



Please ask for Martin Elliott
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The Chair and Members of Planning
Committee

Councillors Hitchin & Perkins – Site
Visit 1

11 November 2016

Dear Councillor,

Please attend a meeting of the PLANNING COMMITTEE to be held on MONDAY, 21 NOVEMBER 2016 at 3.00 pm in Committee Room 1, Town Hall, Rose Hill, Chesterfield S40 1LP, the agenda for which is set out below.

AGENDA

Part 1(Public Information)

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

Planning Committee Members should assemble in Committee Room 1 at 14:00. Ward members wishing to be present should attend on site as indicated below:-

1. 14:10 CHE/16/00216/FUL – New Hall Road

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 on tel. 01246 345236 or via e-mail:

martin.elliott@chesterfield.gov.uk by 9.00 a.m. on Monday 21 November. If you do not confirm your attendance, it will be assumed that you will not be attending on site.

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

1. Apologies for Absence
2. Declarations of Members' and Officers' Interests Relating to Items on the Agenda
3. Minutes of Planning Committee (Pages 3 - 26)
 - 31 October, 2016
4. Applications for Planning Permission - Plans Determined by the Committee (Pages 27 - 56)
5. Building Regulations (P880D) (Pages 57 - 60)
6. Applications for Planning Permission - Plans Determined by the Development Management and Conservation Manager (P140D) (Pages 61 - 66)
7. Applications to Fell or Prune Trees (P620D) (Pages 67 - 70)
8. Appeals Report (P000) (Pages 71 - 74)
9. Enforcement Report (P410) (Pages 75 - 78)

Yours sincerely,

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

Local Government and Regulatory Law Manager and Monitoring Officer

PLANNING COMMITTEE**Monday, 31st October, 2016**

Present:-

Councillor Brittain (Chair)

Councillors	P Barr	Councillors	Elliott
	Bingham		Hill
	Callan		Miles
	Catt		A Murphy
	Caulfield		Simmons
	Davenport		Wall

*Matters dealt with under the Delegation Scheme

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

CHE/16/00520/COU – Change of use to funeral director with one chapel of rest and a memorial showroom at 1 Church Street, Brimington, Chesterfield.

Councillors P Barr, Bingham, Brittain, Callan, Catt, Caulfield, Davenport, Elliott, Hill, Miles, Murphy, Simmons and Wall.

CHE/16/00518/FUL - Erection of residential development comprising 55 dwellings, access, landscaping and associated works - revised information received 17th October 2016 and 18 October 2016 at site of former Newbold Community School, Newbold Road, Newbold, Chesterfield.

Councillors J Barr (ward member), P Barr, Bingham, Brittain, Callan, Catt, Caulfield, Davenport, Elliott, Hill, Miles, Murphy, Simmons and Wall.

76 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Dickinson and Terry Gilby.

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

Councillor Brittain declared an interest in agenda item 4, item 1 (CHE/16/00520/COU - Change of use to funeral director with one chapel of rest and a memorial showroom at 1 Church Street, Brimington, Chesterfield) as he lived in close vicinity to the application site.

78 **MINUTES OF PLANNING COMMITTEE**

RESOLVED -

That the minutes of the meeting of the Planning Committee held on 10 October, 2016 be signed by the Chair as a true record.

79 **APPLICATIONS FOR PLANNING PERMISSION - PLANS
DETERMINED BY THE COMMITTEE**

*The Committee considered the under-mentioned applications in light of reports by the Group Leader, Development Management and resolved as follows:-

**CHE/16/00520/COU - CHANGE OF USE TO FUNERAL DIRECTOR
WITH ONE CHAPEL OF REST AND A MEMORIAL SHOWROOM AT 1
CHURCH STREET, BRIMINGTON, CHESTERFIELD.**

Councillor Brittain who had declared an interest in this item, vacated the Chair, left the room and did not take part in the subsequent discussion and vote. Councillor Hill then took the Chair for this item.

In accordance with Minute No.299 (2001/2002) Mr V Briggs (objector), Mr Martin King (objector) and Mr Gary Daynes (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: Details of the privacy screen emailed 23/09/16, Layout of the car park emailed 19/09/16, Location Plan: with the exception of any approved non material amendment.

3. The precise details of the boundary fence to the south east of the site shall be submitted to the Local Planning Authority for consideration. The detail will include the exact height, fittings and positioning of the fence. The detail which is subsequently agreed in writing by the Local Planning Authority shall be implemented prior to the use of the building hereby authorised and shall remain in place in perpetuity whilst ever the use continues.

4. The retractable privacy screen hereby agreed shall be implemented prior to the use of the building hereby authorised and shall remain available for use whilst ever the authorised use of the building continues.

CHE/16/00518/FUL - ERECTION OF RESIDENTIAL DEVELOPMENT COMPRISING 55 DWELLINGS, ACCESS, LANDSCAPING AND ASSOCIATED WORKS - REVISED INFORMATION REC'D 17/10/2016 AND 18/10/2016 AT SITE OF FORMER NEWBOLD COMMUNITY SCHOOL, NEWBOLD ROAD, NEWBOLD, CHESTERFIELD.

Councillor Brittain returned to the meeting and re-took the Chair from Councillor Hill.

In accordance with Minute No.299 (2001/02) Mr Michael Edgar of DLP Planning Consultants (agent for the applicant) addressed the meeting.

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

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

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

- 100-001 Site Layout Plan Rev D
- 100-002 Enclosures Plan Rev A
- 100-003 Character Areas and Finishes Rev A

- Streetscene and Sections
- Site Section through Eyre Chapel
- 15/334/ATR/002 10.8m Long Refuse Vehicle Swept Path Analysis
- Indicative Drainage Plan 425/62/03 (S104 Layout)
- House Types:
 - 7 no. Yare (Plots 6, 7, 8, 34, 35, 36 and 37) – Drg No 2038022
 - 4 no. Nevis (Plots 5, 31, 32 and 33) – Drg No 3018022
 - 3 no. Nevis (Plots 4, 49 and 50) – Drg No 3018022
 - 1 no. Sutton (Plot 16) – Drg No SUTTON BUNGALOW
 - 4 no. Tolkien (Plots 29, 30, 44 and 45) – Drg No 3058022
 - 3 no. Malory (Plots 9, 14 and 51) – Drg No 3208022
 - 5 no. Hallam (Plots 10, 11, 22, 23 and 47) – Drg No 4298022
 - 6 no. Esk (Plots 2, 3, 19, 41, 42 and 53) – Drg No 4048022
 - 5 no. Ashberry (Plots 12 (Render), 20, 25, 48 and 52) – Drg No 4098022 (Render) and 4098022B1
 - 2 no. Buchan (Plots 39 and 40) – Drg No 4118022
 - 1 no. Buchan dual aspect (Plot 43 - Render) – Drg No 411DA8022
 - 4 no. Ryton (Plots 15, 21 (Render), 26 and 28) – Drg No 4288023B1 (Render) and 4288013B1
 - 3 no. Stevenson (Plots 1, 17 (Hipped) and 55) – Drg No 4168022 and 4168023/HR (Hipped)
 - 2 no. Stevenson dual aspect (Plots 13 (Render) and 54) – Drg No 4168023C1 (Render) and 4168023
 - 5 no. Buttermere (Plots 18, 24, 27, 38 and 46) – Drg No 5018023C/HR and 5018022/HR
- Design and Access Statement (prepared by DLP Planning dated July 2016);
- Planning Statement (prepared by DLP Planning dated July 2016);
- Transport Assessment (prepared by Bryan G Hall dated February 2016);
- Residential Travel Plan (prepared by Bryan G Hall dated February 2016);
- Statement of Community Involvement (prepared by DLP planning dated July 2016);
- Heritage Statement (prepared by Humble Heritage dated July 2016);
- Archaeological Desk Based (prepared by On Site Archaeology Ltd dated December 2015) and WSI Trial Trenching Evaluation Programme (prepared by On Site Archaeology dated September 2016);
- Flood Risk Assessment report (prepared by ARP Associates dated January 2016);
- Asbestos Investigation Report (prepared by OPUS dated May 2015);

- Geo-Environmental Report (prepared by OPUS dated May 2014);
- Tree Survey Report (prepared by TPM dated December 2015) 2411-101 Tree Survey Plan (prepared by TPM dated December 2015); and
- Ecological Appraisal (prepared by ECUS dated December 2015).

Drainage

3. No development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site, in accordance with Defra Non-statutory technical standards for sustainable drainage systems, has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved detailed design prior to the use of the building commencing.”

4. The development shall be carried out in accordance with the submitted Flood Risk Assessment (prepared by ARP - Report 425/62R1A dated January 2016), unless otherwise agreed in writing with the Local Planning Authority.

Highways

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

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

7. No development shall take place including any works of demolition until a construction management plan or construction method statement has been submitted to and been approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The statement shall provide for:

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

8. The premises, the subject of the application, shall not be occupied until the proposed new estate streets within the application site have been designed and laid out in accordance with the 6C's design guide and constructed to base level to adoptable standards all as agreed in writing with the Local Planning Authority.

9. No development shall take place until construction details of the residential estate roads and footways (including layout, levels, gradients, surfacing and means of surface water drainage) have been submitted to and approved in writing by the Local Planning Authority.

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

11. The premises, the subject of the application, shall not be occupied until a new estate street junction has been formed to Newbold Road in accordance with the revised application drawing No 100-001 D, and provided with visibility sightlines extending from a point 2.4 metres from the carriageway edge, measured along the centreline of the estate street, for a distance of 43 metres in each direction measured along the nearside carriageway edge, the land in advance of the visibility sightlines being

levelled, constructed as footway and not being included in any plot or other sub-division of the site.

12. No dwelling shall be occupied until space has been laid out within the site in accordance with drawing No 100-001D for the parking of residents and visitors vehicles.

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

14. Individual and shared private accesses shall not be taken into use until 2m x 2m x 45° pedestrian intervisibility splays have been provided on either side of the accesses at the back of the footway/margin, the splay area being maintained throughout the life of the development clear of any object greater than 0.6m in height relative to footway level.

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

16. The proposed access driveways to the new estate street shall be no steeper than 1 in 14 for the first 5m from the nearside adoptable highway boundary and 1 in 10 thereafter.

17. No building hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in Annex F of PPS25 (or any subsequent version), and the results of the

assessment provided to the Local Planning Authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:

- i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii. include a timetable for its implementation; and
- iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Ecology

18. Development shall not commence (including any site clearance/preparation) until a further reptile site clearance methodology and mitigation strategy has been submitted to the Local Planning Authority for written approval. Only once the report has been considered by the Local Planning Authority and its written approval has been given shall any works (which may include necessary mitigation works) commence on site and the works shall be completed exclusively in accordance with the scheme receiving written approval.

19. No works which include the creation of trenches or culverts or the presence of pipes shall commence until measures to protect badgers from being trapped in open excavations and/or pipe and culverts are submitted to and approved in writing by the local planning authority. The measures may include:

- a) creation of sloping escape ramps for badgers, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day; and
- b) open pipework greater than 150 mm outside diameter being blanked off at the end of each working day.

20. No removal of vegetation that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a

competent ecologist has undertaken a careful, detailed check of the vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

21. Prior to the commencement of development, a plan should be submitted to the LPA that demonstrates how hedgehog will be able to move through the new residential gardens to minimise the potential for mortality on the roads. This should include the creation of suitable sized holes in the base of new fences. Such approved measures must be implemented in full and maintained thereafter.

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

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

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

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

Trees

24. Prior to development commencing (including site clearance) the Root Protection Area's (RPAs) illustrated on drawing no. 100-004 by Miller Homes dated 07/12/15 (as recommended in BS 5837 'Trees in Relation to Design, demolition and construction - Recommendations' 2012) shall be established to all protected trees bounding the periphery of the application site boundary. Protective fencing shall be erected conforming to BS 5837 during site clearance and while any construction is in progress and notices should be attached to the fencing at regular intervals to this

effect. There must be no excavations, no soil stripping and no grading of the site within the RPAs and there should also be no storage of materials within the RPAs.

25. Prior to development commencing a method statement should be submitted to the Local Planning Authority for approval in writing demonstrating how the existing hard surfaces, services and security boundary fencing is to be removed within the designated Root Protection Areas (RPAs). The removal of any existing hard surfaces within the RPAs should be carried out without the use of any heavy machinery and care must be taken not to disturb tree roots that may be present beneath it. Hand held tools or appropriate machinery should be used to remove the existing surface. Development shall thereafter only be undertaken in accordance with the approved method statement, unless prior agreement is sought in writing by the Local Planning Authority.

26. Prior to the commencement of the development, details of the existing and proposed land levels and the proposed floor levels of the dwelling hereby approved shall be submitted to the Local Planning Authority for consideration. The details submitted shall include sufficient cross sections to fully assess the relationship between the proposed levels and immediately adjacent land/dwellings; and around/within the root protection areas of T22, T24, T25, T28, T30, T31, T33, T45, T47, T48 and T49 Oak, T32 Lime, T34 and T35 Beech to show how these trees along the boundary will be affected (this should also include how the proposed excavations for the retaining walls, boundary treatment and any change in land levels will affect the protected trees). The dwelling shall be constructed at the levels approved under this condition unless otherwise agreed, in writing, by the Local Planning Authority.

Environmental Health

27. Site remediation and preparation shall be undertaken strictly in accordance with the recommendations and mitigation measures as set out in the Geo-Environmental Report (prepared by OPUS dated May 2014); the Asbestos Investigation Report (prepared by OPUS dated May 2015); and the Gas Risk Assessment (prepared by OPUS dated July 2014). If, during remediation works any contamination is identified that has not been considered then additional remediation proposals for this material shall be submitted to the Local Planning Authority for written approval.

The development shall not be occupied until a written Validation Report 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 reports as detailed in this condition.

28. In the event it is proposed to import soil onto site in connection with the development the proposed soil shall be sampled at source and analysed in a MCERT certified laboratory, the results of which shall be submitted to the Local Planning Authority for consideration. Only the soil approved in writing by the Local Planning Authority shall be used on site.

29. 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.

Others

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

31. The development hereby approved shall include the provision of appropriate infrastructure to enable the dwellings to have high speed broadband, in accordance with details to be submitted to, and approved in writing, by the Local Planning Authority.

32. 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.

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

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

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

B. That a S106 agreement be negotiated and signed concurrent with the planning permission and dealing with:

- An Affordable Housing contribution of 11 no. dwellings;
- Negotiations up to 1% of the overall development cost for a Percent For Art scheme;
- Appointment of an external management company to manage and maintain the onsite green open space;
- Improvement works to existing bus stop on Newbold Road and investigation of additional stop to Newbold Road;
- Improvement Works to footpath 71.

C. That a CIL Liability notice be issued for £452,080

80 **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

16/01493/DCC

Derbyshire County Council - Toilet reconfiguration
at Cotmanhay Junior School Beauvale Drive
Ilkeston Derbyshire DE7 8RR

- 16/01590/DCC Derbyshire County Council - Installation of 2 new 30 minute fire doors with new lintels at Holbrook Centre For Autism Portway Holbrook Derbyshire DE56 0TE
- 16/01593/DCC Derbyshire County Council - Ground floor shower room/ internal access at 10 Manor Road Borrowash Derbyshire DE72 3LL
- 16/01476/DRO Domestic in-roof Extensions/Alterations - Loft conversion at 68 Ringwood Avenue Newbold Chesterfield Derbyshire S41 8RB
- 16/01533/MUL Multiple Domestic - Extension and loft dormer at 59 Brockwell Lane Brockwell Chesterfield Derbyshire S40 4ED
- (b) Refusal
- 16/01418/PART Partnership Application - Two storey rear extension and single storey side extension at 77 Hopefield Avenue Sheffield S12 4XD

81 **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/16/00371/FUL Erection of a front porch at 65 Smithfield Avenue Hasland Chesterfield S41 0PR for
- CHE/16/00429/RET Retrospective consent for erection of 8 units instead of the originally approved 6, retention of the 2 separate flats over the pub and retention of the extension at the side of the pub which has been converted to a single flat at Hotel De Pod High Street Staveley Chesterfield S43 3UX for Mr Keith

Bannister

- CHE/16/00445/ADV Consent to display illuminated and non-illuminated signage to the exterior of the building at Sevens 16 - 18 Stephenson Place Chesterfield S40 1XL for Enterprise Inns
- CHE/16/00463/FUL Installation and operation of a back-up electricity generation facility at land at Whittington Road, Barrow Hill Staveley Chesterfield S43 2PW and as amended by additional plans received on 02/09/16, 14/09/16 and 28/09/16 at land at Whittington Road Barrow Hill Chesterfield for Mercia Power Response
- CHE/16/00496/FUL Two storey extension to the side and rear elevation (revised plans received 16.09.2016) at 6 Netherthorpe Close Staveley Chesterfield S43 3PX for Mr and Mrs T Clifford
- CHE/16/00516/RET Erection of a garden outbuilding, rear extension part of application withdrawn on 04/10/16, at 4 Littlemoor Crescent Newbold Chesterfield S41 8QJ for Mr and Mrs Featherstone
- CHE/16/00521/FUL Dropped kerb and construction of footway crossing. Excavation of part of front garden to approximately 27m² to provide car standing space. Driveway to be constructed of tarmacadam and concrete edgings with Aco drainage and soakaway to garden at bottom of driveway at 130 Mansfield Road Hasland Chesterfield S41 0JQ at 130 Mansfield Road Hasland Chesterfield S41 0JQ for Mr Kevin Dart
- CHE/16/00524/FUL Proposed single storey double garage at land adjacent former School House Middlecroft Road Staveley Chesterfield S43 3NQ for Mr Richard Jones
- CHE/16/00529/FUL Dredging a section of the River Rother to reinstate a navigable channel for canal boats from the

existing Chesterfield Canal to the recently constructed Canal Basin within the Chesterfield Waterside site to the north of Tapton Bridge. Retaining elements/bank stabilisation to be installed to the River Bank where dredging may undermine the existing Bank - Section of the River Rother between Tapton Bridge and the Chesterfield Canal at land at east of A61 known as Chesterfield Waterside Brimington Road Tapton Chesterfield for Chesterfield Waterside Ltd

- CHE/16/00552/TPO Tree at rear - crown lift, crown clean and selective reduction of side branches, reduction in size and removal of dead branches at 17 Hucknall Avenue Loundsley Green Chesterfield S40 4BY for Mrs Ann Elliott
- CHE/16/00553/FUL Single storey rear and side extension at 7 Loundsley Green Road Loundsley Green Chesterfield S40 4PL for Mr Steve Pearson
- CHE/16/00558/FUL Front boundary steel bow top fencing project at 2-10, 3,5 and 9-19 Victoria Street Chesterfield for Chesterfield Borough Council
- CHE/16/00560/FUL First floor front extension and new bay window to front (revised drawings received 27.09.2016) at 4 Barbon Close Chesterfield S40 4DP for Mr Declan Finneran
- CHE/16/00562/TPO Crown lift and minor reduction to gain clearance of highway and footpath also removal of basal epicormic growth to facilitate access to property and minor crown lift over adjacent car park to facilitate unimpeded usage at former Saltergate Health Centre 107 Saltergate Chesterfield S40 1SX for Homes and Communities Agency
- CHE/16/00568/FUL Two storey side extension (revised plans received 08.09.2016 and 17.09.2016) at 27 Tunstall Way Walton Chesterfield S40 2RH for Mr Ben Smithurst

- CHE/16/00570/TPO Crown reduction at 66 Kirkstone Road Newbold Chesterfield S41 8HD for Mr Mohammad Abbas
- CHE/16/00578/FUL Single storey rear extension and two storey side extension at 29 Westbrook Drive Chesterfield S40 3PQ for Mr and Mrs Beckett
- CHE/16/00582/FUL Internal alterations to increase shop sales area, retention of, and internal alterations to, first floor living accommodation and change of use of part of ground floor to create separate bed sit accommodation at 52 Lowgates Staveley Chesterfield S43 3TU for Convenience Store
- CHE/16/00586/TPO T1, T2, T4 - Sycamore - Crown reduce by 20%- Crown thin by 15% T3- Beech - Crown reduce by 20% Crown thin by 25% T5 - Oak Crown reduce by 20% Standard maintenance treatment to include the removal of dead, diseased, weak and crossing branches. Also raising canopy over the highway to statutory height (5.5m) and pruning away from property and services at 129 Handley Road New Whittington Chesterfield S43 2EP for Mr Burchby
- CHE/16/00587/TPO T1 horsechestnut - crown raise by 3.5 metres and thin by 15% at 60 The Green Hasland Chesterfield S41 0LN for Mr Jeff Howden
- CHE/16/00589/FUL Rear single storey extension with second storey side extension and internal alterations at Ponds Yard Farm Renishaw Road Mastin Moor Chesterfield S43 3DW for Mr and Mrs Lee
- CHE/16/00605/TPO Removal of 3 lower branches to south/southwest of oak C, fell oak A, remove single branch back to stem of oak B at rear of disused Golf Club House and rear of Cheetham Avenue (properties on south side) along south edge of Brierley Wood (north) Chesterfield at Brierley Wood Track from District Boundary to Birch Hall Golf Club Unstone Derbyshire for Birchall Properties Ltd

- CHE/16/00615/TPO Two horse chestnut which have died due to fungal infection, re-plant replacement trees at 11 Netherleigh Road Ashgate Chesterfield S40 for Mr John Salway
- CHE/16/00624/TPO T40 and T41 - crown lift two Oak at Eyre Chapel Newbold Village Newbold Road Newbold Chesterfield S41 8RJ for Eyre Chapel Trustees
- CHE/16/00667/TPO Fell dead silver birch ref: T1 at Carrick Veterinary Group 93 Newbold Road Newbold Chesterfield S41 7PS for Mr and Mrs McCarrison

(b) Discharge of Planning Condition

- CHE/16/00556/DO Proposed development of circa 2,200 sqm out-patient cancer unit through a new build extension to an existing ward and construction of a sub-station and additional car parking - additional information received on 13/03/2015. Discharge of Condition Nos 6,11, 14 and 15 from CHE/14/00874/FUL at Chesterfield and North Derbyshire Royal Hospital Chesterfield Road Calow Chesterfield S44 5BL for Chesterfield Royal Hospital NHS Foundation Trust

(c) Split decision with conditions

- CHE/16/00588/TPO Oak tree side elevation of No 8 - crown lift and cut back by 2-3 metres, remaining tree crown lift and cut back overhang by 2-3 metres at 8 Limetree Close Brimington Chesterfield S43 1RB for Mr Mark Osborne
- CHE/16/00612/TPO Trees T2,3,4,5,6 Crown clean Clear from building by 2m Crown lift to 4m to reduce height at 1 Park Hall Gardens Walton Chesterfield S42 7NQ for Mr Anthony Wills

(d) Other Council objection

- CHE/16/00593/CP Proposed construction of replacement buildings for

noise attenuation, office accommodation and for the processing of metal/waste, together with installation of a weighbridge at Wards Recycling Newbridge Lane Old Whittington Chesterfield S41 9HY for Donald Ward Limited T/A Ward Recycling

(e) Prior approval not required

CHE/16/00597/TEL The removal of the existing 11.5 metre high monopole, the installation of an 11.7 metre high Phase 4 monopole and a Pogona cabinet, measuring 1230 x 400 x 1032mm, located at ground level, and associated development at Telecom Mast Highfield Lane Newbold Chesterfield for H3G Limited

CHE/16/00602/TPD Extension, removal of existing flat roof and replace with pitched roof, replacement of rear window with new vertical bottom opening window at 26 Riber Terrace Walton Walk Boythorpe Chesterfield S40 2QF for Miss Rachel Hartshorn

CHE/16/00607/TPD Proposed single storey rear extension at 25 Malvern Road Brockwell Chesterfield S40 4DX for Mr Robert Kirkland

CHE/16/00613/TPD Single storey rear extension (amended scheme to include flat roof with lantern light) at 48 Brearley Avenue New Whittington Chesterfield S43 2DY for Mr and Mrs Chance

(f) CPNMAZ

CHE/16/00627/NM Non material amendment to CHE/15/00294/FUL (rear two storey extension with extended loft conversion, single storey orangery, new porch to front) to alter the internal layout and external window sizes to the rear elevation continue roof from orangery along the garage to the front of the dwelling forming hip roof to front elevation and linking garage to porch at 30 Brookside Glen Chesterfield S40 3PF for Mr David Osborn

82 APPLICATIONS TO FELL OR PRUNE TREES (P620D)

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

- | | |
|---------------------|---|
| CHE/16/00586/TPO | Consent is granted to the crown lifting of 5 trees within G1 consisting of 3 Sycamore trees, 1 Beech and 1 Oak tree on the Order map for Underwood Tree Services at Handley Court, New Whittington on behalf of Mr Burchby of 129 Handley Road, New Whittington, Chesterfield. |
| CHE/16/00624/TPO | Consent is granted to the crown lifting of two Oak trees reference T41 and T42 on the Order map for Mr Peter Barr on behalf of Eyre Chapel Trustees at Eyre Chapel, Newbold, Chesterfield. |
| CHE/16/00552/TPO | Consent is granted to the crown lifting and for the selective crown reduction of branches growing over the gardens of 10 and 12 Dorothy Vale (pruning back to suitable replacement branches and leaving a well-balanced crown) of one Oak tree reference T2 on the Order map for Mrs Ann Elliott of 10 Dorothy Vale, Ashgate, Chesterfield. |
| CHE/16/00667/TPOEXP | Consent is granted to the felling of one dead Silver Birch tree reference T1 on the Order map for Mr and Mrs Carrison at Carrick Vets, 93 Newbold Road, Chesterfield. |
| | The replacement tree is to be a Himalayan Birch and planted as near as possible to the original tree. |
| CHE/16/00562/TPO | Consent is granted to the crown lifting of 10 trees reference T2 and T5-T9 Lime, T3 and T4 Sycamore and T32 and T33 Beech on the |

Order map to clear the low branches over footpaths, driveway and adjacent car park. Conditions attached, for Mr Eddie Chandler (T.E.P) on behalf of Homes and Communities Agency at the former Saltergate Health Centre, Saltergate, Chesterfield.

CHE/16/00587/TPO

Consent is granted to the crown lifting of one Horsechestnut tree reference T65 on the Order map, by 5.2 metres over the highway and by 3.5 metres over the garden, driveway and footpath (pruning back to suitable replacement branches) for Mark Whatley, Tree Services on behalf of Mr Jeff Howden of 60 The Green, Hasland, Chesterfield.

CHE/16/00562/TPO

Consent is granted to the crown lifting by 3 metres of one Oak tree reference T3 on the Order map.

Consent is refused for the cutting back of branches overhanging by 2 – 3 metres of one Oak tree reference T3 on the Order map.

For JB Hibberd Ltd on behalf of Mark Osborne at 8 Lime Tree Close, Brimington Common, Chesterfield.

CHE/16/00605/TPO

Consent is granted to the felling of one Oak tree and the pruning of two Oaks and a group of trees along the woodland edge of trees within W1 on the Order map for ECUS on behalf of Rupert Carr at the former Birchall Golf Club, Unstone.

CHE/16/00615/TPO

Consent is granted to the felling of two Horsechestnut trees reference G5 on the Order map for Westside Landscapes at 11 Netherleigh Road, Brampton, Chesterfield.

The replacement trees are to be Sweet Gum and planted as near as possible to the original

tree.

CHE/16/00612/TPO Consent is granted to the reduction of branches growing towards the property to give a 2 metre clearance from the structure of 8 Beech trees reference G3 on the Order map. Consent is also granted to the crown lifting of the trees by 4 metres from ground level, for Mr A Wills of 1 Park Hall Gardens, Walton, Chesterfield.

CHE/16/00570/TPO Consent is granted to the crown reduction by 1 metre only, and the crown lifting by 2.5 metres of 1 Oak tree reference T1 on the Order map. Consent is refused to any further reduction of the tree exceeding 1 metre, for Mr Mohammad Abbass of 66 Kirkstone Road, Newbold, Chesterfield.

83 **APPEALS REPORT (P000)**

The Group Leader, Development Management reported on the current position in respect of appeals which had been received.

***RESOLVED -**

That the report be noted.

84 **ENFORCEMENT REPORT (P410)**

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

***RESOLVED -**

That the report be noted.

85 **FIVE YEAR HOUSING SUPPLY UPDATE**

The Strategic Planning Manager submitted a report to provide an update on the current Five Year Housing Supply position of the Council and the implications of the position for decision making on planning applications.

The report noted that National Planning Policy Framework (NPPF) placed a requirement on Local Planning Authorities to identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional buffer of 5%, or of 20% where the authority had a record of persistent under delivery of housing. Chesterfield had been unable to demonstrate a five year supply of housing for a number of years which had meant that according to NPPF rules relevant policies for the supply of housing should not be considered up-to-date, as result of this situation it had meant that Local Plan policies around the protection of Open Countryside and Greenfield sites in Chesterfield had been substantially weakened.

The method of working out the five year supply of housing had been set out in NPPF guidelines and was derived by comparing the Objectively Assessed Need (OAN) for housing over the next five years with the supply of sites. The OAN for Chesterfield had historically been established from the adopted Local Plan Core Strategy which had been based on evidence from 2008. The report noted that the OAN for Chesterfield had now been recalculated using more up to date data from the council's Strategic Housing Market Assessment, and as result officers considered that the council was now in a position to demonstrate a five year supply of deliverable housing sites. The report noted that as a consequence of this full weight should now be applied to the policies of the Local Plan, including policies for the protection of the Open Countryside, Strategic Gaps and Green Wedges and for the development of Greenfield Sites within the borough.

***RESOLVED –**

1. That it be noted that the council considers that it can now identify a supply of specific deliverable sites, including an additional buffer of 20%, sufficient to provide five years' worth of housing supply against its housing requirement.
2. That the Planning Committee takes account of the updated position with regard to the five year supply of housing within Chesterfield Borough when determining future planning applications.

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Agenda Item 4

COMMITTEE/SUB	Planning Committee
DATE OF MEETING	21 ST NOVEMBER 2016
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.

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**INDEX TO DEVELOPMENT MANAGEMENT AND CONSERVATION
MANAGER'S REPORT ON THE 21ST NOVEMBER 2016**

ITEM 1 **CHE/16/00216/FUL** - Residential development of 7 units and associated ancillary works - coal mining risk assessment received 25th May 2016 and revised plans received 24th June 2016 - bat report received 10th October 2016 at Jacksons Bakery New Hall Road, Chesterfield for Mr R Griffiths

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Case Officer: Chris Wright File No: CHE/16/00216/FUL
Tel. No: (01246) 345787 Plot No: 2/29
Date: 21st November 2016

ITEM 1

7 residential units and associated ancillary works at Jacksons Bakery, New Hall Road, Chesterfield, S40 1HE

Local Plan: Unallocated
Ward: Holmebrook

1.0 **CONSULTATIONS**

DCC Highways	No objections, but requested an increase in parking numbers.
Derbyshire Wildlife Trust	No objection. Request for conditions.
Design Services	No objections. Request for details of surface water drainage.
The Coal Authority	Material Consideration. Agreement of report submitted.
Environmental Services	Request for contaminated land desktop study and site investigation, as well as gas monitoring.
Forward Planning	No objection. Appropriate use in location.
Urban Design Officer	No objection, subject to conditions
Yorkshire Water Services	No objections
Conservation Officer	No objection, but regrets unfortunate loss of a building

on the Council's emerging Local List of Heritage Assets. Also, requests that an audit is completed of the existing buildings to assess any features and materials, and to see whether they can be incorporated into the proposed site.

Ward Members

No representations received

Neighbours/Site Notice

Two representations received – from same person at 6 New Hall Road.

2.0 **THE SITE**

2.1 The site known as Jacksons Bakery is a former Wesleyan chapel and associated church hall/Sunday School located at the junction of Old Hall Road and New Hall Road. The building was last used as a bakery but is understood to have been vacant since 2008.

2.2 The premises are a candidate for local listing as a building of townscape merit of local interest, although this is not yet formalised and adopted by the Council. The site is enclosed by public roads on three sides, with only the rear boundary adjoining the gardens of the properties to the north. The existing building is a substantial brick chapel under a slate roof, separated from a smaller scale brick and slate building on the southeast corner, by a modest yard bounded by a tall brick wall. A low brick wall with stone coping and a decorative iron railing above enclose the front and side boundaries of the chapel building.

2.3 Tightly arranged terraced houses are located to the west and rear on New Hall Road. Part of the rear wall of the chapel is physically attached to the first dwelling immediately behind. To the south is the play area associated with the nearby Britannia Inn public house, together with the rear yards of the houses located directly opposite, but which face towards Old Hall Road.

2.4 To the east, on the opposite side of Old Hall Road is a pair of modern detached houses and semi-detached houses, set back from the street and with parking to the front. To the north and northeast are two double fronted houses. The dwelling immediately north of the yard features a conservatory situated on the south elevation which faces towards the site.

The main building on site:



The western elevation and neighbouring terrace:



The eastern side of the site from Old Hall Road:



The terraced houses on New Hall Road:



The neighbouring dwelling on Old Hall Road:



3.0 **RELEVANT SITE HISTORY**

- CHE/0685/0376 - Permission for two houses and car parking on land adjacent to Masons Bakery, New Hall Road, Brampton, Chesterfield for Masons (Chesterfield) Ltd. Approved 21.10.1985
- CHE/0486/0269 - Permission for approval of reserved matters for two town houses on land adjacent to Masons Bakery, New Hall Road, Brampton Granted 03.09.1986
- CHE/0489/0295 - Permission for erection of pair of semi-detached houses at Masons Bakery New Hall Road Chesterfield for Masons (Chesterfield) Ltd. Granted 19.06.1989
- CHE/1192/0714 - Outline application for residential development. Granted 22.06.1993
- CHE/0595/0222 – Extension to existing bakery to form flour store. REFUSED. 11.07.1995
- CHE/08/00582/OUT - Residential Redevelopment (9 Units). Approved. 21.11.2008

4.0 **THE PROPOSAL**

- 4.1 The proposal seeks permission to demolish the existing buildings and structures on site and erect a terrace of four 3-bed houses and three 1-bed maisonette flats. A shared

parking area is shown positioned within the central part of the site and separating the two buildings.

- 4.2 The 3-bed terraces will be stepped back from the building line on site, but will have porches and some soft landscaping to the front of the dwellings on New Hall Road. There will also be triangular oriel windows on the 1st floor to the front to allow some light into these rooms. All these houses will have 2 velux windows per dwelling to the front and dormer windows on the rear roof. On the ground floor they will have patio windows that will enable them access to the small rear gardens and parking area.
- 4.3 The 1-bed two storey maisonette flats will have canopies above the entrance doors, with the main entrance being to the eastern front elevation. The northern and southern flats will have side entrance doors and the middle flat a rear exit. These flats will have small areas around the buildings with limited amounts of soft landscaping.
- 4.4 After negotiations were held with the applicant the application was changed from 8 to 7 flats, with the loss of the northern most flat and this has led to a space for bin storage, cycle parking and a small garden area.
- 4.5. The shared parking area in the centre of the site provides 2 spaces per house for the 3 bedroom dwellings and 1 space per flat, which adds up to 11. There are no visitor spaces within this site.
- 4.6 It is proposed to use materials from the existing building and site where possible, and then use locally suitable materials were possible, such as with the brick and tile types.

5.0 **CONSIDERATIONS**

5.1 **Local Plan Issues**

- 5.1.1 The site is situated within the Holmebrook ward of Chesterfield. This area is predominantly residential in nature. Having regard to the nature of the application, policies CS2 and CS18 of the Core Strategy and the wider National Planning Policy Framework (NPPF) apply. In addition, the

Council's Supplementary Planning Document on Housing Layout and Design 'Successful Places' is also a material consideration.

- 5.1.2 Policy CS2 (Principles for Location of Development) states that when assessing planning applications for new development not allocated in a DPD, proposals must meet the following criteria / requirements:
- a) adhere to policy CS1
 - b) are on previously developed land
 - c) are not on agricultural land
 - d) deliver wider regeneration and sustainability benefits
 - e) utilise existing capacity in social infrastructure
 - f) maximise walking / cycling and the use of public transport
 - g) meet sequential test requirements of other national / local policies

All development will be required to have an acceptable impact on the amenity of users or adjoining occupiers taking into account noise, odour, air quality, traffic, appearance, overlooking, shading or other environmental, social or economic impacts.

- 5.1.3 Policy CS18 (Design) 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.

In addition to the above, the NPPF 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.'

- 5.1.4 In addition to the above, in July 2013 the Council adopted 'Successful Places' which is a Supplementary Planning Document which guides Sustainable Housing Layout and Design. The development proposed should be assessed

against the design principles set out in this supporting document.

- 5.1.5 After reviewing the application against the relevant policies the principle of the proposal is viewed to be acceptable. It is within a residential area and a development in this location would support the council's spatial strategy of 'concentration and regeneration' by re using a brownfield site in a location well served by a range of facilities and methods of transport, this ensures the proposal is in line with CS1 and CS2. Furthermore a permission has previously been given, but not implemented for a redevelopment of the site.

5.2 **Design and Appearance (Inc. Neighbour Effect)**

5.2.1 Urban Design Officer Comments:

5.2.1.1 **Amount**

Although the density of the development remains high, this is consistent with the context of this site. The reduction in the amount of development has however enabled a number of other issues to be addressed through the revised layout (see below).

5.2.1.2 **Layout**

The omission of the northern most flat has allowed for the introduction of a modest space in the northeast corner, where the layout now indicates additional bin storage, a secure cycle store and a small garden/area of amenity space (approximately 29sqm in area).

This amendment also has the benefit of increasing the separation between the gable wall and the neighbouring dwelling immediately north of the site (No. 70 Old Hall Road). A small amount of additional landscaping has also been able to be introduced within the parking court, providing some enhancement to the outlook into the central car park serving the flats.

5.2.1.3 **Cycle parking**

Cycle parking provision for the flats is now shown within an enclosure located adjacent to the communal garden space. Details of the design of the feature are not provided at this stage and this should be managed by a suitably worded

condition. Any storage should be secure, weathertight, proportionate in scale and complement the aesthetic of the host buildings.

5.2.1.4 Bin storage

Additional bin storage is now indicated with two bins provided per flat. A green waste bin may now be required to serve the small garden area, although sufficient space is now available in which to site an additional bin if this is required.

5.2.1.5 Scale and massing

The proposed houses would be smaller than the existing buildings and the Design and Access Statement shows an overlay of both the existing and proposed scheme to illustrate the difference. The proposed houses are at a smaller scale than the chapel and of a similar height and scale to existing houses in the vicinity. The proposed flats would be slightly taller than the former Church Hall, but arranged at 90 degrees to the original hall position. The proposed flats are now reduced in number and set back from the north boundary of the site, creating greater separation from the adjacent property. This revision reduces the immediacy of the gable and its presence in relation to the boundary, although you will need to determine whether the amended layout is sufficient to achieve a satisfactory relationship with the neighbouring property in terms of outlook and amenity.

5.2.1.6 Landscaping

Notes on the drawing now indicate that, where possible existing boundary features could be utilised such as coping stones and that these would be prioritised along the frontage with Old Hall Road. The existing stone posts are also to be salvaged and reused either side of the main entrance into the parking courtyard. It is recommended that requirements for the agreement of the salvage, careful storage and then re-use of any salvaged features are the subject of a suitably worded condition in order to ensure these elements are carefully removed and reused within the new scheme. The Agent's letter indicates that they are open to suggestions as to how salvaged materials could be utilised within the development. I would suggest that this could

extend into the landscape design of the areas around the flats and the communal garden area in particular. For example, stonework/banding in the Chapel could be used in path edgings, salvaged bricks in boundary walls etc. This could be agreed with the applicant depending on the amount of material that is capable of being salvaged. Details of hard and soft landscaping should also be conditioned together with proposals for their implementation.

5.2.1.7 Appearance

The proposed dwellings have a contemporary appearance and offer a modern interpretation of a traditional terrace house. Although their appearance is contemporary, the scale, use of materials and form of the buildings would complement the local context without copying existing buildings in the locality. As such, there is no objection to the appearance of the scheme within this setting.

5.2.1.8 Access

No changes are proposed to access.

5.2.1.9 Conclusion

The revised proposals have generally sought to respond to the issues identified in connection with the original submission and the adjustments to the layout have allowed for the provision of additional bin storage, secure cycle parking and additional amenity space and landscaping.

The reduced density of development, although remaining high, achieves an improved relationship with the neighbouring property relative to the initial design.

*In light of the amended proposals it is now considered that these have addressed the previously stated urban design related objections. **Recommendation** – No objection to revised proposal. The application has been amended having regard to the issues identified previously. Conditions recommended.*

The amount of development proposed has been reduced from 8 to 7 units, following the omission of one of the flats and the description of the development should therefore be amended to reflect this change.

- 5.2.2 Having reviewed these comments one of the issues to be considered is if the amended plans are acceptable to the neighbouring property at no.70. The positioning of the flats is now 9m to the south of the neighbouring house and there are no windows on the northern elevation of this building. It is not considered that the impact of the proposal would be significant to the residents of this dwelling in terms of overlooking or overshadowing. No objections have also been received from the residents.
- 5.2.3 In terms of the design the loss of a building that is on the Council's emerging Local List is unfortunate, but the principle of residential development on this site has been agreed in the past on several occasions, and many of the attractive features of the building have been lost during previous changes. The building does not merit any statutory protection.
- 5.2.4 The design of the 3-bed houses is viewed to be an attractive addition to New Hall Road, with the oriel windows and angled porches matched with compatible local materials including bricks and slates. These properties are also terraced properties and close to the building line in place. The 1-bed properties appear to be plainer in design and are likely to add to the mixed designs of dwellings upon Old Hall Road. They are also designed as terraced properties, which ensures they match the majority of local house types in this area.
- 5.2.5 In the context of the provisions of Policies CS2 and CS18 of the Core Strategy and the material planning considerations in relation to neighbour impact, it is concluded the proposals will not significantly impact in an adverse manner upon the privacy and/or outlook of the adjoining and/or adjacent neighbours and are acceptable in terms of these policies.
- 5.2.6 Overall the scheme is considered to be of an appropriate siting, scale and design which appropriately responds to site parameter constraints to protect neighbouring amenity. Overall the proposed development is considered to be appropriately sited, scaled and designed to respond to the provisions of policies CS2 and CS18 of the Core Strategy and the wider SPD.

5.3 **Highways Issues**

5.3.1 Comments have been received from the **Local Highways Authority (LHA)** stating they have no objections. They have stated that they would like a further 1.5 spaces on site than is offered.

5.3.2 At the moment there are 2 spaces offered per each 3-bed house and 1 space offered per 1-bed house. This is an adequate number of spaces for houses of this size. Although it has been noted that there is already an issue regarding highway safety on this street from on-street parking problems and the lack of any turning facility at the end, an adequate provision of amenity space for the 3-bed dwellings is also viewed to be important, and the only way of increasing car parking spaces would be to lose some of this space. This is not considered to be an appropriate option. It is considered that the revised proposal is an improvement to the original and is acceptable.

5.3.3 Having regard to policies CS2 and CS18 of the Local Plan in respect of highway safety it is not considered that the development proposals pose any adverse risk to highway safety.

5.4 **Flood Risk/Drainage**

5.4.1 In respect of matters of drainage and potential flood risk (having regard to policy CS7), it is noted that the application site is not at risk of flooding. In respect of drainage, the application details that the development is to be connected to existing mains foul and surface water systems. No details have been provided to show this. A condition will be required for information about this will function, including surface water run off mitigation from the parking spaces.

5.5 **Land Condition/Contamination**

5.5.1 The site the subject of the application is currently developed land and therefore land condition and contamination needs to be considered having regard to policy CS8 of the Core Strategy.

- 5.5.2 In respect of potential Coal Mining Risk, the site lies within the High Risk Area. The Coal Authority was consulted on the application and agreed with the Coal Mining Report findings that site investigation works should be undertaken prior to development.
- 5.5.3 In respect of contaminated land it has been requested that a desktop study and site investigations be completed, they also requested that gas monitoring should occur as part of the site investigations.
- 5.5.4 There may well be issues regarding unrecorded graves. The applicant should be made aware of the possibility of underground crypts. In addition to this, should any human remains be identified, construction works will have to be halted. The applicant should seek appropriate technical advice on this matter.

6.0 **REPRESENTATIONS**

- 6.1 As a result of neighbour notification, two letters of representation were received from Chesterfield residents with the following comments:
- 6.2 6 New Hall Road (2 letters) and 1 co-signed by residents of 2 and 4 – The residents believe that the proposal is being shoe horned into a site in a location that is already densely populated. They also believe that there are highway safety issues on New Hall Road, and they don't want the proposal to exacerbate the problem.

In response to these comments, the proposal has been reduced by 1 unit and there are an adequate number of parking spaces on the site for the dwellings. Any highway safety issues on the street are historic and it is not appropriate for this developer to be required to resolve this problem. The current scheme washes its own face in this respect.

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 the character of the area and highway safety, 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 **CIL LIABILITY**

- 9.1 Having regard to the nature of the application proposals the development comprises the creation of new residential accommodation and the development is therefore CIL Liable.

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

plot	New GIF sqm	calculation	total
1 - 4	4 x 88.7	355 x £50	£17,750
5 - 7	3 x 42.4	127 x £50	£ 6,350
Total			£24,100

10.0 **CONCLUSION**

- 10.1 The proposals are considered to be appropriately designed such that they are considered in keeping with the character of the surrounding area and would not have an unacceptable detrimental impact on the amenities of neighbouring residents or highway safety. The location of the proposed development site is appropriate, is well served by public transport, and is in close proximity to amenities. As such, the proposal accords with the requirements of policies CS2, CS18 and CS20 of the Core Strategy and the wider National Planning Policy Framework.

- 10.2 Furthermore subject to the imposition of appropriate planning conditions the proposals are considered to demonstrate wider compliance with policies CS7, CS8 and CS18 of the Core Strategy and the wider NPPF in respect of Highways, the Coal Authority, drainage, and materials.

11.0 **RECOMMENDATION**

11.1 That a CIL Liability Notice be served in line with the calculations referred to at paragraph 9 above.

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

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

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

02. All external dimensions and elevational treatments shall be as shown on the approved plans:
- RG.217516.100 C Proposed Site Layout
 - RG.217515.114 A Block B - Planning Elevations
 - RG.217515.103 A Site Sections
 - RG.217515.115 A Block B - Planning Plans
 - RG.217516.100 A Landscaping Masterplan
 - RG.217515.110 Block A – Planning Elevations
 - RG.217515.111 Block A – Planning Elevations
 - RG.217515.112 Block A - Planning Plans
 - RG.217515.113 Block A - Planning Plans.2
 - Topographical Survey
 - Design and Access Statement

with the exception of any approved non material amendment.

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

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

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

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

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

Reason – in the interests of highway safety

05. Before any other operations are commenced (excluding Condition 1 above) the existing vehicular access with New Hall Road shall be modified and provided with maximum visibility sightlines in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority. The area in advance of the visibility sightlines shall be retained throughout the life of the development free of any object greater than 1m in height (0.6m in the case of vegetation) relative to adjoining nearside carriageway channel level.

Reason – in the interests of highway safety

06. No dwelling shall be occupied until space has been laid out within the site in accordance with the approved drawings for cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear.

Reason – in the interests of highway safety

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

Reason – in the interests of highway safety

08. There shall be no gates or other barriers unless otherwise agreed in writing by the Local Planning Authority.

Reason – in the interests of highway safety

09. Development shall not commence until details of a permeable driveway material and/or sustainable drainage scheme 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.

Reason - To ensure that no surface water is discharged onto the highway.

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

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

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

Reason - In the interests of residential amenities.

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

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

13. 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.

Reason: To fully establish the presence and / or otherwise of any contamination and / or coal mining legacy and to ensure that site is remediated, if necessary, to an appropriate standard prior to any other works taking place on site.

14. Development shall not commence until intrusive site investigations have been carried out by the developer to establish the exact situation regarding coal mining legacy issues and contamination on the site and 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 remediation / stability of the site. Only those details which receive the written approval of the Local Planning Authority shall be carried out on site.

Reason: To fully establish the presence and / or otherwise of any contamination and / or coal mining legacy and to ensure that site is remediated, if

necessary, to an appropriate standard prior to any other works taking place on site.

15. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. The details shall include proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units; signs, lighting etc); proposed and existing functional services above and below ground (e.g. drainage power, communication cables, pipelines etc, indicating lines, manholes, supports etc); retain historic landscape features and proposals for restoration where relevant.

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

16. No development shall take place until full details of the bin storage and cycle store have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved.

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

17. Prior to commencement a full audit should be completed of the former chapel building to assess any features and materials to see if any of these could be salvaged and reused in the proposed development. If it is not possible to re-use certain materials or features the audit should robustly demonstrate why. This audit should be submitted to and approved in writing by the Local Planning Authority and these materials/features should be utilised as approved.

Reason: In the interest of heritage assets within the district.

18. Prior to the start of development details of opportunities for roosting bats and nesting birds that are to be incorporated into the new dwellings must be submitted to and approved in writing by the Local Planning Authority. Such approved measures shall be implemented in full as part of the development and be maintained thereafter.

Reason: In the interests of biodiversity within the district.

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

Reason: In the interests of reducing light pollution.

Notes

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

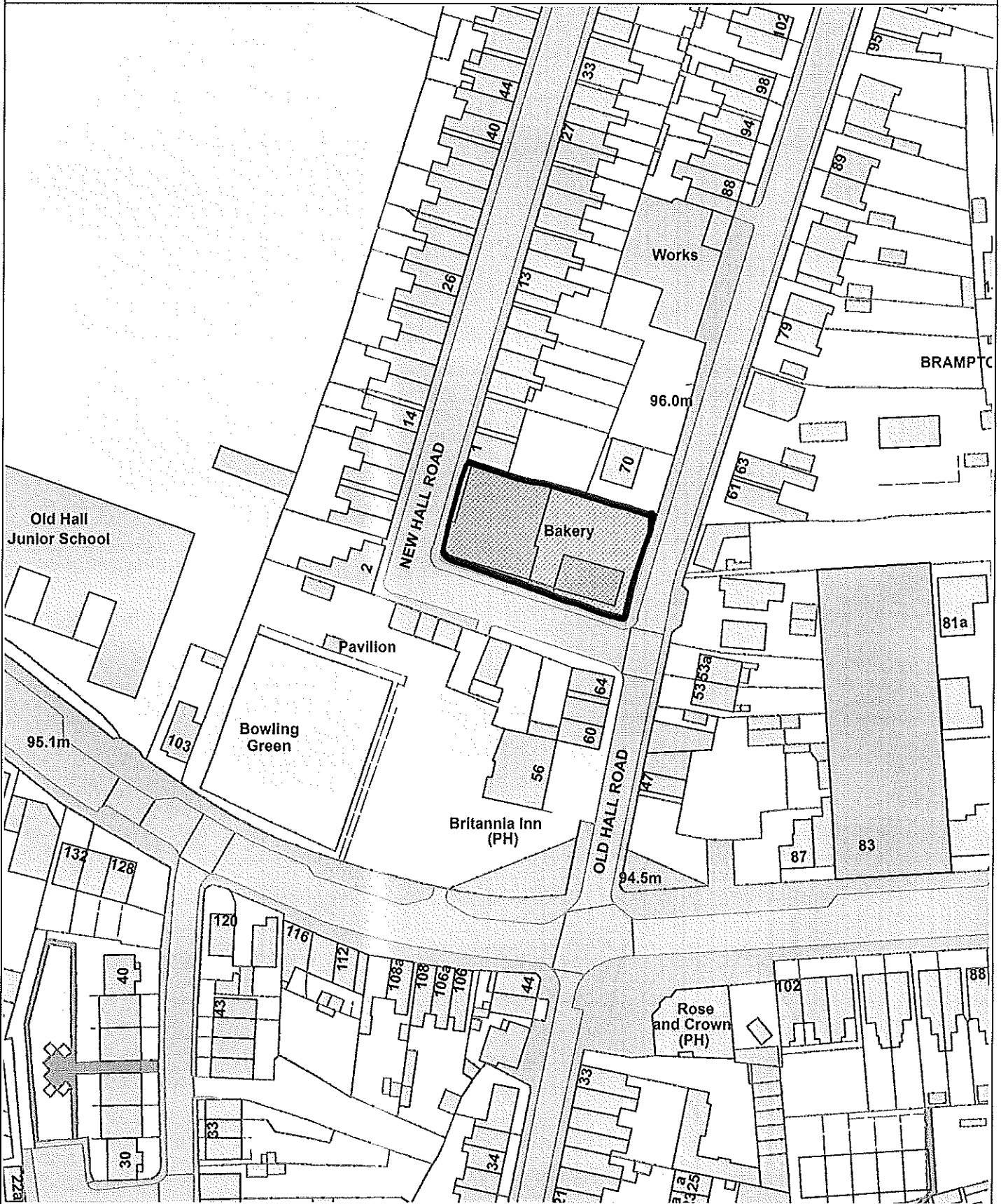
steps (eg; street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.

04. Construction works are likely to require Traffic Management and advice regarding procedures should be sought from Dave Bailey, Traffic Management, 01629 538686. All road closure and temporary traffic signal applications will have to be submitted via the County Councils web-site; relevant forms are available via the following link -
http://www.derbyshire.gov.uk/transport_roads/roads_traffic/roadworks/default.asp
05. Attention is drawn to the attached notes on the Council's 'Minimum Standards for Drainage'.
06. Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1991 prior notification shall be given to the Department of Economy Transport and Environment at County Hall, Matlock regarding access works within the highway. Information, and application forms, regarding the undertaking of access works within highway limits is available by email
ETENetmanadmin@derbyshire.gov.uk, telephone Call Derbyshire on 01629 533190 or via the County Council's website
http://www.derbyshire.gov.uk/transport_roads_traffic/development_control/vehicular_access/default.asp.
07. The Highway Authority recommends that the first 6m of the proposed access driveway should not be surfaced with a loose material (i.e. unbound chippings or gravel etc.). In the event that loose material is transferred to the highway and is regarded as a hazard or nuisance to highway users the Authority reserves the right to take any necessary action against the landowner.
08. Pursuant to Section 163 of the Highways Act 1980, where the site curtilage slopes down towards the public highway measures shall be taken to ensure that

surface water run-off from within the site is not permitted to discharge across the footway margin. This usually takes the form of a dish channel or gulley laid across the access immediately behind the back edge of the highway, discharging to a drain or soakaway within the site.

09. There may well be issues regarding unrecorded graves. The applicant should also be aware of the possibility of underground crypts. In addition to this, should any human remains be identified, construction works will have to be halted. The applicant should seek appropriate technical advice on these matters.

PLAN - CHE/16/00216/FUL - JACKSONS BAKERY, NEW HALL ROAD



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Agenda Item 5

COMMITTEE/SUB	Planning Committee
DATE OF MEETING	21 ST NOVEMBER 2016
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

16/01783/DEX	Domestic Extensions/Alterations Rear extension 55 Ashgate Avenue Ashgate Chesterfield Derbyshire S40 1JD	Unconditional Approval	20/10/2016
16/01386/DCC	Derbyshire County Council Single storey rear extension 25 Wimborne Crescent Newbold Chesterfield Derbyshire S41 8PT	Conditional Approval	18/10/2016
16/01717/DCC	Derbyshire County Council Replacement single steel windows Dunston Primary School Dunston Lane Newbold Chesterfield Derbyshire S41 8EY	Unconditional Approval	31/10/2016
16/01862/DRO	Domestic in-roof Extensions/Alterations Loft conversion 21 Rhodesia Road Chesterfield Derbyshire S40 3AL	Conditional Approval	02/11/2016
16/01822/DEX	Domestic Extensions/Alterations Extension 6 Netherthorpe Close Staveley Chesterfield Derbyshire S43 3PX	Unconditional Approval	28/10/2016
16/01698/DEX	Domestic Extensions/Alterations Single storey extension to rear 160 Somersall Lane Somersall Chesterfield Derbyshire S40 3LZ	Conditional Approval	19/10/2016
16/01703/DEX	Domestic Extensions/Alterations Single storey side/rear/front extensions 2 Litton Close Staveley Chesterfield Derbyshire S43 3TD	Conditional Approval	31/10/2016
16/01561/DOM	Domestic Buildings and New Dwellings Residential Development Gargae Site Barker Lane Chesterfield Derbyshire S40 1EE	Rejected	31/10/2016

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Agenda Item 6

COMMITTEE/SUB	Planning Committee
DATE OF MEETING	21 ST NOVEMBER 2016
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/16/00497/RET 942	Lowgates And Woodthorpe	Retention of works to boundary wall - building of brick pillars above existing wall and the spaces between the pillars to be filled with timber panels and as amended by revised plans received on 29.09.2016 At 48 Norbriggs Road Woodthorpe Derbyshire S43 3BU For Mr Steven Fox	CP	20/10/2016
CHE/16/00542/MA 3037 1562 345	Hollingwood And Inkersall	Material amendment to CHE/14/00644/FUL - Solar photovoltaic (PV) farm with associated infrastructure for a temporary period of 27 years At Development Land To West Of Duckmanton and North Of Tom Lane Duckmanton Derbyshire For Arkwright Solar Limited	CP	07/11/2016
CHE/16/00565/TCU 1128	St Leonards	Change of use of ground floor to rustic cafe/restaurant At The Money Shop 15 - 17 Knivesmithgate Chesterfield Derbyshire S40 1RL For Mr Gavin Grainger	PA	03/11/2016
CHE/16/00577/FUL 1073	Hollingwood And Inkersall	Rear two storey extension (Revised Drawing No. 2016-62 received on 19th October 2016) At 10 Private Drive Hollingwood Derbyshire S43 2LB For Mr William Weatherall	REF	01/11/2016

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/16/00583/DO	Dunston	Discharge of condition 10 (landscaping) of CHE/15/00818/FUL - Erection of 2 three bedroom bungalows including double garage At 68 Dunston RoadChesterfieldDerbyshireS41 8XA For A Rock Construction Ltd	DPC	25/10/2016
CHE/16/00606/FUL 1705	Middlecroft And Poolsbrook	Front single storey extension At 1 Litton CloseStaveleyDerbyshireS43 3TD For Mr Dan Rimmer	CP	02/11/2016
CHE/16/00610/TPO	Brockwell	T1-T32 - Limes and Maples - crown lift to 2.8mT33 - Maple - sectional fell and grind stump At Chesterfield Borough CouncilTown HallRose HillChesterfieldDerbyshireS40 1LP For Chesterfield Borough Council	CP	04/11/2016
CHE/16/00611/FUL 530	Linacre	Erection of garden room (revised plans received 24.10.2016) At 5 Kedleston CloseUpper NewboldDerbyshireS41 8WB For Mr and Mrs Carruthers	CP	31/10/2016
CHE/16/00618/FUL 857	St Leonards	Proposed restaurant on third floor together with pavement cafe. Alteration and widening of ground floor opening to accommodate new bi- fold doors and installation of retractable awning canopy to building entrance At 21 - 23 Holywell StreetChesterfieldDerbyshireS41 7SA For Mr Giacchino Livoti	REF	02/11/2016

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/16/00629/NM	Dunston	Amendment to CHE/16/00316/FUL (The removal of the existing 12 metre high monopole, the installation of a 12.5 metre Phase 5 monopole and 2 No equipment cabinets (a BTS3900A stacked cabinet measuring 600 x 400 x 1600mm and a 1800 RFC cabinet measuring 600 x 480 x 900mm) and associated development) to re-site the telecom pole At Former Goldminers ArmsLittlemoorNewboldDerbyshireS41 8QQ For Mobile Broadband Network Limited	UP	24/10/2016
CHE/16/00638/DO 1932	St Leonards	Discharge of conditions 3 (excavations on site) & 4 (landscaping details) of - CHE/14/00540/FUL - Single storey prefabricated classroom At Dryhurst HouseSycamore DriveChesterfieldDerbyshireS44 5DX For Mr Adrian Mason	DPC	26/10/2016
CHE/16/00642/FUL 1656	Dunston	Ground floor rear extension tom provide a breakfast kitchen At Apple TreesLancaster RoadNewboldDerbyshireS41 8TP For Dr S Sanghera	CP	02/11/2016
CHE/16/00646/TPO	Brockwell	Crown clean of Ash tree (T1) to reduce by 15% At 40 Bentham RoadChesterfieldDerbyshireS40 4EZ For Mr Stephen Ibbotson	CP	07/11/2016

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/16/00649/DO 6193	Hollingwood And Inkersall	Planting of blacktorn/hawthorne /prunums boundry hedge to discharge condition 1 of CHE/14/00114/REM (erection of two dwellings and garages) At Points Of Sale95 - 97 Rectory RoadDuckmantonDerbyshireS44 5EE For Morgan Lowe Homes	DPC	25/10/2016
CHE/16/00654/TPD	Barrow Hill And New Whittington	Erection of a part brick and glass conservatory At 9 Caxton CloseNew WhittingtonDerbyshireS43 2EA For Mr Paul Caxton	PANR	24/10/2016
CHE/16/00665/TPO 27	Old Whittington	Horsechestnut tree - crown clean, reduction of branches growing towards property At 4 Ashleigh CloseOld WhittingtonDerbyshireS41 9NA For Mrs Irene Rodgers	CP	07/11/2016
CHE/16/00682/TPD	Old Whittington	Flat roof single storey extension with skypod (dome) At 46 Howard DriveOld WhittingtonDerbyshireS41 9JU For Mr Roger Otter	PANR	04/11/2016
CHE/16/00726/TPO 1935	Brockwell	T1 Lime - crown lift to 3m over garden/garage access and 5.2m over carriageway At 29 Cobden RoadChesterfieldDerbyshireS40 4TD For Chesterfield Borough Council	CP	07/11/2016

COMMITTEE/SUB	Planning Committee
DATE OF MEETING	21 ST NOVEMBER 2016
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/16/00610/TPO 4901.306 04/11/16	The felling of one Maple tree reference T33 and the pruning of 32 trees reference T1–T32 on the Order map for William Thornhill on behalf of Chesterfield Borough Council at the Rose Hill Car Park, Town Hall. The Maple tree is suffering from dieback of the crown and the 32 trees require the lower branches removing for vehicular access.	Consent is granted to the felling of one Maple tree T33 with a condition to replant in the same location or on the north boundary of the car park. Consent is also granted to the crown lifting of 32 trees by 2.8 metres pruning back to suitable replacement branches.
CHE/16/00646/TPO 4901.67 07/11/16	The pruning of one Ash tree reference T1 on the Order map for Mr Ibbotson of 40 Bentham Road, Newbold.	Consent is granted to the crown reduction of the tree by 15% pruning back to previous reduction points and leaving a well-balanced crown.
CHE/16/00726/TPO 4901.343 07/11/16	The pruning of one Horsechestnut tree reference T9 on the Order map for Mrs Irene Rodgers of 4 Asahleigh Close, Old Whittington. The tree is allegedly low over the highway and garden, close to the property and shading the garden.	Consent is granted to the crown lifting of the tree by 5.2 metres over the highway and 3 metres over the garden and garage area.

<p>CHE/16/00665/TPO</p> <p>4901.05</p> <p>07/11/16</p>	<p>The pruning of one Lime tree reference T1 on the Order map for William Thornhill on behalf of Chesterfield Borough Council at 29 Cobden Road. The tree is low over the highway and garden.</p>	<p>Consent is granted to the crown lifting of the tree by 4.5 metres which includes the removal of epicormics growth on the main stem, the reduction of branches growing towards the property to give a 3 metre clearance from the structure and the crown thinning of the tree by 25% to allow more light into the house and garden.</p>
<p>CHE/16/00745/TPOEXP</p> <p>4901.161</p> <p>09/11/16</p>	<p>The felling of one dead Sycamore tree reference T12 on the Order map for Mr John Frederick at the former Ashbrook Hostel, Cuttholme Road, Ashgate.</p>	<p>Consent is granted to the felling of one Sycamore tree by virtue of Part VIII, Chapter 1, Section 198, paragraph 6(a) of the Town and Country Planning Act 1990 as amended under The Town and Country Planning (Tree Preservation) (England) Regulations 2012, which has provision for dead and dangerous trees, Section 206, paragraph 1(b) of the same Act requires any dead/dangerous tree to be felled under Section 198 to be replaced during the next available planting season, i.e. 1st October 2016 to 31st March 2017 to the satisfaction of the Borough Council.</p>

AGENDA ITEM

APPEALS REPORT

MEETING: PLANNING COMMITTEE
DATE: 21ST NOVEMBER 2016
REPORT BY: GROUP LEADER
DEVELOPMENT MANAGEMENT

FOR PUBLICATION

BACKGROUND PAPERS FOR PUBLIC REPORTS

TITLE

LOCATION

Non exempt papers on files
referred to in report

Development Management
Section
Planning Service
Town Hall Chesterfield

1.0 PURPOSE OF REPORT

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

PAUL STANIFORTH
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 01246
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>
2/2909	Holmebrook ward	Dr Sandralee Lewis	CHE/16/00332/FUL Front extension at 14 Old Hall Road	Officer delegation	03/10/16	Written Reps (HAS)	

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FOR PUBLICATION Agenda Item 9

ENFORCEMENT REPORT

MEETING: PLANNING COMMITTEE
DATE: 21ST NOVEMBER 2016
REPORT BY: LOCAL GOVERNMENT AND REGULATORY LAW MANAGER
DEVELOPMENT MANAGEMENT & CONSERVATION MANAGER
WARD: As listed in the report

FOR PUBLICATION

TITLE: 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). More information on informal enforcement is available from the Planning Service.

4.0 MORE INFORMATION ABOUT THE TABLE

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

5.0 RECOMMENDATION

5.1 That the report be noted.

GERARD ROGERS
LOCAL GOVERNMENT AND
REGULATORY LAW MANAGER

PAUL STANIFORTH
DEVELOPMENT MANAGEMENT
& CONSERVATION MANAGER

Further information on this report from Gerard Rogers, Legal Services
Tel 01246 345310 or email gerard.rogers@chesterfield.gov.uk

ENFORCEMENT REPORT

Enforcements currently Authorised: 4

11 November 2016

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: 2</i>		<i>Authorised to Issue Average:</i>		<i>days</i>			
Hady Lane	15/10/12 <small>1,488</small>	occupation of land					Resubmitted application for relocation site granted 06/10/14, and details on conditions submitted. Outcome of Village Green Inquiry - DCC rejected the applications on 25/07/16. Currently moving to authorised site.	<input type="checkbox"/> <small>11/11/16</small>	Ha
Watson Works	27/06/16 <small>137</small>	use for war and horror style games					Cease war and horror style games at weekends and after 18:00 hours, and pyrotechnics at any time. Unilateral obligation proposed by occupants/owner.	<input type="checkbox"/> <small>11/11/16</small>	Wa

Stop Notice

Total currently Authorised: 1 Authorised to Issue Average: days

Address	Authorised <small>days from</small>	Breach	CHE/	Issued <small>days to issue</small>	Effective <small>days to (-) /from</small>	Comply <small>days to (-) /from</small>	Notes	update <small>last update</small>	Ward
Walton Works	27/06/16 137	use for war and horror style games of game play					Cease war and horror style games at weekends and after 18:00 hours, and pyrotechnics at any time. Complying.	<input type="checkbox"/> 11/11/16	Wa

TPO Prosecution

Total currently Authorised: 1 Authorised to Issue Average: days

Desk Walk	24/10/16 18	felling 9 TPO trees						<input type="checkbox"/>	
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Action authorised by Committee except Breach of Condition, Planning Contravention, Section 215 Notices, Advertisement Discontinuance, prosecutions and urgent action which are authorised by officers

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

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