/14 – 17/07/14 | |
| 2/319 | CHE/13/00252/FUL West ward | Tesco Stores Ltd | Crispin – extension, alteration, plant and equipment. | Planning Committee Refusal against officer advice | 23/09/13 | Inquiry 15/07/14 – 17/07/14 | |
| 2/319 | CHE/13/00253/FUL West ward | Tesco Stores Ltd | Crispin – alteration to front and side elevations. | Planning Committee Refusal against officer advice | 23/09/13 | Inquiry 15/07/14 – 17/07/14 | |

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|--------|---|----------------------------|---|-----------------------|----------|-----------------------|--|
| 2/3059 | CHE/13/00386/OUT Brockwell ward | GKN Group Services Ltd | Residential Development (91 units) of GKN Sports fields, Newbold Road – Refusal | Planning Committee | 10/03/14 | Inquiry 27-29/8/14 | |
| 2/1209 | CHE/14/00099/ADV Moor ward | Topps Tiles | Unit 3 Chesterfield Trade Centre, Whittington Moor - Refusal | Officer Delegation | 05/06/14 | Written Reps | |
| 2/326 | CHE/14/00091/FUL Moor ward | Mr Simon Binns | Extension at 48 Greenside Avenue - Refusal | Officer Delegation | 17/07/14 | Written Reps (HAS) | |
| 2/136 | CHE/14/00188/RET Barrow Hill & New Whittington ward | Mr Hatting | Retention of garage roof extension at 8 Dalvey Way - Refusal | Officer Delegation | 17/07/14 | Written Reps (HAS) | |
| 2/1272 | CHE/14/00249/ADV St Leonards ward | Clear Channel UK Ltd | 48 sheet poster display at Future Walk facing New Beetwell Street - Refusal | Officer Delegation | 21/07/14 | Written Reps | |
| 2/1272 | CHE/14/00251/ADV | Clear Channel UK Ltd | 48 sheet freestanding general poster advertising display at West Bars - Refusal | Officer Delegation | 08/08/14 | Written Reps | |
| 2/1017 | CHE/14/00307/ADV | Eurogarages Ltd | Double sided internally illuminated post sign - Refusal | Officer Delegation | 08/08/14 | Written Reps | |

ENFORCEMENT REPORT**MEETING: PLANNING COMMITTEE****DATE: 26TH AUGUST 2014****REPORT BY: LOCAL GOVERNMENT AND REGULATORY LAW MANAGER
DEVELOPMENT MANAGEMENT & CONSERVATION MANAGER****WARD: As listed in the report**

FOR PUBLICATIONTITLE: D255 and Non-exempt
papers (if any) on relevant files**BACKGROUND PAPERS**LOCATION: LEGAL SERVICES

1.0 PURPOSE OF REPORT

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

2.0 BACKGROUND

2.1 The table summarises formal planning enforcement by the Council.

3.0 INFORMAL ACTION

3.1 Formal enforcement is a last resort, with most planning problems resolved without formal action (in accordance with government guidance). This year 128 planning enforcement cases have been resolved informally with another 47 cases in hand. More information from Planning Services.

4.0 MORE INFORMATION ABOUT THE TABLE

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

5.0 RECOMMENDATION

5.1 That the report be noted.

GERARD ROGERS
LOCAL GOVERNMENT AND
REGULATORY LAW MANAGERPAUL STANIFORTH
DEVELOPMENT MANAGEMENT
& CONSERVATION MANAGERFurther information on this report from Gerard Rogers, Legal Services
Tel 01246 345310 or email gerard.rogers@chesterfield.gov.uk

Enforcements currently Authorised: 5

ENFORCEMENT REPORT

08 August 2014

| Address | Authorised <small>days from</small> | Breach | CHE/ | Issued <small>days to issue</small> | Effective <small>days to (-) /from</small> | Comply <small>days to (-) /from</small> | Notes | <small>update last update</small> | Ward |
|-----------------------------------|---|---|------|--|---|--|--|---|------|
| Enforcement Notice | | <i>Total currently Authorised: 4</i> | | | <i>Authorised to Issue Average: 67.5 days</i> | | | | |
| Balmoak Lane | Swiss Cottage 16/09/13 <small>327</small> | access | | 06/11/13 <small>51</small> | 08/01/14 <small>213</small> | 08/04/14 <small>123</small> | Not complied | <input type="checkbox"/> <small>13/01/14</small> | BS |
| Cavendish Street | 5 10/03/14 <small>152</small> | shutter boxes and shutters | | 02/06/14 <small>84</small> | 02/07/14 <small>38</small> | 03/10/14 <small>-55</small> | Issued | <input type="checkbox"/> <small>10/04/14</small> | |
| Hadley Lane | 15/10/12 <small>663</small> | occupation of land | | | | | Resubmitted application expected to be considered in September | <input type="checkbox"/> <small>24/07/14</small> | Ha |
| Stanford Way | 7 17/02/14 <small>173</small> | commercial storage and distribution | | | | | issue if use not cease by 30/06/14 | <input type="checkbox"/> | Wa |
| Section 215 Amenity Notice | | <i>Total currently Authorised: 1</i> | | | <i>Authorised to Issue Average: 51 days</i> | | | | |
| Balmoak Lane | Swiss Cottage 16/09/13 <small>327</small> | soils, concrete, rubble and waste not arising from lawful use | | 06/11/13 <small>51</small> | 06/12/13 <small>246</small> | 06/03/14 <small>156</small> | Complied | <input type="checkbox"/> <small>04/08/14</small> | |

Page 140

| 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 |
|----------------|---------------------------------------|---------------|-------------|---------------------------------------|--|---|--------------|-------------------------------------|-------------|
|----------------|---------------------------------------|---------------|-------------|---------------------------------------|--|---|--------------|-------------------------------------|-------------|

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

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