

# Public Document Pack

## Governance

Town Hall, Rose Hill,  
Chesterfield, Derbyshire S40 1LP

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### The Chair and Members of Planning Committee

Please ask for Shirley Bates

Direct Line 01246 345277

Fax 01246 345252

Councillors Bagley and T. Murphy  
(Site visit 1)

Councillors Gibson and Russell (Site  
visits 2 and 3)

Councillors Hollingworth and M.  
Rayner (Site visit 4)

Councillors Miles and M. Stone (Site  
visit 5)

23 May 2014

Dear Councillor,

Please attend a meeting of the PLANNING COMMITTEE to be held on MONDAY, 2 JUNE 2014 at 3.00 pm in the Council Chamber Town Hall, Rose Hill, Chesterfield S40 1LP, the agenda for which is set out below.

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

Planning Committee Members should assemble in Committee Room 1 at **12.40 p.m.** Ward members wishing to be present should attend on site as indicated below:-

1. CHE/14/00171/FUL – New build 2-3 storey construction skills training centre to replace existing Chesterfield College East Block 1 building – building accommodation to consist of new construction and joinery workshops, painting and decorating workshops, teaching classrooms, staff administration rooms and associated ancillary spaces; external covered work area to the rear of the building to accommodate external teaching and wood store and external landscaping to include high quality paving to front perimeter of the new building, tarmac surfacing to delivery access areas and motorcycle parking area and soft landscaping including lawned areas; specimen trees, shrub

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Chief Executive  
*Huw Bowen*



planting, boundary fencing/railings and feature sculpture at Chesterfield College of Technology and Arts, Infirmary Road, Chesterfield for Chesterfield College of Technology and Arts **(12.45 p.m.)**

2. CHE/14/00220/FUL – Construction of a pair of 2 bed starter homes on land adjacent to 12 Wallsend Cottages, Newbold Road, Chesterfield for Mr D Platts **(1.10 p.m.)**
3. CHE/14/00050/OUT – Application for outline planning permission (with all matters reserved) for the erection of detached family house with integral garage with additional accommodation within roof construction at land adjacent to 40 Newbold Avenue, Newbold, Chesterfield for Mr Jason Lyne **(1.35 p.m.)**
4. CHE/14/00187/OUT – Outline planning permission for a proposed equestrian workers dwelling (resubmission of CHE/13/00182/OUT) at Dunston Park Farm, Dunston Road, Chesterfield for Mr P Baines, Mrs S Webster-Baines and Mr and Mrs W Baines **(2.00 p.m.)**
5. CHE/14/00199/FUL – Erection of detached dwelling on land adjacent to 82 Walton Drive, Chesterfield for Mrs K Jepson **(2.20 p.m.)**

***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***

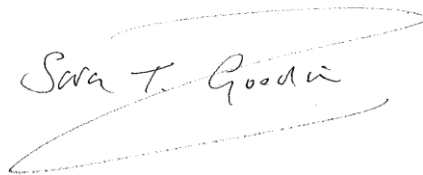
Ward members are invited to attend on site and should confirm their attendance by contacting Shirley Bates, either tel. 01246 345277 or via e-mail: [shirley.bates@chesterfield.gov.uk](mailto:shirley.bates@chesterfield.gov.uk) by 9.00 a.m. on Monday, 2 June. If you do not confirm your attendance, it will be assumed that you will not be attending on site.

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

1. Apologies for Absence
2. Declarations of Members' and Officers' Interests Relating to Items on the Agenda

3. Minutes of Planning Committee (Pages 1 - 32)
  - 12 May 2014
  - 19 May 2014
4. Applications for Planning Permission - Plans Determined by the Committee (Pages 33 - 132)
5. Building Regulations (P880D) (Pages 133 - 136)
6. Applications for Planning Permission - Plans Determined by the Group Leader Development Management (P140D) (Pages 137 - 150)
7. Applications to Fell or Prune Trees (P620D) (Pages 151 - 160)
8. Appeals Report (P000) (Pages 161 - 164)
9. Enforcement Report (P410) (Pages 165 - 168)

Yours sincerely,

A handwritten signature in cursive script that reads "Sara T. Goodwin". The signature is enclosed within a large, hand-drawn oval shape.

Head of Governance

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## PLANNING COMMITTEE

Monday, 12th May, 2014

Present:-

Councillor Brittain (Chair)

Councillors	Barr	Elliott
	Bingham	Gilby
	Callan	Hill
	Clarke	Avis Murphy
	Davenport	Simmons

\*Matters dealt with under the Delegation Scheme

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

1. CHE/14/00096/FUL - Demolition of existing detached garage, construction of two storey side extension and single storey detached garage with basement at 24 St Chad's Way, Whittington Moor, Chesterfield, Derbyshire, S41 8RN for Mr P Turner

Councillors Barr, Bingham, Brittain, Callan, Clarke, Davenport, Elliott, Gilby, Hill, Avis Murphy and Simmons.

2. CHE/14/00098/FUL and CHE/14/00134/FUL - Proposed demolition of existing Council Depot and construction of residential development for 10 dwellings CHE/14/00098/FUL and proposed change of use of former Council Depot office to residential use with detached garage CHE/14/00134/FUL at East Lodge, Boythorpe Crescent, Chesterfield, Derbyshire, S40 2NX for Ace Developments (Chesterfield) Ltd.

Councillors Barr, Bingham, Brittain, Callan, Clarke, Davenport, Elliott, Gilby, Hill, Avis Murphy and Simmons.

### 161 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Allen, Collard, Fanshawe and David Stone.

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

No declarations were received.

**163 MINUTES OF PLANNING COMMITTEE**

**RESOLVED –**

That the Minutes of Planning Committee held on 22 April 2014 be signed by the Chair as a true record.

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

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

**CHE/14/00098/FUL AND CHE/14/00134/FUL - PROPOSED DEMOLITION OF EXISTING COUNCIL DEPOT AND CONSTRUCTION OF RESIDENTIAL DEVELOPMENT FOR 10 DWELLINGS**  
**CHE/14/00098/FUL AND PROPOSED CHANGE OF USE OF FORMER COUNCIL DEPOT OFFICE TO RESIDENTIAL USE WITH DETACHED GARAGE CHE/14/00134/FUL AT EAST LODGE, BOYTHORPE CRESCENT, CHESTERFIELD, DERBYSHIRE S40 2NX FOR ACE DEVELOPMENTS (CHESTERFIELD) LTD.**

**CHE/14/00098/FUL**

A. That the officer recommendation be upheld and the application be approved subject to securing the Open Space/Play Contribution figure by 28 May 2014, the completion of the relevant S106 Agreement and 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, 14-403-02 Rev B, 14-403-04 Rev B and 14-403-06, with the exception of any approved non material amendment.

3. No development shall take place until details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off-site works, have been prepared in an appropriate drainage strategy to be submitted to and approved in writing by The Local Planning Authority. The site shall be developed with separate systems of drainage for foul and surface water on and off site and the required drainage strategy should have regard to the Council's appended 'minimum standards for drainage' document.

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

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

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

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

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

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

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

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

7. 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.

8. 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.

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

10. Before any other operations are commenced (excluding any associated drainage works underneath the access driveway) the new vehicular driveway and pedestrian access shall be created beyond the



existing access point that leads from the original gated access off Boythorpe Crescent in accordance with the site layout drawing no. 14-403-02 Rev B to at least base course level and drained. Thereafter, prior to the occupation of each respective dwelling hereby approved the driveways shall be laid out and constructed and any areas in advance of driveway visibility sightlines shall be maintained throughout the life of the development clear of any object greater than 1m in height relative to the adjoining carriageway channel level.

11. Prior to the occupation of each dwelling hereby approved space shall be provided within the application site in accordance with drawing no. 14-403-02 Rev B for the parking and manoeuvring of vehicles throughout the life of the development free from any impediment to its designated use.

12. Prior to commencement of development Root Protection Areas (RPAs) shall be established to the Lime tree in the south western corner of the site boundary, the Beech tree located along the eastern boundary of the site and any other trees which are to be retained and protective fencing according with BS5837. Within these areas there shall be no excavation work and no storage of building materials or plant / machinery. The construction of the driveways to Plots 1 and 2 shall be by means of an approved above ground construction method only which shall first have been approved in writing by the Local Planning Authority.

13. The consent hereby granted shall not extend to the proposed frontage 750mm high brick built walls shown running alongside the alignment of the Boythorpe Crescent in advance of East Lodge and Plots 1 and 2. Only a revised boundary treatment that does not require any means of excavation inside the Root Protection Areas of the Lime and Beech trees to be retained and protected shall be implemented on site in accordance with a scheme that shall have first been approved in writing by the Local Planning Authority.

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

15. Within 2 months of commencement of development full details of hard landscape works for the approved development shall be submitted to the Local Planning Authority for consideration.

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

16. Within 2 months of commencement of development details of a soft landscaping scheme for the approved development shall be submitted to the Local Planning Authority for consideration.

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

17. The consent hereby granted shall not extend to the proposed side/rear garden boundary treatments illustrated on drawing no. 14-403-02 Rev B around Plot 2 and East Lodge adjacent the new driveway. Upon commencement of development and prior to its erection a revised brick or stone finished boundary treatment detail shall have been submitted to the Local Planning Authority for consideration/approval. Only any subsequently approved scheme shall be implemented on site.

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

19. This consent does not extend to approve the detail of the re-sited Cemetery fencing / gates or outbuilding / garage store illustrated on drawing no. 14-403-02 Rev B. Upon commencement of this development and prior to their installation further details of the fencing / gates and outbuilding / garages shall be submitted to the Local Planning Authority

for consideration. Only a scheme which receives subsequent approval in writing shall be implemented on site.

B: That should the Open Space/Play Contribution and completion of the S106 Agreement not be secured before the 28 May, 2014, then the application be refused for the following reason:

1. The scale and nature of the development will place pressure upon existing open space / play provision and the applicant has failed to secure an appropriate and proportionate open space / play contribution to offset the impact in accordance with policies CS4 and CS9 of the Chesterfield Local Plan: Core Strategy 2011 – 2031.

C. That a Tree Preservation Order be made in respect of the Lime tree in the south western corner of the application site and the Beech tree alongside the eastern boundary of the application site.

### **CHE/14/00134/FUL**

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, 14-403-07 Rev A and 14-403-09 Rev A, with the exception of any approved non material amendment.
3. Prior to occupation of the dwelling hereby approved, the new driveway illustrated on site layout drawing 14-403-07 Rev A that leads from the original gated access point off Boythorpe Crescent up to the new driveway and single garage to be formed to serve this dwelling shall be constructed to at least base course level and drained. The driveway and garage space (equating to 2 no. off street parking spaces) serving the dwelling shall also be available for use and shall thereafter be retained in perpetuity.
4. There shall be no gates on the site located on, or open in a manner to include within their opening arcs, any land within 5 metres of the driveway serving the wider development site.

5. The consent hereby granted shall not extend to the proposed frontage 750mm high brick built walls shown running alongside the alignment of the Boythorpe Crescent in advance of East Lodge. Only a revised boundary treatment that does not require any means of excavation inside the Root Protection Areas of the Beech tree to be retained and protected shall be implemented on site in accordance with a scheme that shall have first been approved in writing by the Local Planning Authority.

6. The consent hereby granted shall not extend to the proposed side/rear garden boundary treatments illustrated on drawing no. 14-403-07 Rev A around East Lodge adjacent the new driveway. Upon commencement of development and prior to its erection a revised brick or stone finished boundary treatment detail shall have been submitted to the Local Planning Authority for consideration / approval. Only any subsequently approved scheme shall be implemented on site.

**CHE/14/00096/FUL - DEMOLITION OF EXISTING DETACHED GARAGE, CONSTRUCTION OF TWO STOREY SIDE EXTENSION AND SINGLE STOREY DETACHED GARAGE WITH BASEMENT AT 24 ST CHADS WAY, WHITTINGTON MOOR, CHESTERFIELD, DERBYSHIRE S41 8RN FOR MR P TURNER**

A: 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, 13-649/03 Rev A, with the exception of any approved non material amendment.

B: That a variation of the legal agreement concerning the adoption of the open space area be secured prior to the issuing of any planning permission.

**165 BUILDING REGULATIONS (P880D)**

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

## (a) Approvals

- 14/00699/DCC Derbyshire County Council - Re-roofing works and replacement windows at Parkside Community School Boythorpe Avenue Chesterfield Derbyshire S40 2NS
- 14/00463/DEX Domestic Extensions/Alterations - Two storey side extension at 149 Handley Road Chesterfield Derbyshire S43 2EP
- 14/00375/OTHC Other Works (Commercial) - Piano Showroom at 61 - 63 Saltergate Chesterfield Derbyshire S40 1UT
- 14/00393/DEX Domestic Extensions/Alterations - Single storey extension to dwelling at 2 Headland Close Chesterfield Derbyshire S43 1QU
- 14/00542/DEX Domestic Extensions/Alterations - Single storey rear extension to replace conservatory at 3 Loxley Close Chesterfield Derbyshire S40 4DQ
- 14/00766/MUL Multiple Domestic - Extension to rear at 39 Springfield Avenue Chesterfield Derbyshire S40 1HL
- 14/00628/DEX Domestic Extensions/Alterations - Removal of conservatory and construction of single storey garden room at 27 Langtree Avenue Chesterfield Derbyshire S41 9HW
- 14/00629/DEX Domestic Extensions/Alterations - 2 storey side extension at 43 Holmebank West Chesterfield Derbyshire S40 4AS
- 14/00444/DRO Domestic in-roof Extensions/Alterations - Loft conversion at 28 Kirkstone Road Chesterfield Derbyshire S41 8HD

## (b) Decision Advice Notices

- 14/00539/DCC Derbyshire County Council - Removal of existing window and install double doorset with 1 no window and glazing above door at Granville Sports College Burton Road Woodville Swadlincote Derbyshire DE11 7JR
- 14/00491/DCC Derbyshire County Council - Replacement gas central heating system - incorporation of w/c within store/bathroom at 31 Loscoe Denby Lane Loscoe Heanor Derbyshire DE75 7RW
- 14/00493/DCC Derbyshire County Council - Repair work to the existing fire escape staircase, replacing roof covering and rebuilding stone steps on new foundations at Milford Community Primary School Chevin Road Belper Derbyshire DE56 0QH
- 14/00598/PART Partnership Application - Single storey extension at 50 Peel Street Sutton In Ashfield NG17 4LH
- 14/00621/DCC Derbyshire County Council - Replace window with door and side window and external access at 37 Leamoor Avenue Somercotes DE55 1RL
- 14/00623/DCC Derbyshire County Council - Replacement of existing timber doors as indicated on drawings at Little Eaton Primary School Alfreton Road Little Eaton Derby Derbyshire DE21 5AB
- 14/00429/PART Partnership Application - Two storey side extension at 47 Haddon Road Ravenshead Notts NG15 9EZ
- 14/00451/PART Partnership Application - Basement conversion at 9 Belvoir Road West Bridgeford Nottingham NG2 5DL

166 **APPLICATIONS FOR PLANNING PERMISSION - PLANS DETERMINED BY THE GROUP LEADER DEVELOPMENT MANAGEMENT (P140D)**

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

(a) Approvals

CHE/13/00711/FUL	Re-submission for CHE/12/00735/FUL - Conversion of three existing dwellings to seven flats to include demolition of small brick outbuildings. The garden will be landscaped at 1 - 3 Cavendish Place Chesterfield Derbyshire S43 2NS for Chatsworth Settlement Trustees
CHE/13/00796/FUL	Proposed two storey single dwelling -resubmission of CHE/13/00297/FUL - Additional information received 05.03.14 at 799A Sheffield Road Sheepbridge Chesterfield Derbyshire for WHS
CHE/13/00846/REM	Application for approval of reserved matters for access, appearance, landscaping, layout, scale for public house/restaurant - Planning Application CHE/13/00539/OUT at Plot 7 M1 Commerce Park Markham Lane Duckmanton Chesterfield Derbyshire for Marston's Inns and Taverns
CHE/13/00865/FUL	Construction of a block of 6 No flats adjacent 385 Chatsworth Road Chesterfield Derbyshire S40 2DH for Mr John McElvaney
CHE/14/00071/FUL	Instalment of new external ATM machine at Co-operative Bank Plc 15 Elder Way Chesterfield Derbyshire S40 1UX for Co-operative Estates
CHE/14/00081/FUL	Replace club room and changing facilities for Cricket Club at Walton Dam Walton Road Chesterfield Derbyshire for Chesterfield Barbarians CC

- CHE/14/00093/FUL Rear two storey extension at 275 Ashgate Road Chesterfield Derbyshire S40 4DB for Mrs Rebekah Beer
- CHE/14/00110/ADV 1 x totem sign; 2 x "Esso" canopy signs; 1 x shop fascia sign (side elevation); 2 x car wash fascia signs; 1 x poster sign (chilled beer and wine) and 6 x A0 clip frames (various locations) - resubmission of CHE/13/00628/ADV at 561 Chatsworth Road Chesterfield Derbyshire S40 3JX for Rontec Watford Ltd
- CHE/14/00114/REM Reserved matters application for CHE/13/00227/OUT - erection of two dwellings and garages at Points Of Sale 95 - 97 Rectory Road Duckmanton Chesterfield Derbyshire S44 5EE for Mr David Jowle
- CHE/14/00118/FUL Proposed extension to the existing factory at TransTronic Limited Whitting Valley Road Chesterfield Derbyshire S41 9EY for Trans-Tronic Limited
- CHE/14/00119/FUL Proposed new single storey rear extension (conservatory) at 28 Carpenter Avenue Chesterfield Derbyshire S43 3AQ for Mr P Marshall
- CHE/14/00120/FUL Siting of a timber summer house in the grounds of the application site at 129 Brockwell Lane Chesterfield Derbyshire S40 4EH for Mr Paul Thurman
- CHE/14/00126/FUL Single storey pitched roof extension to rear at 99 Highfield Lane Chesterfield Derbyshire S41 8AZ for Mr Darren Knowles
- CHE/14/00129/FUL Single storey side extension comprising of extended kitchen area, utility room, w/c and office at 68 Chesterfield Road Brimington Chesterfield Derbyshire S43 1AX for Mr Jonathan Webb



- CHE/14/00131/FUL Proposed two storey house extension to front of property and first floor extension to existing single storey side extension at 85 London Street Chesterfield Derbyshire S43 2AQ for Mr Jay Logan
- CHE/14/00136/REM Variation of condition of planning permission CHE/0196/0021 - to allow the foodstore to accept deliveries between the hours of 5.00am and 11.00pm Monday to Saturday and between the hours of 8.00am and 5.00pm Sundays and Bank Holidays at Morrisons Chatsworth Road Chesterfield Derbyshire S40 3DP for WM Morrisons Supermarkets PLC.
- CHE/14/00141/FUL Extension and alteration of existing dwelling-house at 76 Storrs Road Chesterfield Derbyshire S40 3PZ for Mr Andrew Barlow
- CHE/14/00146/FUL Minor alterations to rear elevation and installation of new internally illuminated sign of SCS Unit 1 Markham Road Retail Park at S C S Ltd, Unit 1 Markham Road Chesterfield Derbyshire S40 1SU for A Share & Sons Ltd
- CHE/14/00147/ADV 1 No Internally illuminated LED sign, 1 No folded tray aluminium sign board; and 1 No 'other' sign at S C S Ltd, Unit 1 Markham Road Chesterfield Derbyshire S40 1SU for A Share & Sons Ltd
- CHE/14/00168/FUL Amendment to previous application CHE/13/00562/FUL. Rear and side extension with flat roof parapet wall. Bay windows added to front elevation. Internal alterations at 23 Norbriggs Road Chesterfield Derbyshire S43 3BT for Mr Butler
- CHE/14/00180/FUL Construction of new first floor extension with two new bedrooms and bathroom over existing converted garage with associated internal alterations at 186 Somersall Lane Chesterfield Derbyshire S40 3NA for Mr and Mrs M Griffiths

- CHE/14/00210/TPO T54 to T57 Crown reduce back to pruning point approx 25% reduction. Remove new growth to stem at land adjacent to 104 The Green Chesterfield Derbyshire for Mr John Charles Thomas
- CHE/14/00215/TPO T1 Horsechestnut - reduce lower branches overhanging building to provide 2 metre clearance; removed lower epicormic growth from stem. T3 Horsechestnut - remove large overweight lower limb overhanging car park. T4 Horsechestnut - remove large overweight lower limb overhanging car park at Deen and Da Awah Centre 29 Newbold Road Chesterfield Derbyshire S41 7PG for Deen and Da Awah Centre.
- CHE/14/00217/TPO Prune branches of one oak tree in neighbours garden at 21 Hucknall Avenue Chesterfield Derbyshire S40 4BY for Rev Frances Lane
- CHE/14/00236/TPO T1 Spruce - thin by 25% and crown lift to 4.5m at 742 Chatsworth Road Chesterfield Derbyshire S40 3PN for Mr Mansel
- (b) Refusals
- CHE/14/00091/FUL Proposed two storey side extension to form garage, kitchen/dining room, bedroom, bathroom and porch at 48 Greenside Avenue Chesterfield Derbyshire S41 8SD for Mr Simon Binns
- CHE/14/00099/ADV 1 No internally illuminated flex box at Unit 3 Chesterfield Trade Centre Sheffield Road Whittington Moor Chesterfield Derbyshire S41 7JH for Topps Tiles
- CHE/14/00188/RET Retention of garage roof alteration (flat roof to ridge with rear hip) - resubmission of CHE/13/00508/RET at 8 Dalvey Way Chesterfield Derbyshire S43 2QD for Mr Hatting

## (c) Split Decision with Conditions

CHE/14/00152/TPO Holly Hedge adj to southern boundary - Trim back and reduce height at 27 Barn Close Chesterfield Derbyshire S41 8BD for Mr Ian Fletcher

## (d) Prior Approval not required

CHE/14/00202/TPD Single storey living room extension at 100 Norwood Avenue Chesterfield Derbyshire S41 0NH for H Watkins

CHE/14/00212/TPD Erection of a conservatory at 90 Moorland View Road Chesterfield Derbyshire S40 3DF for Mr R Spendlow

CHE/14/00225/TPD Single storey extension to dining room and kitchen with a pitched roof. Roof to be blue slate, windows white UPVC and the walls red facing bricks all to match existing house at 43 Malvern Road Chesterfield Derbyshire S40 4DX for Mr Matthew Parsons

CHE/14/00228/TPD Extension at 90 Sycamore Road Chesterfield Derbyshire S43 2LP for Ian and Jayne Sanderson

## (e) Discharge of Planning Condition

CHE/14/00260/DOC Discharge of planning condition 2 application CHE/14/00039/LBC at Brampton Manor Health Club Old Road Chesterfield Derbyshire S40 1HX for Mr Craig Lynch

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

\*The Head of Planning reported that pursuant to the powers delegated to him he had determined the under-mentioned applications in respect of the felling and pruning of trees:-

CHE/14/00236/TPO Consent is granted to the pruning of one Spruce tree reference T2 on the Order map for Mark Whatley Tree Services on behalf of

Mr Mansel of 742 Chatsworth Road,  
Chesterfield.

CHE/14/00152/TPO

Consent is refused to the reduction of Holly trees with G5 on the Order map for Mr Fletcher of 27 Barn Close, Newbold, Chesterfield.

Consent granted to the selective reduction of the side branches to a height of 3.5 metres pruning back to the boundary line whilst maintaining the hedges natural appearance.

CHE/14/00215/TPO

Consent is granted to the pruning of three Horsechestnut trees reference T1, T3 & T4 on the Order map for Swift Trees on behalf of the Muslim Association 29 Newbold Road, Chesterfield.

CHE/14/00217/TPO

Consent is granted to the pruning of one Oak tree reference T1 on the order map for Rev Frances Lane of 19 Hucknall Avenue on behalf of Mr Mick Bower of 21 Hucknall Avenue, Ashgate, Chesterfield.

## 168 **APPEALS REPORT (P000)**

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

### **\*RESOLVED –**

(1) That the report be noted.

(2) That it be noted that the appeal relating to CHE/13/00380/FUL – Extension and Alteration at the Goldminers Arms, Littlemoor, has been allowed subject to the following conditions:-

1. The development hereby permitted shall begin not later than three years from the date of this decision.

2. Except as otherwise provided for in these conditions, the development hereby permitted shall be carried out in accordance with the following approved plans: 3713-P00 Rev A, 3713-P10 Rev A, 3713-P11 Rev A, 3713-P12 Rev A, 3713-P13 Rev B and 3713-P14 Rev B.
3. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
4. No development shall take place until details of the external lighting scheme, including specification and lux contour plans have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
5. Notwithstanding the details shown on the approved plans, no development shall take place until a revised parking layout including provision of at least 14 car parking spaces and at least 3 bicycle stands has been submitted to and approved in writing by the local planning authority. The development shall not be occupied until space has been laid out within the site and stands provided in accordance with the approved details. The spaces and stands shall be retained thereafter.
6. No gates or other barriers shall be erected at the vehicular access to the site.
7. No development shall take place until further details and elevations of the trolley store have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
8. No development shall take place until full details of soft landscape works to the boundary of the appeal site adjacent to the rear gardens of Nos 50/52 Littlemoor, which details shall include a maintenance scheme, have been submitted to and approved in writing by the local planning authority. The works shall be carried out prior to first occupation of the development hereby permitted or in accordance with a programme agreed in writing with the local

planning authority and thereafter maintained in accordance with the approved maintenance scheme.

9. The development shall not be occupied until details of the paint or finish to be applied to the palisade fencing and timber panelling shown on the approved plans has been submitted to, approved in writing by the local planning authority and applied. No changes to the approved paint or finish shall be made without the prior written consent of the local planning authority.
10. No deliveries shall be taken at or despatched from the service yard outside the hours of 0700 and 2100 nor at any time on Sundays, Bank or Public Holidays.
11. The use hereby permitted shall not be open to customers outside the following times: 0630 to 2300 hours daily.
12. Any construction works (including the operation of plant, machinery and equipment) associated with the development hereby approved, shall not take place except between 0800 hours and 1800 hours Monday to Friday and between 0800 hours and 1700 hours on Saturdays. No work shall take place on Sundays or Bank or Public holidays.
13. In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (i) and (ii) below shall have effect until the expiration of 1 year from the date of the occupation of the building for its permitted use.
  - i) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).
  - ii) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.

- iii) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written approval of the local planning authority.

**169**     **ENFORCEMENT REPORT (P410)**

The Senior Solicitor and Deputy Monitoring Officer 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.

**170**     **LOCAL GOVERNMENT ACT 1972 - EXCLUSION OF PUBLIC**

**RESOLVED –**

That under Section 100(A)(4) of the Local Government Act 1972 the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraphs 5 and 6 of Part 1 of Schedule 12A of the Act.

**171**     **ASHGATE MANOR MEDICAL CENTRE, ASHGATE ROAD, CHESTERFIELD (P000)**

The Development Management and Conservation Manager submitted a report informing Members of a breach of planning control and seeking authority for enforcement action.

**\*RESOLVED –**

That the issue of an Enforcement Notice under the Town and Country Planning Act 1990, requiring the removal of the 4 raised lamp units on the eastern and southern boundaries of the site known as Ashgate Manor Medical Centre, Ashgate Road, Chesterfield, be approved.

**172 CHESTERFIELD FOOTBALL CLUB, SUNDAY CAR BOOT SALE, SHEFFIELD ROAD, CHESTERFIELD (P000)**

The Development Management and Conservation Manager submitted a report informing Members of the current operations in connection with the approved Car Boot Sale and seeking Members' views as to whether any form of action was required under planning law at this time.

**\*RESOLVED –**

- (1) That the Council notes, but does not condone, the early set up of the approved Car Boot Sale at the Chesterfield Football Ground on Sundays.
- (2) That, in the event that existing operational methods, or other factors change, the Council's position to serve an appropriate notice or notices be reserved.

**173 APPEALS BY TESCO REGARDING CRISPIN INN, ASHGATE ROAD, CHESTERFIELD (P000)**

The Development Management and Conservation Manager submitted a report informing Members of advice received from the Council's Barrister relating to the appeals by Tesco in relation to the Crispin Inn, Ashgate Road, Chesterfield and sought Members' views on the options available to the Council.

**\*RESOLVED –**

That the option summarised at paragraph 4.3 of the report, be agreed.



**PLANNING COMMITTEE****Monday, 19th May, 2014**

Present:-

Councillor Brittain (Chair)

Councillors	Allen	Gilby
	Bingham	Hill
	Collard	Avis Murphy
	Davenport	Simmons
	Elliott	

\*Matter dealt with under the Delegation Scheme

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

CHE/13/00635/FUL – Construction of a new purpose built public sports facility at Queen's Park Annexe, Boythorpe Road, Chesterfield

Councillors Allen, Bingham, Brittain, Collard, Davenport, Elliott, Gilby, Hill, Avis Murphy and Simmons.

**1 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Barr, Callan, Clarke, Fanshawe, Huckle and David Stone.

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

No declarations of interest were received.

**3 APPLICATION FOR PLANNING PERMISSION - PLANS DETERMINED BY THE COMMITTEE**

\*The Committee considered the under-mentioned application in the light of a report by the Head of Regeneration, and resolved as follows:-

**CHE/13/00635/FUL – CONSTRUCTION OF NEW PURPOSE BUILT PUBLIC SPORTS FACILITY (REVISED PLANS RECEIVED 19TH NOVEMBER 2013 REPOSITIONING BUILDING 10 M SOUTH AND CAR PARKING LAYOUT AMENDED) AT QUEEN’S PARK ANNEXE, BOYTHORPE AVENUE, CHESTERFIELD FOR CHESTERFIELD BOROUGH COUNCIL**

In accordance with Minute No. 299 (2001/2002), Mr R. Pont (an objector) addressed the meeting.

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

**Time limit**

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

**Revised drawings and plans**

2. The development shall be carried out in accordance with the approved plans as follows:

<b>Plans</b>	<b>Reference Number</b>
<u>Floor plans</u>	
Ground Floor Plan	20223/G2/GA-100
First Floor Plan	20223/G2/GA-101
Roof Plan	20223/G2/GA-102
<u>Elevations</u>	
North & South	20223/G2/EL-200/B
West & East	20223/G2/EL-201/B
<u>Building Sections</u>	
Sections A, B & C	20223/G2/SE-300
Sections D, E & F	20223/G2/SE-301
<u>Site Layout</u>	
Site Plan	20223/A1-100/B (Revised)
Car Park & Highways Plan	20223/G2/GA-106 (Revised)

### **Materials and boundary treatments**

3. Types and samples of all facing, boundary treatments, roofing and surfacing materials shall be submitted to and be approved in writing by the local planning authority before the development hereby permitted (with the exception of demolition works) commences, and the development shall be constructed in the approved materials and retained as such thereafter.

### **Planting, landscaping and tree protection**

4. Prior to the development hereby permitted commencing, details of soft landscaping proposed for the scheme, including which trees/shrubs are to be retained/removed shall be submitted to the local planning authority for approval. The scheme shall acknowledge and refer to:
  - a) The findings and recommendations in the ecological mitigation scheme required under condition number 10 of this decision notice.
  - b) The findings and recommendations of the applicant's Arboricultural report by Acorn Environmental Management Group (October 2013).

Consideration should also be given to how the planting and landscaping scheme can reinforce the existing tree belt along the northern side of the Queen's Park Annexe. Reinforcements should only be proposed if it can be demonstrated that there will be no negative impacts on the ecological value of the site in line with the ecological mitigation scheme required under condition number 10 of this decision notice.

Only those details or any amendments to those details as may be required, which receive the written approval of the local planning authority shall be implemented on site. The soft landscaping details shall also include planting plans, an implementation programme and a schedule of landscape maintenance for a minimum of five years. Those details, or any approved amendments to those details, shall be carried out only in accordance with the approved implementation programme.

5. Prior to the development hereby permitted commencing, details of tree protection proposed for the scheme shall be submitted to the local planning authority for approval. The scheme shall ensure that:
- a) The findings and recommendations in the ecological mitigation scheme required under condition number 10 of this decision notice are acknowledged and referred to.
  - b) Trees are protected by fencing during site clearance and construction by using protective fencing as shown in appendix 2 of the applicant's Arboricultural report by Acorn Environmental Management Group (October 2013).
  - c) Protective fencing is consistent with that shown on drawing 0001 Rev 1 titled BS5837 TPP of the applicant's Arboricultural report by Acorn Environmental Management Group (October 2013).
  - d) Above ground construction and hand digging within the Root Protection Areas are used as stated at sections 3.2.12 & 3.2.13 of the applicant's Arboricultural report by Acorn Environmental Management Group (October 2013).
  - e) Cellular confinement and ground protection systems are used to avoid any compaction and root severance on root protection areas as shown on drawing 0001 Rev 1 titled BS5837 TPP of the applicant's Arboricultural report by Acorn Environmental Management Group (October 2013).
  - f) 'Specialist Construction Methods' at section 4.9 of the applicant's Arboricultural report by Acorn Environmental Management Group (October 2013) are adhered to.
  - g) Any changes in land levels within the root protection areas of the tree on site as outlined in 4.0 Arboricultural Method Statement in the Arboricultural report by Acorn Environmental Management Group (October 2013) are identified.
  - h) Ground protection and hand digging is used in the vicinity reference T128 (Tag106), T139 (Tag 123), T140 (Tag 124) and trees within G1 on the Boythorpe Avenue Boundary as shown on drawing 0001 Rev 1 titled BS5837 TPP in the applicant's Arboricultural report by Acorn Environmental Management Group (October 2013).
  - i) An arboricultural consultant is present on site during operations within the root protection zones.
  - j) A plan is provided which shows the locations and runs for any services, including electricity, sewage and main water to avoid any root protection areas of trees.

6. Protective fencing for trees and their root protection areas shall remain in situ for the duration of the development as will signs erected on the fencing to inform the on-site contractors of the importance of the fencing barriers for tree protection.
7. There shall be no mechanised excavations, movement of construction traffic, storage of materials, storage of chemicals or fuel and no fires to be lit in close proximity to trees.
8. Any tree works proposed to facilitate the development should be carried out to BS3998 Tree Works-Recommendations 2010.

### **Lighting scheme**

9. Prior to the development hereby permitted commencing, detailed proposals for an external lighting scheme shall be submitted to and approved by the local planning authority in writing. The scheme shall be developed in accordance with any lighting design requirements contained in the ecological mitigation scheme required under condition number 10 of this decision notice.

The scheme shall also include:

- a. A site plan showing the proposed locations and heights of the luminaires.
- b. Full details, including pictures, of the luminaires to be installed.
- c. A site plan plotting the existing and predicted illuminance levels (Lux) across the site and both horizontal and vertical overspill outside the site boundary over neighbours rear amenity spaces and on selected facades of neighbouring dwellings and properties.
- d. Details of the measures to be taken for the avoidance of glare.
- e. Details of the power source, i.e. mains or generator.
- f. Operating times.
- g. Intensity of illumination and power of light sources.
- h. Angle and direction of beam of light from luminaires.

External lighting shall not be used on the site unless it accords with the scheme so approved in writing by the local planning authority.

### **Ecological mitigation scheme**

10. Prior to the development hereby permitted commencing, including any works of site clearance or demolition, a scheme of ecological mitigation must be submitted to the local planning authority for approval. The scheme must be consistent with the outline mitigation strategy contained in the applicant's Badger Assessment Report (Revised January 2014). The development shall only proceed on the basis of the ecological mitigation strategy as agreed in writing by the local planning authority.

### **Piling**

- 11 Piling or any other foundation design using penetrative methods shall not be permitted other than with express written consent of the local planning authority.

Any piling proposals shall be developed in accordance with any requirements contained in the ecological mitigation scheme required under condition number 10 of this decision notice. No works shall commence on site, including demolition or site clearance, until a copy of the Natural England Badger Disturbance Licence has been submitted to and acknowledged by the local planning authority. The development shall be carried out in accordance with the approved details.

### **Construction access and plant /material storage**

12. Prior to the development hereby permitted commencing, a scheme shall be submitted to the local planning authority for prior written approval indicating the proposed means of construction access to Boythorpe Road (including temporary traffic management) together with on-site provision for parking and manoeuvring of site operatives and visitors vehicles, storage of plant and materials, site accommodation and the loading, unloading and manoeuvring of construction vehicles, the approved scheme being implemented prior to any other operations commencing excluding demolition and site clearance and being maintained throughout the contract period.

The scheme shall be developed in accordance with requirements contained in the ecological mitigation scheme required under condition number 10 of this decision notice.

Materials must not be stored within designated root protection areas in accordance with the Arboricultural Method Statement of the applicant's Arboricultural report, section 4.0, by Acorn Environmental Management Group (October 2013).

### **Travel Plan**

13. Prior to the development hereby permitted commencing, a Travel Plan shall be submitted to the local planning authority for prior written approval identifying the monitoring regime and timetable for travel mode surveys (including baseline data collection), modal shift targets and reporting proposals for the management and development of the Travel Plan (including identification of the Travel Plan manager) throughout the life of the development.

### **Access (TRO requirement)**

14. The development hereby permitted shall not be occupied for public use until a Traffic Regulation Order has been made by the Highway Authority to extend parking restrictions on Boythorpe Road and the access has been laid out, constructed and provided with visibility splays as shown on drawing number: 20223/G2/GA-106.

### **Cycling and pedestrian access**

15. The development hereby permitted shall not be occupied for public use until a pedestrian and cycle scheme (in accordance with the site plan 20223/A1-100/B (Revised)) has been submitted to the local planning authority for approval and agreed in writing and then implemented. Pedestrian routes shall be 2m wide and shared pedestrian/cycle routes should be 3m wide. The scheme shall indicate the detailed arrangement of the points of access between the pedestrian/ cycle routes and the existing public highway including levels, gating arrangements, materials and drainage. It shall also include details about cycle storage.

The scheme shall be developed in accordance with requirements contained in the ecological mitigation scheme required under condition number 10 of this decision notice.

The scheme shall be implemented without affecting the surrounding trees and their rooting environment as shown on drawing 0001 Rev 1 titled BS5837 TPP in the applicant's Arboricultural report by Acorn Environmental Management Group (October 2013).

### **Access/footway closure**

16. Within 1 month of the proposed new site accesses being available for use, any existing access to the site shall be permanently closed and any footway crossover reinstated in accordance with a detailed design to be submitted to the local planning authority for prior approval.

### **Access restriction**

17. With the exception of the accesses, the subject of conditions 8, 10 and 11 above, there shall be no other means of access, either pedestrian or vehicular between the application site and the public highway unless approved otherwise in writing by the local planning authority.

### **Parking, turning and loading**

18. The development hereby permitted shall not be occupied for public use until a scheme (in accordance with the car park and highways plan 20223/G2/GA-106 (Revised)) has been submitted to the local planning authority for approval and agreed in writing which shows parking (including secure cycle parking); turning of staff and visitor's vehicles; picking up and setting down of passengers; the access; and the loading, unloading and manoeuvring of service and delivery vehicles. The scheme shall also show proposed surfacing and drainage. There shall be no public use of the building until the scheme is implemented.

The scheme shall be developed in accordance with requirements contained in the ecological mitigation scheme required under condition number 10 of this decision notice.



### **Sewage and drainage**

19. Unless otherwise approved in writing by the local planning authority, no building or permanent structure with the exception of hard surfacing, shall be located over or within 3 metres either side of the centre line of the sewers that cross the site i.e. total protected strip widths of 6 meters per sewer, that cross the site.
20. The site shall be developed with separate systems of drainage for foul and surface water on and off site.
21. Prior to the development hereby permitted commencing, including site clearance or demolition works, a scheme showing the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off-site works or any Sustainable Urban Drainage Techniques, have been submitted to and approved in writing by the local planning authority.

The scheme shall be developed in accordance with requirements contained in the ecological mitigation scheme required under condition number 10 of this decision notice.

22. 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 and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

### **Coal Risk Assessment**

23. Prior to the development hereby permitted commencing (with the exception of demolition operations) a 'Coal Risk Assessment' of the site including details of any necessary mitigation shall be submitted to the local planning authority for its consideration. The development shall not commence until the local planning authority has given its approval in writing to the assessments and any necessary mitigation. The development shall only be carried out in accordance with the approved details and mitigation.

**Local Labour**

24. Prior to the development hereby permitted commencing an Employment and Training Scheme shall be submitted to the local planning authority for approval and agreed in writing. The scheme shall contain a strategy to promote local supply chain, employment and training opportunities throughout the construction of the development and in the operation of the development.

**BREEAM**

25. Prior to the development hereby permitted commencing, evidence that the building will achieve a minimum BREEAM 'Very Good' rating, or equivalent, shall be submitted to the local planning authority, unless otherwise agreed in writing by the local planning authority.

**Percent for Art**

26. Prior to the development hereby permitted commencing, unless otherwise agreed in writing by the local planning authority, details of the percent for art proposal to be provided on site shall be submitted to the local planning authority for consideration. The percent for art proposal shall include details of the procurement process, its implementation and the maintenance programme. The details approved in writing by the local planning authority shall be implemented in accordance with the implementation programme and retained as such thereafter unless otherwise agreed in writing by the local planning authority.

The scheme shall be developed in accordance with requirements contained in the ecological mitigation scheme required under condition number 10 of this decision notice.

**Loss of existing playing pitch**

27. Prior to development commencing, an alternative playing field, to replace the loss of the playing field on the development site, shall be provided and made available for use in accordance with a scheme (addressing the location, quantity, quality, management and maintenance of the replacement playing field) previously submitted to and approved in writing by the local planning authority.

**Opening time restrictions (including the café)**

28. Unless otherwise agreed in writing by the local planning authority, the premises hereby granted planning permission shall not be used outside the hours of 06:30hrs to 22:00hrs Mondays to Fridays and from 08:00hrs to 18:00hrs on Saturdays and Sundays.

**Construction time restrictions**

29. Unless otherwise agreed in writing by the local planning authority 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.

**CCTV**

30. Prior to the development hereby permitted being occupied, a scheme showing the type and location of any proposed CCTV cameras must be submitted to the local planning authority for approval. The scheme must be implemented prior to the public use of the building.

**External plant and equipment**

31. Prior to the development hereby permitted commencing, a scheme showing the location of proposed external plant and equipment, including any air conditioning units, should be submitted to the local planning authority for approval. The scheme must take into account any noise generated by the plant and equipment and refer to the findings in the applicant's background noise assessment (called An Assessment of Background Noise Level in connection with a proposed Leisure Centre Development, July 2013).

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# Agenda Item 4

COMMITTEE/SUB	Planning Committee
DATE OF MEETING	2 <sup>nd</sup> June 2014
TITLE	DETERMINATION OF PLANNING APPLICATIONS
PUBLICITY	*For Publication
CONTENTS SUMMARY	See attached index
RECOMMENDATIONS	See attached reports
LIST OF BACKGROUND PAPERS	For each of the attached reports, the background papers consist of the file specified in the top right hand corner on the front page of the report. Those background papers on the file which do not disclose exempt or confidential information are open to public inspection at the office of the Group Leader, Development Management – Planning Services. Additional background papers (if any) will be separately listed in the report.

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**INDEX TO GROUP LEADER, DEVELOPMENT MANAGEMENT'S REPORT  
ON THE 2<sup>ND</sup> JUNE 2014**

- ITEM 1**      **CHE/14/00199/FUL – Erection of detached dwelling on land adjacent to 82 Walton Drive, Chesterfield for Mrs K Jepson**
- ITEM 2**      **CHE/14/00220/FUL – Construction of a pair of 2 bed starter homes on land adjacent to 12 Wallsend Cottages, Newbold Road, Chesterfield for Mr D Platts**
- ITEM 3**      **CHE/14/00050/OUT – Application for outline planning permission (with all matters reserved) for the erection of detached family house with integral garage with additional accommodation within roof construction at land adjacent to 40 Newbold Avenue, Newbold, chesterfield for Mr Jason Lyne**
- ITEM4**      **CHE/14/00171/FUL – New build 2-3 storey construction skills training centre to replace existing Chesterfield College East Block 1 building – building accommodation to consist of new construction and joinery workshops, painting and decorating workshops, teaching classrooms, staff administration rooms and associated ancillary spaces; external covered work area to the rear of the building to accommodate external teaching and wood store and external landscaping to include high quality paving to front perimeter of the new building, tarmac surfacing to delivery access areas and motorcycle parking area and soft landscaping including lawned areas; specimen trees, shrub planting, boundary fencing/railings and feature sculpture at Chesterfield College of Technology and Arts, Infirmary Road, Chesterfield for Chesterfield College of Technology and Arts**
- ITEM 5**      **CHE/14/00187/OUT – Outline planning permission for a proposed equestrian workers dwelling (resubmission of CHE/13/00182/OUT) at Dunston Park Farm, Dunston Road, Chesterfield for Mr P Baines, Mrs S Webster-Baines and Mr and Mrs W Baines**

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Case Officer: Paul Staniforth  
Tel. No: 345781  
Date 2<sup>nd</sup> June 2014

File No: CHE/14/00199/FUL  
Plot No: 2/6626

## **ITEM 1**

### **ERECTION OF DETACHED DWELLING ON LAND ADJACENT TO 82 WALTON DRIVE, CHESTERFIELD FOR MRS K JEPSON**

Local Plan: Unallocated  
Ward: Holmebrook

#### 1.0 **CONSULTATIONS**

Highways	No objection in principle - see report
Ward Members	No representations received
Environmental Services	Condition regarding hours of work and ground report requested
Design Services (drainage)	Refers to minimum standards for drainage
Derbyshire Constabulary	No comment to make
Coal Authority	No objection – condition recommended
Yorkshire Water	Recommend condition
Neighbours	One representation received.

#### 2.0 **SITE DESCRIPTION AND PROPOSAL**

2.1 The application site relates to the side garden of no 82 Walton Drive, located between the existing dwelling at no 82 and the rear gardens of property to the west on Tunstall Way. Land levels fall to the west and the site is at a lower land level than the rear garden of No 82. The properties to the west are positioned on higher land than the application site. The boundary of the site to the south is made up of a mixed hedgerow with small ash trees. The boundary to the west is part leylandii hedge to 5-6 metres high and part 1.8

metre high fence. The site is a none maintained section of the garden and accommodates a derelict caravan.

- 2.2 The site has access potential off Walton Drive alongside No 82. The properties in the local area are a mix of detached, semi and terraced two storey dwellings with parking areas located generally to the front.
- 2.3 The application submitted is a full application with all matters for consideration. It is proposed to erect one new two-storey, two bedroom detached dwelling on the side garden of No 82 with car parking space to the side along the western boundary of the site. The scheme also includes a parking space for No 82 to the frontage of the existing dwelling. The existing dwelling is to be altered involving blocking up side doorways and windows and creating a new front and rear doors in the existing front and rear elevations.
- 2.4 The proposed dwelling is to be set back from the front wall of No 82 by 0.9 metres and projects to the rear of No 82 rear elevation in a stepped form by 4.3 metres overall. The new dwelling is located 1.2m away from the side elevation of the existing dwelling and 2.7m away from the site boundary with 8 Tunstall Way at its closest (front western corner) increasing to 5.0 metres at its rear western corner.
- 2.5 The existing gable of No 82 is 20 metres from the main rear wall of the dwelling at 8 Tunstall Way. The western side gable of the new dwelling includes a dining room window and rear entrance door to a lobby at ground floor level and would be 13.2 metres away from the main rear wall of the dwelling at 8 Tunstall Way.
- 2.6 At present the land levels on the site vary with a low retaining wall to the side of the existing dwelling. It is proposed that the new dwelling would be set with its floor level at 0.7 metres below the existing dwelling at No 82 The corresponding eaves level would also be 0.9 metres lower.
- 2.7 The design of the proposed house and the materials to be used reflect the existing house at No 82.

## 3.0 **POLICY FRAMEWORK**

3.1 The National Planning Policy Framework places great weight on the achievement of sustainable development through the planning system. A presumption in favour of sustainable development is introduced where proposed development accords with an up to date Local Plan and refused where it conflicts unless other material considerations indicate otherwise. (paragraph 12). The Council now has an up to date Local Plan Core Strategy 2011 – 2031 (adopted July 2013) and this identifies the need for new housing in the Borough.

3.2 Paragraph 17 of the NPPF sets out the Government's core planning principles and these include:

- Encouraging the effective use of land by reusing land that has been previously developed provided it is not of high environmental value;
- Actively managing patterns of growth to make the fullest use of public transport, cycling and walking and focus of significant development in locations which are sustainable;
- seeking to ensure high quality design and high levels of amenity for all.

Paragraph 32 comments that plans and decisions should take account of whether safe and suitable access to the site can be achieved for all people and that development should only be refused on transport grounds where the residual cumulative impacts of development are severe.

Paragraph 56 comments that good design is a key aspect of sustainable development and is indivisible from good planning and that poorly designed development that fails to take opportunities available for improving the character and the quality of an area or the way it functions should be refused.

3.3 Policy CS18 of the Core Strategy comments that proposals for new development should respect the character and form of the area by virtue of its appearance and architectural style and have an acceptable impact on the amenity of neighbours. This policy notes that proposals should contribute to the distinct character of the Borough and enrich the quality of existing places. Furthermore the policy states that developments should provide adequate and safe vehicular access and parking.

3.4 The Councils recently adopted SPD – Successful Places (July 2013) sets out objectives for residential design. This document comments that it is important to ensure that new residential development is designed on the basis of an understanding of its context and which recognises and enhances the local distinctiveness of the area.

#### 4.0 **PLANNING HISTORY**

4.1 None of relevance.

#### 5.0 **CONSIDERATIONS**

5.1 The site is within a predominantly residential area at Walton within walking distance of the many services and facilities in the wider area and close to bus routes which regularly use the Chatsworth Road and Boythorpe Road routes in and out of the town. The site is regarded as a sustainable location for new housing development.

5.2 The application site is garden land to the side of no 82 Walton Drive. The adoption of the Core Strategy and the need for a 5 year housing land supply, emphasised in the NPPF places an increasing need for new housing to be agreed in the Borough.

5.3 The proposal is a two storey two bedroom, detached property and is of a design which reflects existing properties along Walton Drive. The dimensions and alignment of the windows, the detailing and the proposed materials of construction generally reflect the existing property. The proposal reflects the local context and is entirely appropriate in this respect.

5.4 Adequate and appropriate amenity areas are proposed for both the existing and new dwelling and which reflects others on the street. The proposal will be located to the side of the existing dwelling and will extend the streetscene all be it at a slightly lower level however it will not be significantly visible from the general streetscene view given its position at the head of the cul-de-sac as well as its siting set a little behind the front elevation of no 82. Its size, scale and mass are similar to the existing properties along Walton Drive and as such it is considered to accord with the character of the surrounding area.

- 5.5 The proposal is located closer to the rear gardens and dwellings of Tunstall Way properties, when compared with the existing property. The gap to the boundary will be a tapering gap of between 2.7m and 5.0 metres proposed between the site boundary and the side elevation of the new dwelling. This will mean that the existing boundary hedge can be retained. The levels of the proposed dwelling will be lower than those of the dwellings on Walton Drive and Tunstall Way to the west. Whilst it is noted that the new property will sit closer to Tunstall Way property compared with the existing dwelling, given the lower level of the property and the maintenance of the existing boundary treatment and a gap of 13.2 metres, it is considered that the relationship is appropriate. Committee members will recall that it is not unusual to accept dwellings with gables at around 12 metres separation.
- 5.6 The impact of the proposed dwelling on dwellings on Tunstall Way is not considered to be sufficiently damaging to warrant a refusal of planning permission.
- 5.7 In highway terms the Highway Authority raises no objection to the proposal subject to the following conditions being imposed:
- provision of parking for existing and proposed dwellings;
  - Revision of the access arrangements off Walton Drive;
  - driveway gradient limits;
  - provision of new vehicular access;
- 5.8 It is considered that conditions can be imposed regarding the matters raised however wording changes are required to ensure the conditions meet the tests under which conditions are assessed.

### **Other Consultation Responses**

- 5.9 The Environmental Health Officer has confirmed that the site is close to the former Boythorpe Colliery and a desk study and site investigation should therefore be carried out including for gas monitoring. The EHO also recommends that construction hours be limited by condition.  
***It is considered appropriate to impose such conditions on any approval given***
- 5.10 The Drainage Engineer has commented that foul or surface water connected to a public sewer will need the permission of Yorkshire

Water and that surface water drainage should accord with the minimum standards. If surface water is to be discharged of via a soakaway permeability tests should be carried out however sustainable methods of drainage should be considered as a preferred option.

***Drainage details can be required via a condition imposed on any consent granted.***

- 5.11 Yorkshire Water Services confirm that a 300mm public combined sewer crosses the site and which affects the layout of the site. They require a 3 metre standoff however they accept that the sewer would need to be diverted at the applicants costs if the development of the plot for a dwelling is pursued. They recommend a condition should be imposed to protect the local aquatic environment and Yorkshire Water infrastructure.  
***The recommended condition can be imposed on any consent granted.***

- 5.12 The Coal Authority confirmed that the site is within the high risk area. The applicant subsequently produce a Coal Mining Risk assessment and the Coal Authority has confirmed that they agree with its findings and recommend a condition requiring the site investigation works prior to commencement of the development.  
***A condition can be imposed on any approval issued.***

## 6.0 **REPRESENTATIONS**

- 6.1 Representations have been received from the owner of No 8 Tunstall Way raising the following issues.

The property will be at the bottom of their garden. At the moment there is no gable window on the plans which is good news but they express concerns that at any time they could install one. This would take away their privacy in their garden. Concerns also about loss of privacy during the build as workmen will be on scaffold and they question whether limits could be place don the hours of building – ie 08.00 – 18.00 Monday to Saturday and no working Sundays. They confirm they have no objection to the property being built , they just want some privacy in their garden.

### ***Comment***

***The points made by the neighbour are appropriate and can be required by condition. This would involve the removal of***

***permitted development rights concerning installation of first floor gable windows at a later stage.***

7.0 **HUMAN RIGHTS ACT 1998**

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

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

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

7.3 The interference caused by a refusal, approval or approval with conditions, based solely on planning merits, impairs as little as possible with the qualified rights or freedoms of the applicant, an objector or consideration of the wider Public Interest. The applicant has a right of appeal against any refusal of permission or imposition of a condition on any planning permission.

8.0 **Statement of Positive and Pro-active Working with the Applicant**

8.1 The Town and County Planning (Development Management Procedure) (England)(Amendment No 2) Order 2012 introduced a requirement from 1<sup>st</sup> December 2012 on the Local Planning Authority to include a statement on every decision made setting out how they have worked proactively with the applicant in a positive and proactive way in line with the NPPF.

8.2 The applicant had sought pre-application advice and the advice was that there was scope for a single dwelling on the site. During the planning process the Planning Officer has ensured that all the information needed to support the application was in order to ensure no delay in the decision making process. It is considered that the proposal has been considered throughout the planning process in line with the guidance and requirements of the NPPF, the adopted Local Plan Core Strategy and the Successful Places SPD.

## 9.0 **CONCLUSION**

9.1 The site is appropriate for the development of a single dwelling which reflects the local context. The concerns expressed by the neighbour can be appropriately dealt with by condition. It is considered that the proposal is in accordance with the objectives of the NPPF and the adopted residential design guide, Successful Places, and Policy CS18 of the Core Strategy.

## 10.0 **RECOMMENDATION**

10.1 That the application be granted subject to the following conditions:

### **Conditions**

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
02. Before construction works commence or ordering of external materials takes place, precise specifications or samples of the walling and roofing materials to be used shall be submitted to the Local Planning Authority for consideration. Only those materials approved in writing by the Local Planning Authority shall be used as part of the development unless otherwise agreed by the Local Planning Authority in writing.
03. Prior to commencement of the development a surface water and foul drainage scheme shall be submitted to the Local Planning Authority for consideration. Only the details approved in writing by the Local Planning Authority shall be implemented on site.



04. Upon commencement of the development full details of boundary treatments shall be submitted to the Local Planning Authority for consideration. Only the details approved in writing by the Local Planning Authority shall be implemented on site as part of the development and be retained as such thereafter.
05. Development shall not commence until intrusive site investigations have been carried out by the developer to establish the exact situation regarding coal mining legacy issues on the site and approval for commencement of development given in writing by the Local Planning Authority. The investigation and conclusions shall include any remedial works and mitigation measures required/proposed for the site. Only those details which receive the written approval of the Local Planning Authority shall be carried out on site.
06. A. Development shall not commence until details as specified in this condition have been submitted to the Local Planning Authority for consideration and those details, or any amendments to those details as may be required, have received the written approval of the Local Planning Authority.
  - I. A desktop study/Phase 1 report documenting the previous land use history of the site.
  - II. A site investigation/Phase 2 report where the previous use of the site indicates contaminative use(s). The site investigation/Phase 2 report shall document the ground conditions of the site. The site investigation shall establish the full extent, depth and cross-section, nature and composition of the contamination. Ground gas, groundwater and chemical analysis, identified as being appropriate by the desktop study, shall be carried out in accordance with current guidance using UKAS accredited methods. All technical data must be submitted to the Local Planning Authority.
  - III. A detailed scheme of remedial works should the investigation reveal the presence of ground gas or other contamination. The scheme shall include a Remediation Method Statement and Risk Assessment

Strategy to avoid any risk arising when the site is developed or occupied.

- B. If, during remediation works any contamination is identified that has not been considered in the Remediation Method Statement, then additional remediation proposals for this material shall be submitted to the Local Planning Authority for written approval. Any approved proposals shall thereafter form part of the Remediation Method Statement.
  - C. The development hereby approved shall not be occupied until a written Validation Report (pursuant to A II and A III only) has been submitted to and approved in writing by the Local Planning Authority. A Validation Report is required to confirm that all remedial works have been completed and validated in accordance with the agreed Remediation Method Statement.
07. 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.
  08. Notwithstanding the provision of the Town and Country Planning (General Permitted) Development Order 1995 (as amended) there shall be no windows installed in the first floor west elevation of the dwelling hereby approved without the prior written agreement of the Local Planning Authority.
  09. Unless otherwise approved in writing by the local planning authority, no construction of buildings or other structures shall take place until measures to divert or formally close the sewers within the site have been implemented in accordance with details which have been first submitted to and approved in writing by the Local Planning Authority.
  10. The dwelling hereby approved shall not be occupied until space has been laid out within the site for the parking of vehicles connected with the existing and proposed dwellings in accordance with the approved plan. The parking spaces

shall thereafter be retained for their designated purpose in perpetuity.

11. The proposed access/driveway to Walton Drive shall be no steeper than 1 in 14 over its entire length.
12. A new vehicular and pedestrian access shall be created to Walton Drive in accordance with the attached drawing and which shall be completed and available for use concurrent with the occupation of the new dwelling. The area shown cross hatched on the attached drawing shall be maintained clear of all obstructions thereafter.
13. The dwellings shall be designed and constructed to a minimum of Sustainable Homes Code Level 4 standard. On completion of the development, and prior to first occupation, a copy of the certificate issued as evidence of compliance in this respect shall be submitted to the Local Planning Authority.
14. All external dimensions and elevational treatments shall be as shown on the approved plans, with the exception of any approved non material amendment.

### **Reasons for Conditions**

01. The condition is imposed in accordance with section 51 of The Planning and Compensation act 2004.
02. 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.
03. In the interests of sustainable drainage and in accordance with Policy CS6 of the Chesterfield Borough Local Plan Core Strategy.
04. In the interests of the appearance of the development in accordance with Policy CS18 of the Core Strategy.
05. To fully establish the presence and/or otherwise of any coal mining legacy and to ensure that site is remediated, if necessary, to an appropriate standard.

06. To protect the environment and ensure that the redeveloped site is reclaimed to an appropriate standard.
07. In the interests of the amenity of the neighbouring dwellings.
08. In the interests of the privacy and amenity of occupants of the neighbouring dwelling(s).
09. In the interests of satisfactory and sustainable drainage.
10. In the interests of highway safety and in accordance with Policy CS18 of the Core Strategy.
11. In the interests of highway safety and in accordance with Policy CS18 of the Core Strategy.
12. In the interests of highway safety and in accordance with Policy CS18 of the Core Strategy.
13. In the interests of sustainable development in line with policy CS6 of the Core Strategy.
14. 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.

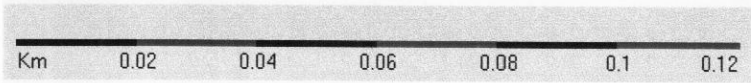
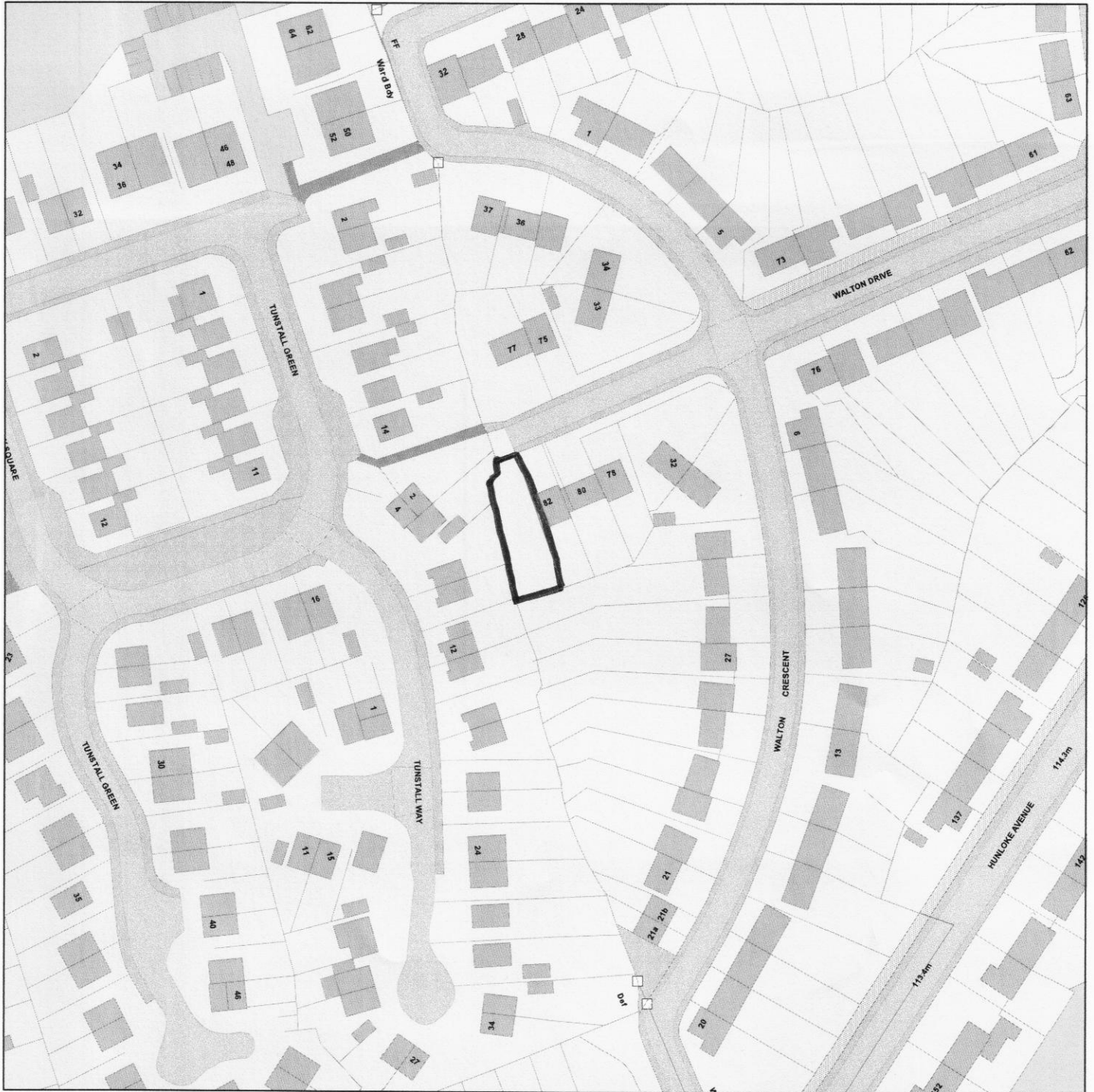
### **Notes**

01. Pursuant to sections 149 and 151 of the Highways Act 1980, the applicant must take all necessary steps to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicants responsibility to ensure that all reasonable steps (eg street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.
02. The applicant should be advised that the requirement to use a solid bound material for driveways and parking spaces is for highway safety reasons. The introduction of loose material onto the highway, for example through vehicles leaving the driveway or through materials being washed onto

the highway/footway in wet weather can cause danger to users of the highway. This may result in the owners of individual dwellings being liable to prosecution under Section 151 of the Highways Act 1980. The use of a solid bound material would avoid these problems.

03. Pursuant to sections 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.
04. Pursuant to Section 184 of the Highways Act 1980 and section 86(4) of the New Roads and Streetworks Act 1991, at least 12 weeks prior notification should be given to the and Environment department of Derbyshire County Council before any works commence on the vehicular access within highways limits (contact Joanne Mason on 01629 538612).
05. 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 planning application.
06. This approval contains condition/s which make requirements prior to development commencing. Failure to comply with such conditions will render the development unauthorised in its entirety, liable to enforcement action and will require the submission of a further application for planning permission in full.

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Case Officer: Paul Staniforth  
Tel. No: 345787  
Date: 2<sup>nd</sup> June 2014

File No: CHE/14/00220/FUL  
Plot No: 2/2668

## **ITEM 2**

### **CONSTRUCTION OF PAIR OF 2 BED STARTER HOMES ON LAND ADJACENT TO 12 WALLSEND COTTAGES, NEWBOLD ROAD, CHESTERFIELD FORE MR D PLATTS**

Local Plan: Unallocated  
Ward: Brockwell

#### **1.0 CONSULTATIONS**

Highways	Recommend Refusal – see report.
Ward Members	No comments received.
Drainage Team	Refer to the need for minimum drainage standards.
Environmental Services	Condition regarding hours of work and ground report requested.
Yorkshire Water	No comments required.
Environment Agency	No objection
Coal Authority	Condition recommended
Neighbours/Site Notice	4 objections received.

#### **2.0 SITE LOCATION**

- 2.1 The site is located within a residential suburb of Chesterfield to the north west of the Town. The land is unallocated in the Replacement Chesterfield Borough Local Plan.
- 2.2 The site is currently the side garden of 12 Wallsend Cottages which is situated adjacent to the residential cul-de-sac (Briar Close) leading from Newbold Road. Newbold Road sees a high frequency of bus services with a 20min frequency service to Chesterfield Town Centre (Route

No.10). The nearest centre on foot is the Newbold local centre approximately 500m to the north west.

### **3.0 SITE DESCRIPTION**

- 3.1 The site is a rectangular plot of land of approximately 310sqm in area measuring 10.3 metres in width by 30 metres in length. The site includes a number of small domestic garden sheds and is bounded by a 1.8 metre high timber panel fence adjacent to 12 Briar Close. The boundary to Briar close is a 1 metre high wall however there are no physical boundaries separating the site or the individual gardens of Wallsend Cottages.
- 3.2 The land is currently accessed directly from Wallsend Cottages to the west of the terrace with only a pedestrian connection through the 1 metre high wall to the cul-de-sac Briar Close, an unadopted hard surfaced single carriageway width road ending at a metal barrier to the south. Beyond this barrier is an uneven track with hardcore (over grown at the sides) leading to the adopted highway on Bentham Road to the south, another cul-de-sac. Briar Close currently serves 5 dwellings. The track leading to Bentham Road appears to be used as an informal footpath and adds to the urban areas permeability for pedestrians.
- 3.3 To the south east of the Briar Close access is No 148 Newbold Road, a two storey house. A driveway running parallel to Briar Close and at a 0.5 metre lower level provides access to a bungalow which was developed to the rear of 148, No 148a Newbold Road.
- 3.4 In terms of the pattern of development, Briar Close appears to be split into two forms. The first is that of Edwardian terraced and semi-detached two storey dwellings facing onto Newbold Road and a row of four terraced dwellings to the right hand side of Briar Close upon entering the cul-de-sac. The second is that of five bungalows, four of which are set within spacious, well proportioned gardens.
- 3.5 Whilst a higher density of development exists at Wallsend Cottages, there is a sense of openness to the streetscene when travelling towards the cul-de-sac, as a consequence of the five bungalows low rise heights and in relation to the four westernmost dwellings; set backs to dwellings behind well proportioned planted gardens and also spaces between dwellings. Whilst a large two storey extension has been added to No.14 Briar Close (one of the four westernmost bungalows), it is to the rear of the parent dwelling and as such has only a limited impact on the sense

of openness in the street. The bungalows on the cul-de-sac display a variety of styles of design, materials and roof form.

#### 4.0 **SITE HISTORY**

4.1 Whereas there is no planning history concerning the application site the following history of adjacent sites is relevant to the consideration of the proposal:

4.2 CHE/12/00060/FUL – Dwelling at 5 Briar Close was refused on 23/3/12 for character of area and substandard living environment reasons.

4.3 CHE/0400/0272 Residential bungalow (Current address of 148a Newbold Road). Granted 25.06.2000.

4.4 CHE/0290/0164 Erection of a bungalow (Current address of No.5 Briar Close). Granted 01.06.1990

4.5 CHE/289/153 – Dwelling on land at 5 Briar Close was approved 16.05.1989.

4.6 CHE/0585/0289 4 Detached Dwellings and Lockable Bollards and Emergency Access from Briar Close. Granted 19.7.1985.

#### 5.0 **THE PROPOSAL**

5.1 A full planning application for construction of a pair of 2 bed, two storey semi detached properties together with access from Briar Close to a 3 space parking and vehicle turning area.

5.2 The dwellings provide a ground floor sitting room and kitchen diner with entrance lobby and downstairs toilet. At first floor two bedrooms and a bathroom are proposed.

5.3 The proposed dwellings would be positioned generally in line with the main front and rear walls of the neighbouring Wallsend Cottages. Materials of construction are to be facing brick with a tiled roof.

5.4 A ground floor obscured kitchen window and a first floor obscured landing window are proposed in the side gables.

5.5 Sites levels are generally level and the proposed dwellings reflect and relate to the levels of Wallsend Cottages.

## **6.0 CONSIDERATIONS**

6.1 Section 54A of the Town & Country Planning Act 1990 as amended by the Planning & Compensation Act 1991 states:

“Where, in making any determination under the Planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise”.

6.2 The relevant Development Plan for the area comprises of the Local Plan Core Strategy 2011 – 2031 and the saved Chesterfield Local Plan adopted June 2006 in so far as allocations are concerned.

6.3 The National Planning Policy Framework places great weight on the achievement of sustainable development through the planning system. A presumption in favour of sustainable development is introduced where proposed development accords with an up to date Local Plan and refused where it conflicts unless other material considerations indicate otherwise. (paragraph 12). The adoption of the Core Strategy and the need for a 5 year housing land supply, emphasised in the NPPF places an increasing need for new housing to be agreed in the Borough.

6.4 Paragraph 17 of the NPPF sets out the Government’s core planning principles and these include:

- Encouraging the effective use of land by reusing land that has been previously developed provided it is not of high environmental value;
- Actively managing patterns of growth to make the fullest use of public transport, cycling and walking and focus of significant development in locations which are sustainable;
- seeking to ensure high quality design and high levels of amenity for all.

6.5 Paragraph 32 comments that plans and decisions should take account of whether safe and suitable access to the site can be achieved for all people and that development should only be refused on transport grounds where the residual cumulative impacts of development are severe.

6.6 Paragraph 56 comments that good design is a key aspect of sustainable development and is indivisible from good planning and that poorly

designed development that fails to take opportunities available for improving the character and the quality of an area or the way it functions should be refused.

- 6.7 Policy CS18 of the Core Strategy comments that proposals for new development should respect the character and form of the area by virtue of its appearance and architectural style and have an acceptable impact on the amenity of neighbours. This policy notes that proposals should contribute to the distinct character of the Borough and enrich the quality of existing places. Furthermore the policy states that developments should provide adequate and safe vehicular access and parking.
- 6.8 The Councils recently adopted SPD – Successful Places (July 2013) sets out objectives for residential design. This document comments that it is important to ensure that new residential development is designed on the basis of an understanding of its context and which recognises and enhances the local distinctiveness of the area.
- 6.9 The site is within a predominantly residential area at Newbold within walking distance of the many services and facilities in the wider area and close to bus routes which regularly use the Newbold Road corridor in and out of the town. Bus stops are located close by in each direction on Newbold Road. The site is regarded as a sustainable location for new housing development.
- 6.10 The proposal is within the existing urban area and represents relatively 'minor' infilling. In principal the development provides an opportunity to contribute positively to the overall planning vision for Chesterfield, achieving sustainable development objectives in accordance with the Core Strategy and NPPF.
- 6.11 Given that the principal of residential development in this location is not considered to conflict with the Local Plan or National policy, the main considerations are the quality of the development and its impacts.
- 6.12 In so far as visual amenity and local character issues, the proposed development generally relates to the grain of development on the Newbold Road frontage. It relates directly to the terraces of Wallsend Cottages and provides a continuation of the character of those dwellings. This is notably different to the less dense development further along Briar Close which is characterised by detached bungalows in larger plots. The existing plot contributes to the openness of the area which will be diminished as a result of the increase in massing and prominence of

built form however this is not so crucial that a refusal of planning permission could be justified. Furthermore the new dwellings respect the context of Wallsend Cottages in so far as building lines, massing, architectural appearance and materials. The design is appropriate. The proposed plot sizes are consistent with those to Wallsend Cottages and are appropriate and it is considered the proposal will accord with the general requirements of Core Strategy policy CS18 in terms of scale, layout, density and space.

- 6.13 The proposal provides a reasonable quantity of floorspace (having regard to Places, Homes, People' English Partnerships' Quality Standards) for a two bedroomed dwellings. It also provides a reasonable degree of privacy for neighbouring occupiers provided no future openings are added to the south east facing gable facing towards 12 Briar Close. A condition to this effect is considered appropriate. The proposal would not adversely affect neighbouring occupiers in terms of impact on outlook, overshadowing and daylight and sunlight levels.
- 6.14 The main issue relates to the suitability of the access via Briar Close. The Highway Authority has objected to the proposal on the grounds that the proposal does not demonstrate access to the public highway since the site does not include Briar Close. Concern is expressed regarding the width which is inadequate for 2 vehicles to pass increasing the likelihood of vehicles having to wait on Newbold Road or to reverse back into Newbold Road or overlong reversing manoeuvres back into Briar Close. Its width should be 5.0 metres with 0.5 metres each side where bounded by a wall. The width of the access to the properties should be 4.25 metres and off street parking is below that which would be looked for with no opportunity for on street parking on Briar Close. They recommend the following 2 reasons:
- No adequate provision is included in the proposals for the parking of vehicles clear of the public highway with no opportunity for on street parking on Briar Close.
  - The application site is accessed via a roadway which is substandard in terms of geometry and, therefore, is unsuitable to safely cater for the vehicular traffic associated with further residential parking.
- 6.15 Policy CS18 refers to the need for a safe and adequate vehicular access and parking arrangements associated with development proposals and the NPPF requires a safe and suitable access. The test however referred to in the NPPF is whether the cumulative impacts of the

development would be severe and this needs to be considered when weighing up the material considerations in this case.

- 6.16 Pre app discussions did take place with the applicant and it was confirmed that the site was appropriate for development however further views were being sought from the Highway Authority on the intensification of Briar Close and its junction with Newbold Road.
- 6.17 It is accepted that Briar Close is not an adopted highway or capable of being upgraded to make it one. It could not be widened to allow vehicles to pass. It is the case however that the access to the site provides a splayed forecourt area where a vehicle could move to one side whilst an incoming vehicle passes, effectively providing a passing place and this would represent an improvement over and above existing opportunities. The proposed dwellings are 2 bed starter homes and are likely to only have a single car however a visitor parking space is also being proposed. It is considered that this level of parking would be suitable for such a sustainable location and the first reason for refusal recommended by the Highway authority is therefore questionable since there is adequate provision within the site for parking of vehicles. It is accepted that emerging visibility is on occasion restricted by cars parked on the highway and the tree to the west however it is possible for a driver to see far enough in both directions to be able to make a safe vehicle manoeuvre given the access emerges onto Newbold Road on the outside of a bend. Parked cars are a temporary obstruction and are generally not taken account of in considering visibility available. Visibility to the east, in the critical direction is very good. Visibility to the west is good but affected by the plane tree however visibility in this direction is in the none critical direction.
- 6.18 The owner of Briar Close indicates that difficulties have arisen in the past with a new dwelling taking access off Briar Close. Whereas there are limits with Briar Close, it is the case that standards have become more relaxed and the impacts have to be considered on their individual merits. The committee will see from the planning history of neighbouring sites at paragraph 4.0 that all applications have been approved apart from one for a dwelling in 2012 which was refused but not for suitability of access reasons. There would be an intensification in the use of Briar Close however this is not considered to be sufficient an issue to have to refuse planning permission.
- 6.19 The applicant has submitted deeds to the property from 1906 and 1952 which clearly state that the Wallsend Cottages have a right to use Briar

Close at all times as access on foot or on horseback and either with or without vehicles. The issue of rights will be a matter between the parties affected and not a matter for the local planning authority to be concerned about.

- 6.20 Whilst the access track is used by pedestrians cutting through, given the small scale of development and relatively low level of increased activity it is considered that any conflict is unlikely to cause such severe impacts on highway safety to warrant a refusal of planning permission.
- 6.21 Notwithstanding the concerns of the Highway Authority and local residents it is considered that the proposal is appropriate and accords with policy CS18 and the NPPF in respect of highway safety, pedestrian safety and traffic flow impact.
- 6.22 The proposed development is in a low flood risk area, and therefore there is no requirement to apply the sequential approach or exceptions test. Surface water can be conditioned to be to soakaways, with the control of surface water run off to existing rates. Consequently subject to such conditions the proposal would not be at an unacceptable risk of flooding nor pose an unacceptable risk of flooding and accord with Local Plan Core Strategy policy CS7.
- 6.23 Foul water is proposed to drain to the existing main public sewer to which no objection from Yorkshire Water has been received with regard to the adequacy of infrastructure. Subject to a condition requiring separate systems of foul and surface water drainage on site the proposal is considered to accord with policy CS7.
- 6.24 No information has been submitted to the Local Planning Authority in respect of land contamination. The Council's Environmental Protection Officer has raised suspicions at the potential for land contamination given former historical mining and has requested an appropriate study. The site is on top of the former Wallsend Colliery and it is considered sufficient for the LPA to require a phase I study as minimum and further studies if found to be necessary by the Phase I. A condition(s) to this effect is considered appropriate given that it is unlikely that the site is subject to a level of contamination which would give rise to an unacceptable level of risk. This will accord with Local Plan Core Strategy policy CS8.
- 6.25 The applicant has also submitted a Coal Mining Risk assessment given the coal mining legacy of the site. The Coal Authority accept the findings



of the study and recommend the imposition of a condition requiring the investigation and mitigation measures to be implemented. This accords with Local Plan Core Strategy policy CS8.

6.26 The Environmental Health Officer also recommends conditions be imposed limiting the hours of construction in the interests of the amenity of the neighbours. This is considered reasonable.

## **7.0 REPRESENTATIONS**

7.1 Four letters of objection have been received from neighbours raising the following issues:

### **7.1.1 12 Briar Close**

- Access from Briar Close would create over usage of what is a single carriageway to the detriment and danger of drivers and pedestrians who use Briar Close.
- Entrance/egress to and from Briar Close is approximately 60 metres from a fast dangerous bend in a north direction up Newbold Road and south to a mini roundabout. The view towards Newbold Village is greatly obscured by a plane tree and daily parking in the cycle track/pavement. To the south similar parking obstructs the view and this all creates a traffic hazard when entering or leaving Briar Close.
- Briar Close has a history of instability and is bounded by a single skin wall parallel to the drive. Heavy use by more traffic and in particular site traffic could result in a surface collapse, sealing residents off from Newbold Road.

#### **Comment**

**See comments at paragraphs 6.14 – 6.21 regarding the suitability of the access. The applicant has commented that the speed limit on Newbold Road is 30 mph and traffic is unlikely to be exceeding it given it has just negotiated a roundabout to the east. He refers to good visibility in both directions and planning committee members will be able to judge this on the site visit. He comments that he has viewed vehicles exiting Briar Close onto Newbold Road safely for many years and the low level of increase is unlikely to make matters any worse. He considers the objections to be exaggerated in the least. If it is considered to be an existing hazard it will be no worse or better with 2 extra vehicles.**

**The impact on the condition of the private road is a private matter between the parties concerned. The applicant confirms the**

***intention to access the site for construction to the west of Wallsend Cottages so that there is as little disruption to Briar Close as possible***

7.1.2 148 Newbold Road

- Have lived at the address for 10 years and during this time the traffic using Briar Close has increased as new people have moved in and other people visit occupants.
- Their drive runs parallel to Briar Close with a brick boundary wall. Over the years Briar Close has increased in height and width and is now pushing over the wall. This has been the subject of a previous court case. The wall is cracking as a result of the pressures of vehicles using the Close. The wall has to be repaired this year. If more vehicles use the access then this will need to be a more frequent occurrence and the damage will be accelerated and the wall could fail. They have children who play on the drive and the issue is a safety concern. Their drive is also used as access to 148a which is occupied by a disabled couple.
- The access is not wide enough for vehicles to pass which results in vehicles having to wait in Newbold Road whilst vehicles exit from Briar Close. There is also no dropped crossing for 1 Wallsend Cottages and the residents also use Briar Close to access their parking position at the front of their property. There are safety issues for other drivers and pedestrians.
- The fire engine will not be able to access up Briar Close and would damage the wall if attempted. Construction traffic will have the same impact.
- Wheelie bins are left at the bottom of Briar Close and the drive to 148. There are 6 there on a regular basis. 4 more bins would be a serious blockage.
- The site accommodates a diverse habitat for bird life. There were 2-3 mature trees over 20 foot tall and hedgerows fully grown 10 years ago. These were removed and the birds are now gone.

***Comment***

***See comments at paragraphs 6.14 – 6.21 regarding the suitability of the access. The applicant comments that the driveway adjacent to Briar Close has in fact been lowered approximately 10 years ago to accommodate a bungalow to the rear. The excavation of the driveway resulted in it being 2 feet lower than Briar Close. The wall is single brick and should be a retaining wall. When the wall was built 10 years ago it should have been sufficient to hold the weight***

**of Briar Close which was there long before 148 and 148a. The responsibility is with 148a and not the owner of Briar Close. From the Planning Authorities point of view this is a private matter between the parties involved.**

**The applicant comments that Briar View has been used on many occasions by emergency vehicles since post code/sat navs directions always give Briar Close as the entrance.**

**Reference is made by the applicant to there being at least 20 wheelie bins on the frontage on bin collection day.**

**In terms of the biodiversity issue referred to the applicant comments that there was no hedge but some overgrown tangled shrubs and brambles that were cleared in the winter to avoid the bird nesting season.**

### 7.1.3 3 Briar Close

- Briar Close is a single track lane 121 yards long and providing access to 4 properties. It is heavily used by pedestrians, elderly, children, families, cyclists. There are no pavements or lighting. The exit to Newbold Road crosses a heavily used pavement and cycle lane onto a busy main road. Visibility in both directions is hampered with parked cars both sides.
- Dangerous conditions to vehicles and pedestrians regularly occur when traffic meets entering or leaving Briar Close. Incoming vehicles regularly have to reverse back and stand on the busy main road causing back ups and road rage from other motorists. The alternative of outgoing vehicles reversing back is hazardous in daylight and impossible when dark and would put pedestrians in the vicinity at greater risk.
- If Briar Close were to become the access, the increased traffic in the form of plant, lorries, workers vans and delivery of materials during the build would be most hazardous. This would impact on emergency service access.
- Mr Stevenson informed the correspondent that according to the planning authority he could not use Briar Close for access for his planning application to build a bungalow on his land and that access had to be from Bentham Close.
- An accident at the junction of Briar Close and Newbold Road caused significant damage to their vehicle as a result of a rear end shunt.
- The development represents a 50% increase in traffic on the Close.

***Comment***

***See comments at paragraphs 6.14 – 6.21 regarding the suitability of the access and comments above by applicant..***

7.1.3 Owner of Briar Close

- I have been refused permission to build with Briar Close as the access in the past, the reason stated being poor access for Briar Close onto Newbold Road and the width of Briar Close being too narrow. Imagine my concern that someone else would get permission.

***Comment***

***See comments at paragraphs 6.14 – 6.21 regarding the suitability of the access and specifically 6.18 regarding previous applications for development off Briar Close.***

**8.0 CONCLUSIONS**

- 8.1 The site is considered to be appropriate for the development of a pair of starter homes which reflect the local context. Whilst the highway Authority and neighbours express concern regarding the standard of access, the increase in use of Briar Close arising from the development is not considered to be sufficient to warrant a refusal on highway safety grounds since the impacts are not considered to be severe. It is considered that the proposal is in accordance with the objectives of the NPPF and Policy CS18 of the Core Strategy.

**9.0 HUMAN RIGHTS ACT 1998**

- 9.1 Under the Human Rights Act 1998, which came into force on 2<sup>nd</sup> October 2000, an authority must be in a position to show:
- Its action is in accordance with clearly established law
  - The objective is sufficiently important to justify the action taken
  - The decisions taken are objective and not irrational or arbitrary
  - The methods used are no more than are necessary to accomplish the legitimate objective
  - The interference impairs as little as possible the right or freedom

- 9.2 The action in considering the application is in accordance with clearly established Planning law and the Council's Delegation scheme. The objective of arriving at a decision is sufficiently important to justify the action taken over the period of the life of the application. The decision taken is objective, based on all planning considerations and is, therefore, not irrational or arbitrary. The methods used are no more than are necessary and required to accomplish the legitimate objective of determining an application.
- 9.3 The interference caused by a refusal, approval or approval with conditions, based solely on planning merits, impairs as little as possible with the qualified rights or freedoms of the applicant, an objector or consideration of the wider Public Interest.
- 9.4 Any 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.

#### 10.0 **Statement of Positive and Pro-active Working with the Applicant**

- 10.1 The Town and County Planning (Development Management Procedure) (England)(Amendment No 2) Order 2012 introduced a requirement from 1<sup>st</sup> December 2012 on the Local Planning Authority to include a statement on every decision made setting out how they have worked proactively with the applicant in a positive and proactive way in line with the NPPF.
- 10.2 The applicant had sought pre-application advice and the advice was that there was scope **for a development on the site**. During the planning process the Planning Officer has ensured that all the information needed to support the application was in order to ensure no delay in the decision making process. It is considered that the proposal has been considered throughout the planning process in line with the guidance and requirements of the NPPF, the adopted Local Plan Core Strategy and the Successful Places SPD.

#### 11.0 **RECOMMENDATION**

- 11.1 That the planning application be **APPROVED** subject to the following conditions:
01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

02. Before construction works commence or ordering of external materials takes place, precise specifications or samples of the walling and roofing materials to be used shall be submitted to the Local Planning Authority for consideration. Only those materials approved in writing by the Local Planning Authority shall be used as part of the development unless otherwise agreed by the Local Planning Authority in writing.
03. Prior to commencement of the development a surface water and foul drainage scheme shall be submitted to the Local Planning Authority for consideration. Only the details approved in writing by the Local Planning Authority shall be implemented on site.
04. Upon commencement of the development full details of boundary treatments shall be submitted to the Local Planning Authority for consideration. Only the details approved in writing by the Local Planning Authority shall be implemented on site as part of the development and be retained as such thereafter.
05. Development shall not commence until intrusive site investigations have been carried out by the developer to establish the exact situation regarding coal mining legacy issues on the site and approval for commencement of development given in writing by the Local Planning Authority. The investigation and conclusions shall include any remedial works and mitigation measures required/proposed for the site. Only those details which receive the written approval of the Local Planning Authority shall be carried out on site.
06. A. Development shall not commence until details as specified in this condition have been submitted to the Local Planning Authority for consideration and those details, or any amendments to those details as may be required, have received the written approval of the Local Planning Authority.
  - I. A desktop study/Phase 1 report documenting the previous land use history of the site.
  - II. A site investigation/Phase 2 report where the previous use of the site indicates contaminative use(s). The site investigation/Phase 2 report shall document the ground conditions of the site. The site investigation shall establish the full extent, depth and cross-

section, nature and composition of the contamination. Ground gas, groundwater and chemical analysis, identified as being appropriate by the desktop study, shall be carried out in accordance with current guidance using UKAS accredited methods. All technical data must be submitted to the Local Planning Authority.

- III. A detailed scheme of remedial works should the investigation reveal the presence of ground gas or other contamination. The scheme shall include a Remediation Method Statement and Risk Assessment Strategy to avoid any risk arising when the site is developed or occupied.
  
- B. If, during remediation works any contamination is identified that has not been considered in the Remediation Method Statement, then additional remediation proposals for this material shall be submitted to the Local Planning Authority for written approval. Any approved proposals shall thereafter form part of the Remediation Method Statement.
  
- C. The development hereby approved shall not be occupied until a written Validation Report (pursuant to A II and A III only) has been submitted to and approved in writing by the Local Planning Authority. A Validation Report is required to confirm that all remedial works have been completed and validated in accordance with the agreed Remediation Method Statement.
  
- 07. 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.
  
- 08. Notwithstanding the provision of the Town and Country Planning (General Permitted) Development Order 1995 (as amended) there shall be no additional windows installed in the first floor south west gable elevation of the dwellings hereby approved without the prior written agreement of the Local Planning Authority.
  
- 09. The dwelling hereby approved shall not be occupied until space has been laid out within the site for the parking of vehicles connected with the existing and proposed dwellings in accordance with the approved plan. The parking spaces shall thereafter be retained for their designated purpose in perpetuity.

10. The new vehicular and pedestrian access shall be created to Briar Close in accordance with the approved drawing and which shall be completed and available for use concurrent with the occupation of the new dwellings.
11. The dwellings shall be designed and constructed to a minimum of Sustainable Homes Code Level 4 standard. On completion of the development, and prior to first occupation, a copy of the certificate issued as evidence of compliance in this respect shall be submitted to the Local Planning Authority.
12. All external dimensions and elevational treatments shall be as shown on the approved plans, with the exception of any approved non material amendment.

### **Reasons for Conditions**

01. The condition is imposed in accordance with section 51 of The Planning and Compensation act 2004.
02. 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.
03. In the interests of sustainable drainage and in accordance with Policy CS7 of the Chesterfield Borough Local Plan Core Strategy.
04. In the interests of the appearance of the development in accordance with Policy CS18 of the Core Strategy.
05. To fully establish the presence and / or otherwise of any coal mining legacy and to ensure that site is remediated, if necessary, to an appropriate standard in accordance with Policy CS8 of the Core Strategy.
06. To protect the environment and ensure that the redeveloped site is reclaimed to an appropriate standard in accordance with Policy CS8 of the Core Strategy.
07. In the interests of the amenity of the neighbouring dwellings.

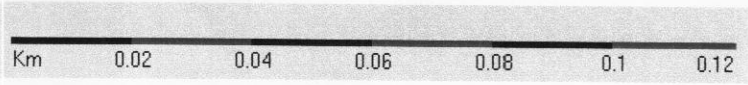
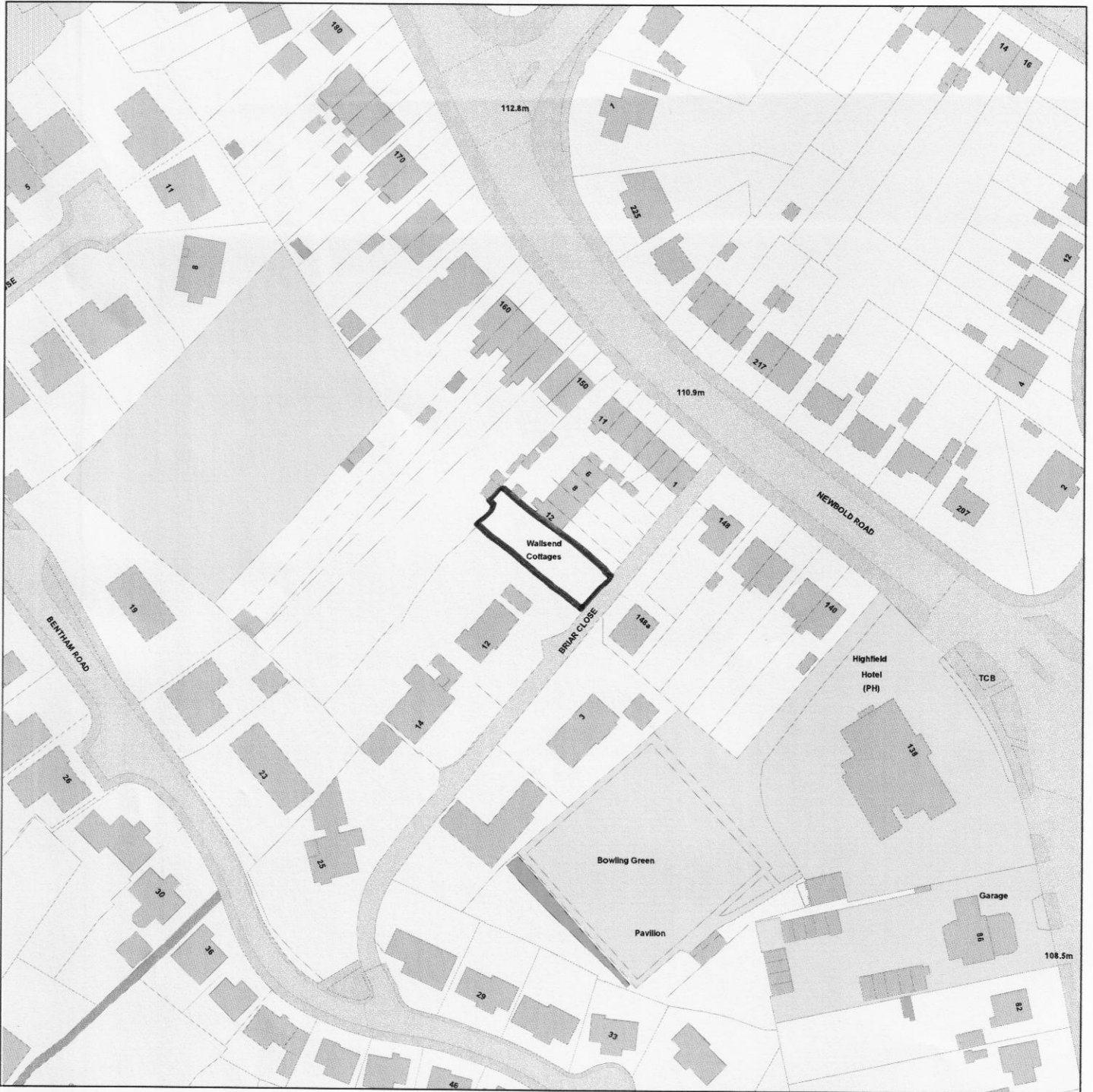


08. In the interests of the privacy and amenity of occupants of the neighbouring dwelling(s).
09. In the interests of highway safety and in accordance with Policy CS18 of the Core Strategy.
10. In the interests of highway safety and in accordance with Policy CS18 of the Core Strategy.
11. In the interests of sustainable development in line with policy CS6 of the Core Strategy.
12. 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. Pursuant to sections 149 and 151 of the Highways Act 1980, the applicant must take all necessary steps to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicants responsibility to ensure that all reasonable steps (eg street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.
05. 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 planning application.
06. This approval contains condition/s which make requirements prior to development commencing. Failure to comply with such conditions will render the development unauthorised in its entirety, liable to enforcement action and will require the submission of a further application for planning permission in full.

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Case Officer: Sarah Scott  
Tel. No: (01246) 345786  
Ctte Date: 2<sup>nd</sup> June 2014

File No: CHE/14/00050/OUT  
Plot No: 2/3084

### **ITEM 3**

#### **APPLICATION FOR OUTLINE PLANNING PERMISSION (WITH ALL MATTERS RESERVED) FOR THE ERECTION OF DETACHED FAMILY HOUSE WITH INTEGRAL GARAGE WITH ADDITIONAL ACCOMMODATION WITHIN ROOF CONSTRUCTION AT LAND ADJ TO 40 NEWBOLD AVENUE, NEWBOLD, CHESTERFIELD, DERBYSHIRE FOR MR JASON LYNE**

Local Plan: Unallocated  
Ward: Brockwell

#### 1.0 **CONSULTATIONS**

DCC Highways	Comments received – see report
Environmental Services	Comments received – see report
Design Services	Comments received – no objection subject to compliance with minimum standards for drainage
Yorkshire Water	Comments received advising their observations are not required
Coal Authority	Comments received – see report
Ward Members	No comments received
Neighbours/Site Notice	Six letters of representation received

#### 2.0 **THE SITE**

2.1 The site the subject of the application is a triangular parcel of land that was formerly the side garden area of No 40 Newbold Avenue, which is now fenced off. The site lies at the end of Newbold Avenue adjacent the turning head of the estate road and is bound on all side by residential properties. There are several mature

trees situated within the application site that are positioned along the highway edge, which is defined by a stone boundary wall.



### 3.0 **SITE HISTORY**

3.1 CHE/0101/0021 – Outline application for the erection of one dwelling on land at 40 Newbold Avenue, Newbold. Approved conditionally on 20 March 2001 (expired in March 2004).

### 4.0 **THE PROPOSAL**

4.1 The application seeks outline planning permission (with all matters reserved) for the erection of one dwelling on land to the side of No 40 Newbold Avenue.

4.2 The application is accompanied by an indicative site layout plan showing that the development will be served with a new driveway access formed from Newbold Avenue.

### 5.0 **CONSIDERATIONS**

#### 5.1 **Local Plan Issues**

5.1.1 The site is situated within the built settlement of Brockwell in an area predominantly residential in nature. Having regard to the nature of the application policies CS2, CS6 and CS18 of the Core Strategy and the wider National Planning Policy Framework (NPPF) apply. In addition the Councils Supplementary Planning Document on Housing Layout and Design 'Successful Places' is also a material consideration.

5.1.2 Policy CS2 (Principles for Location of Development) states that when assessing planning applications for new development not allocated in a DPD, proposals must meet the following criteria / requirements:

- a) adhere to policy CS1
- b) are on previously developed land
- c) are not on agricultural land
- d) deliver wider regeneration and sustainability benefits
- e) utilise existing capacity in social infrastructure
- f) maximise walking / cycling and the use of public transport
- g) meet sequential test requirements of other national / local policies

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

5.1.3 Policy CS6 (Sustainable Design & Construction) requires new development to contribute towards reduction in CO2 emissions and generation of renewable energy. The policy indicates that the Council will expect all new residential development up to 2016 to meet a minimum Code for Sustainable Homes level 4 and beyond 2016 level 5.

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

In addition to the above, the NPPF places emphasis on the importance of good design stating:

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

5.1.5 In addition to the above, in July 2013 the Council adopted 'Successful Places' which is a Supplementary Planning Document

which guides Sustainable Housing Layout and Design. The development proposed should be assessed against the design principles set out in this supporting document.

- 5.1.6 Having regard to the policy framework set out above the site lies within the established built settlement where the principle of infill residential development is encouraged / accepted in accordance with policy CS2, subject to compliance with the detailed design criteria of policies CS6 and CS18 of the Core Strategy and the Council's adopted SPD. Detailed consideration of specific design criteria will follow in the relevant sections of the report below.

## 5.2 **Neighbour Effect**

- 5.2.1 The application site is adjoined by No 40 Newbold Avenue to the north; the rear garden of No's 18, 20, 22 and 24 Highfield Avenue adjoin the site to the south / south east; and No's 39, 41, 43 and 45 Newbold Avenue are sited on the opposite side of the road to the west / south west.
- 5.2.2 No 40 Newbold Avenue is the adjacent semi-detached dwelling sited in closest proximity to the proposed dwelling. The side elevation of No 40 contains several secondary window openings along side a tarmaced driveway and footway leading to the rear of this neighbouring property.



Whilst it is noted that a new development located to the south of No 40 is likely to result in a degree of overshadowing upon No 40, ensuring that the built footprint of any new development does not



project beyond the established building lines of No 40 will mean the impact of the development would not be significant to warrant refusal of planning permission.

Design details (to be considered at the reserved matter stages) will ensure that no habitable windows opening are sited in the side elevation that would adversely overlook No 40.

- 5.2.3 The rear gardens of No's 18, 20, 22 and 24 Highfield Avenue adjoin the application site with separation distances of 23m / 25m between the proposed dwelling and the rear windows of No's 22 and 24. The boundaries of No's 18 and 20 adjoin what is to form the private amenity space of the proposed dwelling. Having regard to the provisions of the adopted Housing Layout and Design SPD it is not considered, given the relative separation distances between these neighbouring properties that the development will adversely impact upon these wider neighbours.
- 5.2.4 The principal / frontage elevations of No's 39, 41, 43 and 45 Newbold Avenue face the application site positioned on the opposite side of the cul-de-sac of Newbold Avenue. With separation distances of 22.5m and 24m between No's 39 and 41 Newbold Avenue (the neighbours immediately facing the development) it is not considered that the development proposals will adversely impact upon these properties by virtue of overlooking. Furthermore given their separation and easterly orientation it is not considered that the proposed dwelling will impose an adverse degree of overshadowing / overbearing to these properties.
- 5.2.5 The above considerations do not reflect the opportunity afforded by permitted development rights for extensions and new openings, and it is considered that there is opportunity for adverse effects on neighbours amenities should these permitted development rights be applied, given the relationship of the site to neighbouring properties in terms of siting, fenestration and proximity to boundaries. Permitted development rights can be withdrawn by planning condition to address this concern however such restrictions will depend on the detailed scheme proposed and would be imposed at the reserved matters stage.

### 5.3 **Appearance Issues**

- 5.3.1 The application site is located at the end of a residential cul-de-sac along which there is a combination of semi-detached and detached mid 1900's style properties. The same building pattern is also reflected along Highfield Avenue, where the rear gardens of these properties adjoin the application site boundaries to the south east.
- 5.3.2 As a triangular parcel of land it is accepted that the application site is not typical of the rectangular curtilages of other properties along Newbold Avenue, however there are examples of other properties in the wider locality that do not conform with this (for example No's 22 and 24 Newbold Avenue, No's 14 and 22 Newbold Drive and No 48 Highfield Avenue).
- 5.3.3 The application is submitted in outline however the submission is supported by an indicative site layout which shows a possible built footprint of the proposed dwelling. In general it is considered that the application site and dwelling confirms with the design provisions of the Council's adopted SPD on Housing Layout and Design; however it is noted that this indicative layout illustrates the dwelling sited in advance of the building line of No 40 which is undesirable. Notwithstanding the indicative layout is it clear the dwelling can be set back in line with No 40, and this in itself would ensure any integral garage within the built footprint of the dwelling secured a 6m set back from the highway edge that is sought in the Council's SPD on Housing Layout and Design. The layout indicates the dwelling is to be served by outdoor amenity space in excess of 140sqm, which also conforms with the minimum standards set out in the adopted SPD.
- 5.3.4 In terms of design/appearance, at the outline stage there are no details to consider however the principle of a two storey property with room accommodated in the roof space would not be out of character with the surrounding area. The applicant has the opportunity to take visual queues from the streetscene in formulating any reserved matters submission. It is noted that the indicative layout illustrates the boundary wall along the highway frontage to be retained as well as the mature trees. Whilst it is considered that retention of both these streetscene features is welcomed this could not be insisted upon as the boundary wall and the trees are not protected.

5.3.5 Having consideration for the observations above the proposal is likely to achieve an appropriate siting and design and will accord with the design provisions of policy CS18 of the Core Strategy.

5.3.6 In accordance with the Policy CS6 of the Core Strategy, the Council's policy requires all new residential development to achieve a minimum rating of Level 4, under the Code for Sustainable Homes (CfSH). The design specification detail of each dwelling has not been provided as part of this outline application and therefore if the development is approved, a condition should be imposed in accordance with the policy set out above to ensure the development achieves the required CfSH standard.

#### 5.4 **Highways Issues**

5.4.1 Comments have been received from the **Local Highways Authority (LHA)** as follows:

*'I refer to my letter date 15 February 2001 in response to a similar proposal which was subsequently granted consent.'*

*The highway comments remain as stated in the above letter although the applicant may now need to consult with the relevant refuse collection department to ascertain what will be acceptable to them in terms of number and location of bins. Bin storage should not obstruct the private drive access, parking or turning provision. Additionally a dwell area for bins should be provided, clear of the public highway, for use on refuse collection days.*

*On the basis of the above this Authority would not wish to raise objections and I would ask for the conditions and notes contained within the above 2001 letter to be included in any consent granted and additionally include a further condition to cover refuse bins.'*

5.2 In the 2001 letter referred to by the LHA above there were no objections raised to the proposed development but the LHA sought conditions regarding the provision of the new access, approval of its design and the provision of parking at the property. All of the conditions suggest by the LHA in the 2001 are still considered to be reasonable and appropriate to this development, therefore suitable conditions can be imposed if permission is granted.

5.3 Notwithstanding the comments above however the request by the LHA for a 'bin dwell area' is considered unnecessary and unreasonable. The LHA have recently started seeking the provision of an area within the application site, clear of the public highway, to be allocated for bins to be stored on collection day; however residents are advised that bins can only be collected from the public highway by the refuse company. It is therefore uncertain why the LHA would seek the 'bin dwell area' as this would seem unnecessary given the refuse company will not collect bins from this area. Providing the application site has space within its curtilage (which is likely to be close to the main dwelling for convenience) it is unnecessary to require a separate 'bin dwell area' close to the highway as most households will move their bin to the highway (as instructed) on its collection day and then move it back after collection.

## 6.0 **REPRESENTATIONS**

6.1 Site notice posted on 30 January 2014 and nine neighbours consulted on 30 January 2014. Six letters of representation received as follows:

### **45 Newbold Avenue**

We are writing with our concerns regarding the proposed plans for a dwelling;

The character of the area will be compromised as there is a strong character dominated by similar styles and designs of dwellings – depending on its design the development could be out of character;

Properties along Newbold Avenue have long rear gardens – the application site simply isn't big enough to accommodate the dwelling – the site will be overdeveloped given its size and shape; We feel it is important the stone wall and boundary trees should be retained as these are characteristic of Newbold Ave – however given the siting of the development these trees will overshadow its garden and put pressure on their future retention;

We have concerns about the visual impact of the build and the detriment to the character of the area – we are concerned that highway safety and access to our property will be compromised; The highway is mainly single track and this creates difficulties and obstructions when any large vehicles try and gain access – vehicles and plant associated with any development will cause major disruption;

The noise levels throughout the build are also of major concern.

***See sections 5.1, 5.2, 5.3 and 5.4. The issue of architectural design and appearance will be a matter for subsequent consideration should outline planning permission be granted.***

#### **40 Newbold Avenue**

My wife and I have examined the plans and wish to strongly object to the development;

The position of the proposed dwelling will have an overshadowing impact to the front of No 40;

The new development will add to the already congested parking arrangements along Newbold Ave;

Ongoing access issues to and from No 40 as a result of the close proximity of the proposed driveway;

The proposed dwelling will be out of character with Newbold Ave which is dominated with 1930's style properties;

The development will cause major disruption to a tight and small avenue during site development.

***See sections 5.1, 5.2, 5.3 and 5.4***

#### **20 Highfield Avenue**

I would like to raise the following issues in light of there being little information about the look and height of the building proposed;

To make any real judgement I would need to see further design or plans, in particular regarding the size and height of the property. If it is to be three storeys this will be an exception to the current properties in the vicinity – will the property be in keeping with the style of the 1920/30's design in the area?;

Of concern is the recent Coal Board objection to the planning application;

Due to recent bad weather, most properties have saturated gardens – will another property not contribute to further water logging and drainage issues should there be further heavy rain storms?

***See sections 5.1, 5.2, 5.3 and 5.4 and 6.3. The Coal Authority has since confirmed its withdrawal of objection on the basis of a submitted appropriate Coal Mining Risk Assessment.***

#### **43 Newbold Avenue**

I would like to lodge a formal objection to the granting of planning permission;

The proposed building will be totally out of character with the area, in particular the cul-de-sac end of Newbold Ave;

Newbold Ave was designed by CBC and Mr SG Wells (the builder) in 1934 and the design of the estate and houses was specified (promised) to be maintained as a small architecturally designed estate;

Newbold Ave has kept its original architecture that features in the style used in the 1930's;

The proposed building ignores the 1930's style and runs counter to the original design, style, planning, building and construction of houses;

Finally the building will be situated on a small cul-de-sac which has very limited on road parking for the four properties already located there.

***See sections 5.1, 5.2, 5.3 and 5.4. The design of any dwelling proposed is controlled by the local planning authority. There have been no promises.***

### **35 Newbold Avenue**

I wish to express concerns about the development proposed;

The building does not appear to be in keeping with existing properties in the area and appears overdeveloped for the size of the site;

The narrow nature of the road already poses a problem for parking, particularly with larger vehicles;

This would cause major disruption with the volume of large plant needed for the proposed building.

***See sections 5.1, 5.2, 5.3 and 5.4***

### **41 Newbold Avenue**

I wish to object to the proposed development which will be totally out of character to all of the 1930's built properties;

The plot of land is small and this will result in very little garden to the property;

Newbold Ave is a tree lined road and I am concerned the trees will be lost, even though it is indicated to keep them;

The new property will result in extra traffic (inc. construction) along a quiet cul-de-sac where there is a public footway emerging close by;

All the properties along Newbold Ave are the subject of restrictive covenant stating a dwelling could not be constructed on land belonging to another dwelling – if this has been removed, when was this and how could it be removed without an appeal process?

**See sections 5.1, 5.2, 5.3 and 5.4**

***A restrictive covenant may exist, which would be the responsibility of the interested parties to enforce. The existence of the covenant is not a material planning consideration and therefore this issue carries no weight as this is a separate civil matter.***

- 6.2 **Environmental Services** – comments received raising no objection subject to the following conditions:
1. Standard construction hours.

***An appropriate planning condition can be imposed to restrict the hours as per the ES teams recommendation.***

- 6.3 **Coal Authority (CA)** - In response to the CA's original consultation response dated 10 February 2014 the applicant has obtained an up to date Coal Mining Risk Assessment (CMRA) which was referred to the CA for further comment. The CMRA concludes that there is potential for shallow mine workings to affect the proposed development and therefore recommends that the site be subject to intrusive site investigations to establish the exact situation regarding ground conditions prior to other works commencing. The CA were re-consulted on the CMRA and has confirmed on 15 May 2014 that they are happy with this approach and an appropriate planning condition should be included on any decision to require these works.

***An appropriate planning condition can be imposed to secure the required work to be undertaken and submitted for approval prior to any other works commencing.***

## 7.0 **HUMAN RIGHTS ACT 1998**

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

- Its action is in accordance with clearly established law

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

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

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

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

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

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

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

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



## 9.0 **CONCLUSION**

9.1 The redevelopment of the site is appropriate in principle within this primarily residential area and permission has previously been granted on a previous occasion. The site has the ability to provide an appropriately designed development in terms of scale and layout such that the development is considered to be in keeping with the character of the surrounding area and would not have a detrimental effect on the amenities of neighbouring residents or highway safety. The proposals are considered to accord with the provisions of policies CS2, CS6 and CS18 of the Chesterfield Local Plan: Core Strategy, the wider National Planning Policy Framework and the Successful Places SPD.

## 10.0 **RECOMMENDATION**

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

01. Approval of the details of the layout, scale and external appearance of the building(s), the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
02. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
03. 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.
04. No development shall take place until details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved in writing by the Local Planning Authority. The site shall be developed with separate systems of drainage for foul and surface water on and off site.

05. Development shall not commence until intrusive site investigations have been carried out by the developer to establish the exact situation regarding coal mining legacy issues on the site and approval for commencement of development given in writing by the Local Planning Authority. The investigation and conclusions shall include any remedial works and mitigation measures required/proposed for the stability of the site. Only those details which receive the written approval of the Local Planning Authority shall be carried out on site.
06. No development shall take place until space is provided within the site curtilage, for site accommodation, storage of plant and materials, parking and manoeuvring of site operative's and visitor's vehicles together with the loading/unloading and manoeuvring of goods vehicles. The space shall be constructed and laid out to enable vehicles to enter and leave the site in a forward gear, in surface materials suitable for use in inclement weather and maintained free from impediment throughout the duration of construction works.
07. 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.
08. 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.
09. Prior to the commencement of any other development the driveway accesses onto Newbold Avenue shall be created in accordance with the associated 'layout' reserved matters approval and which shall thereafter be retained in perpetuity.
10. Any parking provision approved on the site as part of the reserved matters applications shall be fully implemented prior to the first occupation of the dwellings hereby permitted

and shall be retained thereafter as available for its intended use of parking in perpetuity.

11. The dwellings shall be designed and constructed to a minimum of Sustainable Homes Code Level 4 standard. On completion of the development, and prior to first occupation, a copy of the certificate issued as evidence of compliance in this respect shall be submitted to the Local Planning Authority.
12. Prior to the commencement of the development, details of the existing and proposed land levels and the proposed floor levels of the dwelling hereby approved shall be submitted to the Local Planning Authority for consideration. The details submitted shall include sufficient cross sections to fully assess the relationship between the proposed levels and immediately adjacent land/dwellings. The dwelling shall be constructed at the levels approved under this condition.
13. All external dimensions and elevational treatments shall be as shown on the approved plans, with the exception of any approved non material amendment.

### **Reasons for Conditions**

01. The condition is imposed in accordance with article 3 (1) of The Town and Country Planning (General Development Procedure) Order 1995 (as amended).
02. The condition is imposed in accordance with sections 91, 56 and 93 of the Town and Country Planning Act 1990.
03. The condition is imposed in accordance with sections 91, 56 and 93 of the Town and Country Planning Act 1990.
04. To ensure that the development can be properly drained.
05. To fully establish the presence and / or otherwise of any coal mining legacy and to ensure that site is remediated, if necessary, to an appropriate standard.
06. In the interests of highway safety.

07. 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.
08. In the interests of residential amenities.
09. In the interests of highway safety.
10. In the interests of highway safety.
11. In the interests of sustainable development in line with policy CS6 of the Core Strategy.
12. The condition is imposed in order to enhance the appearance of the development and in the interests of the area as a whole.
13. 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.

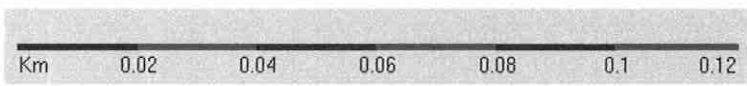
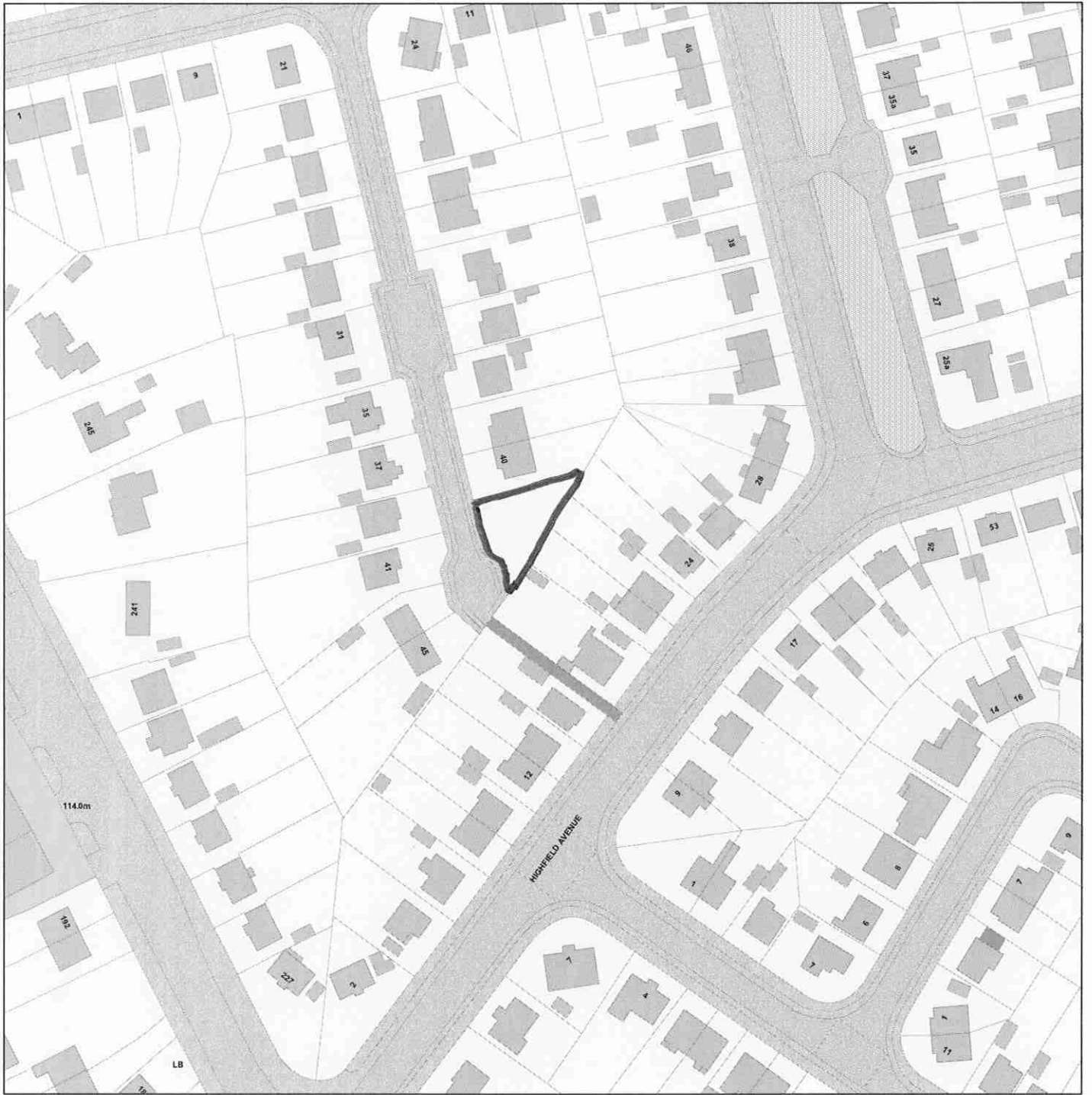
### **Notes**

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

reasonable steps are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.

04. Pursuant to Section 163 of the Highways Act 1980, where the site curtilage slopes down towards the existing highway measures shall be taken to ensure that surface water run-off is prevented from escaping across the footway margin of the road by means of a barrier.
05. The applicant should be advised that the requirement to use a solid bound material for driveways and parking spaces is for highway safety reasons. The introduction of loose material onto the highway, for example through vehicles leaving the driveway or through materials being washed onto the highway/footway in wet weather can cause danger to users of the highway. This may result in the owners of individual dwellings being liable to prosecution under Section 151 of the Highways Act 1980. The use of a solid bound material would avoid these problems.
06. Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1991, at least 6 weeks prior notification shall be given to the Derbyshire County Council Area Maintenance Manager (contact Gail Mordey - 01629 580000 ext. 7603) before any works commence within highway limits.
07. Attention is drawn to the attached notes relating to minimum drainage standards.
08. Developers should be reminded that it is their duty to ensure that risks from soil contamination to the future occupants of the development and neighbouring occupiers at neighbouring developments are minimised.
09. All external security lighting should be designed so as to control glare and overspill onto nearby properties.
10. The proposed new driveway should not exceed a maximum longitudinal gradient of 1 in 14.

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Case Officer: Sarah Scott  
Tel. No: (01246) 345786  
Ctte Date: 2<sup>nd</sup> June 2014

File No: CHE/14/00171/FUL  
Plot No: 2/3483

#### **ITEM 4**

**NEW BUILD 2-3 STOREY CONSTRUCTION SKILLS TRAINING CENTRE TO REPLACE THE EXISTING CHESTERFIELD COLLEGE EAST BLOCK 1 BUILDING - BUILDING ACCOMMODATION TO CONSIST OF NEW CONSTRUCTION AND JOINERY WORKSHOPS, PAINTING AND DECORATING WORKSHOPS, TEACHING CLASSROOMS, STAFF ADMINISTRATION ROOMS AND ASSOCIATED ANCILLARY SPACES; EXTERNAL COVERED WORK AREA TO THE REAR OF THE BUILDING TO ACCOMMODATE EXTERNAL TEACHING AND WOOD STORE; AND EXTERNAL LANDSCAPING TO INCLUDE HIGH QUALITY PAVING TO THE FRONT PERIMETER OF THE NEW BUILDING, TARMAC SURFACING TO DELIVERY ACCESS AREAS AND MOTORCYCLE PARKING AREA AND SOFT LANDSCAPING INCLUDING LAWNED AREAS, SPECIMEN TREES, SHRUB PLANTING, BOUNDARY FENCING/RAILINGS AND FEATURE SCULPTURE AT CHESTERFIELD COLLEGE OF TECHNOLOGY AND ARTS, INFIRMARY ROAD, CHESTERFIELD, DERBYSHIRE, S41 7NG FOR CHESTERFIELD COLLEGE OF TECHNOLOGY AND ARTS**

Local Plan: Dev. for Future Health & Education Provision  
Ward: St Helens

#### 1.0 **CONSULTATIONS**

DCC Highways	Comments received – see report
Environmental Services	Comments received – see report
Design Services	Comments received – no objection subject to compliance with minimum standards for drainage
Yorkshire Water	No comments received
Coal Authority	Comments received – see report
Environment Agency	Comments received advising their observations are not required

DCC Planning	No comments received
DCC Archaeology	Comments received – see report
C/Field Cycle Campaign	Comments received – see report
Economic Development	Comments received – see report
Ward Members	No comments received
Neighbours/Site Notice	Two letters of representation received

## 2.0 **THE SITE**

- 2.1 The site the subject of the application was formerly occupied by the College’s ‘East Block One’ which was demolished in March 2014 in accordance with application CHE/13/00872/DEM (see below). East Block One (which housed the College’s Motor Vehicle Teaching Block) occupied a triangular shaped parcel of land approx 0.3 hectares in area sited opposite the College’s newly developed main entrance between Infirmary Road and the A61 Bypass. There remains a band of mature trees situated along the eastern boundary of the site to the A61 and the site has been temporarily fenced off following the completion of demolition works.



## 3.0 **SITE HISTORY**

- 3.1 CHE/13/00872/DEM - Proposed demolition of east block one motor vehicle teaching block. Prior Approval Not Required - 24/01/2014.

3.2 CHE/11/00810/FUL - Proposed new entrance building and external courtyard infill, refurbishment of existing building and proposed new external works including new car park layout, pedestrian paved area and landscape works. Approved Conditionally 07/02/2012.

3.3 CHE/07/00763/OUT - Outline application for further education college redevelopment – masterplan. Approved Conditionally 18/06/2008.

#### 4.0 **THE PROPOSAL**

4.1 The application, which is submitted in full, proposes the erection of a new purpose built 2/3 storey construction skills training centre for Chesterfield College of Technology and Arts.

4.2 The proposed building accommodation will consist of new construction and joinery workshops, painting and decorating workshops, teaching classrooms, staff administration rooms and associated ancillary spaces. The proposals incorporate an external covered work area to the rear of the building to accommodate external teaching and wood store.

4.3 External landscaping is proposed surrounding the new building which is to include high quality paving to the front perimeter of the new building, tarmac surfacing to delivery access areas and motorcycle parking area and soft landscaping including lawned areas, specimen trees, shrub planting, boundary fencing/railings and feature sculpture.

4.4 The new building structure comprises of three interlinking blocks, comprising a two storey white rendered block to south (incorporating a feature entrance), a larger three storey black horizontally clad block to the north, and a secondary single storey covered block to the rear (east) of the two new main buildings.

4.5 The application submission is accompanied by the following drawings and documents:

DR-A-02100 D5 P3 - Proposed GF

DR-A-02101 D5 P3 - Proposed FF

DR-A-02102 D5 P3 - Proposed Mezzanine Level

DR-A-02103 D5 P3 - Proposed Roof Plan

DR-A-01002 D5 P1 - Existing Site Plan

DR-A-01100 D5 P2 - Proposed Site Plan  
DR-A-03001 D5 P3 - Proposed Elevations  
VS-A-00003 D5 P1 - 3D Visualisations (Front)  
VS-A-00002 D5 P1 - 3D Visualisations (Front)  
VS-A-00001 D5 P2 - 3D Visualisations (Rear)  
RP-A-00001 Design and Access Statement  
Ecological Appraisal by FPCR (March 2014)

- 4.6 The proposed site layout illustrates that the new building will be served by 2 no. dropped crossings / access points. The first is positioned to the north of the building to enable vehicular servicing to both East Block Two and the new development. The second access is to be positioned to the south of the building to serve an area of hardstanding for 20 no. dedicated motorcycle / scooter parking spaces. Hard landscaping is proposed surrounding the entire built footprint (which includes protection of a pedestrian / cycle route alongside the eastern elevation of the site boundary; and a new area of soft landscaping to the south of the building which is to accommodate a feature sculpture.

## 5.0 **CONSIDERATIONS**

### 5.1 **Local Plan Issues**

- 5.1.1 The site the subject of the application lies adjacent to the northern edge of the defined Chesterfield Town Centre, with the College campus being allocated as a site for the Development of Further Education Provision. Having regard to the nature of the application proposals policies CS2, CS6, CS17 and CS18 of the Chesterfield Local Plan: Core Strategy and the wider National Planning Policy Framework apply.
- 5.1.2 Policy CS2 (Principles for Location of Development) states that when assessing planning applications for new development not allocated in a DPD, proposals must meet the following criteria / requirements:
- a) adhere to policy CS1
  - b) are on previously developed land
  - c) are not on agricultural land
  - d) deliver wider regeneration and sustainability benefits
  - e) utilise existing capacity in social infrastructure
  - f) maximise walking / cycling and the use of public transport

g) meet sequential test requirements of other national / local policies

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

5.1.3 Policy CS6 (Sustainable Design & Construction) requires new development to contribute towards reduction in CO2 emissions and generation of renewable energy. The policy indicates that the Council will expect all new non residential development up to 2016 to meet a minimum BREEAM standard of 'Very Good'.

5.1.4 Policy CS17 (Social Infrastructure) states that the quality, functionality and accessibility of existing social infrastructure facilities will be improved at site including the Chesterfield Royal Hospital, Walton Hospital and Chesterfield College, as to allow for their future expansion. Masterplans will be required to accompany proposals to ensure the sustainable and co-ordinated development of the hospital and college sites.

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

In addition to the above, the NPPF places emphasis on the importance of good design stating:

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

5.1.6 Having regard to wider considerations set out in each relevantly titled section of the report below Policies CS3, CS7, CS9, CS13 and CS20 are also applicable.

5.1.7 It is noted that outline planning consent was granted for the redevelopment of the College in 2008 (application ref.

CHE/07/00763/OUT) and provides an illustrative masterplan for the site. Whilst the current application does not directly relate to the masterplan proposals shown in the outline consent, it is in line with the general principles set out for the improvement of the college's facilities. The principle of the development is therefore in accordance with the requirements of policies CS1, CS2, CS3 and CS17; and support the aims of CS13 in encouraging sustainable economic growth through enhancing education facilities.

## 5.2 **Neighbour Effect**

- 5.2.1 The application site sits within the established College campus with nearby neighbouring properties being predominantly commercial in nature. Residential properties lie north of the application site further along Infirmary Road and the connecting residential street network.
- 5.2.2 Having regard to the siting, scale and nature of the proposals the physical development is unlikely to impose any adverse overlooking, overshadowing or overbearing issues upon the neighbouring properties (which are predominantly connected with the College campus).
- 5.2.3 Surrounding residential neighbours north of the application site are likely to experience some degree of disturbance and disruption during the construction phase of the development due to the highway access to the site being solely available via Infirmary Road and Wharf Lane. Notwithstanding this fact, this is not reason alone to justify refusal of planning permission as any associated disturbance is likely to be short-term.
- 5.2.4 It is noted that a number of residents do have longstanding concerns about parking and traffic however given that this proposal is a replacement facility and the application proposes no increase in student numbers it is considered that these concerns carry little weight in the balance between the environmental and economic benefits of the scheme against neighbours affected by the presence of the College campus. The parking issue is dealt with later in the report.

### 5.3 **Appearance Issues**

- 5.3.1 The site forms part of the existing Chesterfield College campus and the existing East Block is an established teaching facility. Its replacement with a new facility in the same use is therefore appropriate in principle.
- 5.3.2 The development will increase the amount of teaching space which is purpose designed to meet the needs of the construction trades training. The nature of the training (joinery, roofing etc) necessitates large workshop spaces. Consequently, the increase in floor space and height results in a building of greater scale and mass than the existing facilities however the increase in the built form does not raise any fundamental design concerns in this location.
- 5.3.3 The majority of the site is occupied by the existing East Block. The footprint of the replacement building will be largely similar to East Block. However, due to the tapering nature of the southern part of this (triangular) site, the proposals seek to create a more usable rectangular form, leaving the southern tip of the triangle for landscape/amenity space and parking facilities for cycles and motor bikes. The rear (east) side contains a covered workshop yard to enable sheltered outdoor working. The main entrance and openings occupy the west elevation and these relate well to the main College entrance directly opposite. The service and delivery entrance is located at the north end of the building as per the current arrangements. The proposed layout makes for a more functional building and logical use of this irregular shaped plot. In addition, it provides for the introduction of a landscaped area to the south of the building which will enhance the approach from the south.
- 5.3.4 The building is larger than the facilities it will replace, although a building of 2-3 storeys will sit comfortably within the setting of the neighbouring college buildings. The proposed new block displays a relatively bulky form and the extensive use of dark brick will increase its somewhat heavy appearance. However, this is balanced through the use of contrasting light colour render, large recessed glazed openings and changes to its height and building line. These devices help moderate the scale, bulk and mass of the building to create acceptable form within this context. The majority of the rear elevation will be largely screened from view by the

established tree and hedge belt alongside the A61. In addition, the building will be seen against the backdrop of the existing campus, which includes a number of larger buildings. In this setting, the proposals should not result in any substantive impact on the wider townscape.

- 5.3.5 A modest area of hard and soft landscape is proposed in the triangle of land located to the south the building. This includes tree planting as well as facilities for motorcycle and bicycle parking. Previous discussions with the College have raised the possibility of salvaging and reusing the decorative plaques and carved inscriptions from the entrance of the existing building to be demolished. This was well received and is indicated on the site layout plan. In accordance with policy CS18 of the Core Strategy, major developments are required to contribute to the Council's Percent for Art initiative and it has been agreed with the College that a sculpture should be secured as part of the landscape proposals as a requirement of the public art provision of Policy CS18. As this would be on land wholly within the applicant's control this could be controlled via condition subject to the submission of details of an appropriate scheme and a requirement that the work or works be maintained on site.
- 5.3.6 The building has a very contemporary aesthetic, which is designed to echo the appearance and reflect the main campus entrance directly opposite. The form and fenestration are designed in response to the functional requirements of the training facilities internally. The placement and design of the larger openings in the main west elevation afford views into the work spaces so the activities within can be seen and understood. This also reinforces the legibility of the main entrance. The proposed materials and landscape treatment will be the same as those already used for the main entrance building opposite. This will create a common architectural language and consistent approach to this part of the campus. Within the context of the immediate campus surroundings, this approach to the architecture is appropriate.
- 5.3.7 The access to the site remains as existing, via Infirmary Road. No loss of parking will result from this scheme. Additional facilities for motorcycle and bicycle parking are welcome. A new cycle path is shown running behind the building, between the rear wall and the hedged boundary with the A61. As proposed it is noted that the route is not a very conducive route for cyclists, being narrow (2m at



its narrowest point) and it is not well overlooked. Notwithstanding this however the provision of this route seems to be part of a long term plan to introduce a north-south cycle link through the site by Derbyshire County Council Highways. It is understood that DCC intend to utilise the land beyond the application site boundary to facilitate the provision of a fully compliant footway / cycleway provision therefore it would be appropriate to reserve approval of this detail by planning condition to ensure the route is safeguarded.

## 5.4 **Highways Issues**

### 5.4.1 Comments have been received from the **Local Highways Authority** (LHA) as follows:

*'In view of the nature of the proposals and the surrounding area, there are in principle no objections to the proposals. It is noted that there is no car parking demonstrated, although there is motor cycle and cycle parking. The previous layout appeared to include surface areas that may have been available for car parking. On this basis, I would suggest that the proposals either need to demonstrate an element of off road parking, or to demonstrate that there is sufficient car parking already provided for within the whole campus.*

*The potential cycle/pedestrian route to the rear of the building is also noted. The Highway Authority does have a scheme to continue the pedestrian/cycle route alongside the A61. Whilst this will pass alongside the proposed building, it is likely to be located closer to the dual carriageway to avoid the vegetation. The applicant may therefore wish to consider the layout of their potential route within their site and perhaps agree a link with this Authority – the Traffic and safety Manager will be able to advise further.*

*The modified access to the site for servicing and deliveries appears to accommodate the likely vehicles. The existing access is a standard splayed dropped crossing and for the benefit of pedestrians I would recommend that the modified access is constructed this way. Approval from the Highway Authority will be required to undertake modification works within the public highway, including the reinstate of any redundant length of dropped crossings.*

*For information there are also proposals to provide traffic calming along Infirmary Road and this may impact on the creation / modification of accesses. Again details on the proposal can be sought from DCC.*

*Accordingly, there are no highway objections to the proposals subject to the use remaining ancillary and associated with the existing college.*

*Please include the following conditions on any consent granted:*

- 1. Before any other operations a scheme demonstrating off street car parking shall be submitted for approval.*
- 2. Vehicular access to the site shall be in accordance with the approved drawings and any redundant accesses closed.*

*Notes: S278 and S184 of the Highways Act apply.'*

5.4.2 Comments have been received from **Chesterfield Cycle Campaign (CCC)** as follows:

*'We have no objection to the plans but would like to make a comment about the proposed covered cycle parking shown. It would seem rather 'open' to have the parking immediately accessible from anyone passing along Infirmary Road. We would suggest it would be better positioned in the adjacent car park where there will be more perceived security.*

*Will the parking be covered by CCTV?*

*We are of course more than happy with the 'future cycle and pedestrian path to the rear of the building. Can you confirm the width of this path please?'*

5.4.3 Having regard to the comments of the LHA above in respect of additional car parking the application is not proposing an increase in student numbers, would not result in any reduction of parking spaces at the College and therefore no requirement arises for additional spaces under Policy CS20 of the Core Strategy. The inclusion of 10 additional covered cycle parking spaces and the 2 no. motorcycle / scooter spaces is welcomed. It is considered that the amended provision of the accesses raised by the LHA can be required by appropriate planning condition.

5.4.4 Having regard to the comments from CCC above the cycle parking is illustrated to be positioned in the same manner as the cycle

parking provided at the campus on the opposite side of Infirmary Road. It is not considered necessary to seek its relocation as this is unlikely to result in the need to reconfigure the motorcycle / scooter parking which is considered to be well arranged. The applicant does not indicate the intention to install CCTV to overlook the cycle parking, however the site is well surveyed from the campus buildings opposite and by passers by on foot along Infirmary Road such that this is not considered a necessity. The provision of the cycle/pedestrian route is addressed in section 5.3.7 of the report above and the CCC can be involved in the future considerations of these details as and when they are submitted.

## 5.5 **Other Considerations**

### 5.5.1 **Drainage and Flood Risk**

The application proposals have been reviewed by the Council's Design Services (DS) team who has advised the development principle is accepted.

The DS team seek pre-commencement approval of the sites drainage strategy by means of planning condition and also seek submission of a Flood Risk Assessment that considers and proposes mitigation against the potential risk from surface water flooding.

In accordance with Policy CS7 (Managing the Water Cycle) appropriate planning conditions can be imposed on any subsequent decision requiring the drainage strategy and flood risk assessment details to be submitted, prior to any development commencing, and any approved details being implemented thereafter.

### 5.5.2 **Economic Development**

The Council's Economic Development Unit (EDU) seek to encourage local employment, training and supply chain opportunities during the construction phase of any major development to promote these opportunities to the local community in accordance with Policy CS13 (Economic Development) of the Core Strategy.

EDU have requested that a 'local labour' condition be imposed on any subsequent permission, requiring the prospective developer to submit an Employment and Training Scheme.

Given that the proposals are classified as a major development and in the interests of consistency with other recently approved development of similar nature, an appropriate planning condition can be imposed to meet the provisions / aspirations of this policy.

#### 5.5.3 Noise

The Council's Environmental Services team has reviewed the application proposals and have raised no objections to the proposed development subject to any consent issued including the standard construction hours condition.

#### 5.5.4 Archaeology

Derbyshire County Councils Archaeologist has reviewed the application proposals and commented that the development lies beyond the northern boundary of the Town Centre Historic Core. Therefore the DCC Archaeologist is satisfied, having regard to the fact the site has previously been developed in the 20<sup>th</sup> century, there is unlikely to be any remaining archaeological potential or significance under the site.

#### 5.5.5 Coal Mining Risk

The application proposals and the accompanying Coal Mining Risk Assessment (CMRA) (submitted on 28/03/2014) have been reviewed by the Coal Authority (CA).

The CA confirm that in accordance with the requirements of the NPPF, the supporting CMRA demonstrates that the application site is, or can be made, safe and stable for the proposed development and therefore the development principle is accepted.

The CA require further investigation works to be undertaken to confirm coal mining conditions on site (and in connection with the mine entry) prior to the commencement of development. Furthermore the CA seek to secure the undertaking of any remedial works identified by the site investigation results / report before any other works take place on site.

Preparation of a site for development is ordinarily expected and therefore is it considered appropriate that suitable planning conditions can be imposed and any permission granted to meet the requirements of the CA.

#### 5.5.6 Sustainability and Biodiversity

In accordance with the Policy CS6 of the Core Strategy, the Council's policy requires all new non residential development to achieve a minimum rating of BREEAM 'Very Good'.

The application is supported by a pre-assessment and the development is targeting a BREAM rating of 'Very Good', which is in accordance with policy CS6 and a condition should be imposed in accordance with the policy set out above to ensure the development achieves the required standard.

It is noted that the applicant's Ecological Appraisal recommends the use of wildlife friendly planting and the provision of bird and bat boxes on buildings. This is welcomed and is in the spirit of the NPPF requirement to achieve Net Gains in biodiversity and the council's policy CS9. The provision of these features can be secured by condition.

### 6.0 **REPRESENTATIONS**

6.1 Site notice posted on 21/03/2014 and advertisement placed in local press on 27/03/2014. Twenty neighbours notified on 18/03/2014 and two letters of representation received as follows:

#### **7 Infirmery Road**

We are writing in regard to the construction to Chesterfield College;

My wife is disabled and has to use a mobility scooter at all times and the following problems that we endure are only going to get worse rather than better with your proposal for the new building; Rubbish, tins, boxes, papers, bottles continually thrown into our garden as students go to and from to the sandwich shop which has no bins;

It is hard at times to cross the road with cars, bikes, buses and coaches up and down;

My wife is repeatedly abused and insulted by some students passing because of her being disabled, there is no sign of so called college security and sometimes she doesn't go out for days because she is scared of the ill mannered students;  
We've lived here for 34 years and seen the decline in our lives being made a misery;  
Surely you should plough some money into rectifying some of the existing problems instead of catering yet again for your staff and students;  
If any of you lived here you would see how hard it is for the people that do have to live here;  
Yours disgusted, Mr and Mrs Chadwick;  
P.S Instead of pretty grass and flowers for new buildings, it would have been sense for a car park – all of us are fed up with parking problems for residents.

***The comments of the letter above are noted and have been passed onto the College for their consideration, as it appears to be addressed to the applicant more so than in response to the planning application consultation.***

***The actions and behaviour of the students attending the College cannot be controlled through planning legislation.***

***The proposals are for a replacement facility for the already operating College, therefore the principals of the site location and operation are not material to the considerations of this application.***

***Considerations of the siting, scale and design of the development and its impact upon the surrounding area are set out in sections 5.1, 5.2, 5.3, 5.4 and 5.5 of the report.***

**Dan Sellers (a local resident)**

I feel the planned development is in scale with its surroundings and that the current buildings on the application site are of no architectural importance.

One small change I suggest is facing the main workshop block in brick to fit in better with the College and other surrounding residential properties. This would improve the appearance of the planned development: otherwise I have no objections.

***Design / appearance considerations are set out in section 5.3 of the report. It is not considered appropriate to seek a revision to the material / finish of the building as the proposals are considered to fit within the contemporary appearance / nature of the building and the recent alterations to the main College entrance.***

## 7.0 **HUMAN RIGHTS ACT 1998**

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

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

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

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

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

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

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

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

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

## 9.0 **RECOMMENDATION**

9.1 The works proposed are considered to be acceptable and in general terms support the principles of the approved master plan for the site. The proposal would create a new contemporary designed purpose built training/teaching facility for the campus which fronting onto Infirmary Road would provide a modern, attractive development that is harmonious with the design of the recently completed new entrance opposite. The proposal is not considered to have any detrimental impact on residents amenity around the site or the functionality of this part of the campus. The appearance of the building and the contribution it makes to the streetscene will be improved as consequence of the proposed scheme. The proposal is considered to accord with Policies CS1, CS2, CS3, CS6, CS7, CS9, CS13, CS17, CS18 and CS20 of the Chesterfield Local Plan: Core Strategy 2011 – 2031 and the wider National Planning Policy Framework.

## 10.0 **CONCLUSION**

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

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
02. All external dimensions and elevational treatments shall be as shown on the approved plans, DR-A-02100 D5 P3 - Proposed GF, DR-A-02101 D5 P3 - Proposed FF, DR-A-02102 D5 P3 - Proposed Mezzanine Level, DR-A-02103 D5 P3 - Proposed Roof Plan, DR-A-01100 D5 P2 - Proposed



Site Plan, DR-A-03001 D5 P3 - Proposed Elevations, RP-A-00001 Design and Access Statement and Ecological Appraisal by FPCR (March 2014), with the exception of any approved non material amendment.

03. No development shall take place until a Drainage Strategy comprising the details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off-site works and details to address surface water flood risk, have been submitted to and approved in writing by the Local Planning Authority. The site shall only be developed in accordance with any subsequently approved scheme with separate systems of drainage for foul and surface water on and off site.
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 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 stability of the site. Only those details which receive the written approval of the Local Planning Authority shall be carried out on site.
05. No development shall take place until space is provided within the site curtilage, for site accommodation, storage of plant and materials, parking and manoeuvring of site operative's and visitor's vehicles together with the loading/unloading and manoeuvring of goods vehicles. The space shall be constructed and laid out to enable vehicles to enter and leave the site in a forward gear, in surface materials suitable for use in inclement weather and maintained free from impediment throughout the duration of construction works.
06. 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.

07. 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.
08. Before any other operations are commenced the 2 no. vehicular accesses shall be created to Infirmary Road in accordance with the approved drawings. The accesses shall be laid out, constructed and provided with 2.4m x maximum achievable visibility splays in either direction and the area in advance of the sightline being maintained throughout the life of the development clear of any object greater than 1m in height (600mm in the case of vegetation) relative to adjoining nearside carriageway edge. Prior to the occupation of the development hereby approved any redundant dropped crossing shall be reinstated to the satisfaction of the Local Planning Authority in accordance with the approved drawings.
09. No part of the development hereby approved shall be occupied until space has been laid out within the site in accordance with the approved plan for motorcycles, scooters and cycles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear.
10. The building shall be designed and constructed to a minimum BREEAM 'Very Good' standard. On completion of the development, and prior to first occupation, a copy of the certificate issued as evidence of compliance in this respect shall be submitted to the Local Planning Authority.
11. 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.
12. Upon commencement of development the applicant shall submit a 'Percent For Art' scheme which details the commissioning and provision of a piece of public art within

the application site boundary. Only the approved piece of public art shall be installed on site in accordance with the approved scheme and an approved timescale agreed in writing by the Local Planning Authority. The approved artwork installed on site shall be retained in situ as such for the life of the development.

13. 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.), biodiversity enhancement features (e.g. bird/bat boxes), retained historic landscape features and proposals for restoration, where relevant. These works shall be carried out as approved prior to the occupation of the development hereby approved.
14. 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.
15. The pedestrian / cycle route illustrated on the proposed site layout plan shall be implemented as per the approved site layout plan (and any subsequent surfacing approval connected with condition 13 above) and thereafter safeguarded throughout the life of the development to be connected to the wider strategic footway cycle route being

implemented by Derbyshire County Council alongside the A61 corridor.

### **Reasons for Conditions**

01. The condition is imposed in accordance with section 51 of the Planning and Compensation Act 2004.
02. In order to clarify the extent of the planning permission in the light of guidance set out in "Greater Flexibility for planning permissions" by CLG November 2009.
03. To ensure that the development can be properly drained.
04. To fully establish the presence and / or otherwise of any coal mining legacy and to ensure that site is remediated, if necessary, to an appropriate standard.
05. In the interests of highway safety.
06. 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.
07. In the interests of residential amenities.
08. In the interests of highway safety.
09. In order to avoid the need for vehicles to park and turn on the highway in the interests of highway safety.
10. In the interests of sustainable development in line with policy CS6 of the Core Strategy.
11. In order to support the regeneration and prosperity of the Borough, in accordance with the provisions of Policy CS13 of the Core Strategy.
12. In the interest of amenity and to accord with the provisions of policy CS18 of the Core Strategy.

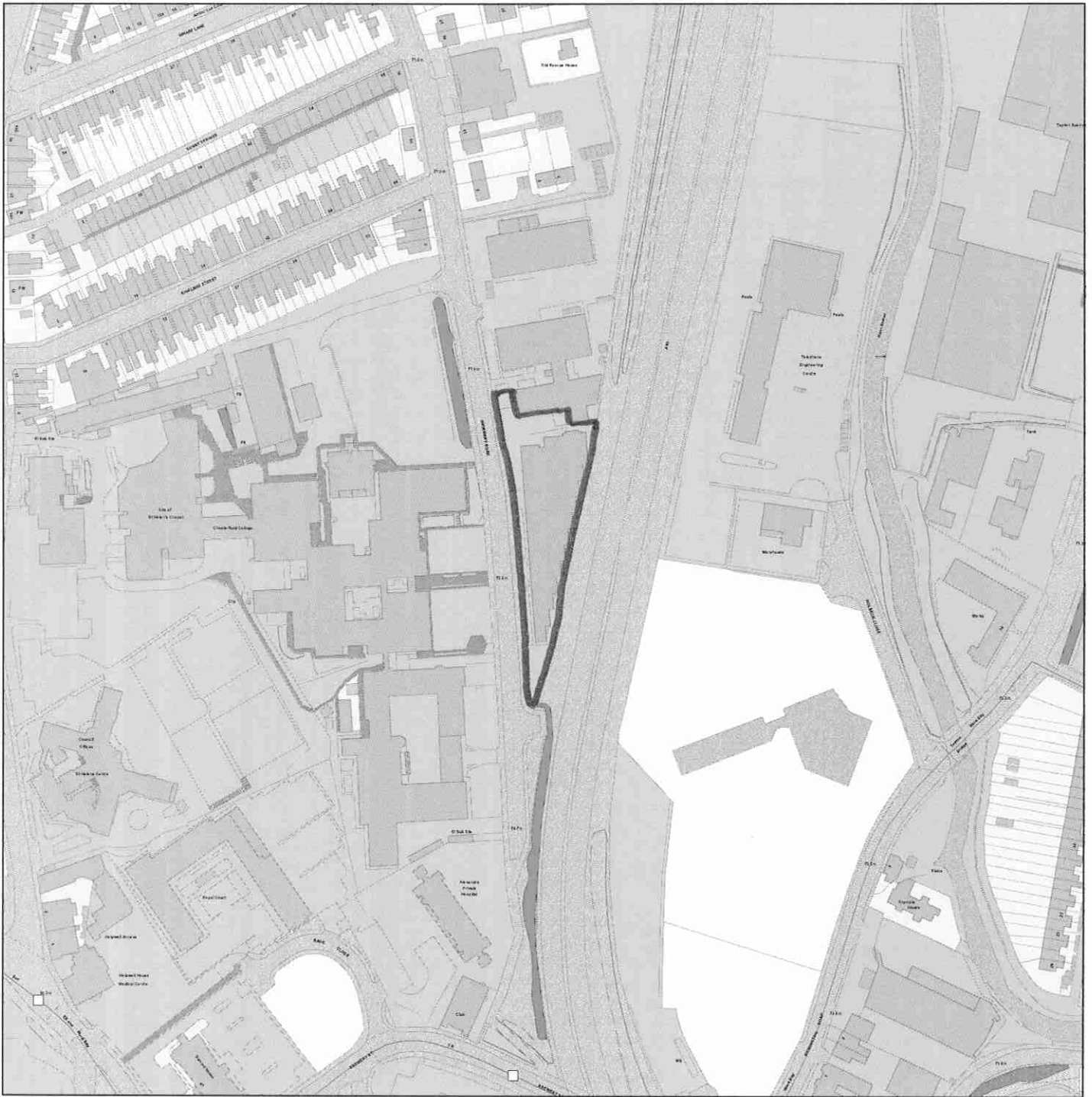
13. The condition is imposed in order to enhance the appearance of the development and in the interests of the area as a whole.
14. The condition is imposed in order to enhance the appearance of the development and in the interests of the area as a whole.
15. In the interests of promoting improved pedestrian / cycle provision links to and from the town centre in accordance with policy CS20 of the Core Strategy.

### **Notes**

01. If work is carried out other than in complete accordance with the approved plans, the whole development may be rendered unauthorised, as it will not have the benefit of the original planning permission. Any proposed amendments to that which is approved will require the submission of a further application.
02. This approval contains condition/s which make requirements prior to development commencing. Failure to comply with such conditions will render the development unauthorised in its entirety, liable to enforcement action and will require the submission of a further application for planning permission in full.
03. Attention is drawn to the attached notes relating to minimum drainage standards.
04. Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1991, at least 6 weeks prior notification shall be given to the Derbyshire County Council Area Maintenance Manager (contact Gail Mordey - 01629 580000 ext. 7603) before any works commence within highway limits.
05. Pursuant to Section 278 of the Highways Act 1980, no works may commence within the limits of the public highway without the formal written Agreement of the County council as Highway Authority. Advise regarding technical, legal, administrative and financial processes involved in Section

278 Agreements may be obtained from the Director of Environmental Services at County Hall, Matlock (tel: 01629 580000 extn 7661). The applicant is advised to allow approximately 12 weeks in any programme of works to obtain a Section 278 Agreement.

06. Pursuant to Section 151 of the Highways Act 1980, the applicant must take all necessary steps to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.



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Case Officer: Sarah Scott  
Tel. No: (01246) 345786  
Ctte Date: 2<sup>nd</sup> June 2014

File No: CHE/14/00187/OUT  
Plot No: 2/4072

## **ITEM 5**

### **OUTLINE PLANNING PERMISSION FOR A PROPOSED EQUESTRIAN WORKERS DWELLING (RESUBMISSION OF CHE/13/00182/OUT) AT DUNSTON PARK FARM, DUNSTON ROAD, CHESTERFIELD, DERBYSHIRE FOR MR P BAINES, MRS S WEBSTER-BAINES AND MR & MRS W BAINES**

Local Plan: Greenbelt  
Ward: Dunston

#### 1.0 **CONSULTATIONS**

DCC Highways	Comments received – see report
Environmental Services	Comments received – no objections
Design Services	Comments received – no objections subject to conditions re: minimum standards for drainage and EA referred for septic tank.
Yorkshire Water	Comments received – no objections subject to EA referred for septic tank.
Ward Members	No comments received
Neighbours/Site Notice	No letters of representation received

#### 2.0 **THE SITE**

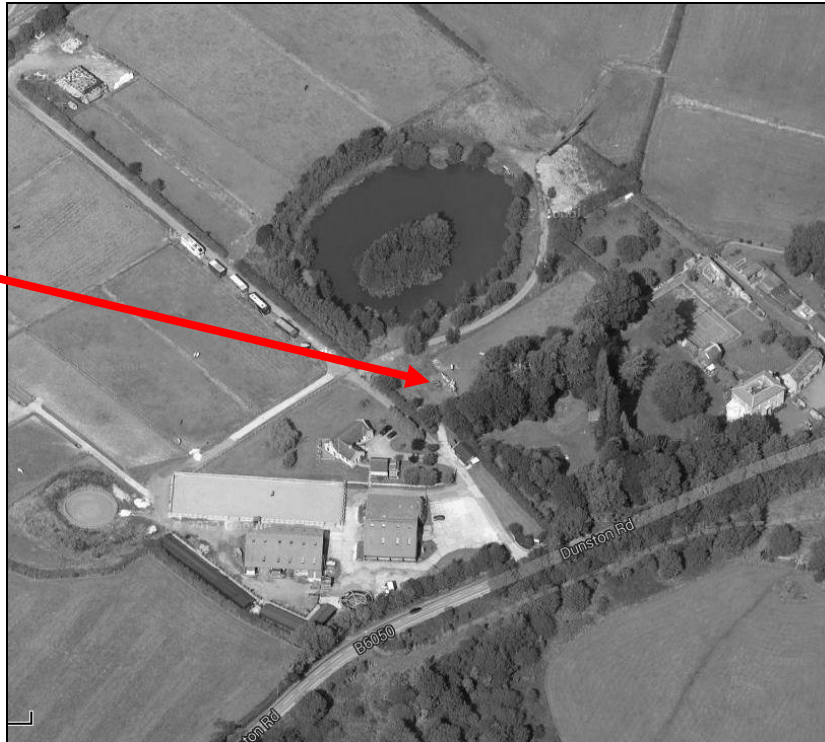
2.1 The site the subject of the application is a parcel of land contained within the agricultural holding of Dunston Park Farm which is located to the north east of the existing farm and nucleus of other buildings associated with the sites current operation as a combined agriculture and equestrian facility. The farm and its associated land extend to approximately 27.51 hectares.

### 3.0 **SITE HISTORY**

- 3.1 CHE/14/00074/CLUD – A1 Retail at Dunston Park Farm. Lawful Use Confirmed on 19/02/2014.
- 3.2 CHE/14/00073/CLUD –Agricultural and Equestrian Use at Dunston Park Farm. Lawful Use Confirmed on 19/02/2014.
- 3.3 CHE/13/00182/OUT - Outline application for erection of occupational dwelling in association with Dunston Equestrian Centre. Withdrawn 02/10/2014.
- 3.4 CHE/0394/0171 - Waiver of condition 5 of planning approval CHE/1086/594 restricting type of goods sold. Approved 14/07/1994.
- 3.5 CHE/1093/0577 - Retention of unauthorised menage area and portacabin and use of stable block for riding school purposes. Approved 12/01/1994.
- 3.6 CHE/0793/0376 - Erection of a stable block. Approved 12/01/1994
- 3.7 CHE/0791/0451 - Erection of livery stables. Approved 11/09/1991.
- 3.8 CHE/0587/0314 - Permission for proposed farm shop (reserved matters). Approved 27/07/1987.
- 3.9 CHE/1086/0594 - Permission for erection of a farm shop (outline). Approved 22/12/1986.

### 4.0 **THE PROPOSAL**

- 4.1 The application seeks outline planning permission for the erection of an equestrian workers dwelling with all matters except access reserved.
- 4.2 The application site plan illustrates that the proposed dwelling is to be sited on land to the north east of the existing Dunston Park Farm.



4.3 The application is supported by a Design and Access Statement (prepared by Ian Baseley Associates), a Coal Mining Risk Assessment (prepared by BWB) and an Appraisal for an Equestrian Workers Dwelling (prepared by Mid West Planning).

## 5.0 **CONSIDERATIONS**

### 5.1 **Local Plan Issues**

5.1.1 The site the subject of the application lies to the northern side of Dunston Road (at the north western edge of the Borough boundary) on land allocated as Greenbelt. Having regard to the nature of the application proposals policies CS2, CS6, CS9, CS12 and CS18 of the Chesterfield Local Plan: Core Strategy 2011 – 2031 and the wider National Planning Policy Framework apply.

5.1.2 Policy CS2 (Principles for Location of Development) states that when assessing planning applications for new development not allocated in a DPD, proposals must meet the following criteria / requirements:

- a) adhere to policy CS1
- b) are on previously developed land
- c) are not on agricultural land
- d) deliver wider regeneration and sustainability benefits
- e) utilise existing capacity in social infrastructure

- f) maximise walking / cycling and the use of public transport
- g) meet sequential test requirements of other national / local policies

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

5.1.3 Policy CS6 (Sustainable Design & Construction) requires new development to contribute towards reduction in CO2 emissions and generation of renewable energy. The policy indicates that the Council will expect all new residential development up to 2016 to meet a minimum Code for Sustainable Homes level 4 and beyond 2016 level 5.

5.1.4 Policy CS9 (Green Infrastructure and Biodiversity) states that development proposals in area of the Borough's green infrastructure network will be expected to demonstrate that they will not adversely affect, or result in the loss of, features of recognised importance. Development proposals should not harm the character or function of the Greenbelt; enhance connectivity; increase opportunities for cycling, walking and horse riding; conserve or enhance local distinctiveness and character of landscape; enhance biodiversity; and protect woodlands and tree cover.

Para 55 and Para 89 of the National Planning Policy Framework states that the LPA should consider the needs for rural workers to live permanently at or near their place of work; and regard the construction of new buildings in the greenbelt as inappropriate, except where the proposals are buildings for agriculture and forestry and the development is for the provision of appropriate facilities for outdoor sport / outdoor recreation as long as it preserves the openness of the Greenbelt.

5.1.5 Policy CS13 (Economic Development) states that development for farm and rural diversification, live work units and rural businesses will be supported where they are appropriate to the character and scale of the area and otherwise meet the policies of the plan.

5.1.6 Policy CS18 (Design) states that all development should identify, respond and integrate with the character of the site and its surroundings and development should respect the local character

and the distinctiveness of its context. In addition it requires development to have an acceptable impact on the amenity of neighbours.

In addition to the above, the National Planning Policy Framework places emphasis on the importance of good design stating: *'In determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area. Planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.'*

5.1.7 In July 2013 the Council adopted 'Successful Places' which is a Supplementary Planning Document which guides Sustainable Housing Layout and Design. The development proposed should be assessed against the design principles set out in this supporting document.

## 5.2 **Principle of Development**

5.2.1 Given the outline nature of the submission the main issue of consideration relates to the principle of the development proposed on a site in the Greenbelt.

5.2.2 The associated planning history for the application site is set out in section 3.0 of the report above which illustrates how the operation of Dunston Park Farm has evolved since the 1980's. The farm originally operated as an arable and beef farm, but this operation was reduced with the sale of some of the farm land in the 1990's to neighbouring operators. Since that time the farm has continued arable operation whilst the equestrian operation established and built up alongside.

5.2.3 The equestrian business is now operated as a partnership with Dunston Park Farm, but the business operator does not reside on site. The farm building is occupied by Mr & Mrs W Baines who rent the land to the equestrian business and grow crops / haylage which is then sold to the equestrian business. The equestrian business operators are Mr P Baines and Mrs S Webster-Baines and the application as submitted seeks consent to erect a dwelling on the site of Dunston Park Farm for occupation associated solely with the equestrian business.

- 5.2.4 The equestrian business known as Dunston Equestrian Centre operates independent to Dunston Park Farm and the application is supported by an appraisal demonstrating the need for a separate dwelling in association with Dunston Equestrian Centre. The appraisal confirms that the centre provides both livery and training facilities for locals, but also operates as a training yard for national and international competition horses. The appraisal demonstrates the escalated care and attendance needs that are associated with a business that trains competition horses and it is on this basis that applicant seeks consent to erect a dwelling to enable the business to provide on site surveillance and attendance 24/7.
- 5.2.5 It is considered that the accompanying appraisal provides adequate justification of the need for an equestrian workers dwelling, therefore it is necessary to consider whether the development proposals adhere to provisions of national and local planning policy in respect of the Greenbelt designation.
- 5.2.6 Although an equestrian centre is not directly related to agriculture or forestry, it is an outdoor business which operates ideally in a location like the application site and is regarded as an appropriate form of agricultural diversification. New housing in the countryside is addressed in Para. 55 of the NPPF where it accepts in special circumstances that there may be a need for a rural worker to occupy a house on or near their place of work given the nature of the associated business. It is considered that the accompanying business case and the nature of the development being sought adheres to the provisions of national policy and therefore the principle of development is acceptable. In addition the Council support farm and rural diversification developments under policy CS13 where appropriate to the character and scale of the area and it is not considered the development proposals harm the character or function of the Greenbelt in accordance with policy CS9.
- 5.2.7 Given the fact the dwelling is justified on the basis of its association with the Equestrian Centre business it is considered necessary to tie the future occupation of the dwelling to the business. The applicant has agreed to enter into a S106 agreement to tie the occupation of the dwelling with the business.

### 5.3 **Neighbour Effect**

- 5.3.1 Having regard to the proposed siting of the dwelling and its relative isolation from any other immediately adjacent neighbouring properties (including the existing farm house) it is not considered that the development proposed will impose any adverse overlooking, overshadowing or overbearing impact upon these neighbours.
- 5.3.2 In the context of the provisions of Policy CS18 of the Core Strategy and the material planning considerations in relation to neighbour impact, it is concluded the proposals will not impact upon the privacy and/or outlook of the adjoining and/or adjacent neighbours and are acceptable in terms of this policy.

### 5.4 **Appearance Issues**

- 5.4.1 The application is submitted in outline, with all matters (except means of access) reserved for future consideration therefore notwithstanding the principle of development (see section 5.1 above) there are no detailed designs of the proposed dwelling to consider at this stage.
- 5.4.2 If outline consent is granted the development would need to demonstrate compliance with the design principles of Policy CS18 and the Council adopted Supplementary Planning Document 'Successful Places' Housing Layout and Design. Given the scope of the application site and its isolation in respect of neighbouring properties it is not considered that any detailed design would have any difficulty complying with these principles.
- 5.4.3 In accordance with the Policy CS6 of the Core Strategy, the Council's policy requires all new residential development to achieve a minimum rating of Level 4, under the Code for Sustainable Homes (CfSH). The design specification detail of each dwelling has not been provided as part of this outline application and therefore if the development is approved, a condition should be imposed in accordance with the policy set out above to ensure the development achieves the required CfSH standard.

## 5.5 **Highways Issues**

### 5.5.1 Comments have been received from the **Local Highways Authority** as follows:

*'The existing vehicular access onto Dunston Road (B Class – 50mph) is currently restricted in terms of visibility due to the fronting fence and an 'A' board located in the margin.*

*Whilst a single tied occupancy dwelling is unlikely to represent a significant increase in use of the existing access when considering the existing uses on the site, in the interest of highway safety and of the safety of the proposed resident I would recommend that the applicant sets back the existing fence to improve visibility. The 'A' board should also be removed.*

*If you are minded to approve the proposed dwelling, and it remains ancillary to the operation of the Equestrian Centre, I would raise no further comments. Please include the following conditions:*

- 1. Details to be submitted of improvement to access visibility;*
- 2. Dwelling not occupied until off street parking provided.'*

### 5.5.2 The comments of the LHA above are noted and it is considered that the improvements to the site access and the parking could be achieved by appropriate planning conditions. The occupation of the dwelling will be tied to the ancillary operation of the business as per para. 5.2.7 above.

## 6.0 **REPRESENTATIONS**

### 6.1 Site notice posted on 21/03/2014 and two neighbours notified on 18/03/2014. No letters of representation received.

### 6.2 **Coal Authority (CA)** - The applicant has obtained an up to date Coal Mining Risk Assessment (CMRA) which was referred to the CA for comment. The CMRA concludes that there is potential for shallow mine workings to affect the proposed development and therefore recommends that the site be subject to intrusive site investigations to establish the exact situation regarding ground conditions prior to other works commencing. The CA has confirmed on 19 March 2014 that they are happy with this approach and an appropriate planning condition should be included on any decision to require these works.



***An appropriate planning condition can be imposed to secure the required work to be undertaken and submitted for approval prior to any other works commencing.***

## 7.0 **HUMAN RIGHTS ACT 1998**

- 7.1 Under the Human Rights Act 1998, which came into force on 2<sup>nd</sup> October 2000, an authority must be in a position to show:
- Its action is in accordance with clearly established law
  - The objective is sufficiently important to justify the action taken
  - The decisions taken are objective and not irrational or arbitrary
  - The methods used are no more than are necessary to accomplish the legitimate objective
  - The interference impairs as little as possible the right or freedom

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

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

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

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

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

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

## 9.0 **CONCLUSION**

9.1 It is considered that the proposed equestrian workers dwelling associated with Dunston Equestrian Centre is acceptable in principle having regard to provisions of policies CS9, CS13 and CS18 of the Chesterfield Local Plan: Core Strategy 2011 – 2031 and the wider National Planning Policy Framework. The site has the ability to provide an appropriately designed development in terms of scale and layout such that the development is considered to be in keeping with the character of the surrounding area and would not have a detrimental effect on the amenities of neighbouring residents or highway safety. The proposals are considered to accord with the provisions of policies CS2, CS6 and CS18 of the Chesterfield Local Plan: Core Strategy, the wider National Planning Policy Framework and the Successful Places SPD.

9.2 The applicant is aware of the need for a s106 agreement and therefore the recommendation to grant planning permission as set out below is made subject to the signing of a S106 agreement.

## 10.0 **ADDITIONAL RECOMMENDATION**

10.1 Prior to the issuing of a planning permission that an agreement under s106 be negotiated to secure the tying of the occupation of the dwelling proposed to the operation of the equestrian centre.

## 11.0 **RECOMMENDATION**

11.1 It is therefore recommended that the application be approved subject to the following:

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

02. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
03. 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.
04. No development shall take place until details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved in writing by the Local Planning Authority. The site shall be developed with separate systems of drainage for foul and surface water on and off site.
05. Development shall not commence until intrusive site investigations have been carried out by the developer to establish the exact situation regarding coal mining legacy issues on the site and approval for commencement of development given in writing by the Local Planning Authority. The investigation and conclusions shall include any remedial works and mitigation measures required/proposed for the stability of the site. Only those details which receive the written approval of the Local Planning Authority shall be carried out on site.
06. No development shall take place until space is provided within the site curtilage, for site accommodation, storage of plant and materials, parking and manoeuvring of site operative's and visitor's vehicles together with the loading/unloading and manoeuvring of goods vehicles. The space shall be constructed and laid out to enable vehicles to enter and leave the site in a forward gear, in surface materials suitable for use in inclement weather and maintained free from impediment throughout the duration of construction works.
07. 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.

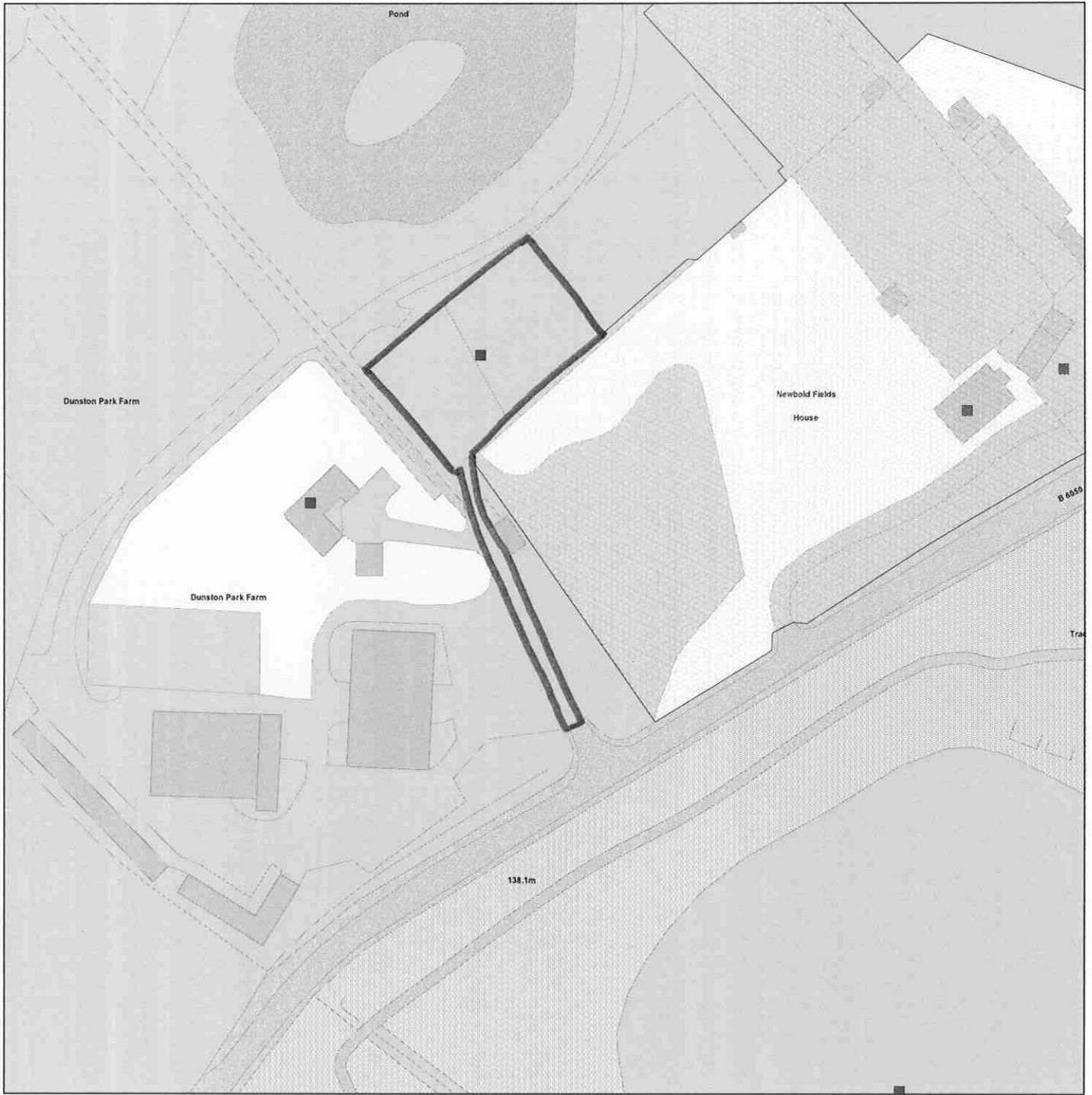
08. Work shall only be carried out on site between 8:00am and 6:00pm Monday to Friday, 9:00am to 5:00pm on a Saturday and no work on a Sunday or Public Holiday. The term "work" will also apply to the operation of plant, machinery and equipment.
09. Prior to the commencement of any other development the access onto Dunston Road shall be created in accordance with the associated 'layout' reserved matters approval and which shall thereafter be retained in perpetuity.
10. Any parking provision approved on the site as part of the reserved matters applications shall be fully implemented prior to the first occupation of the dwellings hereby permitted and shall be retained thereafter as available for its intended use of parking in perpetuity.
11. The dwellings shall be designed and constructed to a minimum of Sustainable Homes Code Level 4 standard. On completion of the development, and prior to first occupation, a copy of the certificate issued as evidence of compliance in this respect shall be submitted to the Local Planning Authority.
12. Prior to the commencement of the development, details of the existing and proposed land levels and the proposed floor levels of the dwelling hereby approved shall be submitted to the Local Planning Authority for consideration. The details submitted shall include sufficient cross sections to fully assess the relationship between the proposed levels and immediately adjacent land/dwellings. The dwelling shall be constructed at the levels approved under this condition.
13. All external dimensions and elevational treatments shall be as shown on the approved plans, with the exception of any approved non material amendment.

## **Reasons for Conditions**

01. The condition is imposed in accordance with article 3 (1) of The Town and Country Planning (General Development Procedure) Order 1995 (as amended).
02. The condition is imposed in accordance with sections 91, 56 and 93 of the Town and Country Planning Act 1990.
03. The condition is imposed in accordance with sections 91, 56 and 93 of the Town and Country Planning Act 1990.
04. To ensure that the development can be properly drained.
05. To fully establish the presence and / or otherwise of any coal mining legacy and to ensure that site is remediated, if necessary, to an appropriate standard.
06. In the interests of highway safety.
07. 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.
08. In the interests of residential amenities.
09. In order to avoid the need for vehicles to park and turn on the highway in the interests of highway safety.
10. In order to avoid the need for vehicles to park and turn on the highway in the interests of highway safety.
11. In the interests of sustainable development in line with policy CS6 of the Core Strategy.
12. The condition is imposed in order to enhance the appearance of the development and in the interests of the area as a whole.
13. 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 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 Section 151 of the Highways Act 1980, the applicant must take all necessary steps to ensure that mud or other extraneous material is not occur, it is the applicant's responsibility to ensure that all reasonable steps are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.
04. Attention is drawn to the attached notes relating to minimum drainage standards.
05. Attention is drawn to the fact that, this permission is granted in conjunction with the completion of a separate planning obligation under Section 106 of the Town and Country Planning Act 1990 to which any developer should also refer.
06. Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1991, at least 6 weeks prior notification shall be given to the Derbyshire County Council Area Maintenance Manager (contact Gail Mordey - 01629 580000 ext. 7603) before any works commence within highway limits.



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<b>COMMITTEE/SUB</b>	Planning Committee
<b>DATE OF MEETING</b>	2 <sup>nd</sup> June 2014
<b>TITLE</b>	DELEGATION
<b>PUBLICITY</b>	For Publication
<b>CONTENTS</b>	Items approved by the Group Leader, Development Management under the following Delegation references:-  Building Regulations P150D and P160D, P570D P580D
<b>RECOMMENDATIONS</b>	Not applicable
<b>LIST OF BACKGROUND PAPERS</b>	Relevant applications

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

Building Regulations	Malcolm Clinton	345900
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## Decisions made under the Building Regulations

14/00721/DEX	Domestic Extensions/Alterations Two storey side extension and detached garage 123 Storforth Lane Chesterfield Derbyshire S41 0PZ	Conditional Approval	20/05/2014
14/00786/DCC	Derbyshire County Council Replacement windows and doors Buxton Junior School Mosley Road Buxton Derbyshire SK17 9DR	Decision Advice Notice	14/05/2014
14/00724/PART	Partnership Application Single storey rear extension for Mr & Mrs Hufton 10 Fonton Hall Drive Sutton In Ashfield NG17 1LD	Decision Advice Notice	12/05/2014
14/00731/DCC	Derbyshire County Council Internal wall alterations and new beams. Bathroom alterations to form new level access shower room and external ramp 8 St Michaels Close Crich Matlock Derbyshire DE4 5DN	Conditional Approval	07/05/2014
14/00490/DCC	Derbyshire County Council Install new heating and ventilation Former Library Store County Hall Matlock Derbyshire DE4 3AG	Decision Advice Notice	14/05/2014
14/00775/PART	Partnership Application New sun lounge for Mr & Mrs Blake 6 Pinehurst Avenue Hucknall Nottingham NG15 6TS	Decision Advice Notice	12/05/2014
14/00398/DCC	Derbyshire County Council Extension to school building comprising a classroom and circulation Granby Junior School Heanor Road Ilkeston Derbyshire DE7 8DX	Rejected	09/05/2014
14/00764/DEX	Domestic Extensions/Alterations Extension 14 Horsley Close Chesterfield Derbyshire S40 4XD	Conditional Approval	30/04/2014
14/00616/PART	Partnership Application Two/single storey extensions for Mr & Mrs G Nield 52 Chelsea Road Nether Edge Sheffield S11 9BR	Decision Advice Notice	06/05/2014
14/00669/PART	Partnership Application Single storey rear extension and internal alterations Ms M Walker 8 Cawthorne Grove Millhouses Sheffield S40 3JP	Decision Advice Notice	20/05/2014
14/00841/DCC	Derbyshire County Council Replacement and repair to roof areas and incorporation of loft insulation Anthony Gell School Wood Street Wirksworth Matlock Derbyshire DE4 4DX	Decision Advice Notice	09/05/2014
14/00267/PART	Partnership Application Single storey rear extension with internal alterations for Mr Alan Justice 7 Ryegate Road Crosspool Sheffield S10 4EA	Conditional Approval	29/04/2014
14/00762/MUL	Multiple Domestic Internal alterations and garage conversion 249 Newbold Road Chesterfield Derbyshire S41 7AQ	Conditional Approval	30/04/2014
14/00646/DCC	Derbyshire County Council Renewal of existing suspended floor Old Hall Junior School Old Road Chesterfield Derbyshire S40 3QR	Unconditional Approval	13/05/2014
14/00448/DOM	Domestic Extensions/Alterations To create a two storey and single storey extension 1 Poolsbrook Avenue Chesterfield Derbyshire S43 3JZ	Conditional Approval	14/05/2014
14/00426/OTHC	Other Works (Commercial) Replacement portacabin Sports Ground Walton Dam Walton Road Chesterfield Derbyshire	Rejected	16/05/2014
14/00768/DEX	Domestic Extensions/Alterations Rear extension and conservatory 5 Victoria Street North Chesterfield Derbyshire S41 9DW	Rejected	21/05/2014

14/00769/MUL	Multiple Domestic 2 storey rear extension and alterations 275 Ashgate Road Chesterfield Derbyshire S40 4DB	Conditional Approval	29/04/2014
14/00622/DCC	Derbyshire County Council Install new inspection chamber in underground drainage run for Mrs J Vardy 15 Compton Street Chesterfield Derbyshire S40 4TA	Unconditional Approval	30/04/2014
14/00670/OTHC	Other Works (Commercial) Internal alterations 1 - 3 Stephenson Place Chesterfield Derbyshire S40 1XL	Conditional Approval	30/04/2014
14/00248/OTHD	Other Works (Domestic) Proposed compost toilet to the rear of the coach house. Goldwell No 2 Allotment Site Ashgate Road Chesterfield Derbyshire	Unconditional Approval	01/05/2014
14/00416/DEX	Domestic Extensions/Alterations 2 storey rear extension 16 Quarry Lane Chesterfield Derbyshire S40 3AS	Rejected	13/05/2014

<b>COMMITTEE/SUB</b>	Planning Committee
<b>DATE OF MEETING</b>	2 <sup>nd</sup> June 2014
<b>TITLE</b>	DELEGATION
<b>PUBLICITY</b>	For Publication
<b>CONTENTS</b>	Items approved by the Group Leader, Development Management under the following Delegation references:-  Planning Applications P020D, P200D to P250D, P270D to P320D, P350D to P370D, P390D, P420D to P440D  Agricultural and Telecommunications P330D and P340D
<b>RECOMMENDATIONS</b>	Not applicable
<b>LIST OF BACKGROUND PAPERS</b>	Relevant applications

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

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

<b>Code No</b>	<b>Ward</b>	<b>Proposal</b>	<b>Decision</b>	<b>Decision Date</b>
CHE/13/00749/FUL 857	St Leonards	Internal improvements to stage, lighting, seating and backstage areas and creation of new entrance lobby to stage entrance area At Winding Wheel □ Holywell Street □ Chesterfield □ Derbyshire □ S41 7SA □ For Chesterfield Borough Council	CP	08/05/2014
CHE/13/00750/LBC 857	St Leonards	Internal improvements to stage, lighting, seating and backstage areas and creation of new entrance lobby to stage entrance area At Winding Wheel □ Holywell Street □ Chesterfield □ Derbyshire □ S41 7SA □ For Chesterfield Borough Council	CP	08/05/2014
CHE/14/00078/FUL 1444	Lowgates And Woodthorpe	Single storey extension over existing garage (concrete sectional garage) at the side of the bungalow with a room in the loft area - amended drawing received 27 March 2014 At 8 Netherthorpe □ Chesterfield □ Derbyshire □ S43 3PU □ For Mr Paul Worthington	CP	14/05/2014
CHE/14/00105/OUT 2404	Lowgates And Woodthorpe	Four new 2/3 bedroom houses At Woodthorpe Grange Farm □ 27 Bridle Road □ Chesterfield □ Derbyshire □ S43 3BY □ For Mr Jason Fotidar	REF	01/05/2014

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/14/00117/DOC 1948	St Leonards	Discharge of conditions of CHE/11/00005/COU - change of use to first and second floor from former offices into 10 new 1 bedroom apartments At Cavendish House □ 14 Cavendish Street □ Chesterfield □ Derbyshire □ S40 1UY □ For C/o Building Link Design	DPC	19/05/2014
CHE/14/00127/COU 1505	Dunston	Change of use to personal fitness centre at Unit 1d At Tchibo Coffee International □ Dunston Trading Estate □ Foxwood Road □ Chesterfield □ Derbyshire □ S41 9RF □ For Mr PJ Roberts	REF	09/05/2014
CHE/14/00128/FUL 1442	Old Whittington	Single storey rear extension At 7 Mary Ann Street □ Chesterfield □ Derbyshire □ S41 9EP □ For Mr Carl Madin	CP	13/05/2014
CHE/14/00132/FUL 781	Old Whittington	Proposed erection of dwelling house At Land Between □ 22 - 26 Prospect Road □ Chesterfield □ Derbyshire □ □ For Chevin Homes Ltd	CP	08/05/2014
CHE/14/00133/RET 1073	Hollingwood And Inkersall	Double driveway elevated to the height of the highway with ramp access to properties 42 and 44 At 44 Laburnum Street □ Chesterfield □ Derbyshire □ S43 2JJ □ For Mr Richard Cope	CP	07/05/2014



Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/14/00137/FUL 2407	Rother	Brick around existing prefabricated detached bungalow At 9 Harehill Road □ Chesterfield □ Derbyshire □ S40 2JA □ For Mr James Pearson	CP	01/05/2014
CHE/14/00140/CPO 1277	Hasland	Change of use from a steel fabrication workshop to a scrap metal recycling facility and minor amendments to the site layout At Unit 2 □ Turnoaks Business Park □ Burley Close □ Chesterfield □ Derbyshire □ S40 2UB □ For Mr Lee Bradley	OC	20/05/2014
CHE/14/00142/LBC 1724	Brockwell	Replacement of windows to east, west and south elevations. Repair/replace render to west and north elevations. Add door opening and seal up existing opening to east elevation At The Yellow Lion □ 61 - 63 Saltergate □ Chesterfield □ Derbyshire □ S40 1UT □ For Mr David Jackson	CP	01/05/2014
CHE/14/00143/ADV 5585	Walton	Fascia signs, window graphics and car park sign At Onestop □ 135-139 Moorland View Road □ Chesterfield □ Derbyshire □ S40 3DD For One Stop Convenience Stores	CP	08/05/2014
CHE/14/00149/FUL 5038	West	Demolition of existing garage and proposed detached study/leisure room At 360 Ashgate Road □ Chesterfield □ Derbyshire □ S40 4BW For Mr David Banks	CP	01/05/2014

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/14/00151/LBC 316	St Leonards	Internal layout changes - brick up the rear window and replace with extraction vent, fence part of rear courtyard to create playground, replace damaged, rotten front window Non illuminated signs to front. At Elder Court□Saltergate□Chesterfield□Derbyshire□S40 1UT□ For Mrs Natalie Johnson	CP	02/05/2014
CHE/14/00159/FUL 1644	Moor	Erection of first floor extension□ At Elm Lodge Nursing Home□Stand Road□Chesterfield□Derbyshire□S41 8SJ□ For Reason Care Limited	REF	21/05/2014
CHE/14/00164/FUL 1653	Walton	Single storey rear extension At 24 Ling Road□Chesterfield□Derbyshire□S40 3HS□ For Mr Stancill	CP	06/05/2014
CHE/14/00165/ADV 1724	Brockwell	External fabricated aluminium fascia signs and refurbished existing signs - revised plans received on 09/05/2014 and 12/05/2014 At The Yellow Lion□61 - 63 Saltergate□Chesterfield□Derbyshire□S40 1UT□ For Mr Alan Clarke	CP	12/05/2014
CHE/14/00176/FUL 2404	Lowgates And Woodthorpe	Erection of a goat shed At Barns and Outbuildings□23 Bridle Road□Chesterfield□Derbyshire□S43 3BY□ For Miss Alexandra Collis	CP	07/05/2014

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/14/00181/ADV 316	St Leonards	Non illuminated advertisement signs - revised plans received on 01/04/2014 At Elder Court □ Saltergate □ Chesterfield □ Derbyshire □ S40 1UT □ For Mrs Natalie Johnson	CP	02/05/2014
CHE/14/00183/FUL 283	Old Whittington	Two storey side extension At 25 Newbridge Lane □ Old Whittington □ Chesterfield □ Derbyshire □ S41 9JQ □ For Ms R Harris	CP	01/05/2014
CHE/14/00185/COU 271	Moor	Change of Use of existing vacant employment warehouse unit for trade sales only (hair and beauty products) At Unit 4, Lockoford Trade Park, □ Lockoford Lane □ Chesterfield □ Derbyshire □ S41 7JB □ For Sally Salon Services Limited	CP	07/05/2014
CHE/14/00192/FUL 1136	West	Proposed two storey rear extension, side single storey garage and new roof At 16 Quarry Lane □ Chesterfield □ Derbyshire □ S40 3AS □ For Mr and Mrs Swallow	CP	19/05/2014
CHE/14/00195/LBC 1924	Brockwell	Listed Building Consent for the replacement of signage - revised plans received on 09/05/2014 and 12/05/2014 At The Yellow Lion □ 61 - 63 Saltergate □ Chesterfield □ Derbyshire □ S40 1UT □ For Mr Alan Clarke	CP	12/05/2014

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/14/00198/TCU 3017	Dunston	Change of use from B1(a) office to four one bed flats At Dunston Hole Farm □ Unnamed Road Accessing Dunston Hall and Hole Farm □ Chesterfield □ Derbyshire □ S41 9RL □ For Ms Sally Chisholm	PA	07/05/2014
CHE/14/00200/TPO 2272 308	West	T1 - Sessile Oak - fell to ground level and treat stump; T4 - Norway Maple - fell to ground level and treat stump and T5 - Turkey Oak - fell to ground level and treat stump at 195 Old Road and 12 Pine View □ At 195 Old Road □ Chesterfield □ Derbyshire □ S40 3QH □ For OCA UK Ltd	SC	12/05/2014
CHE/14/00201/OUT 5367	Dunston	Outline application for a 3 bedroom detached house with all matters reserved At Land Adjacent To 105 □ Kendal Road □ Chesterfield □ Derbyshire □ For Mr Anthony Tinker	CP	13/05/2014
CHE/14/00204/FUL 1073	Hollingwood And Inkersall	Excavate & tarmac council grass verge and path and drop kerb to create vehicular access At 73 Station Road □ Hollingwood □ Chesterfield □ Derbyshire □ S43 2HR □ For Mr Dean Strong	CP	06/05/2014
CHE/14/00207/FUL 3367	Brimington South	Single storey extension to side and rear of property At 18 Paxton Road □ Chesterfield □ Derbyshire □ S41 0TN □ For Mr Lee Widdowson	CP	13/05/2014

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/14/00211/FUL 2057	Lowgates And Woodthorpe	First floor extension At 1 Cranleigh Road □ Chesterfield □ Derbyshire □ S43 3BH □ For Mr Mike Fenton	CP	15/05/2014
CHE/14/00213/DOC 2961	Brimington North	Discharge of conditions 3(materials), 4 (drainage layout),9 (levels) and 10(hard landscaping) of CHE/13/00789/FUL - Erection of a pair of semi detached houses At Bethel Apostolic Church □ Chapel Street □ Chesterfield □ Derbyshire □ S43 1HZ □ For Mr M Walker	DPC	06/05/2014
CHE/14/00218/TPO 3681	West	Beech tree - 10% thin and clean to remove dead, dying and decayed wood; Oak tree - 5% thin and clean, remove dead/dying wood, remove lower limb back to trunk and raise canopy to 7 metres and remove all small limbs below At Cheslyn Hay □ 752 Chatsworth Road □ Chesterfield □ Derbyshire □ S40 3PN □ For Mr Jonathan Braithwaite	SC	13/05/2014
CHE/14/00235/TPD	Hasland	Lean to single storey extension to the rear of existing dwelling At 2 Hartfield Court □ Chesterfield □ Derbyshire □ S41 0QE □ For Mr Gary Oliver	PANR	14/05/2014

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/14/00246/TPO 6670	Rother	T1-T95 Lime - removal of all basal epicormic growth; crown lift to 2.5m over footway and 5.2m over carriageway; reduce lateral branches where necessary and reduce small diameter branching where necessary. T4 Lime - remove tree by sectional dismantling. T49 Lime - remove tree by sectional dismantling At Street Record □ Langer Lane □ Chesterfield □ Derbyshire □ For Derbyshire County Council	CP	02/05/2014
CHE/14/00247/NMA 1220	Brockwell	Non Material Amendment to application CHE/12/00456/FUL - amendment to roof line of single storey rear extension At Land To The North Of 15 □ West Street □ Chesterfield □ Derbyshire □ □ For Mr Va Sung Ma	UP	06/05/2014
CHE/14/00264/TPD 1736	Walton	Dining Room extension At 5 Deben Close □ Chesterfield □ Derbyshire □ S40 3HE □ For P Bossons	PANR	07/05/2014
CHE/14/00267/TPO 1736	West	Beech tree - crown thin by 25% and cut back 2 metres At 34 Netherleigh Road □ Chesterfield □ Derbyshire □ S40 3QJ □ For Mr Leigh Titchener	CP	14/05/2014

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/14/00271/TPD	Walton	Remove existing conservatory and re-use the existing brickwork base to construct a porch, using matching brickwork pillars, pvcu windows and a timber and tile roof, all external measurements to remain the same. At 84 Walton Road □ Chesterfield □ Derbyshire □ S40 3BY □ For Mr G Wilson	PANR	14/05/2014
CHE/14/00275/AGR 390	Old Whittington	Erection of a building for the storage of agricultural machinery, seed and produce At Manor Farm □ Church Lane North □ Chesterfield □ Derbyshire □ S41 9QY □ For Mr Peter Lister	PD	08/05/2014
CHE/14/00281/CPO 32	Barrow Hill And New Whittington	Request for EIA Scoping Opinion - Opencast Coal and Remediation Scheme at Former Staveley Iron Works At Staveley Works □ Works Road □ Chesterfield □ Derbyshire □ S43 2PD □ For Tawnywood Ltd	OC	09/05/2014
CHE/14/00287/TPO 513 1339	Brockwell	Fell T26, T27, T28 due to low amenity value and proximity to proposed demolition works, fell T35 due to poor amenity value and health, fell T36 due to death, fell T43 due to low amenity value and proximity to wall and building, fell T45 due to location - inside courtyard building At 107 - 109 Saltergate □ Chesterfield □ Derbyshire □ S40 1SX □ For TEP	SC	20/05/2014

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/14/00289/CA 1160	Linacre	Removal of Ash tree At Eyre Chapel □ Newbold Village □ Newbold Road □ Chesterfield □ Derbyshire □ S41 8RJ □ For Councillor Peter Barr	UP	13/05/2014
CHE/14/00294/TPD	Brockwell	Single storey rear extension At 78 Hawksley Avenue □ Chesterfield □ Derbyshire □ S40 4TL □ For Mrs Hollie Brook	PANR	21/05/2014
CHE/14/00317/NMA 6017	West	Non material amendment to CHE/11/00429/FUL - Front porch, demolition of existing garage and erection of new garage, revised plans received 26th July 2011 At 29 Greenbank Drive □ Chesterfield □ Derbyshire □ S40 4BS □ For Mr Paul Ballin	CP	14/05/2014
CHE/14/00326/TPO 1089	West	T1 - remove ivy, dead, dying and diseased wood with 5% thin and raise canopy to 3m; T2 - larger Lime tree 10% thin, raise canopy to 7m, reduce weight off limb which is showing weakness by 3m maintaining amenity value. At 25 Yew Tree Drive □ Chesterfield □ Derbyshire □ S40 3NB □ For Mrs A Bigger	CP	19/05/2014
CHE/14/00327/TPO 1089	West	T1 - Lime tree 10% thin and raise to 5m; T2 - Hawthorn removal of central limb, raise off the footpath to 2.5 m; T3 - Oak tree 5% thin and raise to 7m At 23 Yew Tree Drive □ Chesterfield □ Derbyshire □ S40 3NB □ For	CP	19/05/2014



Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/14/00332/TPO	West	Lime- prune epicomic growth to 6m.remove dead, dying and rubbing branches. Fir - rebalance lower crown by removing 5-6 lower branches, At 1 Pine View☐Chesterfield☐Derbyshire☐S40 4DN☐ For See Agent	CP	20/05/2014
CHE/14/00336/TPO	St Leonards	Sycamore - remove small stumps; Lime - lift and prune away from building and deadwood; Sycamore - lift and prune away from building and deadwood; Lime - lift and prune away from building and deadwood; Elm - prune away from building and deadwood At Elder Court☐Saltergate☐Chesterfield☐Derbyshire☐S40 1UT☐ For The Jungle Playcentre	CP	21/05/2014
316				
CHE/14/00339/TPO	Barrow Hill And New Whittington	Fell one dead Silver Birch tree within area 2 At 228 Handley Road☐Chesterfield☐Derbyshire☐S43 2ER☐ For Mr Bardsley	CP	15/05/2014
CHE/14/00344/CA	St Leonards	Birch fell to ground level At Elder Court☐Saltergate☐Chesterfield☐Derbyshire☐S40 1UT☐ For The Jungle Playcentre	UP	21/05/2014
316				

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# Agenda Item 7

<b>COMMITTEE/SUB</b>	Planning Committee
<b>DATE OF MEETING</b>	2 <sup>nd</sup> June 2014
<b>TITLE</b>	DELEGATION
<b>PUBLICITY</b>	For Publication
<b>CONTENTS</b>	Items approved by the Group Leader, Development Management under the following Delegation references:-  Felling and Pruning of Trees P100D, P120D, P130D
<b>RECOMMENDATIONS</b>	Not applicable
<b>LIST OF BACKGROUND PAPERS</b>	Relevant applications

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

Applications to Fell or Prune Trees      Steve Perry      345791

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**SECTION 1****APPLICATION TO FELL OR PRUNE TREES**

<b><u>CODE NO</u></b>	<b><u>DESCRIPTION OF PROPOSAL</u></b>	<b><u>TERMS OF DECISION</u></b>
CHE/14/00246/TPO  TPO 4901.289  02/05/14	The felling of two Lime trees reference T4 & T49 and the pruning of ninety three Limes reference T1-T95 on the Order map for Adrian Wood on behalf of Derbyshire County Council Highways. T4 Lime has die back of the crown and has been late into leaf over the past 3 years with very sparse leaf coverage. T49 Lime has Ganoderma fungal brackets at the base which causes root decay. The pruning of 93 Limes is for general highway maintenance.	<p>Consent is granted to the felling of two Limes by virtue of Part VIII, Chapter 1, Section 198, paragraph 6(a) of the Town and Country Planning Act 1990 as amended under The Town and Country Planning (Tree Preservation) (England) Regulations 2012, which has provision for dead and dangerous trees, Section 206, paragraph 1(b) of the same Act requires any dead/dangerous tree to be felled under Section 198 to be replaced during the next available planting season.</p> <p>The replacement trees are to be two small leaved Limes and planted as near as is reasonably practicable to the position of the original tree or other agreed alternative.</p> <p>Consent is also granted to the crown lifting of the lower branches, street lighting and telephone line clearance and the removal of epicormic re-growth at the base of 93 Lime trees along Langer Lane.</p>

<p>CHE/14/00200/TPO 4901.7 &amp; 4901.12 12/05/14</p>	<p>The felling of 2 trees reference T26 Maple and T30 Oak of TPO 4901.12 and T33 Oak of TPO 4901.7 for OCA Ltd on behalf of the Co-operative insurance group at 195 Old Road and 12 Pine View, Ashgate. The trees are allegedly causing damage to the main dwelling at 195 Old Road.</p>	<p>Consent is refused to the felling of T33 Oak because of insufficient information, data and evidence to conclude that the Oak tree is the cause of damage. There is also other vegetation in the location where the tree is which hasn't been considered or even acknowledged in the application submitted.</p> <p>Consent is also refused to the felling of T26 Maple because roots were discovered near the damaged building of the genus Acer species however there is also a Sycamore virtually the same size and distance from the trail pit where the roots were discovered. Both trees are of the Acer genus. There is therefore doubt of the origin of the root. The level monitoring data submitted is also inconclusive and other options such as root barriers have not been investigated.</p> <p>Consent is granted to the felling of T30 Oak because Oak roots were found next to the building in trail pit 1. Although poor, data suggests that there is seasonal movement to the property where the Oak tree is located. Also the tree has poor amenity value as it is only just visible from any public vantage</p>
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		<p>point.</p> <p>Consent is granted on condition that a new Silver Birch trees is planted and that further investigations are carried out along with tree management to other conifer trees which are in the garden and close to where the damage is occurring.</p>
<p>CHE/14/00218/TPO</p> <p>TPO 4901.159</p> <p>13/05/14</p>	<p>The pruning of two trees reference T53 Beech and T55 Oak on the Order map for Mr Braithwaithe of 752 Chatsworth Road. The applicant wishes to crown lift the Oak by 7 metres and along with a crown thin and the removal of one large limb to re-balance the crown.</p>	<p>Consent is refused to the crown lifting by 7 metres of T55 Oak because this is considered excessive and unnecessary. The removal of one large limb will rebalance the crown however if a crown lift is also carried out it will leave a large gap in the canopy to one side.</p> <p>Consent is granted to the crown thinning of one Oak by a maximum of 10% and the removal of one limb growing towards the main dwelling.</p> <p>Consent is also granted to the crown thinning and crown cleaning of one Beech by a maximum of 10%.</p>

<p>CHE/14/00267/TPO</p> <p>TPO 4901.14</p> <p>14/05/14</p>	<p>The pruning of one Beech tree reference T2 on the Order map for Leigh Titchener on behalf of 34 Netherleigh Road. The tree which is located in 34 Netherleigh Road is casting shade and overhanging 18 and 20 Deerlands Road.</p>	<p>Consent is granted to a crown thin by a maximum of 25% and the reduction of branches overhanging 18 Deerlands Road by a maximum of 2 metres pruning back to suitable replacement branches.</p>
<p>CHE/14/00339/TPOEXP</p> <p>TPO 4901.22</p> <p>15/05/14</p>	<p>The felling of one dead Silver Birch tree on the Order Map for Mr Bardsley of 228 Handley Road, New Whittington.</p>	<p>Consent is granted to the felling of one Silver Birch tree by virtue of Part VIII, Chapter 1, Section 198, paragraph 6(a) of the Town and Country Planning Act 1990 as amended under The Town and Country Planning (Tree Preservation) (England) Regulations 2012, which has provision for dead and dangerous trees, Section 206, paragraph 1(b) of the same Act requires any dead/dangerous tree to be felled under Section 198 to be replaced during the next available planting season.</p> <p>The duty to plant a replacement tree has been dispensed with on this occasion due to insufficient room as the more dominant trees on the site will suppress any new planting.</p>



<p>CHE/14/00326/TPO TPO 4901.155 19/05/14</p>	<p>The pruning of two Lime trees reference T7 &amp; T8 on the Order map for Heathscapes on behalf of Mrs A Bigger of 25 Yew Tree Drive, Somersall.</p>	<p>Consent is granted to the crown lifting of two Limes and the crown thinning by a maximum of 10%. Consent is also granted to reduce one limb growing towards the property by 3 metres.</p>
<p>CHE/14/00327/TPO TPO 4901.155 19/05/14</p>	<p>The pruning of one Lime tree reference T4, one Oak T5 and one Hawthorn T6 on the Order map for Heathscapes on behalf of Mr I Brown of 23 Yew Tree Drive, Somersall.</p>	<p>Consent is granted to the crown lifting of 3 trees to clear the garden and footpath along with crown thinning to a maximum of 10%. Consent is also granted to the removal of one decayed limb on the Hawthorn T6</p>
<p>CHE/14/00332/TPO TPO 4901.7 20/05/14</p>	<p>The pruning of two trees, one Lime reference T21 and one Fir within A2 on the Order map for Not Just Trees on behalf of Mrs Pratap of 1 Pine View, Ashgate.</p>	<p>Consent is granted to remove suckers off the main stem of one Lime by up to six metres along with a crown clean to remove dead wood. Consent is also granted to the crown lifting by 6 metres of one Fir to re-balance the crown.</p>
<p>CHE/14/00287/TPO TPO 4901.261 20/05/14</p>	<p>The felling of 3 trees reference T26 Maple, T27 Whitebeam and T28 Cherry on the Order map for Mr Owain Holland of TEP on behalf of Homes and Communities Agency at the former Saltergate Health Centre, Saltergate. The trees allegedly have low amenity value and are in close proximity to the demolition of the building.</p>	<p>Consent is refused to the felling of T26 Maple because the tree is in good health and condition with a well structured crown.</p> <p>The tree although within the grounds of the former Saltergate Health Centre does have good amenity value and as such should be incorporated into any new development. The tree has a uniformed shaped crown, adds to the character of the area which is well</p>

	<p>Three other trees were stated on the application form for felling however these are not under a preservation order and their condition is poor so no consent is required from the Council.</p>	<p>stocked with trees and has the potential in any new development to add maturity and provide a good focal point.</p> <p>The demolition of the former health centre can be carried out without the felling of the tree and as such should be protected by fencing before any demolition commences.</p> <p>Consent is granted to the felling of T27 Whitebeam because to the tree is small in size, has been 'lopped' in the past which reduces its amenity value drastically.</p> <p>Consent is also granted to the felling of one Cherry T28 because it is small in size and is very sparse in leaf formation for this time of year.</p> <p>Consent is granted to fell the two trees on condition that two new trees are planted within any new development within the first available planting season after development.</p>
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<p>CHE/14/00336/TPO</p> <p>TPO 4901.95</p> <p>21/05/14</p>	<p>The pruning of 5 trees reference T7 &amp; T10 Lime, T8 &amp; T11 Sycamore and T9 Elm on the Order map for Sheffield Tree Care Ltd on behalf of David Johnson of Little Lion, Elder Court, Saltergate. The works are general maintenance for the new children's play area.</p>	<p>Consent is granted to deadwood 5 trees and clear the lower branches by 5 metres from ground level. Consent is also granted to reduce branches away from the listed building at elder Court and adjacent retail unit to give a clearance of 2 metres pruning back to suitable replacement branches and leaving a well balanced crown.</p>
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**SECTION 2****NOTIFICATION OF INTENT TO AFFECT TREES IN A CONSERVATION AREA**

<b><u>CONTENTS OF NOTICE</u></b>	<b><u>SUMMARY OF CONSIDERATIONS</u></b>	<b><u>TERMS OF DECISION</u></b>	<b><u>DATE OF DECISION</u></b>
CHE/14/00289/CA The felling of one Ash tree on the boundary of the Eyre Chapel Car Park, Newbold.	The tree is within the Newbold (Eyre Chapel) Conservation Area and the applicant wishes to fell the tree because it is causing damage to the neighbouring property and historic railings.	Agreement to the felling of one Ash tree. The felling of the tree will have no adverse effect on the amenity value of the area. The tree is a poor specimen and is growing between the car park railings.	13/05/14
CHE/14/00344/CA The felling of one Silver Birch tree within Elder Court, Saltergate.	The tree is within the Town Centre Conservation Area and the applicant wishes to fell the tree which is a very poor specimen and contributes little to the amenity of the area.	Agreement to the felling of one Silver Birch tree. The felling of the tree will have no adverse effect on the amenity value of the area. The tree is a poor specimen does not contribute to the amenity of the conservation area.	21/05/14

## APPEALS REPORT

**MEETING:** PLANNING COMMITTEE  
**DATE:** 2<sup>ND</sup> JUNE 2014  
**REPORT BY:** GROUP LEADER,  
DEVELOPMENT MANAGEMENT

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### FOR PUBLICATION

#### BACKGROUND PAPERS FOR PUBLIC REPORTS

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

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#### 1.0 PURPOSE OF REPORT

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

**PAUL STANIFORTH**  
**GROUP LEADER, DEVELOPMENT MANAGEMENT**

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

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**APPEALS**

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

2/2215	Brimington South ward	Mrs Elizabeth Hill	Swiss Cottage Non Determination of CHE/13/00679/FUL	Planning Committee	13/02/14	Written Reps	
2/1169	CHE/13/00682/TPO St Leonards ward	Mr Richard Benn	10 Upper Lum Close – felling 6 sycamores TPO – Refusal	Officer delegation	06/01/14	Written Reps (HAS)	
2/1286	CHE/13/00546/FUL Walton ward	Mr A James	Dwelling on land to rear of 148 Walton Road – Refusal	Officer delegation	09/01/14	Hearing	
2/3059	CHE/13/00386/OUT Brockwell ward	GKN Group Services Ltd	Residential Development (91 units) of GKN Sports fields, Newbold Road – Refusal	Planning Committee	10/03/14	Inquiry	
2/4000	CHE/14/00003/FUL Hasland ward	Mr P Hopkinson	110 Mansfield Road – car sales pitch and sales office - Refusal	Officer Delegation	18/03/14	Written Reps	
2/1141	CHE/14/00115/FUL West ward	Jane Galley	63 Storrs Road front extension - Refusal	Officer Delegation	22/4/14	Written Reps (HAS)	



# FOR PUBLICATION Agenda Item 9

## ENFORCEMENT REPORT

**MEETING:** PLANNING COMMITTEE

**DATE:** 2<sup>ND</sup> JUNE 2014

**REPORT BY:** SENIOR SOLICITOR AND DEPUTY MONITORING OFFICER  
DEVELOPMENT MANAGEMENT & CONSERVATION  
MANAGER

**WARD:** As listed in the report

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### **FOR PUBLICATION**

TITLE: D255 and Non-exempt  
papers (if any) on relevant files

### **BACKGROUND PAPERS**

LOCATION: LEGAL SERVICES

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#### **1.0 PURPOSE OF REPORT**

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

#### **2.0 BACKGROUND**

2.1 The table summarises formal planning enforcement by the Council.

#### **3.0 INFORMAL ACTION**

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

#### **4.0 MORE INFORMATION ABOUT THE TABLE**

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

#### **5.0 RECOMMENDATION**

5.1 That the report be noted.

GERARD ROGERS  
SENIOR SOLICITOR  
& DEPUTY MONITORING OFFICER

PAUL STANIFORTH  
DEVELOPMENT MANAGEMENT  
& CONSERVATION MANAGER

Further information on this report from  
Gerard Rogers, Senior Solicitor, Legal Services  
Tel 01246 345310 or email [gerard.rogers@chesterfield.gov.uk](mailto:gerard.rogers@chesterfield.gov.uk)

## ENFORCEMENT REPORT

Enforcements currently Authorised: 7

23 May 2014

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
<b>Enforcement Notice</b>		<i>Total currently Authorised: 6</i>			<i>Authorised to Issue Average: 51 days</i>				
Balmoak Lane	Swiss Cottage 16/09/13 249	storage not arising from lawful use		06/11/13 51	06/12/13 168	06/03/14 78	Issued. Personally served	<input type="checkbox"/> 08/11/13	BS
Balmoak Lane	Swiss Cottage 16/09/13 249	access		06/11/13 51	08/01/14 135	08/04/14 45	Appeal submitted, but invalid	<input type="checkbox"/> 13/01/14	BS
Balmoak Lane	Swiss Cottage 16/09/13 249	two summer house type buildings		06/11/13 51	08/01/14 135	08/04/14 45	Complied	<input checked="" type="checkbox"/> 21/05/14	BS
Caendish Street	5 10/03/14 74	shutter boxes and shutters					About to be issued	<input type="checkbox"/> 10/04/14	
Hady Lane	15/10/12 585	occupation of land					Appeal against non-determination of relocation application withdrawn, resubmission awaited	<input type="checkbox"/> 13/01/14	Ha
Stanford Way	7 17/02/14 95	commercial storage and distribution					issue if use not cease by 30/06/14	<input type="checkbox"/>	Wa
<b>Section 215 Amenity Notice</b>		<i>Total currently Authorised: 1</i>			<i>Authorised to Issue Average: 51 days</i>				

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
Balmoak Lane	Swiss Cottage	16/09/13 249		06/11/13 51	06/12/13 168	06/03/14 78	Issued. Personally served	<input type="checkbox"/> 14/10/13	

*Action authorised by Committee except Breach of Condition, Planning Contravention, Section 215 Notices, Advertisement Discontinuance, prosecutions and urgent action which are authorised by officers*

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

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