



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

Councillors Brunt and Dickinson –
Site Visit 1

Councillors Bagley and Murphy –
Site Visit 2

Councillors Ludlow and Parsons –
Site Visit 3

30 November 2018

Dear Councillor,

Please attend a meeting of the PLANNING COMMITTEE to be held on MONDAY, 10 DECEMBER 2018 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 Town Hall Reception at 13:05pm. Ward members wishing to be present should attend on site as indicated below:-

1. 13:15 6 Ashgate Road, Brockwell
CHE/18/00605/FUL
2. 13:50 Site of the former Stagecoach Ltd., Sheffield
Road CHE/17/00385/OUT
3. 14:15 Site of the former Poolsbrook Hotel, Staveley

Chesterfield Borough Council, Town Hall, Rose Hill, Chesterfield S40 1LP

Telephone: 01246 345 345, Text: 07960 910 264, Email: info@chesterfield.gov.uk

www.chesterfield.gov.uk

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

Ward members are invited to attend on site and should confirm their attendance by contacting Charlotte Kearsley on tel. 01246 345236 or via e-mail: charlotte.kearsey@chesterfield.gov.uk by 9.00 a.m. on Monday 10 December, 2018. 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 - 20)
4. Applications for Planning Permission - Plans Determined by the Committee (Pages 21 - 138)
5. Building Regulations (P880D) (Pages 139 - 146)
6. Applications for Planning Permission - Plans Determined by the Development Management and Conservation Manager (P140D) (Pages 147 - 160)
7. Applications to Fell or Prune Trees (P620D) (Pages 161 - 166)
8. Appeals Report (P000) (Pages 167 - 176)
9. Enforcement Report (P410) (Pages 177 - 180)

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Randy', located at the top center of the page.

Local Government and Regulatory Law Manager and Monitoring Officer

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PLANNING COMMITTEE

Monday, 19th November, 2018

Present:-

Councillor Brittain (Chair)

Councillors	P Barr	Councillors	Davenport
	Bingham		Sarvent
	Brady		Simmons
	Callan		Miles
	Catt		

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

CHE/18/00436/REM - Reserved matters application for CHE/15/00344/OUT - Erection of 26 dwellings (revised plans received 29/07/2018 and 18/10/2018) at land to rear of 292 Manor Road, Brimington, Chesterfield, Derbyshire for Arncliffe Homes Ltd

Councillors Barr, Bingham, Brady, Brittain, Callan, Catt, Davenport, Miles, Sarvent and Simmons.

CHE/18/00557/FUL - Change of use to hand car wash at land to the rear of 34 Chatsworth Road, Chesterfield.

Councillors Barr, Bingham, Brady, Brittain, Callan, Catt, Davenport, Miles, Sarvent and Simmons.

CHE/18/00337/COU - Change of use from residential to commercial on the ground floor, with a flat at first floor, and a single storey rear extension at 144 Chatsworth Road, Chesterfield.

Councillors Barr, Bingham, Brady, Brittain, Callan, Catt, Davenport, Miles, Sarvent and Simmons.

*Matters dealt with under the Delegation Scheme

Apologies for absence were received from Councillors Caulfield, Hill and Wall.

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

No declarations of interest were received.

70 MINUTES OF PLANNING COMMITTEE

RESOLVED -

That the Minutes of the meeting of the Planning Committee held on 29 October, 2018 be signed by the Chair as a true record.

71 APPLICATIONS FOR PLANNING PERMISSION - PLANS DETERMINED BY THE COMMITTEE

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

CHE/18/00436/REM - RESERVED MATTERS APPLICATION FOR CHE/15/00344/OUT - ERECTION OF 26 DWELLINGS (REVISED PLANS RECEIVED 29/07/2018 and 18/10/2018) AT LAND TO REAR OF 292 MANOR ROAD, BRIMINGTON, CHESTERFIELD, DERBYSHIRE FOR ARNCLIFFE HOMES LTD

In accordance with Minute No. 299 (2001/2002) Mr Chris Dennison (architect for applicant) addressed the meeting.

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

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

5028 A 00 10 – SITE LOCATION PLAN (rec'd 29/07/2018)

Site Layout

5028 A 90 01 C05 – HARD LANDSCAPING PLAN (rec'd 16/11/2018)
 5028 A 00 02 C05 – SOFT LANDSCAPING PLAN (rec'd 16/11/2018)

House Types

5028 A 00 01 C03 – BIRKDALE HOUSE TYPE (rec'd 16/11/2018)
 5028 A 00 02 C01 – BIRCH HOUSE TYPE (rec'd 18/10/2018)
 5028 A 00 03 C01 – MULBERRY HOUSE TYPE (rec'd 18/10/2018)
 5028 A 00 04 C01 – RICHMOND HOUSE TYPE (rec'd 18/10/2018)
 5028 A 00 05 C01 – SUNNINGDALE HOUSE TYPE (rec'd 18/10/2018)
 5028 A 00 06 C03 – WENTWORTH HOUSE TYPE (rec'd 16/11/2018)
 5028 A 00 07 C03 – WOBURN HOUSE TYPE (rec'd 16/11/2018)

Documents

DESIGN AND ACCESS STATEMENT
 PLANNING STATEMENT JUNE 2018
 BAT EMERGENCE SURVEY

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

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

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

4. Within 2 months of commencement of development, unless otherwise

agreed in writing by the Local Planning Authority, full details of hard landscape works for the approved development shall be submitted to the Local Planning Authority for consideration.

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

5. Within 2 months of commencement of development, unless otherwise agreed in writing by the Local Planning Authority, further details of a package of ecological enhancement measures to be implemented on site to provide a net biodiversity gain across the site.

Ecological enhancement measures shall include bird and bat boxes; and hedgehog gaps through boundary fences.

Only those details agreed in writing shall be implemented on site prior to the development hereby approved being brought into first use.

6. Prior to any development exceeding demolition or site clearance taking place on site the permanent access to Manor Road shall be laid out in accordance with drawing number (90)01 - Revision C04, comprising a minimum carriageway width of 5.5m, a 6.8m inlet radius and 8m exit radius. The access shall be provided with 2.4m x 50m visibility sightlines in each direction, or other such dimension as may be agreed in writing with the Local Planning Authority, the sightline being taken up to 1m into the nearside carriageway at the extremity of the splay; the area in advance of these sightlines being laid out as part of the street and not part of any adjoining plot or other sub-division of the site.

7. The internal estate street shall be laid out in accordance with drawing number (90)01 – Rev C04.

CHE/18/00557/FUL - CHANGE OF USE TO HAND CAR WASH AT LAND TO THE REAR OF 34 CHATSWORTH ROAD, CHESTERFIELD

In accordance with Minute No. 299 (2001/2002) Mr Brett Wilson (site manager for applicant) and Mr David Wilson (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:

- Proposed Elevation and Site Plan Drawing no. S/01/P03F
- Proposed Cabin and details Drawing no.S/01/P04D
- Site Location Plan drawing no. S/01/P01B
- Design and Access Statement
- Existing Elevation and Site Plan

with the exception of any approved non material amendment.

3. Prior to the commencement of car washing operations full construction details regarding the vehicular access to Wheatbridge Road shall be submitted for approval. Thereafter, the crossing shall be constructed in accordance with the approved conditions.

4. Prior to the commencement of car washing operations a new vehicular exit of 4.0m width of standard splayed design shall be formed to Wheatbridge Road and provided with visibility sightlines extending from a point 2.4 metres from the carriageway edge, measured along the centreline of the access, for a distance of 47 metres to the east measured along the nearside carriageway edge 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.

5. The means of protecting highway users from spray associated with the car wash operation, as shown in the application submission shall be implemented prior to the commencement of car washing operations being taken into use and which shall be retained thereafter.

6. Prior to the commencement of car washing operations full details of signage indicating right turn only out of the site, entry and exit

arrangements shall be submitted to and agreed, in writing, by the Local Planning Authority in consultation with the Highway Authority and then implemented on site in accordance with the agreed scheme.

7. Prior to cash wash operations commencing on site the entry and no entry signs shall be erected as described and a one-way system maintained through the site for the life of the development.

CHE/18/00337/COU - CHANGE OF USE FROM RESIDENTIAL TO COMMERCIAL ON THE GROUND FLOOR, WITH A FLAT AT FIRST FLOOR, AND A SINGLE STOREY REAR EXTENSION AT 144 CHATSWORTH ROAD, CHESTERFIELD

That the officer recommendation be upheld and the application be refused for the following reasons:-

1. Policies CS2 and CS18 of the adopted Core Strategy require that development will be expected to “have an acceptable impact on the amenity of users and neighbours”. The potential detrimental impacts of the proposed rear extension on the residential amenity of the neighbouring residents at 142 and 146 Chatsworth Road in terms of their outlook at a blank 2.8 metre high brick wall projecting 6 metres along the boundary would be seriously harmful to their residential amenity. The proposal is considered to be contrary to policy CS2 and CS18 of the Chesterfield Core Strategy 2011 – 31 and the requirements of the 2018 NPPF paragraph 130 which requires good design improving the character and quality of an area and the way it functions.
2. The amenity for the proposed flat is considered to be seriously detrimental having regard to the lack of suitable external amenity space and an access to the area to the rear where the waste bins would be placed and the parking opportunity is available and which is considered to be contrary to Policies CS2 and CS18 of the adopted Core Strategy. The proposal is also therefore of a poor design contrary to the requirements of the 2018 NPPF paragraph 130 which requires good design improving the character and quality of an area and the way it functions and also the Councils 2013 SPD Successful Places.
3. A lack of information has been provided with the application to allow the local planning authority to properly consider the impact of the proposal on the street scene and Chatsworth Road Conservation Area in which the site is located.

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

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

(a) Approvals

- | | |
|------------------|---|
| CHE/18/00336/COU | Change of use from commercial to residential at 158 Keswick Drive Newbold Derbyshire S41 8HH for Mr David John Moore |
| CHE/18/00384/FUL | Change of use of first floor office area to new residential HMO unit with 8 bedrooms and associated works with access from ground floor at 6-12 Oxford Buildings South Street North New Whittington S43 2AB for Bros Prop Ltd |
| CHE/18/00455/FUL | Two storey side and rear extension (revised plans received 15.10.2018 and 19.10.2018) at 43 Rockingham Close Chesterfield Derbyshire S40 1JE for Mr D Wake |
| CHE/18/00470/OUT | Outline Application with all matters reserved for a single detached dwelling on land to the rear of 100-102 Highfield Lane with retention of existing two dwellings - revised drawings received 3 9 2018 at land to rear of 100-102 Highfield Lane Newbold S41 8BA for Mr Hopkinson |
| CHE/18/00480/FUL | Two storey side extension and single storey rear extension - revised drawings received at 8 Loundsley Court Holme Hall Chesterfield S42 7PW for Mr and Mrs John Bowerman |
| CHE/18/00545/FUL | Single storey front extension at 38 Eastwood Park Drive Hasland S41 0BD for Johnson |
| CHE/18/00553/FUL | Proposed extension at 31 Little Brind Road Upper |

	Newbold Derbyshire S41 8XW for Mr and Mrs Dibble
CHE/18/00558/FUL	Single storey side and rear extension at 97 Hucknall Avenue Loundsley Green Chesterfield Derbyshire S40 4BZ for Mrs Amy Heathaston
CHE/18/00560/FUL	Single storey rear extension and detached garage at 78 Hady Crescent Hady Derbyshire S41 0EA for Mr Paul Mellors
CHE/18/00569/FUL	Double storey rear extension (revised plans received 18.10.2018) at 140 Langer Lane Birdholme S40 2JJ for Mrs S Hindmarch
CHE/18/00571/FUL	Single storey extension to left hand side of dwelling and two storey extension to front elevation at 20 Ardsley Road Ashgate Chesterfield for Mr T Sterling
CHE/18/00572/LBC	Replacement stone head jambs and sills and missing string to ground floor window and replacement at 15 Church Street North Old Whittington S41 9QN for Mrs Claire Shaw
CHE/18/00585/MA	Material amendments to original planning application CHE/16/00827/FUL - to render to front of property as brickwork could not be salvaged. Rear extended single storey 5 metres from original building. Pillars extend out by 450mm (instead of 225mm in original application) to allow for insulation at 24 Lichfield Road Walton S40 3EZ for Miss Sandhu
CHE/18/00591/RET	Retrospective application for the installation of an ATM installed through existing brick to the left hand side of the shop front at 26A Circular Road Staveley S43 3QX for Ms Jan Clark
CHE/18/00592/ADV	Integral illumination and screen to the ATM fascia and internally illuminated Free Cash Withdrawals sign above the ATM at 26A Circular Road

Staveley S43 3QX for Ms Jan Clark

- CHE/18/00596/REM Reserved matters application for access, appearance, landscaping, layout and scale in relation to application CHE/17/00252/OUT for pair of two bedroom semi detached houses. Additional plans received 23.10.2018 at land adjoining 20 Harehill Road Grangewood S40 2JA for Mr N James
- CHE/18/00599/FUL New road bridge and access road at land at east of A61 known as Chesterfield Waterside Brimington Road Tapton Derbyshire for Laver Regeneration Ltd
- CHE/18/00601/FUL First floor rear extension over an existing kitchen extension (revised plans received 22.10.2018) at 38 Mansfeldt Road Newbold S41 7BW for Mr Jason Mitchell
- CHE/18/00608/FUL Installation of ANPR camera and signage onto existing post(s) at Markham Vale Services Mcdonalds Restaurants Ltd Markham Lane Duckmanton S44 5HB for UK Parking Control Ltd
- CHE/18/00616/TPO Robinia - T1, T2, T4 remove dead wood and fell T3 and T5 and crown lift one Cherry at Walton Hospital Whitecotes Lane Walton for T.E.P
- CHE/18/00617/TPO T209-210-211 - Oak, sycamore and elm - roadside - 5m crown lift and crown clean; T216 - large sycamore - entrance - fell - due to dying; T261 - large beech - fell as dead; T310 - large elm - fell as dead and all other trees on model railway site - crown lift and crown clean at Chesterfield Model Engineering Society Hady Hill Hady Derbyshire S41 0EE for Mr P Nash
- CHE/18/00618/TPO Poplar (0012, 0018, 0020) - Pollard x 3 back to just above old cuts; Chestnuts (0007, 0008, 6000) - Remove dead wood; Ash - (0014) - Pollard x 1 back to just above old cuts. Excessive shading -

crown on poplars getting excessive in proportion to garden at 11 Netherleigh Road Ashgate Chesterfield Derbyshire S40

- CHE/18/00620/NMA Non material amendment to CHE/17/00885/FUL (Demolition of existing building and replacement with two storey building with offices to ground floor and three number one bedroom studios to first floor) to reposition commercial and residential entrance, minor amendments to windows and addition of canopy at commercial at entrance at 9D Holywell Street Chesterfield Derbyshire S41 7SA for Heritage Midlands Ltd
- CHE/18/00628/TPO 1 London Plane tree to be pollarded at 19 Yew Tree Drive Somersall Derbyshire S40 3NB for Mr Garry Hodgeson
- CHE/18/00629/FUL Two storey side extension and single/two storey rear extension at 17 Grasmere Close Newbold Derbyshire S41 8EG for Mrs Natalie Murphy
- CHE/18/00641/TPO T1 and T2 Sycamore - Re-pollard due to decay in main stem at 183 Church Street North Old Whittington for Mr Ken Rayner
- CHE/18/00664/TPO Reduction of branch to the boundary line, overhanging onto No 31 Bentham Road, also removal of dead branches. Branch overhangs the conservatory and is touching the conifer tree resulting in further overhang and concern over safety of low hanging branch at 29 Bentham Road Chesterfield Derbyshire for Mr Neil Gregory
- CHE/18/00679/TPO T1, Yew - Crown Lift 3 to 3.5m, clear structure by 2m T2, Yew - Crown Lift 2.5 to 3m, clear structure by 1 to 1.5m T3, Silver Birch - Crown Lift 2.5m at former F Shaw and Partner Penmore House Hasland Road Hasland Derbyshire S41 0SJ for Frank Shaw Associates Ltd
- CHE/18/00681/CA Works on protected trees (T83, T84, T85, T86,

T90, T91, T93, T94, T95, T96, T97, T104) at The Fold 4 Somersall Willows Chesterfield Derbyshire S40 3SR for Mr Peter Watmore

- CHE/18/00686/TPO Beech Trees (T1, T3, T5, T25 and T28) - Crown lift to 5m; Hawthorns (T2 and T4) - Dead (Dismantle to near ground level); Turkey Oak (T7) and Holly (T6) - Fell to near ground level at 46 Newbold Road Newbold S41 7PL for Tribalrock Ltd
- CHE/18/00700/TPO Fell one storm damaged Beech tree reference T2 of TPO 14 at Netherleigh 34 Netherleigh Road Ashgate Chesterfield S40 3QJ for Mr Kirk
- CHE/18/00703/NMA Non material amendment to CHE/17/00240/FUL (erection of a single dwelling) to substitute amended plans at land adj 2 Hazel Drive Walton S40 3EN for Mr S Donahue
- CHE/18/00749/TPO Beech T1 and Large Beech in G2 - fell both trees - Dangerous Fungal Infection at Netherleigh 34 Netherleigh Road Ashgate Chesterfield S40 3QJ for Mr Ashley Kirk
- CHE/18/00751/TPO T47 Crab Apple, Crown lift 2.5m over footpaths, T44, T46 and T47 Cherry, Crown lift 2.5m over footpaths, T51 Lime, Crown lift 2.5m over footpaths, T30 Laurel, Crown lift 2.5m over footpath, T71 Hawthorn, Crown lift one lower branch over footpath 2.5m, T60 Ash, Crown lift over footpath 2.5m, T73 Multi-stemmed ash crown lift 2.5m and crown reduced to previous pruning points, T59 Ash, Remove major dead wood, T68 Lime, Crown Lift over footpath and roadside and T74 Silver Leaf Maple, remove metal tree guard at Victoria Park Duke Street Staveley Derbyshire S43 3PD for Chesterfield Borough Council

(b) Refusal

- CHE/18/00549/FUL Removal of dying conifer trees on boundary and

erection of a replacement boundary wall. Then we would like to re-site side gate in new position in existing 6ft high boundary wall at 1 Elkstone Road Holme Hall Chesterfield S40 4UT for Mr and Mrs Grocutt

CHE/18/00623/FUL Ground floor extension to provide a sun lounge at 24 Long Field Grange Upper Newbold Derbyshire S41 8WY for Mr and Mrs R Trewin

CHE/18/00627/FUL Demolition of two sets of outbuildings to the rear and left hand side of the rear car park at Sun Inn 13 West Bars Chesterfield S40 1AQ for New River Retail Property Unit Trust 4

(c) Discharge of Planning Condition

CHE/18/00556/DOC Discharge of condition 3 of CHE/17/00540/FUL at Newbold Surgery 3 Windermere Road Newbold S41 8DU for Dr Upendra Bhatia

CHE/18/00565/DOC Discharge condition 5 (External Lighting) on approved application CHE/17/00572/REM at Plot 6 Markham Vale Enterprise Way Duckmanton Derbyshire for Henry Boot Developments Ltd

CHE/18/00577/DOC Discharge of planning conditions 4 (materials), 5 (site investigations), 6 (soft landscaping), 8 (foul and surface water drainage), 9 (site compound layout) of CHE/15/00445/FUL - Erection of four 2 bedroom dwellings at 59 Rufford Close Boythorpe S40 2PB for Chesterfield Borough Council

CHE/18/00590/DOC Discharge condition 3 (Drainage) and condition 6 (Materials) of application CHE/15/00779/FUL (Proposed three bedroom detached house with garage and parking) at land adjacent 102 Brooke Drive Brimington for Mr Robert Lather

CHE/18/00593/DOC Discharge of conditions 3 and 5 (drainage) of CHE/18/00307/FUL (Demolition of existing dwelling and erection of a replacement dwelling)

at Broomhill Farm Broomhill Road Old Whittington
S41 9EA for Broomhill Farm Ltd

- CHE/18/00610/DOC Discharge planning conditions 3 (Construction Management Plan), 6 (Drainage Layout), 9 (Archaeological Evaluation), 11 (Site Layout), 12 (Employment Training Scheme), 13 (Excavation and Earthworks) and 14 (vibro-compaction machinery) on application CHE/17/00569/FUL for proposed earthworks on development land. Additional drawing 07.2423-400 REV M (site road and drainage layout) received at land off Eastside Park Eastside Road Chesterfield S41 9BU for Pendragon plc
- CHE/18/00611/DOC Discharge planning conditions 3 (Lighting), 4 (Construction Management Plan), 7 (Drainage), 9 (Site Layout), 11 (Materials), 14 (Employment and Training Scheme), 17 (Excavation and Earthworks), 18 (Machinery and Method Statement) and 19 (CCTV and Security systems) on application CHE/17/00645/FUL for Proposed Bodyshop, wash and valet buildings. Additional drawing 07.2423-400 REV M (site road and drainage layout) received on 25.10.18 at development site at Eastside Park Eastside Road Chesterfield Derbyshire for Pendragon plc
- CHE/18/00612/DOC Discharge condition 3 (materials) on applications CHE/18/00406/FUL and CHE/18/00407/LBC - Orangery style extension to rear of house at Hady House 75 Hady Hill Hady S41 0EE for Mr Fletcher
- CHE/18/00613/DOC Discharge planning conditions 3 (Lighting), 4 (Construction Management Plan), 7 (Drainage), 9 (Site Plan), 11 (Materials), 14 (Employment and Training Scheme), 17 (Excavation and Earthworks), 18 (Machinery and Method Statement), 19 (CCTV and Security Scheme) and 20 (Pedestrian Footway) on application CHE/17/00647/FUL for proposed vehicle sales

and service centres for the sale, service and M.O.T of motor vehicles. Additional drawing 07.2423-400 REV M (site road and drainage layout) received on 25.10.18 at development site at Eastside Park Eastside Road Chesterfield for Pendragon plc

- CHE/18/00614/DOC Discharge of condition 3 (site investigation) of CHE/18/00194/FUL - Erection of an agricultural building for grazing animals at land north of Bridle Road Woodthorpe Derbyshire for Mrs Emma Weatherall
- CHE/18/00615/DOC Discharge of conditions 3 (site investigation), 7 (Enhancement Strategy) and 10 (materials) of CHE/17/00855/FUL - Demolition of existing dwelling and erection of replacement house at 23 Bridle Road Woodthorpe Derbyshire S43 3BY for Mr Shane Weatherall
- CHE/18/00644/DOC Discharge of planning conditions 11 (bin storage) and 20 (broad band provision) on application CHE/17/00263/FUL (Erection of 34 dwellings including private amenity space, car parking provision, new access road, landscaping, drainage swale and on-site open space) at land at former Saltergate Health Club Saltergate Chesterfield Derbyshire for Woodall Homes

(d) Split decision with conditions

- CHE/18/00662/TPO Works on protected trees (T83, T84, T85, T86, T90, T91, T93, T94, T95, T96, T97, T104) at The Fold 4 Somersall Willows Chesterfield Derbyshire S40 3SR for Mr Peter Watmore

(e) Environmental Impact Assessment not required

- CHE/18/00663/EIA Screening Opinion for a full planning application for the construction of approx. 300 dwellings, two new access points from Linacre Road, highways and Drainage infrastructure, landscaping and

open space at land to the east of Linacre Road
Holme Hall Chesterfield for Cerda Planning

(f) Conditional Permission for Non Material Amendments

CHE/18/00696/NMA Proposed window to en suite at first floor (non material amendment to application CHE/18/00101/FUL) at 36 Springfield Avenue Chesterfield Derbyshire S40 1DJ for Mrs Lindsay Buxton

(g) Prior Notification Demolition Approval

CHE/18/00701/DEM Demolition of 1960's asbestos clad and steel frame flat roof buildings, traditional brick built and tiled pitched roof boiler house and workshop at Walton Hospital Whitecotes Lane Walton Derbyshire S40 for Derbyshire Community Health Services - NHS Foundation Trust

73 APPLICATIONS TO FELL OR PRUNE TREES (P620D)

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

(a) The felling and pruning of trees:-

CHE/18/00641/TPO Consent is granted to the pruning of two Sycamore trees reference T1 and T2 on the Order map for Mr Rayner of 183 Church Street North, Old Whittington

CHE/18/00616/TPO Consent is granted to the felling of two Robinia trees reference T12 and T27 and the pruning of three Robinia trees reference T25, T30 and T31 and one Cherry tree reference T26 on the Order map for T.E.P on behalf of Homes England at the former Walton Hospital, Whitecotes Lane, Walton

CHE/18/00628/TPO Consent is granted to the pruning of one

London Plane tree reference T2 on the Order map for Jonathan Ross on behalf of 19 Yew Tree Drive, Somersall

- CHE/18/00618/TPO Consent is granted to the pruning of 8 trees consisting of 4 Horsechestnut trees within G5, 2 Poplars and 1 Ash within G6 and T58 Poplar on the Order map for Westside Landscapes on behalf of 11 Netherleigh Road
- CHE/18/00617/TPO Consent is granted to the felling of 3 trees reference T216 Sycamore, T261 Beech and T310 Elm which are dead or in severe decline and the pruning of 104 trees of various species including Oak, Sycamore, Cherry, Elm, Beech and Oak reference T209 to T329 on the Order map for Ken Portas Landscaping and Tree Surgery on behalf of the Chesterfield and District Model Engineering Society, Hady Hill, Hady, with a condition to plant 3 new Oak trees in the first available planting season
- CHE/18/00679/TPO Consent is granted to the pruning of 3 trees reference T10 and T11 Yew and T12 Silver Birch on the Order map for Frank Shaw Associates at Penmore House, Hasland Road, Hasland
- CHE/18/00662/TPO Consent is granted to the felling of 3 trees reference T86 Cypress, T93 Maple and 1 Birch within G5 and the pruning of 11 trees reference T83 and T97 Ash, T90, T95 & T96 Alde, T91 Lime and T94 Maple and 1 Birch within G5 on the Order map for Mr Watmore of 4 Somersall Willows, Somersall
- A condition is attached to plant 2 new trees in the next available planting season
- CHE/18/00751/TPO Consent is granted to the pruning of thirteen trees reference T47 Crab apple, T44-T46 and

T48 Cherry, T51 Lime, T30 Laurel, T71 Hawthorn, T60 Ash, T73 Ash, T59 Ash, T68 Lime, T74 Silver leaf Maple on the Order Map and which are situated in the Staveley Memorial Gardens, Duke Street, Staveley

- CHE/18/00686/TPO Consent is granted to the felling of two dead Hawthorn trees reference T2 and T4 and the pruning of four Beech trees reference T1, T5, T6 and T10 and one Whitebeam reference T3 on the Order map for Emery Landscapes on behalf of Tribalrock Ltd at The Shrubberies, 46 Newbold Road
- CHE/18/00664/TPO Consent is granted to the pruning of one Oak tree reference T12 on the Order map for Mr Gregory of 31 Bentham Road
- CHE/18/00749/TPO Consent is granted to the felling of two diseased Beech trees reference T1 and one Beech tree within G2 on the Order map for Mr Kirk of Netherleigh, 34 Netherleigh Road
- Condition attached for two new replacement trees to be planted in the next available planting season

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

- CHE/18/00681/CA Agreement to the felling of 2 trees and the pruning of 5 trees. The felling and pruning will have no adverse effect on the amenity value of the area
- The felling of one Alder and one conifer tree and the pruning of 5 trees for Mr Watmore of 4 Somersall Willows, Somersall
- The trees are within the Somersall Conservation Area and the applicant wishes to remove the Alder and conifer tree because they are competing with a Silver Birch and the conifer is outgrown its situation. The pruning of the 5 trees is for general

maintenance to dead wood, remove lower branches and reduce a Holly hedge/bush

CHE/18/00734/CA

The felling of one conifer tree and the pruning of 9 trees for Mr Miles Prentice of 25 Porter Street, Staveley

Agreement to the felling of 1 Conifer tree and the pruning of 9 trees. The felling and pruning will have no adverse effect on the amenity value of the area

The trees are within the Staveley Conservation Area and the applicant wishes to remove the conifer tree as it is close to the boundary wall and re-pollard 6 Lime trees, 1 Ash tree and 1 Horsechestnut tree as they are overhanging the neighbouring properties blocking out light to the small rear gardens. The applicant also wishes to crown lift a Magnolia tree to allow garden maintenance

74 **APPEALS REPORT (P000)**

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

***RESOLVED -**

That the report be noted.

75 **ENFORCEMENT REPORT (P410)**

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

***RESOLVED -**

That the report be noted.

Agenda Item 4

COMMITTEE/SUB	Planning Committee
DATE OF MEETING	10 TH DECEMBER 2018
TITLE	DETERMINATION OF PLANNING APPLICATIONS
PUBLICITY	*For Publication
CONTENTS SUMMARY	See attached index
RECOMMENDATIONS	See attached reports
LIST OF BACKGROUND PAPERS	For each of the attached reports, the background papers consist of the file specified in the top right hand corner on the front page of the report. Those background papers on the file which do not disclose exempt or confidential information are open to public inspection at the office of the Development Management and Conservation Manager – Planning Services. Additional background papers (if any) will be separately listed in the report.

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**INDEX TO DEVELOPMENT MANAGEMENT AND CONSERVATION
MANAGER'S REPORT ON THE 10TH DECEMBER, 2018**

- ITEM 1 - CHE/18/00605/FUL - Refurbish and extend existing property and change use to residential care home facility and demolition of existing ancillary building to the rear and erection of three storey building to create assisted living facility (revised plans received 05/11/2018, 16/11/2018 and 22/11/2018) at 6 Ashgate Road, Ashgate, Chesterfield, Derbyshire, S40 4AA for William May Developments Ltd**
- ITEM 2 - CHE/18/00606/MA - Material amendment to previously approved application CHE/15/00442/FUL to incorporate changes to the design (approved plans – condition 2) – site of the former Poolsbrook Hotel, Staveley Road, Poolsbrook, Derbyshire, S43 3LF for Noble D and B Ltd**
- ITEM 3 - CHE/17/00385/OUT - Outline application for 50 apartments at former Stagecoach Ltd, Sheffield Road, Stonegravels, Chesterfield, Derbyshire, S41 7JN for Capland Properties Limited.**

Case Officer: Sarah Kay
Tel. No: (01246) 345786
Ctte Date: 10th December 2018

File No: CHE/18/00605/FUL
Plot No: 2/933

ITEM 1

REFURBISH AND EXTEND EXISTING PROPERTY AND CHANGE USE TO RESIDENTIAL CARE HOME FACILITY AND DEMOLITION OF EXISTING ANCILLARY BUILDING TO THE REAR AND ERECTION OF THREE STOREY BUILDING TO CREATE ASSISTED LIVING FACILITY (REVISED PLANS RECEIVED 05/11/2018, 16/11/2018 AND 22/11/2018) AT 6 ASHGATE ROAD, ASHGATE, CHESTERFIELD, DERBYSHIRE, S40 4AA FOR WILLIAM MAY DEVELOPMENTS LTD

Local Plan: Unallocated
Ward: Brockwell

1.0 CONSULTATIONS

Local Highways Authority	Comments received 14/11/2018 – see report
Strategic Planning Team	Comments received 25/09/2018 and 22/11/2018 – see report
Design Services	Comments received 01/10/2018 – see report
Environmental Health Officer	Comments received 20/09/2018 – see report
Yorkshire Water Services	Comments received 11/10/2018 and 07/11/2018 – see report
Lead Local Flood Authority	Comments received 01/10/2018 and 19/11/2018 – see report
Crime Prevention Design Advisor	Comments received 25/09/2018 and 12/11/2018 – see report
C/Field Cycle Campaign	No comments received
Coal Authority	Comments received 11/10/2018 and 15/11/2018 – see report
Tree Officer	Comments received 06/11/2018 – see report
Urban Design Officer	Comments received 03/10/2018 – see report
Derbyshire Wildlife Trust	Comments received 08/10/2018 – see report

DCC Archaeology	Comments received 08/10/2018 and 19/11/2018 – see report
North Derbyshire CCG	No comments received
CBC Housing Services	No comments received
Ward Members	1 no. representation received
Site Notice / Neighbours	78 no. representations received

2.0 **THE SITE**

- 2.1 The site is situated in the established primary residential area of Brockwell, north west Chesterfield Town Centre, and comprises of No 6 Ashgate Road and land to the rear of this building.
- 2.2 The site area extends to 0.208ha comprising the existing buildings, existing vehicular and pedestrian entrance from Ashgate Road onto surfaced frontage and access to rear adjacent eastern boundary.
- 2.3 The built structures within the site are No. 6 Ashgate Road (fronting Ashgate Road) and ancillary building, located towards the southern boundary. The site slopes downwards from north to south, with a level plain east to west. Along the southern boundary, mature trees within the hedges lead to an open green area currently used by Inspire Community Garden. The western boundary is adjacent to an existing car parking facility which was also sold to the developer by the Council and which features mature trees adjacent no. 6 Ashgate Road. The northern boundary fronting Ashgate Road has painted metal railings with open entrance at junction of north-eastern and north-western corners. To the east the site is bounded at Ashgate Road by commercial buildings (Shorts Accountants).
- 2.4 No. 6 Ashgate Road is an attractive two/three storey detached brick property under a slate roof. Decorative stonework, attractive fenestration and Dutch gables contribute to the buildings architectural interest. Due to the sloping nature of the site, the building is two-storeys in height at street level and three-storeys at the rear. To the rear and south of 6 Ashgate Road is a large detached, single story brick building, which is believed to be the garage associated with the former Territorial Army use of the site. It has also been used as a bakery and latterly for storage.

2.5 The space between the two buildings is used for parking. No. 6 has previously been used as office space, premises for the Womens Royal Voluntary Service (WRVS) and home to the African /Caribbean Community Association (ACCA).

3.0 **RELEVANT SITE HISTORY**

3.1 CHE/18/00786/DEM - Demolish ancillary building to rear of 6 Ashgate Road. Still pending consideration.

3.2 CHE/0997/0513 - Change of use from ground floor offices to community centre. Conditional permission granted 17/12/1997.

3.3 CHE/0492/0247 - Improvement of access to and extension of car park. Conditional permission granted 10/06/1992.

4.0 **THE PROPOSAL**

4.1 This is an application submitted in full for the proposed extension and refurbishment of No 6 Ashgate Road to form a care home; and the demolition of the ancillary garage building to the rear of No 6 Ashgate to erect a separate assisted living facility.

4.2 The care home element of the proposals are formed through the retention and refurbishment of No 6 Ashgate Road, with the addition of a three storey extension positioned on the rear elevation of No 6, to create an 18 no. bedroom care home facility. Additional accommodation includes a main lounge, kitchen, meeting room, quiet room, office, activity room, upper lounge and training kitchen.

4.3 The assisted living facility element of the proposals is formed as a new build three storey building located within the southern half of the application site. The facility, which is contemporary in design, includes 15 no. 1 bed units and a communal lounge and training kitchen at ground floor.

4.4 Access to the site is taken from the existing northern access off Ashgate Road, which is modified and widened to create a shared driveway serving both the care home and assisted living facility. The driveway incorporates a 9m x 9m turning area and serves 10 no. car parking spaces provided on site. The eastern access to Ashgate Road is also proposed to be retained to serve the bin

store area located on the eastern boundary of the site. 1.8m high close boarded boundary fencing is proposed alongside retention of some existing boundary treatments to the east and 2m high 'tobermore' retaining walls are proposed to the south / south western boundary.

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

- WM/AR/LP1 – Site Location Plan
- WM/AR/6EX – Existing Plans
- WM/AR/SL1 Rev D – Proposed Site Layout (rec'd 22/11/2018)
- WM/AR/AL1 Rev B – Proposed Assisted Living Elevations & Floor Plans (rec'd 22/11/2018)
- WM/AR/CH1 Rev B – Proposed Care Home Elevations & Plans (rec'd 16/11/2018)
- WM/AR/LEV Rev A – Proposed Site Sections (rec'd 22/11/2018)

- Design and Access Statement by Carlton Design Architecture Ltd
- Asbestos Management Survey by Environmental Essentials Ltd dated August 2016.
- Asbestos Management Report by Environmental Essentials Ltd dated January 2017.
- Demolition Method Statement by WMD Limited dated July 2018
- Sustainability Statement by Carlton Design Architecture Ltd
- Ecological Appraisal by Encon Associates dated July 2017
- Bat Survey Report by Encon Associates dated September 2017
- Desk Study Report by Nicholls Colton Geotechnical dated October 2014.
- Geoenvironmental Appraisal by iD GeoEnvironmental Consulting Engineers dated April 2017
- Aspire Health Care Introductions

5.0 **CONSIDERATIONS**

5.1 **Planning Policy Background**

- 5.1.1 The site is situated within the built settlement of Brockwell ward, in an area of frontage of the Town Centre which transitions from commercial to residential in nature.
- 5.1.2 Having regard to the nature of the application policies CS1, CS2, CS3, CS4, CS7, CS8, CS9, CS11, CS13, CS18, CS19 and CS20 of the Core Strategy 2013 – 2031; HSN1 (allocation) of the Local Plan 2006; and the National Planning Policy Framework (NPPF) apply.
- 5.1.3 In addition the Councils Supplementary Planning Document on Housing Layout and Design ‘Successful Places’ is also a material consideration.

5.2 **Principle of Development**

- 5.2.1 The current application is on a part of a site allocated for housing purposes in the adopted Local Plan (consisting of the 2013 core strategy and saved allocations of the 2006 RCDLP). There is also an informal planning brief that has been prepared for the site.
- 5.2.2 The principle of development for residential purposes is already established. Although the current application would fall within use classes D1 and C2, the same locational principles apply.
- 5.2.3 The site is well located in respect of the facilities available in Chesterfield Town Centre and on a high frequency bus route (services 2 and 39) and meets the requirements of the council’s spatial strategy set out in policies CS1 and CS2.
- 5.2.4 Although not listed, the existing No 6 Ashgate Road does contribute positively to the character of the area and its retention is in line with policy CS19 and the planning brief.

5.3 **Design and Appearance Considerations (inc. Neighbouring Impacts)**

- 5.3.1 The application site is a generous plot which shares its common boundaries with a variety of uses ranging from allotments, commercial car parking, offices and community uses / building; with the only neighbouring residential uses being located on the opposite side of Ashgate Road to the north. As an edge of centre site the use of the site for residential purposes is acceptable in principle given its sustainable nature of the location and the

transition evident in the locality between commercial and residential.

- 5.3.2 No 6 Ashgate Road presents its principle façade to the street frontage and it is a pleasant and locally significant building with some traditional architectural merit. The rear extension proposed to No. 6 Ashgate Road would add additional capacity to the building; and a further detached building to the rear would make good use of the site in terms of the amount of accommodation that is able to be provided.
- 5.3.3 The layout and arrangement of the extension and new building to the rear is generally well considered and the buildings represent a proportionate amount of the site coverage.
- 5.3.4 The initial application submission was reviewed by the Council's **Urban Design Officer (UDO)**, **Conservation Officer (CO)**, the **DCC Archaeologist (DCC Arch)** and the **Crime Prevention Design Advisor (CPDA)**. In their responses the DCC Arch confirmed that the site was not of archaeological interest; however the CO confirmed that No 6 Ashgate Road was a building of local architectural interest.
- 5.3.5 The UDO, CO and CPDA all expressed a series of initial concerns about the design and finish of the extension to No 6 and the new building to the rear. As a result of these concerns the applicant sought to amend the scheme to address the issues and evolving iterations of the design were worked through between the applicant, the case officer and the UDO during the application process.
- 5.3.6 Both the extension to No 6 and the new building to the rear of the site are contemporary in design, which individually take cues from the architecture of No 6 and the surrounding area. This includes appropriate window proportions (with vertical emphasis) and a mixture of contemporary and traditional materials (red facing brickwork and grey cladding) to replicate tones, colours and finishes in the local vernacular. As revised the form and vertical emphasis of the extension to No. 6 achieves a more satisfactory relationship with the host building, albeit a contemporary approach, however similar design approaches have also been accepted on the Shorts Accountants building and the new Medical Centre neighbouring the site.

5.3.7 Overall in considering the latest package of revisions, the scheme represents a vast improvement to the initial submission and the positive and proactive engagement of the applicant to incorporate the UDOs suggested changes has been welcomed. The changes made to the scheme now incorporate a stronger common architectural language across both builds (form, windows, materials) and together with a simplified palette common to both buildings this now helps to tie them together in a more coherent relationship. The opportunity to meet with the applicant / architect to discuss and understand proposed construction methods and operational requirements of the end user also led to an appropriate compromises being made and overall the design and appearance of the revised scheme is considered acceptable. The design, siting, scale and layout do not give rise to any adverse impacts upon the adjoining / adjacent neighbouring properties by virtue of overlooking, overshadowing and overbearing and the final choice of materials should be managed by way of condition.

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

5.4 **Highways Issues**

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

The submitted details propose extension and Change of Use of an existing building to create an 18no. bedroom Care Home and erection of a new 15no. bedroom Supported Living building to the rear of the site all served by the existing vehicular access at the western extremity of the site frontage.

The Application Form suggests that no modifications are proposed to the access arrangement. However, permanent closure of the eastern access will require reinstating the fronting kerbs and footway to an appropriate level. In addition, it's considered that the retained, western, access and initial length of driveway should be of sufficient width to enable two vehicles travelling in opposite directions to pass i.e. recommended 5.5m width unless demonstrated otherwise by means of appropriate vehicle swept

paths. This would involve widening of the dropped kerb crossing of the footway.

When bearing in mind the nature and use of Ashgate Road, it's recommended that the vehicular access is afforded with exit visibility sightlines of 2.4m x 47m to the nearside carriageway channel in each direction, all areas in advance of the sightlines being over controlled land/ existing highway and maintained clear of any obstructions greater than 1.0m in height (600mm in the case of vegetation) relative to the same channel level. It would appear that the applicant is within control of adequate frontage to accommodate satisfactory exit visibility.

Any narrower section of driveway beyond the initial length should be intervisible with further passing opportunities in order to reduce the likelihood of overlong/ awkward reversing manoeuvres being required.

A turning facility suitable for use by the largest vehicles likely to frequently visit the site (normally a typical service/ delivery vehicle) should be provided clear of adequate off-street parking to serve the entire development. The Highway Authority recommends demonstration of a 9.0m x 9.0m turning facility unless suitability of an alternative layout is demonstrated by means of appropriate swept path analysis. It should be noted that current guidance recommends minimum parking space dimensions of 2.4m x 5.5m with an additional 0.5m of width to any side adjacent to a physical obstruction e.g. wall, hedge, fence, etc.

Provision of a bin store is noted. It's assumed that this meets with the requirements of the local refuse service and they are prepared to collect from the area shown.

Therefore, it's recommended that the applicant is requested to submit revised details demonstrating measures to satisfactorily address the above access and manoeuvring issues.

If you are minded to determine the application as submitted, the Highway Authority would be grateful to receive further opportunity to provide recommendations.

- 5.4.2 As a result of receiving the comments above from the LHA the scheme was amended (alongside other external design changes) and the driveway width was increased to 5.5m in line with the LHA's comments. It was also confirmed that the applicant did not intend on closing the other site access (to the eastern end of the site) as this was to be retained to facilitate bin / waste collection from the bin store proposed in this location.
- 5.4.3 The access exit visibility was increased and shown on the amended site layout measuring 2.4m x 47m as per the LHA's comments; and the car parking spaces dimensions were also increased to 2.4m x 5.5m to also satisfy the comments of the LHA.
- 5.4.4 The LHA were consulted on the revised details (as they requested) however at the time of writing this report their further comments had not been received. Notwithstanding this, the determination of the application cannot be held up by the LHA whose comments are delayed.
- 5.4.5 Given that the amendments made to the scheme accommodate all of the changes the LHA sought in their initial comments there are no outstanding highway safety matters or concerns. The applicant has confirmed that waste collection will take place from the highway at the secondary access point which is considered to be acceptable and the 9m x 9m turning space provided within the site will enable adequate on site turning provision clear of any parking provision. Furthermore given the edge of centre location, the site is well served by public transport links / connections and therefore the level of on site parking provision is also acceptable. It is unlikely, having regard to the intended service users of the facility that they themselves will require any on-site parking.
- 5.4.6 Overall therefore, subject to the imposition of appropriate conditions requiring the access amendments, parking provision and turning areas to be provided prior to the facility being brought into first use and a site compound being provided during the construction phases, there are no highway safety concerns arising from the development and it therefore meets the provisions of policies CS2, CS18 and CS20 in respect of highway safety.

5.5 Flood Risk & Drainage

5.5.1 In respect of issues concerning flood risk and drainage and under the provisions of policy CS7 of the Core Strategy the application submission indicates that the development proposals will utilise existing surface and foul drainage connections which link back to the main sewers. The application form also indicates that foul drainage will be required to be pumped privately back up to Ashgate Road (presumably to reach the nearest connection).

5.5.2 In respect of the proposals the application submission was referred to the Council's **Design Services** (DS) team, **Yorkshire Water Services** (YWS) and the **Lead Local Flood Authority** (LLFA) and the following comments were received:

DS Team – It is noted that the applicant proposes to re-use the existing drainage connections on site. We have no objection to this, however, it is stated that the surface water is to be pumped to Ashgate Road but it is believed the existing surface water drains to the south towards the allotments. We would therefore suggest that the drainage is investigated and layout proposals provided.

YWS – Thank you for consulting Yorkshire Water regarding the above proposed development. If planning permission is to be granted, the following conditions should be attached in order to protect the local aquatic environment and YW infrastructure:

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

- a) evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical;*
- b) evidence of existing positive drainage to public sewer and the current points of connection; and*
- c) the means of restricting the discharge to public sewer to the existing rate less a minimum 30% reduction, based on the existing peak discharge rate during a 1 in 1 year storm event, to allow for climate change.*

Waste Water - Observations:

- 1) Development of the site should take place with separate systems for foul and surface water drainage. The separate systems should extend to the points of discharge to be agreed. Foul water from kitchens and/or food preparation areas of any restaurants and/or canteens etc. must pass through a fat and grease trap of adequate design before any discharge to the public sewer network.*
- 2) The developer is required to consult with Yorkshire Water's Trade Effluent team (telephone 0345 1242424) on any proposal to discharge a trade effluent to the public sewer network. Under the provisions of section 111 of the Water Industry Act 1991 it is unlawful to pass into any public sewer (or into any drain or private sewer communicating with the public sewer network) any items likely to cause damage to the public sewer network interfere with the free flow of its contents or affect the treatment and disposal of its contents. Amongst other things this includes fat, oil, nappies, bandages, syringes, medicines, sanitary towels and incontinence pants. Contravention of the provisions of section 111 is a criminal offence.*
- 3) The developer is proposing to discharge surface water to public sewer however, sustainable development requires appropriate surface water disposal.*

LLFA – Due to the nature of the proposals and the site parameters the LLFA have no comment to make and would refer the developers to our standing advice.

5.5.3 It is noted that the DS team comment about the necessity / need to pump drainage to Ashgate Road, with them noting the presence of surface water drains to the south of the site, however it is understood from the application form it is foul drainage that is proposed to be pumped to Ashgate Road.

5.5.4 Having regard to these matters, full drainage details have not been submitted for consideration as part of the planning application submission however these matters are ordinarily dealt with by appropriate planning condition. Whether the drainage is required to be pumped or not is not unusual and this detail will form part of the overall drainage strategy which will need further consideration in due course.

5.5.5 Having regard to the outstanding matters it is considered that an appropriate planning condition can be imposed which requires the submission of further detailed drainage designs. This can be dealt with by pre-commencement condition in accordance with policy CS7 of the Core Strategy to meet the requirements / advice set out by the DS team, YWS and LLFA above.

5.6 **Land Condition / Contamination**

5.6.1 The site the subject of the application comprises of hard surfaced / previously developed land and therefore land condition and contamination need to be considered having regard to policy CS8 of the Core Strategy.

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

The Coal Authority concurs with the recommendations in the Geoenvironmental Appraisal for remedial works to stabilise the shallow coal mine workings and recommends that the LPA impose a planning condition should planning permission be granted requiring these remedial works prior to commencement of development.

A condition should therefore require prior to the commencement of development:

- * The submission of a scheme of remedial works for approval; and*
- * Implementation of those remedial works.*

The Coal Authority therefore has no objection to the proposed development subject to the imposition of a condition or conditions to secure the above.

The following statement provides the justification why the Coal Authority considers that a pre-commencement condition is required in this instance:

The undertaking of remedial works, prior to the commencement of development, is considered to be necessary to ensure that the ground conditions have been appropriately remediated and risks posed by coal mining legacy addressed prior to building works commencing on site. This is in order to ensure the safety and

stability of the development, in accordance with paragraphs 178 and 179 of the National Planning Policy Framework.

5.6.3 In addition to the comments of the CA, the Council's **Environmental Health Officer** (EHO) was consulted and raised no objections subject to the constriction hours of the development being restricted to protect the amenity of nearby residential neighbours.

5.6.4 Having regard to the comments detailed above from the CA and EHO appropriate planning conditions can be imposed on any permission issued to ensure compliance with policy CS8 of the Core Strategy and the wider NPPF in respect of land condition, contamination and noise.

5.7 **Ecology & Trees**

5.7.1 The site the subject of the application is predominantly hard surfaced with the exception of a strip of landscaping / shrubbery to the lower side of the secondary garage building on site; and a strip of verge running alongside the western edge of the application site. To the periphery of the site fronting Ashgate Road (on adjoining land) there are a number of mature trees; however these are not protected. In addition to trees the application proposes demolition of an existing building on site, which could also have a potential ecological value.

5.7.2 Having regard to potential tree and ecological constraints the application submission is accompanied by an Ecological Appraisal and Bat Survey which were reviewed by **Derbyshire Wildlife Trust** (DWT) under their service level agreement with the LPA and the Council's **Tree Officer** (TO). The following comments were made respectively:

DWT – The ecological reports provide details of an ecological appraisal including a daytime bat survey that was undertaken on 20th June 2017 and bat emergence surveys that were undertaken on 30 July 2017 and 18th August 2017.

The ecological survey work covered a larger area than the current red line boundary planning application, so only the relevant aspects of the report are considered in this response. The site supports hard standing, buildings, vegetated gravel, scrub and

ruderal margins. The proposed development will not result in the loss of any habitats of particular high ecological value.

No evidence of bats was recorded in association with either of the buildings and no bats were recorded emerging from or re-entering the buildings. The surveys were undertaken at an appropriate time of year and were led by a licensed bat worker. It is considered that an appropriate level of survey work has been undertaken in support of this planning application for it to be determined.

Paragraph 175d of the NPPF states that “opportunities to incorporate biodiversity improvements in an around developments should be encouraged...”. If the Council are minded to grant planning consent for this development it is recommended that a condition is attached to the consent that seeks biodiversity gain as part of the development. This condition could state:

“Prior to the commencement of development a biodiversity enhancement strategy that includes the provision of integral bird and bat boxes within the building and native landscaping (based on Section 5.4 of the ecology report (July 2018) should be submitted to and approved in writing by the Council. Such approved measures should be implemented in full”.

Paragraph 180 of the NPPF states that “Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation”.

Lighting should be minimised on site to avoid impacts on wildlife, in particular foraging bats. If the Council are minded to grant planning permission for the proposed development it is recommended that a condition is attached that requests the details of a lighting strategy so that we can ensure that any lighting takes nature conservation into account. This condition could state “Prior to the commencement of development a detailed lighting strategy should be submitted to and approved in writing by the Council. Such approved measures must be implemented in full and maintained thereafter.”

TO – The proposed development will not affect any trees on the site that a suitable for retention but there are two trees off the site which may be affected by the development.

There is a large Alder tree on the neighbouring land to the west next to the existing access which will be affected by the proposed access and any excavations for the new roadway may affect the trees rooting system which could then create a safety issue. It is therefore advised that this tree is either removed or inspected by an arboriculturalist once the excavations have been completed to identify any stability issues if any of the rooting system is damaged.

Also in the south east corner off the site in the neighbouring land at 2 Ashgate Road is a large fruit tree on the boundary corner. Although there isn't any major development in this area it is proposed to construct a retaining wall along the southern boundary. This may affect the roots of this tree but it would be minor as there is already a retaining wall on the east boundary and the tree is set back far enough not to be affected too much that it would affect its stability and long term health.

My only other concern is that any materials that could leach into the ground such as diesel and cement should be stored away from the southern boundary as the ground runs downwards towards the gardens to the south and could therefore run off into the neighbouring property which would obviously contaminate the soils.

If consent is granted to the development the following condition should be attached for a landscaping scheme and storage of materials:

Landscaping

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

a) a scaled plan showing plants to be planted:

b) a schedule detailing sizes and numbers of all proposed trees/plants

c) sufficient specification to ensure successful establishment and survival of new planting. Unless required by a separate landscape management condition, all soft landscaping shall have a written five year maintenance programme following planting. Any new tree(s) or plants that die(s), are/is removed or become(s) severely damaged or diseased shall be replaced and any new planting (other than trees) which dies, is removed, becomes severely damaged or diseased within five years of planting shall be replaced. Unless further specific permission has been given by the Local Planning Authority, replacement planting shall be in accordance with the approved details.

Storage of materials

The location and details of the storage area for the construction materials and fuel storage area (if any) should be provided on a drawing before the commencement of the development.

- 5.7.3 Having regard to the comments firstly made by DWT it is considered that the suggested conditions sought by them are acceptable. Biodiversity enhancement measures associated with major development proposals are a requirement of policy CS9 of the Core Strategy and such measures can be incorporated into the building fabric as well as through soft landscaping proposals.
- 5.7.4 The comments made by the TO are also noted and it is considered that the suggested conditions sought by them are also acceptable.

5.8 **Other Considerations**

S106 / Planning Obligations

- 5.8.1 Having regard to the nature of the application proposals several contribution requirements are triggered given the scale and nature of the proposals. Policy CS4 of the Core Strategy seeks to secure necessary green, social and physical infrastructure commensurate with the development to ensure that there is no adverse impact upon infrastructure capacity in the Borough.
- 5.8.2 Internal consultation has therefore taken place with the Councils own **Economic Development**, and **Housing Services** teams, as well as externally with **North Derbyshire Care Commissioning**

Group on the development proposals to ascertain what specific contributions should be sought.

5.8.3 The responses have been collaborated to conclude a requirement to secure S106 contributions via a legal agreement in respect of up to 1% of the overall development cost for a percent for art scheme (Policy CS18) and it will be necessary to look to secure by planning condition the requirement for local labour (best endeavours), which is standard approach taken to deal with local labour / supply as required by the provisions of policy CS13 for all major development schemes.

5.9 **Community Infrastructure Levy (CIL)**

5.9.1 The proposed uses of the buildings fall within Use Class C2 (Residential Institutions) and D1 (Non Residential Institutions) therefore the development is not CIL liable. CIL only applies to C3 or A1 – A5 uses.

6.0 **REPRESENTATIONS**

6.1 The application has been publicised by site notice posted on 02/10/2018; by advertisement placed in the local press on 27/09/2018; and by neighbour notification letters sent on 20/09/2018.

6.2 As a result of the applications publicity 79 no. representations have been received as follows:

Ward Members – 1 no. representation received

1. Cllr Shirley Niblock (West Ward)

I writing to object to the lack of vehicular access to Inspire Community Garden should the plan for the boundary wall which is part of the above planning application be approved.

I have no objection to the Mental Health Unit being built as unfortunately more people are suffering with this illness than ever before but the developers seem oblivious to the hard work and determination that has gone into the garden being such a success. A wide variety of people with health issues use this facility such as patients sent via the McMillan Cancer Ward @ The Royal and Ashgate Hospice plus a Chesterfield Borough Council Walking for

Health group based at the Sports Centre which has come to the garden on one of its many routes in the area.

Local Cubs, Scouts and Girl Guides have visited the site to learn about growing vegetables and re-cycling projects. This site is also part of Transition Chesterfield which encourages people to grow their own vegetables and this is their garden to show how it is done.

All this hard work was recognised by the East Midland in Bloom judges when they came to judge Chesterfield's entry to the competition in July. The Garden received a special Judges Award for their outstanding Community Involvement and gained extra points for Chesterfield in its overall total.

It seems ironic that No 6 Ashgate Road will, if planning is passed become a Mental Healthcare Unit as some of the volunteers at the Garden have mental health issues and see their work there as part of their own therapy. So this unit with its proposed boundary wall will actually prevent their treatment when in actual fact both groups could work together for the greater good of all and indeed continue to Inspire.

Letter / Email - 38 no. representations received

1. Inspire Community Garden c/o 69 Thornbridge Crescent

The Inspire Community Garden is based on approximately one acre of wasteland leased to the Fairplay charity from Chesterfield Borough Council and next door to Westfield Allotments and to the South of this potential building development. We are not at all opposed to the development of the site or the facilities proposed but we strongly object to the lack of consideration given to providing access to the Registered Charity 'Inspire Community Garden' and the impact on the local community, the large number of visitors to the community garden and the many volunteers who engage in this worthwhile project.

Our **first objection** is that the text below was visible and downloaded from Chesterfield Borough Council's website on 16th November 2017 on the section covering the promotion and sale of the whole car park site at No 6 Ashgate Road. This caused us to be reassured that this would be included in the sale agreement for the car park.

Tenure

The Title is registered under DY462222 in the name of Chesterfield Borough Council. The freehold of the site is to be conveyed as a whole with vacant possession.

Please note the property is to be sold subject to any existing Rights of Way and Easements granted or reserved to third parties.

The Allotment Association has a right of way over the access road off Ashgate. The council's tenant, Fairplay occupy the former allotments to the South of the site, and have the right to enter the council's site along part of the Southern boundary to repair its property. Please also note the electricity cable on the eastern boundary, and BT services to [6 Ashgate Road](#).

Offers are invited with offers in excess of £750,000.

Lots more reports here: [Chesterfield Borough Council - Land and property for sale at 6 Ashgate Road, Chesterfield](#)

This above text is no longer available on the website, but it is technically possible to verify this with historic archive searches of the internet. We assumed that with this condition in the sales literature this would secure our future vehicle access to the community garden. Unfortunately, it appears that this condition was omitted by Kier and Chesterfield Borough Council when the car park was sold. How did this happen?

Our **second objection** is that the failure to insist on the provision of vehicle access for the plot where our community garden is located will also effectively landlock this piece of land for the future and whatever the land effectively could be used for. If Fairplay withdraw from their lease or cease to operate then this land becomes useless without proper access.

The **third objection** is because the proposed new development involves the building of a 2m high Tobermore retaining wall along the bottom side of the existing Ashgate Road Car Park. This will effectively cut off access completely for volunteers, our disabled visitors, our deliveries of compost, wood, manure and bulky equipment. We have consciously developed the garden with disabled visitors in mind and recently we have had several visitors who come along with wheelchairs and disability scooters. We have pedestrian access from the footpath at the bottom of the garden but no vehicle access and the slope involved would make this virtually impossible to enter the garden as a disabled visitor.

Carrying large numbers of heavy potato sacks for our annual Potato Day project and thousands of plants for our May Day Plant Sale on the marketplace would be almost impossible too.

Just alongside the existing access to the community garden can be found at least two manholes which presumably belongs to a water utility company (Yorkshire water?). Our **fourth objection** is that it is not known what the purpose of these is, they contain deep cavities with built-in ladders leading down to the bottom. Have Yorkshire Water or whoever been informed that they will be

prevented from accessing these manholes once the wall is built, as there would be no other access for their support vehicles? An inspection of this by the water utility in question should be conducted prior to a planning decision being made.

We believe that this application is in direct conflict with the vision, strategic objectives and many of the planning policies of Chesterfield Borough's Core Strategy. Our **fifth objection** is that this has been carefully researched by our colleagues at Transition Chesterfield, who will submit their analysis of these as part of their objection.

In their submitted Sustainability Statement the developer states that:

"Discussions between CBC, Developer, Fairplay and representatives of the Inspire Community Garden continue to take place in order to provide satisfactory access solutions going forward for all parties"

Our **sixth objection** is that this is just not true, we are concerned and surprised that neither the developers, the proposed future health provider nor Chesterfield Borough Council saw fit to meaningfully engage with the community garden before the car park was sold or the planning application was made. It appears that the developer and the Healthcare company have ignored the potential of collaboration with the Inspire Community Garden and this puts the whole future of the garden at risk.

We do not wish to prevent the redevelopment of the 6 Ashgate Road site, the revenue for the Borough Council or the provision of the healthcare facilities. We do believe that it should be possible to work together to carefully design the care facility in such a way that we can retain vehicular access to the community garden and provide easy access to the garden for future residents. We tried on many occasions to communicate with the Council and the developers prior to the car park being sold, we were totally ignored until the contract was signed.

We strongly believe that the adults living within the proposed care facilities in this application would undoubtedly benefit from easy access to the Inspire Community Garden. Gardening and community activities are invaluable assets for the development of the elderly or people with mental healthcare issues and needs. The benefits of horticultural therapy in gardens and outdoor spaces are well researched and documented. In addition to this, we promote at the garden Derbyshire County Council's 'Five Ways to Wellbeing', the local mental wellbeing initiative and we have received funding from DCC to do this.

We urge the Council to sit down with the applicants to find a way to make sure that future access to the Inspire Community Garden is retained.

2. 13 Kingswood Close

In general I support the principle to redevelop a brownfield site with provision for people with mental health needs;
However I object to the current application as it block access to Fairplay / Inspire Community Garden and would therefore be detrimental to a valuable community project; and
The developers need to modify the plans to maintain the current access or work with the tenants to find and fund an alternative access.

3. A Local Resident (x2)

I support the redevelopment of this Brownfield land and the retention / refurbishment of the original building at Ashgate Road. I feel that the design of the proposed extensions / new build assisted living complex is in keeping with the existing building. I feel it is important that access to Fairplay and the Inspire Community Garden is maintained as part of this application.

I agree with the Police Designing Out Crime Officer comments and the issues relating to the Inspire Community Garden access; and I feel that both these issues need to be addressed.

4. A Local Resident

As a volunteer and trustee of Inspire Community Garden and as a 70yr old I use the facility to maintain my fitness, to keep my mind & body active & for friendship. I have read the details of the application and am horrified to find that access to the Garden may be blocked by the proposal to build a 2 metre high wall;
Given the keen interest in the garden by many of the local inhabitants & the wider community of Chesterfield, this is seen as a fatal blow to all that the volunteers have achieved over the 2.5 years of Inspire's existence. In all references to Inspire, I am aware that we use the land which Fairplay leases directly from Chesterfield Borough Council. We have a long-standing agreement with Fairplay to use this land as a Community Garden and, as far as I am aware, they are delighted with the improvements we have made and continue to make in a full spirit of co-operation;

I fail to understand how the building of a 2 metre high wall & a fence on top along the whole Southern boundary can provide the access rights which the sales particulars enforced. I object to the access being blocked;

I also believe that from viewing historic maps there is a historic right of access shown on these and this means that an access into what is now the Inspire garden has existed for at least 30 years. As such, we have the right to retain access at this location, which should not be able to be blocked by any new development. On the grounds of a long-term right of access, I object to the access being blocked;

I would like to ask CBC how it anticipates regaining access to this land if Fairplay decides to hand it back before or at the end of its 20-year term lease? I do not believe that there is currently any access to this land other than from the Northern boundary where the new development will block access. This would leave CBC with a 2-acre site which would gradually return to waste land covered in brambles & trees, exactly as it was when Inspire took it on in April 2016. I object to the fact that CBC has been so keen to sell off land at the Northern boundary and is likely to allow a wall to be built which blocks access and which would deadlock a sizeable piece of land that is very suitable for community use, as now, redevelopment or many other uses, as the land is not contaminated, unlike the car park site. As a Council tax payer, I find this extremely foolish, wasteful & not what I expect of local government;

Both sides of the existing gateway, there is a manhole which belongs to the water utility Severn Trent or Yorkshire water. It is not known what the purpose of these are but the western manhole leads to a deep cavity with a ladder leading down. Have either Severn Trent or Yorkshire Water been informed that they will be prevented from accessing these manholes once the wall is built, as there is no other access for their vehicles? I feel they should be invited to inspect this at the earliest opportunity before a planning decision is made;

If the plan is allowed to go ahead, I would suggest that a significant amendment is required to the plans for the wall. Currently, the plan shows the wall only along the southern boundary of the site. Given that this raises the land and is backfilled with soil, rubble etc., surely it also requires some form of wall to be built along the Eastern & Western side of the site to prevent collapse. Currently a 1.8metre high close-boarded fence is shown which will support absolutely nothing!;

There is a pedestrian gate at the bottom of the Inspire Garden site which pedestrians can use to access the Inspire Garden. However, this leads off of a cycle & pedestrian path which is some distance from where I can safely park my car. I have never felt safe when using that path, even during daylight hours, as we have seen groups of youths behaving in an anti-social manner & drug users have been seen loitering there (on numerous occasions, we have found drug paraphernalia & empty bottles of alcohol in the bushes at the bottom of the plot). Many cyclists have no respect for pedestrians and, while I am not infirm, at my age I do not want to risk putting myself in harm's way. As such, I will not use that access to the garden. If I cannot access the garden from the Northern boundary, I will have no choice but to stop attending & I know many other volunteers feel the same. This will see the end of a thriving Community & will probably also mean many other Community groups who derive health benefits from this facility, will also stop attending. Access must take into consideration all types of people in this diverse Community. There is no alternative route for disabled individuals who use wheelchairs or mobility scooters to access the Community Garden which discriminates against this section of society;

In order to maintain my involvement in the garden, I attend the monthly meetings of both the trustees and, separately, where all volunteers and other interested people are invited to attend to hear about plans for the garden, workshops being held and events being planned to engage with a wide variety of groups in and around the area. All age groups are involved with the garden and the evening meetings of young cubs, brownies, scouts and others for specific learning activities is a real delight. However, if the only access to the garden is through the small pedestrian gate at the bottom, many of these events will not happen, as it is not a safe environment for young people and vulnerable older people, particularly after dark. We must retain an access which enables all categories of people to feel safe at all times when they attend events at the garden. Without the top access, events, workshops & learning opportunities will simply not happen and this will be the end of the Inspire Garden; and

Finally, Inspire was used as a significant contributor to the Community element of Chesterfield's entry in the 2018 East Midlands in Bloom competition and, from the judges comments, was instrumental in Chesterfield achieving higher marks and guaranteeing a third Gold award. We also received a Judges Award along with several mentions in the report on Chesterfield's

entry. We believe we will be needed next year and in subsequent years to ensure such a high award and, for the want of a sensible alteration to the plans which enables us to retain access, this contribution is being put at risk along with our future existence.

5. 52 Houldsworth Drive

I do not object to most of the plan, however I would like to see a minor adjustment to the boundary wall at the south west corner; I have worked with Inspire Community Gardens (ICG) who have always had Vehicle access off the car park. Knowing the car park was for sale ICG worked with one of the previous interested parties and found that they would accommodate access along the northern boundary of the ICG and Fair Play land. When this fell through ICG were informed that the sales literature had been amended to include the right of access. This appears to have been removed at the time of the contract creation. The entrance of the Car Park to ICG has allowed for direct access by people attending the Garden. Some of these people have had mental and physical health problems and the way the garden has helped them is unbelievable (I was very sceptical of this sort of thing). For background see their personal report of progress through the ICG. Pauline Blob! I also know one couple in their 80's that make a 70mile round trip to visit ICG which will be prevented for them if access at the top is removed;

I also work with Young people including Brownies, Beavers, Cubs and Scouts. These groups visit the Garden to learn about growing, and food production along with community service, outdoor crafts etc. Last visit was on the 19th September 2018;

ICG provides advice, information, practical help and guidance towards healthy eating and involves other organic groups, as it is known that CBC has 3 initiatives that these fit into. Additionally, ICG provides a Green gym. to combat obesity and improve health; As it is now ICG that runs the very popular Potato day, bringing a lot of people to Chesterfield. This will be put at risk as the stock of potatoes and seeds are stored at ICG. This would not be possible without Vehicle access;

The loss of vehicle access or any safe access to the Inspire garden will stop all these visits and will be a huge resource loss to Chesterfield. The Inspire Garden layout was designed for disabled access from the Top (Ramps and slopes). Mobility vehicles that currently access the ICG will be denied access due to this plan in its current form. It will be dangerous to try to walk in from a meeting point away from the Inspire Garden with 20-30 young

children (aged 6-10 years). Where could the group be safely assembled? Then they would access ICG via the only foot access along a footpath/cycle path, where drug needles have been seen; Safety also comes in to play by removing Vehicle access to the site as no Ambulances or Fire Engine could get close. Delaying any response. Creating a land locked site isn't good for anybody, including the borough council if the current lease is not extended; What I propose is that the South West corner of the new Mental health unit boundary be adjusted to retain access to ICG, to assist with this perhaps Inspire Garden members could move the current entrance West by 3m. The area created could then be incorporated into a turning circle for a cul-de-sac if the rest of the car park is developed into residential properties. An additional benefit is that by adding in additional breaks in the retaining wall will strengthen it with the returns. As has been experienced on Spital Lane, Chesterfield, the building on raised land has come into problems with land slippage;

All new developments of this size need to give back to the community and it is noted that on the Council web site that this can be in the form of land and not money. I believe that moving the Goldwell Arch to be visible has been suggested but this is seen not so much as a benefit to the community but a very nice prestige symbol for the builder to have on their development and would/should be done regardless;

I also feel that Inspire Garden is a benefit and bonus to both the new Mental Health unit and any future residential build. ICG working with the new unit could potentially provide an idea environment for recovery. Either as a quiet space or as a place to work at gaining self-confidence and skills. If the only entrance is moved half a mile away this would not be as effective for the new unit.

6. Monkey Park CIC Hub, 128A Chester Street

I am writing on behalf of the board of trustees of Monkey Park CIC, a community development organisation based in Brampton. We are close neighbours of 6 Ashgate Road and all of our trustees & volunteers are based in the neighbouring streets. We have worked in collaboration with the council on several recent projects including a riverside path on Chester Street and 200m of new tarmac 'Safe Route to School' paths to Brampton Primary School. We also sit on the Chesterfield Health & Wellbeing Partnership. Monkey Park CIC wish to strongly object to the planning application for 6 Ashgate Road on the following grounds. In this

objection, we reference the 2013 Local Plan for Chesterfield ([https:// www.chesterfield.gov.uk/media/148999/adopted-local-plan-core-strategy.pdf](https://www.chesterfield.gov.uk/media/148999/adopted-local-plan-core-strategy.pdf)):

1. Planning policy CS2 “is intended to protect sensitive or vulnerable users and adjoining occupiers (whether proposed or existing), and to do this the borough council will take into account the character and use of development proposals and their settings”. We believe that the proposal contravenes this planning policy by land locking a neighbouring site housing two community gardens operated by local charities. Specific reference is made in this policy to ‘sensitive or vulnerable users’ - exactly the groups of people using these community gardens: one garden is used by disabled children and the other by local people with autism, mental health issues, isolation/loneliness & injury. For example, the neighbouring site of Inspire Community Garden will not be accessible to wheelchair users if the proposal goes ahead.
2. Planning Policy CS3 mandates a presumption for sustainable development in the area (not on the site alone). The planning policy states that the developers and planning authority should “work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.”. This has obviously not happened: co-design with the Inspire Community Garden (which contributes substantially to the social, environmental & economic character of the area) is glaring in its absence.
3. Policy CS7 mandates that “Sustainable Drainage Systems (SuDS) should be incorporated into all development, unless it can be demonstrated that this is not appropriate in a specific location.” The developer’s sustainability statement indicates that “Environmental reports indicate soakaways would not be considered appropriate in this location”. This is not adequate and will put substantial pressure on the local drainage sewerage system (which is elderly and contributed to substantial local flooding in 2007). A previous developer had indicated that they would incorporate the features of the Inspire Community Garden as sustainable urban drainage to avoid surface water flooding, water pumping & pressure on sewerage system capacity. We expect the same quality of design from this developer.
4. Policy CS9 states that development will only be supported if it “enhance[s] connectivity between, and public access to, green infrastructure”. This proposed development does exactly the

opposite - blocking public access to community garden infrastructure.

5. The application contravenes planning policy CS13, which states that developments should not “inhibit existing or future business and industrial activity on adjacent sites”.

6. Planning policy CS14 states that “The Council will promote and enhance tourism development in the borough”. This development actively blocks access to a site that is becoming increasingly important to local tourism, being an organic gardening showcase of regional importance which has strong ties with the Henry Doubleday Ryton Gardens & the Royal Horticultural Society as well as having recently received a Judges Award from East Midlands in Bloom.

7. Planning policy CS17 on social infrastructure provision states that “where proposals involve the provision of new or expanded social infrastructure facilities, they should be well related to existing centres and settlements and public transport infrastructure, and should provide high standards of accessibility for all sectors of the community”. The provision of a mental health assisted living facility next to a charity run facility that helps people with mental health concerns to improve their wellbeing is an excellent synergy, but only if there is access between the two facilities - otherwise it would contravene the policy. Moreover, the policy also states that “development will not be acceptable where [...] it would result in the loss of a facility which is required to meet a local need or contributes to the network of facilities throughout the borough”. Loss of the primary access to such a facility introduces an existential risk to it, and is likely to cause the loss of the community garden.

8. Planning policy CS18 mandates that “all development should identify, respond to and integrate with the character of the site and surroundings and respect the local distinctiveness of its context”. It then specifically adds that development must “provide appropriate connections both on and off site, including footpath and cycle links to adjoining areas to integrate the development with its surroundings”; “promote innovative forms and building designs that [...] enrich the quality of existing places”; “contribute to the vitality of its setting through the arrangement of [...] accesses”; “preserve or enhance the landscape character and biodiversity assets of the borough”; “provide appropriate connections both on and off site, including footpath and cycle links to adjoining areas to integrate the development with its surroundings” and “have an acceptable impact on the amenity of users and neighbours”. We believe that

this proposed development is clearly in breach of all of these policies.

Our trustees view the Inspire Community Garden & the Fairplay garden as key elements in the provision of social infrastructure within the town. We particularly view Inspire as one of the best examples in the region of community wellbeing infrastructure, with excellent potential to be part of new pilots on social prescribing & Public Health wellbeing networks. Under the provisions of this core strategy element, we are disappointed that the North Derbyshire Clinical Commissioning Group and Derbyshire County Council Public Health unit have not been consulted on the potential development.

In summary, our trustees view this proposal as seriously flawed & non-compliant to multiple council planning policies. It has the opportunity to be reworked easily to become compliant and even supportive of existing social & green infrastructure. We urge the council, the developers and their clients (Aspire) to take the opportunity to engage in constructive dialogue to improve the proposals for all concerned.

7. Transition Chesterfield

Transition Chesterfield would like to object to the above-captioned planning application. Although we have no objection to the development of the site or the facilities proposed we strongly object to the lack of consideration given to adjacent community uses and the impact on local charity Inspire Community Garden, which is a sister project of Transition Chesterfield.

Inspire Community Garden, which received charitable status in 2016, is a local organic demonstration garden which is a hub for the local community, organising numerous public events and providing space for local people to grow their own food and therapeutic horticulture. It receives regular visits from local cub and brownie groups, corporate volunteer groups and has a number of long-term volunteers with physical and mental health problems who benefit from the gardening therapy. It runs weekly workshops and opens 3 times a week for volunteers and public to visit the site. It's Open Days receive around 150 people each time, many of them from the local community. It has forged links with local groups including Fairplay, Macmillan, Headspace and Ashgate Hospice. Last year it received its first visit by a Walking for Health group. Many Chesterfield Borough Councillors, including the Leader and the Mayor, have visited the site. This year the garden received a judges award from the RHS East Midlands in Bloom

judges for their contribution to Chesterfield Borough Council's gold medal winning entry in the competition. The judges award stated: "Inspire Community Garden. For the hard work of the volunteers in creating a fantastic community space in such a short space of time."

When the group took over the site in 2016 it was an overgrown and abandoned allotment site owned by the Council. Hundreds of volunteer hours have been spent restoring the fertility of the land, developing community space and wildlife areas. It has raised funds from fundraising activities such as seed, plant and compost sales, as well as grants from Derbyshire County Council, the Postcode Lottery and the Mansfield Building Society.

While the garden has a pedestrian access via the cycle/walking path adjacent to the gasworks the main vehicular access is via the Ashgate Rd carpark. The new development will involve a 2m retaining wall along the southern boundary which will cut off that access completely for visitors or volunteers with disabilities, deliveries of compost/manure and bulky or heavy equipment. The charity has worked hard and raised funds to make the site more accessible for people with disabilities (eg ramp and decking around the caravan which is the main indoor meeting space and work area). The alternative pedestrian access at the bottom of the site is too steep for anyone with a disability and would be difficult to transport heavy things easily, such as hundreds of plants for plant sales at May Day or sacks of seed potatoes and equipment for the annual Potato Day.

This application is in direct conflict with the vision, strategic objectives and many of the planning policies of the Borough's Core Strategy.

Vision - CBC's vision notes the importance of food growing opportunities (para 3.10); the importance of voluntary organisations in providing community and cultural facilities (para 3.22) and provides the vision that everyone has a healthier lifestyle through access to nature (para 3.27) Para 3.10: "Food growing opportunities are maximised, and land for growing food, especially within and adjoining residential areas in allotments and community gardens and the best and most versatile agricultural land, is safeguarded." Para 3.22: "District and Local Centres build on their own, distinct character while ensuring residents have easy access to services meeting their day to day needs. These centres are sustainable places for the provision of community and cultural facilities and the council will encourage their location and development there. Voluntary organisations are key partners for

the council in achieving and maintaining this ambition.” Para 3.27 “Everyone has the opportunity to have a healthier lifestyle, through improved walking and cycling routes, parks and access to nature, and locating facilities such as sports centres and fresh food shops in accessible locations.” However, this application will undermine these objectives by jeopardising access to land for growing food in community gardens and the possible future of the garden itself and through the Council’s failure to inform or engage with Inspire prior to the application.

Strategic objectives - This application will undermine strategic objective S7: “Promote a net gain in biodiversity and protect and improve the borough’s key green infrastructure assets and landscape character.” The community garden is an important part of the borough’s green infrastructure and the charity has worked hard to improve the area for biodiversity, with improvements in soil fertility, creation of a wildlife pond, a number of workshops including by the Bumblebee Conservation Trust on providing habitats for bees, and rough areas set aside for wildlife.

Principles for Location of Development - Core Strategy Policy 2 on Principles for Location of Development states that “all developments will be required to have an acceptable impact on the amenity of users or adjoining occupiers, taking into account things such as noise, odour, air quality, traffic, appearance, overlooking, shading or other environmental, social or environmental impacts.” The Design and Access Statement for the application makes passing reference to the community garden but fails to acknowledge that it will have an unacceptable impact on the amenity of users of the garden. There was little or no attempt to try to accommodate the needs of the garden, despite a meeting with the developer where the charity spelled out the implications of the proposal on their operations.

Green Infrastructure and Biodiversity - Core Strategy Policy 9 on Green Infrastructure and Biodiversity states that “Development proposals...(b) should enhance connectivity between, and public access to, green infrastructure.” Instead this proposal is limiting public access, and for certain disabled users, blocking it completely.

Social Infrastructure - Core Strategy Policy 17 on Social Infrastructure states that “Development will not be acceptable where it includes the change of use, amalgamation of uses or redevelopment of existing local community or recreational facilities, if it would result in the loss of a facility which is required to meet a local need or contributes to the network of facilities through the

borough.” This application will block vehicular access to an existing community facility which contributes to the needs of local residents who benefit socially, physically and emotionally from the therapeutic aspects of gardening and access to green space. Design - Core Strategy Policy 18 on Design states that “All development should identify, respond to and integrate with the character of the site and surroundings and respect the local distinctiveness of its context. Development will be expected to: (b) respect the character, form and setting of the site and surrounding area by virtue of its function, appearance and architectural styles, landscaping, scale, massing, detailing, height and materials; (k) have an acceptable impact on the amenity of users and neighbours.”

This application is clearly having an unacceptable impact on the amenity of neighbours.

Sustainability Statement - The applicants Sustainability Statement refers to the existence of the Community Garden and states: “Discussions between CBC, Developer, Fairplay and representatives of Inspire Community Garden continue to take place in order to provide satisfactory access solutions going forward for all parties.”

However before the application was submitted no meetings had been held between CBC the developer and Inspire, despite repeated requests from the garden for information.

The proposed development will provide care facilities for adults with a range of care needs, many of whom could directly benefit from the easy access to Inspire Community Garden. The irony of this is that the garden would be an invaluable asset to a development for the elderly or people with mental health problems. The benefits of gardening and outdoor space on mental well-being are well documented. However rather than trying to integrate the development to ensure continued access for the benefit of the charity and its future residents, this applicant has ignored the needs and could put the future of the garden at risk.

In summary we consider this application to be in conflict with many of the Council’s vision statements, strategic objectives and core planning policies, and we are disappointed that so little attempt has been made by the developer and the Council to consult with Inspire prior to the application.

We do not want to prevent the redevelopment of this site, the provision of care facilities and the revenue for the council. We believe it should be possible by careful design to ensure that the care facility can be built in such a way that retains the vehicular

access to the garden, as well as easy access for future residents. We are surprised and saddened that neither the developers, the proposed future health provider nor the council saw fit to meaningfully engage with the community garden before this application was submitted. We urge the Council to sit down with the applicants and find a way to ensure future access is retained.

8. A Local Resident

I have already made a very brief comment on the planning portal, the comment box is very restrictive. I want to say more in support of the Inspire Community Garden.

The Garden has proved to be a very valuable resource to the local community, and has gained public recognition for its achievements in a very short time. It has hosted many visits from youth and health groups at time when health professionals and Government are advising all of us that a good diet and exercise can improve physical and mental health. The garden is a wonderful place to learn about caring for the environment, about organic gardening, composting ; and saving, reuse and recycling of scarce resources. Its location is ideal for residents who do not have a garden of their own. It complements the excellent facilities of FairPlay, and is accessible to them. It is a resource which could be used by the proposed new facility, to benefit its residents.

There are statements in the Local Plan, and aims within central government's strategies to encourage, improve and support Public Health initiatives. Inspire Garden is a flagship resource for Chesterfield and fully meets these obligations.

I am shocked, disappointed and surprised that the Planning Department and Councillors have failed to protect access, and put the future of the Garden in jeopardy.

I urge the council and our representatives to ensure that access to the Garden is maintained to the current standard, either from its existing access, or another suitable entry point, at no cost to the Garden charity.

9. A Local Resident

I would like to suggest that more thought goes into the planning application to enable access to the amazing community garden that is a mental health and wellbeing lifeline to our community. Surely there's a way of redesigning the space to allow the garden to continue to thrive alongside the new build.

10. A Local Resident

Inspire Community Garden is one of the best things that has happened in Chesterfield for years. The benefits of gardening for mental, physical and emotional health/being outside in a green space/working with others/fostering awareness of the importance of wildlife and environmental issues are all well documented, and support the current RHS agenda in its emphasis on Greening Grey Britain and the importance of all-inclusive community ventures. Chesterfield Borough Council had been vociferous in its support for the Britain in Bloom competition, particularly where children are involved, but until this year seem to have been reluctant to include community initiatives.

Not all children are able to maintain their enthusiasm for gardening away from school; they may not have access to a garden or receive the necessary encouragement. Once they leave primary school/go to college/leave home they may have even less opportunity to maintain the spark. Inspire offers young people, and many others, the chance to maintain that early enthusiasm, broaden their knowledge base and learn new skills, maybe even aspire to further training to enable them to contribute to the new generation of young gardeners this country desperately needs. For all the above reasons, and many more, The Inspire Community Garden MUST be allowed to continue and flourish, ie to maintain appropriate, necessary access. I am shocked and disturbed that this situation has been allowed to happen. Chesterfield Borough Council need to put their money, and support, where their mouth is and do the right thing.

11. A Local Resident

After promises from the Borough Council of a housing development that made the Inspire garden an integral feature for the new homeowners, it is now proposed to cut off the access and so make the garden almost impossible to access for vehicles, the disabled, elderly - it is now a thriving community resource, supporting people from all walks of life. the garden helps people with all sorts of issues/worries/problems, including people with mental health difficulties: there is no objection to a mental health facility, but surely cutting off the garden will not help people's mental health.

There needs to be a rethink to make the garden remain accessible for all - it is a quiet space, a green space and a place to learn for all ages about how to grow natural produce, how to support wildlife and nature. I went to a talk on seeds and how to harvest them from

tomatoes, etc and it brought me into contact with some good people.

There is a solution to the access, and it is that any planning application has to include vehicular access to the Inspire garden. If disabled people and the elderly/infirm are denied access, then how is this helping the people of Chesterfield? It is discriminatory, short sighted, unjust and not an action that is wanted.

I strongly object to the planning application in its current form.

12. Derbyshire Voluntary Action

I would like to strongly object to the planning application, as is, for 6 Ashgate Road Chesterfield.

I believe this proposal contravenes your planning policy by land-locking neighbouring two community gardens, operated by local charities. These gardens offer specific use for 'sensitive and vulnerable users', including: disabled children and young people (many with life limiting conditions), and adults who are lonely and isolated or living with autism, mental health and disabilities.

13. A Local Resident

I want to object and voice extreme concern about the plans for effectively blocking access across the South boundary to the Aspire garden project. The Aspire garden is of benefit to the community and to future people attending the proposed healthcare unit. I strongly urge a rethink of how the planned building will work in conjunction with existing community facilities e.g. Fairplay and the Aspire garden. An adjustment allowing wheelchair and vehicle access working with the Aspire project team could surely be arranged so that all in the community can continue to access the garden.

Rather than blocking access at the top of the garden. Those planning the healthcare unit need to liaise with Aspire to consider and provide accessibility to the vehicle entrance to the community garden. Unfortunately unless this is changed I understand that a thriving community garden will have to close.

14. A Local Resident

I am contacting you to lodge an objection to the application for development of a mental health unit at 6 Ashgate Road. I am not opposed to the building of a mental healthcare unit, but rather to

the plans that will effectively block off access to the Inspire Garden at the rear.

Access is needed to the Garden for deliveries etc of large and heavy items such as compost and tools. This garden is entirely volunteer run and has transformed a derelict piece of land into something Chesterfield people should be proud of within the space of a couple of years. It has been supported by visits from the Mayor and from councillors over this time.

In addition, I make use of their facilities and storage space as co-ordinator of Transition Chesterfield's monthly Repair Cafe. The Repair Cafe seeks to minimise landfill and take items that would otherwise be thrown away and repair them and return them to use. We run this at Monkey Park but they have no storage facilities so we need the space available to us at the Inspire Garden caravan to store our tools and other items (several large bags and boxes). We aim to run these monthly events with as low cost as possible and would struggle to find an alternative that was free of cost.

15. A Local Resident

I would like to register my objection to the construction of a 2m high wall along the boundary of the proposed development site and the Community Gardens removing the current vehicular access, which is essential to the running of this project and also the beneficiaries of the project who need vehicular access. It would be very detrimental for a project like this which has had so much local support to be cut off by a planning oversight please request an amendment to the plans.

16. A Local Resident

Like the people who use this facility I have no objection to the unit being developed however two points-

- In a world where getting more connected with nature and the land is ever more vital community facilities should be encouraged by councils and not discouraged as you are planning. It can be strongly argued that facilities such as this assist mental health - the evidence is there.
- Council be responsible. Do your job professionally and responsibly and ensure the design supports both facilities as there is a role for the garden.

But I suspect you know this already - hopefully someone cares enough to do the right thing.

17. 181 Hunloke Avenue

My objections to the plan are solely related to the retaining wall along the southern edge of the property which cut the Community Garden off without vehicle access. This will immediately block access from the top of the garden causing numerous problems for visitors, volunteers and deliveries.

A Community Garden that can only be accessed by fit and healthy members of the community? Surely a way can be found to allow vehicle access to the garden as well as redeveloping the car park? The current plans will block vehicle access to the Community Garden making it virtually impossible for anyone with mobility issues to use the Garden. And it would make deliveries of materials impossible. It would effectively cut the site off for any future development should the Garden be forced to close. Residents of a residential/mental care home would benefit enormously from access to the Garden - it could be such a valuable resource for everyone.

18. A Local Resident

I wish to object to the development proposed in planning application CHE/18/00605/FUL. If it goes ahead as proposed it appears that it would effectively block access to the existing community garden. I think further consideration needs to be given to either maintaining the access or providing a new, appropriate access to the garden to ensure that the garden can continue to thrive, to be enjoyed and to enhance the well-being of the local community. It would be a shame if this community asset was lost or became less accessible/ inaccessible to any of its current or future potential users, if some further consideration and discussion between the Applicant and the Council's planners could resolve this access issue.

19. 41 Hartington Road

I understand that access to the Inspire Community Garden might be compromised by the proposed new Healthcare development, in such a way that it will have to close.

This is precisely the wrong thing to happen; it sends the wrong message to community groups throughout Chesterfield, and cancels a community benefit of immense importance to the life of the town.

If all that is needed is a bit of considered compromise so that the new Healthcare facility and the garden can coexist, then surely, we should be insisting on a modification to the plans to allow access. Isn't it possible to be creative? What better as part of recovery from mental illness than to have a beautiful garden next door? Couldn't that be factored in to the provision offered?

Does everything have to be driven by profit motives? Shouldn't there be consideration of existing land-use? Can't there be proper dialogue and collaboration?

There could be an extremely positive solution that will benefit everyone, including the new development.

So why opt for one that essentially excludes the hundreds of people who support the garden? The hundreds who have visited, who have worked for free, who have enjoyed the fruits and who applaud the work done there.

20. A Local Resident

The Inspire community garden has been developing and growing for several years now, with a huge amount of hard work and effort gone into transforming waste ground into an amazing community resource used by many local people, and manned by faithful volunteers. It would be wrong to bring this project to a close when it is such a fantastic place of encouragement, peace, education and community spirit.

Vehicular access is vital to the ongoing use of the garden and I feel that there must be a way around the problem so that all parties will be happy.

21. 668 Chatsworth Road

I would like to object regarding the planning application for the Inspire's vehicle access.

22. A Local Resident

With a very heavy heart I'm complaining about the 'ACCESS DENIED' to Inspire Community Garden due to the lack of details taken into consideration from Chesterfield Borough Council regarding the sale of Ashgate Car Park. When told of the sale of the car park and that there was planning to submit for a Mental Healthcare unit to be developed in the car park I was over the moon that the future residents would have access to the garden which would be beneficial to all the new residents as the garden is great therapy for us all. I had a Grade 3 Subarachoid Brain Haemorrhage in July 2011, put into an induced coma for the first 8

weeks in ITU & HDU @ Hallamshire Hospital, Sheffield then when brought out of coma, I lost the ability to walk, talk & eat. 7 months down the line there was still no progress until my Neurosurgeon Mr Patel @ Hallamshire Hospital put a Shunt behind the right ear to drain any fluid on the brain and 3 days later I began to talk but the speech was gobbildygook! It's been a long journey from re-learning the basics to walk, talk and I'm still learning and improving every day.

Since day one at the garden, I originally had the walking stick and minimum energy to walk, talk and stand, I now get taken to the garden every time it's open and since then my balance, walking, energy, concentration has improved immensely due to spending time in the garden which is so important to me.

The garden is an Oasis to us all with physical and mental disabilities. Many attend the garden from all ages young & old and I'd appreciate it if you could kindly reconsider the access to Inspire Community Garden via the car park for deliveries and access in case of an emergency for an ambulance.

23. A Local Resident

I feel strongly not having easy access for the Inspire Community Gardens will reduce considerable its usage thus disadvantages all users including people who are disabled and vulnerable.

24. Fairplay

I am writing on behalf of Fairplay to object to the planning application listed above.

The objection is that Fairplay has not been consulted with by the council or the developer, even after giving consent for the council to pass on Fairplay's details to the contractor. As you are aware the proposed new development will totally deny access to the Fairplay Childrens garden from Ashgate Road.

The previous developer interested in the site met with Fairplay and the Inspire Community Garden to discuss his plans. He was very supportive of our existing arrangement and was prepared to work with us to include access on the plans of his proposed development. Of course we were very happy with this arrangement and felt positive about the project moving forward. However this latest developer has not considered how his plans would cut off access to the site for both Fairplay and the Inspire Community Garden. Access via the area where the developer is proposing to build a wall is used for deliveries to both gardens.

Any changes to this would make deliveries to both gardens impossible.

Fairplay feel strongly that had we been given the opportunity to discuss these issues with the developer an amicable solution may have been reached.

25. 290 Ashgate Road

As a journalist covering local government affairs for 40 years, including 11 years in Chesterfield up to 1996, I have sat through numerous planning and development control committee meetings, and am well aware of the need to cite planning reasons when opposing any form of development.

In this case, the crux of the matter seems, to me, to be concerned more with health and wellbeing, humanity and community, than bricks and mortar, land and boundaries. Fortunately Chesterfield Borough Council's core strategies and key policies embrace these values with the goal of protecting community leisure and recreational facilities, access for disabled people to use such facilities, and preserving and fostering food production.

Others, most notably Inspire Community Garden's trustees and those of Monkey Park CIC, have set out the policies and strategies they believe this application to be in breach of in a much more detailed way than I could achieve. However, I would like to add my own objection along similar lines, and call on the council to facilitate a rational conversation between the developers, Inspire Community Garden and the council itself to work out a practical solution to the benefit of all parties concerned.

Inspire Community Garden is a tremendous asset to the community and can be a valuable partner to the mental health facility proposed for 6 Ashgate Road, offering therapeutic activities within the garden for its users. The garden must not be jeopardised by losing its only vehicular and disabled persons' access, and I urge the council to refuse planning permission for the application in its current version, pending tri-partite talks between the garden's trustees, the developers and the borough council.

26. 290 Ashgate Road

I am writing to object to planning application CHE/18/00605/FUL, the plan to build a mental health facility at 6, Ashgate Rd. The proposal to level the site with a large retaining wall along the south side would cut off access to Inspire Community Garden, the only vehicular access to the site. It is vital in order for people to park on site and for deliveries of substantial amounts of supplies and

materials, and without this access the project would be unable to continue. This inclusive community project has been going from strength to strength and is used by increasing numbers of individuals and groups. It runs environmental, ecological, and conservation courses as well as horticultural ones.

Coming to the garden and working and socializing there with others is important for the mental health of a number of those who already use it. How can it make sense to build a mental health facility that harms the mental health of some members of the community when with sensitivity and imagination an adaptation of the plans could enhance access to Inspire, and users of the facility could enjoy the benefits of gardening to complement their other treatment?

Please don't allow the destruction of this wonderful community project.

27. A Local Resident

I understand that access to the Inspire Community Garden will be seriously affected by this development, in that both access for vehicles and for people, especially disabled people and those with mobility issues will be adversely affected. This is a wonderful community resource, providing much needed physical and mental health benefits as well as educational and learning opportunities, for the town of Chesterfield and area beyond.

Please could you consider that users of the facility may not be able to get involved either, which must be counter productive to the care facilities aims.

Can the plans be adjusted in such a way to allow the garden to continue to operate for the benefit of everyone, of all abilities and ages please.

28. 6 Malvern Road

The plans block access to a well supported established community activity at Inspire Gardens which provides great benefits to the residents of Chesterfield.

Parking at the development appears very limited for the numbers of users, staff and visitors. Nonresident parking on Malvern Rd is increasing with public using facilities in the area causing local road congestion.

29. A Local Resident

In response to your Neighbour Consultation process please give due care and objective consideration to the following objections in relation to the current proposals submitted for the development of 6 Ashgate Road.

In all respects, we are mindful that Inspire Community Garden (ICG) was formed, in part, on the basis of an arrangement with Fairplay, the charity that leases the Council land specifically designated for community garden use and that lies adjacent to 6 Ashgate Road.

ICG have transformed this neglected plot into a productive community hub that touches the lives of many people in an extremely positive way.

Specifically, we object to the developer's plan to build a wall along the Southern boundary of this site.

By so doing, a long established and much used access point to Council land that is officially designated for horticultural use will be completely blocked.

In the Council's 'Change of Land Use' document (2010), Chesterfield Borough Council acknowledges that use of the land now occupied by Inspire Community Garden hinges on 'demand' and that this land be used 'only for community garden including allotment'.

In considering the developer's plans, CBC should be clear that there is indeed a demand for the continued horticultural use of this land and that associated and long established vehicle access is vital for the delivery of goods (manure, wood materials, pathway materials) as well as the continuation of events that are hugely popular across the town, not least Chesterfield's annual Potato Day.

Inspire Community Garden is a hugely positive project.

It would seem morally lacking for Chesterfield Borough Council to support the developer's current plans that block the entrance to this vibrant resource.

This objection is particularly pertinent given the commitment shown earlier this year by the garden's volunteers in support of Chesterfield in Bloom. Their efforts should not be under-estimated. We also understand that, ironically, Inspire Community Garden's participation in this much lauded scheme was at the Council's invitation.

On a broader note, the current development proposals represent a loss of many car parking places. Undoubtedly, this will place extra pressure on surrounding residential streets as workers and visitors

struggle to find alternative parking spaces in our ever expanding town.

It would, therefore, appear that conditions exist that warrant a morally careful and considerate re-think of the developer's current plans to allow for the continued activities of their new neighbours. What practical steps will Chesterfield Borough Council and the developers take to help ensure the continuation of Inspire Community Garden?

30. A Local Resident

I am writing to express my objections to the plans to stop access to the community garden from Ashgate Road. The garden is a fantastic facility for the community and is still in the early stages of development, I believe it will become more popular and important to a wide range of people.

It is used not only by keen gardeners but also by people with learning difficulties, disabled and lonely people.

The access from the footpath at the bottom of the garden is not accessible by car so this stops a large number of people using it, it is also not easy to find by people who do not live in the local area, it will also be impossible for the garden to get deliveries.

Please think again about this valuable facility and ensure the plans include vehicle access to the gate from Ashgate Road.

31. 5 Hunloke Crescent

I would like to add my objection to the above planning application which would block access to the Inspire Community Garden. The Garden is a very valuable asset to the people of Chesterfield, it receives regular visits from local groups as well as many individuals, including those with disabilities and mental health problems. It holds regular workshops and opens three times a week for volunteers and members of the public to visit.

The proposed development will cut off access completely for volunteers and visitors with disabilities as well as for deliveries of compost and other heavy/bulky items.

It is appalling that the council should allow this to go ahead when the garden is itself a valuable resource for people to relieve stress and engage in gardening, which is recognized as a very therapeutic and a positive activity for good mental health. It also a valuable green space that contributes greatly to the Chesterfield environment.

I am sure it would be possible for the building to go ahead and still give the Community Garden access, but unfortunately the

developers have failed to liaise with or show any consideration to any of the other groups in the immediate area. We urge the Council to sit down with all those involved and find a way to ensure future access is retained.

32. 338 Ashgate Road

Whilst I have no objection to the development proposed I believe any plan approved must contain adequate vehicular access to the Inspire Community Gardens.

Loss of this access, as the current plans seem to indicate, would mean the closure of the gardens. This would be a severe loss for the people of Chesterfield. Inspire have turned a waste ground into a living, thriving and vibrant oasis in the centre of Chesterfield, all through the work of volunteers. The Gardens have recently been singled out for praise by the Britain in Bloom judges as an asset we can be proud of.

Some volunteers at the Garden have mental health issues and see their work there as part of their therapy so it would be ironic if the new unit prevented this.

33. 8 Birkdale Drive

I understand that access to the Inspire Community Garden will be compromised by the proposed new Healthcare development, in such a way that it will have to close.

As a Chesterfield resident, volunteer and Trustee of the garden I object to the current planning proposals.

I have been involved with the garden for 2 years and it has helped me immensely with my anxiety and depression as it has also helped many others.

It is also a place I have been able to take my daughter to and get her involved so much so that she has become a regular volunteer at the garden.

The garden brings great benefits to Chesterfield and its residents and many groups who use the garden will no longer be able to use it if the main access is lost.

I believe all that is needed is a bit of considered compromise so that the new Healthcare facility and the garden can coexist; this could be achieved with a slight modification to the plans to allow access.

34. A Local Resident

I am e- mailing to raise an objection to the proposed building on the Ashgate Road car park , this will remove the vehicle access to the inspire garden I am a cub scout leader we have used the garden on a number of occasions as part of our community challenge , as far as I am aware there is no other facility like inspire in the borough that can offer such a wonderful and educational gardening and outdoor experience for our young people . Also as I understand inspire received an award from RHS England in bloom judges for their contribution to Chesterfield Borough Councils Gold Medal winning Entry the council have benefited from the wonderful garden it should be ashamed of its actions .

The loss of vehicle access or any safe access to the Inspire garden will stop all these visits and will be a huge resource loss to Chesterfield. The Inspire Garden layout was designed for disabled access from the Top (Ramps and slopes). Mobility vehicles that currently access the ICG will be denied access due to this plan in it's current form. It will be dangerous to try to walk in from a meeting point away from the Inspire Garden with 20-30 young children (aged 6-10 years). Where could the group be safely assembled? Then they would access ICG via the only foot access along a footpath/cycle path, where drug needles have been seen. As a council which should protect the interests of all residents both young and old I urge you to re- consider the issue of access and urge councillors to visit if the haven't already done so !!

35. A Local Resident

Although I live some distance away I have visited the attached site Inspire Community Gardens on numerous occasions. I have seen the amount of work and care that has changed the overgrown area into a real community facility where people of all abilities can meet and work together and enjoy friendship and fresh air. This is important to everyone. If the work goes ahead for the new buildings it will, contrary to decisions agreed by the previous owner, give Inspire Gardens with no vehicular access. They are not objecting to the buildings just the vehicular access. They will have their own parking site. The current trend is to get people moving and motivated with gardening being one of the best ideas. This was high lighted on Monty Dons Gardeners World this week when one of his assistants visited such a garden started in 2002. They had support from local doctors and carers and as the new buildings are planned for Assisted Living it would seem to be ideal

to have such a site next door. If the plans go ahead as they are at the moment people with disabilities and carers will not be able to access the site. The amount of work that has gone on in a relatively short space of time is immense and enjoyed by so many people that, given the chance, it could be life changing for very many more people.

36. A Local Resident

I have submitted an objection to this application (unfortunately after the 11th October deadline). I fully support the comments made by Transition Chesterfield and Inspire Community Gardens, and consider it astonishing that the applicant, in proposing a home for assisted living is seeking to destroy a facility which would offer considerable benefits to residents. The benefits to people with learning difficulties, mental health problems and, indeed, all of us, of gardening (and especially organic gardening) and being in the surroundings of a garden, are well documented. I strongly urge the applicant and all the relevant authorities to get together to develop a revised proposal which would maintain access to the Gardens for the benefit of the Aspire home residents and the people and the environment of Chesterfield greatly.

37. A Local Resident

I understand that the Inspire Community Garden is about to have its vehicular access taken away. This is due to the new owner closing the present access as it has been omitted from the planning consent. The previous purchaser had agreed to continue access.

This seems to be strange as the garden has already proved a benefit to handicapped and assisted living people. Carers already take their charges and this will cease with no vehicular access. Whilst I appreciate that there is an access by foot at the lower end of the garden I fail to see how an ambulance or paramedics can easily attend or evacuate any person taken ill.

I have visited the garden on a regular basis and helped to put up the and glaze two greenhouses but will be unable to do so as at 84 years of age I require vehicular access.

I also find it strange that the Council have made grants to the Community Garden and that it played a large part in your recent Award and that the proposed dwelling to be erected on the car park is to be for assisted living and under the NHS. The Community Garden was set up for this very purpose and you are closing it off. Please note that nationally these gardens are being

set up and doctors are prescribing attendance as part of mental health and similar treatments. One such garden was featured this week on the BBC programme "Gardeners World" .

I shall be obliged if the Planning Committee would reconsider the planning application and consider passing it with a proviso that vehicular access is maintained.

38. A Local Resident

I have no objection to the services this application will provide but object to the plans that will cut off vehicular access to Inspire Community Garden and FairPlay garden.

Both these community facilities need vehicular access to continue to provide facilities for those with a variety of disabilities including (ironically) mental health issues.

Inspire Community Garden helped Chesterfield to gain extra points in the latest East Midland in Bloom competition and received a special award for its work.

I am disappointed to see that the revised plans have not addressed the access issues for either of these organisations. Surely it would be possible to amend the site layout slightly to continue the access road down to the boundary on a slope, relocating the boundary wall nearer the 15 bedroom supported living building? A right of access would be required as well. I urge planning committee members to include a planning condition that vehicular access to the two gardens is maintained or it may be that Chesterfield loses these important community facilities.

Public Access – 40 no. representations received from the following addresses:

1. 1 Hartington Road
2. 30 New Queen Street
3. 21 Hunters Walk
4. 42 St Thomas Street
5. 3 Belvedere Close
6. 35 Holymoore Road
7. 109 Ashgate Road
8. 26 Purbeck Avenue
9. 63 Rutland Road
10. 13 Kingswood Close
11. 22 Cobden Road
12. Rushirst, Duckmanton
13. 51 Chartwell Avenue

14. 184 Lockoford Lane
15. 50 Springfield Avenue
16. Rowan Croft, 51 Abbeyhill Close
17. 43 Springfield Avenue
18. 43 Springfield Avenue
19. 43 Springfield Avenue
20. 14 Riddings Croft
21. 4 Bateman Close
22. 83 Houldsworth Drive
23. 14 Horsley Close
24. 37 Barry Road
25. 37 Barry Road
26. 37 Barry Road
27. 10 Heathfield Avenue
28. 74 Brockwell Lane
29. 67 Acorn Ridge
30. 23 Wenlock Crescent
31. 45 Malvern Road
32. 16 Grasscroft Close
33. 181 Hunloke Avenue
34. 69 Ashgate Avenue
35. 14 Brincliffe Close
36. 43 Central Drive
37. 62 Cherry Tree Drive
38. 102 Saltergate
39. 152 The Woodlands
40. Westwick, 264 Newbold Road

- Blocks access to Chesterfield Inspire Community Garden. Makes it more difficult for e.g. local cubs
- Access to Inspire Community Garden will be lost causing the garden to close. Well used local resource.
- I object. It cuts off vehicular access to 'Inspire'. community garden.
- Access to Inspire Community Garden Charity No. 1169713 will be blocked. Causing the garden to close.
- Provide one social good at the potentially fatal expense of another, the Community Garden. Careless!
- Proposal blocks access to Inspire Community Garden. Garden benefits the public (refs available)
- I strongly object due to the impact of access removal on the neighbouring Fairplay & Inspire Gardens

- Building a wall at the back would prevent access and deliveries to Inspire Community garden.
- Fairplay and inspire are council tenants south of the site. Plans should retain their access rights.
- The developers need to modify the plans to maintain the current access, or work with the site ten...
- If granted this application would deny access to Inspire Community Garden, which has a right of way
- Inspire Garden a valuable public health resource. Council must ensure access, Ashgate Rd or other.
- Support redevelopment but only if current access for Fairplay & Inspire Community Garden maintained
- I object to the application as it blocks access to the Inspire garden.
- The development will block access to the Inspire Community Garden.
- Sale Tenure statement; 30+ year right of access; In Bloom Community contribution confirm access need.
- You originally agreed access to the Community Allotment would be honoured. This is unacceptable.
- Unforgivable to the community. Object strongly.
- : Residents are deeply disturbed at your actions.
- the application must ensure right of access for the Inspire Community Garden and Fairplay
- I do not want to see the closure of inspire community garden through lack of vehicular access.
- I object due to inspire community garden losing access forcing it to close for safety
- this dev will stop access for people that need this invaluable community space.
- Access to Inspire Gardens will be lost due to the building of a 2m high wall by the new owners
- Access to Inspire Gardens will be lost due to the building of a 2m high wall by the new owners
- I object on the grounds that this will block access to Inspire Community Garden
- Lack of vehicle access to Inspire Gardens, leading to the closure of a community built project
- I would like to object to the loss of vehicle access to Inspire Community garden and Fairplay site
- As a service user, I object to the retaining wall, stopping access to the Inspire Community Garden.

- This application will have serious consequences for public to access the inspire community garden.
- I object to the loss of access to the Inspire community garden, which helps promote mental health
- Loss of vehicular and disabled access will negate the Inspiration which is our Community Gardens!
- A Community Garden that can only be accessed by fit and healthy members of the community?
- The development needlessly blocks access to Inspire community gardens which is if benefit to locals
- Proposed boundary wall will prohibit vehicle access to Inspire Community Garden and Fairplay
- I object to the unnecessary blocking of access to the Inspire Community and Fairplay gardens
- Loss of vehicle access to ICG is not good for the community & even worse for people who created it.
- The plans don't take into account how this will effect the nearby Community Garden.
- The proposed retaining wall will deny disabled access to Inspire's community garden
- The proposed planning application will block vehicle access to the Inspire Community Garden.

6.3

Officer Response:

Whilst it is noted that there have been a large number of representations received against these application proposals the primary issue raised by these contributors relates to the issues concerning obstruction and closure / loss of access over the application site into the Inspire Community Garden which adjoins the application site to the south.

Currently the application site forms part of the larger Ashgate Road Car Park and an access point utilised by the Inspire Community Garden over this site currently exists; which would be lost as a result of the development proposals.

Notwithstanding this, it is understood that the access point currently being used by the Inspire Community Garden is not authorised and whilst its use was not prevented by the previous owner of the site (Chesterfield Borough Council) the dispute over whether a vehicular access right now exists is a private / civil matter between the two parties involved and this

is not a material planning consideration. Inspire Community Garden occupy land which is leased to Fairplay and the issue is also for Fairplay to resolve however it appears to be the case that access to the land can be provided over the Fairplay land or from the public footpath route which runs along the bottom boundary of the land.

In assessing the planning merits of the application proposals the Local Planning Authority cannot insist that the scheme is amended to accommodate an access to the Community Garden, despite the number of representations received. Nor is the developer obliged to accommodate an access to the Community Garden if no such right of access exists in the deeds of the property.

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

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

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

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

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

9.0 **CONCLUSION**

9.1 The proposed development is considered to be appropriately sited, detailed and designed such that the development proposals comply with the provisions of policies CS1, CS2, CS4, CS11, CS13, CS18, CS19, CS20 and PS1 of the Chesterfield Local Plan: Core Strategy 2011 – 2031.

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

10.0 **ADDITIONAL RECOMMENDATION**

10.1 That a S106 agreement be negotiated to cover:

- A contribution towards Percent for Art

11.0 **RECOMMENDATION**

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

Time Limit etc

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

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

02. All external dimensions and elevational treatments shall be as shown on the approved plans (listed below) with the exception of any approved non material amendment.
WM/AR/LP1 – Site Location Plan
WM/AR/6EX – Existing Plans
WM/AR/SL1 Rev D – Proposed Site Layout (rec'd 22/11/2018)
WM/AR/AL1 Rev B – Proposed Assisted Living Elevations & Floor Plans (rec'd 22/11/2018)
WM/AR/CH1 Rev B – Proposed Care Home Elevations & Plans (rec'd 16/11/2018)
WM/AR/LEV Rev A – Proposed Site Sections (rec'd 22/11/2018)
Design and Access Statement by Carlton Design Architecture Ltd
Asbestos Management Survey by Environmental Essentials Ltd dated August 2016.
Asbestos Management Report by Environmental Essentials Ltd dated January 2017.
Demolition Method Statement by WMD Limited dated July 2018
Sustainability Statement by Carlton Design Architecture Ltd
Ecological Appraisal by Encon Associates dated July 2017
Bat Survey Report by Encon Associates dated September 2017
Desk Study Report by Nicholls Colton Geotechnical dated October 2014.
Geoenvironmental Appraisal by iD GeoEnvironmental Consulting Engineers dated April 2017
Aspire Health Care Introductions

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

Drainage

03. No development shall take place until 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.

If discharge to public sewer is proposed, the information shall include, but not be exclusive to:-

- a) evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical;
- b) evidence of existing positive drainage to public sewer and the current points of connection; and
- c) the means of restricting the discharge to public sewer to the existing rate less a minimum 30% reduction, based on the existing peak discharge rate during a 1 in 1 year storm event, to allow for climate change.

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

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

Land Condition

04. 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.

Highways

05. 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.

Reason – In the interests of highway safety.

06. The premises, the subject of the application, shall not be occupied / taken into use until the site access / exit has been modified in accordance with the revised and approved application drawings to be provided with exit visibility sightlines of 2.4m x 47m to the nearside carriageway channel in each direction and all areas in advance of the sightlines being over controlled land/ existing highway and maintained clear of any obstructions greater than 1.0m in height (600mm in the case of vegetation) relative to the same channel level.

Reason – In the interests of highway safety.

07. The premises, the subject of the application, shall not be occupied/ taken into use until space has been provided within the application site in accordance with the revised and approved application drawings for the parking/ loading and unloading/ manoeuvring of residents/ visitors/ staff/ customers/ service and delivery vehicles, laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.

Reason – In the interests of highway safety.

Hours

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

Reason – In the interests of residential amenity.

Local Labour

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

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

Ecology & Trees

10. Prior to the installation of any external lighting 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 strategy is designed in line with guidance within Paragraph 180 of the NPPF.

Reason – In the interests of biodiversity and to accord with policy CS9 of the Local Plan: Core Strategy 2011-2031 and the National Planning Policy Framework.

11. Prior to the commencement of development a biodiversity enhancement strategy that includes the provision of integral bird and bat boxes within the building and native landscaping (based on Section 5.4 of the ecology report (July 2018)) should be submitted to and approved in writing by the

Council. Such approved measures should be implemented in full.

Reason – In the interests of biodiversity and to accord with policy CS9 of the Local Plan: Core Strategy 2011-2031 and the National Planning Policy Framework.

12. Prior to completion or first occupation of the development hereby approved, whichever is the sooner; details of treatment of all parts on the site not covered by buildings shall be submitted to and approved in writing by the Local Planning Authority. The site shall be landscaped strictly in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. Details shall include:
- a) a scaled plan showing plants to be planted:
 - b) a schedule detailing sizes and numbers of all proposed trees/plants
 - c) sufficient specification to ensure successful establishment and survival of new planting. Unless required by a separate landscape management condition, all soft landscaping shall have a written five year maintenance programme following planting. Any new tree(s) or plants that die(s), are/is removed or become(s) severely damaged or diseased shall be replaced and any new planting (other than trees) which dies, is removed, becomes severely damaged or diseased within five years of planting shall be replaced. Unless further specific permission has been given by the Local Planning Authority, replacement planting shall be in accordance with the approved details.

Reason – In the interests of biodiversity and to accord with policy CS9 of the Local Plan: Core Strategy 2011-2031 and the National Planning Policy Framework.

Other

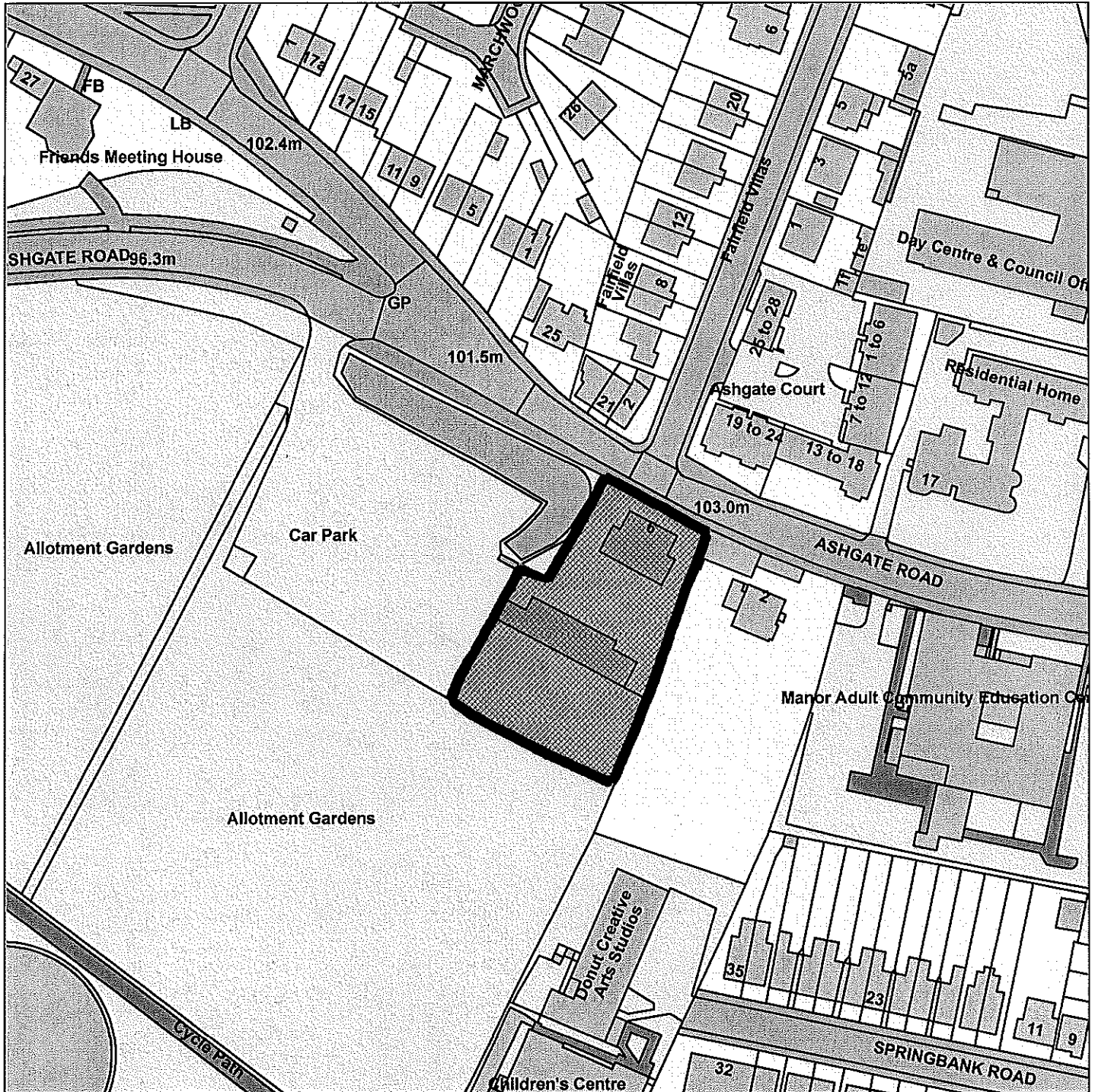
13. Before construction works commence or ordering of external materials takes place, precise specifications or samples of the walling and roofing materials to be used shall be submitted to the Local Planning Authority for consideration. Only those materials approved in writing by the Local Planning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

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, steps shall be taken to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.
04. Attention is drawn to the attached notes on the Council's 'Minimum Standards for Drainage'.

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Organisation	Not Set
Department	Not Set
Comments	
Date	29 November 2018
SLA Number	Not Set

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Case Officer: Sarah Kay
Tel. No: (01246) 345786
Ctte Date: 10th December 2018

File No: CHE/18/00606/MA
Plot No: 2/322

ITEM 2

MATERIAL AMENDMENT TO PREVIOUSLY APPROVED APPLICATION CHE/15/00442/FUL TO INCORPORATE CHANGES TO THE DESIGN (APPROVED PLANS – CONDITION 2) – SITE OF THE FORMER POOLSBROOK HOTEL, STAVELEY ROAD, POOLSBROOK, DERBYSHIRE, S43 3LF FOR NOBLE D AND B LTD

Local Plan: Unallocated
Ward: Middlecroft and Poolsbrook

1.0 **CONSULTATIONS**

Local Highways Authority	Comments received 20/09/2018 – no objections
Environmental Services	Comments received 04/10/2018 – no objections
Design Services	Comments received 27/09/2018 – no objections / drainage conditions still apply
Coal Authority	Comments received 03/10/2018 – no objections
Ward Members	No comments received
Staveley Town Council	No comments received
Site Notice / Neighbours	One letter of representation received

2.0 **THE SITE**

2.1 The site the subject of the application comprises of the former Poolsbrook Hotel (which was a detached two and a half storey property prominent to the playing field) and the grounds within its immediate surrounding (circa 0.2ha) which were located south eastern corner of Poolsbrook village.



2.2 The site sits with open land uses to its northern, eastern and southern boundaries, with a small cluster of neighbouring residential properties located to the west.

3.0 **RELEVANT SITE HISTORY**

3.1 CHE/17/00532/DOC - Discharge of conditions 3, 4, 5, 6, 7, 8, 9, 10, 12, 13, 17, 18 and 19 of CHE/15/00442/FUL.

- 31/08/2017 – Condition 5 agreed
- 01/09/2017 – Condition 9 agreed
- 23/10/2017 – Condition 7 agreed
- 19/11/2018 – Conditions 3, 4, 6 and 10 agreed

- Condition 12 and 13 still with Local Highways Authority for comments

- Conditions 8 (Contaminated land), 17 (Hard Landscaping), 18 (Soft Landscaping) and 19 (Local Labour) are still pending

3.2 CHE/15/00442/FUL - Demolition of former hotel and creating new dwellings to rejuvenate the existing site and its surroundings - revised information received on 13th November 2015. Approved 08/12/2015.

3.3 CHE/10/00308/OUT – Proposed demolition of Poolsbrook Hotel and redevelopment of land to provide 11 x 3 bed houses with associated parking - Resubmission of Planning Application CHE/10/00058/OUT – Refused 07/09/2010 for the following reason:

‘The development is in conflict with Policy POS 3 and CMT2 of the Replacement Chesterfield Borough Local Plan as it fails to secure funding for the upgrading and maintenance of public open space

and provide contribution toward additional classroom accommodation as required by a development of this size by the policies and adopted SPD.'

- 3.4 CHE/10/00058/OUT – Proposed demolition of Poolsbrook Hotel and redevelopment of land to provide 12 x 3 bed houses with associated parking – Refused 01/04/2010 for the following reason: *'In the opinion of the Local Planning Authority the proposal is unacceptable. The application fails to provide evidence that the existing public house is no longer viable or that alternative provision is available in the area in order to justify the loss of the existing facility. On this basis the proposal is considered to be contrary to Policies CMT5 and SHC1 of the Replacement Chesterfield Borough Local Plan.'*
- 3.5 CHE/08/00517/OUT – Five residential dwellings – Approved 22/09/2008.

4.0 **THE PROPOSAL**

- 4.1 This report is prepared in respect of an application submitted under Section 73 of the Town and Country Planning Act 1990 to vary the condition of approved plans (Condition 2) of the previously approved planning permission CHE/15/00442/FUL and to seek permission for a series of design amendments.
- 4.2 Under the previous planning permission the development was split into 4 no. blocks of development (A, B, C and D) and these references are used in this application to propose the following changes to each block of development as follows:

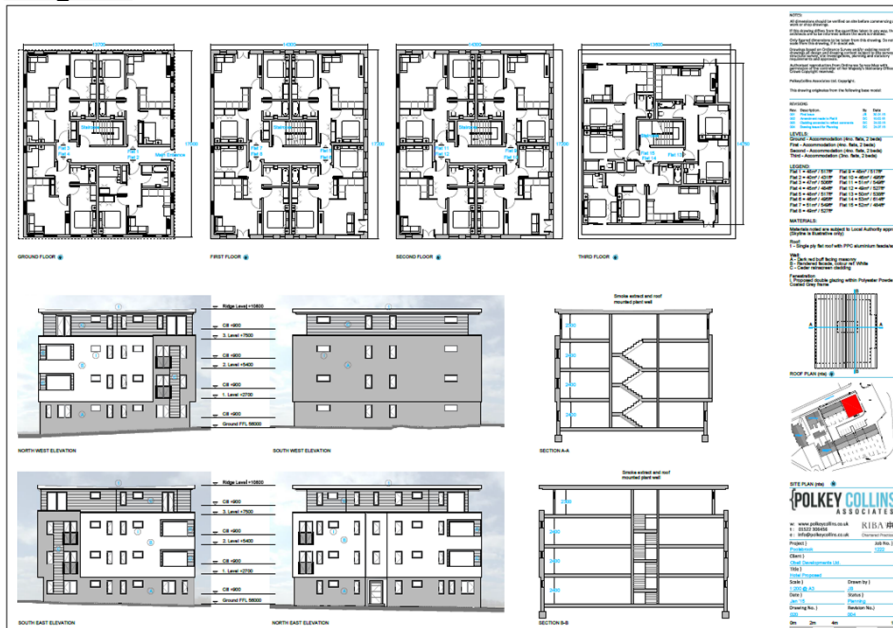
Block A

Originally Block A as detailed on drawing no. 020 Rev 004 and comprised of the block of 15 no. flats which are set over four floors comprising 4 no. 2 bed flats to GF, FF and SF and 3 no. 2 bed flats at TF.

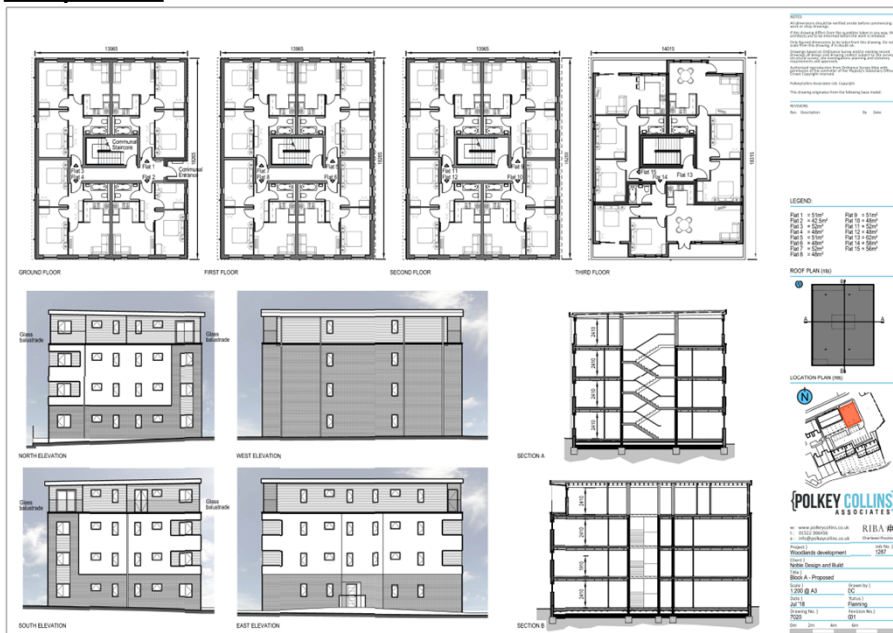
As proposed (drawing no. 7020 Rev 001, 7060 Rev 001, 7061 Rev 001, 7062 Rev 001, 7063 Rev 001, 7064 Rev 001) the overall floorspace of the development is increased slightly and extended in a southerly direction; the floor area of the TF of the proposed block is increased slightly as the recess and

majority of balcony areas are removed; and the fenestration to the entire block is reconfigured.

Original



Proposed



Block B

Originally Block B as detailed on drawing no. 030 Rev 004 and comprised of a block of 5 no. 2 bed 2 storey townhouses which were positioned parallel and fronting Cottage Close.

As proposed (drawing no. 7030 Rev 001) the overall floorspace of this particular block is increase as the depth of the block has increased from 8.8m to 9.8m; and the fenestration of the block has been amended slightly.

Original



Proposed



Site Layout

Block D

Originally Block D as detailed on drawing no. 040 Rev 001 and comprised of a block of 5 no. 3 bed 2.5 storey townhouses which were positioned in a row with Block C behind Block A and B.

As proposed (drawing no. 7012 Rev 001) the block of 5 no. townhouses identified as Block D have been pushed approx.. 4m to the south of the site and the car parking layout has been amended to increase overall car parking spaces available at the site.

Original - Site Plan



Proposed – Site Plan



5.0 **CONSIDERATIONS**

5.1 **Planning Policy Background**

5.1.1 The site is situated within the built settlement of Poolsbrook in an area predominantly residential in nature. Having regard to the nature of the application proposals policies CS1 (Spatial Strategy), CS2 (Location of Development), CS3 (Presumption in favour of Sustainable Development), CS4 (Infrastructure Delivery), CS6 (Sustainable Design), CS7 (Management of the Water Cycle), CS8 (Environmental Quality), CS9 (Green Infrastructure and Biodiversity), CS10 (Flexibility in delivery of Housing), CS11 (Range of Housing), CS18 (Design), CS19 (Historic Environment) and CS20 (Demand For Travel) of the Core Strategy and the wider National Planning Policy Framework (NPPF) apply.

5.1.2 In addition the Councils Supplementary Planning Document on Housing Layout and Design 'Successful Places' is also a material consideration.

5.2 **Principle of Development**

- 5.2.1 In December 2015 full planning permission was granted for the demolition of the Poolsbrook Hotel and the erection of 30 no. new dwellings comprising 1 no. block of 15 no. flats and 3 no. blocks of 5 no. townhouses. Under that permission development commenced in November 2017 on site and the 3 no. blocks of town houses were built following the demolition of the old public house building.
- 5.2.2 Conditions of the full planning permission have been the subject of an associated discharge of conditions application which is detailed in section 3.0 above.
- 5.2.3 The proposals the subject of this specific application seek design amendments to the previously approved scheme (some retrospectively) under the provisions of a S73 of the Town and Country Planning Act to vary the approved plans of the 2015 permission. The principle of development is however established and cannot at this stage be revisited.

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

- 5.3.1 Having regard to the amendments being sought through this application process the key issues for consideration relate to the amendments to Block A, the amendments to Block B and the amendments to Block C as described in para. 4.2 above.
- 5.3.2 Looking in turn at each amendment, the design alterations to Block A are the most visually significant resulting in a change to the external appearance and scale of the block. These changes are best illustrated in the comparative images prepared by the applicant below:

(see next page)



5.3.3 In respect of neighbouring properties the changes being proposed to Block A only impact upon the immediate neighbouring units, which occupy Block B and Block C; however these are considered to be insignificant and in respect of Block C this development has been set back to mitigate the impacts. It is also not considered that the design amendments have any adverse impacts upon the wider neighbouring properties.

5.3.4 Overall it is not considered, having regard to the provisions of policies CS2 and CS18 of the Core Strategy in respect of design, that the changes being sought to Block A are inappropriate and they are acceptable.

- 5.3.5 The design alterations to Block B see the footprint of the development increase in depth by 1m, which does not adversely impact upon Block A. To the opposite gable however there is an existing boundary sharing neighbour (Croft Cottage, Cottage Close adjacent and 1 Co-op Cottage, Cottage Close beyond) upon which the 1m increase in depth of the development poses a potential impact.
- 5.3.6 At the time of considering the original planning application, the impact of the development upon the immediate adjacent neighbour was considered including the fact that there were 3 no. windows openings and a doorway in situ in their side gable facing the development proposals. It was confirmed at the time of the original planning application via a telephone conversation with the occupier of this property that these windows served a GF w.c, GF playroom and FF bedroom (although this window was secondary to one also in situ in the rear elevation). At that time given the secondary nature to all these rooms it was not considered that the impact of introducing a built form in close proximity to these windows could justify refusal of planning permission on the grounds of overbearing. Looking therefore at the potential impact of the increased depth for which permission is now being sought to Block B it is not considered, albeit that the impact is now greater, that it would justify refusal of planning permission in this case.
- 5.3.7 In respect of the changes to Block D and the overall site layout it is accepted that these amendments were made to accommodate the footprint increase to Block A, and whilst the changes do allow for continuity in the separation distance between these developments the result is that the dwellings to Block D have smaller rear gardens. Notwithstanding this, the dwellings still retain their own private amenity areas and the changes are therefore considered to be acceptable.
- 5.3.8 Overall therefore the changes being sought as packaged in this latest application have been considered against the provisions of Policies CS2 and CS18 of the Core Strategy and the SPD Successful Places 'Housing Layout and Design' and they are all considered to be acceptable. The scheme once completed will provide a generally positive street frontage onto Cottage Close and will redevelop a previously neglected site. The scale and design of Block A is a very contemporary approach to this edge of village setting, however the character of Staveley Road in this particular

location is set to change with the forthcoming redevelopment of the adjacent site by Gleeson Homes.

5.4 **Other Considerations**

5.4.1 This application will continue to sit alongside the previous planning permission and therefore the development proposals will need to satisfy the provisions of previously imposed conditions which relate to drainage, land condition, ecology, highways, amenity etc. The design changes the subject of this particular application do not give rise to any adverse highway safety concerns, as reiterated by the Local Highways Authority in their consultee comments on this submission (see section 1.0 above).

5.5 **Community Infrastructure Levy (CIL)**

5.5.1 The original planning permission was granted in December 2015, prior to the Local Planning Authority (LHA) adopting its Community Infrastructure Levy (CIL) and therefore at the time of the original permission the development was not CIL liable. Notwithstanding this, the fact this application seeks to increase the floorspace of the development previously approved, any additional floorspace given approval after April 2016 will be CIL liable.

5.5.2 This development proposes an increase in floorspace of 60sqm in Block A and 34sqm in Block B; resulting in an additional GIA floorspace total of 94sqm.

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

		A	B	C	D	E
Proposed Floorspace (GIA in Sq.m)	Less Existing (Demolition or change of use) (GIA in Sq.m)	Net Area (GIA in Sq.m)	CIL Rate	Index (permission)	Index (charging schedule)	CIL Charge
Total = 94sqm	0	94	£20 (Low Zone)	317	288	£2,069

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

6.0 **REPRESENTATIONS**

6.1 The application has been publicised by site notice posted on 11/09/2018; by advertisement placed in the local press on 27/09/2018; and by neighbour notification letters sent out on 13/09/2018.

6.2 As a result of the applications publicity there has been one letter of representation received as follows:

A Local Resident

To respond to planning notice I saw fixed near the new development and then followed up on your website. Please be advised that at time of writing no formal notice has been received. It appears that a considerable change to the apartment block has been proposed. To me it proposes to disregard the present planning conditions which we are all aware were only just within tolerable planning constraints and which maybe at another time may not have been acceptable. Namely, the top floor proposes to be bulked out for extra floor space to the total detriment of aesthetics. As I understand it the visual impact and at such a strategic position in the village which has no such schemes at all would override all the hard work and allowances which have already been offered to the developer.

1. The proposed seems awkward and for kerbside view unappealing. It gives a Brut heavy-handedness to what was only just tolerable as impression to the apartment block. The original at least possessed some degree of minimizing the impact of the top floor which was I believe an architectural risk which was only just acceptable in the first place.
2. The original proposed using the Hotel chimney stack levels as a precedent for allowing the upper floor to use this space. As I mentioned before I believe the ridge lines should be benchmark. I reinforce this view by pointing out that if the stacks were say 3m higher would the developer then have been

allowed to build even another floor level making it four storey?
It can be seen plainly that the proposed elevations totally exceed even the original chimney stack levels. Surely this is unacceptable?

3. The impression leading up Staveley Road I believe would be that of huge negative impact dwarfing the careful blending of house design meeting the original housing elevations of over one hundred years old. I feel also that the proposed would not help to market the houses on the site and may even have a detrimental effect on the future residents considering that architectural aesthetics are a major factor in the well-being and indeed social living of residents. We all hope the development provides a good living standard for residents for years to come long after it has been completed.
Therefore I have to object to the proposed variation which would I believe render original constraints irrelevant.
I hope my comments will be seen to be useful as coming from someone who lives here and who wants the conceivable best for our developing village.

6.3 ***Officer Response:***
See sections 5.2, 5.3 and 5.4 above.

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

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

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

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

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

9.0 **CONCLUSION**

9.1 The principle of development is established by the existence of the planning permission CHE/15/00422/FUL which is a planning fall-back position that must carry significant weight. Having regard to the parameters set by the agreed consents the material amendments sought are considered to be appropriate in respect of scale, appearance, layout and access and the changes are not so significant in planning terms that a refusal of permission can be substantiated. The proposals will not adversely impact upon adjoining neighbouring amenity or the character of the local area to the point that the development is inappropriate. The development is considered appropriate in the context of the streetscene and will not be detrimental to any acknowledged planning interest. The proposals are considered to accord with the provisions of policies

CS2 and CS18 of the Chesterfield Local Plan: Core Strategy 2011 – 2031 and the wider NPPF.

10.0 **RECOMMENDATION**

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

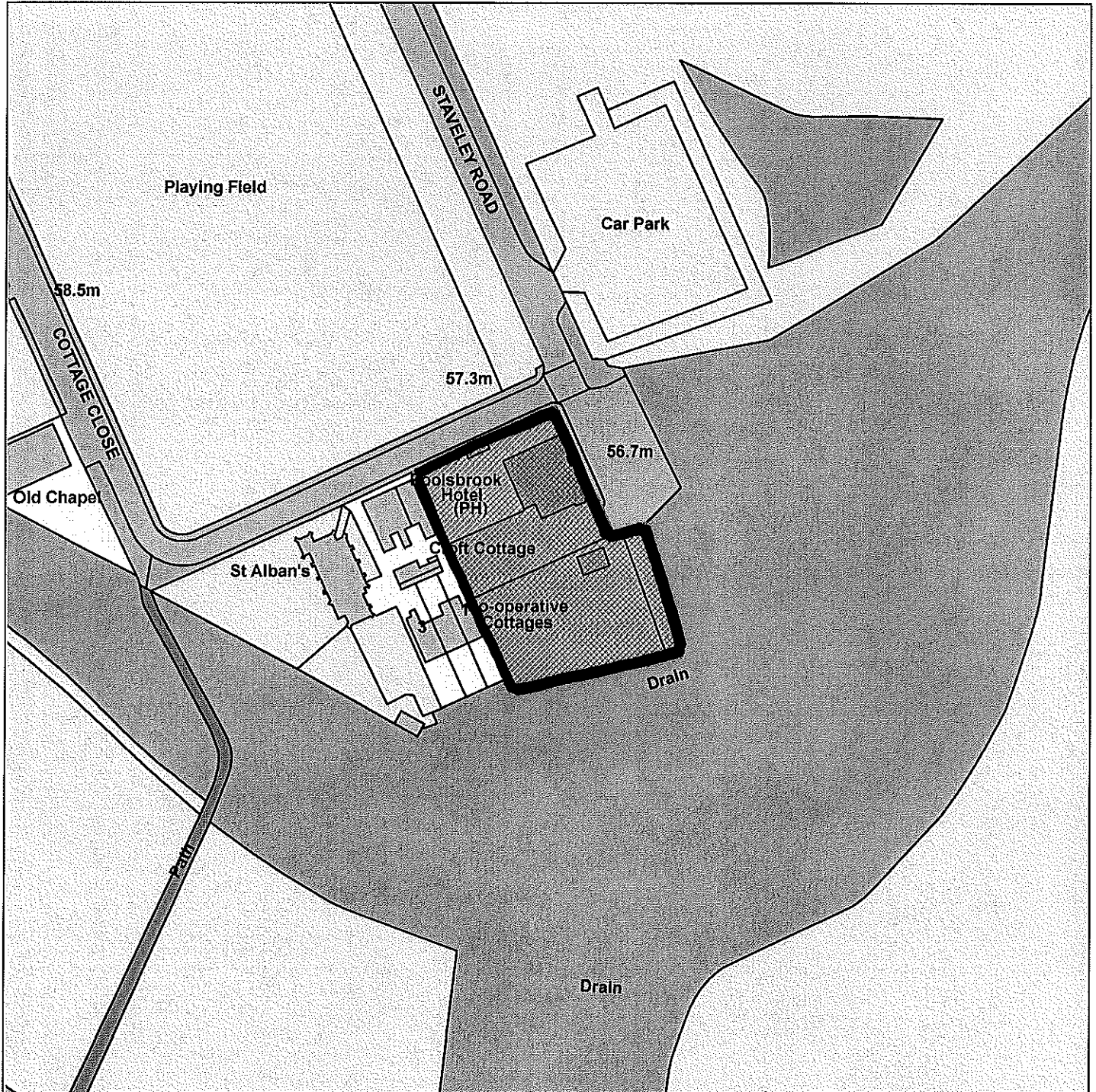
Conditions

01. All external dimensions and elevational treatments shall be as shown on the approved plans, 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.

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 permission is granted further to an earlier grant of planning permission (CHE/15/00442/FUL) to which any developer should also refer.



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Organisation	Not Set
Department	Not Set
Comments	
Date	29 November 2018
SLA Number	Not Set

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Case Officer: Joe Freegard
Tel. No: (01246) 345580
Ctte Date: 10th December 2018

File No: CHE/17/00385/OUT
Plot No: 2/1225

ITEM 3

Outline application for 50 apartments at Former Stagecoach Ltd, Sheffield Road, Stonegravels, Chesterfield, Derbyshire, S41 7JN for Capland Properties Limited.

Local Plan: Economic Growth
Ward: St Helens ward

1.0 CONSULTATIONS

Ward Members	No comments
Town/Parish Council	No comments
Strategy Planning Team	Comments received – see report
Environmental Services	Comments received – see report
Design Services	Comments received – see report
Economic Development	Comments received – see report
Housing Services	Comments received – see report
Leisure Services	No comments
Environment Agency	Comments received – see report
Yorkshire Water Services	Comments received – see report
Derbyshire Constabulary	Comments received – see report
DCC Strategic Planning	Comments received – see report
Lead Local Flood Auth	Comments received – see report
DCC Highways	Comments received – see report

C'field Cycle Campaign	No comments
The Coal Authority	Comments received – see report
Tree Officer	Comments received – see report
Urban Design Officer	Comments received – see report
Derbyshire Wildlife Trust	Comments received – see report
DCC Archaeology	Comments received – see report
NHS	Comments received – see report
Derbyshire Fire Officer	Comments received – see report
Neighbours/Site Notice	Three letters of representation received – see report

2.0 **THE SITE**

2.1 The site subject to this application is a parcel of land situated in front of a Stagecoach bus depot on Sheffield Road, in the Stonegravels area of Chesterfield. The site has a roughly L-shaped footprint, measuring approximately 0.9 hectares. The site is situated on a corner plot and is allocated within the Local Plan as an area for Economic Growth. The site is largely overgrown with vegetation, and is situated on an incline. A church is situated to the North of the site, the roadway of Sheffield Road is situated to the East of the site, a private road is situated to the South of the site, and the bus depot is situated to the West of the site. The boundaries with Sheffield Road and the private road remain open, and perimeter fencing has been erected along the other boundaries to the site.

3.0 **RELEVANT SITE HISTORY**

3.1 There are no previous Planning applications relevant to this site.

3.2 A pre-application enquiry was made in 2016 for residential development. It was advised that there may be scope for

development of this nature, however the site is allocated as employment land and there are further constraints in relation to shape and topography.

4.0 **The Proposal**

- 4.1 An outline application with all matters reserved apart from access has been made for the erection of 50 apartments. The original proposals were for an outline application for erection of up to 42 residential units, and the original plans suggested that the scheme would comprise houses. The agent handling this application subsequently decided to make alterations to the quantum and type of units, following environmental health concerns. The amended plans are supported by a noise impact assessment, air quality assessment, further indicative plans, and further details with regards to access.
- 4.2 An indicative layout has been provided. This suggests that the scheme would comprise a mix of 2, 3 and 4 storey apartment blocks, formed of 1 and 2 bed units. The indicative plans suggest that three blocks of 2 storey apartments would front onto Sheffield Road, and that two blocks of 3 storey apartments would front onto the private road to the south. A further block of apartments is proposed on the corner of these roads, and this would comprise 3 and 4 storey aspects. The indicative plans suggest that parking provision and open space would be to the rear of the site. An indicative street-scene from Sheffield Road has been provided. This suggests that the units would be pitched roof in form, predominantly 2 storey to the front elevation, with a feature 3/4 storey unit to the corner of the site.
- 4.3 No details have been provided with regards to detailed design, materials or elevations at this stage, as this is an outline application. The submitted plans are purely indicative, and as such the layout of the site could be subject to change.
- 4.4 Plans have been provided demonstrating that the access to the site would be via a new road leading from Sheffield Road. This would run roughly through the centre of the site, leading to parking spaces spread across the rear of the site.

Indicative landscaping and a potential location for a percentage public art scheme are also shown on the plans.

- 4.5 Extensive clearance of the site and excavation for the proposed access road would be required to cater for this proposed development. It would also be necessary to make alterations to the pavement along Sheffield Road, including the removal of some safety barriers, in order to facilitate the creation of the proposed access road.

5.0 **Considerations**

Policy - Principle of Development

- 5.1 All new development within the borough should demonstrate compliance with the council's Spatial Strategy as set out in policy CS1 of the Local Plan Core Strategy, or demonstrate why an exception should be made under the criteria set out in policy CS2. The proposed development is also within an area identified on the adopted proposals map as an established business area and therefore the loss of the land to a non-employment use should be considered in the context of the policies set out in Local Plan policy CS13.
- 5.2 In so far as compliance with the Spatial Strategy, policy CS1 sets out that the overall approach is to concentrate new development within walking and cycling distance of centres and focus on areas that need regenerating. Given the sites location in relation to Chesterfield Town Centre, the site is therefore what might be considered a reasonable walking and cycling distance from a centre. The site is allocated for employment use and the realistic test is whether it could be redeveloped for employment uses in the future. This is addressed below in respect of policy CS13 with the conclusion being that the redevelopment of this site for non-employment uses would be unlikely to lead to a quantitative or qualitative deficiency in the supply of available employment land. However, notwithstanding this, the proposal is considered contrary to criteria 2 of CS13 on the basis that it could inhibit activity on the adjacent employment site as a result of conflicts over amenity unless the Environmental Health Officer can be satisfied that amenity issues can be addressed satisfactorily.

- 5.3 In so far as the loss of employment land Local Plan policy CS13 clearly sets out the circumstances under which the loss of employment land for other uses will be considered:
- i) It would not lead to a quantitative and/qualitative deficiency in the supply of available employment land; and
 - ii) It would not inhibit existing or future business and industrial activity on adjacent sites.

The Policy CS13 tests are considered to be up to date and an appropriate mechanism for determining if a site should be released for alternative uses. It is necessary under the NPPF to consider alternative uses on their merits however such alternatives would still need to comply with other policies of the Local Plan. Given that no marketing statement has been submitted evidencing the sites capability of attracting potential employment uses, it is difficult to say whether the site has 'a reasonable prospect' of it being used for employment purposes. However following consultation with the Economic Development team, it is evident that despite the site being marketed for several years as a 2 acre commercial site, nothing has come forward. Given this, it would be difficult to argue that the site has a realistic prospect of contributing to the quantitative and qualitative employment land supply for the borough. However, notwithstanding the above, it is considered that the proposal is contrary to criteria 2 of CS13. The site is adjacent to an existing bus depot and given the associated noise, air quality, odour and traffic associated with this type of use, it is considered that a proposed residential use adjacent could result in amenity concerns. The introduction of a residential use within such a commercial area also brings the risk of inhibiting the use of adjacent land and any potential expansion of existing uses by introducing a sensitive receptor into a location where one currently doesn't exist. Advice has been sought from the councils EHO as to the suitability of the site for housing given its proximity to such a use.

- 5.4 Education and off site open space provision are covered by the council's CIL. In terms of health matters, a contribution is not required, unless the CCG supply evidence to support a requirement. Policy CS11 of the Local Plan requires that up to 30% of all the dwellings should be affordable and under

policy CS18 (“Design”), developments costing in excess of £1m should provide a scheme of public art valuing up to 1% of the total development cost. As the applicant has not provided any evidence of development cost at this stage (as the application is in outline), this should be set as a requirement in any planning obligations should planning permission be granted. A Local Labour clause should also be applied by planning obligation should permission be granted, in order to satisfy the requirement set out in policy CS13.

- 5.5 In policy terms it is considered that the site is within a reasonable walking and cycling distance from a centre. It is considered that evidence demonstrating that the site has been marketed for several years as a 2 acre commercial site is sufficient to demonstrate that the site has little prospect of contributing to the quantitative and qualitative employment land supply for the borough. As such the principle of residential development on this plot of land is considered to be acceptable. The points with regards to noise, air quality, odour and traffic associated with the adjacent bus depot are noted, however it is considered that these matters have been addressed. These issues are considered in further detail later in the report. It is accepted that this application would be CIL Liable and that a Section 106 Agreement would be required to address other matters.

Design and Appearance (Inc. Neighbour Effect)

- 5.6 It is considered that from the design and layout illustrated in the indicative plans, the scheme has the potential to be acceptable. The scale of the new units would reflect the character of the existing street-scene, the bulk and massing appears appropriate, and the corner plot would add focus to the scheme without causing any adverse impact. In addition, it appears that sufficient parking and outdoor amenity space can be accommodated within the scheme.
- 5.7 Having regard to the positioning of the site, the development would impose the greatest degree of change to neighbouring properties on the opposite side of Sheffield Road. The indicative layout suggests that the proposed new units could be situated sufficient distance away from these properties, and therefore there would be no adverse issues in terms of

overlooking, overshadowing or an overbearing impact. There are no other residential properties situated within close proximity to the site. Issues with regards to the impact on neighbouring properties would be considered in detail at the reserved matters stage.

Environmental Services

- 5.8 Environmental Services initially objected due to concerns with regards to air quality and noise from the bus depot to the rear of the site. However they were re-consulted following the submission of an air quality assessment. The assessment concluded that ‘assuming good practice dust control measures are implemented, the residual significance of potential air quality impacts from dust generated by earthworks, construction and trackout activities was predicted to be not significant’. The Environmental Services Officer made the following comments; *“I am satisfied that the proposed development, though having a slight adverse effect on local air quality, will not cause the levels of pollution to exceed the local air quality objective. As the government has set an aspirational target for all new vehicles in the UK to be zero emission at source by 2040 (as contained in The UK Plan for Tackling Roadside Nitrogen Dioxide Concentrations: Detailed Plan, published July 2017), I ask that infrastructure for electric charging points be installed as part of the build phase.”*
- 5.9 Environmental Services were also re-consulted following the submission of a noise assessment. The noise assessment concluded that ‘The dominant commercial noise is from the Stagecoach bus depot. With the proposed mitigation in place, to reduce the impact of the commercial noise, the development can provide appropriate acoustic conditions in line with national policy’. The mitigation measures include changes to the site layout resulting in single aspect apartments with non-noise sensitive façades facing the bus depot, appropriate sound attenuating glazing and ventilation strategies, no windows to habitable rooms with line of sight to the bus depot, a sound attenuating barrier to the boundary of the proposed residential site and the bus depot, and acoustically rated glass and ventilators to the facades of the buildings facing Sheffield Road to combat noise from the

nearby road traffic. The Environmental Services Officer made the following comments; *“The report acknowledges that the adjacent bus garage operates for extended hours, and (further) that buses which are not based at the site often arrive and remain idling during the periods when the garage is not open, and suggests a proposed scheme of work to control this. I agree with the proposal, but would like to see further details on construction methods and acoustic vents etc which will be used.”*

5.10 Environmental Services commented following the alterations to the quantum and type of units proposed commenting that they were satisfied that this should not cause a material effect on the previous conclusions regarding air quality impacts. They reiterated that further details on the means of attenuating noise from vehicle movement associated with the nearby bus depot will be required. Conversation with the applicant has agreed that the following conditions would overcome such concerns:

- The residential accommodation hereby permitted shall not be occupied unless a scheme of sound insulation works has been installed and thereafter retained. Such scheme of works shall: a) Be based on the findings of the approved noise survey of the application site, b) Be capable of achieving the following noise levels: Bedrooms: Noise Rating Curve NR25 (2300 to 0700 hours); Living Rooms & Bedrooms: Noise Rating Curve NR30 (0700 to 2300 hours); Other Habitable Rooms: Noise Rating Curve NR35 (0700 to 2300 hours); Bedrooms: LAFmax 45dB (2300 to 0700 hours). c) Where the above noise criteria cannot be achieved with windows partially open, include a system of alternative acoustically treated ventilation to all habitable rooms. Before the scheme of sound insulation works is installed full details thereof shall first have been submitted to and approved in writing by the Local Planning Authority. [Noise Rating Curves should be measured as an LZeq at octave band centre frequencies 31.5 Hz to 8 kHz.]
- Before the use of the residential accommodation is commenced, Validation Testing of the sound attenuation works shall have been carried out and the results

submitted to and approved by the Local Planning Authority. Such Validation Testing shall: a) Be carried out in accordance with an approved method statement. b) Demonstrate that the specified noise levels have been achieved. In the event that the specified noise levels have not been achieved then, notwithstanding the sound attenuation works thus far approved, a further scheme of sound attenuation works capable of achieving the specified noise levels and recommended by an acoustic consultant shall be submitted to and approved by the Local Planning Authority before the use of the development is commenced. Such further scheme of works shall be installed as approved in writing by the Local Planning Authority before the use is commenced and shall thereafter be retained.

- 5.11 The comments from Environmental Services are accepted. It is considered that the proposed amendments to the layout, the provision of a noise impact assessment and air quality assessment along with the imposition of conditions and mitigation measures are sufficient to ensure that the proposed development would not result in any significant adverse issues in terms of noise or air quality for neighbours. The current plans suggest that no windows would be installed to the rear elevation of the proposed new units, in order to prevent issues for neighbours arising from the adjacent bus depot site. Following discussions with the Environmental Services Officer, it is considered that it would potentially be possible to provide rear windows to non-habitable rooms, namely corridors. It is considered that this approach would potentially result in surveillance of the site and the appearance of the rear elevation of these units being improved. Overall, it is considered that the proposed plans are acceptable from an environmental health perspective.

Design Services

- 5.12 Design Services was consulted on this application and they confirmed that the site is not shown to be located with an area shown at risk of flooding on the Environment Agency flood maps. They request full details of a proposed drainage scheme prior to full approval and that the surface water drainage should be designed in accordance with CBC's

Minimum Development Control Standards for Flood Risk as a minimum and Derbyshire County Council should also be consulted regarding the proposed surface water discharge. Due to the absence of a water body in close proximity to the site, Yorkshire Water should be consulted on a potential surface water discharge to their sewer network as only a combined sewer is shown nearby and infiltration tests on the subsoils should also be carried out to determine if these may prove suitable.

- 5.13 The comments from Design Services are accepted and full drainage details can be considered at the reserved matters stage when they are submitted with the application.

Economic Development

- 5.14 Economic Development confirm their support for the proposal. Given the scale of the proposal there will be significant employment, training and supply chain opportunities created during the construction phase and it is recommended that a local labour/ supply chain clause is negotiated and secured with the developer and end user via either a s106 agreement or planning condition which would encourage local employment, training and supply chain opportunities during the construction phase to promote the opportunities to local businesses and local people. They also encourage the end user to work with the council and its partners to ensure that local people are able to benefit from any additional jobs created by the development. The procedure of securing benefits for local communities from development activity meets the objectives of the Chesterfield Borough Council Corporate Plan and the Chesterfield Local Plan Core Strategy 2011 – 2031.

- 5.15 The comments from Economic Development are accepted and it is considered appropriate to impose the suggested condition in relation to local labour.

Housing Services

- 5.16 Housing Services refer to the Councils Affordable Housing Policy which requires up to 30% Affordable Housing on site of over 15 units subject to viability. The application is for a

scheme predominantly made up of flats and there is an adequate local supply of affordable housing flats in the area and further direct provision is therefore not required. However the provision of a commuted sum should be considered in lieu of onsite provision. The application makes reference to the work which was prepared as part of the viability testing in connection with the Community Infrastructure Levy which identifies the St Helens Wards as being 'low' viability and zero rated for affordable housing provision. This work was however only advisory and does not form the affordable housing policy. Evidence should still be provided in the form of a viability assessment to demonstrate that a site would not be viable for the provision of affordable housing'.

- 5.17 The comments from Housing Services are accepted however it is now a requirement for 10% affordable housing to be provided under the 2018 NPPF, and as such a Section 106 Agreement is necessary to secure this.

Environment Agency

- 5.18 The Environment Agency has commented that the previous surrounding use of the proposed development site for industrial uses presents a medium risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is located upon Secondary aquifer A. Without these conditions we would object to the proposal in line with paragraph 109 of the National Planning Policy Framework because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution. The previous industrial use of this site and surrounding area may have left contamination which could impact on the proposed development or cause it to impact on the environment. An assessment into the past uses of buildings/land and any potential risks arising from the buildings/grounds for the proposed end use and wider environment should be carried out prior to the change of use and/or development works proposed. In particular investigations should take account of any oil/fuel storage tanks, septic tanks, drainage systems,

and materials storage. Any identified risks should be fully evaluated, if necessary by intrusive investigations, and appropriately addressed prior to the commencement of the development.

5.19

The Environment Agency recommended the following conditions:

Condition 1:

No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:
 - all previous uses;
 - potential contaminants associated with those uses;
 - a conceptual model of the site indicating sources, pathways and receptors; and
 - potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. We confirm receiving a desk study report prepared by Structural Soils Limited and

dated 2007. It is recommended that the report is updated and rewritten to incorporate any changes which occurred since the report was issued.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

Condition 2:

Prior to any part of the permitted development being brought into use a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Condition 3:

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

- 5.20 The comments from the Environment Agency are accepted. It is considered that the suggested conditions are required in the interests of contamination, and that these can be dealt with as part of the reserved matters submission.

Yorkshire Water Services

- 5.21 Yorkshire Water Services confirm that if planning permission is to be granted, the following conditions should be attached in order to protect the local aquatic environment and YW infrastructure:

The site shall be developed with separate systems of drainage for foul and surface water on and off site. (In the interest of satisfactory and sustainable drainage)

No development shall take place until details of the proposed means of disposal of surface water drainage, including but not exclusive to :-

a) evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical ; and
c) the means of restricting the discharge to public sewer to rate to be agreed with relevant authority (ies) 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. (To ensure that no surface water discharges take place until proper provision has been made for its disposal and in the interest of sustainable drainage).

5.22 The comments from Yorkshire Water Services are accepted. It is considered that the suggested conditions are required in the interests of sustainable drainage.

Lead Local Flood Authority

5.23 The Lead Local Flood Authority was consulted on the original application and they made the following comments; “We are recommending a holding objection on the proposed development as it is not possible to provide an informed comment until such a time that the applicant has submitted further information.

As a statutory consultee for surface water the minimum details required on all major planning applications are as follows:

- Site plan and impermeable area
- Topographic survey of the site
- Appropriate evidence to support how the site will drain (photographs / maps / a confirmation letter from a water company)
- Basic calculations of the greenfield/brownfield runoff and discharge rates, in l/s/Ha, for the site

- A quick storage estimate to show the required storage volume of surface water on site and an indication of the likely location
- Calculations should include allowances for the current Environment Agency guidance for climate change and urban creep
- Basic ground investigation (desktop survey as a minimum)
- Evidence of consideration of a variety of SuDS methods
These details are required at the early planning stage to demonstrate that the proposed site is able to drain and that due consideration has been given to the space required on site for surface water storage. Please note the level of detail submitted should be proportionate to the size and scale of the development.”

5.24 The comments from the Lead Local Flood Authority are partially accepted. It is accepted that the application is lacking detail with regards to drainage, however it is considered that these matters would be addressed in full at the reserved matters stage. The site is not shown to be located with an area shown at risk of flooding on the Environment Agency flood maps and there have been no objections from the Environment Agency or Design Services. As such, it is considered that a scheme is capable of being devised that would have no adverse impact in terms of flooding.

Derbyshire Constabulary

5.25 Derbyshire Constabulary comment that the revised indicative layout dated 23.4.18, indicative street-scene dated 7.9.18 and revised description from 42 residential units to 50 apartments are noted. They comment that the revised indicative layout presents less challenges than the previous proposal, and subject to appropriate future detail concerning elevational treatment/outlook, boundaries and lighting, has the potential to form an acceptable scheme from a community safety perspective. Specifically they would be looking for all of the communal pathways between and around apartment blocks to be well overlooked from facing elevations, for the more peripheral 24 space parking court to have a secure outer boundary treatment and be accessed from the internal estate road/pathway only, and for

movement routes and parking courts to be provided with an appropriate lighting scheme.

- 5.26 The comments from Derbyshire Constabulary are accepted. It is considered that the matters raised can be addressed in any reserved matters submission.

DCC Strategic Planning

- 5.27 DCC Strategic Planning comment that the proposed development of 50 apartments (minus 36 1 bedroom dwellings) would generate the need to provide for an additional 3 primary and 2 secondary pupils arising from the development, however there is no capacity at the normal area primary school. The education contribution identified below is based on the information provided for the site, and show the education contributions which would be required from the CIL funding to provide additional capacity at the school to accommodate the primary aged children.
- 5.28 The County Council has requested financial contributions of £48,562.92 towards the provision of 2 primary places at Abercrombie Community Primary School. Abercrombie Community Primary School is a relatively new purpose-designed building. The additional pupils likely to be generated by this development will contribute to increased class-sizes. As class sizes increase there is a greater need to withdraw individuals and groups of pupils. The school building currently has very limited space available for this purpose. It is therefore requested that consideration be given to a CIL allocation in the order of £48,562.92 and this would be used towards a standalone 'external classroom' building to provide additional space at the school which is likely to remain over-capacity.
- 5.29 The comments from DCC Strategic Planning are noted however it is considered that the allocation of the CIL contributions, which would address the increase in education provision that would be brought about as a result of this development, is a matter outside of the planning considerations in this case.

DCC Highways

- 5.30 DCC Highways was consulted on the amended plans and they commented that 'Given the highway level differences a more detailed design should be prepared to demonstrate the extent of the highway affected and how the junction will be integrated with the existing. An indication of the centre-line gradient of the proposed private access road should also be provided'.
- 5.31 In response to the comments from DCC Highways, the additional information requested has been provided. DCC Highways have yet to provide a further response, however it is considered that the additional plans adequately demonstrate the extent of the highway affected, how the junction will be integrated with the existing, and an indication of the centre-line gradient of the proposed private access road has also been provided. It is considered that the submitted plans demonstrate that a new access can be safely created. In addition, it is considered that the indicative plans demonstrate that an adequate level of parking can be provided for the proposed number of units.
- 5.32 Chesterfield Cycle Campaign have been consulted on the application and they have made no comments.

The Coal Authority

- 5.33 The Coal Authority concur with the recommendations of the Desk Study Report; that the coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site. The Coal Authority recommends that the LPA impose a Planning Condition should planning permission be granted for the proposed development requiring these site investigation works prior to commencement of development. In the event that the site investigations confirm the need for remedial works to treat the areas of shallow mine workings to ensure the safety and stability of the proposed development, this

should also be conditioned to ensure that any remedial works identified by the site investigation are undertaken prior to commencement of the development.

- 5.34 A condition should therefore require prior to the commencement of development:
- The submission of a scheme of intrusive site investigations for approval;
 - The undertaking of that scheme of intrusive site investigations;
 - The submission of a report of findings arising from the intrusive site investigations;
 - The submission of a scheme of remedial works for approval; and
 - Implementation of those remedial works.

The Coal Authority therefore has no objection to the proposed development subject to the imposition of a condition or conditions to secure the above.

- 5.35 It is considered that the suggested conditions are required in the interests of coal mining legacy and safety.

Tree Officer

- 5.36 The Tree Officer has confirmed no objections to the application however a condition should be attached if consent is granted to the application for a detailed landscaping scheme and layout especially to the frontage of the site off Sheffield Road and approach road to the Stagecoach depot to leave enough space for tree and shrub planting to enhance the streetscene and the visual amenity of this major route into the town centre.

- 5.37 It is considered that landscaping and tree planting would be dealt with at the reserved matters stage.

Urban Design Officer

- 5.38 The Urban Design Officer confirmed that the Revised Site Masterplan has generally responded positively to a number of the urban design issues previously identified. However, the required noise mitigation measures may result in an

unacceptable environment for the future occupants of the development and a lack of passive surveillance over communal spaces and parking areas. It is recommended therefore, that the approach to noise mitigation is revisited to explore the potential for acoustically upgraded fenestration on the rear elevations (e.g. triple glazing and mechanically ventilated accommodation). Given the time profile of when most noise is generated by the bus depot, it may actually be more appropriate to locate bedroom accommodation on the southern and eastern elevations, with living/kitchen spaces to the rear. This would introduce habitable room windows to overlook the communal areas at the back of the site. Advice from the EHO should inform whether this approach could be feasible given the noise levels identified in the noise report. If additional fenestration is unable to be introduced into the rear elevations, it is difficult to conclude that the site can accommodate residential development in an acceptable manner and permission should be refused.

- 5.39 The comments from the Urban Design Officer are acknowledged. It is accepted that there are difficulties associated with noise from the adjacent bus depot, however a solution has been devised to overcome these matters. Following discussions with the Environmental Services Officer, it was agreed that it would potentially be possible to provide rear windows to non-habitable rooms, namely corridors. It is considered that this approach would potentially result in surveillance of the site and the appearance of the rear elevation of these units being improved dramatically.

Derbyshire Wildlife Trust

- 5.40 Derbyshire Wildlife Trust was commented that the application still doesn't have any supporting ecological information, however the Trust acknowledge that the application area is limited in ecological value, comprising amenity grassland, and ecological impacts are unlikely. It is suggested that the site should contribute to local green infrastructure and that hedgerow and tree planting should be considered along the southern and western boundaries to strengthen green corridors in the immediate area. Should the council be minded to approve the application DWT advise that the following conditions are attached:

Biodiversity Enhancement Strategy

Prior to building works commencing above foundation level, a Biodiversity Enhancement Strategy shall be submitted to and approved in writing by the Local Planning Authority to achieve a net gain in biodiversity in accordance with the NPPF 2018. Such approved measures should be implemented in full and maintained thereafter. Measures shall include:

- details of bird and/or bat boxes will be clearly shown on a plan (positions/specification/numbers).
- hedgehog connectivity measures will be clearly shown on a plan, such as small fencing gaps (130 mm x 130 mm), railings or hedgerows.
- summary of ecologically beneficial landscaping, contributing to local green infrastructure (full details to be provided in Landscape Plans).

- 5.41 The comments from Derbyshire Wildlife Trust are accepted. It is considered that the suggested conditions are required in the interests of biodiversity, and that these matters can be secured as part of the reserved matters submission.

DCC Archaeology

- 5.42 DCC Archaeology was consulted on this application and they have confirmed that the site was reviewed in terms of its archaeological potential in 2013 under the consultation on the new Local Plan Strategic/Local Plan sites allocation (Sites and Boundaries Issues and Options). At this time the Stonegravels bus garage (site code: SBRES08) was considered to have no archaeological potential because there was evidence for significant modern landscaping in and around the site. For this reason they confirm that they would not wish to comment further on this scheme.

NHS

- 5.43 The NHS was consulted on the original application and they have concluded that the scheme would result in the need for accommodation for an additional 105 patients and which is calculated at £15,977. The comments from the NHS are accepted and it is considered that a Section 106 Agreement

is required to provide funding for the additional healthcare created.

Derbyshire Fire Officer

5.44 Derbyshire Fire Officer was consulted on this application and they have recommended the installation of a residential sprinkler system complying with the current UK or European standard. It is considered that this is a matter for Building Control under the Building Regulations.

6.0 **REPRESENTATIONS**

6.1 As a result of neighbour notification, three letters of representation have been received. One of these supports the proposed plans, and the other two object to the plans. The letters of objection are from Stagecoach and the occupant of 96 Sanforth Street. The letters of objection raise concerns with regards to highway safety, parking, potential noise from the adjacent bus depot, and the potential impact on the bus depot as a result of complaints or development.

6.2 ***In response to the letters of objection, it is not considered that the creation of the new access point would result in any adverse impact in terms of highway safety, and ample parking can be provided within the scheme. There have been no objections from DCC Highways to the amended plans. With regards to noise and the adjacent bus depot, it is considered that these matters have been addressed as a result of the submission of amended plans, mitigation measures and further assessments. There have been no objections from Environmental Services to the amended plans.***

7.0 **HUMAN RIGHTS ACT 1998**

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

- Its action is in accordance with clearly established law
- The objective is sufficiently important to justify the action taken

- The decisions taken are objective and not irrational or arbitrary
- The methods used are no more than are necessary to accomplish the legitimate objective
- The interference impairs as little as possible the right or freedom

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

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

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

8.1 The following is a statement on how the Local Planning Authority (LPA) has adhered to the requirements of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 in respect of decision making in line with 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. Pre application advice was provided in this case.

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

9.0 **CONCLUSION**

9.1 The amended proposals are considered to be appropriate in principle, and it is considered that a scheme for residential

development can be devised with no significant adverse impact on the site, neighbouring properties or the surrounding area. The location of the proposed development site is sufficiently sustainable, is in a built up area and is adequately served by public transport and amenities. As such, the proposal accords with the requirements of policies CS1, CS2, CS3, CS10, CS18 and CS20 of the Core Strategy and the wider National Planning Policy Framework.

- 9.2 Furthermore subject to the imposition of appropriate planning conditions, a CIL notice and a legal agreement, the proposals are considered to demonstrate wider compliance with policies CS4, CS7, CS8, CS9, CS10 and CS19 of the Core Strategy and the wider NPPF in respect of highways, coal mining legacy, environmental health, drainage, waste water, infrastructure and landscaping. This application would be liable for payment of the Community Infrastructure Levy and a legal agreement is required to secure the affordable housing, a CCG contribution and the provision of public art.

10.0 **ADDITIONAL RECOMMENDATION**

- 10.1 That a Section 106 Agreement be negotiated relating to
- 10% affordable housing.
 - Percent for Art.
 - Contribution to CCG of £15,977.

11.0 **RECOMMENDATION**

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

1. Approval of the details of the scale, layout, external appearance and landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
2. Application for approval of all the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

3. The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
4. The reserved matters details shall include existing and proposed land levels and the proposed floor levels of the dwellings hereby approved together with sufficient cross sections to fully assess the relationship between the proposed levels and immediately adjacent land/dwellings. The dwelling shall be constructed at the levels approved under this condition unless otherwise agreed, in writing, by the Local Planning Authority.
5. As part of the reserved matters submission, precise specifications or samples of the walling and roofing materials to be used shall be submitted to the Local Planning Authority for consideration. Only those materials approved in writing by the Local Planning Authority shall be used as part of the development unless otherwise agreed by the Local Planning Authority in writing.
6. As part of the reserved matters submission a Biodiversity Enhancement Strategy shall be submitted to and approved in writing by the Local Planning Authority to achieve a net gain in biodiversity in accordance with the NPPF 2018. Such approved measures should be implemented in full and maintained thereafter. Measures shall include:
 - details of bird and/or bat boxes will be clearly shown on a plan (positions/specification/numbers).
 - hedgehog connectivity measures will be clearly shown on a plan, such as small fencing gaps (130 mm x 130 mm), railings or hedgerows.
 - summary of ecologically beneficial landscaping, contributing to local green infrastructure (full details to be provided in Landscape Plans).
7. As part of the reserved matters submission 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 and the agreed scheme shall be implemented as part of the development hereby agreed.

8. As part of the reserved matters submission a Demolition and Construction Management Plan shall be submitted to the Local Planning Authority for consideration and written approval. The Plan shall include measures to mitigate the impacts of the works on noise, dust and pollution.
9. Demolition and Construction work shall only be carried out on site between 8:00am and 6:00pm Monday to Friday, 9:00am to 5:00pm on a Saturday and no work on a Sunday or Public Holiday. The term "work" will also apply to the operation of plant, machinery and equipment.
10. As part of the reserved matters submission details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off-site works, shall be submitted to and approved in writing by The Local Planning Authority.
11. As part of the reserved matters submission a temporary access for construction purposes shall be provided in accordance with a detailed design submitted to and approved in writing by the Local Planning Authority. The access shall be retained in accordance with the approved scheme throughout the construction period, or such other period of time as may be agreed in writing by the Local Planning Authority, free from any impediment to its designated use.
12. Before any other operations are commenced, excluding construction of the temporary access referred, 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.

13. Notwithstanding the submitted information a subsequent reserved matters or full application shall include design of the internal layout of the site in accordance with the guidance contained in the 6 C's Highways document.
14. As part of the reserved matters submission construction details of the residential estate road(s) and footway(s) (including layout, levels, gradients, surfacing and means of surface water drainage) shall be submitted to and approved in writing by the Local Planning Authority.
15. The carriageway(s) of the proposed estate road(s) shall be constructed in accordance with Condition 14 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 road(s). 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.
16. Before any other operations are commenced a new vehicular junction shall be formed to Sheffield Road and provided with visibility sightlines extending from a point 2.4 metres from the carriageway edge, measured along the centreline of the access, for a distance of 43 metres in both directions measured along the nearside carriageway. 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) above ground level.

17. No dwelling shall be occupied until space has been laid out within the site in accordance with details submitted and agreed under a reserved or full matters application for cars to be parked and for the loading and unloading of vehicles and for vehicles to turn so that they may enter and leave the site in forward gear.
18. No part of the development shall be occupied until details of arrangements for storage of bins and collection of waste have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and the facilities retained for the designated purposes at all times thereafter.
19. As part of the reserved matters submission details shall be submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of water from the development onto the highway. The approved scheme shall be undertaken and completed prior to the first use of the access and retained as such thereafter.
20. Prior to first occupation details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and Maintenance Company has been established.
21. No development shall take place until site investigation works have been undertaken in order to establish the exact situation regarding coal mining legacy issues on the site. Details of the site investigation works shall be submitted to and approved in writing by The Local Planning Authority as part of the reserved matters submission. The details shall include;
 - The submission of a scheme of intrusive site investigations for approval;
 - The undertaking of that scheme of intrusive site investigations;

- The submission of a report of findings arising from the intrusive site investigations;
 - The submission of a scheme of remedial works for approval; and
 - Implementation of those remedial works.
22. 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.
23. The residential accommodation hereby permitted shall not be occupied unless a scheme of sound insulation works has been installed and thereafter retained. Such scheme of works shall: a) Be based on the findings of the approved noise survey of the application site, b) Be capable of achieving the following noise levels: Bedrooms: Noise Rating Curve NR25 (2300 to 0700 hours); Living Rooms & Bedrooms: Noise Rating Curve NR30 (0700 to 2300 hours); Other Habitable Rooms: Noise Rating Curve NR35 (0700 to 2300 hours); Bedrooms: LAFmax 45dB (2300 to 0700 hours). c) Where the above noise criteria cannot be achieved with windows partially open, include a system of alternative acoustically treated ventilation to all habitable rooms. Before the scheme of sound insulation works is installed full details thereof shall first have been submitted to and approved in writing by the Local Planning Authority. [Noise Rating Curves should be measured as an LZeq at octave band centre frequencies 31.5 Hz to 8 kHz.]
24. Before the use of the residential accommodation is commenced, Validation Testing of the sound attenuation works shall have been carried out and the results submitted to and approved by the Local Planning Authority. Such Validation Testing shall: a) Be carried out in accordance with an approved method statement. b) Demonstrate that the specified noise levels have been achieved. In the event that the specified noise levels have not been achieved then,

notwithstanding the sound attenuation works thus far approved, a further scheme of sound attenuation works capable of achieving the specified noise levels and recommended by an acoustic consultant shall be submitted to and approved by the Local Planning Authority before the use of the development is commenced. Such further scheme of works shall be installed as approved in writing by the Local Planning Authority before the use is commenced and shall thereafter be retained.

25. No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:
1. A preliminary risk assessment which has identified:
 - all previous uses;
 - potential contaminants associated with those uses;
 - a conceptual model of the site indicating sources, pathways and receptors; and
 - potentially unacceptable risks arising from contamination at the site.
 2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and

identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. We confirm receiving a desk study report prepared by Structural Soils Limited and dated 2007. It is recommended that the report is updated and rewritten to incorporate any changes which occurred since the report was issued.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

26. Prior to any part of the permitted development being brought into use a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.
27. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.
28. The site shall be developed with separate systems of drainage for foul and surface water on and off site.
29. As part of the reserved matters details of the proposed means of disposal of surface water drainage, including but not exclusive to :-
 - a) evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical ; and

c) the means of restricting the discharge to public sewer to rate to be agreed with relevant authority (ies) 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.

30. A residential sprinkler system complying with the current UK or European standard shall be installed as part of the build phase.

Reasons for Conditions

1. The condition is imposed in accordance with article 3 (1) of The Town and Country Planning (General Development Procedure) Order 1995 (as amended).
2. The condition is imposed in accordance with sections 91, 56 and 93 of the Town and Country Planning Act 1990.
3. The condition is imposed in accordance with sections 91, 56 and 93 of the Town and Country Planning Act 1990.
4. In the interests of residential amenities.
5. 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.
6. To ensure that any ecological interest on site is appropriately addressed and can be mitigated against, prior to any development taking place, in accordance with policy CS9 and the wider NPPF and to ensure that the roost and nest boxes cannot be tampered with and are secure in the long-term .
7. In order to support the regeneration and prosperity of the Borough, in accordance with the provisions of Policy CS13 of the Core Strategy.

8. In the interests of residential amenities.
9. In the interests of residential amenities.
10. To ensure that the development can be properly drained.
11. In the interests of highway safety.
12. In the interests of highway safety.
13. In the interests of highway safety.
14. In the interests of highway safety.
15. In the interests of highway safety.
16. In the interests of highway safety.
17. In the interests of highway safety.
18. In the interests of highway safety.
19. In the interests of highway safety.
20. In the interests of highway safety.
21. In the interests of coal mining legacy and safety.
22. The condition is imposed in order to enhance the appearance of the development and in the interests of the area as a whole.
23. In the interests of the amenities of the future occupiers of the building.
24. In order to protect the health and safety of future occupiers and users of the site it is essential for these works to have been carried out before the use commences.

25. To ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels water pollution in line with paragraph 109 of the National Planning Policy Framework and to prevent deterioration of a protected area Don and Rother Millstone Grit Coal Measures Groundwater body.
26. To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 109 of the National Planning Policy Framework and to prevent deterioration of a protected area Don and Rother Millstone Grit Coal Measures Groundwater body.
27. To ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels water pollution from previously unidentified contamination sources at the development site in line with paragraph 109 of the National Planning Policy Framework and to prevent deterioration of a protected area Don and Rother Millstone Grit Coal Measures Groundwater body.
28. In the interest of satisfactory and sustainable drainage.
29. To ensure that no surface water discharges take place until proper provision has been made for its disposal and in the interest of sustainable drainage.
30. In the interests of fire safety.

Notes

1. Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1991 prior notification shall be given to the Department of Economy, Transport & Communities at County Hall, Matlock regarding access works within the highway. Information, and relevant application forms, regarding the undertaking of access works within highway limits is available via the

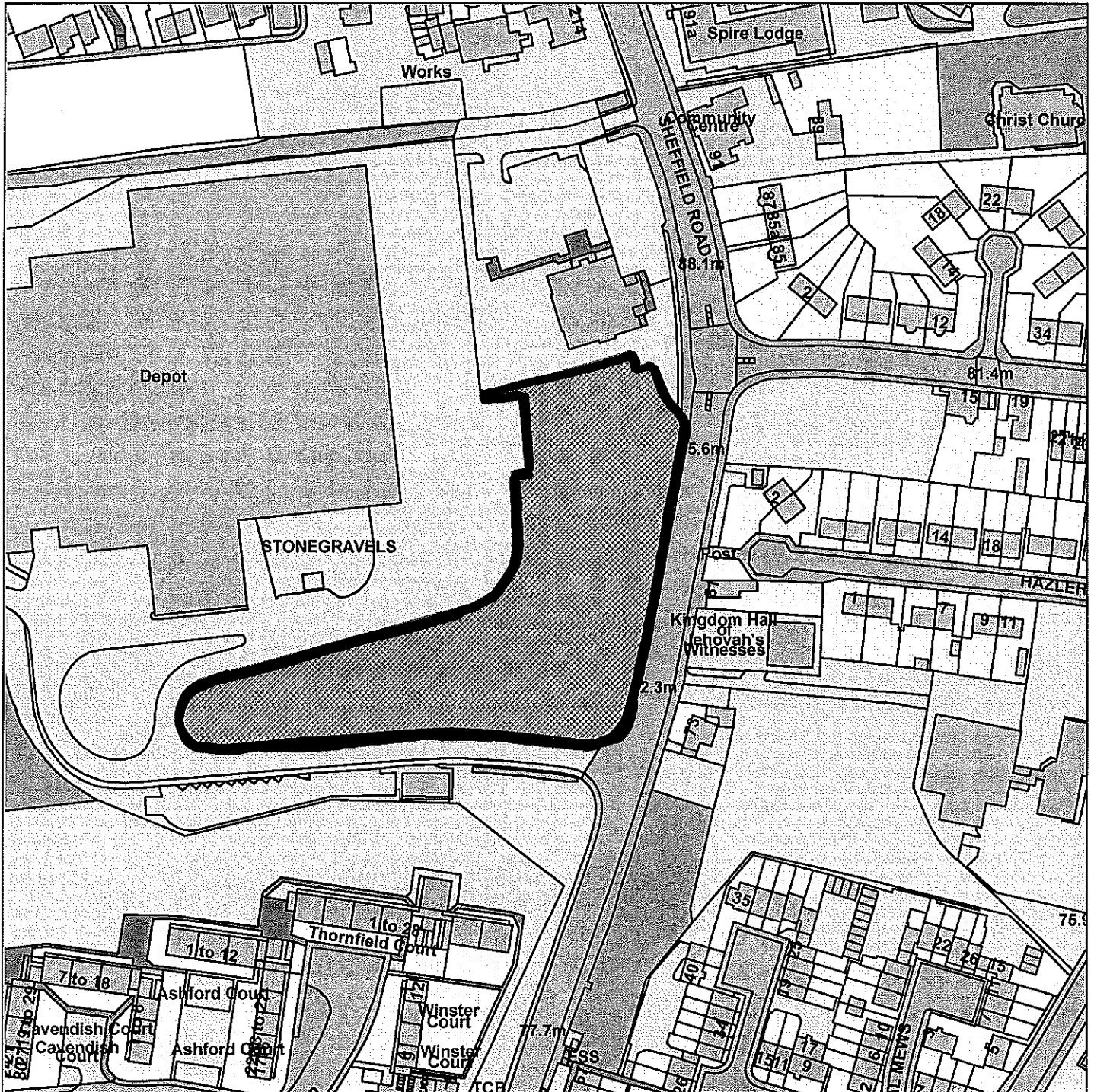
County Council's website

http://www.derbyshire.gov.uk/transport_roads/roads_traffic/development_control/vehicular_access/default.asp, e-mail highways.hub@derbyshire.gov.uk or telephone Call Derbyshire on 01629 533190.

2. The Highway Authority recommends that the first 5m of the proposed access/driveway should not be surfaced with a loose material (i.e. unbound chippings or gravel etc.). In the event that loose material is transferred to the highway and is regarded as a hazard or nuisance to highway users, the Authority reserves the right to take any necessary action against the householder.
3. Pursuant to 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 gully laid across the access immediately behind the back edge of the highway, discharging to a drain or soakaway within the site.
4. Pursuant to Section 38 and the Advance Payments Code of the Highways Act 1980, the proposed new estate roads should be laid out and constructed to adoptable standards and financially secured. Advice regarding the technical, financial, legal and administrative processes involved in achieving adoption of new residential roads may be obtained from the Strategic Director Economy, Transport and Communities at County Hall, Matlock (tel: 01629 580000 and ask for the Development Control Implementation Officer, Mr I Turkington on 01629 538578.
5. Highway surface water shall be disposed of via a positive, gravity fed system (i.e.; not pumped) discharging to an approved point of outfall (e.g.; existing public sewer, highway drain or watercourse) to be sanctioned by the Water Authority (or their agent), Highway Authority or Environment Agency respectively. The use of soakaways for highway purposes is generally not sanctioned.

6. Car parking provision should be made on the basis of two spaces per two/three bedroom property or three spaces per four/four plus bedroom property. Each parking bay should measure 2.4m x 5.5m (larger in the case of spaces for use by disabled drivers) with adequate space behind each space for manoeuvring.
7. Pursuant to Section 50 (Schedule 3) of the New Roads and Streetworks Act 1991, before any excavation works are commenced within the limits of the public highway, at least 6 weeks prior notification should be given to the Strategic Director Economy, Transport and Communities at County Hall, Matlock (tel: 01629 580000 and ask for the New Roads and Streetworks Section).
8. Pursuant to Sections 219/220 of the Highways Act 1980, relating to the Advance Payments Code, where development takes place fronting new estate streets the Highway Authority is obliged to serve notice on the developer, under the provisions of the Act, to financially secure the cost of bringing up the estate streets up to adoptable standards at some future date. This takes the form of a cash deposit equal to the calculated construction costs and may be held indefinitely. The developer normally discharges his obligations under this Act by producing a layout suitable for adoption and entering into an Agreement under Section 38 of the Highways Act 1980.
9. If planning permission is granted for the development which is the subject of this notice, liability for a Community Infrastructure Levy (CIL) payment is likely to arise. Persons with an interest in the land are advised to consult the CIL guide on the Chesterfield Council Website (<http://www.chesterfield.gov.uk/planning-and-building-control/planning-services/community-infrastructure-levy.aspx>) for information on the charge and any exemptions or relief, and to submit the relevant forms (available from www.planningportal.gov.uk/cil) to the Council before commencement to avoid additional interest or surcharges. If liable, a CIL Liability Notice will be sent detailing the charges, which will be registered as a local land charge against the relevant land.

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Organisation	Not Set
Department	Not Set
Comments	
Date	29 November 2018
SLA Number	Not Set

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Agenda Item 5

COMMITTEE/SUB	Planning Committee
DATE OF MEETING	10 TH DECEMBER 2018
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	Stuart Franklin	345820
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Decisions made under the Building Regulations

Building Notices

BR Number	18/05785/DEXBN	Deposited Date	07/11/2018
Location	53 Lucas Road Newbold Chesterfield S41 7DA		
Proposal	Removal of structural walls and installation of patio doors		
Decision	Accepted BN, IN, RG, PRL	Commencement Date	28/11/2018
Decision Date	07/11/2018	Completion Date	
Applicant			
Agent			

BR Number	18/05909/OTBN	Deposited Date	19/11/2018
Location	St Andrews United Reformed Church Newbold Road Newbold Chesterfield S41 7BE		
Proposal	Removal of existing rubberised roof on the church hall and replace with a new insulated rubber roof		
Decision	Accepted BN, IN, RG, PRL	Commencement Date	
Decision Date	19/11/2018	Completion Date	
Applicant			
Agent			

BR Number	18/05954/DEXBN	Deposited Date	16/11/2018
Location	Land To The Rear Of 4A Roecar Close Old Whittington Chesterfield S41 9PN		
Proposal	Extension and Change of use of Garage		
Decision	Accepted BN, IN, RG, PRL	Commencement Date	19/11/2018
Decision Date	16/11/2018	Completion Date	
Applicant			
Agent			

BR Number	18/05959/DEXBN	Deposited Date	19/11/2018
Location	Flat 5 50 Cobden Road Chesterfield S40 4TD		
Proposal	Creation of bathroom		
Decision	Accepted BN, IN, RG, PRL	Commencement Date	
Decision Date	19/11/2018	Completion Date	
Applicant			
Agent			

BR Number	18/05976/DEXBN	Deposited Date	20/11/2018
Location	18 Foljambe Road Chesterfield S40 1NW		
Proposal	Replacement of 4 UPVC windows		
Decision	Accepted BN, IN, RG, PRL	Commencement Date	21/11/2018
Decision Date	20/11/2018	Completion Date	
Applicant			
Agent			

BR Number	18/05977/DEXBN	Deposited Date	20/11/2018
Location	44 Hazlehurst Lane Stonegravels Chesterfield S41 7LX		
Proposal	Replacement of 4 UPVC windows		
Decision	Accepted BN, IN, RG, PRL	Commencement Date	21/11/2018
Decision Date	20/11/2018	Completion Date	21/11/2018
Applicant			
Agent			

BR Number	18/05983/DEXBN	Deposited Date	20/11/2018
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Location	16 Moston Walk Birdholme Chesterfield S40 2HJ		
Proposal	XL External 3rd window with lintel and erection of 2 stud walls with doors		
Decision	Accepted BN, IN, RG, PRL	Commencement Date	26/11/2018
Decision Date	20/11/2018	Completion Date	
Applicant			
Agent			

BR Number	18/06003/DEXBN	Deposited Date	21/11/2018
Location	11 Newhaven Close Walton Chesterfield S40 3DX		
Proposal	Replacing 8 windows and bifold doors		
Decision	Accepted BN, IN, RG, PRL	Commencement Date	
Decision Date	21/11/2018	Completion Date	
Applicant			
Agent			

BR Number	18/06040/DEXBN	Deposited Date	22/11/2018
Location	12 Blackthorn Close Hasland Chesterfield S41 0DY		
Proposal	Internal Alterations to create opening to garage and fire door into opening. Extending bedroom, creating dressing room		
Decision	Accepted BN, IN, RG, PRL	Commencement Date	
Decision Date	22/11/2018	Completion Date	
Applicant			
Agent			

BR Number	18/06044/DEXBN	Deposited Date	22/11/2018
Location	29 Highview Close Hady Chesterfield S41 0DL		
Proposal	Single Storey Rear Extension		
Decision	Accepted BN, IN, RG, PRL	Commencement Date	
Decision Date	22/11/2018	Completion Date	
Applicant			
Agent			

BR Number	18/06084/DEXBN	Deposited Date	26/11/2018
Location	16 Coppice Close Hasland Chesterfield S41 0NA		
Proposal	Removing Internal Doors		
Decision	Accepted BN, IN, RG, PRL	Commencement Date	
Decision Date	26/11/2018	Completion Date	
Applicant			
Agent			

BR Number	18/06093/DEXBN	Deposited Date	29/11/2018
Location	The Fold 4 Somersall Willows Chesterfield S40 3SR		
Proposal	Internal modifications and garage conversion.		
Decision	Accepted BN, IN, RG, PRL	Commencement Date	
Decision Date	29/11/2018	Completion Date	
Applicant			
Agent			

BR Number	18/06107/DEXBN	Deposited Date	27/11/2018
Location	38 Clarkson Avenue Birdholme Chesterfield S40 2RS		
Proposal	Re Roof		
Decision	Accepted BN, IN, RG, PRL	Commencement Date	28/11/2018
Decision Date	27/11/2018	Completion Date	
Applicant			
Agent			

BR Number	18/06124/DEXBN	Deposited Date	27/11/2018
Location	2 Bowland Drive Walton Chesterfield S42 7LZ		
Proposal	Garage conversion		

Decision	Accepted BN, IN, RG, PRL	Commencement Date
Decision Date	27/11/2018	Completion Date
Applicant Agent		

BR Number	18/06160/DEXBN	Deposited Date	28/11/2018
Location	62 Hartington Road Spital Chesterfield S41 0HE		
Proposal	Removal of internal wall between kitchen and living room, installation of steel beam to support, removal of brick pillar in kitchen and replace with wooden beam		
Decision	Accepted BN, IN, RG, PRL	Commencement Date	
Decision Date	29/11/2018	Completion Date	
Applicant Agent			

Full Plans

BR Number	18/03252/OTHFP	Deposited Date	07/11/2018
Location	Big Red Food Shed The Lane Off Victoria Street Brimington Chesterfield		
Proposal	Erection of geodesic dome 30 feet diameter, 2 timber frame classrooms with 2 toilets and a store room		
Decision	Withdrawn	Commencement Date	
Decision Date	07/11/2018	Completion Date	07/11/2018
Applicant Agent		Big Red Food Shed	

BR Number	18/05759/DEXFP	Deposited Date	07/11/2018
Location	10 Kelburn Avenue Walton Chesterfield S40 3DG		
Proposal	Single storey rear extension to create dining/garden room		
Decision	Plans Approved FP PSI	Commencement Date	
Decision Date	12/11/2018	Completion Date	
Applicant Agent			

BR Number	18/05808/DEXFP	Deposited Date	09/11/2018
Location	83 Highfield Road Newbold Chesterfield S41 7HS		
Proposal	Removal of internal walls between kitchen and porch and kitchen and dining room, 2m opening between living room and dining room and new pitched roof to porch		
Decision	Plans Approved FP PSI	Commencement Date	
Decision Date	12/11/2018	Completion Date	
Applicant Agent			

BR Number	18/05826/DEXFP	Deposited Date	12/11/2018
Location	43 Rockingham Close Chesterfield S40 1JE		
Proposal	Two Storey Side Extension and Single Storey Rear Extension		
Decision	Approved Conditionally FP PSI	Commencement Date	23/11/2018
Decision Date	14/11/2018	Completion Date	
Applicant Agent			

BR Number	18/05975/DEXFP	Deposited Date	20/11/2018
Location	4 Windsor Walk Hasland Chesterfield S41 0BQ		
Proposal	Removal of ground floor internal walls		
Decision	Plans Approved FP PSI	Commencement Date	
Decision Date	21/11/2018	Completion Date	
Applicant Agent		IG Architectural Services Ltd	

Partnership PV

Regularisation

BR Number	18/05810/DEXRG	Deposited Date	09/11/2018
Location	11 Purbeck Avenue Brockwell Chesterfield S40 4NP		
Proposal	Insertion of beam between kitchen and dining room		
Decision	Accepted BN, IN, RG, PRL	Commencement Date	12/11/2018
Decision Date	09/11/2018	Completion Date	13/11/2018
Applicant			
Agent			

Initial Notices

BR Number	18/05772/IND	Deposited Date	07/11/2018
Location	5 Witham Close Tapton Chesterfield S41 0UH		
Proposal	Removal of Load Bearing Wall Between Kitchen and Living Room		
Decision	Accepted BN, IN, RG, PRL	Commencement Date	
Decision Date	12/11/2018	Completion Date	
Applicant			
Agent			

BR Number	18/05789/IND	Deposited Date	07/11/2018
Location	2 Barn Close Upper Newbold Chesterfield S41 8BD		
Proposal	Garage Conversion		
Decision	Accepted BN, IN, RG, PRL	Commencement Date	
Decision Date	12/11/2018	Completion Date	
Applicant			
Agent			

BR Number	18/05795/IND	Deposited Date	08/11/2018
Location	53 Ulverston Road Newbold Chesterfield S41 8ED		
Proposal	Replace existing damaged timber purlins with appropriate steel purlins (beams) and associated work		
Decision	Accepted BN, IN, RG, PRL	Commencement Date	
Decision Date	12/11/2018	Completion Date	
Applicant			
Agent			

BR Number	18/05806/IND	Deposited Date	08/11/2018
Location	55 Ashgate Road Chesterfield S40 4AG		
Proposal	Single Storey Rear Extension		
Decision	Accepted BN, IN, RG, PRL	Commencement Date	
Decision Date	14/11/2018	Completion Date	
Applicant			
Agent			

BR Number	18/05861/IND	Deposited Date	12/11/2018
Location	35 Enfield Road Newbold Chesterfield S41 7HN		
Proposal	Conservatory Roof Replacement with Supa-Lite Roof System		
Decision	Accepted BN, IN, RG, PRL	Commencement Date	
Decision Date	14/11/2018	Completion Date	
Applicant			
Agent	Solar Frame		

BR Number	18/05863/IND	Deposited Date	12/11/2018
Location	9 Damon Drive Brimington Chesterfield S43 1JD		
Proposal	Conservatory Roof Replacement with Supa-Lite Roof System		
Decision	Accepted BN, IN, RG, PRL	Commencement Date	
Decision Date	14/11/2018	Completion Date	
Applicant	Solar Frame		
Agent			

BR Number	18/05866/IND	Deposited Date	12/11/2018
Location	169 Lockoford Lane Tapton Chesterfield S41 0TG		
Proposal	Conservatory Roof Replacement with Supa-Lite Roof System		
Decision	Accepted BN, IN, RG, PRL	Commencement Date	
Decision Date	14/11/2018	Completion Date	
Applicant	Solar Frame		
Agent			

BR Number	18/05887/IND	Deposited Date	13/11/2018
Location	1 Brecon Close Loundsley Green Chesterfield S40 4QW		
Proposal	Replace existing conservatory roof with a guardian roof system to create sun room		
Decision	Accepted BN, IN, RG, PRL	Commencement Date	
Decision Date	15/11/2018	Completion Date	
Applicant	P & M Building and Design Services Ltd		
Agent			

BR Number	18/05929/IND	Deposited Date	15/11/2018
Location	Leyfield House Lowgates Staveley Chesterfield S43 3TR		
Proposal	Internal alteration to convert existing day nursery into veterinary practice		
Decision	Accepted BN, IN, RG, PRL	Commencement Date	
Decision Date	16/11/2018	Completion Date	
Applicant			
Agent			

BR Number	18/05943/IND	Deposited Date	16/11/2018
Location	7 Bevan Drive Inkersall Chesterfield S43 3HE		
Proposal	Replacement conservatory roof		
Decision	Accepted BN, IN, RG, PRL	Commencement Date	
Decision Date	19/11/2018	Completion Date	
Applicant			
Agent			

BR Number	18/05944/IND	Deposited Date	16/11/2018
Location	6 Bowland Drive Walton Chesterfield S42 7LZ		
Proposal	Replacement conservatory roof		
Decision	Accepted BN, IN, RG, PRL	Commencement Date	
Decision Date	19/11/2018	Completion Date	
Applicant			
Agent			

BR Number	18/05946/IND	Deposited Date	16/11/2018
Location	7 Spencer Avenue Woodthorpe Chesterfield S43 3BX		
Proposal	Replacement conservatory roof		
Decision	Accepted BN, IN, RG, PRL	Commencement Date	
Decision Date	19/11/2018	Completion Date	
Applicant			
Agent			

BR Number	18/06024/IND	Deposited Date	21/11/2018
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Location	39 Norbriggs Road Woodthorpe Chesterfield S43 3BT		
Proposal	Replacement windows, four bedrooms, front ground floor bay window and composite front door		
Decision	Accepted BN, IN, RG, PRL	Commencement Date	
Decision Date	22/11/2018	Completion Date	
Applicant			
Agent			

BR Number	18/06071/IN	Deposited Date	23/11/2018
Location	A G W Electronics Ireland Industrial Estate Adelphi Way Staveley Chesterfield		
Proposal	Extension to existing commercial unit		
Decision	Accepted BN, IN, RG, PRL	Commencement Date	
Decision Date	26/11/2018	Completion Date	
Applicant			
Agent			

BR Number	18/06098/IND	Deposited Date	26/11/2018
Location	40 Westmoor Road Brimington Chesterfield S43 1PT		
Proposal	Single Storey Side Extension		
Decision	Accepted BN, IN, RG, PRL	Commencement Date	
Decision Date	28/11/2018	Completion Date	
Applicant			
Agent			

BR Number	18/06122/IND	Deposited Date	27/11/2018
Location	4 Barnes Road Hady Chesterfield S41 0BX		
Proposal	Two Storey Side Extension		
Decision	Accepted BN, IN, RG, PRL	Commencement Date	
Decision Date	28/11/2018	Completion Date	
Applicant			
Agent			

Agenda Item 6

COMMITTEE/SUB	Planning Committee
DATE OF MEETING	10 TH DECEMBER 2018
TITLE	DELEGATION
PUBLICITY	For Publication
CONTENTS	Items approved by Development Management and Conservation Manager under the following Delegation references:- Planning Applications P020D, P200D to P250D, P270D to P320D, P350D to P370D, P390D, P420D to P440D Agricultural and Telecommunications P330D and P340D
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/18/00141/COU 470	St Leonards	Change of use of existing pavement to allow external seating. Amended plans received 3.10.2018. At 1 Market Place Chesterfield S40 1JW For Loungers Ltd	CP	19/11/2018
CHE/18/00368/COU 3321	Brimington South	Change of use from B1 (offices) to D1 (clinic) and D1/D2 (clinic/gym). At 388 Brimington Road Tapton Derbyshire S41 0TF For Mrs Theresa Goldsmith	CP	20/11/2018
CHE/18/00442/FU	Brockwell	Proposed demolition of existing garage and erection of two storey side extension and replacement roof over existing rear conservatory for a 3 bedroom house. (revised drawings received 31/08/18, 02/10/2018 and 26/10/18) At 18 Welwyn Close Chesterfield S40 1HH For Mr and Mrs Richard Holmes	CP	12/11/2018
CHE/18/00487/FU 4347	St Leonards	Two storey rear and side extension (Revised description and drawing no. 18-004:001C received on At 18 Hady Crescent Hady S41 0EA For Ms J Barnes	CP	13/11/2018
CHE/18/00540/FU	Holmebrook	Conversion of the former car sales showroom into A1 (sui generis) use class to A4 drinking establishment with ancillary food use class - revised plans received 19/9/2018 and revised drawing nos. GAS-PO36 and GAS-PO15 REV F received on 24.09.2018. Revised	CP	23/11/2018

151,1516		drawings received 08.10.18 and 06.11.18 and Flood Risk At Woodleigh Motor Sales Ltd 34 Chatsworth Road Chesterfield Derbyshire S40 2AQ For G.A.S Bars Limited		
CHE/18/00541/AD	Holmebrook	1 fascia sign located over the Clarence Street main entrance and 1 fascia sign located over the Chatsworth Road elevation access. Other manifestation signs to windows on the Chatsworth Road elevation. 1 Mural on the eastern elevation (drawings received 08/10/18) 3 no.other internally-illuminated poster box Signs on the Clarence Road Elevation. At Woodleigh Motor Sales Ltd 34 Chatsworth Road Chesterfield Derbyshire S40 2AQ For G.A.S Bars Limited	CP	23/11/2018
151, 1516		Woodleigh Motor Sales Ltd 34 Chatsworth Road Chesterfield Derbyshire S40 2AQ For G.A.S Bars Limited		
CHE/18/00548/FU	Dunston	Change of use from offices to residential, extensions to dwelling and demolition of existing conservatory and erection of new conservatory and demolition of existing stables and erection of new 4 car garage. Heritage Statement received 15.10.2018, Bat Survey received 16.10.2018. At Dunston Hole Farm Unnamed Road Accessing Dunston Hall And Hole Farm Chesterfield S41 9RL For Mr and Mrs Heppenstall	CP	14/11/2018
4072		Dunston Hole Farm Unnamed Road Accessing Dunston Hall And Hole Farm Chesterfield S41 9RL For Mr and Mrs Heppenstall		
CHE/18/00550/FU	Dunston	New equestrian menage At Dunston Hole Farm Unnamed Road Accessing Dunston Hall And Hole Farm Chesterfield S41 9RL For Mr and Mrs Heppenstall	REF	28/11/2018
4072		Dunston Hole Farm Unnamed Road Accessing Dunston Hall And Hole Farm Chesterfield S41 9RL For Mr and Mrs Heppenstall		

CHE/18/00562/FU	St Leonards	2 Storey Rear Extension, bedroom, bathroom and family room - Revised drawing received 31.10.18	CP	13/11/2018
6033		At 2- New Houses Piccadilly Road Chesterfield S41 0EJ For Miss Jackie Slater		
CHE/18/00575/REM	Hollingwood And Inkersall	Reserved matters application for CHE/15/00291 - Construction of a Use Class B8 unit with ancillary B1(a) offices, a sub-station with associated access; parking; servicing area; engineering, landscaping; and, drainage works (revised drawings received 14.09.18, 11.10.18 and 19.11.18)	CP	20/11/2018
727		At Markham Employment Growth Zone Markham Lane Duckmanton Derbyshire S44 5HS For Henry Boot Developments Ltd		
CHE/18/00578/FU	Barrow Hill And New Whittington	Installation of pre-fabricated office At	CP	26/11/2018
727 727		Croft Yard Staveley Road New Whittington S43 2BZ For Mr John Owen		
CHE/18/00582/AD	St Leonards	Customer Parking Notices At B&Q Spire Walk Business Park Spire Walk Chesterfield Derbyshire For Miss Sarah Nash	CP	09/11/2018
CHE/18/00598/AD	Lowgates And Woodthorp	One non-illuminated sign At Land At Worksop Road Woodthorpe Derbyshire For Avant Homes (Central)	REF	13/11/2018
2057 2057				
CHE/18/00625/FU	Hollingwood And Inkersall	Installation of 2 electric vehicle charging points alongside 2 existing car parking spaces, with ancillary	CP	19/11/2018

1017		bollards, signage posts and power feeder pillar. At The Little Castle Enterprise Way Duckmanton Derbyshire S44 5FD For Engenie Ltd		
CHE/18/00629/FU	Dunston	Two storey side extension and single/two storey rear extension At 17 Grasmere Close Newbold Derbyshire S41 8EG For Mrs Natalie Murphy	CP	07/11/2018
313				
CHE/18/00634/FU	Walton	Ground floor front extension to existing detached dwelling house. At 6 St Davids Rise Walton Derbyshire S40 3HD For Mr Maunder	CP	09/11/2018
11				
CHE/18/00638/FU	Barrow Hill And New Whittington	Two storey extension to rear At 1 Garden Close New Whittington Derbyshire S43 2DR For Mr Andrew Hemingway	CP	28/11/2018
202 202				
CHE/18/00639/FU	Brimington South	Ground floor side extension to dwelling At 40 Westmoor Road Brimington Derbyshire S43 1PT For Mrs Jane Conneely	CP	13/11/2018
3656				
CHE/18/00645/FU	Dunston	First floor extension over existing ground floor rear extension At 489 Newbold Road Newbold Derbyshire S41 8AE For Mr and Mrs Cotton	CP	13/11/2018
1222				
CHE/18/00647/FU	Brimington	Removal of chimney stack from	CP	12/11/2018

717	North	vestry roof and making good to roof slope. At St Michael And All Angels Church Street Brimington Chesterfield For St Michael and All Angels		
CHE/18/00649/FU 685	Lowgates And Woodthorp	Double storey rear extension, single storey rear side extension and pitched roof to existing garage. At14 Bridle Road Woodthorpe Derbyshire S43 3BY For Mr Mick Street	CP	15/11/2018
CHE/18/00651/FU 5808	West	Single storey rear extension At 95 Manor Road Brampton Derbyshire S40 1HZ For Mr D Arthur	CP	14/11/2018
CHE/18/00652/TP	Dunston	T1 - Oak.Crown reduce by 1.5-2m all round and check for structural weaknesses and further signs of infection (WITHDRAWN). (Revised tree works Crown lift and crown thin to include the removal of dead At 42 Wythburn Road Newbold S41 8DR For Mr Jonathan Syer	CP	14/11/2018
CHE/18/00656/FU 2610 2610	Lowgates And Woodthorp	Single and two storey extensions At 19 Bellhouse Lane Staveley Derbyshire S43 3UA For Mrs Rebecca Smith	CP	16/11/2018
CHE/18/00658/FU 4898	Barrow Hill And New Whittington	Conversion of loft to provide additional bedroom and bathroom and new gable end to front At 141 Handley Road New Whittington Derbyshire S43 2EP	CP	19/11/2018

For
Dianne Foulds

CHE/18/00659/FU	Walton	Rear extension storage building and extended drive and parking at front of property At 44 Amber Crescent Walton Derbyshire S40 3DH For Mr and Mrs Goodwin and Pennington	CP	19/11/2018
714				
CHE/18/00661/RE	Hollingwood And Inkersall	Retention of existing block work garden shed to rear of garden At 10 Lodge Walk Inkersall S43 3DY For Mr Garry Nicholls	CP	20/11/2018
10				
CHE/18/00664/TP	Brockwell	Reduction of branch to the boundary line, overhanging onto No 31 Bentham Road, also removal of dead branches. Branch overhangs the conservatory & is touching the conifer tree resulting in further overhang and concern over safety of low hanging branch. At 29 Bentham Road Chesterfield Derbyshire S40 4EZ For Mr Neil Gregory	CP	07/11/2018
CHE/18/00670/RE	West	Retrospective consent for erection of a conservatory At 6 Treeneuk Gardens Chesterfield Derbyshire S40 3FH For Mr Adrian Coles	CP	26/11/2018
2575				
CHE/18/00671/TP	Brimington South	Reduction in crown width and height removal of limbs growing towards property, removal of the limb and/or branches which are on the opposite side of the tree near to neighbour and complete removal of any dead wood and branches affected by bleeding canker At	CP	14/11/2018

9 Hedley Drive
Brimington
S43 1BF
For
Mr Christopher Wells-Jackson

CHE/18/00675/TP	Brockwell	2 Lime trees - request for both raising to the main limbs. Allowing 5 m above the Road, 20% thin and clean. A reduction of canopy where branches are beyond the crown drip line. Remove epicormic growth. At 27 Gladstone Road Chesterfield Derbyshire S40 4TE For Mr Joe Durrant	CP	12/11/2018
2342				
CHE/18/00685/FU	Brockwell	Single storey rear extension At 20 Rhodes Avenue Newbold S41 7AY For Mr John Carter	CP	26/11/2018
5665				
CHE/18/00693/TP	Moor	crown lift and crown clean T1 Silver Birch, T2 & T3 Sycamore and trees within G1. Also the felling of two dead Rowans and one leaning Silver Birch within G1 of TPO 241 at St Hughs Church 135 Littlemoor. At 135 Littlemoor Newbold Derbyshire S41 8QP For Chesterfield Gospel Hall Trust	CP	13/11/2018
CHE/18/00712/TP	Brockwell	1 Lime tree T3 - crown lift and crown clean and light crown thin At 36 Gladstone Road Chesterfield Derbyshire S40 4TE For Mrs Margaret Hill	CP	13/11/2018
CHE/18/00713/TP	Brockwell	5 x Lime trees - T6, T7, T8, T9 and T11. Crown lift and crown clean and clean up telephone wire. 1 x Oak tree T4 - 3 lower branches remove	CP	13/11/2018

		1 x Red Maple T10 - lower branches remove 1 x Horsechestnut T5 - crown lift and At 38 Gladstone Road Chesterfield Derbyshire S40 4TE For Mr Michael Brent		
CHE/18/00722/NMA	Dunston	Non material amendment to CHE/17/00326/REM for substitution of some of the approved drawings At Cammac Coal Dunston Road Chesterfield Derbyshire For Strata Homes Yorkshire Ltd	UP	19/11/2018
CHE/18/00729/CPO	Lowgates And Woodthorp	Creation of all weather games area within existing school field At Woodthorpe C Of E Primary School Seymour Lane Woodthorpe Derbyshire S43 3DA For Derbyshire County Council	OW	20/11/2018
5599				
CHE/18/00734/CA	Middlecroft And Poolsbrook	Horsechestnut - re-pollard and shorten limb over conservatory. Ash - re-pollard. Magnolia - crown lift. Lawson Cypress - remove. 6 x Limes - re-pollard. At 25 Porter Street Staveley Derbyshire S43 3UY For Mr Miles Prentice	UP	09/11/2018
5113				
CHE/18/00743/CPO	West	Erection of a replacement two classroom block At Ashgate Croft School Ashgate Road Chesterfield Derbyshire S40 4BN For Derbyshire County Council	OBJ	19/11/2018
2083				

CHE/18/00748/TP	West	General maintenance to T1, T2 and T3 15% Crown thin/clean, 4.5m crown lift and Deadwood removal and prune lower branches back from the house At The Old Rectory Chatsworth Road Chesterfield Derbyshire S40 3BQ For Mr Dominic Fallon	CP	22/11/2018
408				
CHE/18/00749/TP	West	Beech T1 and Large Beech in G2 - fell both trees - Dangerous Fungal Infection At Netherleigh 34 Netherleigh Road Ashgate Chesterfield Derbyshire S40 3QJ For Mr Ashley Kirk	CP	07/11/2018
CHE/18/00750/DOC	Linacre	Discharge of planning conditions of CHE/16/00518/FUL - Erection of residential development comprising 55 dwellings, access, landscaping and associated works At Site Of Former Newbold Community School Newbold Road Newbold S41 8RJ For Miller Homes (Yorkshire)	DPC	29/11/2018
1990				
CHE/18/00761/DOC	Hollingwood And Inkersall	Discharge condition 3 (Gas Protection Measures) on application CHE/17/00572/REM At Plot 6 Markham Vale Enterprise Way Duckmanton For Henry Boot Developments	DPC	29/11/2018
3509				
CHE/18/00778/TP	West	Beech Trees within Group 2 - Crown lift to 3.5m from ground level, crown thin by 25% throughout the crown and selectively removing and retaining branches growing over the garden area of 6 Park Hall Gardens	CP	15/11/2018

thus leaving a natural appearance
to the tree line and crown

At

6 Park Hall Gardens

Walton

Derbyshire

S42 7NQ

For

Mr John Wilcockson

2485

Delegated List - Planning Applications

Key to Decisions

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

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COMMITTEE/SUB	Planning Committee
DATE OF MEETING	10 TH DECEMBER 2018
TITLE	DELEGATION
PUBLICITY	For Publication
CONTENTS	Items approved by the Development Management and Conservation Manager under the following Delegation references:- Felling and Pruning of Trees P100D, P120D, P130D
RECOMMENDATIONS	Not applicable
LIST OF BACKGROUND PAPERS	Relevant applications

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

Applications to Fell or Prune Trees	Steve Perry	345791
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SECTION 1**APPLICATION TO FELL OR PRUNE TREES**

<u>CODE NO</u>	<u>DESCRIPTION OF PROPOSAL</u>	<u>TERMS OF DECISION</u>
CHE/18/00675/TPO TPO 4901.229 12/11/18	The pruning of two Lime trees reference T1 & T2 on the Order map for Heathscapes on behalf of 27 Gladstone Road.	Consent is granted to the crown lifting by 5.2 metres of two Lime trees, the crown thinning of the crown by 20% and the reduction of branches growing towards the property to give a 2 metre clearance from the structure.
CHE/18/00712/TPO TPO 4901.138 13/11/18	The pruning of one Lime tree reference T3 on the Order map for Mrs M Hill of 36 Gladstone Road.	Consent is granted to the crown lifting of one Lime tree by 5.2 metres from ground level and the crown thinning by 20%.
CHE/18/00713/TPO TPO 4901.138 13/11/18	The pruning of one Oak T4, one Horsechestnut T5, five Lime trees reference T6-T9 & T11 and one Maple reference T10 on the Order map for Mr M Brent of 38 Gladstone Road.	Consent is granted to crown lift and crown clean 8 trees to remove dead wood and epicormics growth and remove low branches over the garden and highway.
CHE/18/00693/TPO TPO 4901.241 13/11/18	The felling of 2 dead Rowan trees and one leaning Silver Birch trees within G1 and the pruning of T1 Silver Birch, T2 & T3 Sycamore and 12 Silver Birch trees, 6 Alder, 4 Sycamore's, 1 Rowan and 1 Oak within G1 on the Order map for Instor Group on behalf of Chesterfield Gospel Hall Trust at the former St Hugh's Church, Littlemoor.	Consent is granted to the felling of 3 trees with a condition to plant 3 new trees in the next available planting season. Consent is also granted to the crown lifting and removal of dead wood to 27 trees for general maintenance and clearing footpaths and driveways.

<p>CHE/18/00652/TPO TPO 4901.112 14/11/18</p>	<p>The pruning of one Oak tree reference T31 on the Order map for Arborist Tree Care Ltd on behalf of 42 Wythburn Road, Newbold</p>	<p>Consent is granted to crown lift and crown thin the Oak tree to allow more light into the property and garden.</p>
<p>CHE/18/00671/TPO TPO 4901.74 14/11/18</p>	<p>The pruning of one Horsechestnut tree reference T7 on the Order map for Mr C Wells-Jackson of 9 Hedley Drive, Brimington. The tree has an infection of bleeding canker and has recently dropped a large branch.</p>	<p>Consent is granted to a 60% crown reduction pruning back to just above old pollarding points and the removal of one heavily infected branch back to the main stem but keeping the main structure of the tree. It is also recommended that the tree is monitored for any further infection.</p>
<p>CHE/18/00778/TPO TPO 4901.169 15 /11/18</p>	<p>The pruning of 5 Beech trees reference G2 on the Order map for Mr Wilcockson of 6 Park Hall Gardens, Walton. The trees are located in the grounds of Park Hall, Walton and overhang the garden area of the property.</p>	<p>Consent is granted to the crown lifting by 3.5 metres to allow light under the trees into the garden, crown thin by 25% to allow light to filter through the canopy which includes the selective removal and reduction of branches overhanging the garden area whilst retaining the natural appearance of the tree line and crown.</p>
<p>CHE/18/00800/TPO TPO 4901.67 21/11/18</p>	<p>The removal of dead wood to one Oak tree reference T12 on the Order map for Ms Parnaby-Norris of 29 Bentham Road.</p>	<p>Consent is granted to the removal of dead wood only.</p>
<p>CHE/18/00748/TPO TPO 4901.130 22/11/18</p>	<p>The pruning of 3 Beech trees reference T1-T3 on the Order map for Mr Dominic Fallon of The Old Rectory, 408 Chatsworth Road.</p>	<p>Consent is granted to the crown lifting, crown thinning and reduction of branches growing towards the property and neighbouring properties to give a 2 metre clearance from the structures.</p>

CHE/18/00759/TPO TPO 4901.175 27/11/18	The pruning of trees along the north west boundary of Rookery Plantation, Old Whittington reference W1 on the Order map for Mr David Short of 25 Coupland Close, Old Whittington.	Consent is granted to the removal of the lower branches of trees on the woodland edge of Rookery Plantation pruning back to the main stem to a height of 5 metres to allow agricultural machinery to cut the long vegetation within the adjacent field and the cutting back of the lower vegetation to the boundary of the woodland edge to a maximum height of 3.5 metres.
CHE/18/00735/TPO TPO 4901.175 27/11/18	The pruning of 8 Holly trees on the boundary of 25 Coupland Close, Old Whittington reference G4 on the Order map for Mr David Short of 25 Coupland Close, Old Whittington.	Consent is granted to the crown lifting of 8 Holly trees to 2.5 metres from ground level, crown reduce by 3 metres but leaving a natural appearance to the hedgerow and the light crown thinning by 10% which includes the removal of dead wood.

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AGENDA ITEM

APPEALS REPORT

MEETING: PLANNING COMMITTEE
DATE: 10 DECEMBER 2018
REPORT BY: DEVELOPMENT MANAGEMENT AND
CONSERVATION MANAGER

FOR PUBLICATION

BACKGROUND PAPERS FOR PUBLIC REPORTS

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

1.0 PURPOSE OF REPORT

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

**PAUL STANIFORTH
DEVELOPMENT MANAGEMENT AND CONSERVATION
MANAGER**

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

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APPEALS

<u>FILE NO.</u>	<u>WARD</u>	<u>APPELLANT</u>	<u>CASE</u>	<u>MEMBER OFFICER</u>	<u>DATE REC</u>	<u>TYPE AND DATE</u>	<u>DECISION AND DATE</u>
2/3991	Hasland ward	Mr N Chadwick	CHE/17/00800/FUL – Retention of external works at 2 York Street - Conditions	Planning Committee	26/04/18	Written Reps	
2/2126	St Leonards ward	Mr Paul Singh	CHE/18/00167/FUL – Replacement of windows to rear 9-21 Stephenson Place - Refusal	Officer delegation	29/06/18	Written Reps	
2/1497	West ward	D J Atkinson Construction Ltd	CHE/17/00725/FUL – Demolition of buildings and 2 dwellings at Proctors Nursery - Refusal	Planning Committee against officer advice	12/07/18	Written Reps	Dismissed 12/11/18 see appendix A
2/5302	Lowgates and Woodthorpe ward	Mr and Mrs Needham	CHE/18/00230/OUT – Residential Development at 1 Bridle Road	Officer delegation	2/8/18	Written Reps	
2/3815	Holmebrook ward	Mr G Fountain	CHE/18/00027/OUT – Dwelling at 21a Walton Crescent Refusal	Officer delegation	5/9/18	Written Reps	

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Appendix A

Appeal by DJ Atkinson Construction Ltd
Demolition of buildings and construction of 2 dwellings with
associated infrastructure at Proctors Nursery, adjacent 756
Chatsworth Road, Chesterfield.
CHE/17/00725/FUL
2/1497

1. Planning permission was refused against the advice of officers on 30th January 2018 for demolition of buildings and construction of 2 dwellings with associated infrastructure at Proctors Nursery, adjacent 756 Chatsworth Road for the following reasons:

In the opinion of the local planning authority, the absence of any very special circumstances by which inappropriate development can be accepted in the green belt area, will result in a development which is contrary to the principles relating to the Green Belt area as contained within policies CS1 and CS9 of the Chesterfield Borough Core Strategy 2011-31 and the National Planning Policy Framework chapter 9.

2. An appeal against the decision has been determined by the written representation appeal method and has been dismissed.
3. The main issues are whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and relevant development plan policies; the effect of the proposal on the openness of the Green Belt and the purposes of including land within it and if the proposal is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Whether inappropriate development in Green Belt

4. The appeal site is a former plant nursery containing a number of disused buildings and the remains of former greenhouses and tunnels. The nursery ceased operations some years ago and since then the site has become overgrown and reached a stage of considerable re-naturalisation, with heavy plant

growth throughout. The site is adjacent to residential development to three sides on Chatsworth Road and Lutyens Court. To the south, the site adjoins open countryside.

5. The Framework sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 145 indicates that construction of new buildings should be regarded as inappropriate in the Green Belt, subject to a number of exceptions. Although the site contains buildings, their use is in connection with the former horticultural use of the site. Horticulture falls within the definition of agriculture, which is excluded from the definition of previously developed land in the Glossary to the Framework at Annex 2. The appeal site does not therefore constitute previously developed land and exception g) at Paragraph 145 of the Framework does not apply to the proposal.
6. Given this, the main parties agreed that the proposal would represent inappropriate development in the Green Belt, as defined in the Framework. As inappropriate development is harmful to the Green Belt, the proposal would thus conflict with Policy CS1 of the Local Plan: Core Strategy 2011-2031 (Adopted 24 July 2013)(the CS), which seeks to maintain and enhance the existing Green Belt, and Policy CS9 of the CS, which requires development not to harm the character or function of the Green Belt.

Openness of the Green Belt and Green Belt purposes

7. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Openness in terms of the Green Belt has a spatial aspect as well as a visual aspect. The existing site is heavily overgrown and includes tall lines of trees towards the extremities of the site. As a result, views into the site from longer vantage points within the surrounding countryside and Green Belt are limited. There are views into the site possible from 760 and 760b Chatsworth Drive, and from in front of these properties at the top of the shared access lane by the site entrance. 4 and 5 Lutyens Court also have sight of the existing buildings.

8. In spatial terms, the proposed dwellings would have a smaller cumulative volume than the existing buildings, although a number of the buildings along the northern side of the site are either partially or wholly subsumed by overgrowth, and their volume is not readily apparent in views into the site. The dwellings would be concentrated between the footprints of the existing structures and would not extend the built form into parts of the site where buildings have not previously stood. The dwellings would also generally align with the southern extent of surrounding development. The dwellings would, however, be taller than the existing structures, and individually they would be more substantial in scale and prominence than the existing buildings, which generally appear as simple, functional structures.
9. Although an unintended consequence of the closure of the plant nursery, the re-naturalisation of the site has had a positive effect in reducing the visual and spatial prominence of the remaining buildings. Whilst the removal of the existing buildings would improve openness, they would be replaced by the dwellings and extensive areas of planned hard and soft landscaping. As a result, the site would take on a more urbanised appearance in contrast to its increasingly natural state, and visibility into the site would be increased as a result of the development, with the dwellings highly prominent.
10. The proposed reduction in number and overall volume of buildings would have a positive effect on openness, however, the scale and increased visibility of the dwellings, coupled with the introduction of a more urban character to the large external areas through hard and soft landscaping, would have greater negative effects on openness in both visual and spatial terms.
11. Given clear views of the site are limited to a small number of nearby vantage points, the effects of the development on the openness of the Green Belt in both spatial and visual terms would be localised. The inspector found therefore that, overall, the proposal would result in limited harm to the visual and spatial dimension of the openness of the Green Belt. Given the proposed use would amount to inappropriate development within the Green Belt, on a site which is not regarded as previously developed land, the proposal would result in an

unacceptable encroachment into the open countryside and therefore would conflict with the related purpose of including land within the Green Belt.

Other Considerations

12. The appellant points to compliance with the many of the requirements of CS Policy CS2, which sets principles for the location of development. Whilst the proposal would not conflict with several of these requirements, it would conflict with criterion a) in particular, given I find conflict with Policy CS1. The appellant states that the proposal would deliver regeneration benefits to the area, central to this being the removal of the existing buildings, which would otherwise 'continue to degrade and be left to ruin'. I accept that the existing buildings are in a neglected state. However, I find that the negative visual impact of the buildings is reduced to some extent by the re-naturalised state of the site, with some buildings heavily enclosed by tall trees and bushes. The site is unlikely therefore to get significantly worse than at present. There is also no substantive evidence before me to indicate that the buildings could not be demolished without the need for planning permission, that they could not be re-used for horticulture, or that the proposed development is the only means by which to regenerate the site. The benefit of their removal therefore attracts limited weight.
13. The proposed dwellings are contemporary in design, including green roofs and use of high quality materials which complement nearby dwellings. In terms of layout and density, the dwellings would relate reasonably well to their surroundings, and I accept that they would have a positive visual impact compared to the existing buildings. However, given the limited extent of views into the site, this positive impact would be localised, and therefore would carry moderate weight in favour of the proposal.
14. The proposal includes various measures to enhance biodiversity, including through the proposed landscaping scheme. Whilst these are benefits, they are necessary, at least in part, to offset the impact of the proposed development on existing biodiversity, which includes the identified presence of protected species, namely bats. The appellant's Ecological Survey includes various recommendations, and the

Landscape Management Plan includes commitments to manage the landscape within the appellant's wider landholding. The inspector observed this area to be largely in a natural state already. The measures proposed relate mainly to the retention and periodic inspection of the area, and thus appear to me concerned more with maintenance rather than enhancement. Given the site's resilience in re-naturalising over recent years, The inspector was not persuaded that the measures proposed would necessarily result in substantive enhancements to biodiversity taking into account the mitigation required. However, the inspector found that, overall, the measures proposed in combination would have a positive effect in respect of biodiversity, which would carry moderate weight in favour of the proposal.

15. The dwellings would provide a very limited addition to the Council's housing stock, although in view of the Council's ability to demonstrate a five year housing supply, which is not challenged by the appellant, this benefit would attract very limited weight. There would also be economic benefits from construction, and subsequently through use of local services by prospective residents, albeit these would be very limited given the small scale of the development.
16. The inspector acknowledged that the location of the dwellings would be relatively accessible by public transport, with bus stops directly by the entrance on Chatsworth Road, which would reduce reliance on the private car to some degree. There are also various sustainability measures proposed as part of the design, including the living roofs. These environmental benefits would, however, be limited when factored against the overall environmental cost of site clearance, demolition and construction of the dwellings, and reliance by future occupants on the private car which would still exist.
17. Interested parties have raised strong concerns over the standard of the existing access lane leading from Chatsworth Road, and potential issues arising from the addition of two further dwellings. I note, however, that a number of these issues, such as refuse vehicles being unable to access the lane, already exist. The Council concluded that two dwellings would not represent a material increase in vehicular

movements compared to the past nursery use. However, whilst the inspector accepted that this use could resume at any time, its recent history suggests this is very unlikely to occur. Nevertheless, the Highway Authority raised no objection to the proposal, and from all the inspector had seen and read, he saw no reason to reach a different conclusion. This matter would, however, be a neutral factor weighing neither for nor against the proposal. The Council did not refuse the application with respect to the effect on living conditions of neighbouring residents. The inspector had regard to the comments of interested parties, but given the evidence before him, he was not led to a finding of harm in these respects. This would also be a neutral factor.

Green Belt Balance

18. The proposal would constitute inappropriate development in the Green Belt. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. In addition there are adverse impacts on openness and the Green Belt purpose of safeguarding the countryside from encroachment. Substantial weight should be given to the harm to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations. The inspector gave only limited or moderate weight to each of the considerations in favour of the proposal and concluded that, taken together, they do not clearly outweigh the harm to the Green Belt. Consequently, there are not the very special circumstances necessary to justify inappropriate development in the Green Belt.

FOR PUBLICATION Agenda Item 9

ENFORCEMENT REPORT

MEETING: PLANNING COMMITTEE

DATE: 10TH DECEMBER 2018

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

Enforcements currently Authorised: 8

ENFORCEMENT REPORT

29 November 2018

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: 5</i>			<i>Authorised to Issue Average: 91 days</i>				
Station Lane	03/04/18 <small>241</small>	importation of materials - creation of hard surfacing		03/07/18 <small>91</small>	08/08/18 <small>114</small>	08/08/19 <small>-251</small>	Issued. In effect - no appeal	<input type="checkbox"/> <small>03/07/18</small>	BHW
Station Lane	03/04/18 <small>241</small>	importation of materials - industrial use		03/07/18 <small>91</small>	08/08/18 <small>114</small>	08/08/19 <small>-251</small>	Issued. In effect - no appeal	<input type="checkbox"/> <small>03/07/18</small>	
Walton Works	27/06/16 <small>886</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. 12/12/16 Committee approval for Section 106 planning obligation to regulate unauthorised use. In contact with operator to conclude agreement.	<input type="checkbox"/> <small>04/04/18</small>	Wa

Address		Authorised <i>days from</i>	Breach	CHE/	Issued <i>days to issue</i>	Effective <i>days to (-) /from</i>	Comply <i>days to (-) /from</i>	Notes	update <i>last update</i>	Ward
York Street	1	06/08/18 116	2 vending machines					2 unauthorised vending machines. Moved from 2 York Street. Instructed. About to be issued.	<input checked="" type="checkbox"/> 28/11/18	

York Street	2	09/10/17 417	conversion and extension of roof space					Application for flat conversion CHE/17/00800/FUL approved 03/04/18 with condition requiring removal of balcony and canopy, but has appealed these. Consider further enforcement if appeal dismissed and not comply.	<input type="checkbox"/> 11/06/18	Ha
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Stop Notice

Walton Works		27/06/16 886	use for war and horror style games of game play					See notes for Enforcement Notice.	<input type="checkbox"/> 03/03/17	Wa
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TPO Prosecution

Total currently Authorised: 2 Authorised to Issue Average: days

Address		Authorised <i>days from</i>	Breach	CHE/	Issued <i>days to issue</i>	Effective <i>days to (-) /from</i>	Comply <i>days to (-) /from</i>	Notes	update <i>last update</i>	Ward
Pomegranate Road (rear of)	51	02/05/18 <i>212</i>	wilful damage to limb of T7 (s.210(4)) adjacent to Pomegranate Park					Magistrates Court (SJP). Guilty plea. Fine £81, victim surcharge £30, Costs £599.39.	<input checked="" type="checkbox"/> <i>23/11/18</i>	N
Ringwood Meadows	4	19/11/18 <i>11</i>	Unauthorised felling of/damage to 2 TPO trees					Felling of 2 TPO trees	<input checked="" type="checkbox"/> <i>23/11/18</i>	

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