



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

Councillors Blank and Huckle –

Site Visit 1

Councillors D Collins and L Collins –

Site Visit 2

Councillors J Innes and P Innes –

Site Visits 3 and 4

Councillors Falconer and Perkins –

Site Visit 5

27 July 2018

Dear Councillor,

Please attend a meeting of the PLANNING COMMITTEE to be held on MONDAY, 6 AUGUST 2018 at 3.00 pm in Committee Room 1, Town Hall, Rose Hill, Chesterfield S40 1LP, the agenda for which is set out below.

AGENDA

Part 1(Public Information)

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

Planning Committee Members should assemble in Committee Room 1 at 12:10pm. Ward members wishing to be present should attend on site as indicated below:-

1. 12:20 146-152 Hady Lane
CHE/18/00224/REM
2. 12:45 Victoria Hotel, Lowgates

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

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

www.chesterfield.gov.uk

CHE/17/00359/FUL

3. 13:15 Cavendish Street North
CHE/18/00349/FUL
4. 13:40 Mintdale Engineering, Carrwood Road
CHE/18/00377/FUL
5. 14:10 Foxes Place, Chatsworth Road
CHE/18/00200/MA

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

Ward members are invited to attend on site and should confirm their attendance by contacting Charlotte Kearsey on tel. 01246 345236 or via e-mail: charlotte.kearsey@chesterfield.gov.uk by 9.00 a.m. on Monday 6 August, 2018. If you do not confirm your attendance, it will be assumed that you will not be attending on site.

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

1. Apologies for Absence
2. Declarations of Members' and Officers' Interests Relating to Items on the Agenda
3. Minutes of Planning Committee (Pages 5 - 26)
4. Applications for Planning Permission - Plans Determined by the Committee (Pages 27 - 234)
5. Building Regulations (P880D) (Pages 235 - 242)
6. Applications for Planning Permission - Plans Determined by the Development Management and Conservation Manager (P140D) (Pages 243 - 258)

7. Applications to Fell or Prune Trees (P620D) (Pages 259 - 264)
8. Appeals Report (P000) (Pages 265 - 272)
9. Enforcement Report (P410) (Pages 273 - 278)
10. Five Year Housing Supply Position 2018/19 (Pages 279 - 322)
11. Local Government Act 1972 - Exclusion of Public

To move "That under Section 100(A)(4) of the Local Government Act, 1972 the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 6 of Part I of Schedule 12A of the Act."

12. Unauthorised Vending Machines At 1 York Street, Hasland, Chesterfield (Pages 323 - 330)

Yours sincerely,

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

Local Government and Regulatory Law Manager and Monitoring Officer

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PLANNING COMMITTEE**Monday, 16th July, 2018**

Present:-

Councillor Brittain (Chair)

Councillors	P Barr	Councillors	T Gilby
	Bingham		Hill
	Brady		Sarvent
	Callan		Simmons
	Catt		Miles
	Davenport		Wall

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

CHE/18/00190/REM - Reserved matters application for appearance, landscaping, layout and scale of CHE/14/00872/OUT (outline application for residential development on 3.66 hectares of land up to 75 dwellings including means of access) with amended plans received 13/06/2018 and 14/06/2018 - Land At Cranleigh Road, Woodthorpe, Derbyshire for Avant Homes (England) Limited.

Councillors P Barr, Brady, Brittain, Callan, Catt, Davenport, T Gilby, Hill, Miles, Sarvent, Simmons and Wall.

CHE/18/00194/FUL - Proposed erection of an agricultural building for grazing animals (revised drawings received 21.05.18 and 03.07.2018) at Land North Of Bridle Road, Woodthorpe, Derbyshire for Mrs Weatherall.

Councillors P Barr, Bingham, Brady, Brittain, Callan, Catt, Davenport, T Gilby, Hill, Miles, Sarvent, Simmons and Wall.

CHE/17/00885/FUL - Proposed demolition of existing building and replacement with two storey building with offices to ground floor and three number one bedroom studios to first floor at 9D Holywell Street, Chesterfield, Derbyshire, S41 7SA for Mr R Cutt – Coal mining risk assessment received 3.4.18, archaeological assessment received 3.4.18,

noise impact assessment received 1.6.18, amended plans and elevations received 6.6.18.

Councillors P Barr, Bingham, Brady, Brittain, Callan, Catt, Davenport, T Gilby, Hill, Miles, Sarvent, Simmons and Wall.

*Matters dealt with under the Delegation Scheme

17 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Caulfield and Elliot.

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

Councillor Bingham declared an interest in agenda item 4(1) (CHE/18/00190/REM – Reserved matters application for appearance, landscaping, layout and scale of CHE/14/00872/OUT (outline application for residential development on 3.66 hectares of land up to 75 dwellings including means of access) with amended plans received 13/06/2018 and 14/06/2018 - Land At Cranleigh Road, Woodthorpe, Derbyshire for Avant Homes (England) Limited) as an objector was personally known to him.

19 MINUTES OF PLANNING COMMITTEE

RESOLVED -

That the Minutes of the meeting of the Planning Committee held on 25 June, 2018 be signed by the Chair as a true record.

20 APPLICATIONS FOR PLANNING PERMISSION - PLANS DETERMINED BY THE COMMITTEE

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

Councillor Bingham who had declared an interest in this item left the meeting at this point.

CHE/18/00190/REM - RESERVED MATTERS APPLICATION FOR APPEARANCE, LANDSCAPING, LAYOUT AND SCALE OF

CHE/14/00872/OUT (OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT ON 3.66 HECTARES OF LAND UP TO 75 DWELLINGS INCLUDING MEANS OF ACCESS) WITH AMENDED PLANS RECEIVED 13/06/2018 AND 14/06/2018 - LAND AT CRANLEIGH ROAD, WOODTHORPE, DERBYSHIRE FOR AVANT HOMES (ENGLAND) LIMITED

In accordance with Minute No. 299 (2001/2002) Mr C Dwan (applicant's agent) addressed the meeting.

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

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

Planning Statement

Design and Access Statement

1806.01 Rev C - Planning Layout + Planning Layout (Colour)

1806.02 - Site Location Plan

1806.03 Rev A – Materials Plan

1806.04 Rev A – Street Scenes (Colour)

1806.05 Rev C – Cross Sections

1806.06 Rev A – Boundary Plan

1806.ASY.01 – Ashbury Elevations / Floor Plans

1806.ASY.02 – Ashbury – Plot 12 Only

1806.AVY.01 – Avebury Elevations / Floor Plans

1806.BAN.01 – Barton Elevations / Floor Plans

1806.BIN.01 – Bishopton Elevations / Floor Plans

1806.COM.01 – Cotham Floor Plans

1806.COM.02 – Cotham Elevations

1806.KIN.01 – Kilmington Elevations / Floor Plans

1806.ROY.01 – Rosebury Floor Plans

1806.ROY.02 – Rosebury Elevations

1806.ROY.03 – Rosebury Elevations - Plot 44 Only

1806.ROY.04 – Rosebury Elevations – Dual Aspect

1806.WRY.01 – Wrenbury Elevations / Floor Plans

1806.WRY.01 – Wrenbury Elevations / Floor Plans

1806.G.01 – Single Garage Elevations /Floor Plan

Illustrative Landscape Masterplan – March 2018
R-2096-1 – Landscape Masterplan

- 1806.BT.01 – 1.8m Timber Screen Fence
- 1806.BT.02 – Brick Pier and Timber Panel
- 1806.BT.03 – 0.6m Post and 2 Rail Fence
- 1806.BT.04 – 1.5m Fence with Trellis
- 1806.BT.05 – 1.2m Metal Feature Railings
- 1806.BT.06 Rev A – Feature Wall – Plots 1 and 2
- 1806.BT.07 – Feature Wall – Plot 12
- 1806.BT.08 – 0.45m Knee Rail
- 1806.BT.09 – Solid Wall

2. Within 2 months of the commencement of development revised / fully detailed soft landscaping proposals conforming to the principles of the submitted Landscape Masterplan (Ref. R/2096/1) shall be submitted to the Local Planning Authority for consideration and subsequent approval in writing. Only those details agreed shall be implemented on site.

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

4. Individual driveways shall be provided with 2.4m x 25m visibility sightlines to the new estate street in each direction, measured up to 1m into the carriageway at the extremity of the splay, or other such dimensions as may be agreed in writing with the Local Planning Authority. The area in advance of the sightlines remaining free from any obstructions to visibility over 1m high, relative to the nearside carriageway channel level, and so maintained for the life of the development.

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

Councillor Bingham returned to the meeting.

CHE/18/00194/FUL - PROPOSED ERECTION OF AN AGRICULTURAL BUILDING FOR GRAZING ANIMALS (REVISED DRAWINGS RECEIVED 21.05.18 AND 03.07.2018) AT LAND NORTH OF BRIDLE ROAD, WOODTHORPE, DERBYSHIRE FOR MRS WEATHERALL

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

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

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

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

- Revised block plan (dated 03.07.2018)
- Floor plans and elevations (dated 26.03.2018)
- Revised site location plan (dated 21.05.2018)
- Coal Mining Risk Assessment (dated 08.06.2018)

3. No development shall take place until site investigation works have been undertaken in order to establish the exact situation regarding coal mining legacy issues on the site. Details of the site investigation works shall be submitted to and approved in writing by The Local Planning Authority. The details shall include;

- The submission of a scheme of intrusive site investigations for approval;
- The undertaking of that scheme of intrusive site investigations;
- The submission of a report of findings arising from the intrusive site investigations;
- The submission of a scheme of remedial works for approval; and
Implementation of those remedial works.

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.

4. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no extension, conversion or alterations to the hereby approved building or work as defined within Schedule 2 Part 3, Class Q, R or S and Schedule 2 Part 6, Class B shall be undertaken on site without prior written approval from the Local Planning Authority (by means of formal planning application).

CHE/17/00885/FUL - PROPOSED DEMOLITION OF EXISTING BUILDING AND REPLACEMENT WITH TWO STOREY BUILDING WITH OFFICES TO GROUND FLOOR AND THREE NUMBER ONE BEDROOM STUDIOS TO FIRST FLOOR AT 9D HOLYWELL STREET, CHESTERFIELD, DERBYSHIRE S41 7SA FOR MR R CUTT – COAL MINING RISK ASSESSMENT RECEIVED 3.4.18, ARCHAEOLOGICAL ASSESSMENT RECEIVED 3.4.18, NOISE IMPACT ASSESSMENT RECEIVED 1.6.18, AMENDED PLANS AND ELEVATIONS RECEIVED 6.6.18

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

- A. 1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. All external dimensions and elevational treatments shall be as shown on the approved plans 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 submitted to and approved in writing by the Local Planning Authority.
4. 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.

5. Before construction works commence or ordering of external materials takes place, precise specifications or samples of the 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.

6. No development shall take place until site investigation works have been undertaken in order to establish the exact situation regarding coal mining legacy issues on the site. Details of the site investigation works shall be submitted to and approved in writing by The Local Planning Authority. The details shall include:

- The submission of a scheme of intrusive site investigations for approval;
- The undertaking of that scheme of intrusive site investigations;
- The submission of a report of findings arising from the intrusive site investigations;
- The submission of a scheme of remedial works for approval; and
- Implementation of those remedial works

7. No development shall take place until full details of both hard and soft landscape works, bin storage and boundary treatments have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved.

8. Development shall take place in complete accordance with the submitted noise impact assessment.

9. No development shall take place until a Written Scheme of Investigation for archaeological work has been submitted to and approved by the local planning authority in writing, and until any pre-start element of the approved scheme has been completed to the written satisfaction of the local planning authority. The scheme shall include an assessment of significance and research questions; and

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

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

No development shall take place other than in accordance with the archaeological Written Scheme of Investigation approved.

The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological Written Scheme of Investigation approved and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

B. That the CIL calculation be delegated to officers and a CIL Liability notice be issued.

21 **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

18/01662/DEXBN	Rear single storey extension; internal wall removal between kitchen and wash house and alterations at 125 Ashgate Road Chesterfield Derbyshire S40 4AH
18/02696/DEXBN	7 no windows and 1 no door at 18 Pottery Lane West Whittington Moor Chesterfield Derbyshire S41 9BN
18/02774/DEXBN	Single storey side extension bedroom and kitchen at 4 Matlock Road Chesterfield Derbyshire S40 3JQ
18/02800/DEXBN	Single storey extension to rear at 38 Middleton Drive Inkersall Chesterfield Derbyshire S43 3HS
18/02826/DEXBN	Loft conversion at 53 Dukes Drive Newbold Chesterfield Derbyshire S41 8QB

18/02833/DEXBN	Single storey rear extension at 5 West Croft Court Inkersall Chesterfield Derbyshire S43 3GB
18/02880/DEXBN	Renovation, single storey front extension and erection of detached garage at 43 Eastwood Park Drive Hasland Chesterfield Derbyshire S41 0BD
18/02899/DEXBN	Replacing concrete floor with new insulated concrete at 1 Park Drive Spital Chesterfield Derbyshire S41 0RS
18/02952/DEXBN	Removal of masonry wall and installation of steel lintels. Blocking up existing rear door at 22 Barton Crescent Holme Hall Chesterfield Derbyshire S40 4UH
18/03009/DEXBN	Loft conversion at 20 Queen Mary Road Chesterfield Derbyshire S40 3LB
18/03125/DEXBN	Replacement 6 windows and 2 doors at 49 Farndale Avenue Walton Chesterfield Derbyshire S42 7NL
18/03242/DEXBN	Loft conversion at 5 Spencer Avenue Woodthorpe Chesterfield Derbyshire S43 3BX
18/03266/DEXBN	Replacement windows and doors, external insulated render system, re tile roof and loft insulation and insulation to flat roofed outbuilding at 72 and 74 Keswick Drive Newbold Chesterfield S41 8HN
18/03269/DEXBN	Replacement windows x 3 and bi fold doors at 166 Middlecroft Road Staveley Chesterfield S43 3NH
18/02627/DEXFP	Single storey rear extension at 16 Ashopton Road Upper Newbold Chesterfield Derbyshire S41 8WD
18/02773/DEXFP	First floor extension at 14 West View Road Newbold Chesterfield Derbyshire S41 7AH

18/02793/DEXFP	Single storey extension to form garden room at 29 Errington Road Chesterfield Derbyshire S40 3ER
18/02898/DEXFP	Loft conversion at 239 Lockoford Lane Tapton Chesterfield Derbyshire S41 0TG
18/02906/DEXFP	Removal of internal wall at 5 Tapton Vale Tapton Chesterfield Derbyshire S41 0SY
18/02940/DEXFP	Single storey extension to rear of the property and internal alterations at 160 Langer Lane Birdholme Chesterfield Derbyshire S40 2JN
18/02950/DEXFP	Detached garage/store at 273 Old Hall Road Chesterfield Derbyshire S40 1HJ
18/03036/DEXFP	Single storey extension at 9 Byron Road Birdholme Chesterfield Derbyshire S40 2TH
18/03270/DEXFP	Single storey rear extension to create garden room at 5 Blyth Close Walton Chesterfield S40 3LN
18/02708/DOMPI	Erection of detached dwelling at land adjacent 152 Hady Lane Hady Chesterfield Derbyshire S41 0DE
18/02729/DEXRG	Widening of existing opening and installation of bi fold doors at 39 Clarence Road Chesterfield Derbyshire S40 1LN
18/02769/DEXRG	Two storey side extension at 2 Durham Avenue New Whittington Chesterfield Derbyshire S43 2EB
18/03021/DEXRG	Replacement of 8 windows and 2 doors at 16 Outram Road Newbold Chesterfield Derbyshire S41 7DW
18/03025/DEXRG	Replacement of 7 windows and composite front door and UPVC side door at 14 Langtree Avenue Old Whittington Chesterfield Derbyshire S41 9HP
18/03029/DEXRG	Replacement window at 234 Old Road Chesterfield Derbyshire S40 3QN

18/03032/DEXRG	Removal or Internal wall at 20 Heywood Street Brimington Chesterfield Derbyshire S43 1DB
18/03261/DEXRG	Replacement door at 8 Fulford Close Walton Chesterfield S40 3RJ
18/02356/IND	Single storey side extension and internal alterations at 21 Mayfield Road Chesterfield Derbyshire S40 3AJ
18/02710/IND	Removal of load bearing/internal structural alterations at 27 Worksop Road Mastin Moor Chesterfield Derbyshire S43 3DH
18/02711/IND	Internal structural alterations and new windows and cellar renovations at Internal structural alterations and new windows and cellar renovations at 78 Foljambe Road Brimington Derbyshire S43 1DD
18/02756/IN	Wash and Valet and creation of LCV display area on leased land at Vauxhall Chesterfield 464 Chatsworth Road Chesterfield Derbyshire S40 3BD
18/02757/IND	Infill of rear yard to form porch and shower room at 672 Chatsworth Road Chesterfield Derbyshire S40 3NU
18/02790/IND	New build two storey detached dwelling with parking and access at land adjacent No.12 Cavendish Street North Old Whittington Chesterfield Derbyshire S41 9DH
18/02824/IND	Internal alterations, re-cover roof with installation of new binders, underpin rear elevation of offshot, structural repairs and whole house window and door replacement at 18 Foljambe Road Brimington Chesterfield Derbyshire S43 1DD
18/02830/IND	Two storey rear extension at 17 Hawthorn Way Holme Hall Chesterfield Derbyshire S42 7JS

- 18/02869/IND Replacement conservatory roof at 1 Glenavon Close New Whittington Chesterfield Derbyshire S43 2QG
- 18/02930/IND Single storey rear extension at 1 Spruce Close Chesterfield Derbyshire S40 3FG
- 18/02992/IND Loft conversion with internal structural alterations and garage at 27 Somersall Park Road Somersall Chesterfield Derbyshire S40 3LD
- 18/02972/IN Installation of mezzanine floor at Unit 9 Magpie Beauty Wilson Business Park Harper Way Duckmanton Chesterfield
- 18/03003/IND Internal alteration, re-cover roof with installation of new binders, underpin rear elevation of offshot, structural repairs and whole house window and door replacement at 18 Foljambe Road Brimington Chesterfield Derbyshire S43 1DD
- 18/03054/IND Two storey extension to rear and internal and external alterations at 18 Enfield Road Newbold Chesterfield Derbyshire S41 7HN
- 18/03066/IND Conservatory roof replacement with supra-lite roof system at 10 Whitecotes Close Chesterfield Derbyshire S40 3SD
- 18/03073/IND Structural alterations to remove two existing internal walls and chimney breast at 1 Riber Terrace Walton Walk Boythorpe Chesterfield Derbyshire
- 18/03265/IND 175 residential units at land at Erin Road Poolsbrook Chesterfield Derbyshire S43 3JY
- 18/03281/IND Ground floor extension and conversion to form 2 dwellings at 47-49 Duke Street Staveley Chesterfield S43 3PD
- 18/03287/IND Removal of a wall to be replaced with a steel beam

which supports the flooring and wall above at 193
Hunloke Avenue Boythorpe Chesterfield S40 3EA

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

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

(a) Approvals

- | | |
|------------------|--|
| CHE/17/00868/FUL | Erection of a dwelling. Amended plans received 16.3.2018, drainage plans received 7.3.2018 and 20.4.2018, coal mining risk assessment received 9.4.18, amended site location plan received 19.6.18 at 69 Barker Lane Chesterfield S40 1EQ for Ms Andrea Collins |
| CHE/18/00086/ADV | New signage. Amended plans received 29.05.2018 at 74 The Wheatsheaf Newbold Village Newbold Road Newbold Chesterfield for Co-op |
| CHE/18/00133/FUL | Proposed detached garage and drive access (with revised drawings amended details submitted 08/05/18) at 196 Highfield Lane Newbold Derbyshire S41 8BA for Mr M Clowes |
| CHE/18/00144/FUL | Conversion of the Grade II listed building to 10 residential apartments at first and second floor and refurbishment of ground floor (former Post Office) A1 unit with change of use to include A1-A3 uses. Works to include partial demolition of rear storey structures and brick service flue, internal alterations and upgrades, with proposed new residential access stair to the rear courtyard to connect to the existing stairs at first floor level. Works to include partial demolition of rear single storey structures and brick service flue, internal alterations and upgrades, with proposed new |

- residential access stair to the rear courtyard to connect to the existing stair at first floor level. Amended courtyard plan received 21.5.18 at Chesterfield Post Office 1 Market Place Chesterfield S40 1TL for PDR Construction Ltd
- CHE/18/00213/FUL Single storey conservatory extension to north elevation and single storey porch extension to east elevation at 48 St Philips Drive Hasland S41 0RG for Mr and Mrs Law
- CHE/18/00226/FUL Single storey extension to rear of existing detached 4 bed house at 3 Parkside View Upper Newbold S41 8WE for Mr Andrew Burton
- CHE/18/00238/FUL Erection of a detached garage at 2 Cordwell Avenue Newbold Chesterfield S41 8DA for Mr Michael Ford
- CHE/18/00241/FUL Conversion of loft space to en suite bedroom at 5 Wheathill Close Brimington Chesterfield S43 1PU for Mr Tomas Hawkins
- CHE/18/00248/TPO Ash adjacent to boundary fence - Raise crown to 3m Ash overhanging street light - Reduce branches away from street light by 1m Ash stem lying on floor - Remove works to trees as agreed with Steve Perry - Tree Officer at 59 Pomegranate Road Newbold Chesterfield S41 7BL for Mr and Mrs Richard Elliott
- CHE/18/00254/FUL Side and rear extension to create accommodation for aged parent (revised drawings received 22.05.2018) at 5 Infirmary Road Chesterfield S41 7NF for Mr R Paul
- CHE/18/00255/FUL Proposed drop kerb and removal of part of existing wall to install gate at 124 Boythorpe Road Boythorpe Chesterfield S40 2LR for Miss Magdalena Olszewska
- CHE/18/00257/FUL Proposed two storey side extension and single

- storey rear extension to existing dwelling at 21 Wikeley Way Brimington S43 1AS for Mr and Mrs Cockman
- CHE/18/00260/FUL Single/two storey rear extension at 15 Cordwell Avenue Newbold S41 8BT for Mr and Miss Bannister and Asquith
- CHE/18/00268/TPO T1 - oak - crown lift by 5m and 20% crown thin due to excess shading and T2 - oak - crown lift by 5m and 20% crown thin due to excess at 386 Old Road Chesterfield S40 3QF for Mrs Elizabeth Morris
- CHE/18/00283/REM Variation of condition 2 (substitution of drawings CO1E with W01F, C11B with P02, C08A with W09F and P03 - amendment of house types) of CHE/17/00263/FUL - amended plans received 11.06.2018 at Former Saltergate Health Centre 107 Saltergate Chesterfield S40 1LA for Woodall Homes
- CHE/18/00292/LBC Listed Building consent for and external works, including refurbishment, and part change of use relating to the Winding Wheel, Chesterfield at Winding Wheel Holywell Street Chesterfield S41 7SA for Chesterfield Borough Council
- CHE/18/00293/ADV New fascia lettering, to read 'WINDING WHEEL THEATRE' (replacing 'THE WINDING WHEEL'), and lettering material and refurbishment of black timber canopy and fascia board, to match at Winding Wheel 13 Holywell Street Chesterfield S41 7SA for Chesterfield Borough Council
- CHE/18/00297/FUL Change of use of property from betting shop and premises to 2 one bedroom flats (C3) at 164 High Street New Whittington Chesterfield S43 2AN for Mr Brister
- CHE/18/00299/FUL New/replacement perimeter fencing to part of school boundary at Hasland Hall Community

	School Broomfield Avenue Hasland Chesterfield S41 0LP for Hasland Hall Community School
CHE/18/00301/FUL	Extension and Alteration to Existing Dwelling at 4 Miriam Avenue Somersall Chesterfield S40 3NF for Mr and Mrs E Totty
CHE/18/00302/FUL	Conversion of an existing conservatory into a habitable space, with a small extension forming a utility room at 59 Yew Tree Drive Somersall Chesterfield S40 3NB for Mr Paul Griffiths
CHE/18/00304/FUL	Resubmission of CHE/16/00778/FUL - Two storey side extension at 2 Kendal Road Newbold Chesterfield S41 8HY for Sarah Bradbury
CHE/18/00308/FUL	Two storey rear extension at 26 Franklyn Road Brockwell Chesterfield S40 4AY for Mr Paul Gill
CHE/18/00311/FUL	Removal of existing garage and erection of a two storey side at 35 Purbeck Avenue Brockwell Chesterfield S40 4NP for Dawn and Victoria Martin Siddall
CHE/18/00312/RET	Retrospective planning permission for retention of pallet racking that has corrugated sheet cladding added to protect the contents from the weather at Croft Yard, County House Staveley Road New Whittington Chesterfield S43 2BZ for County Conveyors
CHE/18/00318/COU	Change of use from residential to office building for a local community group to operate from at 41 Mercaston Close Holme Hall Chesterfield S40 4UE for Chesterfield Borough Council
CHE/18/00320/FUL	Timber garden shed at 2 Wolfe Close Walton Chesterfield S40 2DF for Mr Christopher Melen
CHE/18/00321/OUT	Proposed construction of one four bedroom one and a half storey detached dwelling - Re-submission of Outline Planning Application

CHE/17/00768/OUT at Trevilla 73 Hady Hill Hady
Chesterfield S41 0EE for Mr Glyn Pocock

- CHE/18/00322/MA Material amendment to CHE/16/00797/REM1 (Development of an industrial unit for Class B8 purposes with ancillary office space, gatehouse plus car parking, lorry parking, service yard and sprinkler tanks with associated site access, drainage, site levelling, engineering and landscaping works) for installation of external generator at Plot 13 Markham Lane Duckmanton Chesterfield for Great Bear Distribution Ltd
- CHE/18/00323/FUL Single storey side and rear extension, including demolition of existing garage at 45 Broomfield Avenue Hasland S41 0LU for Mr S Corbett
- CHE/18/00333/TPO T1 Deodar Cedar - crown thin 25% and crown lift by 5 metres. Reduce branches over neighboring property at 7 Netherleigh Road Ashgate Chesterfield S40 3QJ for Joanne Osberton
- CHE/18/00346/REM Variation of condition 14 (planting scheme) of CHE/15/00372/FUL - (erection of 3 two storey 8 bedroom homes for people with learning disabilities and complex needs) as the approved planting scheme specified plants will not thrive in the soil conditions on site at Brendon House Residential Home Brendon Avenue Chesterfield S40 4NJ for Heathcotes Care Ltd
- CHE/18/00366/TPO Sycamore (T1) - Fell because there are signs of fungal growth and decay to the base of the tree. Significant deadwood in the crown indicates the tree in in rapid decline and there is an increasing chance of failure. Cherry (T2) - Crown lift to 2.5m to give clearance and remove deadwood. Sweet Gum (T3) - Prune to give 2m clearance from building, or to nearest suitable pruning point + remove ivy at 674 Chatsworth Road Chesterfield S40 3NU for Derby Diocesan Board of Finance Ltd

- CHE/18/00383/NMA Non material amendment to CHE/18/00119/FUL (erection of a conservatory) to add windows in upper part of the east and west conservatory walls at 60 Holland Road Old Whittington Chesterfield S41 9HF for Mr Michael Alexander
- CHE/18/00397/TPO Crown lift 2 lime trees, the lower branches are blocking light and the neighbours feel they are restricting visibility of the road when trying to pull out. We would like to perform a crown lift to both trees at Brookside House 714 Chatsworth Road Chesterfield S40 3PB for Mrs Helen Hurt
- CHE/18/00400/TPO 2 Larch Trees (Deceased) Fell at 176 Somersall Lane Somersall Chesterfield S40 3NA for Mr David Cannon
- CHE/18/00414/TP Adult Sycamore tree - Crown lift due to overhanging branches over property garden and neighbouring garden at 11 Newhaven Close Walton Chesterfield S40 3DX for Mrs Florence Chettle
- CHE/18/00430/TPO Proposed works to T1 and T2 Horse chestnut trees at The Warren 404 Old Road Chesterfield for Mr Mike Hadfield
- (b) Refusal
- CHE/18/00167/FUL Change of existing rear windows at 9-21 Stephenson Place Chesterfield S40 1XL for Mr Paul Singh
- CHE/18/00278/FUL Single storey extension to front for storage/ machine storage at W E Amies And Co Ltd Quarry Lane Chesterfield S40 3AT for W E Amies and Co Ltd
- CHE/18/00285/FUL Removal of section of front boundary wall to widen driveway at 31 Spire Heights Chesterfield S40 4TG for Mr Neil Duffin

(c) Discharge of Planning Condition

CHE/17/00652/DOC Discharge of planning conditions 4 (drainage) and 5 (materials) of CHE/17/00156/OUT (erection of one dwelling). Amended plans received 7.6.18 at 158 Middlecroft Road Staveley Chesterfield Derbyshire S43 3NG for Mr Ian Lowe

CHE/18/00296/DOC Discharge of planning conditions 5 (details of walls and fencing) and 7 (materials) of CHE/17/00786/FUL - Proposed 2 storey detached dwelling at 5 Westwood Lane Brimington Chesterfield S43 1PA for Mr Wayne Knott

(d) Prior Notification Demolition Approval

CHE/18/00328/DEM Demolition of main church, toilets, boiler house and brick building and surrounding footpaths and ramp at Inkersall Methodist Church Summerskill Green Inkersall Chesterfield S43 3SR for Inkersall Methodist Church

(e) Prior notification approval not required

CHE/18/00344/TPO Conservatory at 17 Eastmoor Road Brimington Chesterfield S43 1PR for Mr Mark Elliott

CHE/18/00376/TPD Conservatory to rear at 15 Croft View Inkersall Chesterfield S43 3EA for Mr and Mrs Goodwin

(f) Other Council no objection without comments

CHE/18/00348/CPO New secure lobby and school entrance through new main entrance and new 1.5m weld mesh fencing and gates to east side of the building at Westfield Infant School Vincent Crescent Chesterfield S40 3NW for Derbyshire County Council

(g) Split decision with conditions

- CHE/18/00386/TPO Felling of G1 Horse Chestnut - tree has suffered extensive crown failure in a previous storm, which is hung in an adjacent tree. There is little crown remaining and a large wound from the recent failure which is likely to become decayed in due course. This is a suppressed tree and its removal will have little effect on the treed area. Replacement planting in the same place would be likely to fail due to excessive shading at Dryhurst House Sycamore Drive Chesterfield S44 5DX for Derbyshire Community Health Services NHS Foundation Trust
- CHE/18/00405/TPO Raise crown to 3m from ground level, remove dead wood over 25mm diameter and prune branches away from road by 1m of Ash Tree at 423 Chatsworth Road Chesterfield S40 3AD for Mr Drew Forster

(h) Environmental Impact Assessment Not Required

- CHE/18/00438/EIA EIA screening opinion for residential development at land to the north of Northmoor View Brimington Chesterfield for DLP Planning

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

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

- CHE/18/00397/TPO Consent is granted to the pruning of two Lime trees reference T37 and T38 on the Order map for Mrs Hurt of 714 Chatsworth Road.
- CHE/18/00400/TPO Consent is granted to the felling of two dead Larch trees within G1 on the Order map for Mr Cannon of 176 Somersall Lane.

The duty to plant replacement trees has been dispensed with on this occasion due to no loss of amenity within the group and lack of

suitable planting places due to the more dominant trees within the group.

- CHE/18/00414/TPO Consent is granted to the pruning of one Sycamore tree on the Order map for Mr Farrell of 100 Old Hall Road on behalf of 7 Newhaven Close, Walton.
- CHE/18/00386/TPO Consent is refused to the felling of one Horsechestnut tree within G1 on the Order map for Trueman Tree Services Ltd on behalf of Derbyshire NHS Trust at Dryhurst (Children's Nursery) Chesterfield Royal Hospital.
- CHE/18/00405/TPO Consent is granted to the pruning of one Ash tree reference T4 on the Order map for Trueman Tree Services on behalf of 423 Chatsworth Road.
- CHE/18/00430/TPO Consent is granted to the felling of one Horsechestnut tree reference T21 which has suffered storm damage and the pruning of one Horsechestnut reference T20 for Heathscapes on behalf of Mr Hadfield of 404 Old Road.
- Condition attached to plant a new tree in the same location.
- CHE/18/00409/TPO Consent is granted to the pruning of one Ash tree reference T1 on the Order map for Derbyshire County Council highway at land adjacent to 15 Martindale Close, Staveley in the highway verge on Chesterfield Road.
- CHE/18/00421/TPO Consent is refused to the pruning of one Lime tree reference T6 on the Order map for Mr Chris Payne of 41 Gregory Close, Brimington.
- CHE/18/00419/TPO Consent is granted to the pruning of one Ash tree reference T62 on the Order map for Mrs

Mavis Radford of 22 Ulverston Road,
Newbold.

24 APPEALS REPORT (P000)

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

***RESOLVED -**

That the report be noted.

25 OMBUDSMAN REPORT (P840)

The Development Management and Conservation Manager submitted a report on an Ombudsman complaint which had been concluded in the Council's favour.

***RESOLVED –**

That the report be noted.

26 ENFORCEMENT REPORT (P410)

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

***RESOLVED -**

That the report be noted.

Agenda Item 4

COMMITTEE/SUB	Planning Committee
DATE OF MEETING	6 TH AUGUST 2018
TITLE	DETERMINATION OF PLANNING APPLICATIONS
PUBLICITY	*For Publication
CONTENTS SUMMARY	See attached index
RECOMMENDATIONS	See attached reports
LIST OF BACKGROUND PAPERS	For each of the attached reports, the background papers consist of the file specified in the top right hand corner on the front page of the report. Those background papers on the file which do not disclose exempt or confidential information are open to public inspection at the office of the Development Management and Conservation Manager – Planning Services. Additional background papers (if any) will be separately listed in the report.

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**INDEX TO DEVELOPMENT MANAGEMENT AND CONSERVATION
MANAGER'S REPORT ON THE 6TH AUGUST, 2018**

- ITEM 1 - CHE/17/00359/FUL** – Alterations and change of use from public house to residential use comprised of 9 flats and a separate 4 bed dwelling at Victoria Hotel, Lowgates, Staveley, Chesterfield, Derbyshire, S43 3TR for KAT Homes Ltd – Amended description and plans received 10.07.2018 and 23.07.2018, Arboricultural Impact Assessment received 23.07.2018.
- ITEM 2 - CHE/18/00200/MA** – Material amendments to Plot 1 (Re-siting of bungalow and bungalow to be single storey) of previously approved application CHE/07/00117/FUL at Fox's Place, Brampton, Chesterfield for Mr P Bissett.
- ITEM 3 - CHE/18/00224/REM** – Re-submission of all matters reserved application CHE/17/00281/REM – Approval of reserved matters of CHE/15/00594/OUT – Construction of up to Ten dwellings at land surrounding Nos. 146 to 152 Hady Lane, Chesterfield, S41 0DE for Mr Joe Stone, Mrs Kevin Bailey and Mrs Katarina Bailey.
- ITEM 4 - CHE/18/00377/FUL** - Proposed wrap around industrial shed extension to east and south of existing factory unit and extension of existing car park cutting into and including retaining wall in existing bank side at Carrwood House, Carrwood Road, Sheepbridge Industrial Estate, Chesterfield, Derbyshire, S41 9QB for Mintdale Engineering Ltd.
- ITEM 5 - CHE/18/00349/FUL** - Proposed residential development to form 2 no, 3 bed detached dwellings with off road parking (revised drawings received 19.07.2018) at 12 Cavendish Street North, Old Whittington, Chesterfield, S41 9DH for Mr P Kitchen.

Continued/

ITEM 6 - Eastside Park Addendum Report - CHE/00569/FUL (A), CHE/17/00645/FUL (B) and CHE/17/00647/FUL(C) -

(A) CHE/17/00569/FUL proposed earthworks on development land (further information regarding landscaping, drainage and biodiversity received 11.07.2018): (B) CHE/17/00645/FUL proposed bodyshop, wash and valet buildings (further information regarding landscaping, drainage, lighting and biodiversity received 11.07.2018): (C) CHE/17/00647/FUL proposed vehicle sales and service centres for the sale, service and m.o.t of motor vehicles (revised drawing received 14.05.2018, amended plans for sales building received 11.07.2018 and 24.07.2018, further information regarding landscaping, drainage and biodiversity received 11.07.2018 and 25.07.2018) at land off Eastside Park, Eastside Road, Chesterfield, S41 9BU for Pendragon plc.

Case Officer: Joe Freegard
Tel. No: (01246) 345580
Committee Date: 6th August 2018

File No: CHE/17/00359/FUL
Plot No: 2/3437

ITEM 1

ALTERATIONS AND CHANGE OF USE FROM PUBLIC HOUSE TO RESIDENTIAL USE COMPRISED OF 9 FLATS AND A SEPARATE 4 BED DWELLING AT VICTORIA HOTEL, LOWGATES, STAVELEY, DERBYSHIRE, S43 3TR FOR KAT HOMES LTD – AMENDED DESCRIPTION AND PLANS RECEIVED 10.07.2018 AND 23.07.2018, ARBORICULTURAL IMPACT ASSESSMENT RECEIVED 23.07.2018.

Local Plan: Unallocated
Ward: Lowgates and Woodthorpe

1.0 **CONSULTATIONS**

Ward Members	No comments
Staveley Town Council	Comments received
Strategy Planning Team	Comments received
Environmental Services	No objections
Design Services	No objections
Economic Development	No objections
Housing Services	No comments
Environment Agency	No comments
Yorkshire Water Services	No comments
Derbyshire Constabulary	No objections
DCC Strategic Planning	No comments
DCC Highways	Comments received
Coal Authority	No objections

Tree Officer	Comments received
Conservation Officer	No objections
Archaeology	No objections
NHS	No comments
Neighbours/Site Notice	2 petitions received and 2 representations received.

2.0 **THE SITE**

- 2.1 The property concerned is the Victoria Hotel, located on Lowgates in Staveley. The Victoria Hotel dates from the 1890s and was constructed at the same time as the residential development on Wateringbury Grove. The building is constructed of red brick and has pitched slate roofs. The elevations are notable for areas of well-crafted decorative brickwork and original sash windows (some with margins). Two modern small ground floor porches have been added. The pub is currently closed with metal shutters on the ground floor. Given its historic and aesthetic value, the pub is on the Council's draft Local List of Heritage Assets.
- 2.2 The Victoria Hotel is situated on the corner of Wateringbury Grove and Lowgates. The property is set over two storeys with further rooms within the roof area. A rear car park area is situated to the South of the site, with access to this from Wateringbury Grove. The roadway of Lowgates is situated to the North of the site, the roadway of Wateringbury Grove is situated to the East of the site, 2 Wateringbury Grove is situated to the South of the site, and a park is situated to the West of the site. Two trees are located on an area of grass within the rear car park area, and these are subject to a Tree Preservation Order.





3.0 **RELEVANT SITE HISTORY**

3.1 There is no relevant planning history at this site.

4.0 **THE PROPOSAL**

4.1 A full application has been made for alterations and change of use from public house to residential use comprised of 9 flats and a separate 4 bed dwelling. Amended description and plans received 10.07.2018 and 23.07.2018, Arboricultural Impact Assessment received 23.07.2018.

4.2 The plans were originally for the conversion of the property to a house in multiple occupation, and described as conversion to 2 units comprising of 10 and 11 flats and a separate 4 bed dwelling. Concerns were raised with regard to the level of parking provision, the potential overdevelopment of the site, highway concerns and design. Concerns were also raised in relation to the impact on the protected trees on site. This resulted in the description of the

application being revised, amended plans being produced, and a tree survey being provided.

- 4.3 The amended plans indicate that the property would be converted to 9 apartments and a four bedroom house. The property is proposed to remain largely unaltered externally. Three rooflights are proposed to the North East elevation, and an existing porch is proposed to be removed and replaced by a new doorway. Three rooflights are proposed to the South West elevation, along with two new windows at ground floor level, a new external door at first floor level, and a new window within the gable of the roof. Five rooflights are proposed to the South East elevation, and an existing porch is proposed to be removed and replaced by a new doorway. Three rooflights are proposed to the North West elevation, along with one new window at ground floor level, three windows at first floor level, and two windows within the gable of the roof.
- 4.4 Internally it is proposed to provide 9 apartments, with some of these being one bedroom and others being two bedroomed. The apartments are proposed to be situated at ground floor, first floor and second floor, with one of these being set over two floors. All of the flats are proposed to comprise living, dining, kitchen, bathroom and bedroom areas. A four bedroom house is proposed to be situated at ground floor and first floor level, to the North West section of the building. Apartment space would be situated above the house at second floor level. Externally it is proposed to provide 11 parking spaces, communal garden area, cycle storage, and a bin storage area. This provision is proposed to be situated to the South of the site, in the existing car park area. Boundary walls are proposed to be erected in front of the property, to the North East and South East elevations. The internal spaces appear to be appropriate and fit for purpose. No further details with regards to landscaping or boundary treatments are provided at this stage.
- 4.5 There is an expectation that the materials used for alterations to the building and new windows and doors would match the existing. The application form indicates that new windows and doors would be of a UPVC construction, however this is not considered to be acceptable. It is

considered that conditions should be imposed requiring the submission of material samples and full details of new windows and doors. The two trees that are covered by a Tree Preservation Order on site are proposed to be removed and replaced. An Arboricultural Impact Assessment has been provided to support these plans. The original plans were considered inappropriate in terms of design, and as such consultation took place with the applicant in order to provide amended plans.

4.6 The application is assessed on the basis of the Application Form, Planning Statement, Arboricultural Impact Assessment, Site Location Plan, and the plans and elevations.

5.0 **CONSIDERATIONS**

5.1 **Local Plan Issues**

5.2 The site is situated within the built settlement of Staveley. The immediate area mainly contains a mix of commercial and residential properties, and is well served by public transport, services and facilities. Having regard to the nature of the application, policies CS2 and CS18 of the Core Strategy and the wider National Planning Policy Framework (NPPF) apply. In addition, the Councils Supplementary Planning Document on Housing Layout and Design 'Successful Places' is also a material consideration.

5.3 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.

- 5.4 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 new 2018 NPPF places emphasis on the importance of good design stating:

‘In determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in the area, so long as they fit in with the overall form and layout of their surroundings.’ (para131)

“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, taking into account any local design standards or style guides in plans or supplementary planning documents” (para 130).

- 5.5 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.

- 5.6 The proposed development site is situated within Staveley Centre and is on previously developed land. The site is located within a built-up area where new housing development would be considered appropriate in principle. As such, this proposed development site is considered to be sufficiently sustainable for a development of this nature and is a logical housing location.

6.0 **Policy**

- 6.1 The proposal accords with the Spatial Strategy (CS1), which focuses new housing development close to centres and regeneration areas.

The key issues are the loss of public house, which is social infrastructure, and the impact on amenity.

- 6.2 Policy CS17 requires that the loss of social infrastructure can only be accepted if there is an equivalent facility available in the locality or it can be demonstrated that the current use is economically unviable. In this case, there are other public houses within the immediate area including the Speedwell Inn and pubs within the centre of Staveley (eg Beechers Brook, The Pod) and therefore the proposal would accord with the first part of this policy.

- 6.3 Policy CS2 and CS18 concern amenity and Design and the communal area as shown on the revised drawings is lacking in space, with very limited opportunities for drying clothes etc. The proposed parking provision (car, motorcycle and cycle) is low considering the existing levels of on-street parking as noted by the Highway Authority below. A lower density scheme for fewer apartments with more generous space standards would require less car parking spaces and therefore have a more favourable impact on amenity of occupiers and neighbours in this respect. Under CS18 Design, the density and standards of amenity in terms of external space and local parking impacts are considered to be acceptable.

- 6.4 To accord with CS20 and the parking guidance there should be additional provision of secure covered cycle storage. The revised drawings indicate space for 4 cycles although it is not clear whether this storage will be covered and secure.

- 6.5 The site is sustainable and although the proposal would represent the loss of social infrastructure it would provide an active use for the building which has been empty for some time. There remain concerns about the lower amenity standards and parking provision however the property is situated in a sustainable location directly adjacent to a park.

It is not possible to provide any further parking provision, however it is considered that a parking space per apartment and two parking spaces for the house is a satisfactory level of provision for a development of this nature in a location that is well served by public transport and amenities.

7.0 **Design and Appearance (Including Neighbour Effect)**

7.1 It is considered that the design of the proposed alterations to the property are acceptable, subject to the imposition of conditions, and would have no adverse impact on the character of the property or the surrounding area. It is not considered that the proposed new openings would result in any significant adverse impact on the character of the property, and the removal of the two unsightly porches would improve the appearance of the building considerably. It is important that this important vacant building is given a new appropriate use, as it has started to fall into disrepair. It is considered that the alterations to the property and the new windows and doors should match the materials of the existing property. Given the historic and architectural significance of the property, it is considered that conditions should be imposed requiring the submission of material samples and details of the windows and doors. It is considered that all windows and doors should be of a timber construction, should be recessed to match, and should ideally be of a sash design to match the existing. It is also considered that a condition should be imposed requiring all rooflights to be flush with the roof. These conditions are required in the interests of the character and appearance of the property.

7.2 Having regard to the proposed layout, plans and elevations, it is expected that the development may impose the greatest degree of change to residential properties situated on Wateringbury Grove. It is worth highlighting that this application relates to an existing building however, and that the nearest residential properties are situated approximately 20 metres away. As such, it is not considered that these plans would result in any issues in terms of overlooking, overshadowing or an overbearing impact for neighbours. It is considered that the design of the proposed alterations, the layout of the site, and the level of separation from neighbours

would ensure that these proposals would result in no significant adverse impact for neighbours.

- 7.3 An area of communal outdoor amenity space is proposed to serve the new apartments and house. Whilst this is not extensive in scale, there is no scope to provide any further space without impacting upon parking provision and the property is located directly adjacent to a park. As such, it is considered that the level of outdoor amenity space is acceptable in this instance. It is considered that a condition should be imposed requiring the provision of landscaping, bin storage and boundary treatment details for approval. The plans indicate bin storage adjacent to a rear parking area, and boundary walls to the North East and South East elevations, however details are vague. It is considered that brick boundary walls with stone coping would be most appropriate, that some level of landscaping is required to enhance the proposals, and that bin storage should be suitably screened. The plans include proposals to remove two protected trees on site and for these to be replaced. 11 parking spaces are proposed to cater for the development, and these meet guidelines in terms of dimensions. It is considered that the provision of 11 spaces to serve 9 apartments and 1 house in this sustainable location is acceptable.
- 7.4 Overall it is accepted that development of this nature would impose an impact upon neighbours. In this instance there is however a case to argue that this impact would be minimal, due to the proposed design and the relationship between properties. In the context of the provisions of Policies CS2 and CS18 of the Core Strategy and the material planning considerations in relation to neighbour impact, it is concluded that the development would be designed to prevent any significant adverse impact upon the privacy and/or outlook of neighbours. As such, the development is considered to be acceptable in terms of these policies. Overall the principle of this scheme is considered to be acceptable, and is in accordance with policies CS2 and CS18 of the Core Strategy and the wider SPD.

8.0 **Environmental Services**

8.1 The Environmental Services Officer was consulted on this application and they have raised no objections. It is considered appropriate however to impose a condition restricting the hours of construction, in the interests of the amenities of the nearest neighbours.

9.0 **Design Services**

9.1 Design Services was consulted on this application and they raised no objections. It was stated that 'the area is not shown to be at risk according to the Environment Agency flood maps. Any new drainage for the proposed building and any amendments to the existing building drainage may require Building Control approval. The applicant will also need to contact Yorkshire Water for any additional connections to the public sewer.'

9.2 It is not considered to be necessary to impose a condition requiring the submission of drainage details in this instance, as this application is for a conversion.

10.0 **Economic Development**

10.1 The Economic Development Officer was consulted on this application and stated that 'the EDU is supportive of the application. The proposal will create some employment, training and supply chain opportunities during the construction phase of the scheme. It is recommended that a local labour/ supply chain clause is negotiated and secured via either a s106 agreement or planning condition which would encourage local employment, training and supply chain opportunities during the construction phase to promote the opportunities to local businesses and local people and for the operation of the development once construction is complete. The procedure of securing benefits for local communities from development activity meets the objectives of the Chesterfield Core Strategy 2011 – 2031'.

10.2 The response from Economic Development is accepted. It is considered appropriate to impose a local labour condition.

11.0 **Derbyshire Constabulary**

11.1 Derbyshire Constabulary was consulted on this application and made no comments in relation to the amended plans. Some concerns has been raised in relation to the original plans to convert the building to an HMO, however this is no longer the proposed scheme.

12.0 **DCC Highways**

12.1 DCC Highways has raised no objections. They recommend that spaces are allocated to specific residential units to reduce the likelihood of indiscriminate parking. There are also 4 cycle parking spaces available. The application form refers to 3 motorcycle spaces but only 2 appear to be shown on drawing Ref 1817-0028 Rev B. The location of communal bin storage is noted but no bin dwell area is shown for use on refuse collection days. If the refuse collection vehicle is to enter the site then an appropriate turning facility should be provided. Traffic management may be required during the construction/re-development phase and the applicant should note the signalised pedestrian crossing to the frontage on Lowgates which must not be obstructed. Subject to the applicant suitably resolving the above matters and on the basis of the former use, proximity to local services, amenities and public transport then in this instance the Highway Authority is not aware of any existing highway safety issues that would justify a reason for refusal that could be substantiated at appeal'.

12.2 DCC Highways recommended that the following conditions be imposed, should the application be recommended for approval;

- Before any operations are commenced, space shall be 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, designed, laid out and constructed all as may be agreed with the Local Planning Authority in advance of construction work

commencing and maintained free from impediment throughout the duration of construction works.

- Prior to any works commencing (excluding above) the applicant should submit a scheme for prior written approval showing a revised parking/turning layout and resolving the bin dwell area. All parking spaces shall be formally demarcated on the ground in permanent marking materials and allocated to specific residential units. The approved scheme shall be implemented in full prior to occupation of any residential unit.
- The parking and turning layout as provided by the above Condition shall be maintained thereafter free from any impediment to its designated use.
- Prior to the occupation adequate bin storage and a bin dwell area for use on refuse collection days shall be provided as per the revised application drawings clear of the public highway, within the site curtilage clear of all access and parking and turning provision and retained thereafter free from impediment to designated use.

12.3 The response from DCC Highways is largely agreed with and the provision of 11 parking spaces for 9 flats and 1 house would be appropriate and acceptable. The suggested conditions can be imposed.

13.0 **Tree Officer**

13.1 The Tree Officer initially objected due to the absence of a tree survey. This was subsequently provided and the following comments were made; 'An Arboricultural Impact Assessment has now been submitted and the details provided in the report are acceptable and no objection arises to the two Cherry trees reference T1 & T2 of the above mentioned tree preservation order being removed as long as the new trees and retained rooting environment are protected during the development and the new tree specifications stated in the report and as shown on drawing on page 33 of the Arboricultural Impact Assessment are carried out. The two Cherry trees reference T1 & T2 are

physically pushing the boundary wall so ideally the breeze block wall should be removed at the same time as the development and if required a new wall built at the same time so that the new trees will not be damaged in the future’.

13.2 The Tree Officer stated that the objection to the application is withdrawn as long as the following conditions are attached if consent is granted to the application;

- Prior to the commencement of the development hereby approved (including demolition and all preparatory work) the tree protection measures within the Arboricultural Impact Assessment by Jon Coe Tree Services Ltd dated the 23rd July 2018 shall be implemented. The development thereafter shall be implemented in strict accordance with the approved details within the assessment.
- Before any development or construction work begins, a pre-commencement meeting shall be held on site and attended by the developers appointed arboricultural consultant or the site manager/foreman and a representative from the Local Planning Authority (LPA) to discuss details of the working procedures within the Arboricultural Impact Assessment and agree either the precise position of the approved tree protection measures to be installed OR that all tree protection measures have been installed in accordance with the approved tree protection plan. The development shall thereafter be carried out in accordance with the approved details or any variation as may subsequently be agreed in writing by the LPA.
- The Arboricultural Method Statement and Impact Assessment dated 23rd July 2018 and plan ‘Combined Arboricultural Method Statement and Tree Protection and Planting Plan’ dated July 2018 submitted in support of the application shall be adhered to in full, subject to the pre-arranged tree protection meeting.
- There shall be no excavation or raising or lowering of levels within the prescribed root protection area as shown on the drawing titled ‘Combined Arboricultural

Method Statement and Tree Protection and Planting Plan' dated July 2018 of page 33 of the Arboricultural Impact Assessment by Jon Coe Tree Services Ltd unless agreed in writing by the Local Planning Authority.

- All new tree planting shall be carried out in accordance with those details and specifications within the Arboricultural Impact Assessment and planted in the first available planting season (November-March) either during the development or upon completion. Any new trees that die, are removed, become(s) severely damaged or diseased shall be replaced and any new planting (other than trees) which dies, is removed, becomes severely damaged or diseased within five years of planting shall be replaced. Replacement planting shall be in accordance with the approved details detailed within the Arboricultural Impact Assessment by Jon Coe Tree Services Ltd (unless the Local Planning Authority gives its written consent to any variation).

13.3 The response from the Tree Officer is agreed with and the suggested conditions are considered necessary in the interests of tree protection. It is understood that a boundary wall to the South East of the site has been damaged by trees, and as such a condition should also be imposed requiring this to be removed. The wall is an unattractive feature on the site, so the removal of this wall would also contribute to aesthetics of the site.

14.0 **Conservation Officer**

14.1 The Conservation Officer has raised no objections. The following comments were made; 'The Victoria Hotel dates from the 1890s and was constructed at the same time as the residential development on Wateringbury Grove. Given the location of the former Staveley Town Train Station on Lowgates it is likely that the pub was constructed to serve and provide accommodation for travellers using the local railway. The building is constructed of red brick and has pitched slate roofs. The elevations are notable for areas of well-crafted decorative brickwork and original sash windows

(some with margins). Two modern small ground floor porches have been added. The pub is currently closed with metal shutters on the ground floor. Given its historic and aesthetic value, the pub is on the Council's draft Local List of Heritage Assets'.

14.2 The Conservation Officer stated that 'my view is that it is regrettable that the pub use cannot continue, as clearly this is what the building was designed for and how local people remember it. However, the pub has been empty for a considerable time, presumably because of viability reasons. Without a viable use the building is likely to continue to deteriorate and suffer from neglect. Excluding the addition of new velux roof windows; three ground floor windows to the rear; and the addition of 2 first floor fire doors on the rear and side elevations, there are no other proposals to change the external appearance of the building. This means that the building would essentially still be read as a Victorian building. It is important that the sash windows are retained and repaired (where necessary) as the building gains much of its identity from the fenestration. On this basis I would not object to the residential conversion. I would however recommend that clarity is provided about the sash windows and what the applicant's intentions are. I would also recommend that any new doors and windows match existing as much as possible and are constructed in timber. It would also be worthwhile exploring whether the existing pub sign (of Queen Victoria), if it is to be removed, might be displayed somewhere else on or in the building or around it, as a reminder that the building was once a well-known local pub'.

14.3 The response from the Conservation Officer is agreed with. It is important that this important vacant building is given a new appropriate use, as it has started to fall into disrepair. As previously mentioned, conditions shall be imposed requiring material samples and details of the windows and doors. It is considered that all windows and doors should be of a timber construction, should be recessed to match, and should ideally be of a sash design to match the existing. It is considered that the freestanding pub sign should be retained within the street scene, and this can be explored with the applicant by reference to a note.

15.0 **REPRESENTATIONS**

15.1 As a result of neighbour notification, 2 letters/emails have been received from an individual of an un-named address, a letter has been received from Staveley Town Council and 2 petitions have been received.

15.2 1 of the letters/emails raises concerns with regards to overcrowding, anti-social behaviour and littering associated with the original application for conversion to an HMO. The second letter relates to the current amended proposal and states that there are no objections. 1 of the petitions raises concerns with regards to parking and highway safety associated with the original application for conversion to a HMO, and has been signed by 39 individuals. The second petition containing 20 signatures relates to the current amended application, and again raises concerns with regards to parking and highway safety. The petition states that parking and congestion on Wateringbury Grove is an issue, that insufficient parking would be provided in the proposed car park, and that the development would result in further on street parking on Wateringbury Grove. The letter from Staveley Town Council also raises concerns with regards to parking.

15.3 ***With regards to parking and highway safety, it is considered that the provision of 11 parking spaces for 9 flats and 1 house is sufficient. The property is situated in a sustainable location in Staveley that is well served by transport and local amenities. As such, it is considered that the level of provision is sufficient, and there is no justification for making an assumption that on street parking, congestion or highway safety would be adversely affected. There have also been no objections from DCC Highways in relation to these plans.***

16.0 **Community Infrastructure Levy (CIL)**

16.1 With regards to this particular application the CIL Regulations state that any building / existing floor space which has not been occupied with a legitimate planning use for a period of 6 months within the last 3 years becomes liable for CIL when a new planning permission is granted and

implemented. In this case large parts of the building have not been occupied in the last 3 years and therefore the scheme is CIL liable.

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

		A	B	C	D	E
Proposed Floorspace (GIA in Sq.m)	Less Existing (Demolition or change of use) (GIA in Sq.m)	Net Area (GIA in Sq.m)	CIL Rate	Index (permission)	Index (charging schedule)	CIL Charge
588	0	588	£20 (High Zone)	317	288	£12,944

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

17.0 **HUMAN RIGHTS ACT 1998**

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

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

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

- 17.3 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.
- 17.4 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
- 18.0 **STATEMENT OF POSITIVE AND PROACTIVE WORKING WITH APPLICANT**
- 18.1 The following is a statement on how the Local Planning Authority (LPA) has adhered to the requirements of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 in respect of decision making in line with paragraph 38 of the July 2018 National Planning Policy Framework (NPPF).
- 18.2 Given that the proposed development does not conflict with the NPPF or with 'up-to-date' Development Plan policies, it is considered to be 'sustainable development' and there is a presumption on the LPA to seek to approve the application. The LPA has used conditions to deal with outstanding issues with the development and has been sufficiently proactive and positive in proportion to the nature and scale of the development applied for. Pre application advice was provided.
- 18.3 The applicant / agent and any objector will be provided with copy of this report informing them of the application considerations and recommendation / conclusion.
- 19.0 **CONCLUSION**
- 19.1 The amended proposals are considered to be appropriate in terms of principle, design and layout, and would have no adverse impact on the character of the property, neighbours, trees, parking or highway safety. Although the loss of the pub is regrettable, the building is likely to continue to deteriorate and suffer from neglect without a viable use. The proposed

residential use is considered to be entirely appropriate in this sustainable location. It is considered that conditions are required detailing material samples, details of the windows and doors, landscaping, boundary treatments, bin storage, tree protection measures and highways measures. The proposed development site is in a sustainable location that is well served by public transport and amenities. As such, the proposal accords with the requirements of policies CS2, CS10, CS15, CS18 and CS20 of the Core Strategy and the wider National Planning Policy Framework.

- 19.2 Furthermore subject to the imposition of appropriate planning conditions the proposals are considered to demonstrate wider compliance with policies CS8 and CS9 of the Core Strategy and the wider NPPF in respect of tree protection, landscaping, bin storage and materials. It is considered necessary to remove Permitted Development Rights to prevent the overdevelopment of the site and any additions or alterations that would adversely affect this important building.

20.0 **RECOMMENDATION**

- 20.1 That a CIL Liability Notice be issued in line with paragraph 16 above.

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

Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. All external dimensions and elevational treatments shall be as shown on the approved plans with the exception of any approved non material amendment.
3. Before construction works commence or ordering of external materials takes place, precise specifications or samples of the 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.

4. No development shall take place until full details of both hard and soft landscape works, bin storage and boundary treatments including the retention of the freestanding pub sign have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved.
5. Unless otherwise agreed in writing by the local planning authority, development shall not commence until details of the proposed windows and doors with cross sections have been submitted to the Local Planning Authority for consideration and written approval. Only the approved details shall be incorporated as part of the development, unless otherwise agreed in writing by the Local Planning Authority.
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. Notwithstanding the provision of the Town and Country Planning (General Permitted) Development Order 1995 (as amended) there shall be no extensions, outbuildings or garages constructed or additional windows erected or installed at or in the development hereby approved without the prior written agreement of the Local Planning Authority.
8. The rooflights shall be laid flush with the roof and the boundary wall to the South East of the site shall be removed.
9. 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.

10. Before any operations are commenced, space shall be 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, designed, laid out and constructed all as may be agreed with the Local Planning Authority in advance of construction work commencing and maintained free from impediment throughout the duration of construction works.
11. All parking spaces shall be formally demarcated on the ground in permanent marking materials and allocated to specific residential units. The approved scheme shall be implemented in full prior to occupation of any residential unit.
12. The parking and turning layout as shall be maintained free from any impediment to its designated use.
13. Prior to the occupation, details shall be provided to the local authority for approval in writing showing adequate bin storage and a bin dwell area for use on refuse collection days clear of the public highway, within the site curtilage clear of all access and parking and turning provision and retained thereafter free from impediment to designated use.
14. Prior to the commencement of the development hereby approved (including demolition and all preparatory work) the tree protection measures within the Arboricultural Impact Assessment by Jon Coe Tree Services Ltd dated the 23rd July 2018 shall be implemented. The development thereafter shall be implemented in strict accordance with the approved details within the assessment.
15. Before any development or construction work begins, a pre-commencement meeting shall be held on site and attended by the developers appointed arboricultural consultant or the site manager/foreman and a representative from the Local Planning Authority (LPA) to discuss details of the working procedures within the Arboricultural Impact Assessment and agree either the precise position of the approved tree protection measures to be installed OR that all tree protection measures have been installed in accordance with

the approved tree protection plan. The development shall thereafter be carried out in accordance with the approved details or any variation as may subsequently be agreed in writing by the LPA.

16. The Arboricultural Method Statement and Impact Assessment dated 23rd July 2018 and plan 'Combined Arboricultural Method Statement and Tree Protection and Planting Plan' dated July 2018 submitted in support of the application shall be adhered to in full, subject to the pre-arranged tree protection meeting.
17. There shall be no excavation or raising or lowering of levels within the prescribed root protection area as shown on the drawing titled 'Combined Arboricultural Method Statement and Tree Protection and Planting Plan' dated July 2018 of page 33 of the Arboricultural Impact Assessment by Jon Coe Tree Services Ltd unless agreed in writing by the Local Planning Authority.
18. All new tree planting shall be carried out in accordance with those details and specifications within the Arboricultural Impact Assessment and planted in the first available planting season (November-March) either during the development or upon completion. Any new trees that die, are removed, become(s) severely damaged or diseased shall be replaced and any new planting (other than trees) which dies, is removed, becomes severely damaged or diseased within five years of planting shall be replaced. Replacement planting shall be in accordance with the approved details detailed within the Arboricultural Impact Assessment by Jon Coe Tree Services Ltd (unless the Local Planning Authority gives its written consent to any variation).

Reasons

1. The condition is imposed in accordance with section 51 of the Planning and Compensation Act 2004.
2. 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.

3. 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.
4. The condition is imposed in order to enhance the appearance of the development and in the interests of the area as a whole.
5. To protect the character of the building and the wider area.
6. In the interests of residential amenities.
7. In the interests of the amenities of occupants of adjoining dwellings.
8. In the interests of the character and appearance of the development.
9. In order to support the regeneration and prosperity of the Borough, in accordance with the provisions of Policy CS13 of the Core Strategy.
10. In the interests of highway safety and parking.
11. In the interests of highway safety and parking.
12. In the interests of highway safety and parking.
13. In the interests of highway safety and parking.
14. In the interests of the protection of trees.
15. In the interests of the protection of trees.
16. In the interests of the protection of trees.
17. In the interests of the protection of trees.

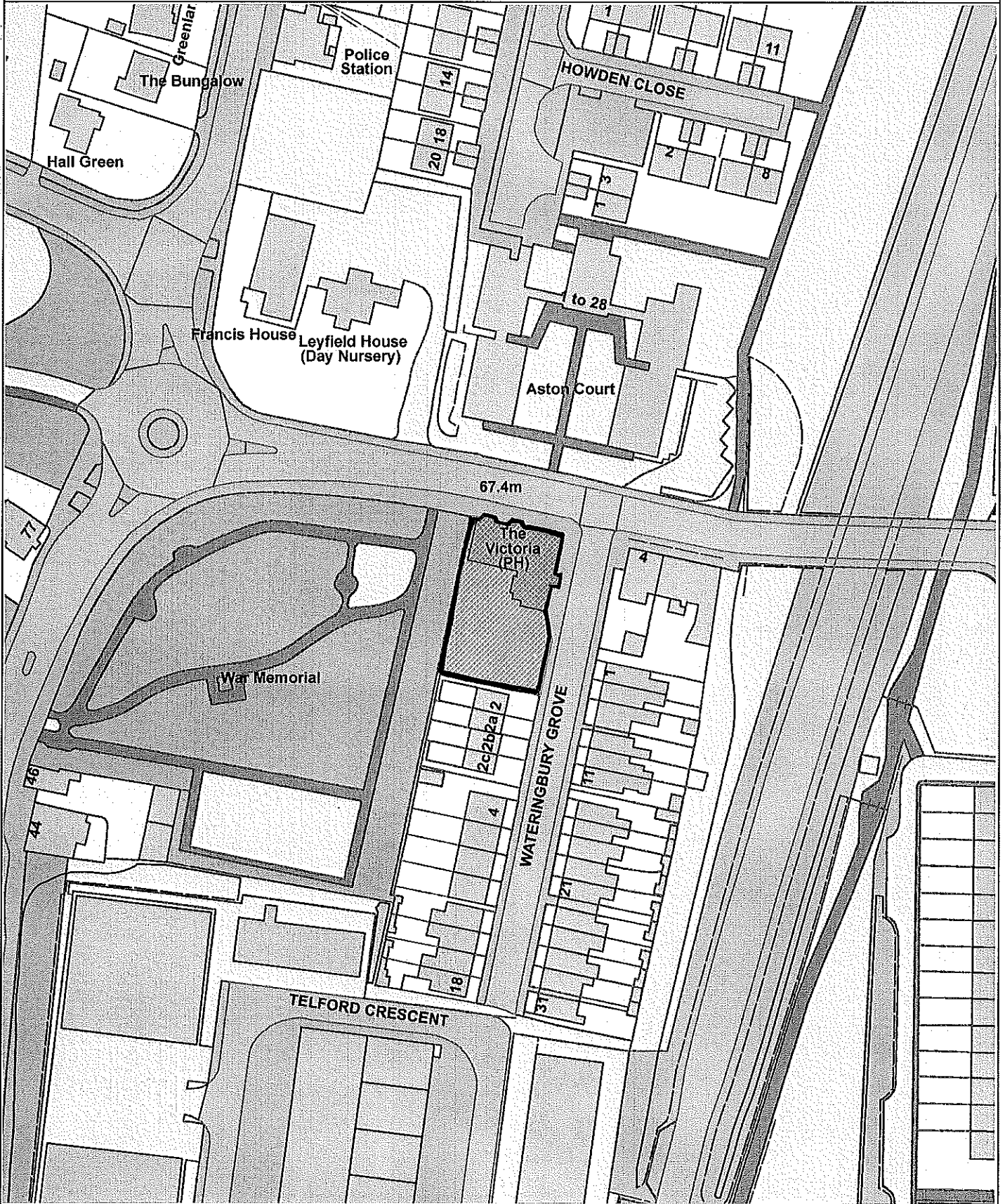
18. In the interests of the protection of trees.

Notes

01. If work is carried out other than in complete accordance with the approved plans, the whole development may be rendered unauthorised, as it will not have the benefit of the original planning permission. Any proposed amendments to that which is approved will require the submission of a further application.
02. This approval contains condition/s which make requirements prior to development commencing. Failure to comply with such conditions will render the development unauthorised in its entirety, liable to enforcement action and will require the submission of a further application for planning permission in full.
03. Pursuant to Sections 149 and 151 of the Highways Act 1980, the applicant must take all necessary steps to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (eg; street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.
04. Construction works are likely to require Traffic Management and advice regarding procedures should be sought from Dave Bailey, Traffic Management, 01629 538686. All road closure and temporary traffic signal applications will have to be submitted via the County Councils web-site; relevant forms are available via the following link - http://www.derbyshire.gov.uk/transport_roads/roads_traffic/roadworks/default.asp
06. Connection to the public sewerage system requires prior consent from Yorkshire Water. Connections to the existing drainage may require Building Control approval.

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Planning Committee-CHE/17/00359/FUL - Victoria Hotel



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Case Officer: Chris Wright
Tel. No: (01246) 345787
Committee Date: 6th August 2018

File No: CHE/18/00200/MA
Plot No 2/4296

ITEM 2

MATERIAL AMENDMENTS TO PLOT 1 (RE-SITING OF BUNGALOW AND BUNGALOW TO BE SINGLE STOREY) OF PREVIOUSLY APPROVED APPLICATION CHE/07/00117/FUL AT FOX'S PLACE, BRAMPTON, CHESTERFIELD FOR MR P BISSETT.

Local Plan: Unallocated
Ward: Holmebrook

1.0 CONSULTATIONS

DCC Highways	No objection
Design Services	No objection
Ward Members	No comments received
Neighbours/Site Notice	Five representations received

2.0 THE SITE

- 2.1 This site was previously vacant 'backland' between the rear gardens of dwellings on Old Road and Chatsworth Road and which historically was used as a parking area. A previous application was approved for 2 dwellings on site including access onto Old Road.
- 2.2 The western most approved dwelling has been built on site however the land to the east remains overgrown.
- 2.3 There is an existing brick built building to the north east of the site. Brick walls define all boundaries and which vary in height from 1.5m to 2.5m. The applicant has also begun to construct a timber framed outhouse adjoining the northern boundary.

3.0

RELEVANT SITE HISTORY

- Two cottages were previously located on site.
- CHE/0887/0498 – Construction of two bungalows – Refused – 15/10/87
- CHE/0890/0687 – Construction of two dwellings – Refused – 1990
- CHE/0399/0108 – Outline planning permission for a single dwelling – Conditional Permission – 29/04/99
- CHE/06/00542/FUL – Two units (3 dwellings) – Refused – 10/08/06
- CHE/06/00687/FUL - Closure of footpath through land by erection of wall 2 metres high – Conditional Permission – 10/10/06
- CHE/07/00117/FUL - 2 detached dormer bungalows - resubmission of CHE/06/00542/FUL – Conditional Permission – 02/04/07
- CHE/09/00637/NMA - Non-material amendment to previous approved scheme CHE/07/00117/FUL comprising a change to dormer window roofs to pitched and addition of a gable type roof over bay to front elevation – Unconditional Permission – 27/10/09

4.0

THE PROPOSAL

- 4.1 The proposal seeks a material amendment to a previously approved scheme. That was for two 3 bedroom dormer bungalows on the site.
- 4.2 This application seeks to amend the scheme to replace the eastern most of the previously approved dwelling with a 2 bedroom bungalow, to change its siting, re-configure the internal boundaries of the site, move parking spaces and to build an outhouse on the site.
- 4.3 The dwelling would be 11m wide and 8m deep. It would have projecting gable to the front and it would use matching red bricks and concrete tiles to the existing dwelling.
- 4.4 The outbuilding would be 7.1m wide and 3m deep, with a height of 2.34m. This would be constructed out of wood and would be used for storage and as a summerhouse.

5.0 **CONSIDERATIONS**

5.1 **Local Plan Issues**

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

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

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

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

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

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

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

- 5.1.4 In addition to the above, in July 2013 the Council adopted 'Successful Places' which is a Supplementary Planning Document which guides Sustainable Housing Layout and Design. The development proposed should be assessed against the design principles set out in this supporting document.
- 5.1.5 After reviewing the application against the relevant policies and previous applications the principle of the proposal is considered to be acceptable. It is within a residential area and a development in this location would support the council's spatial strategy of 'concentration and regeneration' by re using a brownfield site in a location well served by a range of facilities and methods of transport, this ensures the proposal is in line with CS1 and CS2. Furthermore the fact that the 2007 planning permission has been implemented is a significant fall back position which carries weight as part of the consideration of the changed scheme.

5.2 **Design, Visual and Residential Amenity**

- 5.2.1 A two bed dormer bungalow, as built next door, was previously approved on site. The dwelling now proposed has been reduced to one storey and its siting has been changed.
- 5.2.2 Scale - The reduction of the proposed dwelling from a dormer bungalow to a bungalow has reduced the overall height by 1.0 metre from 5.9 metres to 4.9 metres. The eaves height remains the same. This has the effect of lessening potential overlooking issues with neighbours. It will mean that the two dwellings do not match, but this is not considered to be a significant issue.

- 5.2.3 Siting – The dwelling has been rotated to face more towards the access point and moved closer to the southern boundary. This achieves a larger rear garden area. The original drawings showed the dwelling so that it was at a similar angle and distance from the boundary to the other dwelling. During the application process this was changed to its current siting to ensure it impacted less on surrounding residents.
- 5.2.4 Overlooking – The siting of the bungalow has been carefully considered to ensure that it doesn't lead to a significant amount of overlooking with surrounding neighbours. During the previous application plot 1 was sited at an angle away from facing directly towards the rear of the dwellings on Chatsworth Road. This proposal originally seemed to change this, so it would have been facing almost directly towards the rear of several houses. After discussions with the applicant and agent this was changed to reduce any potential impact. There is a boundary wall on site, which will lessen any overlooking, but the rear 1st floor rooms of the neighbouring houses will still be able to overlook into habitable rooms in this dwelling, including the dining room/kitchen and 2nd bedroom; due to the proposed angle however this is not considered to be a significant planning issue.
- 5.2.5 Overshadowing – The reduction in height of the plot 1 has ensured that the proposal does not lead to increased overshadowing to surrounding dwellings. Due to the layout of the two dwellings on this site the proposal will not lead to increased overshadowing to one another.
- 5.2.6 Proposed Outbuildings – As part of the proposal the applicant submitted additional drawings that including an outbuilding on the northern border. This would be sited very close to the northern border of the dwellings on Old Road. The outbuilding is partially built so it is possible to view how this will look and to consider what impact it may have upon the residents of these houses in the future. There were several objections in relation to this building, the residents were concerned about several issues including fire risk, noise from socialising, the blocking of residents to maintain their boundary walls and overshadowing into rear gardens and outbuilding.

As stated elsewhere, only planning-related issues can be considered and the only consideration that can be addressed is overshadowing and noise. It is accepted that the rear garden areas for the dwellings on Old Road are small, and that they are sensitive to overshadowing. The roof of the outbuilding is visible from within neighbouring gardens with the potential impact upon the amenity space of nos.68-72 Old Road. It is not considered that the potential overshadowing would cause significant harm to the residents of these dwellings.

It is also accepted that the proposal will increase the height of the built up nature of the site, as the rear wall and roof will be above the brick wall by approximately 20cm. In terms of possible noise from the summer house, if this is beyond acceptable levels then this would be dealt with via environmental protection.

- 5.2.7 Boundary treatments – During the application process the officer sought to clarify what was intended for the boundary treatments on site. The agent for the application clarified that there was no intention to increase the height of the walls on site. One of the other issues on site is the removal of an existing outbuilding, and what boundary treatment will replace this. It is intended to match the replacement with the rest of the wall on site, as stated in an email (21st May 2018).
- 5.2.8 Planting on site – Within the comments from neighbouring residents, they object to the placing of plants close to their boundaries as they may lead to overshadowing within their amenity space. A resident of a dwelling can plant any plant, shrub or tree wherever like, even if this does lead to some overshadowing. It is not expected that the applicant will plant large trees in this location, partly because this could lead to expensive maintenance issues in the future.
- 5.2.9 In its amended form this proposal is considered to be an improvement on the original scheme.
- 5.2.10 In terms of overlooking there is not considered to be any significantly negative issues. In terms of overshadowing the proposed outbuilding led to several objections from neighbouring residents, but after visiting the site it was not

considered to lead to a significant level over overshadowing. In the context of the provisions of Policies CS2 and CS18 of the Core Strategy and the material planning considerations in relation to neighbour impact, it is concluded the proposals will not significantly impact upon the privacy and/or outlook of the adjoining and/or adjacent neighbours and are acceptable in terms of these policies.

- 5.2.11 Overall the proposed development is considered to be appropriately sited, scaled and designed to respond to the provisions of policies CS2 and CS18 of the Core Strategy and the wider SPD.

5.3 **Highways Issues**

- 5.3.1 Parking – The reconfiguration of the internal boundary of the site has reduced the size of plot 2; this has changed the shape and size of the area set aside for parking within the boundaries of this plot. It has been confirmed by the applicant that this area to the side of plot 2 will be hard surfaced and utilised for parking in the future. With regards to plot 1, within the boundary of the front garden and hardstanding area there are two parking spaces which are considered to be an adequate size. The turning and manoeuvring area in front of both dwellings is considered to be a separate area, and shouldn't be utilised for parking if possible, as it may block the safe entry or exit of vehicles trying to access the parking spaces within the individual plots.
- 5.3.2 The proposal for plot 1 includes 2 parking spaces, which is considered acceptable. It is still proposed to have 2 parking spaces upon their site. The access situation is not considered to be ideal and there were several safety issues with this previously, but as this is not part of the material amendment it is not being considered as part of the application.
- 5.3.3 Having regard to policies CS2 and CS18 of the Local Plan in respect of highway safety it is considered that the development proposals do not pose an adverse risk to highway safety.

5.4 **Flood Risk/Drainage**

- 5.4.1 In respect of matters of drainage and potential flood risk (having regard to policy CS7), it is noted that the application site is not at risk of flooding. The Council's Design Services Team had no objections.

5.5 **Land Condition/Contamination**

- 5.5.1 The site the subject of the application is currently developed land and therefore land condition and contamination need to be considered having regard to policy CS8 of the Core Strategy. This issue has been considered as part of the previous application.
- 5.5.2 In respect of potential Coal Mining Risk, the site lies within the High Risk Area, but any issues related to this should have been dealt with during the previous application, as plot 2 has already been built on site.

6.0 **REPRESENTATIONS**

- 6.1 As a result of neighbour notification, the residents of four separate dwellings provided letters of representation prior to the re-positioning of the dwelling with the following comments:
- 6.2 Resident of no.68 Old Road – Their concerns include their inability to maintain their rear wall, the close distance between the new outhouse and their rear wall as well as the potential for this building to overshadow their garden.
- 6.3 Resident of no.70 Old Road – The applicant has concerns that the outhouse is too close to their boundary; this will mean that any future maintenance of this wall will be extremely difficult and that it will be a fire risk. They also consider it to be too high, and will lead to overshadowing into their garden and outhouse. As well as this, they are concerned that if social gatherings occur within the summer house that it will impact upon the privacy and tranquillity of their rear amenity space. The proposed trees on this boundary also concern them.

- 6.4 Resident of no.343A Chatsworth Road – The resident is of the opinion that the revised drawings are an improvement in terms of its position and change from a dormer bungalow to just a bungalow. Although it is still noted that it has been moved closer towards Chatsworth Road (than the originally approved scheme). They were also against any possible increase in height of the boundary, as the rear section of their garden is not very wide and any increase in height could cause a significant impact upon their enjoyment of this space. Also, the ground levels appear to vary in height on either side of the wall, and they are aware that if the height was considered from the applicant's side (such as 2m) that this would be higher on their side.
- 6.5 Resident of no.70 Old Road – They were against the building of the outbuildings as they would block access to maintain their boundary wall, they could also block out daylight. They are also not happy with the prospect of the proposal being built, as during the last period of building works there noise from early morning until late afternoon/evening, dust and dirt being blown onto their land and lorries coming to site causing disruption. This occurred for a number of years.
- 6.6 ***In response to the comments made, the proposed hours of works will be controlled by a condition to restrict work hours, the right to access boundary walls for maintenance purposes is not a planning issue, fire risk is not a planning issue and plant/shrub types can be controlled with suitable conditions so large trees are not planted close to neighbouring boundaries. The issues of overlooking, overshadowing and boundary treatments will be dealt with within the report.***

7.0 **HUMAN RIGHTS ACT 1998**

- 7.1 Under the Human Rights Act 1998, which came into force on 2nd October 2000, an authority must be in a position to show:
- Its action is in accordance with clearly established law
 - The objective is sufficiently important to justify the action taken
 - The decisions taken are objective and not irrational or arbitrary

- The methods used are no more than are necessary to accomplish the legitimate objective
- The interference impairs as little as possible the right or freedom

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

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

8.1 The following is a statement on how the Local Planning Authority (LPA) has adhered to the requirements of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 in respect of decision making in line with paragraph 38 of the July 2018 National Planning Policy Framework (NPPF).

8.2 Given that the proposed development does not conflict with the NPPF and 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 been sufficiently proactive and positive in proportion to the nature and scale of the development applied for, and requested changes to make the scheme acceptable.

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

9.0 **CIL LIABILITY**

9.1 As new housing the proposal is CIL liable however having regard to the nature of the material amendment application proposing a change to a previously submitted approval with a decrease in floorspace, there is unlikely to be a CIL charge.

10.0 **CONCLUSION**

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

11.0 **RECOMMENDATION**

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

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

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

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

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

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

III. A detailed scheme of remedial works should the 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.

04. 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.

05. Unless otherwise agreed in writing by the local planning authority, 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. 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 cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Unless otherwise agreed in writing by the Local Planning Authority, these areas shall be retained as such thereafter free from any impediment to their designated use.
07. 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.
08. Unless otherwise agreed in writing by the Local Planning Authority 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. In the event it is proposed to import soil onto site in connection with the development the proposed soil shall be sampled at source and analysed in a MCERT certified laboratory, the results of which shall be submitted to the Local Planning Authority for consideration. Only the soil approved in writing by the Local Planning Authority shall be used on site.
10. Upon commencement of development, details of signs advising drivers that vehicles entering the site have priority shall be submitted to the Local Planning Authority for consideration. Only those details approved in writing by the Local Planning Authority shall be implemented as part of the development and shall be retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

11. All external dimensions and elevational treatments shall be as shown on the approved plans:
- Site Layout. Drawing no. DSC.695.A3.07 A (received July 2nd 2018),
 - Email correspondence received July 19th 2018 regarding materials and parking,
 - Email correspondence received 21st May 2018 regarding walls.
 - Site Location Plan,
 - Proposed Plans, Elevations and Typical Section ; 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. In the interest of satisfactory and sustainable drainage.
03. To protect the environment and ensure that the redeveloped site is reclaimed to an appropriate standard.
04. 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.
05. In the interests of highway safety.
06. In the interests of highway safety.
07. In the interests of the amenities of occupants of adjoining dwellings.
08. In the interests of residential amenities.
09. To protect the environment and ensure that the redeveloped site is reclaimed to an appropriate standard.

10. In the interests of highway safety.
11. 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. The proposed development lies within a coal mining area. In the circumstances applicants should take account of any coal mining related hazards to stability in their proposals. Developers must also seek permission from the Coal Authority before undertaking any operations that involves entry into any coal or mines of coal, including coal mine shafts and adits and the implementation of site investigations or other works. Property specific summary information on any past, current and proposed surface and underground coal mining activity to affect the development can be obtained from the Coal Authority. The Coal Authority Mining Reports Service can be contacted on 0845 762 6848 or at www.coal.gov.uk.
02. Where a desk study and site investigation is undertaken, the following will be required: - (a) A conceptual site model. (b) All laboratory testing must be UKAS accredited. (c) MCERTS accreditation will be required for certain soil analysis. (d) ICRCL has now been withdrawn. However, it can be used for background comparisons. (e) CLEA reports should be included as an attachment to the main report. It is advisable to contact the Borough Councils Environmental Services on 01246 345767 prior to any site investigations being undertaken.
03. 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.

04. 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.

Planning Committee - CHE/18/00200/MA - Foxs Place (Plot 1)



CHESTERFIELD
BOROUGH COUNCIL

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Case Officer: Chris Wright
Tel. No: 01246 345787
Committee Date: 6th August 2018

File No: CHE/18/00224/REM
Plot No: 2/1273/1292

ITEM 3

**RE-SUBMISSION OF ALL MATTERS RESERVED APPLICATION
CHE/17/00281/REM - APPROVAL OF RESERVED MATTERS OF
CHE/15/00594/OUT - CONSTRUCTION OF UP TO TEN DWELLINGS AT
LAND SURROUNDING NOS 146 TO 152 HADY LANE, CHESTERFIELD,
S41 0DE FOR MR JOE STONE, MR KEVIN BAILEY &
MRS KATARINA BAILEY**

Local Plan: Open Countryside and Other Open Land
Ward: St Leonards

1.0 CONSULTATIONS

Highways DCC	Requested changes, but no fundamental objections
Ward Members	No comments received.
Environmental Services	No comments received.
Coal Authority	Comments received – see report
Tree Officer	No comments provided
Urban Design Officer	Several amendments previously required, but no objections after the most recent changes. Conditions recommended.
Design Services	No objection.
Yorkshire Water	No objection.
Derbyshire Wildlife Trust	No objection.
CBC Spatial Planning Team	Comments prior to submission of additional information, but no objection.

Neighbours/Site Notice 3 representations received
/Advert

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

2.0 **THE SITE**

2.1 This application site is a part of land which is to the most north of the overall development site. The overall site (which is in two elements) is around 1 hectare of open grassland on the western side of Hady Lane in Hady and is part of a tract of wider open land that is bounded by development (mainly residential) to the east yet also has open links to the wider countryside to the west. The overall site consists of a 'northern' and a 'southern' part of the site. The 'northern' plot is the larger of the two and is to the north-north west of four existing detached dwellings which front onto Hady Lane. The southern area is smaller and is to the south of these properties and a planning application has been submitted and approved for a dwelling on this part of this site. There is also a linking strip of land behind the four dwellings fronting onto Hady Lane.

2.2 The site is approximately 1.3km to the east of Chesterfield Town Centre within the ward of St Leonards. The sites adjoin Hady Lane, an unclassified highway and minor road. Hady Lane joins the classified Hady Hill (A632) 500m to the north and Hady Hill links Chesterfield Town Centre to the settlement of Calow and beyond. Hady Hill also serves Chesterfield Royal Hospital which is approximately 1.0km to the north of the site. To the south east, Hady Lane joins Calow Lane, a classified highway linking Calow and Hasland.

2.3 The northern part of the site is mostly enclosed by hedgerows in contrast to the southern part which only has a hedgerow to the boundary with Hady Lane. There is deciduous woodland to the south of the overall site and the site also has three isolated trees within the northern plot. Site levels are not flat and there is a general fall to the west away from Hady Lane on the northern plot whilst the southern plot is on a mostly south facing slope but contains a rise to the west and a trench bounded by vegetation.

2.4 To the east of the site is Hady Lane and the urban area of Hady, characterised by two storey dwellings set back and down from the highway. There is a variety of external building materials present in the streetscene, with render, red brick and beige brick walling present and also a mix of red and brown concrete roofing tiles. To the north of the site an area of land which was a former garage site has been developed as a Traveller site with a vehicular access onto Hady Lane. Beyond this is open land and playing fields and Hady Primary School. The land to the north-west has a former landfill site beneath.

2.5 The site would not fall within the definition of previously developed land in the National Planning Policy Framework (NPPF) and so can be described as 'greenfield'.

3.0 **RELEVANT SITE HISTORY**

3.1 CHE/18/00009/REM - Approval of reserved matters of CHE/15/00594/OUT for erection of one dwelling – CONDITIONAL PERMISSION – 11.04.18

3.2 CHE/17/00281/REM – Approval of Reserved Matters for outline application CHE/15/00594/FUL – WITHDRAWN – 30.10.17

3.3 CHE/15/00594/FUL – Outline planning application for up to ten dwellings at land surrounding no. 146-152 Hady Lane – CONDITIONAL PERMISSION – 08.12.15

3.4 CHE/07/00941/FUL - Land Adjacent To Farm Cottage 148 Hady Lane - 2 Houses and garages (Re-submission of CHE/07/00416/FUL) - GRANTED 12.03.2008

3.5 CHE/07/00416/FUL - Land Adjacent To Farm Cottage 148 Hady Lane - 2 Houses, triple garage and double garage - REFUSED 06.08.2007 - APPEAL DISMISSED

3.6 CHE/04/00121/FUL - Land Adjacent To Farm Cottage 148 Hady Lane - Erection of three 3 detached houses with garages – GRANTED - 04.05.2004

4.0 **THE PROPOSAL**

- 4.1 The application submitted seeks reserved matters approval for access, external appearance, landscaping, layout and scale of the site for the development of 9 detached 2 storey dwellings.
- 4.2 Outline planning permission already exists under application number CHE/15/00594/OUT which includes 24 no. conditions that include coal mining risk, flooding and ecology.
- 4.3 The application submission is for 9 two storey dwellings, which will be designed to be similar however 5 of the dwellings will include a semi-hip within the front gable. The dwellings will be 12.8m long and 6.9m wide. They will be brick finished, with stone quoins and cills. The front windows will also include lead canopies over one of the windows.
- 4.4 The dwellings are positioned to be at different angles and plot positioning with reasonably similar gaps between the dwellings. To the rear/side of the dwellings are 8 detached single garages, and one attached single garage; these are 6.8m long and 3.3m wide. The detached garages will have pitched roofs, but the attached garage will have a hipped roof. All dwellings would have at least 3 parking spaces within the plots.
- 4.5 The proposal includes a new access off Hady Lane and an internal service road parallel to the frontage and along to each end of the site. Within the area including the front gardens and service road there would be turning circles, trees, grassed area (both communal and private areas).
- 4.6 The land levels of the site are separated, so the rear gardens are lower than the ground level of the houses and garages. The rear gardens would also be over 100 sqm in size. There would be 2m high fences near to the rear of the houses dropping to 1.2m high fences further back.

5.0 **CONSIDERATION**

5.1 **Planning Policy Issues**

- 5.1.1 The site is land allocated as Open Countryside / Other Open Land which is a protected allocation of Policy EVR2 from the 2006 Local Plan, which was saved alongside the adoption of the Chesterfield Local Plan: Core Strategy 2011 - 2031.
- 5.1.2 Having regard to the nature of the application proposals policies of the Core Strategy:
- CS1 (Spatial Strategy),
 - CS2 (Location of Development),
 - CS3 (Presumption in favour of Sustainable Development),
 - CS4 (Infrastructure Delivery),
 - CS6 (Sustainable Design),
 - CS7 (Management of the Water Cycle),
 - CS8 (Environmental Quality),
 - CS9 (Green Infrastructure and Biodiversity),
 - CS10 (Flexibility in delivery of Housing)
 - CS18 (Design)
- 5.1.3 The wider National Planning Policy Framework (NPPF) also applies. In addition the Councils Supplementary Planning Document on Housing Layout and Design 'Successful Places' is also a material consideration.

5.2 **Principle of Development**

- 5.2.1 The site is currently designated as open countryside under saved Policy EVR2 of the 2006 Local Plan (which is saved until the Local Plan: Sites and Boundaries has been subsequently adopted). Under Policy EVR2 residential development of this site in the open countryside would not normally be permitted; however this policy position (including assessment of the Council's 5 year Housing Land Supply) was taken into account when the Planning Committee determined the outline planning application in December 2015 when it resolved to grant outline planning permission.
- 5.2.2 Given the fact the site benefits from a live / extant outline planning permission the Local Planning Authority cannot revisit the decision on the principle of development on this site for up to 10 dwellings (whilst the outline permission is live / extant) and therefore if the application for reserved matters is considered to fall within the

scope of this permission (which it does) the principle of development has to be considered acceptable.

5.3 **Visual and Residential Amenity Issues**

Urban Design Officer comments:

- 5.3.1 The proposed dwellings are two-storeys in height and appear similar in scale to the neighbouring houses to the southeast (Nos. 146 – Hady Lane) which would be consistent with the scale of existing built form on the west side of Hady Lane. The existing hedge is proposed to be retained and additional hedge planting added around the southwest edge of the site. However, the extent of existing hedgerows and areas of new planting is not clearly identified on the submitted plans. It is recommended that details of landscaping are required by way of condition together with its subsequent implementation. Extensive areas of hardstanding are indicated behind the front hedgerow. These appear to impinge upon the tree positions shown at far the northern and southern ends of the site. It is recommended that the site plan is amended to increase the extent of soft landscaping around these trees, in order to provide suitable growing conditions. Landscaping could be managed by a suitably worded condition to provide adequate details and a schedule of implementation and maintenance.

The field access through the site has been narrowed to a 6m wide corridor. The building line for Plots 4-9 has also been adjusted to introduce a less formal arrangement whereby the buildings step in and out slightly and face towards Hady lane. This represents an enhancement to the scheme and results in a less rigid appearance.

In respect of landscaping, the shrubs previously suggested are now shown to be replaced with Silver Birch (*Betula pendula*) which is appropriate although the trees are shown to be a minimum of 1m in height which is very small, whereas heavy standard size trees (12-14cm girth & 3-3.5m planting height) is recommended. This could potentially be conditioned as necessary.

Areas of soft landscape around the trees have also been increased in order to provide a more suitable growing environment, which is appropriate.

The Urban Design Officer comments that the layout has been adjusted in response to design comments. The scheme now creates a more consistent pattern to the building line and is now considered to be accessible from an urban design perspective. Conditions to implement the proposed landscaping and submission of materials for approval are recommended.

- 5.3.2 In terms of overlooking and overshadowing the proposal is considered to produce a scheme which does not lead to a significant impact upon surrounding residents.
- 5.3.3 The architecture of dwellings with the Hady area is mixed, with the existing houses at 146-152 Hady Lane considered to be very different in comparison to the existing estate of housing to the east of Hady Lane. These dwellings are not considered to have taken their design cues from any of the surrounding area. The dwellings to the south of the site have staggered frontages and are mostly L-shaped, with protruding gables to the front. They also have a mix of hipped roofs and gabled roofs. The materials used are varied, with mostly red brick utilised and red tiles. The proposed houses will also be staggered and will utilise a mix of red and orange coloured bricks, with alternate houses varying the brick and tile colours. They will have a gable fronting the highway, with a semi-hip roof included on 5 of the houses. This is considered to offer some variety to the house types. The width, length frontages will be identical.
- 5.3.4 The boundary treatments to the site will be utilising the existing hedgerows to the front and will have new hedges to the side and rear. The internal fences to the rear, which includes 2m and 1.2m high fencing, is considered to be an acceptable compromise to take into account privacy near to the rear of dwellings and a more open scene on the lower section of garden.
- 5.3.5 The garage to the side of the most southerly dwelling (that is next to no.146) is stepped forwards from the positioning of the rest of the garages, and it also includes a hipped roof. The fence to the rear of garage is to be 1.2m in height also. This is to reduce the potential impact to the residents of no.146 where there is a window to the north-western corner of the ground floor and this has an

outlook that could be negatively affected. The positioning of the garage, roof design and fence are considered to be acceptable in this regard.

5.3.6 The scheme will undoubtedly change the appearance of the site from one which is obviously part of the open countryside to one which becomes part of the semi-urban area; however given that outline planning permission exists on the site for up to 10 dwellings the site's redevelopment for housing is deemed acceptable.

5.3.7 Within this context it is considered that the development will have an acceptable appearance in the local area.

5.4 **Highways Issues**

5.4.1 The **Local Highways Authority (LHA)** has confirmed no objection to the scheme, subject to additional drawings and conditions. They have considered the visibility splays on site and have provided verbal comments which confirmed that due to the design of the bus shelter that this will not significantly impact upon the visibility splay to the south. They have previously commented that the entrance into the site is too wide for the scheme however this issue has been conditioned to seek an amendment to this, to reduce the width of the road and to include footpaths on both sides. A 5.5m wide entrance is recommended as acceptable.

5.4.2 It is considered that the scheme presented to the planning officer will not lead to an adverse impact upon highway safety in the area.

5.5 **Other Information**

5.5.1 Coal Authority – As a result of an initial objection from the Coal Authority the applicant has commissioned additional on site intrusive investigations at their request to address the potential presence of former mine entries on the site. This has been undertaken by a competent professional in this field. The additional investigations confirm that the recorded positions of the 3 No mine entries in the vicinity (on adjacent land) are generally correct with no deviation of their positions onto the site. The additional investigation concludes that there is still considered to be a residual risk presented to end users of the site in the event of collapse of the mine entries and surface instability associated with the zone of influence of these features. With this in mind

appropriate mitigation is recommended through the incorporation of geotextile reinforcement beneath rear gardens within the potential zone of influence of these features.

In respect of the exact specification and extent of reinforcement within the proposed rear gardens of plots 1, 8 and 9, the report states that this should be discussed further with the Coal Authority and agreement reached prior to undertaking such mitigation measures.

- 5.5.2 The Coal Authority has confirmed that on the basis of the further investigations carried out on site that they Withdraw their objection subject to the imposition of a condition requiring details of the geotextile reinforcement proposed. This can be imposed as a condition as part of an approval.
- 5.5.3 Drainage and flooding – Design Services and Yorkshire Water have been requested to comment. They have accepted that soakaways are a practical option and can work on site.
- 5.5.4 Biodiversity – The Derbyshire Wildlife Trust has requested that native trees are planted on site and requested more information in terms of biodiversity loss. This has led to the change in the trees/shrubs to the front. The loss of some hedgerow to the front is not ideal but necessary to achieve the single access point, but a large amount of new hedgerow will also be created as part of the scheme. The inclusion of 1.2m fencing does not clarify what type of fence design this would use. The fences of the existing dwellings are ranch style open fences that allow wildlife to travel across the site and it is considered that a continuation of this would be preferable.
- 5.5.5 Gas monitoring and grounds investigation – the Environmental Services team cannot comment further on this until gas monitoring results are provided to the authority. This can be dealt with via the outline application conditions.

5.6 **Community Infrastructure Levy (CIL)**

- 5.6.1 The application seeks approval of reserved matters, where the outline planning permission was granted prior to the 1st April 2016 CIL implementation date. On this basis the scheme is not CIL liable.

6.0 **REPRESENTATIONS**

6.1 The application has been publicised via neighbour letters and site notice, 3 comments have been received from 2 different sources.

6.2 Residents of no.146 Hady Lane provided 2 separate comments which are summarised below:

1) Layout of the site – OBJECTION with caveat

Object to the change in scale between the original proposal, **CHE/15/00594/OUT**, and the current proposal. Initially, the plans had a buffer of open land between the existing four houses (146 to 152) and the proposed development of eight houses in two curved blocks of four houses each. The current proposal has nine houses in a straight line on the land uphill of No 146, and the land buffer is no longer on the plans.

We note, however, that the recommendations made by the CBC Design Officer in terms of the proposed layout and planting have been considered in the revised plans. We also acknowledge the revised layout for plot one which resituates the garage in a position which improves the outlook from 146 Hady Lane.

2) Vehicular access - OBJECTION

Object to the proposed access to the site, which is poorly positioned seeming to be only a few metres from a well-used bus stop, creating road safety issues in terms of sightlines and congestion.

3) Coal Authority – Comment

Note that the Coal Authority comments with reference to further investigations into mine entrances.

4) Rainwater drainage. - Comment

Note that there are now detailed reports which indicate that soakaways are indeed suitable for rainwater drainage from the site.

5) Nature of proposed fences - Comment

Pleased to see that the plans now show post and rail fences beyond the garages.

6) The proposed field access track - Comment

Note that the width of the access track has been narrowed to allow for more space between the houses as suggested by the CBC Design Officer.

7) Access along pavement/footpath once development is complete - Comment

We are concerned about maintenance of the hedge which borders the pavement/footpath adjacent to Hady Lane on completion of the development.

8) Lack of public notification of planning proposal in the immediate area - Comment

Concerned about the lack of public notices regarding this new planning proposal CHE/18/00224/REM in the immediate vicinity of the land concerned. We see from the planning website that there is no notification of an advertisement being placed in the Derbyshire Times.

6.3

Residents of no.148 Hady Lane have made the following comments prior to the most recent changes –

1) Difference between initial and current plans.

Object to the change in scale between the original proposal, **CHE/15/00594/OUT**, and the current proposal. Initially, the houses were deliberately positioned sympathetically in relation to the existing houses 146-152. The plans had a buffer of open land between the existing houses and the proposed development of eight houses in two curved blocks of four houses each. The current proposal has nine houses in a straight line on the land uphill of No 146, and the land buffer is no longer on the plans.

Object to the change in layout of the proposed development, as the revised plans will be considerably more disruptive to the existing site as a whole.

2) Rainwater drainage.

Object to the large amount of hard standing associated with the new proposal. As the proposed development is uphill of our property we are very concerned that the large expanse of hard standing, in the form of roadway access and driveways, will greatly increase the risk of flooding to the existing properties 146-152.

3) Location of garages.

Object to the proposed siting of the garages to the rear of the properties, as the current houses, 146-152 all have their garages to the front/side, leaving the gardens unobstructed. We all have open views across each other's gardens, creating an open feel. This would be lost under the proposed development by siting garages so that they create a barrier between neighbouring properties.

4) Vehicular access.

Object to the proposed access to the site, which is poorly positioned seeming to be only about 3 metres from a well-used bus stop, creating road safety issues in terms of sightlines and congestion.

5) Nature of proposed fences.

Object to the use of 2 metre high fencing to surround each garden as this will greatly change the open nature of the area. Currently the four houses, 146-152 have open, ranch-style fences.

6) The proposed central gravel area.

Concerned as to the purpose and nature of the proposed 8.3 metre-wide gravel area between plots 4 and 5. The hedgerow looks like it is going to be removed in this section. Why is this required, unless further development of the fields behind 146-152 is planned? We would like further information about this but in principle we object to it.

7) Removal of trees.

Object to the fact that the new proposal includes the removal of trees. The original proposal allowed for the retention of two lovely mature fruit trees as well as helping to maintain the open nature of the current site. The new proposed plan shows a total contempt for the natural features of the site, including the wildlife that benefits greatly from the two fruit trees and the grassland. The range of biodiversity across the site will be harmed by the removal of the trees and the surrounding grassland.

8) Damage to existing hedgerows and grassland

Concerned that the development will damage a mature, well-developed hedgerow which hosts nesting for a large variety of birds. We are aware from our neighbour at 146 that significant numbers of animal species live in our gardens and the surrounding field. We are concerned that the development will have a detrimental impact on them and object to the new proposal on these grounds.

6.4 Comments –

- 6.4.1 ***Changes to layout of this site from the outline application – The drawings provided during the outline application were indicative drawings, with the layout a reserved matter.***
- 6.4.2 ***Vehicular Access – The Highways authority has been consulted on this application and they have raised no objections with the proposed access.***
- 6.4.3 ***Continued maintenance of the hedgerow – In the short to medium term the continued maintenance of the hedgerow will be the responsibility of landowner, whether that be Mr Bailey or Orchard View Homes. Once all the dwellings have been built and sold it is unclear whose responsibility this will become. Further details need to be sought in relation to management plan for the hedgerow, trees and soft planting on site.***
- 6.4.4 ***Site notices/public notification – A site notice was placed within the vicinity of the site on the 11th May 2018 to advertise the application. An advertisement was provided to the Derbyshire Times on 26th April 2018 to advertise the application.***
- 6.4.5 ***Rainwater drainage – The developers have engaged with the LPA in regards this issue and have provided additional information in reference to the proposal to use soakaways. This information has been checked by the drainage team within the Council, and this was found to be acceptable.***

- 6.4.6 ***Location of garages – It is noted that the garages are set to rear side of the houses, in design terms the proposed dwellings are very different to the existing houses in the local area. To ensure that each house had adequate off-street parking it was required to set the garages back this distance. The lower sections of the gardens are open with lower fencing, although it is accepted that this is not the same as the existing setup, the inclusion of open lower gardens was considered to be a reasonable compromise.***
- 6.4.7 ***Proposed fences – The fences have been changed as part of this process, so the section of land to the rear of the houses has a 2m fence where there isn't a garage wall, but the lower sections of the gardens have 1.2m high fences. This was considered to be acceptable.***
- 6.4.8 ***Central gravel area – The central access road has been reduced to a 4m wide road and 6m wide area including footpaths. This was reduced from a road and footpath area that was 7.5m to 8.5m in width. This reduction has been spread amongst the gaps between the other houses and is considered to be an improvement.***
- 6.4.9 ***Removal of trees – Several trees will be removed as part of the proposal, but 7 trees are included in the site plan. It also proposed to plant a hedgerow around the rear and side of the site. These issues will be conditioned to ensure it is done appropriately.***
- 6.4.10 ***Damage to hedgerow and grassland – A section of the front hedge will be lost as part of the proposal to provide an access to the land, but the planting of the rear and side hedgerow will (over time) compensate for this loss. The loss of grassland is a matter of principle and which cannot be revisited on a reserved matters submission.***

7.0 **HUMAN RIGHTS ACT 1998**

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

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

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

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

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

7.4 Whilst, in the opinion of the objectors, the development is not proposed to most efficiently use the whole outline site, it is not considered that this is harmful in planning terms, such that any additional control to satisfy those concerns would go beyond that necessary to accomplish satisfactory planning control.

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

8.1 The following is a statement on how the Local Planning Authority (LPA) has adhered to the requirements of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 in respect of decision making in line with paragraph 38 of the July 2018 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 proposal the subject of the application is deemed to be contrary to the provisions of policy EVR2 of the Local Plan in so far as the application site is situated on land allocated as open countryside / other open land. However given the fact that a live outline permission exists for the site alongside the fact the Council was in a position where it could not demonstrate a five year housing land supply rendered policy EVR2 out of date and not relevant.
- 9.2 The Council has considered the proposals the subject of the application against all remaining up to date development plan policies and on the basis of the position established by the outline planning permission the proposals can be accepted given the appropriateness of the proposed access, the siting, scale and appearance of the development and its landscaping impacts and the appropriate relationship with the surrounding properties. The development will not introduce any adverse highway safety concerns and in respect of land condition, drainage, sustainability, ecology the development is acceptable.
- 9.3 On balance of all material planning considerations the development is considered to be acceptable 'sustainable development' and there is a presumption on the LPA to seek to approve the application. The proposals are considered therefore to comply with the provisions of policies CS1 (Spatial Strategy), CS2 (Location of Development), CS3 (Presumption in favour of Sustainable Development), CS4 (Infrastructure Delivery), CS6 (Sustainable Design), CS7 (Management of the Water Cycle), CS8 (Environmental Quality), CS9 (Green Infrastructure and Biodiversity), CS10 (Flexibility in delivery of Housing) and CS18 (Design) of the Core Strategy and the wider National Planning Policy Framework (NPPF).

10.0 **RECOMMENDATION**

- 10.1 It is therefore recommended that the application be approved subject to the following conditions:

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

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

02. Development shall not commence until details of the access onto Hady Lane have been submitted to the Local Planning Authority for consideration and have been approved in writing. No building shall be occupied until that junction has been constructed in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority. This will be laid out, constructed and provided with visibility sightlines extending from a point 2.4m from the carriageway edge, measured along the centre line of the access, to the extremities of the site frontage abutting the highway in each direction. The land in advance of the sightlines shall be maintained in perpetuity clear of any object greater than 1m in height (0.6m in the case of vegetation) relative to the adjoining nearside carriageway edge.

Reason: In the interests of highway safety

03. The premises, the subject of the application, shall not be occupied until the on-site parking spaces have been provided for in accordance with the application drawings laid out and constructed as may be agreed with the Local Planning Authority and maintained thereafter free from any impediment to designated use.

Reason: In the interests of highway safety

04. Upon commencement of development, details of all proposed tree and hedge planting, and the proposed times of planting shall be submitted to the LPA for consideration. Those details, or any amendments to those details as may be required, which have received the written approval of the Local Planning Authority, shall be carried out in accordance with the approved details and times. Those trees shall be native trees to the United Kingdom.

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

05. Prior to the undertaking of any works in the rear garden areas of plots 1, 8 and 9 full details of the geotextile reinforcement proposed around the zone of influence of the adjacent mine entries shall be submitted to the Local Planning Authority for consideration. Only the mitigation measures and details agreed in writing by the local planning authority, following consultation with the Coal Authority, shall be constructed on site. The approved mitigation measures shall have been installed prior to the first occupation of plots 1, 8 or 9 and which shall be retained thereafter.

Reason: To take account of the coal mining legacy in the vicinity of the site having regards to the interests of the safety of occupiers of the property.

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

Reason: In the interests of residential amenity

07. The proposed bin storage areas shall be provided as shown as in the plans and maintained as such thereafter, with any changes to these areas requiring a further planning application to the Local Planning Authority.

Reason: In the interests of visual and residential amenity

08. Upon commencement of development details of the fencing style shall be submitted to the Local Planning Authority for consideration and those details, or any amendments to those details as may be required, will not be installed until the agent/applicant has received the written approval of the Local Planning Authority.

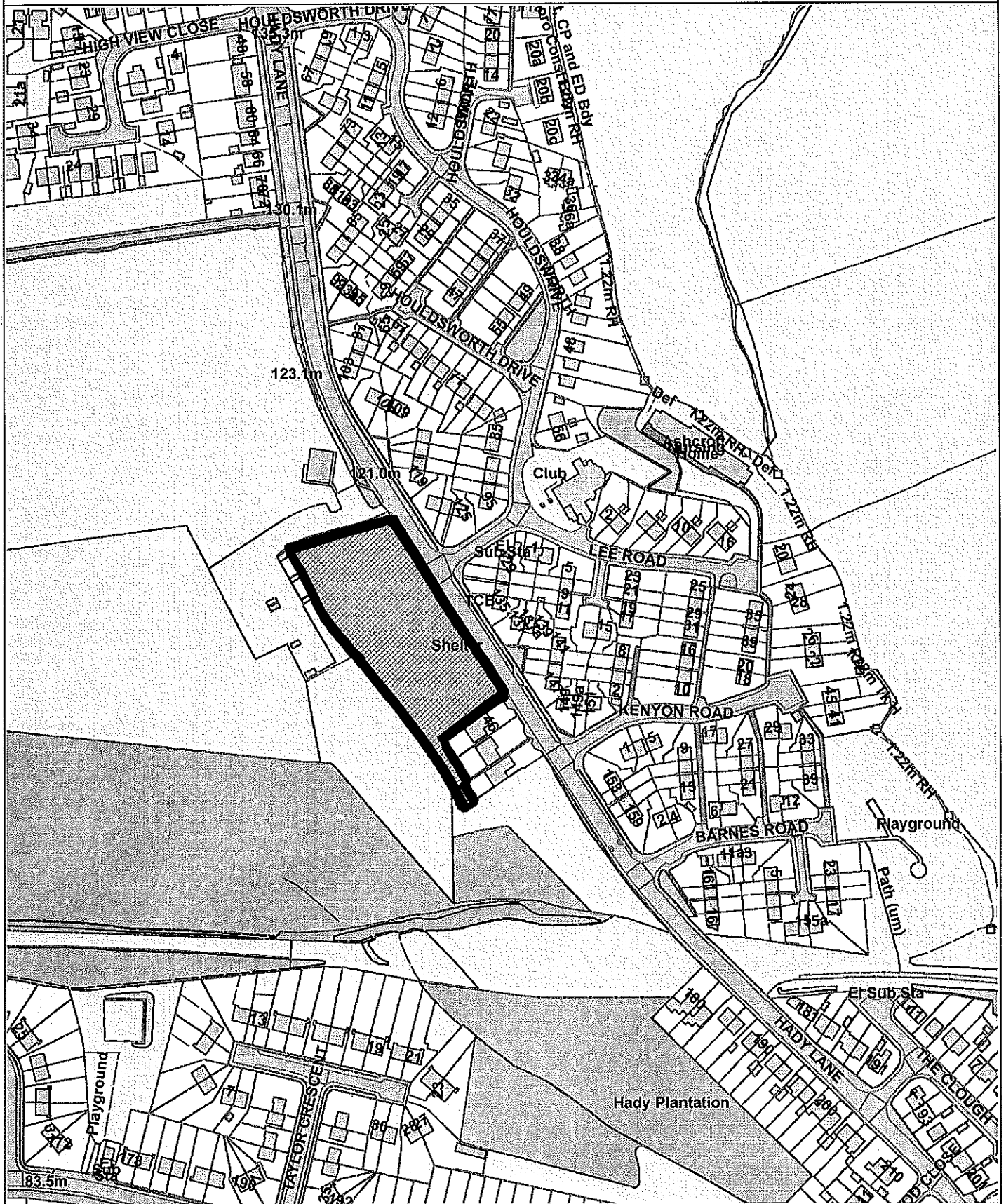
Reason: In the interests visual amenity

09. Within 2 months of commencement of development, unless otherwise agreed in writing by the Local Planning Authority, full details of soft landscaping works for the approved development shall be submitted to the Local Planning Authority for consideration. The required soft landscaping 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, or any 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.

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

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Planning Committee - CHE/18/00224/REM - 146 to 152 Hady Lane



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BOROUGH COUNCIL

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Case Officer: Sarah Kay
Tel. No: (01246) 345786
Ctte Date: 6th August 2018

File No: CHE/18/00377/FUL
Plot No: 2/1506

ITEM 4

PROPOSED WRAP AROUND INDUSTRIAL SHED EXTENSION TO EAST AND SOUTH OF EXISTING FACTORY UNIT AND EXTENSION OF EXISTING CAR PARK CUTTING INTO AND INCLUDING RETAINING WALL IN EXISTING BANK SIDE AT CARRWOOD HOUSE, CARRWOOD ROAD, SHEEPBRIDGE IND. ESTATE, CHESTERFIELD, DERBYSHIRE, S41 9QB FOR MINTDALE ENGINEERING LTD.

Local Plan: Economic Growth CS13 / Development in Open Countryside
EVR2

Ward: Old Whittington

1.0 **CONSULTATIONS**

DCC Highways	Comments received 14/06/2018 – see report
Environmental Services	No comments received
Design Services	Comments received 12/06/2018 – see report
Derbyshire Constabulary	Comments received – no objections
Coal Authority	Comments received 21/06/2018 and 04/07/2018 – see report
Tree Officer	Comments received 19/07/2018 – see report
Forward Planning	No comments received
Yorkshire Water	No comments received
Ward Members	No comments received
Neighbours/Site Notice	No letters of representation received

2.0 **THE SITE**

2.1 The site concerns the land and premises of Mintdale Engineering who occupy Carrwood House off Carrwood Road, on the Sheepbridge Industrial Estate.

- 2.2 The premises, constructed with a predominantly brown brick finish, are two storeys and are located at the end of a shared driveway / access road. They have car parking surrounding the built footprint and a loading bay door located in the western elevation. To their northern elevation they have a gated compound which provides more parking and further access to their workshop.



- 2.3 The premises lie within the existing business and industrial zone designation however the parcel of land immediately north of the existing car park / compound lies within the landscaping fringe of the A61 Dronfield Bypass, which is currently designated as open countryside and other open space.

3.0 **RELEVANT SITE HISTORY**

- 3.1 Site Adjacent – CHE/14/00082/FUL - Industrial unit and associated service yard at International Drilling Services Ltd, Carrwood Road. Conditional Permission 23rd April 2014.
- 3.2 Site Adjacent - CHE/06/00924/OUT - Use of Land for factory extension and new exit at Mondi Packaging Ltd, Carrwood Road. Conditional Permission 17th June 2009.

4.0 **THE PROPOSAL**

- 4.1 The application submitted seeks full planning permission for a proposed wrap around extension to the existing premises and expansion of their current gated compound and car parking area to provide an additional 13 no. car parking spaces.

- 4.2 The proposed extension will create 545sqm of new floor spaces to expand the sites current operation as B1(c) Light Industrial. The extension will wrap around the eastern and southern elevations and will be two storeys in scale with a low pitched roofline. The ridgeline of the new extension will sit slightly higher than that of the original premises.
- 4.3 The application submission is accompanied by the following plans / documents:
001 Existing Plans
002 Existing Site Plan
003 Existing Elevations
005B Proposed GF Plan
006B Proposed FF Plan
007A Proposed Elevations
008 Location Plan
009 Site Sections as Existing
010 Site Sections as Proposed

Design and Access Statement
Geological and Mining Risk Assessment by Sub Surface North East Ltd

5.0 **CONSIDERATIONS**

5.1 **Planning Policy**

- 5.1.1 The site on which the original industrial unit (occupied by Mintdale Engineering Ltd) is situated lies within the existing business and industrial designation surrounding Sheepbridge Trading Estate, however the parcel of land owned by Mintdale Engineering Ltd and the subject of the proposed car park extension is located within an area designated within the Chesterfield Borough Council Local Plan 2006 as 'open countryside or other open land' which is protected by Policy EVR2 of the 2006 Plan.
- 5.1.2 Having regard to the nature of the application proposals and the site allocation / designation policies CS2, CS6, CS9 and CS20 of the Chesterfield Local Plan: Core Strategy (2011 – 2031), EVR2 of the Local Plan 2006 and the wider National Planning Policy Framework apply.

- 5.1.3 Having regard to the policy background set out above it is noted that this site was allocated as existing employment land in the 1996 Local Plan, however part of the site had its designation changed in the First Deposit Draft of the Replacement Local Plan (October 2003) to 'Open Countryside' (policy EVR2) as it had not been developed alongside adjacent land for industrial purposes. The new boundary was drawn along the northern extent of the developed industrial areas and no objections were received to this change at the time of that Plan and the change was subsequently included in the Replacement Local Plan when it was adopted in June 2006.
- 5.1.4 In 2014 and 2008 planning permission was granted for an industrial unit and service yard at IDS further along Carrwood Road under the same circumstances as now proposed on the basis the development would support economic growth and would not harm the open countryside / other open land designation as it would not extend the industrial use any further into the countryside than adjacent businesses already operating along Carrwood Road. A similar application for development within the EVR2 designation on the adjacent Mondi Packaging (now Inspire Pac) site was considered by the Planning Committee in February 2007 and the that application was also approved.
- 5.1.5 In this location, the EVR2 designation provides a visual and landscape buffer between the urban area and the Dronfield Bypass to the north, which marks the southern extent of the south Sheffield Green Belt. It helps to prevent the 'urbanisation' of this route into Chesterfield and allows the countryside to penetrate into the town on the southern side of the bypass. However, the proposed development site does not extend any further north into this landscape 'wedge' than the Mondi Packaging proposal to its west, and other sites further east on Carrwood Road. A landscaped belt of at least 50 metres is still to be retained along the bypass side. It could therefore be argued that granting planning permission in this location would not cause any greater harm to the EVR2's purpose in providing an undeveloped wedge as a buffer between the industrial area on Carrwood Road and the Dronfield Bypass. Infilling of the gap between existing industrial sites appears to be a logical form of development.

5.1.6 Policy CS2 of the Core Strategy allows consideration of whether a proposal needs to be in a specific location in order to make functional links to an existing use. As this proposal is for an expansion of an existing industrial use this is clearly appropriate development and the economic benefits of accepting this development outweigh the designation as open countryside.

5.2 **Neighbour Effect**

5.2.1 The proposed wrap around industrial extension sits to the side and rear of the established built footprint of Mintdale Engineering, which is located in an area entirely characterised by other industrial / commercial premises.

5.2.2 Neighbours adjoining the application site are all similarly industrial / commercial in nature and therefore providing the applicant can comply with the requirements set out by the Local Highways Authority to ensure the proposal is not detrimental to highway safety, there is unlikely to be any adverse impact upon the neighbouring industrial and commercial units along Carrwood Road.

5.3 **Appearance Issues**

5.3.1 The proposal is considered to be appropriately sited and designed and will not compromise the character and appearance of the surrounding area. The plans indicate the proposed new unit will be constructed of materials to match the existing unit on the site frontage.

5.3.2 Whilst it is noted that the development proposes extension into what is currently designated as the fringe of the open countryside, for the reasons given in section 5.1 above the development intrusion is minimal and can be accepted as a significant landscaped belt will still be retained.

5.3.3 The Council's **Tree Officer** has reviewed the application submission and commented:

'On the north boundary of the site is a wooded area that continues further to the north to the A61 Dronfield bypass. To implement the proposal a section of the woodland would have to be excavated and the trees removed. Under normal circumstances I would object to the loss of woodland, however the area to be developed is made up of ornamental conifers, Pine trees and Silver

Birch which have little if any amenity value and are not part of the ancient woodland further to the north and west.

Due to the density of wood and natural regeneration further back into the woodland it would be futile trying to plant new trees as they would not survive due to the competition from the existing trees and it would also introduce a tree stock not local to the area. Any exposed and scrapped ground beyond the new parking area would quickly rejuvenate with new tree and scrub.

It was noted that bird nesting boxes have been placed along the security fencing. I therefore propose that in mitigation against the loss of trees that habitat piles from the felled broadleaved trees are created set back from the new boundary 3 or 4 metres into the woodland and bird and bat boxes are installed along the boundary edge within the trees.'

- 5.3.4 Having regard to the comments of the TO it is considered that an appropriate planning condition can be imposed to secure ecological enhancement measures as recommended. These requirements were discussed with the applicant and are agreeable as the applicant owns the land up to the banking of the A61 carriageway.

5.4 **Highways Issues**

- 5.4.1 Comments received from the **Local Highways Authority** raising no objections subject to the applicant maintaining adequate off street parking and manoeuvring space.
- 5.4.2 Having regard to the comments made by the LHA above the application details the provision of 38 no. dedicated car parking spaces (which is an increase from their existing 25 no. spaces available under their current site arrangement).
- 5.4.3 The application proposes the addition of 545sqm new floor space which is to be used ancillary to the sites current operation as B1 (c) Light Industrial.
- 5.4.4 Based upon the size of the proposed extension the provision of at least 6 additional parking spaces would be expected (having regard to the parking standards outlined in the Core Strategy – 1 space per 80sqm) and therefore it is considered that the proposed alterations to the car park and the additional spaces being created are more than adequate to meet the provisions of policy CS20 of the Core Strategy.

6.0 **REPRESENTATIONS**

6.1 The application has been publicised by site notice posted on 06/06/2018; and by site notice posted on 13/07/2018 and advertisement placed in the local press on 19/07/2018 (to advertise the application as a departure from the Local Plan).

6.2 As a result of the applications publicity there have been no letters of representation received.

7.0 **HUMAN RIGHTS ACT 1998**

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

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

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

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

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

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

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

line with paragraph 38 of the National Planning Policy Framework (NPPF) – 24 July 2018.

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 proposed industrial building relates well to the existing units and the area generally in terms of its siting, scale, orientation, detailing and materials. Whilst overruling the 'open countryside / open land' designation, the development does provide economic growth and does not result in any residential amenity or highway safety issues. It is therefore considered that subject to appropriate planning conditions the development accords with the requirements of policies CS2, CS6, CS9 and CS20 of the Chesterfield Local Plan: Core Strategy 2011 – 2031 and the wider national Planning Policy Framework such that its benefits outweigh the departure from the EVR2 designation of the saved Replacement Chesterfield Borough Council Local Plan 2006.

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.

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

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

001 Existing Plans

002 Existing Site Plan

003 Existing Elevations

005B Proposed GF Plan

006B Proposed FF Plan

007A Proposed Elevations

008 Location Plan

009 Site Sections as Existing

010 Site Sections as Proposed

Design and Access Statement

Geological and Mining Risk Assessment by Sub Surface

North East Ltd

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

03. 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.

Reason - To ensure that the development can be properly drained.

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.

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

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

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

Reason - In the interests of nearby occupier amenities.

07. 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.

Reason - In the interests of highway safety.

08. Within 2 months of commencement of development, unless otherwise agreed in writing by the Local Planning Authority, further details of a package of ecological enhancement measures to be implemented on site to provide compensation for the loss of soft landscaping shall be submitted to the Local Planning Authority for consideration.

Ecological enhancement measures shall include bird and bat boxes and the formation of habitat piles (created from the felled broad leaved trees to be removed to facilitate the development). Only those details agreed in writing shall be implemented on site prior to the development hereby approved being brought into first use.

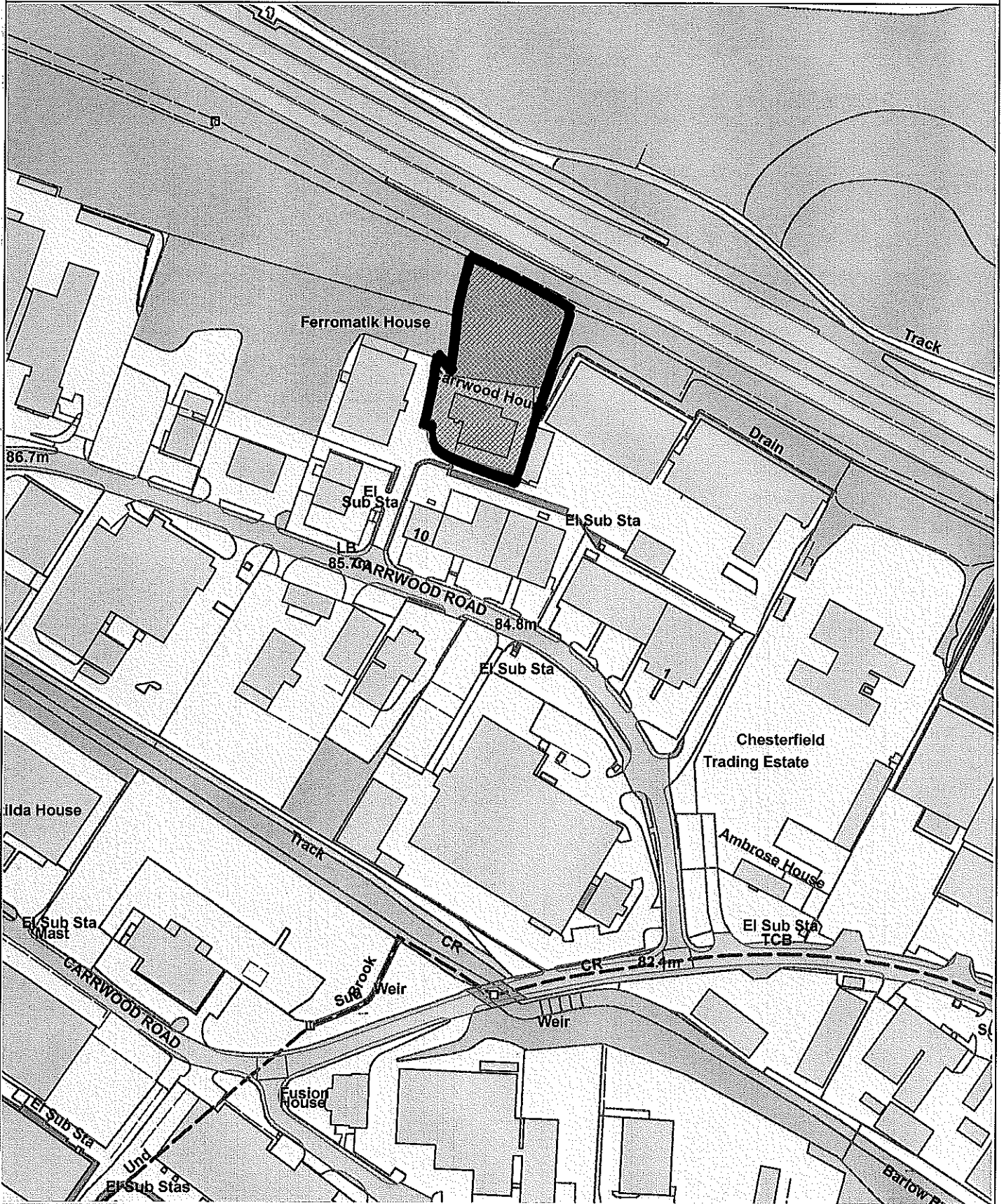
Reason - The condition is imposed in order to enhance the appearance of the development and in the interests of promoting biodiversity enhancement and the area as a whole.

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.

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Planning Committee-CHE/18/00377/FUL-Carrwood Hse, Carrwood Rd



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Case Officer: Eleanor Casper
Telephone No: 01246 345785
Report Date: 24th July 2018

File No: CHE/18/00349/FUL
Plot No: 2/4686
Committee Date: 6th August 2018

ITEM 5

PROPOSED RESIDENTIAL DEVELOPMENT TO FORM 2 NO, 3 BED DETACHED DWELLINGS WITH OFF ROAD PARKING (REVISED DRAWINGS RECEIVED 19.07.2018) AT 12 CAVENDISH STREET NORTH, OLD WHITTINGTON, S41 9DH FOR MR P KITCHEN

Local Plan: Unallocated
Ward: Old Whittington

1.0 CONSULTATIONS

DCC Highways Authority	Comments received - see report
Design Services (Drainage)	Comments received, no objection – see report
Urban Design Officer	Comments received, amendments made to plans and revised drawings submitted- see report
Environmental Health	Comments received, no objection – see report
Forward Planning/Policy Team	Comments received - see report
Ward Members	No comments received
Yorkshire Water	No comments received
Neighbours	One representation received – see report

2.0 THE SITE

2.1 The site the subject of the application consists of the side garden of No 12 Cavendish Street North. The plot is rectangular in shape measuring 14m in width and 29.7m in length. Cavendish Street North highway slopes from north to south, as a result the application site occupies an elevated position with respect to No 8 Cavendish Street North. Topographical information provided by the applicant shows a variation in land levels between the application site and No 8 Cavendish Street North of 0.5m to 1m across the site.

2.2 No 12 Cavendish Street North a two storey, detached property located to the north of the plot. The dwelling is currently undergoing work to remove the existing windows within the south (side) elevation in order to re-orientate the dwelling, creating a principle elevation fronting onto Cavendish Street North highway to the west (see application CHE/18/00113/FUL). It is noted that the plot is currently being utilised for the storage of materials and waste in relation to the building works at No 12, including a large mound of earth in the centre of the site.



Photo taken from Cavendish Street North highway facing south east towards site



Photo taken facing north east towards the side elevation of No 12 Cavendish Street North

2.3 The surrounding residential properties on Cavendish Street North are formed of a mixture of detached and semi-detached properties which are predominantly two storey in character, which vary in age and architectural style.

3.0 **RELEVANT SITE HISTORY**

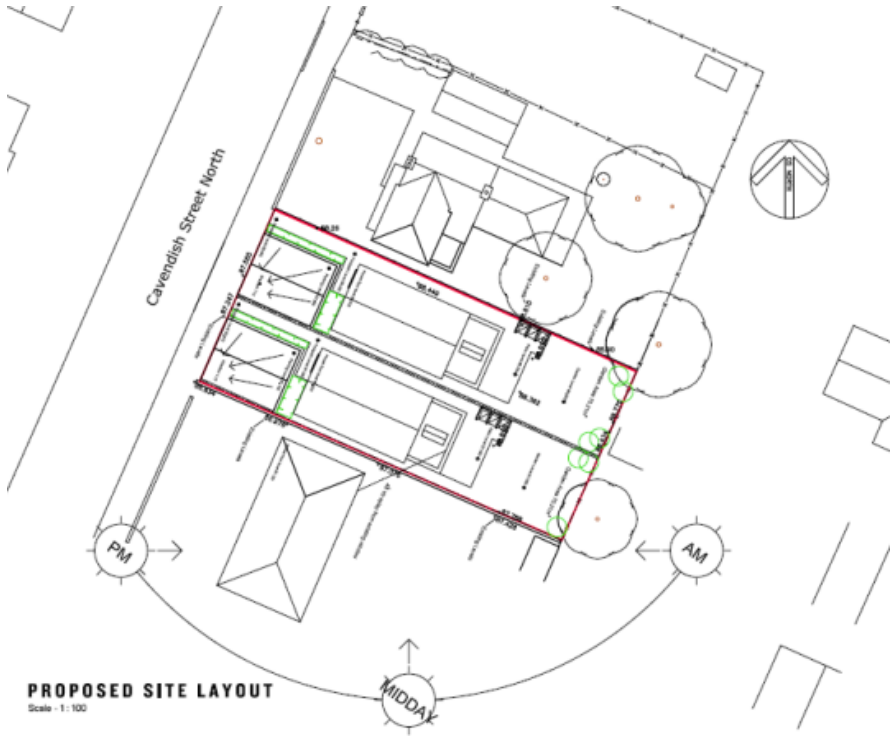
- 3.1 CHE/1185/0716 - Permission for 2 semi - detached houses on land at Cavendish Street North, Old Whittington, Chesterfield for Mr. P. Taylor at land at Cavendish Street North – **CONDITIONAL PERMISSION (24.01.1986)**
- 3.2 CHE/17/00273/OUT - Detached dwelling with access and parking and alterations to fenestration of existing dwelling at 12 Cavendish Street North – **REFUSED (22.06.2017)**
- 3.2.1 ***Reason for refusal; 'It is considered that insufficient information has been submitted with the application to properly assess the impact of the development proposals upon the privacy and amenity of the neighbouring property at No 12 Cavendish Street North. The principle elevation of No 12 and its primary habitable room windows currently face south immediately over the application site and the introduction of a new dwelling on this plot would result in an overbearing and overshadowing impact upon these windows which is considered contrary to the provisions of policies CS2 and CS18 of the Chesterfield Local Plan: Core Strategy 2011 - 2031 and the principles of the Councils adopted SPD Successful Places: A Guide to Sustainable Housing Layout and Design. In the absence of any existing and proposed floorplans and elevation drawings of the necessary changes needed to No 12 to overcome this impact the planning permission cannot be granted.'***
- 3.3 CHE/17/00586/FUL - Erection of a two storey dwelling - revised drawings received 1.11.2017 at land adjacent to 12 Cavendish Street North– **CONDITIONAL PERMISSION (06.12.2017)**
- 3.4 CHE/18/00113/FUL – Renovation of existing house to bring front entrance to road elevation with internal alterations at 12 Cavendish Street North – **CONDITIONAL PERMISSION (16.05.2018)**

4.0

THE PROPOSAL

4.1

The application submitted seeks full planning permission for the proposed erection of two, three bedroom houses. The proposal will split the site into two individual plots. In response to the sloping topography of the site, the dwellings will have a stepped appearance within the streetscene. The proposed dwellings are each served by two parking spaces and private amenity space of 70 sqm.



- 4.2 The proposed detached dwellings are two storey in character, each formed of a dual pitched roof with gable end fronting Cavendish Street North highway. The dwellings are identical in size and layout, both measuring 5.4m x 12.2m in footprint at ground floor level and 5.4m x 9.1m in footprint at first floor level. Each dwelling measures 7.7m in height to the ridge and 5m to the eaves.
- 4.3 Internally the ground floor of the proposed dwellings consists of living accommodation with a separate kitchen. The ground floor accommodation is served by bi-fold doors facing towards the rear garden and a ground floor window within the side (north) elevations, providing light to the dining area. The kitchen area has one window within the principle elevation, facing towards Cavendish Street North highway. The first floor of the proposed dwelling includes three bedrooms, one with en-suite and a family bathroom. Each bedroom is served by a single window, two within the rear elevation and one within the principle elevation. A landing window is proposed at first floor level within the side (north) elevations and a window serving the en-suite bathroom is proposed within the south (side) elevations at first floor level. The submitted application form states that external materials are to be agreed by condition.
- 4.4 The application submission is supported by the following plans / documents:
- 'Location Plan' Drawing number 36, dated 18.05.2018
 - 'Site Survey' Drawing number S9026, dated January 2018 produced by Haycock + Todd Land Survey Consultants Architectural Surveyors
 - Revised 'Site layout' Drawing number PL33, dated 18.05.2018
 - Revised 'House Type' Drawing number PL34, dated 18.05.2018
 - 'Street Elevation' Drawing number PL35, dated 18.05.2018

5.0 CONSIDERATIONS

5.1 Planning Policy Background

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

Local Plan adopted June 2006 (RCLP) and the adopted Chesterfield Borough Local Plan: Core Strategy (2011-2031).

5.2 Chesterfield Local Plan: Core Strategy 2011 – 2031 ('Core Strategy')

- CS1 Spatial Strategy
- CS2 Principles for Location of Development
- CS3 Presumption in Favour of Sustainable Development
- CS6 Sustainable Design
- CS7 Managing the Water Cycle
- CS8 Environmental Quality
- CS9 Green infrastructure and biodiversity
- CS10 Flexibility in delivery of Housing
- CS18 Design
- CS20 Influencing the demand for travel

5.3 Other Relevant Policy and Documents

- National Planning Policy Framework (July 2018)
- SPD 'Successful Places: A Guide to Sustainable Housing Layout and Design' (adopted July 2013)

5.4 Key Issues

- Principle of development (section 5.5)
- Design and appearance of the proposal (section 5.6)
- Impact on neighbouring residential amenity (section 5.7)
- Highways safety and parking provision (5.8)
- Flood risk and drainage (5.9)
- Land quality (5.10)

5.5 Principle of Development

Relevant Policies

- 5.5.1 The application site is situated within the built settlement of Old Whittington. The area is predominantly residential in character therefore policies CS1, CS2, CS10 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.

- 5.5.2 *Policy CS1 states that ‘The overall approach to growth will be to concentrate new development within walking and cycling distance of centres.’*
- 5.5.3 *Policy CS2 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.’
- 5.5.4 *Policy CS10 states that ‘Planning permission for housing-led greenfield development proposals on unallocated sites will only be permitted if allocated land has been exhausted or if annual monitoring shows that there is less than a 5-year supply of deliverable sites and where:*
- a) they accord with the strategy of ‘Concentration and Regeneration’ as set out in policy CS1 and the criteria set out in policy CS2; or*
 - b) a specific housing need can be demonstrated that can only be met within a particular location’*
- 5.5.5 *The Strategy Planning Team (Forward Planning Team) were consulted on the proposal and provided comments on the principle of development with respect to planning policy (see paragraphs 5.5.6 to 5.5.13 below)(NPPF references relate to the 2012 version).*
- 5.5.6 *‘1. Policy Allocation - The application site is a residential garden and is considered a greenfield site as it would not meet the definition of previously developed land set out on page 55 of the NPPF. The NPPF specifically excludes private residential gardens within built-up areas from the definition of previously developed land (annex 2: Glossary). The Chesterfield Borough Core Strategy does not include specific policies on the development of residential gardens; instead*

the primary considerations are policies CS10 in terms of the principle of development, CS1 and CS2 in terms of the location and CS18 in terms of design and impact upon the environment and amenity.'

- 5.5.7 *'2. Principle of Development - Policy CS10 states that "planning permission for housing-led greenfield development proposals on unallocated sites will only be permitted if allocated land has been exhausted or...there is less than a 5 year supply of deliverable sites." As the council is currently able to demonstrate a [five year supply](#) of deliverable housing sites, a strict interpretation of policy CS10 would indicate that planning permission should not be granted for the development of residential gardens or small scale greenfield urban infill plots. However the NPPF is also clear that "Local planning authorities should approach decision-taking in a positive way to foster the delivery of sustainable development" (NPPF para 186). Decisions should be plan-led unless material considerations indicate otherwise and LPAs should apply the presumption in favour of sustainable development when determining development proposals. Policy CS10 must be read in combination with policy CS1, the spatial strategy, which sets out that the overall approach to growth will be to concentrate new development within walking and cycling distance of centres. The site is less than 400m from the nearest designated local centre at Old Whittington. The site therefore meets the requirement of CS1.'*
- 5.5.8 *'Considering the scale (two dwellings), the type and location of site (infill site within the settlement that does not encroach into open countryside), and the proximity to a local centre, an exception to CS10 can be considered in this case. Given that the aim of CS10 is to ensure a supply of housing land that meets the aims of the Core Strategy, and the presumption in favour of sustainable development (set out in paragraph 14 of the NPPF), the principle of residential development on this site is acceptable.'*
- 5.5.9 *'However, there are concerns regarding the design and layout of the proposed dwellings, and whether the proposal meets CS2 with regard to acceptable impacts on amenity and CS18 with regard to design. Policy CS18 (c) states that the density of dwellings should be appropriate to the character of the surroundings whilst considering higher densities in sustainable locations in line with Policy CS1. The plot is in a sustainable location however the size and amenity space proposed within is not in line with the character of existing properties.'*

- 5.5.10 *'The proposal is lacking the necessary information to support a full planning application. No information has been provided on how the proposal meets the requirements of CS6. Although the Code for Sustainable Homes has been abolished, the criteria a to d of policy CS6 remain relevant and the applicant should be asked to submit additional information setting out how the proposal meets these criteria.'*
- 5.5.11 *'Loss of garden land would be considered as loss of Green Infrastructure under policy CS9, which requires a net gain in quality, quantity or function and enhancement of biodiversity. The proposal does not comply with this policy.'*
- 5.5.12 *'The development would be subject to the Community Infrastructure Levy (CIL). The proposed development falls within a 'medium' CIL zone and would therefore be eligible for a levy of £50 per m² of the gross internal floorspace.'*
- 5.5.13 *'Concluding comments - Although an exception could be made to CS10 in this case due to sustainability of location and scale of development, the proposal does not comply with CS2, CS9 or CS18. The applicant may want to consider a revised proposal for one dwelling, with further information submitted regarding sustainable design (CS6), sustainable drainage (CS7), and net gains in green infrastructure/biodiversity enhancements (CS9).'*

Principle of Development

- 5.5.14 The site is located within a reasonable walking distance of a centre, less than 400m from the defined local centre of Old Whittington and close to bus routes in and out of Chesterfield. The site is therefore considered to be sustainably located and accords with the principles of policy CS1. Amendments made to the scheme are considered to enable the proposal to meet the design and amenity requirements of CS2 and CS18.
- 5.5.15 Comments from the Policy Team suggest that the loss of garden space is considered to be a loss of green infrastructure. The definition of green infrastructure contained within the adopted Core Strategy is as follows; *'This is a strategic network of multi-functional green space, both rural and urban, which supports natural and ecological processes, has the potential to provide sustainable transport routes and is integral to the health and quality of life in*

sustainable communities.' (p159). It is accepted that the plot/former garden supports natural/ecological processes however the garden is not part of a strategic network. The proposed development will retain 140sqm of designated garden space to the rear which is also bound by rear gardens of the properties on Swanwick Close and it is not considered that the loss of garden space on the basis of Policy CS9 is a strong defensible reason for refusal. Policy CS2 also makes reference to the site not being on land of high environmental value. It is accepted that the site would not fall into this category of sites.

- 5.5.16 Policy CS10 refers to the development of unallocated 'greenfield land' as being inappropriate whilst the Council is able to demonstrate a deliverable 5 year supply of housing land. It is clear that domestic gardens are excluded for the definition of previously developed land and it follows therefore that they are regarded as greenfield. It is clear however that infill plots within established residential areas which are sustainably located and meet the objectives of concentration of development should not be resisted necessarily on the basis of the strict definitions in the policy. Furthermore the 2018 NPPF is also clear that "Local planning authorities should approach decisions on proposed development in a positive and creative way and that decision makers at every level should seek to approve applications for sustainable development where possible. (NPPF para 38). Policy CS10 must be read in combination with policy CS1 which sets out that the overall approach to growth which is desirable will be to concentrate new development within walking and cycling distance of centres. On the basis that the proposed site is considered to be sustainably located it is considered that the proposal is acceptable.
- 5.5.17 Comments received from the Strategy Planning Team also reference policy CS6 and suggest that the applicant must set out how the proposed development will meet criteria a to d of this policy. Local Plan policy CS6 requires that residential development meets level four of the Code for Sustainable Homes (Level 5 will be required if built from 2017), however following the Deregulation Act and removal of the Code for Sustainable Home, this is no longer a requirement that can be applied. Criteria a to d of policy CS6 are now covered by different legislation, predominately Building Regulations. It is therefore not considered necessary to require the applicant to submit further information to satisfy policy CS6 to the proposal.

5.5.18 Consideration of the principle of development in respect of the design/appearance of the proposal and potential impact on neighbours (CS18 and CS2) will be covered in the following sections (5.6 and 5.7). Consideration of issues relating to drainage (CS7) will be covered in section 5.9.

5.6 Design and Appearance of the Proposal

Relevant Policies

5.6.1 Policy CS18 (Design) states that *'all development should identify, respond to and integrate with the character of the site and its surroundings and respect the local distinctiveness of its context'* and development should have *'an acceptable impact on the amenity of users and neighbours.'*

5.6.2 Core Strategy Policy CS2 states that *'all developments will be required to have an acceptable impact on the amenity of users or adjoining occupiers, taking into account things such as noise, odour, air quality, traffic, appearance, overlooking, shading or other environmental, social or economic impacts'*.

5.6.3 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.

Design and Appearance

5.6.4 The design of the proposed dwellings shows some consideration to the context of the area and it is accepted there is variation within the immediate streetscene. Various roof styles are visible from the application site, including hipped and dual pitched roofs. Nos 7 to 17 Cavendish Street North situated on the west side of Cavendish Street North, incorporate intersecting gables to the principle elevation. The introduction of a gable to the streetscene is therefore not considered to significantly harm the visual appearance and character of the area. The revised plans also illustrate the provision of a bin store to the rear of the dwellings and areas of soft landscaping, this is considered to be a preferable arrangement which would enhance the streetscene.

- 5.6.5 The revised drawings submitted seek to respond to concerns raised by the Urban Design Officer regarding the siting and massing of the proposal. Revised plans relocate the principle elevation of the dwellings 1m further west, to create a consistent building line with No's 12 and 8 Cavendish Street North. The rearwards projection of the single storey element of the development has also been reduced and is stepped in design in an attempt to mitigate potential adverse impacts on the adjoining neighbours. Potential impacts on amenity of the surrounding occupiers will be discussed in section 5.7 below.
- 5.6.6 The revised block/layout plan shows gardens for each dwelling measuring approximately 70m² in area. The 'Successful Place' SPD details the minimum size outdoor amenity space required for a new dwelling. A three bedroom house requires a minimum of 70m² therefore the proposal meets the requirements of the 'Successful Places' SPD in terms of size, this is considered to be acceptable.
- 5.6.7 Having consideration for the observations above the proposal is considered to be acceptable with respect to layout and design and would not result in significant adverse impacts on the visual amenity and character of the area. The proposal will therefore accord with the design provisions of policy CS2 and CS18 of the Core Strategy and the wider NPPF.

5.7 Impact on Neighbouring Residential Amenity

- 5.7.1 Core Strategy Policy CS18 states that all development will be expected to *'have an acceptable impact on the amenity of users and neighbours'*
- 5.7.2 The application site is adjoined by No 12 Cavendish Street to the north and No 8 Cavendish Street to the south. The rear garden of the application site is bound by No's 16, 18, 20 and 22 Swanwick Street to the east. No's 9, 11, 13 and 15 Cavendish Street North face the application site to the west, on the opposite side of Cavendish Street North highway.

Impact on No 8 Cavendish Street North

- 5.7.3 No 8 is a two storey, semi-detached dwelling situated to the south of the application site. A small brick wall forms the shared boundary between No 8 and the application site and the site occupies an elevated position with respect to No 8 (see images below). The

dwelling has a first floor window with the side (north) elevation of the dwelling facing towards the application site. The window is considered to serve a landing/staircase and is therefore classified as secondary window serving a non-habitable room (see images below).



- 5.7.4 Revised plans submitted seek to mitigate adverse impacts on the occupants of No 8 by moving the dwelling 1m further west and reducing the rearwards projection of the single storey extension by 0.4m. The two storey element of the development extends beyond the rear elevation of No 8 by 2.5m, whilst it is accepted that the mass of the extension will be visible from the rear garden and rear windows of No 8 particularly due to the elevated nature of the site, potential adverse overbearing impacts are not considered to be significant enough to warrant a refusal.
- 5.7.5 A separation distance of 2m is proposed between the side elevation of No 8 and the proposed dwelling. Topographical information provided by the agent shows that the finished floor level of the dwelling situated closest to No 8 will be 0.319m above the existing floor level, this is considered to be acceptable. The proposed dwellings are also designed to take account of the gradient along the street and which achieve a graduated 'stepped' appearance.
- 5.7.6 The application proposes a first floor window in the side (south) elevation of the dwellings facing. The window is proposed to serve a landing and it is recommended that a condition be attached to the decision requiring windows in the side elevation at first floor level, to be installed obscurely glazed and with a fixed opening.
- 5.7.7 The application site is situated to the north of No 8, due to the orientation of the development with respect to No 8, potential loss of light arising as a result of the proposal is considered to be minimal.

Impact on No 12 Cavendish Street North

- 5.7.8 No 12 Cavendish Street North is a two storey, detached dwelling situated to the north of the application site. Works to the property have been approved and undertaken to remove the original windows within the side (south) elevation which may have been adversely impacted by development to the south (see images below).



- 5.7.9 The two storey element of the development extends beyond the rear elevation of No 12 by 2.5m. Due to the orientation of the proposal with respect to No 12, it is accepted that the proposal will result in a loss of light to the windows in the side (south) elevation of No 12. A separation distance of 6m exists between the side (north) elevation of the proposed dwelling and No 12.
- 5.7.10 Based on the observations made above potential adverse impacts of overshadowing are not considered to be significant enough to warrant a refusal.

No's 20, 22 and 22a Swanwick Close

- 5.7.11 The rear gardens of properties situated to the east of the site (No's 20, 22 and 22a Swanwick Close) adjoin the eastern boundary of the site with rear gardens adjoining the application site, separated by a timber fence boundary treatment. The separation distance between the proposed dwellings and the properties on Swanwick Close meets the requirements of the SPD, therefore potential adverse impacts of overlooking/overshadowing arising as a result of the development are considered to be minimal.

Impact on all other boundary sharing neighbours

- 5.7.12 Due to the scale and orientation of the proposed development relative to the adjoining dwellings, it is not considered that the development would cause any significant injury to the residential amenity of the neighbours.

- 5.7.13 Having consideration for the observations above the proposal is considered to be appropriately designed and is not considered to cause significant adverse impacts on residential amenity of the adjoining neighbours. The proposal will therefore accord with the design provisions of policy CS18 of the Core Strategy.
- 5.7.14 In respect of other environmental considerations the Council's Environment Health Officer (EHO) has also reviewed the application submission and requested the hours of construction be restricted to protect the amenity of the adjoining residential properties. It is therefore considered that an appropriate planning condition can be imposed on any consent given to restrict construction hours accordingly.

5.8 Highway Safety and Parking Provision

- 5.8.1 The application submission has been reviewed by the Local Highways Authority and the following comments were provided;
- 5.8.2 *'From the highway point of view there are no objections to the proposal and it is recommended that the following conditions are included in any consent.'*
- 5.8.3 *'1. Before any other operations are commenced new vehicular and pedestrian accesses shall be formed to Cavendish Street North in accordance with the application drawings and provided with visibility sightlines extending from a point 2.4 metres from the carriageway edge, measured along the centreline of the access, for a distance of 25 metres in both directions measured along the nearside carriageway edge. The land in advance of the visibility sightlines shall be retained throughout the life of the development free of any object greater than 1m in height (0.6m in the case of vegetation) relative to adjoining nearside carriageway channel level.*
- 2. Before any other operations are commenced, excluding construction of the accesses referred to in Condition 1 above, space shall be provided within the site for storage of plant and materials, site accommodation, loading, unloading and manoeuvring of goods vehicles, parking and manoeuvring of employees and visitors vehicles, laid out and constructed in accordance with detailed designs first submitted to and approved in writing by the Local Planning Authority. Once implemented the facilities shall be retained*

free from any impediment to their designated use throughout the construction period.

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

4. There shall be no gates or other barriers on the accesses/driveways.

5. The proposed accesses/driveways to Cavendish Street North shall be no steeper than 1:14 over their entire length.'

- 5.8.4 In addition a number of notes are recommended to be included for the benefit of the applicant. These can be added to any approval issued.
- 5.8.5 The Planning Policy Team and Environmental Health Officer also highlight requirements for electric charging points on all new dwellings. It is therefore recommended that a condition be attached requiring the installation of electric charging points as part of the build phase.
- 5.8.6 **Comments – The above comments have been noted. Condition 1 requires the applicant to install and retain vehicular access to the site with visibility sightlines of 2.4m x 25m. Due to the width of the existing pavement, the requested sightlines are already situated within adopted highway and therefore are not within the control of the applicant. Conditions 2, 3 and 4 are considered to be reasonable and it is recommended that they are attached to a decision if the application is approved. Condition 5 should be included as an informative note with the recommended notes.**

5.9 Flood Risk and Drainage

- 5.9.1 Having regard to the provisions of policy CS7 (Managing the Water Cycle) of the Core Strategy the application submission was referred to Yorkshire Water Services (YWS) and the Council's Design Services (DS) team for comments in respect of drainage and flood risk.

- 5.9.2 Design Services (Drainage) were consulted on this application and raised no objection to the proposal. The site is not shown to be located within an area at risk of flooding on the Environment Agency flood maps. The Design Services (Drainage) Officer requests that the applicant seeks prior approval from Yorkshire Water for connection to the public sewer and states that any new drainage for the development may require Building Control Approval. An informative note should be attached to the decision notice to make the applicant aware of the minimum standards for drainage in the Chesterfield area.
- 5.9.3 Yorkshire Water were consulted on the proposal, no comments were received.
- 5.9.4 Based on the comments listed above, the proposal is considered to accord with policy CS7 of the Core Strategy.

5.10 Land Quality

- 5.10.1 Having regard to land condition and the requirements of the NPPF and policy CS8 of the Core Strategy the planning application site lies in an area covered by the Coal Authority's standing advice area and as such it was not necessary to consult The Coal Authority on the proposal, standing advice should be attached to a decision as an informative note.
- 5.10.2 The Environmental Health Officer requested that a desk based study be undertaken to ensure the site is suitable for residential use and free from contamination. It is recommended that a condition be attached requiring this to be undertaken prior to the commencement of works.
- 5.10.3 On the basis of a condition requiring the completion and submission of a contamination desk study. The proposal is therefore considered to accord with policy CS8 of the Core Strategy.

5.11 Community Infrastructure Levy (CIL)

- 5.11.1 The application proposes the creation of new dwellings and the development is therefore CIL Liable.

5.11.2 The site the subject of the application lies within the medium CIL zone (£50/sqm) and therefore the CIL Liability would be based on the calculations of gross internal floor space on this basis.

		A	B	C	D	E
Development Type	Proposed Floor space (GIA in Sq.m)	Net Area (GIA in Sq.m)	CIL Rate	Index permission	Index charging schedule	CIL Charge
Residential (C3)	189	189	£50 Medium Zone	317	288	£10,401

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

$$\frac{189 \times 50 \times 317}{288} = \text{£10,401}$$

6.0 REPRESENTATIONS

6.1 The application has been publicised by neighbour notification letters sent on 22.05.2018, deadline for responses 12.06.2018. A site notice was also displayed on 22.05.2018, deadline for responses 12.06.2018.

6.2 As a result of the notification process one letter of representation has been received

8 Cavendish Street North

6.3 Concerns raised within written representation have been summarised in the following bullet points;

- Overdevelopment of plot with a detrimental impact on No 8
- Siting of development and proximity would be overbearing due to the sloping of the land
- Length of house is twice that of No 8 resulting in a huge expanse of wall viewed from landing, rear windows and garden of No 8.
- Landing and rear windows of No 8 would be darker due to loss of light

- Loss of space between properties creating issues for future maintenance and scaffolding
- Concerns about safety during construction for occupants of No 8 using passageway adjacent to site
- Concern regarding damage to property
- Existing boundary wall is cracked and leaning towards No 8, concern that development will cause collapse due to close proximity
- Existing issues with surface water flooding from the application site causing damage to No 8
- If a retaining wall is to be built and fence, provision should be made for drainage to be installed

6.4 ***Comments - The above comments have been noted. Revised drawings seek to address concerns by moving the dwelling further west in order to reduce the overall rearwards projection of the two storey element of the development. The proposed dwellings will be stepped along the site and as a result the finished floor level will be 0.3m above existing at No 8, this is considered to be acceptable. The application site is situated to the north/north east of No 8, therefore potential adverse impacts of overshadowing are considered to be minimal. Concerns surrounding safety during the construction process, future maintenance and drainage are considered to be a 'non-material' planning consideration, covered by building regulations and classified as a private civil matter between parties and as such cannot be given any weight in the determination of this application. No details have been provided regarding boundary treatments, a condition will be attached to the decision requiring the submission of this information prior to installation.***

7.0 **HUMAN RIGHTS ACT 1998**

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

- Its action is in accordance with clearly established law
- The objective is sufficiently important to justify the action taken
- The decisions taken are objective and not irrational or arbitrary

- The methods used are no more than are necessary to accomplish the legitimate objective
- The interference impairs as little as possible the right or freedom

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

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

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

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

8.1 The following is a statement on how the Local Planning Authority (LPA) has adhered to the requirements of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 in respect of decision making in line with paragraph 38 of the July 2018 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 Overall the proposal is considered to be acceptable in design and appearance terms. The proposed dwelling is considered to be in keeping with the character of the surrounding area. The location of the proposed development site is relatively sustainable, sited within a residential area with access to local services. It is not considered that the proposal would result in significant impact on the residential amenity of the neighbouring properties. The proposal would not compromise parking arrangements or highway safety. Therefore, the proposal is considered to accord with policy CS1, CS2, CS7, CS8 and CS18 of the Chesterfield Local Plan: Core Strategy 2011 – 2031 and the wider National Planning Policy Framework. This application would be liable for payment of the Community Infrastructure Levy

10.0 **RECOMMENDATION**

- 10.1 That a CIL Liability Notice be served in line with paragraph 5.11 above.
- 10.2 That the application be **GRANTED** subject to the following conditions and notes:

Conditions

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

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

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

- 'Site Survey' Drawing number S9026, dated January 2018 produced by Haycock + Todd Land Survey Consultants Architectural Surveyors
- Revised 'Site layout' Drawing number PL33, dated 18.05.2018
- Revised 'House Type' Drawing number PL34, dated 18.05.2018

- 'Street Elevation' Drawing number PL35, dated 18.05.2018

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

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

Reason - In the interests of residential amenities.

04. 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.

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

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

Reason – In the interests of highway safety.

06. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and/or re-enacting that Order) the car parking spaces hereby permitted shall be retained as such and shall not be used for any purpose other than the parking of private motor vehicles associated with the residential occupation of the

property without the grant of further specific planning permission from the Local Planning Authority.

Reason – In the interests of highway safety.

07. An Electric Vehicle Charging Point shall be installed as part of the build phase and which shall be retained available for use for the life of the development.

Reason - In the interests of reducing emissions in line with policies CS20 and CS8 of the Core Strategy.

08. A. Development shall not commence until details as specified in this condition have been submitted to the Local Planning Authority for consideration and those details, or any amendments to those details as may be required, have received the written approval of the Local Planning Authority.
- I. A desktop study/Phase 1 report documenting the previous land use history of the site.
- II. A site investigation/phase 2 report where the previous use of the site indicates contaminative use(s). The site investigation/phase 2 report shall document the ground conditions of the site. The site investigation shall establish the full extent, depth and cross-section, nature and composition of contamination. Ground gas, ground water and chemical analysis, identified as being appropriate desktop study, shall be carried out in accordance with current guidance using UKAS accredited methods. All technical data must be submitted to the Local Planning Authority.
- III. A detailed scheme of remedial works should the investigation reveal the presence of ground gas or other contamination. The scheme shall include a Remediation Method Statement and Risk Assessment Strategy to avoid any risk arising when the site is developed or occupied.

- B. If, during remediation works any contamination is identified that has not been considered in the Remediation Method Statement, then additional remediation proposals for this material shall be submitted to the Local Planning Authority for written approval. Any approved proposals shall thereafter form part of the Remediation Method Statement.
- C. The development hereby approved shall not be occupied until a written Validation Report (pursuant to A II and A III only) has been submitted to and approved in writing by the Local Planning Authority. A Validation Report is required to confirm that all remedial works have been completed and validated in accordance with the agreed Remediation Method Statement.

Reason - To protect the environment and ensure that the redeveloped site is reclaimed to an appropriate standard

- 09. Prior to the occupation of the development hereby approved, details of all boundary treatments shall be provided to the Local Planning Authority for written approval. The approved boundary treatments shall be maintained at all times in that position, unless written approval to any variation is given by the Local Planning Authority.

Reason- In the interests of the privacy and amenity of occupants of the neighbouring dwelling

- 10. Notwithstanding the details shown on the approved plan Revised 'House Type' Drawing number PL34, dated 18.05.2018 the first floor windows proposed in the north (side) elevation, serving the landing and side (south) elevation serving the en-suite bathroom shall be installed obscurely glazed and shall only be with an opening above 1.7m high relative to internal floor level and shall thereafter be retained as such in perpetuity.

Reason – To protect the amenity of the adjoining residential occupiers

11. There shall be no gates or other barriers within 6.0m of the nearside highway boundary and any gates shall open inwards only, unless otherwise agreed in writing by the Local Planning Authority.

Reason – In the interests of highway safety.

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. You are notified that you will be liable to pay the Community Infrastructure Levy (CIL) to Chesterfield Borough Council as CIL collecting authority on commencement of development. This charge will be levied under the Chesterfield Borough Council CIL charging schedule and s211 of the Planning Act 2008. A CIL Liability Notice will be issued at the time of a detailed planning permission which first permits development, in accordance with the Community Infrastructure Levy Regulations 2010 (as amended).
04. Pursuant to Sections 149 and 151 of the Highways Act 1980, steps shall be taken to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.

05. The proposed development lies within a coal mining area which may contain unrecorded mining related hazards. If any coal mining feature is encountered during development, this should be reported to The Coal Authority.

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority.

Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com

06. Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1991 prior notification shall be given to the Department of Economy Transport & Environment at County Hall, Matlock regarding access works within the highway. Information, and relevant application forms, regarding the undertaking of access works within highway limits is available by email ETENetmanadmin@derbyshire.gov.uk, telephone Call Derbyshire on 01629 533190 or via the County Council's website http://www.derbyshire.gov.uk/transport_roads/roads_traffic/development_control/vehicular_access/default.asp

07. The Highway Authority recommends that the first 6m of the proposed access driveway should not be surfaced with a loose material (i.e. unbound chippings or gravel etc.). In the event that loose material is transferred to the highway and is regarded as a hazard or nuisance to highway users the Authority reserves the right to take any necessary action against the landowner.

08. The proposed access/driveway to Cavendish Street North shall be no steeper than 1:14 over its entire length.

Planning Committee - CHE/18/00349/FUL - 12 Cavendish St North



CHESTERFIELD
BOROUGH COUNCIL

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Scale 1:1330

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Case Officer: Eleanor Casper
Telephone No: 01246 345785
Report Date: 26.07.2018
Committee Date: 06.08.2018

File No: CHE/17/00569/FUL (A)
CHE/17/00645/FUL (B)
CHE/17/00647/FUL (C)
Plot No: 2/60

ITEM 6

(A) CHE/17/00569/FUL PROPOSED EARTHWORKS ON DEVELOPMENT LAND (FURTHER INFORMATION REGARDING LANDSCAPING, DRAINAGE AND BIODIVERSITY RECEIVED 11.07.2018)

(B) CHE/17/00645/FUL PROPOSED BODYSHOP, WASH AND VALET BUILDINGS (FURTHER INFORMATION REGARDING LANDSCAPING, DRAINAGE, LIGHTING AND BIODIVERSITY RECEIVED 11.07.2018)

(C) CHE/17/00647/FUL PROPOSED VEHICLE SALES AND SERVICE CENTRES FOR THE SALE, SERVICE AND M.O.T OF MOTOR VEHICLES (REVISED DRAWING RECEIVED 14.05.2018, AMENDED PLANS FOR SALES BUILDING RECEIVED 11.07.2018 AND 24.07.2018, FURTHER INFORMATION REGARDING LANDSCAPING, DRAINAGE AND BIODIVERSITY RECEIVED 11.07.2018 AND 25.07.2018)

AT LAND OFF EASTSIDE PARK, EASTSIDE ROAD, CHESTERFIELD, S41 9BU FOR PENDRAGON PLC

Local Plan: Unallocated
Ward: Old Whittington

1.0 **BACKGROUND**

- 1.1 On 8th January 2017 Planning Committee resolved to approve a planning application (subject to S106 agreement) for the following developments at Eastside Road:
- **CHE/17/00647/FUL** for *Proposed Vehicle Sales and Service Centres for the Sale, Service and M.O.T Of Motor Vehicles at Land Off Eastside Park, Eastside Road, Chesterfield, S41 9BU For Pendragon Plc*
 - **CHE/17/00569/FUL** for *Proposed earthworks on development land at Land Off Eastside Park, Eastside Road, Chesterfield, S41 9BU For Pendragon Plc*
 - **CHE/17/00645/FUL** for *'Proposed bodyshop, wash and valet buildings at Land Off Eastside Park, Eastside Road, Chesterfield, S41 9BU For Pendragon Plc*

- 1.2 The original report for the above applications is attached as **Appendix A** below.
- 1.3 Subsequent meetings and negotiations have taken place to progress the S106 agreement which relates to % for Art and which have been concluded with the legal agreement now ready for signatures. However on 14th May 2018 the applicant submitted a set of revised drawings which they asked to be considered as part of the ongoing application process prior to issuing the decision. On 25th June 2018 Planning Committee considered the changes featuring the introduction of a mezzanine into the sales building having the effect of increasing the overall height of the building (considered under application CHE/17/00647/FUL) and it was resolved to agree to the amendments.
- 1.4 On 11th July 2018 further revised drawings and additional background information were provided to the Local Planning Authority for consideration. As the S106 agreement had still not be signed it is considered reasonable to review the proposed changes and take account of them in any decisions which are subsequently issued.
- 1.5 This addendum report seeks to update the committee on the revised drawings submitted and to consider amendments to application CHE/17/00647/FUL for alterations to the layout of the Sale Centre and including the provision of a workshop and valet/wash buildings. Additional information provided also seeks to address some of the pre-commencement conditions attached to the draft decisions to enable works to commence immediately following the signing of the S106 and issuing of planning permission. It is necessary to note that the information provided does not satisfy all of the pre-commencement which will have to be addressed through discharge of condition after planning permission has been formally granted.
- 1.6 The following documents have been provided for consideration and have been grouped by relevant application number;

Biodiversity/Ecology Information

(CHE/17/00569/FUL, CHE/17/00645/FUL and CHE/17/00647/FUL)

- Biodiversity Management Plan reference 104379EC1R0 dated July 2018 – containing mitigation requirements, biodiversity enhancement, ecological monitoring and management,
- ML Ecology Reptile Report (produced by ML-Ecology Surveys & Solutions ‘appendix 2’) dated 12th June 2018,
- Landscaping Plan ‘appendix 3’

Amendments to layout of Sale Centre including workshop and wash/valet bay

(CHE/17/00647/FUL)

- 'Floor Plans as proposed' Drawing number 2878/100, dated July 2018
- 'Elevations as proposed' Drawing number 2878/101, dated July 2018
- 'Wash and Valet Bay as proposed' Drawing number 2878/102, dated June 2018
- 'Sales Site Plan as proposed' Drawing number 2878/44D, dated August 2017

Landscape plans

(CHE/17/00645/FUL)

- 'Landscape Plan' Drawing Number UJPPCH-WW-02, dated 14.03.2018, produced by Westwood Landscape (only covering car compound area situated in the south east corner of the site bound by the railway and river)

(CHE/17/00647/FUL)

- 'Service Centre Landscape Plan' Drawing Number UJPPCH-WW-03, dated 25 July 2018 produced by Westwood Landscape (covering car service/mot centre adjacent to railway in the north/north eastern corner of the site).
- 'Landscape Plan' Drawing Number UJPPCH-WW-01-C, dated 15 December 2017 produced by Westwood Landscape (covering the car sales centre based on new layout)

Lighting

(CHE/17/00645/FUL)

- 'Evans Halshaw – Body Shop Parking, drawing number D33302/LC/B, dated 22.03.2018 (only covering car compound area situated in the south east corner of the site bound by the railway and river)

Drainage/Flood risk

(CHE/17/00647/FUL)

- 'Drainage Layout' Drawing number 18.4818/DR01 Revision T3 (for Sales Centre only)
- 'Drainage Details' Drawing number 18.4818/DR02 Revision T1 (for entire site)

(CHE/17/00645/FUL)

- 'Drainage Layout – Car Storage Area' Drawing number 18.4818/DR03 Revision T1 (for Car Storage area only)
- 'Drainage Details' Drawing number 18.4818/DR02 Revision T1 (for entire site)

Archaeology

(CHE/17/00569/FUL)

- Eastside Park Archaeological Evaluation, Report No. Y341/18, produced by Jamie Walker on behalf of CFA Archaeology

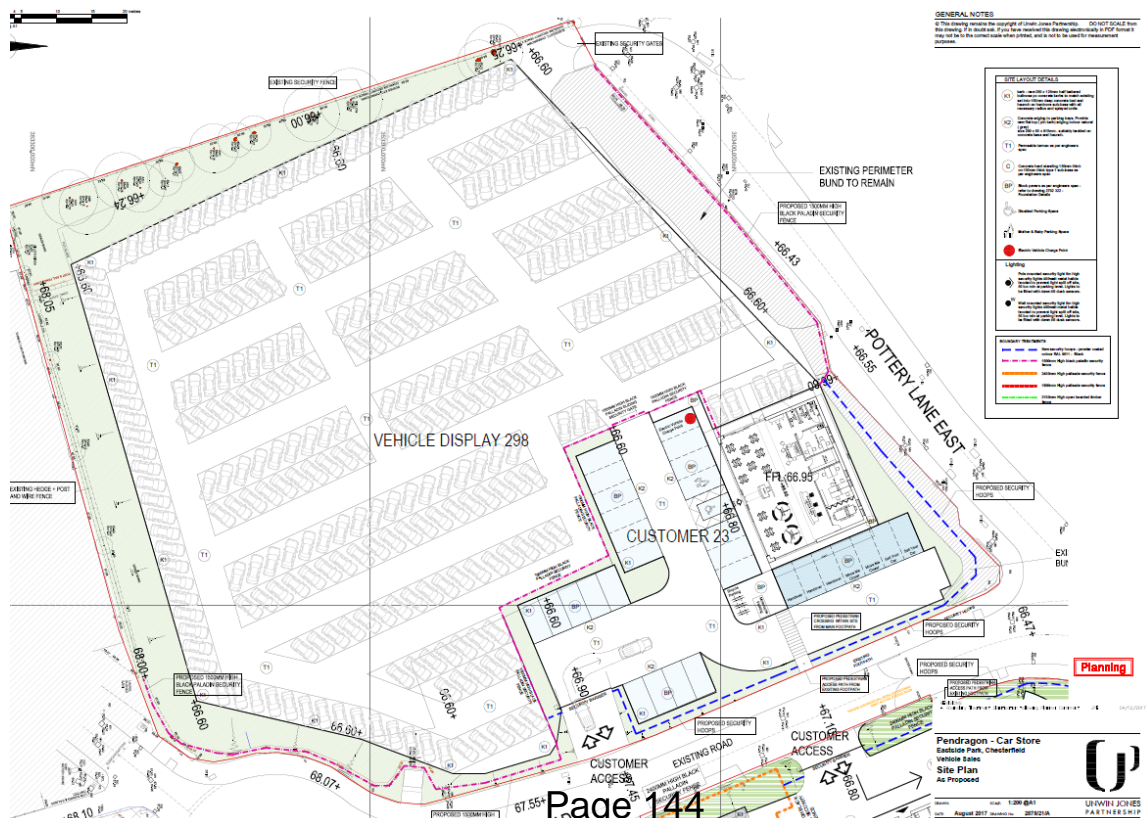
2.0 **CONSIDERATIONS**

2.1 In the original officer report material considerations in respect of principle of development, design and appearance, impact on amenity of adjoining occupiers and public safety, highway safety and cycle provision, biodiversity and ecology, flood risk and drainage, archaeological potential, land contamination and stability and other considerations (S106 Negotiations / Local Labour) were considered.

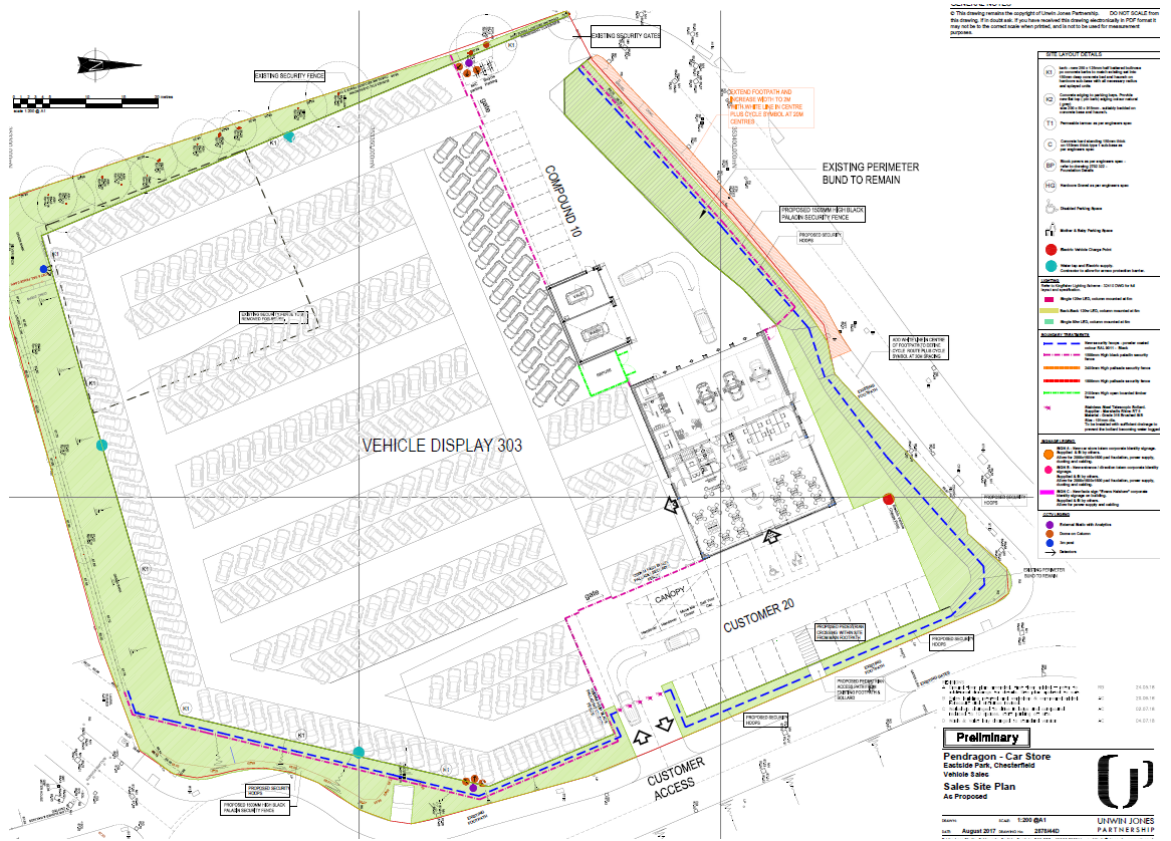
PROPOSED ALTERATIONS TO SALE CENTRE

2.2 Having regard to the changes being proposed matters of design and appearance should be reconsidered with respect to the layout, design and appearance of the Sales Centre (covered by application CHE/17/00647/FUL).

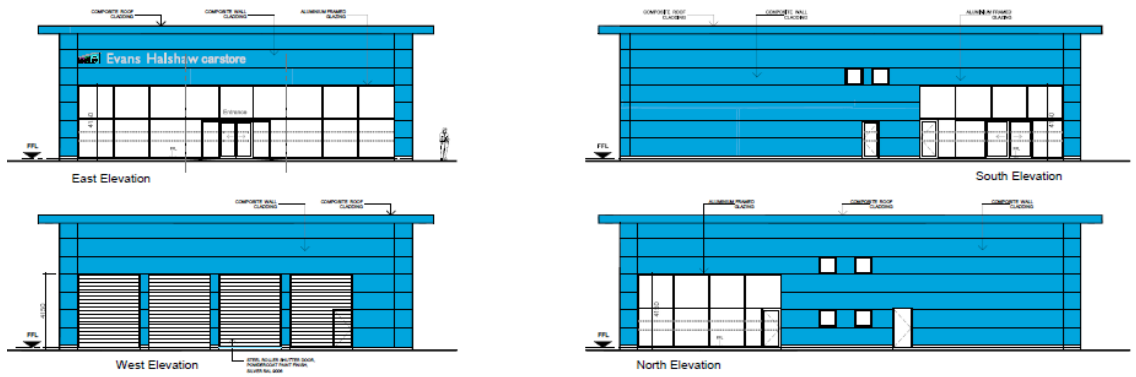
EXISTING SITE LAYOUT



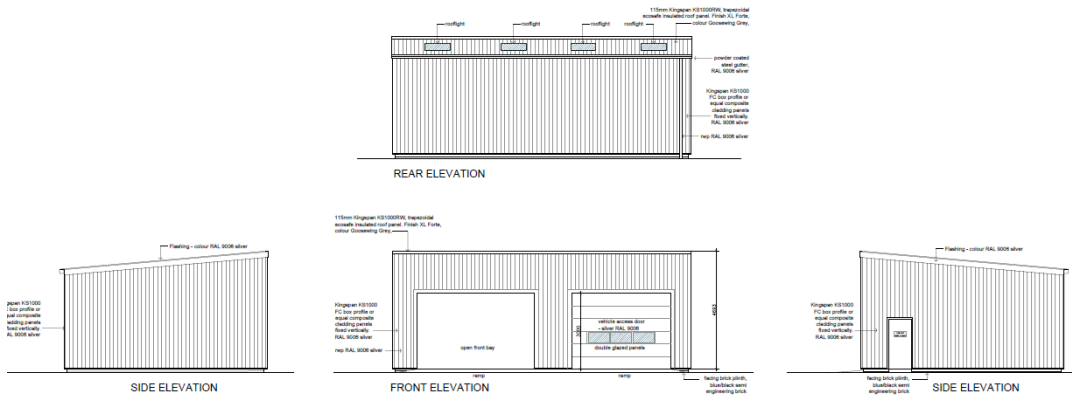
PROPOSED SITE LAYOUT



PROPOSED SALES CENTRE AND WORKSHOP – ELEVATIONS



PROPOSED VALET/WASH BUILDING - ELEVATIONS



- 2.3 The amended plans seek to alter the layout of the Sale Centre and increase the floorspace. The proposal would re-orientate the building so the principle elevation is facing east towards the main vehicular access route. Customer parking arrangements have also been altered with a reduced number of spaces, providing 20 overall rather than 23.
- 2.4 A compound area is proposed to the west of the site, providing vehicular access to the proposed workshop and valet/wash building from the existing access point in the western corner of the site and access from Pottery Lane East.
- 2.5 The proposed amendments to the Sales Centre include the addition of a workshop, measuring 20m x 10.8m in footprint. Overall the Sales Centre/Workshop will measure 20m x 26m in footprint. The design of the building will remain similar to that previously agreed with the addition of four roller shutter doors within the west elevation serving the workshop. The building will still measure 7.6m in height (as agreed by the previous addendum application).
- 2.6 The proposal also incorporates the provision a valet/wash building measuring 8m x 12m in footprint, formed of a sloping monopitch roof measuring a maximum of 4.6m in height. The proposed valet/wash building will be situated to the west of the sales centre with vehicular access gained via the existing access point in the western corner of the site. The building will incorporate one open front bay and one bay with roller shutter door. The proposal will be faced in composite cladding of RAL 9006 silver.
- 2.7 Overall it is considered that the design and appearance of the revised drawings are acceptable, having regard to the provisions of policies CS2 and CS18 of the Core Strategy in relation to design and amenity. Furthermore in respect of neighbouring amenity it is considered that the siting, scale and massing of the proposal is acceptable.
- 2.8 The revisions to the scheme as detailed are accepted and the application should progress on this basis subject to the signing of the S106 agreement and the list of conditions under CHE/17/00647FUL, as previously recommended, (in Appendix A) be imposed with the exception of condition 2 which should be revised as follows:

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

- 'Floor Plans as proposed' Drawing number 2878/100, dated July 2018
- 'Elevations as proposed' Drawing number 2878/101, dated July 2018
- 'Wash and Valet Bay as proposed' Drawing number 2878/102, dated June 2018
- 'Sales Site Plan as proposed' Drawing number 2878/44D, dated August 2017
- Revised site plan 2878/21/A Revision A
- Revised site plan 2878/22/A Revision A
- Revised plans and elevations 2878/24/A Revision A
- Valet bay proposed 2878/25
- Site details proposed 2878/26

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

3.0 **ARCHAEOLOGY**

3.1 DCC Archaeology requested that archaeological investigations be undertaken as a pre-commencement condition in order to determine the nature and extent of any archaeological remains on the site (covered by application CHE/17/00569/FUL, Conditions 10, 11 and 12). DCC requested that conditions be attached to any decision requiring the submission of a written scheme of investigation for approval by DCC Archaeology and that subsequent investigations should be undertaken in accordance with the approved scheme and the post investigation assessment completed. Such works are required to be undertaken by a suitably experienced and qualified archaeological contractor (ClfA registered organisation).

3.2 The applicant has been liaising directly with DCC Archaeology and investigations have been undertaken with guidance from the relevant Development Control Archaeologist. It has been suggested that on the basis of the works undertaken so far that no further on-site archaeological fieldwork is required. However a formal response to this effect is awaited from the Development Control Archaeologist at DCC

and it is expected that this will be received prior to the planning committee meeting. If received prior to the meeting this will be reported and a recommendation will be made as to whether conditions 10, 11 and 12 can be removed from the planning permission to be issued.

4.0 **BIODIVERSITY/ECOLOGY**

4.1 The applicant has provided a biodiversity Management Plan (reference 104379EC1R0) containing mitigation requirements, biodiversity enhancement, ecological monitoring and management. An Ecology Reptile Report is also provided. The requirement for a Biodiversity Enhancement Strategy (conditions 6 of 17/00645 and 17/00647) remain outstanding.

4.2 The submitted Biodiversity Management plan covers the whole site and has been reviewed by Derbyshire Wildlife Trust (comments provided 26.07.2018) and they have confirmed that the details submitted are considered to be sufficient to warrant the removal of the following conditions from the original recommendation;

CHE/17/00569/FUL

- 4.2.1 **Condition 4** - *No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.*
- a) *Risk assessment of potentially damaging construction activities.*
 - b) *Identification of “biodiversity protection zones”.*
 - c) *Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).*
 - d) *The location and timing of sensitive works to avoid harm to biodiversity features.*
 - e) *The times during construction when specialist ecologists need to be present on site to oversee works*
 - f) *Responsible persons and lines of communication.*
 - g) *The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.*
 - h) *Use of protective fences, exclusion barriers and warning signs.*
 - i) *Methods for the safe removal of Japanese knotweed within the site*

4.2.2 **Condition 5** – *No disturbance of soil, roots or vegetation in respect of the development hereby approved shall take place until a full reptile survey has been undertaken and the details submitted to and approved in writing by the Local Planning Authority. The details shall include measures and programme for reptile mitigation and conservation, including a detailed methodology for the capture and translocation of such. The mitigation and conservation measures shall be implemented in accordance with the approved details and programme to the satisfaction of the Local Planning Authority.*

CHE/17/00645/FUL

4.2.3 **Condition 5** - *No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.*

- a) *Risk assessment of potentially damaging construction activities.*
- b) *Identification of “biodiversity protection zones”.*
- c) *Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).*
- d) *The location and timing of sensitive works to avoid harm to biodiversity features.*
- e) *The times during construction when specialist ecologists need to be present on site to oversee works*
- f) *Responsible persons and lines of communication.*
- g) *The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.*
- h) *Use of protective fences, exclusion barriers and warning signs.*
- i) *Methods for the safe removal of Japanese knotweed within the site*

CHE/17/00647/FUL

4.2.4 **Condition 5** - *No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.*

- a) *Risk assessment of potentially damaging construction activities.*
- b) *Identification of “biodiversity protection zones”.*
- c) *Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).*

- d) *The location and timing of sensitive works to avoid harm to biodiversity features.*
- e) *The times during construction when specialist ecologists need to be present on site to oversee works*
- f) *Responsible persons and lines of communication.*
- g) *The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.*
- h) *Use of protective fences, exclusion barriers and warning signs.*
- i) *Methods for the safe removal of Japanese knotweed within the site*

5.0 **LIGHTING**

5.1 The applicants have submitted further details of proposed lighting arrangements with a lux contour plan of the car compound area in the south eastern corner of the site (number D33302/LC/B). The lux contour plan covers part of the area covered by application CHE/17/00645/FUL. The submitted details seek to enable the removal of condition 3;

5.2 **Condition 3** - *Prior to the commencement of development, details of proposed lighting with appropriate adjustments to maintain public safety (on the highway and railway line) and a lux contour map shall be submitted to the Local Planning Authority for consideration. The submitted details shall include the lux levels at various distances on the ground in relation to lighting. Only those details approved in writing by the Local Planning Authority shall be implemented as part of the development and shall be retained thereafter in throughout the life of the development.*

5.3 At the time of writing this report no formal consultees responses have been received from Network Rail, DCC Highways or Environmental Health. As a result there is considered to be insufficient clarity regarding whether the proposed lighting arrangements provided so far will be acceptable and as such it is recommended that condition 3 of application CHE/17/00645/FUL be retained. Furthermore the submitted details only covered a part of the site. Any further response on this matter will be reported to committee and considered.

6.0 **DRAINAGE/FLOOD RISK**

6.1 The applicants have submitted further details of proposed surface water drainage arrangements (Drawing number 18.4818/DR01 Revision T3, 18.4818/DR02 Revision T1 and 18.4818/DR03 Revision

T1). The proposed drainage plans seek to enable the removal of the following conditions;

CHE/17/00569/FUL

- 6.2 **Condition 9** - *No development approved by this permission shall be commenced until a scheme for the provision and implementation of surface water run-off limitation has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed.*

CHE/17/00645/FUL

- 6.3 **Condition 8** - *No development approved by this permission shall be commenced until a scheme for the provision and implementation of surface water run-off limitation has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed.*

CHE/17/00647/FUL

- 6.4 **Condition 9** - *No development approved by this permission shall be commenced until a scheme for the provision and implementation of surface water run-off limitation has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed.*
- 6.5 At the time of writing this report no formal consultees responses have been received from Design Services Drainage, Environment Agency or Yorkshire Water. As a result there is considered to be insufficient clarity regarding whether the proposed surface water drainage arrangements will be acceptable and it is recommended that the conditions be retained. Any further response on this matter will be reported to committee and considered.

7.0 **LANDSCAPING**

- 7.1 The applicants have submitted further details of proposed hard and soft landscaping arrangements (Drawing Number UJPPCH-WW-01-C, UJPPCH-WW-02 and UJPPCH-WW-03). The proposed plans seek to enable the removal of the following conditions;

CHE/17/00569/FUL

7.2 **Condition 15** - *Within 2 months of commencement of development full details of a soft landscaping scheme for the approved development on the application site 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.*

7.3 **Condition 16** - *Within 2 months of the commencement of development full details of hard landscape works for the approved development on the application site and access road 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 on the particular plot and access road, as approved, prior to the occupation of the buildings hereby approved.*

CHE/17/00645/FUL

7.4 **Condition 13** - *Within 2 months of commencement of development full details of a soft landscaping scheme for the approved development on the application site 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.*

7.5 **Condition 14** - *Within 2 months of the commencement of development full details of hard landscape works for the approved development on the application site and access road 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 on the particular plot and access road, as approved, prior to the occupation of the buildings hereby approved.

CHE/17/00647/FUL

- 7.6 **Condition 14** - *Within 2 months of commencement of development full details of a soft landscaping scheme for the approved development on the application site 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.*
- 7.7 **Condition 15** - *Within 2 months of the commencement of development full details of hard landscape works for the approved development on the application site and access road 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 on the particular plot and access road, as approved, prior to the occupation of the buildings hereby approved.*
- 7.8 The submitted details generally cover the whole site across various drawings and are acceptable to DWT - The conditions are however not pre commencement and would not prevent a start on site. The submitted scheme is however generally acceptable and the condition wording can be changed to ensure that the agreed scheme is provided on site as part of the development and thereafter maintained.

8.0 **RECOMMENDATIONS**

8.1 That the revisions to the scheme as detailed are accepted and the revisions should be incorporated into the decisions issued subject to the satisfactory completion of the S106 agreement and the amended conditions below as follows:

CHE/17/00647FUL

02. All external dimensions and elevational treatments shall be as shown on the approved plans (including the revised drawing listed below) with the exception of any approved non material amendment.
- 'Floor Plans as proposed' Drawing number 2878/100, dated July 2018
 - 'Elevations as proposed' Drawing number 2878/101, dated July 2018
 - 'Wash and Valet Bay as proposed' Drawing number 2878/102, dated June 2018
 - 'Sales Site Plan as proposed' Drawing number 2878/44D, dated 4th July 2018
 - Revised site plan 2878/21/A Revision A
 - Revised site plan 2878/22/A Revision A
 - Revised plans and elevations 2878/24/A Revision A
 - Valet bay proposed 2878/25
 - Site details proposed 2878/26
05. Delete
14. *The soft landscaping scheme shown on drawings UJPPCH-WW-01-C dated 15th December 2017 and UJPPCH-WW-03 dated 25th July 2018 are hereby approved. An implementation programme and a schedule of landscape maintenance for a minimum period of five years shall have been submitted prior to first occupation of the site and shall have been approved in writing prior to the carrying out of the scheme. Those details, or any approved amendments to those details shall be carried out in accordance with the implementation programme.*
15. *The hard landscape works for the approved development on the application site shown on drawings Sales Site Plan 2878/44D dated 4th July 2018 and 2878/22/A dated 4th December 2017 are hereby approved. The agreed works shall be carried out on the particular plot, as approved, prior to the occupation of the buildings hereby approved.*

CHE/17/00569/FUL

- 04. Delete
- 05. Delete
- 15. Delete
- 16. Delete

CHE/17/00645/FUL

- 05. Delete
- 13. *The soft landscaping scheme shown on drawings UJPPCH-WW-02 dated 14th March 2018 is hereby approved. Full details of the remaining northern section of the site (bodyshop) including 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 and densities where appropriate shall be submitted within 2 months of commencement of the development on this part of the site. An implementation programme and a schedule of landscape maintenance for a minimum period of five years shall have been submitted prior to first occupation of the site and shall have been approved in writing prior to the carrying out of the scheme. Those details, or any approved amendments to those details shall be carried out in accordance with the implementation programme.*
- 14. *The hard landscape works for the approved development on the application site shown on drawing Site Plan 2879/21A dated August 2017 is hereby approved. The agreed works shall be carried out on the particular plot, as approved, prior to the occupation of the buildings hereby approved.*

APPENDIX A – PREVIOUS ORIGINAL COMMITTEE REPORT

Case Officer: Eleanor Casper File No: CHE/17/00569/FUL (A)
Telephone No: 01246 345785 CHE/17/00645/FUL (B)
Report Date: 18.12.2017 CHE/17/00647/FUL (C)
Committee Date: 08.01.2018 Plot No: 2/60

ITEM 4

(A) PROPOSED EARTHWORKS ON DEVELOPMENT LAND (CHE/17/00569/FUL) AND (B) PROPOSED BODYSHOP, WASH AND VALET BUILDINGS (CHE/17/00645/FUL) AND (C) PROPOSED VEHICLE SALES AND SERVICE CENTRES FOR THE SALE, SERVICE AND M.O.T OF MOTOR VEHICLES (CHE/17/00647/FUL) AT LAND OFF EASTSIDE PARK, EASTSIDE ROAD, CHESTERFIELD, S41 9BU FOR PENDRAGON PLC

Local Plan: Unallocated
Ward: Old Whittington

1.0 CONSULTATIONS FOR CHE/17/00569/FUL

Coal Authority	Comments received – see report
DCC Archaeology	Comments received – see report
DCC Highways	Comments received – see report
Derbyshire Wildlife Trust	Comments received – see report
Design Services Drainage	Comments received – see report
Environment Agency	Comments received – see report
Environmental Services	Comments received – see report
Lead Local Flood Team	Comments received – see report
Site Notice/Advert	No representation received
Ward Members	No comments received
Yorkshire Water	Comments received – see report

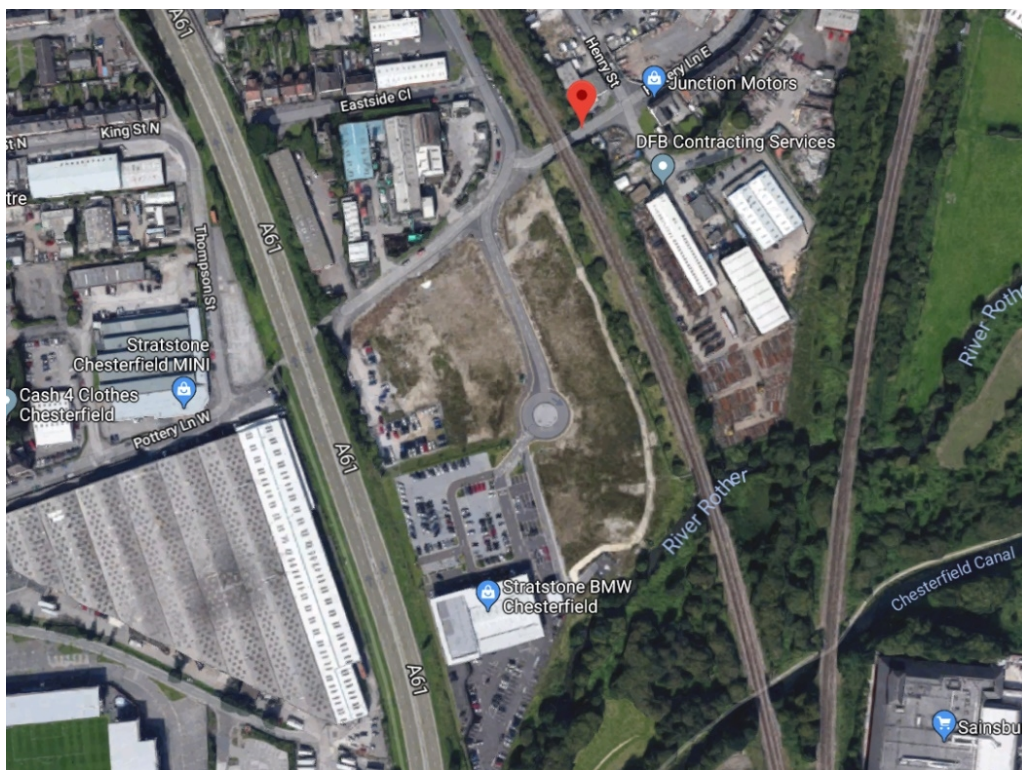
1.1 **CONSULTATIONS FOR CHE/17/00645/FUL and CHE/17/00647/FUL**

Coal Authority	Comments received – see report
Cycle Campaign	Comments received – see report
DCC Archaeology	Comments received – see report
DCC Highways	Comments received – see report
Derbyshire Constabulary	Comments received – see report
Derbyshire Wildlife Trust	Comments received – see report
Design Services Drainage	Comments received – see report
Economic Development	Comments received – see report
Environment Agency	Comments received – see report
Environmental Services	Comments received – see report
Forward Planning	Comments received – see report
Lead Local Flood Team	Comments received – see report
Network Rail	Comments received – see report
Site Notice/Advert	No representations received
Urban Design Officer	No comments received
Ward Members	No comments received
Yorkshire Water	Comments received – see report

2.0 **DEVELOPMENT SITE**

2.1 The site subject of these application consists of two parcels of land, covering approximately 2.3 hectares in area overall. Historically the site was previously occupied by ‘Pearsons Pottery’.

- 2.2 Pottery Lane East forms the northern boundary of the site. A new distributor/ access road runs centrally through the site (from north to south) and also serves the existing BMW/Mini dealership situated adjacent to the south western/western corner of the site. The A61 bypass is situated to the west of the site and forms the western boundary of the site.
- 2.3 The eastern boundary of the site is formed of a railway line, situated on a raised embankment and the southern boundary of the site is bound by the River Rother watercourse. The site is located within the highest risk flood zone (flood zone 3) as defined by the Environment Agency.
- 2.4 The plots of land subject of this application predominately consists of vacant land, covered with low level vegetation/scrub. A parcel of the site is hard surfaced and used for car parking in connection with the BMW / Mini dealership adjacent. The parcels of land cover approximately 2.3 hectares in area.
- 2.5 The surrounding steetscene is predominately industrial in character with some commercial units. There are some residential dwellings located approximately 100m to the east of the site on Pottery Lane East and 100m north of the site on Eastside Close.



3.0 SITE HISTORY

- 3.1 CHE/14/00475/FUL - Proposed construction of new car dealership and associated parking – **CONDITIONAL PERMISSION (01.06.2016) PENDING S106 AGREEMENT – NOT SIGNED, APPLICATION FINALLY DISPOSED OF**
- 3.2 CHE/14/00476/FUL - proposed construction of new access road from the A61 – **REFUSED (03.02.2015)**
- 3.3 CHE/09/00556/FUL - Proposed motor vehicle dealership on Plot 4 – **CONDITIONAL PERMISSION (09.03.2010) SUBJECT TO LEGAL AGREEMENT COVERING PERCENT FOR ART AND HIGHWAY IMPROVEMENT CONTRIBUTIONS.**
- 3.4 CHE/08/00699/FUL - Proposed amendment to CHE/07/00081/OUT to realign route of site access road – **CONDITIONAL PERMISSION (08.01.2009)**
- 3.5 CHE/08/00629/FUL - Amendments to Mini building design – **CONDITIONAL PERMISSION (20.11.2008)**
- 3.6 CHE/07/00081/OUT - Redevelopment of site to accommodate car showroom and access/ egress arrangements (for detailed approval) and B1/B2 uses and further showroom with associated parking (for outline approval) – resubmission of CHE/06/00580/OUT – **CONDITIONAL PERMISSION (29.06.2007) SUBJECT TO A LEGAL AGREEMENT COVERING PERCENT FOR ART AND HIGHWAY IMPROVEMENT CONTRIBUTIONS**
- 3.7 CHE/06/00580/OUT - Re-development of site to accommodate car showroom and revised access/egress arrangements (for detailed approval) and B1/B2 uses and further car showroom with associated parking (for outline approval) – **REFUSED (24.10.2006)**
- 3.8 CHE/05/00108/FUL - Erection of control kiosk – **CONDITIONAL PERMISSION (18.04.2005)**
- 3.9 CHE/1188/0922 - Permission for retail superstore on land at the rear of the Pottery, Pottery Lane, Whittington Moor, Chesterfield for Pearsons of Chesterfield Ltd – **CONDITIONAL PERMISSION (15.03.1989)**

3.10 CHE/0284/0099 - Permission for change of use of site into multiple units for office/light industry/general industry/ warehouse uses together with unit one as cafe at Pottery Lane, Whittington Moor, Chesterfield for Pearsons of Chesterfield Limited – **CONDITIONAL PERMISSION (18.04.1984)**

4.0 THE PROPOSAL

4.1 (A) CHE/17/00569/FUL - Proposed Earthworks on Development Land

4.1.1 The proposal subject of this application consists of earthworks to raise the existing ground levels in accordance with the requirements of the flood risk assessment and to enable the development associated with applications CHE/17/00645/FUL and CHE/17/00647/FUL.

4.1.2 The nature of the proposed earthworks is detailed within the updated design and access statement, cut and fill specification and schedule of works, this is supported by site section drawings (Drawing No: 2656/21, dated August 2017). The proposed earthworks will raise land levels by a maximum of 1.15m (adjacent to the cycle footway). The existing landscaping to the western boundary of the site will be retained.

4.1.3 The application proposes stripping and removing topsoil and other soft or unsuitable material of approximately 1000m³ in volume. The application proposes the importation of 4600m³ of granular fill material. A minimum of 150mm of granular material shall form the top layer. The raising of levels shall be in layers, initially using existing material on site. Each layer and thickness will be dependent upon the type of material and recommended method of compaction will be undertaken in accordance with the Highways Agency Specification for Highways Works.

4.2 (B) CHE/17/00645/FUL

4.2.1 The application proposes the erection of a bodyshop with a wash and valet building, to be located in the south eastern corner of the site.



Bodyshop

- 4.2.2 The proposed bodyshop measures 36.5m in width and a maximum of 26m in depth. The unit is formed of an asymmetrical dual pitched roof, measuring 6.7m to the ridge. The roof of the unit features 20 roof lights to serve the bodyshop. The proposal incorporates 4 paint booth extraction chimneys measuring 3m in height (projecting above the ridge of the unit by 1.5m).
- 4.2.3 The proposed unit will be faced in 'goosewing grey' composite cladding on the walls and roof. The internal layout of the bodyshop consists of 6 'smart repair' bays, 4 'pre-delivery inspection' bays and 6 bays for paintwork with associated extraction facilities. Employee facilities include of lockers, toilets, canteen and a control room. Vehicular access to the unit will be gained by two large sectional overhead doors, situated within the north and south elevations.

Wash and Valet Building

- 4.2.4 The proposed wash/valet building is situated to the south of the proposed bodyshop. The proposed unit measures 9m depth and 33.5m in width. The proposal is formed of a monopitch roof, measuring 4m in height at the principle (west) elevation and increasing to 4.8m in height at the rear (east) elevation adjacent to the railway bund.

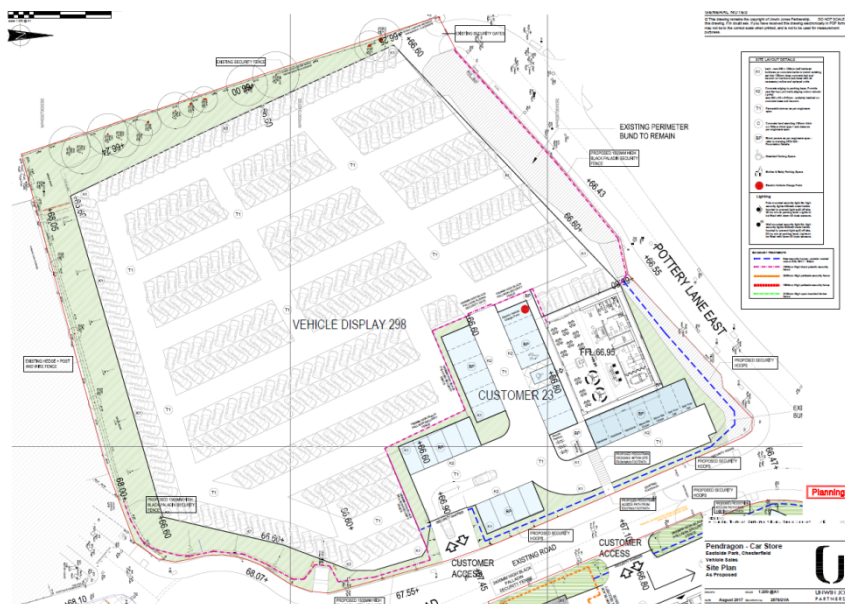
- 4.2.5 The proposed unit will be faced in 'goosewing grey' composite cladding on the walls and roof. The unit consists of 6 bays for valeting and 2 for vehicle washing. Vehicular access to the unit is by 4 access doors located within the west elevation.
- 4.2.6 The application site will be enclosed by a vehicle compound to the south and west, providing parking for 120 vehicles and 42 staff parking spaces.

4.3 (C) CHE/17/00647/FUL

- 4.3.1 The application proposes the erection of a vehicle sales centre and service/MOT centre with associated valet building. The Sale Centre is situated within the western parcel of land, to the north of the existing BMW/Mini dealership and to the east of the A61 bypass. The Service/MOT centre is located on the opposite side of the new access road, adjacent to the eastern boundary of the site and the railway bund.

Sales Centre

- 4.3.2 The proposed sales centre measures 19.3m x 15.3m in footprint and is formed of a flat with overhanging feature. The site/block plan shows that the unit will be located in the north eastern corner of the site (see image below). The sales centre will incorporate customer parking for 23 vehicles and a vehicle display compound providing parking for approximately 298 vehicles. The proposal also includes cycle parking for 3 bicycles and an electric vehicle charging point.



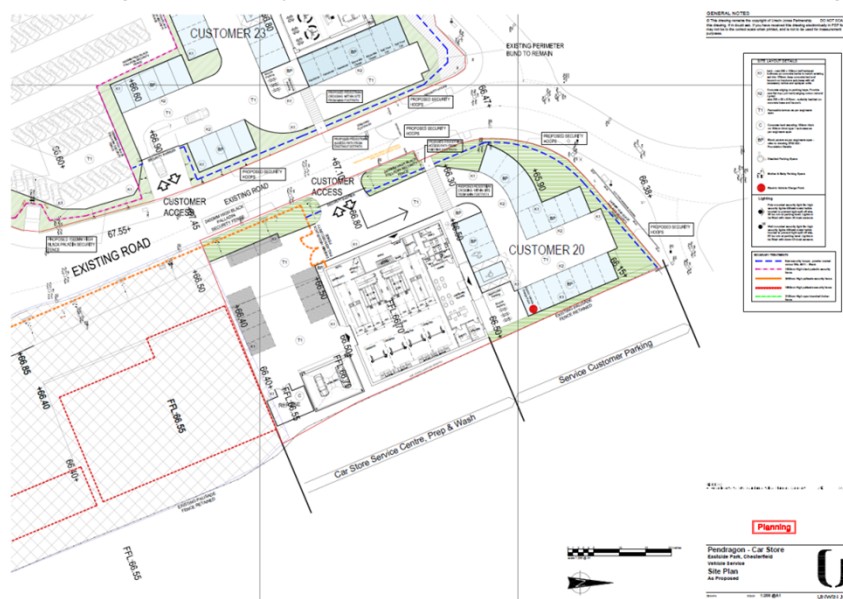
4.3.3 The internal layout of the unit is orientated towards the south east (principle elevation) and comprises of a large sales area with customer toilets, canteen, team room and meeting room. The proposal features 6 small windows within the north west elevation of the unit, facing towards pottery lane east.

4.3.4 The proposed unit measures 5m in height overall and will be faced in 'azure blue' composite cladding. The south east elevation of the unit will constitute the principle elevation and customer entrance, this will be denoted by aluminium framed glazing encompassing most of the elevation. Additional panels of glazing will be incorporated within the south west and north east elevations.

Service/MOT Centre

4.3.5 The proposed Service/MOT Centre measures 24.5m x 24.5m in footprint and is formed of a shallow dual pitched roof measuring 5m to the eaves and 7m to the ridge. The proposed unit will be faced in 'goosewing grey' composite cladding on the walls and roof.

4.3.6 The proposed unit is situated adjacent to the railway bund which forms the eastern boundary of the site. The principle elevation of the unit is orientated towards Pottery Lane East to the north. The principle (north west) elevation features a customer entrance door with glazing feature and porch structure. The MOT centre will be served by customer parking for 20 vehicles, with an enclosed compound to the south of the unit for the storage of 11 vehicles. The proposal also incorporates cycle parking for 3 bicycles and an electric vehicle charging point.



- 4.3.7 The internal layout of the unit consists of 4 work bays, 2 MOT bays a service reception with managers office and control room. Employee facilities include a canteen, toilet and locker room, tool room and a Parts room with mezzanine level for additional storage.
- 4.3.8 The proposal incorporates 20 roof lights within the roof plane of the unit and two small windows within the north west elevation. Vehicular access to the unit is gained by a large sectional overhead door within the south east elevation and a smaller sectional door within the south west elevation
- 4.3.9 A small valet building is also proposed in association with the MOT centre. The proposed unit measures 10.2m in width and 8.8m in depth with space for two vehicles. The unit is formed of a monopitch style roof, measuring a maximum of 5m in height overall. The unit will be faced in 'goosewing grey' composite cladding. The proposal is the same style and design to the valet building incorporated within application CHE/17/00645/FUL.

5.0 CONSIDERATIONS

5.1 Planning Policy

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

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

- CS1 Spatial Strategy
- CS2 Principles for Location of Development
- CS3 Presumption in Favour of Sustainable Development
- CS7 Management of the Water Cycle
- CS8 Environmental Quality
- CS9 Green Infrastructure and Biodiversity
- CS13 Economic Growth
- CS16 Retail

- CS18 Design
- CS19 Historic Environment
- CS20 Influencing the Demand for Travel
- PS3 Chesterfield Waterside and the Potteries

5.3 **Other Relevant Policy and Documents**

- National Planning Policy Framework (NPPF)

5.4 **Key Issues**

1. Principle of Development (see section 5.5)
2. Design and Appearance of the Proposal (see section 5.6)
3. Impact on the Amenity of the Adjoining Occupiers and Public Safety (see section 5.7)
4. Highway Safety and Cycle Provision (see section 5.8)
5. Biodiversity and Ecology (see section 5.9)
6. Flood Risk and Drainage (see section 5.10)
7. Archaeological Potential (see section 5.11)
8. Land Contamination and Stability (see section 5.12)
9. Other Considerations
 - Impact on Adjacent Railway Line (see section 5.13)
 - Percent for art contribution (see section 5.14)
 - Employment and Training (see section 5.15)

5.5 **Principle of Development**

Relevant Policies

- 5.5.1 The site (albeit unallocated) is situated within the industrial settlement off Brimington Road North located between Old Whittington and Brimington to the east of the A61 corridor in an area predominantly commercial in nature. Having regard to the nature of the application proposals policies CS1, CS2, CS7, CS13, CS16, CS18, CS19, CS20 and PS3 of the Core Strategy and the wider National Planning Policy Framework (NPPF) apply.
- 5.5.2 Policy CS1 states that *‘The overall approach to growth will be to concentrate new development within walking and cycling distance of centres.*

5.5.3 Policy CS2 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.'

5.5.4 Policy CS18 (Design) states that *'all development should identify, respond to and integrate with the character of the site and its surroundings and respect the local distinctiveness of its context'* and development should have *'an acceptable impact on the amenity of users and neighbours.'*

5.5.5 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.'*

5.5.5 Policy CS7 (Managing the Water Cycle) *requires all new development commensurate with scale and impact to consider and address issues of flood risk. In addition the policy states that's new development connections to the drainage network will need to address issues surrounding sustainable drainage and a reduction in surface water run off rates.*

5.5.6 Policy CS13 (Economic Growth) states that *new development should deliver sustainable economic growth by supporting existing jobs and business and delivering inward investments. For major developments the Council will seek to negotiate agreements with developers to*

secure local labour, recruitment and training that benefits the local community.

- 5.5.7 Policy CS16 (Retail) states that *‘Across the borough, a sequential approach will be used to assess sites for retail and other town centre uses, to focus such development on town, district, local service centres and local centres to meet the requirements of national planning policy’*... *‘Specific forms of retail use outside Use Class A1 that require large premises such as showrooms, trade counters and wholesale premises, may be permitted in edge or out of centre locations if, due to reasons such as scale and servicing, the use would be unsuitable within a centre. In such cases, conditions will be applied where appropriate to define permissible changes of use and the range and type of goods or services sold’*
- 5.5.8 Policy CS19 (Historic Environment) states that *‘The council will protect the historic environment and heritage assets throughout the borough and seek to enhance them wherever possible. All new development must preserve or enhance the local character and distinctiveness of the area in which it would be situated. The council will do this through:*
d) the identification and, where appropriate, protection of important archaeological sites and historic environment features;’
- 5.5.9 Policy CS20 (Demand for Travel) states that *‘To reduce congestion, improve environmental quality and encourage more active and healthy lifestyles, the Council will seek to maximise walking, cycling and the use of public transport through the location and design of development and parking provision. Priority will be given to measures to encourage more sustainable travel choices’*. The policy also seeks to ensure new development has an acceptable impact on the functioning and safety of the highway network.
- 5.5.10 Policy PS3 (Chesterfield Waterside and the Potteries) states *‘Planning permission will only be granted for development that contributes towards:*
- *Creating jobs in office, industry, retail, tourism and education*
 - *Restoring Chesterfield Canal and the River Rother to navigation and creating a new canal terminus*
 - *Achieving a mix of uses including residential, office, employment and leisure*
 - *Improving access to the site including enhancing the footpath and cycle network*

- *A high quality urban environment including eco-park and green infrastructure corridor*
- *Managing flood risk*

Principle of Development

5.5.7 The Strategy Planning Team (Forward Planning Team) were consulted on the scheme and provided the following comments;

5.5.7.1 *The site is reasonably well located for walking, cycling and proximity to Whittington Moor District Centre (including via underpass under A61), in accordance with policy CS1 – Spatial Strategy. Although the site itself is not allocated in the Core Strategy for Economic Growth and therefore the proposed uses must be tested under the criteria set out in Local Plan policy CS13, the Local Plan strategy provides for economic activity and employment opportunities to be focussed in areas with an established industrial character where the regeneration benefits can be maximised, including along the A61 Corridor. The site also lies within the area defined under Policy PS3 ‘Chesterfield Waterside and the Potteries’, where planning permission will only be granted for development that contributes towards:*

- *Creating jobs in office, industry, retail, tourism and education*
- *Restoring Chesterfield Canal and the River Rother to navigation and creating a new canal terminus*
- *Achieving a mix of uses including residential, office, employment and leisure*
- *Improving access to the site including enhancing the footpath and cycle network*
- *A high quality urban environment including eco-park and green infrastructure corridor*
- *Managing flood risk*

The proposed development should broadly accord with the criteria set out in Policy PS3, and with policy CS13 which supports proposals for new employment development where they accord with the overall spatial strategy, including B2 uses within established business areas.

5.5.7.2 *The site falls outside flood zone 1. Policy CS7 of the Local Plan sets out that, outside of flood zone 1, development will be permitted where it meets a specific set of criteria. The application is accompanied by a Flood Risk Assessment which aims to demonstrate compliance with Policy CS7.*

Application of the Sequential approach:

- 5.5.7.3 *Car Showroom uses are covered by policy CS16 'Retail'. This policy allows for showrooms to be permitted in out of centre locations if they would be unsuitable for a town centre. It is accepted that Car Showrooms would not normally be suitable within a town centre and this area is established for uses of a similar and compatible type to that now proposed. Therefore this element of the application is acceptable in principle, subject to the detailed considerations set out below.*

Economic Growth

- 5.5.7.4 *The site is not allocated as employment land on the adopted proposals map. As the proposed use does not fall within the B1, B2 or B8 use classes they must be considered under CS2, their suitability for location and employment generation, as required by policy CS13.*
- 5.5.7.5 *The proposed use is suitable for the location, well located with good transport connections, road frontage and would be unlikely to cause conflict with any existing uses. It is unlikely that the current proposal would generate same level of jobs as most alternative B uses, however this must be off-set against the tests set out in policy CS2. The proposed development would meet the criteria a) to g) set out in CS2.*

Flood Risk

- 5.5.7.6 *The Environment Agency flood map shows that the wider site is located largely within Flood Zone 3, with a small area of the site to the south-west, located within Flood Zone 2, at high risk of fluvial flooding sourced from the Rother. Flood mapping produced as part of the SFRA (2009) demonstrates that the flood zone in which the site is located is entirely Flood Zone 3a, outside the extent of Flood Zone 3b ('Functional Floodplain'). The site access to the north (Pottery Lane East) is located within Flood Zones 2 and 3, which could present access issues.*
- 5.5.7.7 *The Environment Agency is best placed to advise whether the submitted Flood Risk Assessment is able to successfully demonstrate compliance with the criteria set out in Policy CS7, and the measures necessary to be implemented to achieve this.*

Other issues

- 5.5.7.8 *Policy CS6 of the adopted Local Plan requires that all new commercial premises be built to BREEAM Excellent standard, and that evidence of this be provided through a pre-assessment. Although the council cannot insist on a certain standard, a sufficient level of evidence should be provided as to why a higher standard of sustainable design cannot be met for any of the reasons set out in policy CS6.*
- 5.5.7.9 *The Highway Authority should be in a position to assess whether proposed car parking provision would accord with the parking standards in the Core Strategy. In addition however, adequate secure and covered cycle storage should be provided, secured by condition, in accordance with CS20. The provision of shower facilities should also be secured via condition.*
- 5.5.7.10 *A Local Labour Agreement should be sought in accordance with policy CS13, in consultation with the EDU which would encourage local employment, training and supply chain opportunities to increase economic opportunities for local people and businesses.*
- 5.5.8 Consideration of the principle of development in respect of the design/appearance of the proposal and potential impacts on the amenity of the adjoin occupiers neighbours (CS18 and CS2) will be covered in the following sections (5.6 and 5.7).
- 5.5.9 Comments received from the Strategy/Forward Planning Team reference policy CS6 and suggest that the applicant must set out how the premises will be constructed to a BREEAM Excellent standard. Further to the Deregulation Act, this is no longer a requirement that can be applied and is cover under different legislation (predominately Building Regulations). It is therefore not considered reasonable to require the applicant to submit further information to satisfy policy CS6 to the proposal. It is also considered necessary to clarify comments made by the Strategy/Forward Planning Team with respect to flood risk. The entire site lies within flood zone 3 (the highest risk zone for flooding).
- 5.5.10 The proposal is considered to be acceptable in principle and accords with policies CS1, CS2, CS13, CS16 and PS3 of the Core Strategy, subject to policies CS7, CS18, CS19 and CS20.

5.6 Design and Appearance of the Proposal

- 5.6.1 Core Strategy Policy CS18 states that *'all development should respect the character, form and setting of the site and surrounding area by virtue of its function, appearance and architectural style, landscaping, scale, massing, detailing, height and materials.'*

CHE/17/00569/FUL

- 5.6.2 Solely having regard to the design / appearance of the proposed earthworks it is not considered the development presents any adverse issues in this respect. The works required to raise the land levels will involve the removal of the existing shrub/vegetation and the importation of inert granular material. To mitigate the loss of the existing vegetation, a scheme of soft landscaping will be required. No landscaping scheme has been submitted with the applications, therefore it is considered necessary to control this by condition attached to the permission (if approved) to ensure that an appropriate scheme is secured which provides a suitable mix of trees and low level shrubs to enhance the overall visual appearance of the site.

CHE/17/00645/FUL and CHE/17/00647/FUL

- 5.6.3 The proposals are considered to be appropriately sited and designed having regard to the context and character of the surrounding area. Revised drawings have been submitted with amendments made to the proposed boundary treatments in accordance with Case Officer and Consultee recommendations.
- 5.6.4 Policies CS2 and CS13 support the principle of new business / industrial development in existing allocated areas and whilst this site is no longer allocated, the principle of redevelopment of the site to create for vehicle sales, servicing and bodywork accords with the principles established by the existing BMW/Mini dealership and the wider aspirations for the site as an area allocated for major change shaped by policy PS3 of the Core Strategy.
- 5.6.5 Having consideration for the observations above the proposal is considered to be appropriately designed and would not cause adverse impacts on the visual amenity and character of the area. The proposals achieve an appropriate development design which responds to the site parameters and spatial constraints. The proposal are

therefore considered to accord with the design provisions of policy CS18 of the Core Strategy.

5.7 Impact on the Amenity of the Adjoining Occupiers and Public Safety

5.7.1 Core Strategy Policy CS18 states that all development will be expected to *'have an acceptable impact on the amenity of users and neighbours'*

5.7.2 Core Strategy Policy CS2 also states that *'All developments will be required to have an acceptable impact on the amenity of users or adjoining occupiers, taking into account things such as noise, odour, air quality, traffic, appearance, overlooking, shading or other environmental, social or economic impacts.'*

Impact on the Amenity of the Adjoining Occupiers

5.7.2 The application site is not immediately adjoined by any residential boundary sharing neighbours. Commercial units face the site to the north on the opposite side of Pottery Lane East Highway and the existing BMW/Mini dealership bounds the site to the south. The closest residential dwellings are located approximately 100m to the east of the site on Pottery Lane East and 100m north of the site on Eastside Close.

5.7.3 Viewed in the context of the surrounding streetscene which is predominately commercial/industrial in character the proposed re-development of site is not considered to adversely impact upon any of the neighbouring premises.

Public safety

5.7.4 As major applications the Derbyshire Constabulary 'Designing Our Crime' Officer was consulted on the proposals and provided the following comments;

CHE/17/00645/FUL

5.7.4.1 *'At present the site boundary is indicated with 2.4m high welded mesh fencing to roadside boundaries and the existing palisade fence to the railway embankment, but it isn't clear from plans what will form the boundary on the southern river side. Can this be clarified as 2.4m high*

welded mesh please. Gate detail needs adding at the roundabout compound access route.'

- 5.7.4.2 *'The supporting design and access statement includes mention of CCTV provision and lighting provision for the split site. On site plans there is an indication on legends of metal halide lighting, both column and building mounted (in contradiction to the d&a which states LED lighting) but there is nothing on plans to show position of any lighting or CCTV for the site. I appreciate that this might be fleshed out by way of condition.'*

CHE/17/00647/FUL

Service/M.O.T Building

- 5.7.4.3 *'The site is enclosed by a 2.4m high welded mesh security fence which I think is appropriate in context of use and location. The legend colour for this type of fencing is orange, whilst the position on plans is black (only mentioned for clarity). There is no gate detail shown where it's indicated that customers access the site, so this probably needs adding to approved plans.'*

Sales building

- 5.7.4.4 *The enclosure for this part of the site is an existing open bund to the road edge of Pottery Lane East, building with 450mm high security hoops wrapping the outer facing two elevations, and 1500mm high welded mesh fence/gates for the initial section of large vehicle display area. It's assumed that the remainder of the sales parking area would be enclosed by the existing embankment to the south and chain link fence to the A61 boundary.*

- 5.7.4.5 *I don't consider this to be appropriate for the location and use proposed, particularly on the Pottery Lane side which is adjacent to a poorly supervised public footpath and A61 underpass. My advice is to enclose the whole site behind the public face of the sales building with a 2.4m high welded mesh fence (as used on the site opposite) or enclose the pottery Lane boundary and provide the remainder of the site with an active monitored perimeter intruder detection system (PIDS), as used at the existing open site of the neighbouring car dealership. Given the size of the car sales area and likely value of content an internal PIDS would be advisable irrespective of boundary.*

- 5.7.4.6 *The supporting design and access statement includes mention of CCTV provision and lighting provision for the split site. On site plans there is an indication on legends of metal halide lighting, both column and building mounted (in contradiction to the d&a which states LED lighting) but there is nothing on plans to show position of any lighting or CCTV for either site. I appreciate that this might be fleshed out by way of condition, but ties in with some points above.*
- 5.7.5 The above comments have been noted and amendments were subsequently made to the scheme to accord with the recommendations. The Environmental Health Officer also requested the submission of lighting details (lux contour map) and details of proposed lighting columns and locations of fixed/mounted lights. A lux contour map was provided to the LPA on 12.12.2017 and at the time of writing this report no further responses had been received from the relevant consultees. It is therefore considered necessary to control this by condition attached to the permission (if approved) to ensure that scheme for CCTV and lighting is installed and considered by the necessary consultees and approved in writing by the LPA.
- 5.7.6 Having consideration for the observations above the proposal is considered to be appropriately designed and is not considered to cause significant adverse impacts on safety or residential amenity of the adjoining occupiers. In addition no letters of representation have been received. The proposal will therefore accord with the provisions of policy CS2 and CS18 of the Core Strategy.

5.8 Highway Safety and Cycle Provision

- 5.8.1 Policy CS20 (Demand for Travel) states that *'To reduce congestion, improve environmental quality and encourage more active and healthy lifestyles, the Council will seek to maximise walking, cycling and the use of public transport through the location and design of development and parking provision. Priority will be given to measures to encourage more sustainable travel choices'*.

Highway Safety

- 5.8.2 DCC Highways were consulted on the proposal and provided the following comments;

CHE/17/00569/FUL

- 5.8.2.1 *'The applicant should be advised that the site may be close to or affected by the initial preferred route of the Birmingham to Leeds section of HS2. Further information may be obtained from the Department of Transport's website; <https://www.gov.uk/hs2-phase-two-initial-preferred-route-plan-and-profilemaps>*
- 5.8.2.2 *It is understood from the Design and Access Statement that the land is likely to be used for future development and that whilst the submitted drawings indicate new buildings etc. this application is just for the earthworks which are required to satisfy a Flood Risk Assessment. This Authority would comment on any further development on the site as and when proposals are formally submitted in the usual manner.*
- 5.8.2.3 *The earthworks will raise ground levels within the site which is 2.3 Hectares in size. I would have expected to see details of the volume material to be imported and associated traffic movements to have accompanied the submission. Once volume details are received no doubt your Authority will assess whether the formal planning application should be made to the County's Waste and Minerals Planning Authority rather than the Local Planning Authority. Please ask the applicant for the details relating to the proposed volumes of material to be imported and associated traffic movements and upon receipt I would comment further.*
- 5.8.2.4 *From a highway point of view given the location in the highway network it is unlikely that the objections would be raised to the proposed earthworks subject to an appropriate Construction Method Plan being provided and adhered to during the construction phase and I would recommend the following condition to cover this;*
- 5.8.2.5 **1) Construction Management Plan**
No development shall take place until a construction management plan has been submitted to and been approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the construction period. The plan shall provide for:
- *parking of vehicles of site operatives and visitors*
 - *routes for construction traffic, including abnormal loads/cranes etc.*
 - *hours of operation*
 - *wheel wash facilities/method of prevention of debris being carried onto highway*
 - *pedestrian and cyclist protection*

- *proposed temporary traffic restrictions*
- *arrangements for turning vehicles*

5.8.3 Further comments were provided by DCC Highways with respect to applications CHE/17/00645/FUL and CHE/17/00647/FUL

CHE/17/00645/FUL and CHE/17/00647/FUL

5.8.3.1 *'Eastside Park is an industrial area and the plot is currently vacant. The proposals are not dissimilar to other vehicles sales premises in the vicinity. The applicant as shown an acceptable access to the public highway. Parking and turning would appear suitable for the proposed uses on the site. Given the number of proposed staff I would recommend that the applicant considers a Travel Plan. The proposed cycle parking area is noted.*

5.8.3.2 *The applicant will need to consult with the relevant refuse collection department to ascertain details of what will be acceptable to them in terms of number and location of bins and means of access including the removal of specialist waste. Bin storage should not obstruct the private drive access, parking or turning provision. Additionally a bin dwell area should be provided clear of the public highway, private access, parking and turning for use on refuse collection days. The applicant will need to consult with the relevant refuse collection department to ascertain details of 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 bin dwell area should be provided clear of the public highway, private access, parking and turning for use on refuse collection days I note that there will be external lighting and that it will be static and shielded to prevent distraction to passing motorists and unnecessary light spillage outside the site.*

5.8.3.3 *I note that it is proposed that the two sites are to work in tandem and I would welcome your comments as to any conditions that may be relevant. In this instance the Highway Authority is not aware of any existing highway safety issues that would justify a reason for refusal that could be substantiated at appeal. If your Authority is minded to approve then I would ask for conditions to cover the following are included;*

5.8.3.4

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

- parking of vehicles of site operatives and visitors*
- routes for construction traffic, including abnormal loads/cranes etc*
- hours of operation*
- method of prevention of debris being carried onto highway*
- pedestrian and cyclist protection*
- proposed temporary traffic restrictions*
- arrangements for turning vehicles*

2. No building or use hereby permitted shall be occupied or use commenced until the vehicular and pedestrian accesses and facilities for loading, unloading, circulation and manoeuvring have been completed in accordance with the approved drawings. Thereafter, these areas shall be kept free of obstruction and available for these uses.

3. There shall be no gates or other barriers within 5m of the nearside highway boundary and any gates shall open inwards only, unless otherwise agreed in writing by the Local Planning Authority.

4. No part of the development shall be occupied until details of arrangements for storage of bins and collection of waste (including specialist waste) have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and the facilities retained for the designated purposes at all times thereafter.

5. No building or use hereby permitted shall be occupied or the use commenced until a Travel Plan comprising immediate, continuing and long-term measures to promote and encourage alternatives to single-occupancy car use has been prepared, submitted to and been approved in writing by the Local Planning Authority. The approved Travel Plan shall then be implemented, monitored and reviewed in accordance with the agreed travel Plan Targets.

6. The source of any external illumination or illuminated signage shall static and shielded to prevent distraction to passing motorists and avoid unnecessary light spillage outside the site.

5.8.4 Officer Comments –The comments from the Highways Officers have been noted. Both Officers recommend that a condition be attached requiring the submission of Construction Management Plans, in conjunction with the standard in formatives. One of the Highways Officers also referenced HS2, the site is not considered to be located within a defined consultation zone. The proposed HS2 branch running from Sheffield to Chesterfield train station will utilise existing railway infrastructure. It is currently proposed that there will be one train per hour using the existing infrastructure. Network Rail have been consulted on the proposal and have provided detailed comments with conditions required to safeguard the existing railway line (see section 5.13 for further details). It is also necessary to note that condition 3 (recommended in section 5.8.3.4) states that shall be no gates of other barriers within 5m of the highway, existing gates are already located across the access road serving the site and the BMW/Mini dealership. It is considered that any gates serving the units will be shut when the buildings are closed in order to maintain a secure compound for the storage of vehicles. It is not expected that members of the public will visit the site when the units are closed and as such it is not considered that the installation of gates may pose a risk to highway safety. Overall, no adverse highway safety concerns arise as a result of the development.

Cycle provision

5.8.5 The Core Strategy identifies part of the application site as a component of the Chesterfield Cycle Network, a shared 3m cycle/footway was installed in conjunction with the BMW/Mini dealership application which runs centrally through the site (from north to south) and terminates at the banks of the River.

5.8.6 The Chesterfield Cycle Campaign were consulted on the proposal and provided the following comments;

5.8.6.1 *‘The access road leading off Pottery Lane East to the BMW/Mini dealership has a shared path alongside on the west side. This shared*

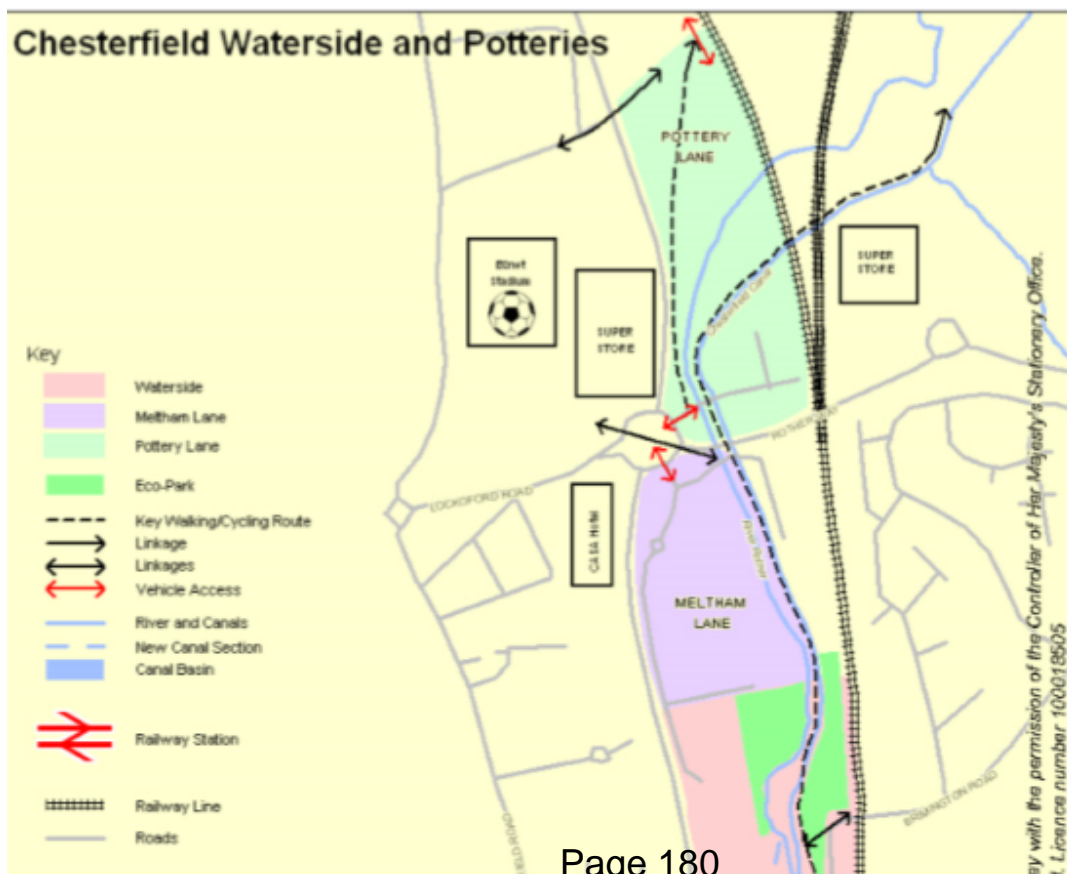
path then continues along the side of the car dealership until it reaches the bank of the river.

5.8.6.2 The line of this route was identified during the cycle audit in 2010 and subsequently adopted by CBC as part of the Chesterfield Cycle Network. The intention being that at some point in the future either a bridge would be built over the river to connect to the Trans Pennine Trail or a shared path be built on the bank of the river to Lockoford Lane. Unfortunately due to the path leading nowhere at the moment the car dealership have taken to parking their vehicles on the path often completely blocking it.

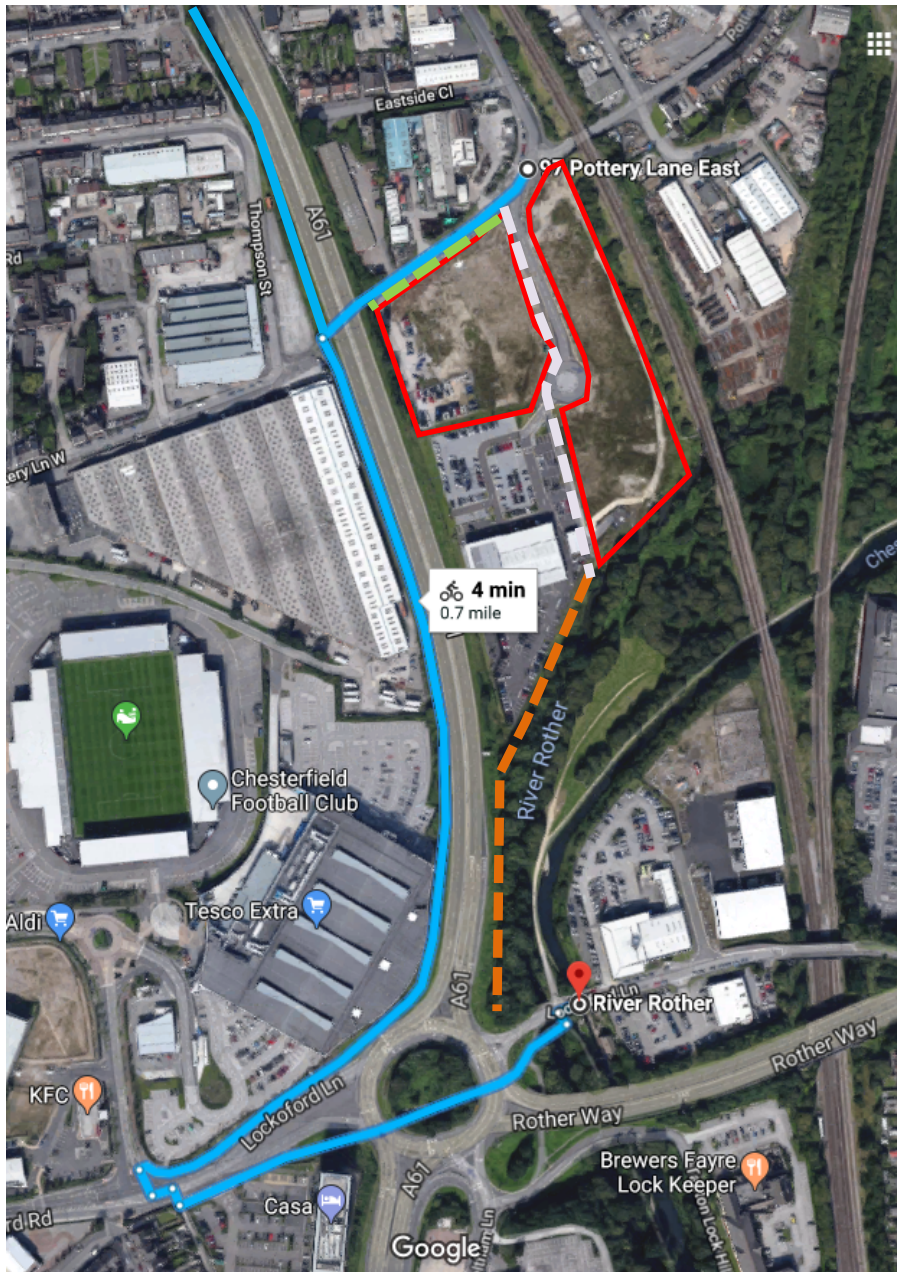
5.8.6.3 The Campaign is keen that this path is retained and it is protected if this development goes ahead. We hope that CBC agrees with that principle and consider section 106 or CIL money to develop this route further. Completion of this route would enable easy car free access from Staveley, Brimington, Tapton and the town centre.

5.8.7 **Officer Comments – The comments from the Chesterfield Cycle Campaign have been noted. The reference made to the Chesterfield Cycle Network can be found in the Core Strategy under policy PS3 (Diagram 10: Chesterfield Waterside and the Potteries, see below)**






Diagram 10: Chesterfield Waterside and the Potteries



5.8.8 Diagram 10 illustrates a potential key walking/cycling route through the application site and would require a cycle/pedestrian path to be constructed through the bank of trees adjacent to the River Rother or a bridge across the river (see diagram below).



Key

-  Application Site
-  Existing Cycle Route/Network
-  Existing 3m wide shared/cycle path running through the application site
-  Potential Key Cycling/Walking Route
-  Potential area of road enhancement to widen the existing footpath to create a shared cycle path

5.8.9 Since the Core Strategy was formally adopted in 2013 a new off-road cycle path has been constructed along the west side of the A61 bypass (shown in blue on the above diagram). Direct access to the new cycle path can be gained along Pottery Lane East and through the existing underpass. The cycle path enables access to the Chesterfield Canal and town centre (see photographs below). Pottery Lane East highway has a restricted footway and it is therefore considered necessary to require the applicant to undertake additional measures to ensure the existing pavement be extended and enlarged to enable access to the underpass and cycle network beyond.



5.9 Biodiversity and Ecology

5.9.1 Core Strategy Policy CS9 'Green Infrastructure and Biodiversity' states that *'Development proposals will be expected to demonstrate that they will not adversely affect, or result in the loss of, features of recognised*

importance...The council will require the submission with the planning application of ecological surveys and assessments of the biodiversity and geological value of sites as set out in a list of local requirements'

- 5.9.2 The Derbyshire Wildlife Trust were consulted on the proposal and initially raised concerns due to the lack of an appropriate ecological appraisal. An Ecological Constraints Appraisal was undertaken by REC (dated September 2017) and submitted to the LPA for consideration on 22.09.2017.
- 5.9.3 The Derbyshire Wildlife Trust were re-consulted on the proposal and provided the following comments;
- 5.9.3.1 *'The application is accompanied by an Ecological Constraints Appraisal, which provides information on the existing habitats present and any potential ecological constraints. Our comments are as follows:*
- 5.9.3.2 **Further Survey**
Reptiles
We support the recommendation in the Ecological Constraints Report that reptile presence/absence survey should be undertaken. Paragraph 99 of Circular 06/2005 states "it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before planning permission is granted, otherwise all material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances". If reptiles are found, an appropriate mitigation strategy should be produced.
- 5.9.3.3 **Recommended Conditions**
Notwithstanding the recommendation for reptile survey above, should the Council be minded to grant permission for the proposed works, we recommend that the following conditions are attached:
Construction Environmental Management Plan
No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.
a) Risk assessment of potentially damaging construction activities.
b) Identification of "biodiversity protection zones".

- c) *Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).*
- d) *The location and timing of sensitive works to avoid harm to biodiversity features.*
- e) *The times during construction when specialist ecologists need to be present on site to oversee works*
- f) *Responsible persons and lines of communication.*
- g) *The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.*
- h) *Use of protective fences, exclusion barriers and warning signs.*

5.9.3.4 *The CEMP should particularly consider safeguarding local designated sites, linear corridors such as the adjacent railway line and species including common amphibians and reptiles. A stand of Japanese knotweed is present in the north-west of the site and appropriate measures to deal with this invasive plant species should also be included within the CEMP. The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.*

5.9.3.5 ***Biodiversity Enhancement Strategy***

Prior to the commencement of development, a Biodiversity Enhancement Strategy shall be submitted to and approved in writing by the Council. The following planning policies are considered pertinent to this document:

Paragraph 118 of the National Planning Policy Framework (NPPF) states that “opportunities to incorporate biodiversity in and around developments should be encouraged”.

Paragraph 125 of the NPPF states that “by encouraging good design, planning policies and decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation”.

This should include the recommendations within section 4.2 of the Ecological Constraints Appraisal that meadow grassland should be incorporated around the development, to strengthen existing corridors and replace the habitat to be lost. Species enhancements including bat boxes, bird boxes and insect blocks should also be included, as per the Ecological Constraints Appraisal. Consideration should be given to green and brown walls and roofs to compensate for the loss of habitat on site. Lighting should be designed to avoid lightspill onto

the adjacent railway line or nearby watercourses. Such approved measures should be implemented in full and maintained thereafter.

5.9.4 **Officer Comments – On the basis of the comments listed above it is considered necessary to require the applicant to undertake a reptile survey and to submit a Construction Environmental Management Plan with Biodiversity Enhancement Strategy prior to the commencement of the development.**

5.9.5 Having consideration for the observations listed above and responses received from consultees and the requirement to provide a Construction Environmental Management Plan, Biodiversity Enhancement Strategy, the proposal is considered to accord with policy CS9 of the Core Strategy.

5.10 **Flood Risk and Drainage**

5.10.1 Core Strategy Policy CS7 ‘Managing the Water Cycle’ states that *‘Within areas of functional floodplain, development is expected to preserve or enhance the contribution of the area to water management reducing flood risk... The council will seek opportunities to increase the capacity of the floodplain safely, make space for water across the whole borough, and to remove problems from the drainage network, particularly in connection with new development... Sustainable Drainage Systems (SuDS) should be incorporated into all development, unless it can be demonstrated that this is not appropriate in a specific location. The council will seek the maximum possible reduction in surface water run-off rates based on the SFRA or most recent national guidance.’*

5.10.2 The majority of the site is located within a high risk zone for flooding (defined as flood zone 3 by the Environment Agency). Due to the nature and scale of the developments and the location of the the application site, it was necessary to consult the Environment Agency, Lead Local Flood Authority, Yorkshire Water and the Design Services Drainage Team.

5.10.3 The Environment Agency provided the following comments;

5.10.3.1 *‘The Agency has no objections, in principle, to the proposed development but recommends that if planning permission is granted the following planning conditions are imposed. The proposed development will only meet the requirements of the National Planning*

Policy Framework if the following measure as detailed in the Flood Risk Assessment submitted with this application is implemented and secured by way of a planning condition on any planning permission.'

5.10.3.2 **Flood risk**

Condition - *The development permitted by this planning permission shall be carried out in accordance with the submitted Flood Risk Assessment (FRA) November 2014 completed by RES Environmental LTD for Pottery Lane East Chesterfield and the following mitigation measures detailed within the FRA: Finished floor levels (FFL) are set no lower than 67.15m Above Ordnance Datum (AOD) as outlined in Table 4.3.5 of the FRA. The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.*

Reason - *To reduce the risk of flooding to the proposed development and future occupants.*

5.10.3.3 **Flood resilience measures**

We support the suggestion outlined in table 4.3.20 of the FRA that flood resilient construction techniques are used and flood sensitive equipment is to be positioned at a minimum of 600mm above FFL. We support the suggestion in the FRA that future occupants sign up to Floodline Warnings Direct to receive advance warning of flooding. This can be done online at <https://www.gov.uk/sign-up-for-flood-warnings> or by phoning Floodline Warnings Direct on 0345 988 1188.

5.10.3.4 **Access and egress**

The NPPF places responsibilities on local authorities to consult their Emergency Planners and the Emergency Services with regard to specific emergency planning issues relating to new development. It is not our role to comment on or approve the adequacy of these plans and we would expect local planning authorities, through their Emergency Planners, to formally consider the implication of this in making their decision. Please note that the Local Planning Authority must be satisfied with regard to the safety of people (including those with restricted mobility), the ability of such people to reach places of safety including safe refuges within buildings and the ability of the emergency services to access such buildings to rescue and evacuate those people.

5.10.3.5 **Pollution control**
Condition

Surface water draining from areas of hardstanding shall be passed through an oil separator or series of oil separators, prior to being discharged into any watercourse, soakaway or surface water sewer. The separator(s) shall be designed and constructed to have a capacity compatible with the area being drained, shall be installed prior to the occupation of the development and shall thereafter be retained and maintained throughout the lifetime of the development. Clean roof water or vehicle washdowns and detergents shall not pass through the separator(s) and should be drained instead to foul sewer or sealed system.

Reason

To reduce the risk of pollution to the water environment.

5.10.3.6 *Effluent discharged from any premises carrying on a trade or industry and effluent generated by a commercial enterprise where the effluent is different to that which would arise from domestic activities in a normal home is described as trade effluent. If you are not able to discharge effluent it will be classed as waste and you must then comply with your duty of care responsibilities.*

5.10.3.7 *Proposing to discharge to mains -
A trade effluent consent or a trade effluent agreement with your water and sewerage company must be obtained before you discharge trade effluent to a public foul sewer or a private sewer that connects to a public foul sewer.*

5.10.4 The Design Services Drainage Team also provided the following comments;

5.10.4.1 *'As highlighted in the Flood Risk Assessment, the site is located in Flood Zone 3 and is therefore a risk from flooding. As stated in the FRA, this commercial development may be classed as less vulnerable under the NPPF and may be suitable for this location.*

5.10.4.2 *The FRA states that the proposed floor levels will be a minimum of 300mm above the anticipated 100year flood level in order to reduce risk. The FRA also proposes the use of flood resilient construction and subscribing to Flood Warnings Direct.*

- 5.10.4.3 *It is also noted that the site surface water drainage is proposed to discharge via the pumping station and attenuation tank that was installed as phase 1 of the development. The runoff from the car parking and any vehicle wash areas should pass through an oil separator prior to discharge to the surface water drainage system.'*
- 5.10.5 **Officer Comments – On the basis of the comments listed above it is considered necessary to incorporate a condition requiring the development be in accordance with the submitted flood risk assessment and for an oil separator to be installed to prevent pollutants being discharged into the adjacent watercourse.**
- 5.10.6 The Lead Local Flood Authority provided the following comments;
- 5.10.6.1 **CHE/17/00645/FUL**
Due to the nature of the proposed plans and the site parameters the Lead LFFA have no comments to make in relation to CHE/17/00645/FUL
- 5.10.6.2 **CHE/17/00647/FUL**
Due to the site parameters of planning application CHE/17/00647/FUL the LLFA are recommending a holding objection on the proposed development as it is not possible to provide an informed comment until such a time that the applicant has submitted further information. As a statutory consultee for surface water the minimum details required on all major planning applications are as follows:
- *Site plan and impermeable area*
 - *Topographic survey of the site*
 - *Appropriate evidence to support how the site will drain (photographs / maps / a confirmation letter from a water company)*
 - *Basic calculations of the greenfield/brownfield runoff and discharge rates, in l/s/Ha, for the site*
 - *A quick storage estimate to show the required storage volume of surface water on site and an indication of the likely location*
 - *Calculations should include allowances for the current Environment Agency guidance for climate change and urban creep*
 - *Basic ground investigation (desktop survey as a minimum)*
 - *Evidence of consideration of a variety of SuDS methods*
- These details are required at the early planning stage to demonstrate that the proposed site is able to drain and that due consideration has been given to the space required on site for surface water storage.*

Please note the level of detail submitted should be proportionate to the size and scale of the development.

5.10.7 Yorkshire Water were also consulted on the proposal and provided the following comments;

5.10.7.1 *Waste Water - If planning permission is to be granted, the following conditions should be attached in order to protect the local aquatic environment and YW infrastructure:*

- *No building or other obstruction including landscape features shall be located over or within 5 (five) metres either side of the centre line of the public sewer i .e. a protected strip width of 10 (ten) metres, that crosses the site. If the required stand -off distance is to be achieved via diversion of the sewer, the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker and that prior to construction in the affected area, the approved works have been undertaken. (In order to allow sufficient access for maintenance and repair work at all times)*
- *No development shall take place until details of the proposed means of disposal of surface water drainage, including details of any balancing works and off -site works, have been submitted to and approved by the Local Planning Authority. Furthermore, unless otherwise approved in writing by the Local Planning Authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works. (To ensure that no surface water discharges take place until proper provision has been made for its disposal)*
- *Surface water run-off from the forecourt of petrol stations , areas used for the delivery of fuel , areas used for and immediately adjacent to vehicle washing facilities and /or other similar areas where detergent is likely to be used shall not discharge to any public surface water sewer network . Surface water from such areas must pass through an oil , petrol and grit interceptor /separator of adequate design that has been submitted to and approved by the Local Planning Authority , before discharge to the public foul or combined sewer network (To prevent pollution of the aquatic environment and protect the public sewer network).*

5.10.7.2 *Observations:*

- 1) *The Flood Risk Assessment (prepared by RES Environmental - Report dated 2013) is not acceptable. In summary, the report states that surface water will discharge to an unrecorded 225mm surface water sewer with an unrestricted discharge - This is not acceptable. Evidence is required that soakaways are not viable before consideration is given to the sewer. As the FRA refers to a previously submitted drainage strategy for the wider site, the developer should submit this in order to provide an understanding of how this parcel contributes to the wider strategy. The means of surface water management has not been properly considered within the FRA/drainage report*. Yorkshire Water requires further information regarding the means of draining surface water from the development.*
- 2) *On the Statutory Sewer Map, there is a 900mm diameter public surface water sewer recorded to cross the site along the northern boundary. It is essential that the presence of this infrastructure is taken into account in the design of the scheme. In this instance, a stand-off distance of 5 (five) metres is required at each side of the sewer centre-line.*
- 3) *The developer is proposing to discharge surface water to public sewer however, sustainable development requires appropriate surface water disposal. Yorkshire Water promote the surface water disposal hierarchy. The developer must provide evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical before considering disposal to public sewer.*

5.10.7.3 *The developer and LPA are strongly advised to seek comments on surface water disposal other drainage bodies as further restrictions may be imposed. As a last resort, and upon receipt of satisfactory evidence to confirm the reasons for rejection of other methods of surface water disposal, curtilage surface water may discharge to public surface water sewer. Surface water discharges to the public sewer must have a minimum of 30% reduction based on the existing peak discharge rate during a 1 in 1 year storm event. The developer will be required to provide evidence of existing positive drainage to a public sewer from the site to the satisfaction of YWS/the LPA by means of physical investigation. On-site attenuation, taking into account climate change, will be required before any discharge to the public sewer network is permitted.*

5.10.7.4 *Surface water run-off from areas of vehicular parking and/or hardstanding etc. must pass through an oil, petrol and grit interceptor/separator of adequate design before any discharge to the public sewer network. Roof water should not pass through the traditional 'stage' or full retention type of interceptor/separator. It is imperative, however that surface water run-off from the forecourt of petrol stations, areas used for the delivery of fuel, areas used for and immediately adjacent to vehicle washing facilities and/or other similar areas where detergent is likely to be used is not discharged to any public surface water sewer network. Surface water from such areas must pass through an oil, petrol and grit interceptor/separator of adequate design before discharge to the public foul or combined sewer network. It is good drainage practice for any interceptor/separator to be located upstream of any on-site balancing, storage or other means of flow attenuation*

5.10.8 Officer Comments – The comments received from the Lead Local Flood Authority and Yorkshire Water appear to contradict the responses from the Environment Agency and the Design Services Drainage Team. The proposed earthworks application (A) involves raising the existing land level which will impact the amount of water which can be stored on site but is required in order to accord with the findings of the flood risk assessment. The Lead Local Flood Authority stated that they had no comments to make on application CHE/17/00569/FUL. The proposal will therefore safeguard the development against flooding but provides no compensatory flood storage area. The applications will re-develop a brownfield site which was previously authorised for development. The strategic location of the site is considered to be sustainable and development has already been undertaken on the site for the BMW/Mini dealership. On balance the development of the site and regeneration benefits suggest that the scheme should be approved. On the basis of the comments listed above it is considered necessary to control surface water drainage on site by a condition attached to the permission (if approved) to ensure that an appropriate scheme is secured which meets the requirements of Yorkshire Water

5.9.10 Having consideration for the observations listed above and responses received from consultees, it is considered that the proposal has partially addressed the necessary requirements for building on a floodplain by the submission of a flood risk assessment. Due to the location of the site and nature of the development (with limited built

form proposed), the main proportion of the site is hardsurfacing for vehicles providing a large area for potential surface water attention methods to be undertaken in accordance with the requirements of the relevant consultees. The submission of a detailed drainage strategy prior to the commencement of the development can be controlled by condition and require the approval of the relevant consultees. The proposal is therefore considered to accord with the recommendations of policies CS7 pending the submission of a detailed drainage strategy.

5.11 **Archaeological Potential**

5.11.1 Policy CS19 (Historic Environment) states that *'The council will protect the historic environment and heritage assets throughout the borough and seek to enhance them wherever possible. All new development must preserve or enhance the local character and distinctiveness of the area in which it would be situated. The council will do this through: d) the identification and, where appropriate, protection of important archaeological sites and historic environment features;'*

5.11.2 The proposed development is situated in an area considered to have historical environment features and as such it was necessary to consult DCC Archaeology for comments on the proposal. Initially concerns were raised regarding the lack of a desk based archaeological assessment, required to be submitted prior to determination.

5.11.3 The applicant submitted a desk based archaeological assessment. DCC Archaeology were re-consulted on the proposals and provided the following comments;

5.11.3.1 *'As recommended, an archaeological desk-based assessment has been prepared for the proposed development site and its environs. This has confirmed the extent of the buildings complex of the Pearson's Pottery (Derbyshire Historic Environment Record no.31503) which occupied the site until recently. This had its origins in the mid-19th century (or earlier) and had grown to occupy almost the whole of the current site by the mid-1960s. The desk-based assessment has confirmed that below ground remains of the earliest phases of the pottery may survive as subsurface evidence. Such remains, which would be considered to be non-designated heritage assets, may provide an insight in to early industrial techniques which were used in pottery production at this time.'*

5.11.3.2 *Further work is needed here to characterise and understand the significance of these features. We would advise that a programme of archaeological investigation should be undertaken as a pre-commencement condition of any grant of planning permission for this scheme. This requirement is in line with paragraph 141 of NPPF which requires that developers should record and advance understanding of the significance of any heritage assets to be lost. This work may involve more than one stage, depending upon the nature and extent of any archaeological remains which are encountered. It should be undertaken in advance of **any** ground preparation works on site, including ecological mitigation works.*

5.11.3.3 *In order that this requirement can be can be addressed we would recommend that the following condition be attached to CHE/17/00569/FUL, CHE/17/00645/FUL and CHE/17/00647/FUL:*

a) No development shall take place until a Written Scheme of Investigation for archaeological work has been submitted to and approved by the local planning authority in writing, and until any pre-start element of the approved scheme has been completed to the written satisfaction of the local planning authority. The scheme shall include an assessment of significance and research questions; and

- 1. The programme and methodology of site investigation and recording*
- 2. The programme for post investigation assessment*
- 3. Provision to be made for analysis of the site investigation and recording*
- 4. Provision to be made for publication and dissemination of the analysis and records of the site investigation*
- 5. Provision to be made for archive deposition of the analysis and records of the site investigation*
- 6. Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation"*

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

c) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological Written Scheme of

Investigation approved under condition (a) and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

- 5.11.3.4 *The archaeological evaluation is to be undertaken, by a suitably experienced and qualified archaeological contractor (ClfA registered organisation), to a Written Scheme of Investigation which is to be agreed with ourselves.*
- 5.11.4 **Officer Comments – On the basis of the comments listed above it is considered necessary attached to the permission (if approved) the conditions recommended above to ensure that an appropriate scheme is secured which meets the requirements of the DCC Archaeology.**
- 5.11.5 Having consideration for the observations listed above and pending the submission and approval of a written scheme of investigation, the proposal is considered to accord with policy CS19 of the Core Strategy.
- 5.12 **Land Contamination and Stability**
- 5.12.1 *Policy CS8 (Environmental Quality) of the Core Strategy states that ‘The quality of the environment will be recognised at all levels of the planning and development process with the aim of protecting and enhancing environmental quality...Unstable and Contaminated Land: Proposals for development on land that is, or is suspected as being, contaminated or unstable will only be permitted if the land is capable of remediation and fit for the proposed use and shall include: a) a desk top survey with the planning application b) a phase II study and strategy for remediation and final validation where the desk top survey (a) indicates remediation may be necessary, on any full or reserved matters planning applications’*
- 5.12.2 The development site is situated within an area defined as High Risk by The Coal Authority, as such it was necessary to consultee The Coal Authority as a statutory consultee. The Environmental Service (Health) team were also consulted regarding potential land contamination arising as a result of previous land uses.

Land Stability and Coal Mining Risk

- 5.12.2 The Coal Authority provided the following comments;

- 5.12.2.1 *'The Coal Authority considers the content and conclusions of the Report on Site Investigation and the Additional Site Investigation letter report to be sufficient for the purposes of the planning system and meet the requirements of the NPPF in demonstrating that the application site is, or can be made, safe and stable for the proposed development. The Coal Authority therefore has **no objection** to the proposal'*

Land Contamination

- 5.12.3 The Environmental Health Officer provided the following comments;
- 5.12.3.1 'The application is supported with a site investigation report (dated 2005) and an additional site investigation report covering land that was previously occupied by buildings. I have no concerns about the reports.
- 5.12.4 Having consideration for the observations listed above, the proposal is considered to accord with policy CS8 of the Core Strategy.

5.13 Other Considerations

Impact on Adjacent Railway Line

- 5.13.1 The application sites are bound by a railway line to the east. Network Rail were consulted on the proposal and provided the following comments;
- 5.13.1.1 **Drainage**
All surface and foul water arising from the proposed works must be collected and diverted away from Network Rail property. All soakaways must be located so as to discharge away from the railway infrastructure. The following points need to be addressed:
1. There should be no increase to average or peak flows of surface water run off leading towards Network Rail assets, including earthworks, bridges and culverts.
 2. All surface water run off and sewage effluent should be handled in accordance with Local Council and Water Company regulations.
- 5.13.1.2 **Fail Safe Use of Crane and Plant**
All operations, including the use of cranes or other mechanical plant working adjacent to Network Rails property, must at all times be

carried out in a 'fail safe' manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports.

5.13.1.3 **Excavations/Earthworks**

All excavations/ earthworks carried out in the vicinity of Network Rail property/ structures must be designed and executed such that no interference with the integrity of that property/ structure can occur. If temporary works compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Project Manager should be undertaken. Network Rail will not accept any liability for any settlement, disturbance or damage caused to any development by failure of the railway infrastructure nor for any noise or vibration arising from the normal use and/or maintenance of the operational railway. No right of support is given or can be claimed from Network Rails infrastructure or railway land.

5.13.1.4 **Security of Mutual Boundary**

Security of the railway boundary will need to be maintained at all times. If the works require temporary or permanent alterations to the mutual boundary the applicant must contact Network Rails Asset Protection Project Manager.

5.13.1.5 **Armco Safety Barriers**

An Armco or similar barrier should be located in positions where vehicles may be in a position to drive into or roll onto the railway or damage the lineside fencing. Network Rails existing fencing / wall must not be removed or damaged. Given the considerable number of vehicle movements likely provision should be made at each turning area/roadway/car parking area adjacent to the railway. This is in accord with the new guidance for road/rail vehicle incursion NR/LV/CIV/00012 following on from DfT advice issued in 2003, now updated to include risk of incursion from private land/roadways.

- 5.13.1.6 **Method Statements/Fail Safe/Possessions**
Method statements may require to be submitted to Network Rails Asset Protection Project Manager at the below address for approval prior to works commencing on site. This should include an outline of the proposed method of construction, risk assessment in relation to the railway and construction traffic management plan. Where appropriate an asset protection agreement will have to be entered into. Where any works cannot be carried out in a 'fail-safe' manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. possession which must be booked via Network Rails Asset Protection Project Manager and are subject to a minimum prior notice period for booking of 20 weeks. **Generally if excavations/piling/buildings are to be located within 10m of the railway boundary a method statement should be submitted for NR approval.**
- 5.13.1.7 **OPE**
Once planning permission has been granted and at least six weeks prior to works commencing on site the Asset Protection Project Manager (OPE) MUST be contacted, contact details as below. The OPE will require to see any method statements/drawings relating to any excavation, drainage, demolition, lighting and building work or any works to be carried out on site that may affect the safety, operation, integrity and access to the railway. (Asset Protection Project Manager, Network Rail (London North Eastern), Floor 3B, George Stephenson House, Toft Green, York, Y01 6JT)
- 5.13.1.8 **Vibro-impact Machinery**
Where vibro-compaction machinery is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement
- 5.13.1.9 **Scaffolding**
Any scaffold which is to be constructed within 10 metres of the railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed.

5.13.1.10 **ENCROACHMENT**

The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail and its infrastructure or undermine or damage or adversely affect any railway land and structures. There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail air-space and no encroachment of foundations onto Network Rail land and soil. There must be no physical encroachment of any foundations onto Network Rail land. Any future maintenance must be conducted solely within the applicant's land ownership. Should the applicant require access to Network Rail land then must seek approval from the Network Rail Asset Protection Team. Any unauthorised access to Network Rail land or air-space is an act of trespass and we would remind the council that this is a criminal offence (**s55 British Transport Commission Act 1949**). Should the applicant be granted access to Network Rail land then they will be liable for all costs incurred in facilitating the proposal.

5.13.1.11 **Trees/Shrubs/Landscaping**

Where trees/shrubs are to be planted adjacent to the railway boundary these shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary. We would wish to be involved in the approval of any landscaping scheme adjacent to the railway. Where landscaping is proposed as part of an application adjacent to the railway it will be necessary for details of the landscaping to be known and approved to ensure it does not impact upon the railway infrastructure. Any hedge planted adjacent to Network Rails boundary fencing for screening purposes should be so placed that when fully grown it does not damage the fencing or provide a means of scaling it. No hedge should prevent Network Rail from maintaining its boundary fencing. Lists of trees that are permitted and those that are not permitted are provided below and these should be added to any tree planting conditions:
Acceptable: Birch (Betula), Crab Apple (Malus Sylvestris), Field Maple (Acer Campestre), Bird Cherry (Prunus Padus), Wild Pear (Pyrus Communis), Fir Trees Pines (Pinus), Hawthorne (Cretaegus), Mountain Ash. Whitebeams (Sorbus), False Acacia (Robinia), Willow Shrubs (Shrubby Salix), Thuja Plicatat Zebrina
Not Acceptable: Acer (Acer pseudopltanus), Aspen Poplar (Populus), Small-leaved Lime (Tilia Cordata), Sycamore, Norway Maple (Acer), Horse Chestnut (Aesculus Hippocastanum), Sweet

Chestnut (*Castanea Sativa*), Ash (*Fraxinus excelsior*), Black poplar (*Populus nigra* var, *betulifolia*), Lombardy Poplar (*Populus nigra* var, *italica*), Large-leaved lime (*Tilia platyphyllos*), Common lime (*Tilia x europea*)

A comprehensive list of permitted tree species is available upon request.

5.13.1.12 **Lighting**

Where new lighting is to be erected adjacent to the operational railway the potential for train drivers to be dazzled must be eliminated. In addition the location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. Detail of any external lighting should be provided as a condition if not already indicated on the application.

Standard lighting condition: For the first three months following the installation and operation of the new lighting an assessment will be made to check the effect of the lighting on the nearby railway line. If it is found that there is a problem with driver visibility additional screening/cowling or light adjustment will be employed as appropriate to alleviate the problem, to the satisfaction of the local planning authority in association with Network Rail and the train operating companies

5.13.1.13 **Access to Railway**

All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development. Network Rail is required to recover all reasonable costs associated with facilitating these works.

5.13.1.14 I would advise that in particular the **drainage, Armco barriers, method statements/OPE, lighting and landscaping** should be the subject of conditions, the reasons for which can include the safety, operational needs and integrity of the railway. For the other matters we would be pleased if an informative could be attached to the decision notice.

5.13.2 Officer comments – The conditions requested by Network Rail are considered to be in the interests of public safety. The LPA considers it necessary to secure this by condition.

Percent for Art Contribution

- 5.13.3 In respect of Policy CS18 of the Core Strategy, the Council's policy requires all major development proposals to contribute to the Percent for Art scheme promoted within the Borough, it is appropriate to require plot by plot development to contribute to this initiative.
- 5.13.4 When the BMW / Mini dealership was approved on plot 4 the S106 agreement secured a contribution of £10,000 or 1% of the development costs (whichever is greater) towards the Percent for Art initiative and it is therefore considered that this mechanism would reasonable apply to this particular development given that are comparable in nature and scale. Accordingly it is considered that a S106 agreement should be sought from the applicant for a Percent for Art contribution on this basis.

Training and Employment

- 5.14 The Economic Development Team were consulted on the proposals and provided the following comments;
- 5.14.1 *'The EDU is supportive of the proposal. Given the scale nature of the proposal there will be significant employment, training and supply chain opportunities created during the construction phase and operational phase.'*

It is recommended that a local labour/ supply chain clause is negotiated and secured with the developer and end user via either a s106 agreement or planning condition which would encourage local employment, training and supply chain opportunities during the construction and operational phase to promote the opportunities to local businesses and local people.

We would also encourage the end user to work with the council and its partners to ensure that local people are able to benefit from any additional jobs created by the development.

The procedure of securing benefits for local communities from development activity meets the objectives of the Chesterfield Borough Council Corporate Plan and the Chesterfield Local Plan Core Strategy 2011 – 2031.'

5.15 Officer Comments - It is recommended that a standard condition be attached to the decision notices requiring the submission of an employment and training scheme prior to the commencement of development.

6.0 REPRESENTATIONS

6.1 The applications have been publicised by site notices displayed on 13.10.2017, deadline for responses 03.11.2017 and 17.11.2017, deadline for responses 08.12.2017. Advertisements were also placed in the Derbyshire Times on 24.08.2017, deadline for responses 14.09.2017 and 21.09.2017, deadline for responses 12.10.2017. No letters of representation have been received as a result.

7.0 HUMAN RIGHTS ACT 1998

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

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

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

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

8.0 STATEMENT OF POSITIVE AND PROACTIVE WORKING WITH APPLICANT

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

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

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 CONCLUSIONS

9.1 The proposals are considered to be acceptable in principle having regard to the provisions of policies CS2 and CS13 of the Chesterfield Local Plan: Core Strategy 2011 – 2031. The development site is served by the existing highway network and the proposals will not adversely impact the amenity of the adjoining occupiers. The proposals, subject to appropriate conditions being imposed, is considered to demonstrate compliance with policies CS7, CS9, CS18, CS19 and CS20 of the Chesterfield Local Plan: Core Strategy 2011 – 2031 and the wider National Planning Policy Framework.

10.0 ADDITIONAL RECOMMENDATION

10.1 That a s106 legal agreement be negotiated in respect of % for Art for the scheme

11.0 RECOMMENDATION

11.1 That the applications CHE/17/00569/FUL, CHE/17/00645/FUL and CHE/17/00647/FUL be **GRANTED** subject to the following conditions:

(A) CHE/17/00569/FUL

Three years from date of permission

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

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

Development in accordance with approved plans

2. All external dimensions and elevational treatments shall be as shown on the approved plan/s with the exception of any approved non material amendment.

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

Construction Management Plan

3. No development shall take place until a construction management plan has been submitted to and been approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the construction period. The plan shall provide for:

- parking of vehicles of site operatives and visitors
- routes for construction traffic, including abnormal loads/cranes etc.
- hours of operation
- wheel wash facilities/method of prevention of debris being carried onto highway
- pedestrian and cyclist protection
- proposed temporary traffic restrictions
- arrangements for turning vehicles

Reason - In the interests of highway safety.

Construction Environmental Management Plan

4. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works
- f) Responsible persons and lines of communication.

- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.
- i) Methods for the safe removal of Japanese knotweed within the site

Reason - *To identify and ensure the survival and protection of important species and those protected by legislation that could be adversely affected by the development*

Biodiversity Enhancement Strategy

5. Prior to the commencement of development, a Biodiversity Enhancement Strategy shall be submitted to and approved in writing by the Council.

Reason – *to mitigate against adverse impacts on biodiversity and ecology arising as a result of this development*

Reptile Survey

6. No disturbance of soil, roots or vegetation in respect of the development hereby approved shall take place until a full reptile survey has been undertaken and the details submitted to and approved in writing by the Local Planning Authority. The details shall include measures and programme for reptile mitigation and conservation, including a detailed methodology for the capture and translocation of such. The mitigation and conservation measures shall be implemented in accordance with the approved details and programme to the satisfaction of the Local Planning Authority.

Reason - *To identify and ensure the survival and protection of important species and those protected by legislation that could be adversely affected by the development*

Development in accordance with flood risk assessment

7. The development permitted by this planning permission shall be carried out in accordance with the submitted Flood Risk Assessment (FRA) November 2014 completed by RES Environmental LTD for Pottery Lane East Chesterfield and the following mitigation measures detailed within the FRA: Finished floor levels (FFL) are set no lower than 67.15m Above Ordnance Datum (AOD) as outlined in Table 4.3.5 of the FRA. The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning

authority.

Reason - *To reduce the risk of flooding to the proposed development and future occupants.*

Submission of surface water drainage details

8. No development approved by this permission shall be commenced until a scheme for the provision and implementation of surface water run-off limitation has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed.

Reason – *To prevent the increased risk of flooding and to ensure the site benefits from adequate and sustainable drainage.*

Means of surface water pollution control

9. Surface water draining from areas of hardstanding shall be passed through an oil separator or series of oil separators, prior to being discharged into any watercourse, soakaway or surface water sewer. The separator(s) shall be designed and constructed to have a capacity compatible with the area being drained, shall be installed prior to the occupation of the development and shall thereafter be retained and maintained throughout the lifetime of the development. Clean roof water or vehicle washdowns and detergents shall not pass through the separator(s) and should be drained instead to foul sewer or sealed system.

Reason - *To reduce the risk of pollution to the water environment. To prevent pollution of the water environment.*

Archaeological investigations

10. No development shall take place until a Written Scheme of Investigation for archaeological work has been submitted to and approved by the local planning authority in writing, and until any pre-start element of the approved scheme has been completed to the written satisfaction of the local planning authority. The scheme shall include an assessment of significance and research questions; and
1. The programme and methodology of site investigation and recording
 2. The programme for post investigation assessment
 3. Provision to be made for analysis of the site investigation and recording
 4. Provision to be made for publication and dissemination of the analysis and records of the site investigation

5. Provision to be made for archive deposition of the analysis and records of the site investigation
6. Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation

Reason - *In order to secure the recording of any archaeological remains*

11. No development shall take place other than in accordance with the archaeological Written Scheme of Investigation approved under condition (a).

Reason - *In order to secure the recording of any archaeological remains*

12. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological Written Scheme of Investigation approved under condition (a) and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason - *In order to secure the recording of any archaeological remains*

Site storage and accommodation

13. 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.

Reason - *In the interests of highway safety.*

Soft landscaping

14. Within 2 months of commencement of development full details of a soft landscaping scheme for the approved development on the application site 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.

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

Hard landscaping

15. Within 2 months of the commencement of development full details of hard landscape works for the approved development on the application site and access road 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 on the particular plot and access road, as approved, prior to the occupation of the buildings hereby approved.

Reason - *The condition is imposed in order to enhance the appearance of the development and ensure appropriate surface water drainage.*

Employment and Training Scheme

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

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

Excavations and earthworks near boundary

17. Prior to commencement of any development on site, full details of excavations and earthworks and any structural works to be carried out near the railway undertaker's boundary fence or the adjacent public

highways should be submitted to the Local Planning Authority acting in consultation with the railway undertaker and Highway Authority for consideration. Only those works subsequently agreed in writing by the Local Planning Authority shall be carried out in accordance with the approved details.

Reason – in the interests of public safety

Excavations and earthworks near boundary

18. Where vibro-compaction machinery is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.

Reason – in the interests of public safety

Informatives for application (A) CHE/17/00569/FUL

1. 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.
2. 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.
3. 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.
4. The proposed development lies within an area that has been defined by The Coal Authority as containing potential hazards arising from coal mining. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological fissures; mine gas and previous surface mining sites. Although such hazards are often not readily visible, they can often be present and problems can occur as a result of development taking place, or can occur at some time in the future.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required, be submitted alongside any subsequent application for Building Regulations approval. Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action. Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com

5. Under Section 151, Highways Act 1980, the applicant must take all steps to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.'
6. Under Section 50 (Schedule 3), New Roads and Street Works Act 1991, before any excavation works are commenced within the limits of the existing highway, at least 6 weeks prior notification shall be given to the County Highway Authority (contact the Streetworks Co-ordinator - tel.no. 01629 538516).
7. Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1991 prior notification shall be given to the Department of Economy Transport & Communities at County Hall, Matlock regarding access works within the highway. Information, and relevant application forms, regarding the undertaking of access works within highway limits is available via email highways.hub@derbyshire.gov.uk or telephone Call Derbyshire on 01629 533190 or via the County Councils website http://www.derbyshire.gov.uk/transport_roads/roads_traffic/development_control/vehicular_access/default.asp.
8. The Environment Agency recommended that future occupants sign up to Floodline Warnings Direct to receive advance warning of flooding. This can be done online at <https://www.gov.uk/sign-up-for-flood-warnings> or by phoning Floodline Warnings Direct on 0345 988 1188.

9. If planning permission is granted and at least six weeks prior to works commencing on site the Asset Protection Project Manager (OPE) MUST be contacted, contact details as below. The OPE will require to see any method statements/drawings relating to any excavation, drainage, demolition, lighting and building work or any works to be carried out on site that may affect the safety, operation, integrity and access to the railway. (Asset Protection Project Manager, Network Rail (London North Eastern), Floor 3B, George Stephenson House, Toft Green, York, Y01 6JT)
10. Method statements may require to be submitted to Network Rails Asset Protection Project Manager at the below address for approval prior to works commencing on site. This should include an outline of the proposed method of construction, risk assessment in relation to the railway and construction traffic management plan. Where appropriate an asset protection agreement will have to be entered into. Where any works cannot be carried out in a 'fail-safe' manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. possession which must be booked via Network Rails Asset Protection Project Manager and are subject to a minimum prior notice period for booking of 20 weeks. **Generally if excavations/piling/buildings are to be located within 10m of the railway boundary a method statement should be submitted for NR approval.** (Asset Protection Project Manager, Network Rail (London North Eastern), Floor 3B, George Stephenson House, Toft Green, York, Y01 6JT)
11. For the first three months following the installation and operation of the new lighting an assessment will be made to check the effect of the lighting on the nearby railway line. If it is found that there is a problem with driver visibility additional screening/cowling or light adjustment will be employed as appropriate to alleviate the problem, to the satisfaction of the local planning authority in association with Network Rail and the train operating companies

(B) CHE/17/00645/FUL

Three years from date of permission

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

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

Development in accordance with approved plans

2. All external dimensions and elevational treatments shall be as shown on the approved plan/s with the exception of any approved non material amendment.

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

Submission of Lighting/Lux Contour Plan

3. Prior to the commencement of development, details of proposed lighting with appropriate adjustments to maintain public safety (on the highway and railway line) and a lux contour map shall be submitted to the Local Planning Authority for consideration. The submitted details shall include the lux levels at various distances on the ground in relation to lighting. Only those details approved in writing by the Local Planning Authority shall be implemented as part of the development and shall be retained thereafter in throughout the life of the development.

Reason - In the interests of highway safety and surrounding visual amenity.

Construction Management Plan

4. *No development shall take place until a construction management plan has been submitted to and been approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the construction period. The plan shall provide for:*
- *parking of vehicles of site operatives and visitors*
 - *routes for construction traffic, including abnormal loads/cranes etc.*
 - *hours of operation*
 - *wheel wash facilities/method of prevention of debris being carried onto highway*
 - *pedestrian and cyclist protection*
 - *proposed temporary traffic restrictions*
 - *arrangements for turning vehicles*

Reason - In the interests of highway safety.

Construction Environmental Management Plan

5. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management

plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of “biodiversity protection zones”.
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.
- i) Methods for the safe removal of Japanese knotweed within the site

Reason - *To identify and ensure the survival and protection of important species and those protected by legislation that could be adversely affected by the development*

Biodiversity Enhancement Strategy

6. Prior to the commencement of development, a Biodiversity Enhancement Strategy shall be submitted to and approved in writing by the Council.

Reason – *to mitigate against adverse impacts on biodiversity and ecology arising as a result of this development*

Development in accordance with flood risk assessment

7. The development permitted by this planning permission shall be carried out in accordance with the submitted Flood Risk Assessment (FRA) November 2014 completed by RES Environmental LTD for Pottery Lane East Chesterfield and the following mitigation measures detailed within the FRA: Finished floor levels (FFL) are set no lower than 67.15m Above Ordnance Datum (AOD) as outlined in Table 4.3.5 of the FRA. The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason - *To reduce the risk of flooding to the proposed development and future occupants.*

Submission of surface water drainage details

8. No development approved by this permission shall be commenced until a scheme for the provision and implementation of surface water run-off limitation has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed.

Reason – *To prevent the increased risk of flooding and to ensure the site benefits from adequate and sustainable drainage.*

Means of surface water pollution control

9. Surface water draining from areas of hardstanding shall be passed through an oil separator or series of oil separators, prior to being discharged into any watercourse, soakaway or surface water sewer. The separator(s) shall be designed and constructed to have a capacity compatible with the area being drained, shall be installed prior to the occupation of the development and shall thereafter be retained and maintained throughout the lifetime of the development. Clean roof water or vehicle washdowns and detergents shall not pass through the separator(s) and should be drained instead to foul sewer or sealed system.

Reason - *To reduce the risk of pollution to the water environment. To prevent pollution of the water environment.*

Site storage and accommodation

10. 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.

Reason - *In the interests of highway safety.*

Car/cycle provision

11. Prior to the occupation of the development hereby approved, space shall be laid out within the plot in accordance with the approved plan for cars/ cycles to be parked, for the loading and unloading of vehicles. The parking spaces including cycle parking spaces and manoeuvring space shall be maintained as such thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason - *In the interests of highway safety.*

Materials

12. Before construction works commence on any plot or ordering of external materials takes place, precise specifications or samples of the walling and roofing materials (including details of the glazing and lookalike panels) to be used on the buildings 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.

Reason - *The condition is imposed in order to enhance the appearance of the development*

Soft landscaping

13. Within 2 months of commencement of development full details of a soft landscaping scheme for the approved development on the application site 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.

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

Hard landscaping

14. Within 2 months of the commencement of development full details of hard landscape works for the approved development on the

application site and access road 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 on the particular plot and access road, as approved, prior to the occupation of the buildings hereby approved.

Reason - *The condition is imposed in order to enhance the appearance of the development and ensure appropriate surface water drainage.*

Employment and Training Scheme

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

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

Bin Store and Waste Collection

16. No part of the development shall be occupied until details of arrangements for storage of bins and collection of waste (including specialist waste) have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and the facilities retained for the designated purposes at all times thereafter.

Travel Plan

17. Within 2 months of commencement of development, unless otherwise agreed in writing by the Local Planning Authority, details of a Green Travel Plan proposal shall be submitted to the Local Planning Authority for consideration. The proposal shall include details of its implementation and a monitoring programme. The Green Travel Plan approved in writing by the Local Planning Authority shall be implemented as approved, monitored and maintained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason - To encourage the wider use of more sustainable methods of transport

Railway conditions specified by National Rail/Highways

18. Prior to commencement of any development on site, full details of excavations and earthworks and any structural works to be carried out near the railway undertaker's boundary fence should be submitted to the Local Planning Authority acting in consultation with the railway undertaker for consideration. Only those works subsequently agreed in writing by the Local Planning Authority shall be carried out in accordance with the approved details.

Reason – in the interests of public safety

Railway conditions specified by National Rail

19. Where vibro-compaction machinery is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement

Reason – in the interests of public safety

CCTV/Security

20. Prior to the commencement of development details of proposed CCTV and security system shall be submitted to and approved by the Local Planning Authority. The approved scheme shall then be installed in full prior to the occupation of the development and shall be retained as such thereafter.

Reason – in the interests of public safety

Informatives for application (B) CHE/17/00645/FUL

1. 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.
2. 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.

3. 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.
4. The proposed development lies within an area that has been defined by The Coal Authority as containing potential hazards arising from coal mining. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological fissures; mine gas and previous surface mining sites. Although such hazards are often not readily visible, they can often be present and problems can occur as a result of development taking place, or can occur at some time in the future. It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required, be submitted alongside any subsequent application for Building Regulations approval. Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action. Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com
5. Under Section 151, Highways Act 1980, the applicant must take all steps to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.'
6. Under Section 50 (Schedule 3), New Roads and Street Works Act 1991, before any excavation works are commenced within the limits of the existing highway, at least 6 weeks prior notification shall be given to the County Highway Authority (contact the Streetworks Co-ordinator - tel.no. 01629 538516).

7. Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1991 prior notification shall be given to the Department of Economy Transport & Communities at County Hall, Matlock regarding access works within the highway. Information, and relevant application forms, regarding the undertaking of access works within highway limits is available via email highways.hub@derbyshire.gov.uk or telephone Call Derbyshire on 01629 533190 or via the County Councils website http://www.derbyshire.gov.uk/transport_roads/roads_traffic/development_control/vehicular_access/default.asp.
8. Where development has been approved subject to the preparation and implementation of a Travel Plan, the applicant is obliged to submit the appropriate documentation to the Local Planning Authority well in advance of the development being taken into use. Advice regarding the content of Travel Plans may be obtained from the Director of Environmental Services at County Hall, Matlock (tel: 01629 580000 and ask for the Transportation Section).
9. The Environment Agency recommended that future occupants sign up to Floodline Warnings Direct to receive advance warning of flooding. This can be done online at <https://www.gov.uk/sign-up-for-flood-warnings> or by phoning Floodline Warnings Direct on 0345 988 1188.
10. If planning permission is granted and at least six weeks prior to works commencing on site the Asset Protection Project Manager (OPE) MUST be contacted, contact details as below. The OPE will require to see any method statements/drawings relating to any excavation, drainage, demolition, lighting and building work or any works to be carried out on site that may affect the safety, operation, integrity and access to the railway. (Asset Protection Project Manager, Network Rail (London North Eastern), Floor 3B, George Stephenson House, Toft Green, York, Y01 6JT)
11. Method statements may require to be submitted to Network Rails Asset Protection Project Manager at the below address for approval prior to works commencing on site. This should include an outline of the proposed method of construction, risk assessment in relation to the railway and construction traffic management plan. Where appropriate an asset protection agreement will have to be entered into. Where any works cannot be carried out in a 'fail-safe' manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. possession which must be booked via Network Rails Asset

Protection Project Manager and are subject to a minimum prior notice period for booking of 20 weeks. **Generally if excavations/piling/buildings are to be located within 10m of the railway boundary a method statement should be submitted for NR approval.** (Asset Protection Project Manager, Network Rail (London North Eastern), Floor 3B, George Stephenson House, Toft Green, York, Y01 6JT)

12. For the first three months following the installation and operation of the new lighting an assessment will be made to check the effect of the lighting on the nearby railway line. If it is found that there is a problem with driver visibility additional screening/cowling or light adjustment will be employed as appropriate to alleviate the problem, to the satisfaction of the local planning authority in association with Network Rail and the train operating companies

(C) CHE/17/00647/FUL

Three years from date of permission

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

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

Development in accordance with approved plans

2. All external dimensions and elevational treatments shall be as shown on the approved plan/s with the exception of any approved non material amendment.

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

Submission of Lighting/Lux Contour Plan

3. Prior to the commencement of development, details of proposed lighting with appropriate adjustments to maintain public safety (on the highway and railway line) and a lux contour map shall be submitted to the Local Planning Authority for consideration. The submitted details shall include the lux levels at various distances on the ground in relation to lighting. Only those details approved in writing by the Local Planning Authority shall be implemented as part of the development

and shall be retained thereafter in throughout the life of the development.

Reason - *In the interests of highway safety and surrounding visual amenity.*

Construction Management Plan

4. *No development shall take place until a construction management plan has been submitted to and been approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the construction period. The plan shall provide for:*

- *parking of vehicles of site operatives and visitors*
- *routes for construction traffic, including abnormal loads/cranes etc.*
- *hours of operation*
- *wheel wash facilities/method of prevention of debris being carried onto highway*
- *pedestrian and cyclist protection*
- *proposed temporary traffic restrictions*
- *arrangements for turning vehicles*

Reason - *In the interests of highway safety.*

Construction Environmental Management Plan

5. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of “biodiversity protection zones”.
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.
- i) Methods for the safe removal of Japanese knotweed within the site

Reason - *To identify and ensure the survival and protection of important species and those protected by legislation that could be adversely affected by the development*

Biodiversity Enhancement Strategy

6. Prior to the commencement of development, a Biodiversity Enhancement Strategy shall be submitted to and approved in writing by the Council.

Reason – *to mitigate against adverse impacts on biodiversity and ecology arising as a result of this development*

Development in accordance with flood risk assessment

7. The development permitted by this planning permission shall be carried out in accordance with the submitted Flood Risk Assessment (FRA) November 2014 completed by RES Environmental LTD for Pottery Lane East Chesterfield and the following mitigation measures detailed within the FRA: Finished floor levels (FFL) are set no lower than 67.15m Above Ordnance Datum (AOD) as outlined in Table 4.3.5 of the FRA. The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason - *To reduce the risk of flooding to the proposed development and future occupants.*

Submission of surface water drainage details

8. No development approved by this permission shall be commenced until a scheme for the provision and implementation of surface water run-off limitation has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed.

Reason – *To prevent the increased risk of flooding and to ensure the site benefits from adequate and sustainable drainage.*

Means of surface water pollution control

9. Surface water draining from areas of hardstanding shall be passed through an oil separator or series of oil separators, prior to being discharged into any watercourse, soakaway or surface water sewer.

The separator(s) shall be designed and constructed to have a capacity compatible with the area being drained, shall be installed prior to the occupation of the development and shall thereafter be retained and maintained throughout the lifetime of the development. Clean roof water or vehicle washdowns and detergents shall not pass through the separator(s) and should be drained instead to foul sewer or sealed system.

Reason - *To reduce the risk of pollution to the water environment. To prevent pollution of the water environment.*

Site storage and accommodation

10. 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.

Reason - *In the interests of highway safety.*

Car/cycle provision

11. Prior to the occupation of the development hereby approved, space shall be laid out within the plot in accordance with the approved plan for cars/ cycles to be parked, for the loading and unloading of vehicles. The parking spaces including cycle parking spaces and manoeuvring space shall be maintained as such thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason - *In the interests of highway safety.*

Materials

12. Before construction works commence on any plot or ordering of external materials takes place, precise specifications or samples of the walling and roofing materials (including details of the glazing and lookalike panels) to be used on the buildings 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.

Reason - *The condition is imposed in order to enhance the appearance of the development*

Soft landscaping

13. Within 2 months of commencement of development full details of a soft landscaping scheme for the approved development on the application site 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.

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

Hard landscaping

14. Within 2 months of the commencement of development full details of hard landscape works for the approved development on the application site and access road 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 on the particular plot and access road, as approved, prior to the occupation of the buildings hereby approved.

Reason - *The condition is imposed in order to enhance the appearance of the development and ensure appropriate surface water drainage.*

Employment and Training Scheme

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

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

Bin Store and Waste Collection

16. No part of the development shall be occupied until details of arrangements for storage of bins and collection of waste (including specialist waste) have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and the facilities retained for the designated purposes at all times thereafter.

Travel Plan

17. Within 2 months of commencement of development, unless otherwise agreed in writing by the Local Planning Authority, details of a Green Travel Plan proposal shall be submitted to the Local Planning Authority for consideration. The proposal shall include details of its implementation and a monitoring programme. The Green Travel Plan approved in writing by the Local Planning Authority shall be implemented as approved, monitored and maintained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason - *To encourage the wider use of more sustainable methods of transport*

Railway conditions specified by National Rail/Highways

18. Prior to commencement of any development on site, full details of excavations and earthworks and any structural works to be carried out near the railway undertaker's boundary fence or the adjacent public highways should be submitted to the Local Planning Authority acting in consultation with the railway undertaker and Highway Authority for consideration. Only those works subsequently agreed in writing by the Local Planning Authority shall be carried out in accordance with the approved details.

Reason – *in the interests of public safety*

Railway conditions specified by National Rail

19. Where vibro-compaction machinery is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker prior to the commencement of

works and the works shall only be carried out in accordance with the approved method statement

Reason – *in the interests of public safety*

CCTV/Security

20. Prior to the commencement of development details of proposed CCTV and security system shall be submitted to and approved by the Local Planning Authority. The approved scheme shall then be installed in full prior to the occupation of the development and shall be retained as such thereafter.

Reason – *in the interests of public safety*

Shared cycle path

21. Prior to the commencement of development details of improvements to the existing pedestrian footway on the Pottery Lane East frontage of the site to create a shared cycle/footway, linking the development site to the wider cycle network accessed on Pottery Lane West (through the existing A61 underpass) shall be submitted to the Local Planning Authority for consideration. Only the proposed scheme approved in writing shall be installed on site and maintained free from impediment to its intended use unless otherwise agreed in writing by the local planning authority. The agreed scheme shall be available for its intended use concurrent with the occupation of the development.

Reason - *To encourage the wider use of more sustainable methods of transport*

Informatives for application (C) CHE/17/00647/FUL

1. 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.
2. 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.

3. 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.
4. The proposed development lies within an area that has been defined by The Coal Authority as containing potential hazards arising from coal mining. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological fissures; mine gas and previous surface mining sites. Although such hazards are often not readily visible, they can often be present and problems can occur as a result of development taking place, or can occur at some time in the future. It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required, be submitted alongside any subsequent application for Building Regulations approval. Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action. Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com
5. Under Section 151, Highways Act 1980, the applicant must take all steps to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.'
6. Under Section 50 (Schedule 3), New Roads and Street Works Act 1991, before any excavation works are commenced within the limits of the existing highway, at least 6 weeks prior notification shall be given to the County Highway Authority (contact the Streetworks Co-ordinator - tel.no. 01629 538516).
7. Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1991 prior notification shall be given to the Department of Economy Transport & Communities at

County Hall, Matlock regarding access works within the highway. Information, and relevant application forms, regarding the undertaking of access works within highway limits is available via email highways.hub@derbyshire.gov.uk or telephone Call Derbyshire on 01629 533190 or via the County Councils website http://www.derbyshire.gov.uk/transport_roads/roads_traffic/development_control/vehicular_access/default.asp.

8. Where development has been approved subject to the preparation and implementation of a Travel Plan, the applicant is obliged to submit the appropriate documentation to the Local Planning Authority well in advance of the development being taken into use. Advice regarding the content of Travel Plans may be obtained from the Director of Environmental Services at County Hall, Matlock (tel: 01629 580000 and ask for the Transportation Section).
9. The Environment Agency recommended that future occupants sign up to Floodline Warnings Direct to receive advance warning of flooding. This can be done online at <https://www.gov.uk/sign-up-for-flood-warnings> or by phoning Floodline Warnings Direct on 0345 988 1188.
10. If planning permission is granted and at least six weeks prior to works commencing on site the Asset Protection Project Manager (OPE) MUST be contacted, contact details as below. The OPE will require to see any method statements/drawings relating to any excavation, drainage, demolition, lighting and building work or any works to be carried out on site that may affect the safety, operation, integrity and access to the railway. (Asset Protection Project Manager, Network Rail (London North Eastern), Floor 3B, George Stephenson House, Toft Green, York, Y01 6JT)
11. Method statements may require to be submitted to Network Rails Asset Protection Project Manager at the below address for approval prior to works commencing on site. This should include an outline of the proposed method of construction, risk assessment in relation to the railway and construction traffic management plan. Where appropriate an asset protection agreement will have to be entered into. Where any works cannot be carried out in a 'fail-safe' manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. possession which must be booked via Network Rails Asset Protection Project Manager and are subject to a minimum prior notice period for booking of 20 weeks. **Generally if excavations/piling/buildings are to be located within 10m of the**

railway boundary a method statement should be submitted for NR approval. (Asset Protection Project Manager, Network Rail (London North Eastern), Floor 3B, George Stephenson House, Toft Green, York, Y01 6JT)

12. For the first three months following the installation and operation of the new lighting an assessment will be made to check the effect of the lighting on the nearby railway line. If it is found that there is a problem with driver visibility additional screening/cowling or light adjustment will be employed as appropriate to alleviate the problem, to the satisfaction of the local planning authority in association with Network Rail and the train operating companies

APPENDIX B – AMENDMENT COMMITTEE REPORT 25th June 2018

Case Officer: Eleanor Casper
Telephone No: 01246 345785
Committee Date: 25.06.2018

File No: CHE/17/00647/FUL
Plot No: 2/60

ITEM 3

ADDENDUM /UPDATE REPORT

PROPOSED VEHICLE SALES AND SERVICE CENTRES FOR THE SALE, SERVICE AND M.O.T OF MOTOR VEHICLES (REVISED DRAWING RECEIVED 14.05.2018) AT LAND OFF EASTSIDE PARK, EASTSIDE ROAD, CHESTERFIELD, S41 9BU FOR PENDRAGON PLC

Local Plan: Unallocated
Ward: Old Whittington

1.0 BACKGROUND

- 1.1 On 8th January 2017 Planning Committee resolved to approve a planning application (subject to S106 agreement) under application reference CHE/17/00647/FUL for the following development: *‘Proposed Vehicle Sales and Service Centres for the Sale, Service and M.O.T of Motor Vehicles (CHE/17/00647/FUL) at Land Off Eastside Park, Eastside Road, Chesterfield, S41 9BU For Pendragon Plc’*. The application was considered in conjunction with applications **CHE/17/00569/FUL** for *‘Proposed earthworks on development land’* and **CHE/17/00645/FUL** for *‘Proposed bodyshop, wash and valet buildings’*.
- 1.2 The original report for the above applications is attached as **Appendix A** below.
- 1.3 Following the Planning Committee meeting negotiations have taken place to progress the S106 agreement; however on 14th May 2018 the applicant submitted a set of revised drawings which they have asked to be considered as part of the ongoing application process.
- 1.4 The purpose of this report is to update the committee on the revised drawings submitted and to consider the planning merits of the changes made to the scheme as follows:

- 'Plans and Elevations as proposed' drawing number 2878/23A

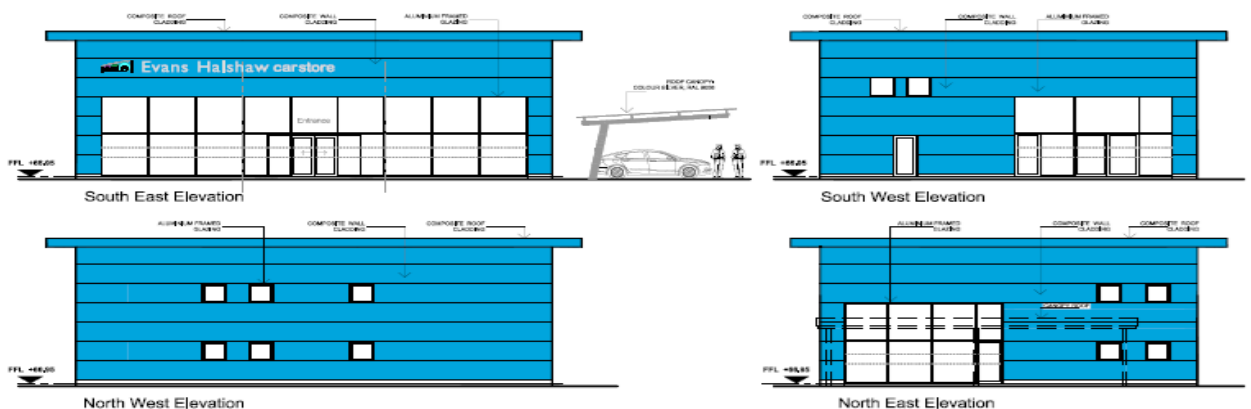
1.5

The revised drawings seek to increase the height of the vehicle sales building to incorporate a mezzanine 'first floor level' of the building creating approximately 80 sqm of additional floorspace.

Elevations considered by Planning Committee



Proposed Revised Elevations



2.0 **CONSIDERATIONS**

2.1 In the original officer report material considerations in respect of principle of development, design and appearance, impact on amenity of adjoining occupiers and public safety, highway safety and cycle provision, biodiversity and ecology, flood risk and drainage, archaeological potential, land contamination and stability and other considerations (S106 Negotiations / Local Labour) were considered.

2.2 Having regard to the changes being proposed matters of design and appearance should be reconsidered.

2.3 **Design and Appearance of the Sales Centre**

2.3.1 The main alteration to the scheme is the increase in height of the building by 2.5m, from 5.1m in height to 7.6m overall. Minor alterations are also proposed with respect to the fenestration arrangement within the north west, south west and north east elevations (see images above).

2.3.2 Overall it is considered that the design and appearance of the revised drawings are acceptable, having regard to the provisions of policies CS2 and CS18 of the Core Strategy in relation to design and amenity. Furthermore in respect of neighbouring amenity it is considered that the siting, scale and massing of the proposal is acceptable.

3.0 **RECOMMENDATION**

3.1 That the revisions to the scheme as detailed are accepted and the revisions should be incorporated into the decision issued subject to the satisfactory completion of the S106 agreement. Negotiations and the list of conditions as previously recommended (in Appendix A) shall be imposed with the exception of condition 2 which should be revised as follows:

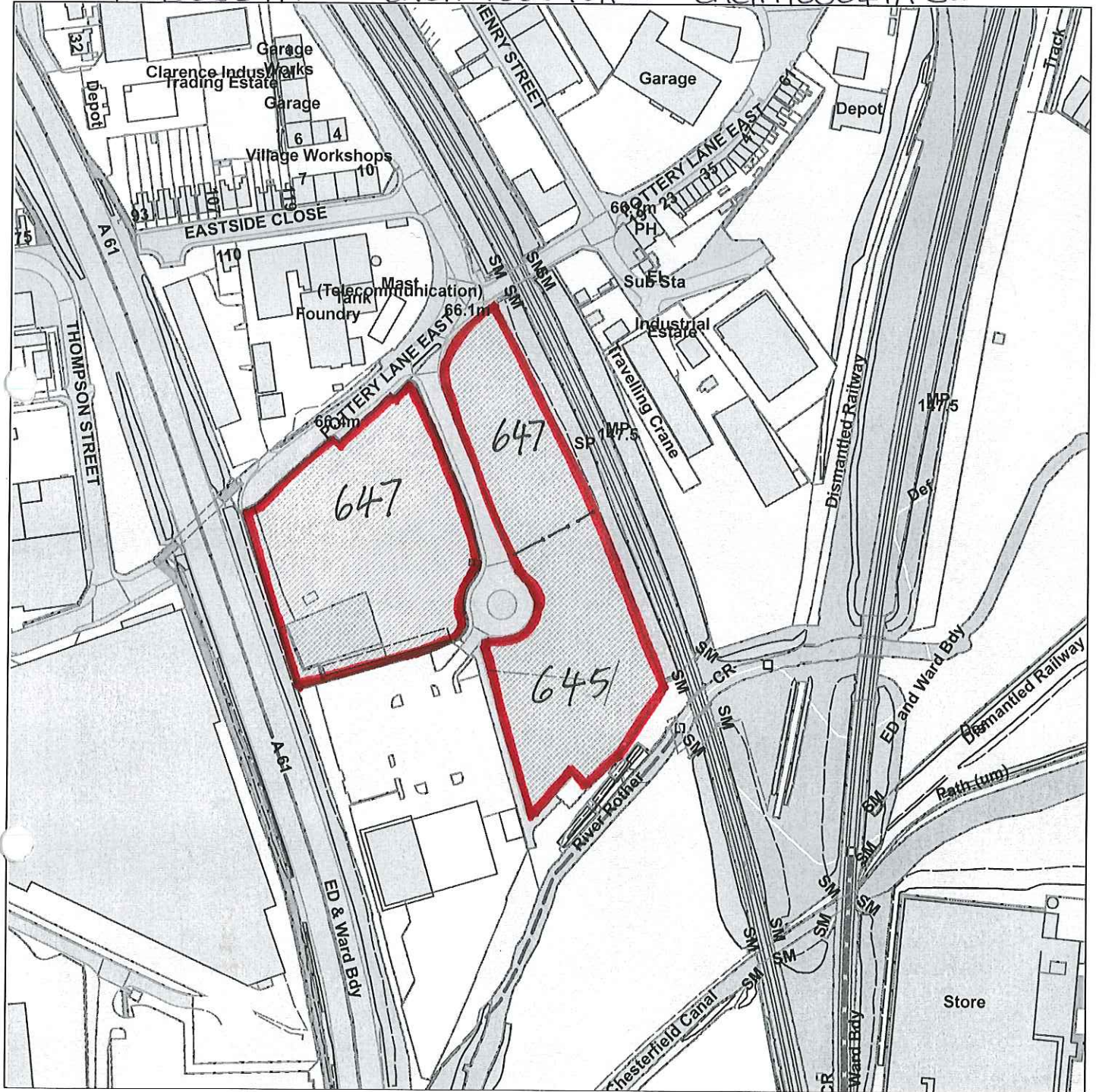
02. All external dimensions and elevational treatments shall be as shown on the approved plans (listed below) with the exception of any approved non material amendment.

- Location plan 2878/01

- Block site plan existing 2878/10
 - Block site plan proposed 2878/20
 - Revised site plan 2878/21/A Revision A
 - Revised site plan 2878/22/A Revision A
 - Revised Plans and elevations as proposed 2878/23A
 - Revised plans and elevations 2878/24/A Revision A
 - Valet bay proposed 2878/25
 - Site details proposed 2878/26
-
- Lighting lux contour plan D32410/JM/A
 - Landscape details 2878/20A
 - Proposed landscaping UJPPCH-WW-01-A

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

CHE/17/00569/FUL CHE/17/00645/FUL CHE/17/00647/FUL



Scale : 1:2667

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Organisation	Not Set
Department	Not Set
Comments	
Date	21 December 2017
SLA Number	Not Set

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Agenda Item 5

COMMITTEE/SUB	Planning Committee
DATE OF MEETING	6 TH AUGUST 2018
TITLE	DELEGATION
PUBLICITY	For Publication
CONTENTS	Items approved by the Group Leader, Development Management under the following Delegation references:- Building Regulations P150D and P160D, P570D, P580D
RECOMMENDATIONS	Not applicable
LIST OF BACKGROUND PAPERS	Relevant applications

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

Building Regulations	Stuart Franklin	345820
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Decisions made under the Building Regulations

List Produced 26/07/2018

Building Notices

BR Number	18/03563/DEXBN	Deposited Date	25/07/2018
Location	107 Hucknall Avenue Loundsley Green Chesterfield S40 4BZ		
Proposal	Kitchen extension to include downstairs toilet		
Decision	Accepted BN, IN, RG, PRL	Commencement Date	
Decision Date	25/07/2018	Completion Date	
Applicant			
Agent			

BR Number	18/03708/DEXBN	Deposited Date	24/07/2018
Location	48 St Thomas Street Chesterfield S40 3AH		
Proposal	Removal of internal wall		
Decision	Accepted BN, IN, RG, PRL	Commencement Date	
Decision Date	24/07/2018	Completion Date	
Applicant			
Agent			

BR Number	18/03724/DEXBN	Deposited Date	23/07/2018
Location	131A Station Road Brimington Chesterfield S43 1LJ		
Proposal	Single Storey Conservatory to the Rear		
Decision	Accepted BN, IN, RG, PRL	Commencement Date	24/07/2018
Decision Date	23/07/2018	Completion Date	
Applicant			
Agent			

BR Number	18/03746/DEXBN	Deposited Date	24/07/2018
Location	1 Peak View Road Loundsley Green Chesterfield S40 4NW		
Proposal	Conversion of Existing Garage, Store Room and WC to Bedroom and Wet Room for Disabled Persons use		
Decision	Accepted BN, IN, RG, PRL	Commencement Date	
Decision Date	24/07/2018	Completion Date	
Applicant			
Agent			

BR Number	18/03749/DEXBN	Deposited Date	23/07/2018
Location	Grove Hill 136 St Johns Road Newbold Chesterfield S41 8TW		
Proposal	Upgrade of Thermal Element (Re Roof)		
Decision	Accepted BN, IN, RG, PRL	Commencement Date	24/07/2018
Decision Date	23/07/2018	Completion Date	
Applicant			
Agent			

BR Number	70/10002/DEXBN	Deposited Date	23/07/2018
Location	5 Cairn Drive New Whittington Chesterfield S43 2EX		
Proposal	Test test		
Decision	Accepted BN, IN, RG, PRL	Commencement Date	23/07/2018

Decision Date	23/07/2018	Completion Date
Applicant		
Agent		

BR Number	18/03781/DEXBN	Deposited Date	25/07/2018
Location	6 New Queen Street Chesterfield S41 7EU		
Proposal	Removing internal wall and chimney stack		
Decision	Accepted BN, IN, RG, PRL	Commencement Date	
Decision Date	25/07/2018	Completion Date	
Applicant			
Agent			

Full Plans

BR Number	18/03108/DEXFP	Deposited Date	17/07/2018
Location	37 Springfield Avenue Chesterfield Derbyshire S40 1HL		
Proposal	Single storey rear extension		
Decision		Commencement Date	
Decision Date		Completion Date	
Applicant			
Agent			

BR Number	18/03625/DEXFP	Deposited Date	18/07/2018
Location	31 Birley Brook Drive Upper Newbold Chesterfield S41 8XN		
Proposal	Second storey extension		
Decision		Commencement Date	
Decision Date		Completion Date	
Applicant			
Agent			

BR Number	18/03677/DEXFP	Deposited Date	19/07/2018
Location	43 Knivesmithgate Chesterfield S40 1RL		
Proposal	Development of two existing upper floors to 4 residential units together with associated access		
Decision		Commencement Date	
Decision Date		Completion Date	
Applicant			
Agent			

BR Number	18/03709/DEXFP	Deposited Date	25/07/2018
Location	35 Purbeck Avenue Brockwell Chesterfield S40 4NP		
Proposal	Two storey side extension		
Decision	Approved Conditionally FP PSI	Commencement Date	
Decision Date	26/07/2018	Completion Date	
Applicant			
Agent			

BR Number	18/03734/OTHFP	Deposited Date	23/07/2018
Location	Masonic Hall 72 Saltergate Chesterfield S40 1JR		
Proposal	Structural alterations		
Decision		Commencement Date	

Decision Date	Completion Date
Applicant	
Agent	

BR Number	18/03753/DEXFP	Deposited Date	24/07/2018
Location	134 Salisbury Avenue Newbold Chesterfield S41 8PQ		
Proposal	Loft Conversion		
Decision		Commencement Date	
Decision Date		Completion Date	
Applicant			
Agent			

BR Number	70/10003/DEXFP	Deposited Date	23/07/2018
Location	5 Cairn Drive New Whittington Chesterfield S43 2EX		
Proposal	Test		
Decision	Plans Approved FP PSI	Commencement Date	23/07/2018
Decision Date	23/07/2018	Completion Date	
Applicant			
Agent			

BR Number	18/03756/DEXFP	Deposited Date	24/07/2018
Location	27 - 29 Clarence Road Chesterfield S40 1LN		
Proposal	Conversion of 1st and 2nd Floor Offices to 4 No. Self Contained Flats		
Decision		Commencement Date	
Decision Date		Completion Date	
Applicant			
Agent			

BR Number	18/03775/DEXFP	Deposited Date	26/07/2018
Location	26 Franklyn Road Brockwell Chesterfield S40 4AY		
Proposal	Two Storey Rear Extension to form Kitchen/Diner with Two Bedrooms above		
Decision		Commencement Date	
Decision Date		Completion Date	
Applicant			
Agent			

Partnership PI

Partnership PV

Regularisation

BR Number	18/03699/DEXRG	Deposited Date	20/07/2018
Location	596A Chatsworth Road Chesterfield S40 3JX		
Proposal	Removal of Internal Wall and Creation of Side Window Opening		
Decision	Accepted BN, IN, RG, PRL	Commencement Date	24/07/2018
Decision Date	20/07/2018	Completion Date	25/07/2018
Applicant			
Agent			

BR Number	18/03784/DEXRG	Deposited Date	25/07/2018
Location	633 Chatsworth Road Chesterfield S40 3NT		
Proposal	Replacement windows and doors		
Decision	Accepted BN, IN, RG, PRL	Commencement Date	

Decision Date	25/07/2018	Completion Date
Applicant		
Agent		

Initial Notices

BR Number	18/03594/IND	Deposited Date	16/07/2018
Location	36 Springfield Avenue Chesterfield Derbyshire S40 1DJ		
Proposal	Two Storey and Single Storey Rear Extension		
Decision	Accepted BN, IN, RG, PRL	Commencement Date	
Decision Date	17/07/2018	Completion Date	
Applicant			
Agent	Quadrant Approved Inspectors (Stamford)		

BR Number	18/03602/IND	Deposited Date	16/07/2018
Location	7 Spital Brook Close Spital Chesterfield S41 0GD		
Proposal	Side Single Storey Extension		
Decision	Accepted BN, IN, RG, PRL	Commencement Date	
Decision Date	17/07/2018	Completion Date	
Applicant			
Agent	Assent Building Control LTD (Chesterfield)		

BR Number	18/03635/IND	Deposited Date	17/07/2018
Location	22 Norwood Avenue Hasland Chesterfield S41 0NW		
Proposal	Removal of Internal Walls, Chimney and New Beams		
Decision	Accepted BN, IN, RG, PRL	Commencement Date	
Decision Date	19/07/2018	Completion Date	
Applicant			
Agent	Midlands Building Control Consultancy Limited		

BR Number	18/03649/IND	Deposited Date	18/07/2018
Location	59 Yew Tree Drive Somersall Chesterfield S40 3NB		
Proposal	Conversion of an Existing Conservatory into a Habitable Space, with a Small Extension Forming a Utility Room, Single Storey.		
Decision	Accepted BN, IN, RG, PRL	Commencement Date	
Decision Date	19/07/2018	Completion Date	
Applicant			
Agent	Assent Building Control LTD (Chesterfield)		

BR Number	18/03693/IN	Deposited Date	18/07/2018
Location	Land Adjacent To IMI SSF Ltd Broombank Road Sheepbridge Industrial Estate Chesterfield Derbyshire		
Proposal	Industrial Building		
Decision	Accepted BN, IN, RG, PRL	Commencement Date	
Decision Date	23/07/2018	Completion Date	
Applicant			Mann Jones
Agent	Quadrant Approved Inspectors (Stamford)		

BR Number	18/03687/IN	Deposited Date	19/07/2018
Location	5 Westbourne Grove Ashgate Chesterfield S40 3QD		
Proposal	Single storey rear extension to existing dwelling		
Decision		Commencement Date	
Decision Date	20/07/2018	Completion Date	
Applicant			

Agent	Assent Building Control Ltd (Wakefield)
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BR Number	18/03688/IND	Deposited Date	19/07/2018
Location	42 Blandford Drive Newbold Chesterfield S41 8QT		
Proposal	Ground Floor Extension and Conversion of Outhouse to Utility Room.		
Decision	Accepted BN, IN, RG, PRL	Commencement Date	
Decision Date	20/07/2018	Completion Date	
Applicant			
Agent	Quadrant Approved Inspectors (Stamford)		

BR Number	18/03704/IND	Deposited Date	19/07/2018
Location	31 Springfield Avenue Chesterfield S40 1HL		
Proposal	Conservatory Roof Replacement with Supa-Lite Roof System		
Decision	Accepted BN, IN, RG, PRL	Commencement Date	
Decision Date	23/07/2018	Completion Date	
Applicant			
Agent	GREENDOOR BUILDING CONTROL & SPECIALIST SERVICES LIMITED		

BR Number	18/03717/IND	Deposited Date	20/07/2018
Location	147 Langer Lane Birdholme Chesterfield S40 2JP		
Proposal	Single Storey Rear Extension		
Decision	Accepted BN, IN, RG, PRL	Commencement Date	
Decision Date	23/07/2018	Completion Date	
Applicant			
Agent	Assent Building Control LTD (Chesterfield)		

BR Number	18/03718/IND	Deposited Date	20/07/2018
Location	135 High Street Old Whittington Chesterfield S41 9LQ		
Proposal	Rear Detached Garage Block (Single Storey)		
Decision	Accepted BN, IN, RG, PRL	Commencement Date	
Decision Date	23/07/2018	Completion Date	
Applicant			
Agent	Assent Building Control LTD (Chesterfield)		

BR Number	18/03750/IND	Deposited Date	23/07/2018
Location	3 Pine Street Hollingwood Chesterfield S43 2LG		
Proposal	Single Storey Rear Extension		
Decision	Accepted BN, IN, RG, PRL	Commencement Date	
Decision Date	25/07/2018	Completion Date	
Applicant			
Agent	Quadrant Approved Inspectors (Stamford)		

BR Number	18/03795/IND	Deposited Date	25/07/2018
Location	178 Handley Road New Whittington Chesterfield S43 2ER		
Proposal	Proposed Mezzanine to Rear of Property		
Decision	Accepted BN, IN, RG, PRL	Commencement Date	

Decision Date	26/07/2018	Completion Date
Applicant		
Agent	Quadrant Approved Inspectors (Stamford)	

BR Number	18/03803/IND	Deposited Date	25/07/2018
Location	8 Newbold Drive Newbold Chesterfield S41 7AP		
Proposal	Two Storey Side Extension and Single Storey Rear Extension		
Decision	Accepted BN, IN, RG, PRL	Commencement Date	
Decision Date	26/07/2018	Completion Date	
Applicant			
Agent	Assent Building Control Ltd (Wakefield)		

Agenda Item 6

COMMITTEE/SUB	Planning Committee
DATE OF MEETING	6 TH AUGUST 2018
TITLE	DELEGATION
PUBLICITY	For Publication
CONTENTS	Items approved by Development Management and Conservation Manager under the following Delegation references:- Planning Applications P020D, P200D to P250D, P270D to P320D, P350D to P370D, P390D, P420D to P440D Agricultural and Telecommunications P330D and P340D
RECOMMENDATIONS	Not applicable
LIST OF BACKGROUND PAPERS	Relevant applications

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

Planning Applications	Paul Staniforth	345781
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Delegated List
Planning Applications

Code No File No	Ward	Proposal	Decision	Decision Date
CHE/18/00117/FUL 2407	Rother	Two semi detached houses on land adjacent to 20 Harehill Road, Grangewood, Chesterfield. At 20 Harehill Road Grangewood S40 2JA For Bellfield Construction	REF	18/07/2018
CHE/18/00150/FUL 5477	St Leonards	Erection of 5 bed dwelling house and garage - CMRA received At Land To The East Of 14A Spital Lane Spital S41 0HJ For Mr Taylor	CP	09/07/2018
CHE/18/00195/FUL 5486	Brockwell	Two storey rear extension At 26 Malvern Road Brockwell Chesterfield For Mr and Mrs Garner	CP	09/07/2018
CHE/18/00223/FUL 358	Barrow Hill And New Whittington	Raised mezzanine / patio decking and access steps At 178 Handley Road New Whittington S43 2ER For Mrs D Smith	CP	12/07/2018
CHE/18/00230/OUT 5302	Lowgates And Woodthorpe	Proposed outline application for housing At 1 Bridle Road Woodthorpe S43 3BY For Mr and Mrs Needham	REF	10/07/2018

Code No Date File No	Ward	Proposal	Decision	Decision
CHE/18/00246/FUL 530	Brockwell	Erection of new close boarded wooden fence on existing stone wall to eastern boundary At 35 Ashgate Valley Road Chesterfield S40 4AX For Mr Brian A Jones	CP	13/07/2018
CHE/18/00259/FUL	Brockwell	Proposed demolition of existing single storey outhouse with new single storey rear extension to form kitchen/dining room and a new decking area At 79 Hawksley Avenue Chesterfield S40 4TJ For Mr Ian Loome	CP	05/07/2018
CHE/18/00262/FUL 2196	West	Single storey rear extension to form garden room, new front porch extension and balcony doors (revised plans received 06.07.2018) At 36 Brookside Glen Chesterfield S40 3PF For Mr Matthew Ward	CP	18/07/2018
CHE/18/00263/FUL 1073	Hollingwood And Inkersall	Two storey structure at side of property to provide additional first floor bedroom (revised plans received 05.07.2018) At 3 Private Drive Hollingwood S43 2LB For Mrs Nicola Loughlin	CP	12/07/2018

Code No File No	Ward	Proposal	Decision	Decision Date
CHE/18/00271/DOC 470	St Leonards	Discharge of condition 4 (Noise Impact Assessment) of CHE/16/00345/FUL (conversion of the Grade II listed building to create 7 No residential apartments at first and second floor and refurbishment of ground floor (former Post Office) A1 unit with change of use to include A1-A3 uses. Works to include partial demolition of rear single storey structures and brick service flue, internal alterations and upgrades, with proposed new residential access stair to the rear courtyard to connect to the existing stair at first floor level) At Chesterfield Post Office 1 Market Place Chesterfield S40 1TL For PDR Construction Ltd	DPC	02/07/2018
CHE/18/00289/FUL 2584	Middlecroft And Poolsbrook	Single storey rear extension to form additional surgery and patient waiting area (revised drawings provided 28/06/18) At 38 High Street Staveley S43 3UX For Mr Vasileios Orliaklis	CP	06/07/2018
CHE/18/00298/DOC 3167	Holmebrook k	Discharge of planning condition 3 (ventilation system) of CHE/17/00758/COU - change of use of part of premises to fast food takeaway to run alongside existing shop At 2A Springfield Avenue Chesterfield S40 1DB For Mr Ishmail Ali	REF	11/07/2018

Code No File No	Ward	Proposal	Decision	Decision Date
CHE/18/00300/FUL 822	Old Whittington	Re-submission of CHE/17/00870/FUL - Two storey side extension, single storey rear extension with new front porch (revised materials 22/06/18) At 7 High Street Old Whittington S41 9JS For Mr Steve Clarke	CP	09/07/2018
CHE/18/00301/FUL 5876	West	Extension and Alteration to Existing Dwelling At 4 Miriam Avenue Somersall S40 3NF For Mr & Mrs E Totty	CP	02/07/2018
CHE/18/00309/FUL 5723	Brockwell	Two storey side and single rear extension (revised drawing and parking plan received 12.07.2018) At 8 Newbold Drive Newbold S41 7AP For Mr Jordan	CP	12/07/2018
CHE/18/00314/FUL 131	Loundsley Green	Two storey side extension At 11 Bodmin Way Loundsley Green Chesterfield S40 4LR For Mr Mark Simms	CP	04/07/2018
CHE/18/00323/FUL 6325	Hasland	Single storey side and rear extension, including demolition of At 45 Broomfield Avenue Hasland S41 0LU For Mr S Corbett	CP	02/07/2018

Code No File No	Ward	Proposal	Decision	Decision Date
CHE/18/00325/DOC 2256	West	Discharge of conditions 3 and 5 (CHE/17/00416/FUL) - Information received on 18.07.2018 At 19 Westbourne Grove Ashgate Chesterfield S40 3QD For Mr Andrew Barnes	DPC	02/07/2018
CHE/18/00326/FUL 2419	St Leonards	Demolition of existing conservatory and erection of ground floor rear extension At 126 Hady Hill Hady S41 0EF For Mr Neil Bouden	CP	09/07/2018
CHE/18/00327/OUT 370	Brimington North	Outline application for erection of a dwelling and attached garage At 34 Queen Street Brimington Derbyshire For Mr David Banister	CP	10/07/2018
CHE/18/00329/FUL 1644	Moor	Ground floor extension to side and rear At 42 Blandford Drive Newbold Derbyshire S41 8QT For Mr Paul Rothwell	CP	09/07/2018
CHE/18/00330/FUL 1705	Middlecroft And Poolsbrook	Two storey side extension forming garden store at lower level with garage over At 20 Cromford Drive Staveley S43 3TB For Mr and Mrs Webster	CP	04/07/2018

Code No File No	Ward	Proposal	Decision	Decision Date
CHE/18/00331/FUL 2015	St Helens	New conservatory on he side of the house. At 20A Gloucester Road Stonegravels Chesterfield S41 7EQ For Mrs Jane Bradley	CP	04/07/2018
CHE/18/00339/FUL 10	Hollingwood And Inkersall	Single storey side and rear extension and detached double At 14 Milford Road Inkersall S43 3ET For Mr Patterson	CP	12/07/2018
CHE/18/00340/LB	Middlecroft And Poolsbrook	Single storey rear extension to form additional surgery and patient waiting area (revised drawings provided on 28/06/18 and email correspondence 04/07/18) At 38 High Street StaveleyS43 3UX For Mr Vasileios Orliaklis	CP	06/07/2018
CHE/18/00341/FUL 1483	West	Porch, conversion of garage to habitable room including raising of garage roof At 42 Glenthorne Close Chesterfield S40 3AR For Mr and Mrs Pearson	CP	12/07/2018
CHE/18/00342/FUL 4062	Lowgates And Woodthorpe	Installation of a NatSol Compus Twin full access composting toilet At Mastin Moor Community Garden Bolsover Road Mastin Moor For Mr John Hempshall	CP	11/07/2018

Code No File No	Ward	Proposal	Decision	Decision Date
CHE/18/00347/TPO 4077	Brimington North	Proposed work is to allow natural light into the garden and allow further regrowth of trees Cherry Tree - Pruning and removal of deadwood branches, Oak Tree - Crown lift and crown thin and Alder Trees - Removal of three lower branches overhanging property At Care Center 9 Victoria Street Brimington For Mr Jon Lawson	CP	05/07/2018
CHE/18/00355/FUL 5176	Brockwell	Single storey side extension At 13 Rutland Road Chesterfield S40 1LZ For Mr S Taylor	REF	17/07/2018
CHE/18/00357/FUL 1456	Brimington South	Single storey side extension At 17 Darwent Road Tapton S41 0UE For Miss Jodie Lane	CP	16/07/2018
CHE/18/00358/FUL 1319	West	Single storey rear extension At 558 Chatsworth Road Chesterfield S40 3JS For Mrs Judy Jones Gill	CP	17/07/2018
CHE/18/00362/FUL 495	Moor	Extension to south west elevation of the existing building At Aldi Foodstore Lockoford Road Whittington Moor S41 7EW For Aldi Stores Ltd	CP	09/07/2018

Code No File No	Ward	Proposal	Decision	Decision Date
CHE/18/00364/FUL 4093 4093	Middlecroft And Poolsbrook	Two storey rear extension At 49 Circular Road Staveley S43 3QX For Mr & Mrs P Crookes	CP	16/07/2018
CHE/18/00369/FUL 2927	Brimington South	Proposed rear sunroom At 10 Ringwood View Brimington S43 1PW For Mr and Mrs Pass	CP	19/07/2018
CHE/18/00380/FUL 4099	Lowgates And Woodthorpe	Ground floor rear family room extension and front porch At Pebble House 30 Ralph Road Staveley For Mr and Mrs Hollinshead	CP	17/07/2018
CHE/18/00393/FUL 5902	Walton	Two storey side extension to include new living room at ground floor and master bedroom with ensuite bathroom at first floor, demolition of Existing rear conservatory and creation of a new rear single storey flat roof open plan kitchen / dining area to the rear, new alignment of access steps to the front entrance, with re- configuration of the front window / door arrangement and new pitched roof to be formed over existing double garage. At 11 Sandiway Walton Chesterfield S40 3HG For Mr Paul Berresford	CP	18/07/2018

Code No File No	Ward	Proposal	Decision	Decision Date
CHE/18/00395/ADV 1983	Brockwell	1 hanging swing sign - black wrought iron swing brackets with a 700 x 580 x 20mm double sided swing panel, vinyl window decals and lettering on arch at front At 86 Saltergate Chesterfield S40 1LG For Mr Stephen Jenkins	UP	23/07/2018
CHE/18/00419/TPO 313	Dunston	One Ash Tree - Crown lift and crown clean At 22 Ulverston Road Newbold S41 8EW For Mrs Mavis Radford	CP	05/07/2018
CHE/18/00420/DOC 544	Lowgates And Woodthorpe	Discharge of planning condition 8 (sprinkler tank and pump house) of CHE/17/00182/REM At Plot 13A Markham Lane Duckmanton For Sterigenics UK Limited	DPC	23/07/2018
CHE/18/00421/TPO North	Brimington	Lime Tree - Crown lifting to house gutter level, crown thinning to let more light in to house and crown reduction to reshape the tree At 41 Gregory Close Brimington Derbyshire S43 1RD For Mr Chris Payne	SC	05/07/2018

Code No File No	Ward	Proposal	Decision	Decision Date
CHE/18/00429/TPO	Brimington South	T1 Lime tree - crown lift and crown thin to pull away from property 2-3m, T2 & T5 Horse chestnut - crown lift and crown thin to pull away from property and T6 crown lift. Crown topping and crown thinning on all trees plus removal of 1 large branch on T2 and T3 and 2 large branches on T4 At 5 Hedley Drive Brimington S43 1BF For Mr Julian Haslam	SC	18/07/2018
CHE/18/00438/EIA	Brimington South	EIA screening opinion for residential development At Land To The North Of Northmoor View Brimington For DLP Planning	EIANR	02/07/2018
CHE/18/00454/TPO	Holmebrook	Crown lift sycamore, crown lift lime, dead wood and crown lift low branches of field maple, crown lift low branches of lime and crown lift low branches of sycamore all of which over hang school playground At Brampton Primary School School Board Lane Chesterfield S40 1DD For Derbyshire County Council	CP	12/07/2018
CHE/18/00457/TPO 3261	West	Blue Cedar - Crown lift and removal of dead branches At 303 Ashgate Road Chesterfield Derbyshire S40 4DB For Mr Christopher Booth	CP	12/07/2018

Code No File No	Ward	Proposal	Decision	Decision Date
CHE/18/00466/TPO	Brimington North	Crown thinning and Crown lifting to the Whole of G1 At Former Ringwood Centre Victoria Street Brimington S43 1HY	CP	19/07/2018
CHE/18/00488/NMA	Dunston	Plots 80 and 81 updated to semi detached. Brick type 1 updated from Terca Oakwood to Terca Blended Red for application CHE/17/00351/REM for the erection of 99 dwellings and associated public open space, landscaping and surface water balancing (Phase 1) At Land To The West Of Dunston Lane Newbold For William Davis Ltd	UP	23/07/2018
218				

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Delegated List - Planning Applications

Key to Decisions

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

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COMMITTEE/SUB	Planning Committee
DATE OF MEETING	6 TH AUGUST 2018
TITLE	DELEGATION
PUBLICITY	For Publication
CONTENTS	Items approved by the Development Management and Conservation Manager under the following Delegation references:- Felling and Pruning of Trees P100D, P120D, P130D
RECOMMENDATIONS	Not applicable
LIST OF BACKGROUND PAPERS	Relevant applications

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

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

Page 261

<u>CODE NO</u>	<u>DESCRIPTION OF PROPOSAL</u>	<u>TERMS OF DECISION</u>
CHE/18/00347/TPO TPO 4901.315 05/07/18	The pruning of 4 trees reference T18 Cherry, T20 Oak and T22 & T24 Alder on the Order map for Mr Jon Lawson of 2 Ringwood Meadows, Brimington. The trees are allegedly blocking light out in the garden and house.	Consent is granted to the crown lifting and crown thinning of T20 Oak, the removal of 5 lower branches of T22 & T24 Alder and the removal of dead wood on T18 Cherry.
CHE/18/00454/TPO TPO 4901.335 12/07/18	The pruning of five trees reference T4, T6 & T8 Lime and T5 & T7 Maple on the Order Map and which are situated in the grounds of Brampton Primary School, Brampton for Derbyshire County Council.	Consent is granted to the crown lifting of the trees by 3.5 metres from ground level and the removal of dead wood within the crown. CHE/18/00440/TPO
CHE/18/00457/TPO TPO 4901.173 12/07/18	The pruning of one Cedar tree reference T36 on the Order map for Mr & Mrs Booth of 303 Ashgate Road	Consent is granted to the crown lifting and crown cleaning of the tree to remove dead wood.

<p>CHE/18/00429/TPO TPO 4901.74 18/07/18</p>	<p>The pruning of six trees reference T4 Lime, T8 & T11 Horsechestnut and T12 Maple on the Order Map and which are situated in the grounds 5 & 7 Hedley Drive, Brimington.</p>	<p>Consent is refused to the topping of the trees and the removal of the large lower branches growing off the main stem because this may be detrimental to the trees long term health and lead to future problems with the trees.</p> <p>Consent is granted to crown lift, crown thin and reduce branches growing towards the property to give a 2 metre clearance allowing more light into the garden and house.</p>
<p>CHE/18/00446/TPO TPO 4901.315 19/07/18</p>	<p>The pruning of 7 trees within G1 on the Order map for Mr Gaduzo of William Saunders at the former Ringwood Centre now known as Ringwood Meadows.</p>	<p>Consent is granted to crown lift the trees by 3 metres from ground level and crown thin by 20% to allow more light and clearance to the new properties.</p>
<p>CHE/18/00440/TPO TPO 4901.34 25/07/18</p>	<p>The felling of two Ash trees reference T56 and G13 on the Order map for Dronfield Tree Services on behalf of Mrs Ashton of 18 Lancaster Road. The trees are allegedly causing damage to the concrete driveway and lifting the car port.</p>	<p>Consent is granted to the felling of two Ash trees. Although the information provided did not conclude that the two Ash trees were the direct cause of the damage it was evident that damage was occurring to the driveway and roots were present under sections of the drive.</p>

		<p>An amenity evaluation of the trees was carried out and since the Order was made in 1984 the trees condition and visual amenity had changed over time and it was not defensible to retain the trees as a public amenity. This along with the probability that the trees were contributing to some of the damage influenced the decision to grant consent to the application.</p> <p>A condition has been attached to plant two new trees on the south boundary of the site in the next available planting season.</p>
CHE/18/00459/TPO TPO 4901.51 26/07/18	The felling of one purple Plum tree reference T18 on the Order map for Mr Jefferies of 39 Vincent Crescent, Brampton. The tree is infested with Chicken of the Woods fungus which makes the timber brittle and prone to failure	Consent is granted to fell one Purple Plum tree. The duty to plant a replacement tree has been dispensed with on this occasion due to insufficient room and other trees in the garden.

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AGENDA ITEM

APPEALS REPORT

MEETING: PLANNING COMMITTEE
DATE: 6TH AUGUST 2018
REPORT BY: DEVELOPMENT MANAGEMENT AND
CONSERVATION MANAGER

FOR PUBLICATION

BACKGROUND PAPERS FOR PUBLIC REPORTS

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

1.0 PURPOSE OF REPORT

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

**PAUL STANIFORTH
DEVELOPMENT MANAGEMENT AND CONSERVATION
MANAGER**

These are reported to Planning Committee for information only.
Anyone requiring further information on any of the matters

contained in this report should contact Paul Staniforth on 01246 345781.

APPEALS

<u>FILE NO.</u>	<u>WARD</u>	<u>APPELLANT</u>	<u>CASE</u>	<u>MEMBER OFFICER</u>	<u>DATE REC</u>	<u>TYPE AND DATE</u>	<u>DECISION AND DATE</u>
2/6099	Linacre ward	Mr J Grocutt	CHE/18/00032/TPD – Larger Home extension to rear of 12 Butterton Drive - Refusal	Officer delegation	10/04/18	Written Reps (HAS)	Dismissed 20/07/18 see appendix A
2/3991	Hasland ward	Mr N Chadwick	CHE/17/00800/FUL – Retention of external works at 2 York Street - Conditions	Planning Committee	26/04/18	Written Reps	
2/2126	St Leonards ward	Mr Paul Singh	CHE/18/00167/FUL – Replacement of windows to rear 9-21 Stephenson Place - Refusal	Officer delegation	29/06/18	Written Reps	
2/1497	West ward	D J Atkinson Construction Ltd	CHE/17/00725/FUL – Demolition of buildings and 2 dwellings at Proctors Nursery - Refusal	Planning Committee against officer advice	12/07/18	Written Reps	

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Appendix A

Appeal by J Grocutt

Extension at 12 Butterton Drive, Chesterfield.

CHE/18/00032/TPD

2/6099

1. Planning permission was refused on 5th March 2018 for the development of a single storey rear dining room extension at 12 Butterton Drive for the following reasons:

The proposal does not comply with policies CS2 and CS18 of the Chesterfield Local Plan: Core Strategy 2011 - 2031 and therefore the wider National Planning Policy Framework. The proposal is considered to have an overbearing impact upon the adjoining neighbour at No. 10 Butterton Drive by virtue of its orientation, scale and mass which is detrimental to their amenity furthermore the extension would constitute overdevelopment which is out of character of the surrounding area.

2. An appeal against the decision has been determined by the written representation householder appeal method and has been dismissed.
3. Class A of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015(GPDO) permits the enlargement, improvement or other alteration of a dwellinghouse. Paragraphs A.1(f) & (g) of Class A set out size restrictions for single storey rear extensions, with larger extensions being permitted subject to prior notification to the local planning authority. Where an objection is received to a proposal from an adjoining owner or occupier, then as set out in paragraph A.4 of Class A, the prior approval of the local planning authority is required as to the impact of the proposed development on the amenity of any adjoining occupiers.

4. The main issue is the effect of the proposal on the living conditions of the occupiers of the adjoining property 10 Butterson Drive having regard to outlook, sunlight and daylight. The appeal site comprises a modestly proportioned semi-detached dwelling located within an estate of similar properties. The host building and the adjoining dwelling at 10 Butterson Drive contain a door and window in the ground floor of the rear elevation facing towards the reasonably small rear gardens. It appears that the door and window serve kitchens and that the kitchens also have side windows. The common side boundary between the two dwellings and rear gardens is currently marked by a solid timber fence.
5. The proposed extension would extend some distance beyond the rear elevation of the host building and that of No 10. Though it would be set in slightly from the common side boundary and though it would have a pitched roof sloping away from No 10, it would nevertheless be a bulky addition which would be higher than the existing boundary fence. The size, height and position of the proposed extension relative to the ground floor door and window and rear garden of No 10 means that it would have an overbearing impact on and would materially reduce the outlook from No 10. In addition the relative orientation of the two dwellings and the size and close proximity of the proposed extension to No 10 means that it would also be likely to result in the overshadowing of and a material loss of daylight to the adjoining dwelling and garden. Consequently there would be an adverse impact on the living conditions of the occupiers of No 10.
6. In reaching the decision the inspector noted that the appellant states that the common side boundary between the two properties was previously marked by a high conifer hedge and that the kitchen at No 10 is also served by a side window that would be unaffected by the proposal. However the conifer hedge was not in place at the time of the site visit and the inspector assessed the proposal based on the evidence and site circumstances before her. Whilst she noted that the affected room at No 10 is served by another window, she did not consider that this would adequately mitigate the adverse impact that the proposal would have on the living conditions of

the occupiers of No 10 resulting from the proposal. The inspector's attention had also been drawn to the fact that the extension would not be visible from the front of the host building and that similar extensions exist nearby. Though the extension would not be prominent it would nevertheless have a harmful impact on living conditions as set out above and she was not aware of the specific circumstances relating to the other examples given. In any event, the inspector must determine the proposal before her on its own merits.

7. Taking the above matters into consideration, the inspector concluded that the proposal would have a significant adverse effect on the living conditions of the occupiers of 10 Butterson Drive having regard to outlook, sunlight and daylight.

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ENFORCEMENT REPORT

MEETING: PLANNING COMMITTEE

DATE: 6TH AUGUST 2018

REPORT BY: LOCAL GOVERNMENT AND REGULATORY LAW MANAGER
DEVELOPMENT MANAGEMENT & CONSERVATION MANAGER

WARD: As listed in the report

FOR PUBLICATION

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

BACKGROUND PAPERS

LOCATION: LEGAL SERVICES

1.0 PURPOSE OF REPORT

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

2.0 BACKGROUND

2.1 The table summarises formal planning enforcement by the Council.

3.0 INFORMAL ACTION

3.1 Formal enforcement is a last resort, with most planning problems resolved without formal action (in accordance with government guidance). More information on informal enforcement is available from the Planning Service.

4.0 MORE INFORMATION ABOUT THE TABLE

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

5.0 RECOMMENDATION

5.1 That the report be noted.

GERARD ROGERS
LOCAL GOVERNMENT AND
REGULATORY LAW MANAGER

PAUL STANIFORTH
DEVELOPMENT MANAGEMENT
& CONSERVATION MANAGER

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

Enforcements currently Authorised: 8

ENFORCEMENT REPORT

26 July 2018

Address	Authorised <small>days from</small>	Breach	CHE/	Issued <small>days to issue</small>	Effective <small>days to (-) /from</small>	Comply <small>days to (-) /from</small>	Notes	<small>update last update</small>	Ward
Enforcement Notice		<i>Total currently Authorised: 5 Authorised to Issue Average: 40.67 days</i>							
Pottery Lane West	10 09/01/17 <small>564</small>	excavation - engineering works		25/01/17 <small>16</small>	13/12/17 <small>226</small>	13/03/18 <small>136</small>	Appeal dismissed. Filling-in site and installing blocks to support adjoining land, but not fully complied. Update report to be prepared for future committee.	<input type="checkbox"/> <small>15/05/18</small>	
Station Lane	03/04/18 <small>115</small>	importation of materials to create hard surfacing and industrial use		03/07/18 <small>91</small>	08/08/18 <small>-12</small>	08/08/19 <small>-377</small>	Issued.	<input type="checkbox"/> <small>03/07/18</small>	BHW

Page 274

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
Walton Works		27/06/16 760	use for war and horror style games					Cease war and horror style games at weekends and after 18:00 hours, and pyrotechnics at any time. 12/12/16 Committee approval for Section 106 planning obligation to regulate unauthorised use. In contact with operator to conclude agreement.	<input type="checkbox"/> 04/04/18	Wa
York Street	2	17/07/17 375	2 vending machines		01/08/17 15	08/06/18 49	06/07/18 21	2 unauthorised vending machines. Appeal dismissed. Complied, but machine moved to 1 York Street.	<input checked="" type="checkbox"/> 09/07/18	Ha

Page 275

Address		Authorised <i>days from</i>	Breach	CHE/	Issued <i>days to issue</i>	Effective <i>days to (-) /from</i>	Comply <i>days to (-) /from</i>	Notes	update <i>last update</i>	Ward
York Street	2	09/10/17 291	conversion and extension of roof space					Application for flat conversion CHE/17/00800/FUL approved 03/04/18 with condition requiring removal of balcony and canopy, but has appealed these. Consider further enforcement if not comply.	<input type="checkbox"/> 11/06/18	Ha

Stop Notice

Total currently Authorised: 1 Authorised to Issue Average: days

Walton Works		27/06/16 760	use for war and horror style games of game play					See notes for Enforcement Notice.	<input type="checkbox"/> 03/03/17	Wa
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TPD Prosecution

Total currently Authorised: 2 Authorised to Issue Average: days

Pomegranate Road (rear of)	51	02/05/18 86	wilful damage to limb of T7 (s.210(4)) on Avant Homes site					Instructed and discussing with Planning	<input type="checkbox"/> 02/05/18	N
Victoria Street	Ringwood Centre (former)	21/12/17 218	Damage to roots of T18 and T19					In court 04/06/18, Further adjourned to 20/07/18.	<input checked="" type="checkbox"/> 03/07/18	BN

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

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

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FOR PUBLICATION

Five Year Housing Supply Position 2018/19

Meeting: Planning Committee

Date: 6th August 2018

Cabinet portfolio: Executive Member for Economic Growth

Report by: Strategic Planning Manager

1.0 Purpose of report

1.1 To update planning committee on the latest position on the council's five year supply of deliverable housing sites, following publication of the revised National Planning Policy Framework (NPPF).

2.0 Recommendations

2.1 That Members note the report.

3.0 Report details

3.1 On 24th July 2018 the Ministry of Housing, Communities and Local Government (MHCLG) published a revised National Planning Policy Framework (NPPF).

3.2 The NPPF continues the requirement that Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing. The council has not previously published a statement of this supply for the period commencing 1st April 2018, awaiting publication of the revised NPPF.

3.3 Members should note a number of changes to the way in which the supply is calculated from the previous NPPF, primarily:

- Where an adopted Local Plan is over five years old, the supply will be calculated against Local Housing Need, calculated using the new methodology set out in the NPPF
- The definition of 'deliverable' has been altered. Previously all sites with planning permission deliverable in five years were included, unless there was evidence to the contrary. Now sites with outline planning permission or an allocation in a local plan may only be included in the supply where there is clear evidence that housing completions will begin on site within five years.

3.4 The five year supply is calculated in three parts:

- Five year housing target
- Supply of deliverable sites
- Calculation of surplus/deficit

4.0 **Housing Target**

4.1 The current adopted Local Plan Core Strategy was adopted on 24th July 2013 and is therefore over five years old. The target has therefore been calculated using the Local Housing Need methodology set out in the NPPF. This uses the 2014

Household Projections as a starting point. This currently gives a target of **248** new homes a year, or **1240** new dwellings for a five year period.

- 4.2 Any 'shortfall' of dwellings is added. This is the difference between the target of 248 and the actual net number of new homes delivered since 2014 (any shortfall previous to this is assumed to have been accounted for in the household projections). The current shortfall is **369** additional homes. The government's preferred approach is to include the entire shortfall in the five year supply. However in this case the shortfall has been spread instead over the remaining 15 years of the Local Plan period for the reasons set out in the attached supply statement.
- 4.3 The NPPF requires a further 'buffer' of 20% be added to the target where there is evidence of 'persistent under-delivery'. This is determined by the Housing Delivery Test method set out in the NPPF, and is where delivery has been under 85% on average over the previous three years (the borough average is currently 59%).
- 4.4 This gives a final five year housing target of 1636 net new homes.

	Number of Dwellings
Annual Need	248
Five year need (248x5)	1240
Shortfall	369
Five year shortfall (369 spread over plan period)	123
Total Five year target	1363
Additional 20% buffer	273
Five Year Housing Target	1636

5.0 **Supply of Deliverable Sites**

- 5.1 To be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years. Sites that are not major development, and sites with detailed planning permission, should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within five years. Sites with outline planning permission, permission in principle, allocated in the development plan or identified on a brownfield register should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years.
- 5.2 The supply for Chesterfield consists primarily of planning permissions. The council has sought comments from landowners and developers where appropriate to support the inclusion of major sites and sites with outline planning permission as deliverable sites.
- 5.3 To this has been added a further selection of sites, currently without planning permission or local plan allocations, which are considered to pass the test of having 'clear evidence' that completions will begin within five years. These are primarily sites within the council's current programme of sites to be delivered through the Housing Revenue Account (HRA). As these sites are within Council ownership, are predominantly previously developed land, and have funding already in place (which must be spent with time limits) it is considered reasonable to include them.
- 5.4 This currently gives a total supply of **1785** net new homes.

6.0 **Surplus/Deficit**

6.1 On this basis, the council can currently demonstrate a five year supply of suitable deliverable sites for new housing, with a **surplus of 149** dwellings.

7.0 **Implications for decision making**

7.1 Whilst the council can demonstrate a five year supply of deliverable sites, policies of the Local Plan that accord with the revised NPPF should be considered up to date. Specifically, full weight will be given to the provisions of Core Strategy Policy CS10:

CS10 Flexibility in Delivery of Housing

Planning permission for housing-led greenfield development proposals on unallocated sites will only be permitted if allocated land has been exhausted or if annual monitoring shows that there is less than a 5-year supply of deliverable sites and where:

a) they accord with the strategy of 'Concentration and Regeneration' as set out in policy CS1 and the criteria set out in policy CS2; or

b) a specific housing need can be demonstrated that can only be met within a particular location

Specific sites for residential development will be identified within the Local Plan; Sites and Boundaries. Large residential developments will be subject to a masterplanned approach.

8.0 **Recommendations**

8.1 That Members note the report.

9.0 **Reasons for recommendations**

10.0 In order to comply with the requirements of the revised National Planning Policy Framework.

Document information

Report author		Contact number/email
Alan Morey		5371
Appendices to the report		
Appendix 1	Five Year supply statement	



CHESTERFIELD
BOROUGH COUNCIL

APPENDIX 1

Chesterfield Borough Council Five Year Housing Supply Position

**1st April 2018
To
31st March 2023**

Publication Date: July 2018

Introduction

The revised National Planning Policy Framework (NPPF), published 24th July 2018 requires Local Planning Authorities to:

“identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years’ worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old.

The supply of specific deliverable sites should in addition include a buffer (moved forward from later in the plan period) of:

- a) 5% to ensure choice and competition in the market for land; or*
- b) 10% where the local planning authority wishes to demonstrate a five year supply of deliverable sites through an annual position statement or recently adopted plan, to account for any fluctuations in the market during that year; or*
- c) 20% where there has been significant under delivery of housing over the previous three years, to improve the prospect of achieving the planned supply”¹.*

The following statement sets out the council’s up-to-date position based on monitoring data for the 2017-18 period, taking into account evidence of the requirement, the supply of sites and evidence of delivery. It should be read in conjunction with the council’s approved development plan².

At the time of writing, the council’s development plan consists of:

- The Chesterfield Borough Local Plan Core Strategy (2013)
- Saved policies of the Replacement Chesterfield Borough Local Plan (2006)

A new local plan is currently in development. A draft Local Plan was published in January 2017 with pre-submission consultation expected to occur in late 2018/early 2019. The evidence base for this local plan can be found on the council’s website³. These include the council’s Land Availability Assessment (LAA), which was updated following a call for sites in 2016 and consultation on the draft Local Plan and the council’s Brownfield Land Register⁴. An updated SHMA was published in October 2017 which used the 2014 population projections to set an OAN target of 265.

As the adopted Local Plan Core Strategy was adopted 24th July 2013, it is now over five years old. Therefore, following the publication of the Revised NPPF in July 2018 an indicative housing need figure has been calculated using the Government’s standardised methodology for calculating OAN. The calculated figure is 248 (a 6.4% reduction on the updated SHMA

¹ NPPF para 73 https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

² <https://www.chesterfield.gov.uk/planning-and-building-control/local-plan.aspx>

³ <https://www.chesterfield.gov.uk/planning-and-building-control/local-plan/ldf-evidence-base.aspx>

⁴ <https://www.chesterfield.gov.uk/planning-and-building-control/planning-policy-and-the-local-plan/land-availability-assessment/brownfield-land-register.aspx>

OAN figure) which will be used as the basis for calculating the Council's 5 Year Housing Supply.

The Housing Statement is set out in three parts:

- 1. The Housing Requirement**
- 2. The Housing Supply**
- 3. The overall Five Year Supply position**

1. Housing Requirement

Background

In order to meet the housing needs of a growing population and expanding economy the *Local Plan: Core Strategy*⁵ sought to provide 7,600 extra dwellings between 2011 and 2031 requiring, on average, the completion of 380 dwellings each year throughout the plan period. The evidence for the Core Strategy target was based on a 2007 SHMA with further work on projections published in February 2011. A SHMA update was published in November 2017 to support the preparation of a replacement plan. As the Core Strategy is now more than five years old, the methodology in the Revised NPPF has been used to present a more accurate reflection of needs.

The Revised NPPF has amended the definition of ‘deliverable’; previously all sites with planning permission deliverable in five years were included, unless there was evidence to the contrary. Now sites with outline planning permission or an allocation in a local plan may only be included in the supply where there is clear evidence that housing completions will begin on site within five years.

The Revised NPPF requires supply to be calculated against Local Housing Need, calculated using the new methodology. The methodology for the calculation of the annual housing requirement figure states that:

“Where the relevant strategic policies for housing were adopted more than five years ago (at the point of making the calculation), the local housing need figure is capped at 40% above whichever is the higher of:

- a. the projected household growth for the area over the 10 year period identified in step 1; or*
- b. the average annual housing requirement figure set out in the most recently adopted strategic policies (if a figure exists)”.*

As the Core Strategy was adopted on the 24th of July 2013 the plan has now been adopted for more than 5 years and should be capped at the minimum local housing need figure (**248**). An adjustment has been made for affordability as per the standardised methodology. The full calculation is set out in Appendix 5.

Over five years this gives a Local Housing Need of **1240** net new dwellings.

Housing Delivery 2017/18

Throughout the 2017/18 financial year 110 (net) new dwellings were completed. This is calculated via the following formula:

Net dwellings = (New Build Completions) + (Net Conversion to Residential) - (Demolitions)

⁵ <https://www.chesterfield.gov.uk/planning-and-building-control/local-plan/core-strategy.aspx>

Table 1: Housing Completions 2017/18	
New build completions	127
Conversion to Res: net change	27
Demolitions	44
NET ADDITIONAL DWELLINGS	110

This was a decline on the previous year (123) and remains below the Annual Housing Need target of 248 (calculated using the new methodology in the Revised NPPF) leaving a shortfall of 138 for the monitoring year. The under delivery of dwellings, combined with persistent under delivery in previous years, will place an increased pressure on the five year supply of housing land to provide capacity for any shortfall.

Housing Shortfall

Housing delivery performance against the Annual Housing Need target of 248 dwellings per annum, after four years, shows a cumulative shortfall of 369 homes. The new methodology uses 2014 population projections which factor in any shortfalls in delivery between 2011 (the year of Core Strategy adoption) and 2014.

Table 2: Shortfall in delivery 1st April 2011 to 31st March 2018		
Year	Net Completions	Shortfall against Local Housing Need (248pa)
2011/12	51	NA
2012/13	150	NA
2013/14	148	NA
2014/15	184	64
2015/16	206	42
2016/17	123	125
2017/18	110	138
Total shortfall		369

A cumulative shortfall of 369 dwellings during current life of the *Local Plan: Core Strategy* can be identified based on the Annual Housing Need of 248. This shortfall must be appropriately planned for and delivered within the plan period.

Resolving the Shortfall

The shortfall has been calculated added to the housing five year housing requirement using both the ‘Liverpool Method’ (which spreads the delivery of the shortfall over the whole remaining plan period (currently up to 2031) rather than the ‘Sedgefield Method’ (which applies the shortfall to the next five years’ target).

Chesterfield Borough Council’s preference is to use the Liverpool Method when addressing the shortfall due to the following factors:

- A significant amount of new housing is expected to come from large, complex brownfield sites (primarily Chesterfield Waterside and the Staveley and Rother Valley Corridor (SRVC), which are expected to deliver the majority of their housing towards the middle, end and beyond of the plan period;
- Legal decisions/Inspector’s reports confirm that the PPG is guidance not policy and, although the Sedgefield approach is consistent with the thrust of the framework in positively seeking to increase housing supply, the Liverpool approach is equally valid;
- There is no evidence to show that land is being restricted, in fact it is more the case that new development is encouraged;
- Historic patterns of housing delivery indicating a slow recovery with build levels of 248 per annum not likely to be achieved until 2020/21 at current trends. It would be unrealistic to expect housing delivery levels to improve to significantly above the Housing Need Requirement and historic delivery levels in the short term. Monitoring starts on site gives an estimated 174 completions for the 2018/19 monitoring year, which suggests progression towards recovery in the next monitoring period.

Figure 1: Net Completions – 2010-2018

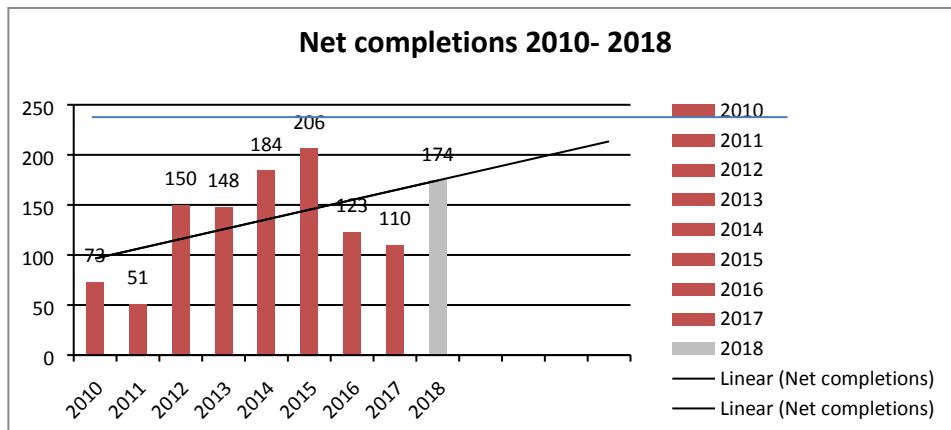
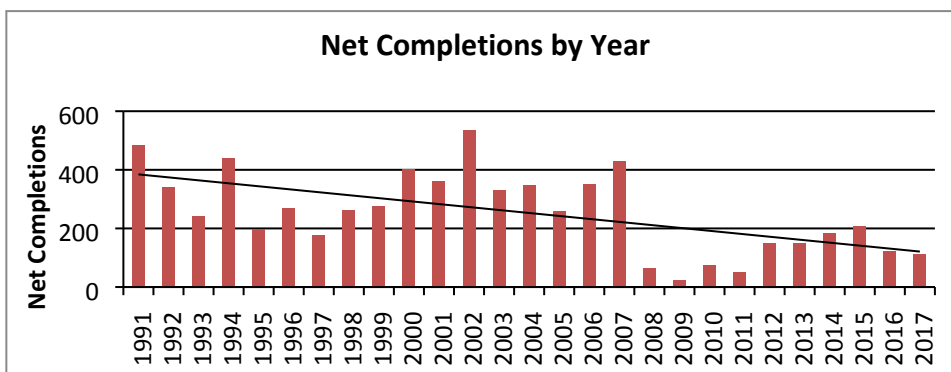


Figure 2: Graph Showing Trends in Numbers of Completions



Applying the 20% buffer

The NPPF requires a further ‘buffer’ of 20% be added to the target where there is evidence of ‘persistent under-delivery’. This is determined by the Housing Delivery Test method set out in the NPPF, and is where delivery has been under 85% on average over the previous three years (the borough average is currently 59%).

Based on historic housing delivery levels set out in figure 2, above, the council is satisfied that the borough falls into the category of ‘persistent under-delivery’ and the 20% additional buffer set out in paragraph 73 of the Revised NPPF should be applied.

Evidence from appeals and Inspectors decisions is, with some notable exceptions, consistent on this issue, that the buffer should be applied after including the shortfall.

Five Year Housing Target

The calculation of the borough’s five year housing supply target is as set out in table 3, below.

The five year target and shortfall calculated using the Annual Local Housing Need figure is presented in the table below:

Table 3: Five Year Housing Target and Shortfall	
Annual Target	248
Five year target (248 x 5)	1240
Shortfall	369
Five year shortfall (plan period)	123
Total Five year target	
	1363
Plus 20%	1636
Annualised target	327

*This gives the council a Five Year Housing target of **1,636** net new dwellings from 1st April 2018 to 31st march 2023; or **327** net new dwellings per annum.*

2. Housing Supply

To be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years.

Sites with outline planning permission, permission in principle, allocated in the development plan or identified on a brownfield register should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years.

The housing supply in the borough consists of:

- Sites that are not major development, and sites with detailed planning permission⁶; sites allocated in a local plan⁷ that do not have planning permission;
- Sites deemed developable and deliverable for housing within the next five years based on the council's current Land Availability Assessment and Chesterfield Borough Council's Housing Revenue Account building schedule.
- the Regeneration Priority Areas set out in the adopted Local Plan Core Strategy, where the council is actively working to bring forward its own assets, or working with developers/landowners to bring forward housing development

The sites that make up this supply are set out in appendices 1 to 4.

No allowance has been made for windfall housing at this time, but the delivery of windfall sites will continue to be monitored and an allowance may be made in future Housing Supply statements.

In order to calculate the number of dwellings these sites are likely to provide within a five year period, the following assumptions have been used where a trajectory has not been provided by the developer. These are based on the assumptions set out in the council's Land Availability Methodology.

Site Status	Timescales	Site size/ no. dwellings		
		<50homes	50-200 homes	>200 homes
Under construction (applied to remaining capacity)	Lead in time	NA	NA	NA
	Build rate (per annum)	15	30	50
Full pp/Reserved Matters	Lead in time	1 year	1.5 years	2 years
	Build rate (per annum)	15	30	50
Outline planning permission	Lead in time	1.5	2	2.5
	Build rate (per annum)	15	30	50
No planning permission (allocations and LAA)	Lead in time	2.5	3	3.5
	Build rate (per annum)	15	30	50

Table 4: Build Rates				
Site Status	Timescales	Site size/ no. dwellings		
		<50homes	50-200 homes	>200 homes
sites)				

Summary of Supply

Table 5: Housing Supply 1 st April 2018	
Supply of sites deliverable within five years	No. Dwellings
Dwellings with detailed planning permission, major sites with assurance of deliverability and non-major sites with planning permission	1,729
Local Plan Allocations (without planning permission)	0
LAA Sites and Housing Revenue Account Sites with assurance of deliverability	56
Regeneration Priority Areas	0
Total Housing supply	1,785

The council can currently demonstrate a supply of dwellings deliverable within five years from all sources of **1,785** dwellings.

⁶ These sites should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within five years (e.g. they are no longer viable, there is no longer a demand for the type of units or sites have long term phasing plans).

⁷ These sites should be in accordance with the adopted development plan only be considered deliverable where there is clear evidence that housing completions will come forward within five years.

4. Five Year Housing Land Supply Position (As of 1st April 2018)

The following table sets out the five year land supply position for Chesterfield as of April 2018 in accordance with the requirements of paragraph 73 of the Revised NPPF. This is taking into account both the current **shortfall** of housing delivery and the trajectory of housing **supply** over the next five years.

Housing Requirement (based on 248 pa)	1636
Housing Supply	1785
Shortfall / Surplus	+149

The Council's stated position is that it is currently able to demonstrate a Five Year Supply of Suitable Housing sites.

Appendix 1 – Dwelling Supply: Unimplemented Planning Permissions (deliverable within five years) as at 1st April 2018

Reference	Location	Description	Site Size	Net Committed	Current Status	Supply (Revised NPPF)	Information Sought from Developer / Owner
CHE/09/00662 /OUT	Land At East Of A61 Known As Chesterfield Waterside, Brimington Road, Chesterfield	Outline planning application with all matters reserved except for means of access proposing the demolition of existing buildings and erection of a comprehensive mixed use regeneration scheme comprising residential (use class C3); retail (use class A1); financial/professional services (use class A2); restaurants, drinking establishments and hot food establishments (use classes A3, A4 and A5); offices (use class B1); doctors surgery and crèche (use class D1); two hotels (use class C1); health and fitness (use class D2); nursing home (use class C2); ancillary creative uses including a possible arts centre, a new canal link, new open spaces including linear and eco parks, new public realm and car parking arrangements including two multi storey car parks at Chesterfield Waterside, A61 Corridor, Chesterfield	25.1	1531	STARTED	484	Based on programme of build received March 2018.
CHE/16/00016 /OUT	Land To The West Of Dunston Lane, Dunston Lane, Chesterfield	Resubmission of CHE/14/00873/OUT (Residential development along with associated access, public open space, landscaping and surface water balancing (all matters reserved save for means of access into the site)	15.81	300	GRANTED - Reserved matters CHE/17/00351/REM for 99 dwellings approved 19 Sep '17. Conditions discharged and development commenced on site.	240	Anticipated build trajectory confirmed with agent March 2017.

Reference	Location	Description	Site Size	Net Committed	Current Status	Supply (Revised NPPF)	Information Sought from Developer / Owner
CHE/15/00614 /REM	Site Of Former Sheepbridge Sports and Social Club, 202 Newbold Road, Chesterfield	Approval of reserved matters of CHE/13/00386/OUT for 82 unit scheme - (Outline application for the development of 91 residential dwellings and an area of designated public open space with approval of details of access from Newbold Road)	8.66	21	STARTED	21	
CHE/17/00685 /REM	Land North-East Of Sainsbury's Roundabout, Rother Way, Chesterfield	Application for approval of reserved matters of CHE/14/00404/OUT for residential development of 120 dwellings.	7.03	120	STARTED - REM App. approved 09/01/2018 - Developer is Harron Homes. Commenced.	120	
CHE/17/00326 /REM	Cammac Coal, Dunston Road, Chesterfield	Submission of reserved matters pursuant to planning approval CHE/15/00116/OUT for the development of 106 residential dwellings	6.4	106	STARTED - Developer - Strata Homes - commenced on site.	106	
CHE/15/00755 /OUT	Land To The West Of Bevan Drive, Inkersall, Chesterfield	Outline application for residential development	3.55	103	GRANTED - REM App. not yet submitted - outline expires March '19	0	Developer gave no indication of likely build out rates (July 2018).
CHE/14/00872 /OUT	Land At Cranleigh Road, Chesterfield, Derbyshire	Outline residential development on 3.66 hectares of land for up to 75 dwellings including means of access	3.66	75	REM CHE/00190/REM approved 17/07/2018.	75	Anticipated build trajectory confirmed with developer (June 2018).

Reference	Location	Description	Site Size	Net Committed	Current Status	Supply (Revised NPPF)	Information Sought from Developer / Owner
CHE/15/00108 /OUT	Walton Hospital, Whitecotes Lane, Chesterfield	The proposed demolition of the western wing of Walton Hospital and redevelopment of the site to comprise up to 90 residential units and associated works	3.1	90	GRANTED - REM App. not yet submitted - outline expires Aug '18 - site purchased by Homes England and permission is expected to lapse.	90	Homes England (owner) anticipates a 'delivery at pace' agreement (July 2018).
CHE/16/00518 /FUL	Site Of Former Newbold Community School, Newbold Road, Newbold, Chesterfield	Erection of residential development comprising 55 dwellings, access, landscaping and associated works	1.94	44	STARTED – Work has commenced on site (Miller Homes).	44	
CHE/15/00598 /OUT	Land South Of Walton Hospital, Harehill Road, Chesterfield	Outline application for residential development - ground investigation report received 20th October 2015, flood risk assessment and reptile report received on 29th January 2016	1.5	60	GRANTED - REM App. not yet submitted - outline expires March '19 – site is expected to lapse.	60	Homes England (owner) anticipates the site to be developed within 5 years (July 2018).
CHE/15/00085 /OUT	Land To South Of Poplar Farm, Rectory Road, Duckmanton, Chesterfield	Outline residential development on 1.38 hecatres of land for up to 35 dwellings including means of access	1.43	35	GRANTED - REM App. not yet submitted - OUT expires Nov '18 - pre-app commenced on REM	35	Housing developer expects site to be built out by 2020 (June 2018).

Reference	Location	Description	Site Size	Net Committed	Current Status	Supply (Revised NPPF)	Information Sought from Developer / Owner
CHE/16/00171 /OUT	The Former Boat Yard, 955 Sheffield Road, Chesterfield, S41 9EJ	Outline application for the residential development and creation of new site access (all matters reserved save for access)	1.3	48	GRANTED - REM App. not yet submitted - outline expires Oct '20	0	Contacted June 2018 - no response from agent as of July 2018.
CHE/17/00263 /FUL	107 Saltergate, Saltergate, Chesterfield	Erection of 34 dwellings including private amenity space, car parking provision, new access road, landscaping, drainage swale and on-site open space	1.14	31	STARTED – Development has started on site (Woodall Homes).	31	
CHE/15/00594 /OUT	Land Surrounding 146 To 152 Hady Lane, Hady Lane, Hady, Chesterfield	Construction of up to 10 dwellings	1.03	10	GRANTED – CHE/18/00224/REM submitted and awaiting decision.	10	Telephone contact 11/6/18: Owner expects a build out rate of 5 per annum. Orchard View Homes will be taking on 9 of the homes and the other is expected to be self-build.
CHE/15/00838 /REM	Ringwood Centre, Victoria Street, Brimington	Reserved matters application for CHE/14/00380/OUT- Redevelopment of training centre for residential purposes (37 Dwellings)	0.98	12	STARTED – Phases 1 & 2 completed. Phase 3 is yet to commence.	12	
CHE/15/00344 /OUT	292 Manor Road, Brimington, Chesterfield	Outline application for residential development	0.97	30	GRANTED – expires in March 2019 but REM application under consideration from housing developer	30	Contacted agent. 08/6/18. REM submitted and asked new agent for anticipated trajectory. 24/07/18.

Reference	Location	Description	Site Size	Net Committed	Current Status	Supply (Revised NPPF)	Information Sought from Developer / Owner
CHE/16/00092 /OUT	Land To The West Of Swaddale Avenue, Swaddale Avenue, Tapton	Outline application for residential development of land to the rear of 6-58 Swaddale Avenue along with upgrading the existing site access	0.88	25	GRANTED - REM App. not yet submitted - outline expires March '19	0	Contacted June 2018 - no response from agent as of July 2018.
CHE/17/00237 /OUT	Commerce Centre, Canal Wharf, Commerce Centre, Canal Wharf, Chesterfield	Retention and conversion of Thornfield House and the demolition of other associated buildings and redevelopment for residential use - resubmission of CHE/16/00653/OUT	0.72	30	GRANTED - no REM App. yet submitted.	0	Site sold to developer. REM expected 2018
CHE/16/00477 /FUL	Lidl, Sheffield Road, Whittington Moor, S41 8LX	Demolition of four properties to accommodate a car park extension and extension of existing food store.	0.7	-4	GRANTED	-4	
CHE/14/00392 /FUL	Dunston Grange Farm, Dunston Lane, Chesterfield	Renovate and rebuild farm into 5 No dwellings, including extension to unit 7; renovate and extend Dunston Grange Cottage; construct one No new dwelling	0.66	2	STARTED	2	
CHE/16/00121 /FUL	Land To The West Of Keswick Drive, Newbold	Residential development of 9 bungalows, demolition of a garage, creation of a new access from Keswick Drive.	0.59	9	GRANTED	9	Developer anticipates that site will be built out by summer 2019 (June 2018).

Reference	Location	Description	Site Size	Net Committed	Current Status	Supply (Revised NPPF)	Information Sought from Developer / Owner
CHE/14/00345 /FUL	Holbrook Farm, Renishaw Road, Chesterfield	Demolition of existing structurally unstable farm house and erection of new build dwelling	0.44	1	STARTED -	0	
CHE/16/00436 /OUT	325, Ashgate Road, S40 4DB	Proposed residential development including alterations and extensions to existing bungalow	0.43	5	GRANTED	5	
CHE/16/00053 /FUL	Apple Trees, Lancaster Road, Newbold, S41 8TP	Residential development of 6 dwellings and a modified access from Lancaster Road	0.41	6	GRANTED	6	
CHE/15/00678 /OUT	Moorlea, Ashgate Road, Linacre, Chesterfield	Outline application for residential development	0.41	7	GRANTED	7	
CHE/16/00023 /FUL	Handleywood Farm, Whittington Road, Barrow Hill	Demolition of buildings used for commercial purposes and erection of 5 dwellings, access and landscaping	0.39	5	GRANTED	5	
CHE/15/00464 /FUL	Land To The Rear Of 79 Sheffield Road, Stonegravels, Chesterfield	Proposed residential development of 9 x 3 bedroom houses and 10 x 2 bedroom flats	0.34	19	GRANTED	19	
CHE/16/00042 /FUL	Lodge Farm, Westwood Lane, Brimington,	Demolition of existing house and associated outbuildings, sheds and barns and construction of four new houses on site	0.32	4	STARTED	4	

Reference	Location	Description	Site Size	Net Committed	Current Status	Supply (Revised NPPF)	Information Sought from Developer / Owner
CHE/12/00028 /FUL	Manor Syck Farm 132 Church Street North, Chesterfield	Redevelopment of Manor Syck Farm, including conversion of three barns, refurbishment of existing farmhouse and new build detached farmhouse garage and detached property	0.29	4	STARTED	4	
CHE/14/00896 /FUL	Littlemoor Shopping Centre, Littlemoor Centre, Chesterfield	Demolition of existing staircases at shopping centre to form 11 apartments and 2 retail units including the demolition of existing garages to form new detached dwelling house	0.24	10	GRANTED – conditions 4-7 and 9-11 discharged in December 2017.	10	
CHE/12/00286 /MA	14A Spital Lane, Chesterfield	Material amendment to CHE/07/00041/FUL extended under CHE/10/00231/EOT - The existing house is to be retained as a single dwelling house (amended from conversion to 2 No flats) but extended and altered externally in a similar built form	0.23	5	STARTED - Construction is well underway.	5	
CHE/08/00311 /FUL	Land At Wessex Close, Chesterfield	Residential development of five new houses - resubmission of CHE/08/00073/FUL	0.22	5	STARTED	5	
CHE/17/00757 /OUT	Land Used For Storage and Premises, Goyt Side Road, Chesterfield	Outline application for residential development	0.22	8	GRANTED	8	
CHE/15/00394 /FUL	Land At Upper King Street, Chesterfield	Construction of two residential blocks of three town houses over three storeys with associated car parking and external works	0.21	6	STARTED	6	
CHE/17/00152 /FUL	Land Adj Trinity Court Newbold	Erection of 7 dwellings in two rows.	0.21	7	GRANTED	7	

Reference	Location	Description	Site Size	Net Committed	Current Status	Supply (Revised NPPF)	Information Sought from Developer / Owner
	Road, Chesterfield						
CHE/17/00855 /FUL	23 Bridle Road, Chesterfield	Demolition of existing dwelling and erection of replacement house.	0.2	0	GRANTED	0	
CHE/15/00172 /FUL	Dunston Hall, Dunston Road, Chesterfield	Conversion of barns and agricultural buildings in to four dwellings including part new build to barn D	0.2	2	STARTED	2	
CHE/15/00595 /OUT	The Conservatory Centre, Hazlehurst Lane, Stonegravels, Chesterfield	Outline application for 9 dwellings - coal mining assessment received 11th December 2015	0.2	9	GRANTED	9	
CHE/15/00701 /FUL	Land To The Northern End Of Rushen Mount, Chesterfield	Proposed construction of 2 No., 5 Bedroom detached dwellings with integral double garages on plots 2 and 3 on land at northern end of Rushen Mount.	0.19	2	GRANTED	2	
CHE/15/00486 /FUL	341 Ashgate Road, Chesterfield	Demolition of existing bungalow and garage, construction of two four bedroomed dwellings and garaging	0.18	1	GRANTED	1	
CHE/14/00768 /FUL	Tasty Bites, Chesterfield Road, Staveley, Chesterfield	Demolition of existing potato preparation building and construction of 3 one bedroom flats and formation of vehicular access and parking provision	0.18	3	STARTED – Under construction at time of 17/18 monitoring.	3	
CHE/16/00034 /OUT	Land Adjacent Five Acres	Outline application for residential development of 6 two storey dwellings	0.17	6	STARTED – construction is underway for 1 dwelling.	6	
CHE/17/00634	1 Bridle Road,	Outline application for residential development	0.17	5	GRANTED	5	

Reference	Location	Description	Site Size	Net Committed	Current Status	Supply (Revised NPPF)	Information Sought from Developer / Owner
/OUT	Chesterfield						
CHE/17/00120/MA	246A Ashgate Road, Chesterfield, S40 4AW	Material amendment of house type, siting and landscaping to plot 3 of CHE/15/00514/REM	0.16	6	GRANTED	6	
CHE/16/00513/DEM	6, Worksop Road, Mastin Moor, S43 3BN	Demolition of the existing residential property and out buildings at 6 Worksop Road. Mastin Moor, Staveley	0.15	-1	GRANTED	-1	
CHE/16/00360/REM1	Basil Close S41 7SL	Variation of condition 24 (approved plans) of CHE/15/00098/FUL comprising alterations to the external and internal design of approved development (hotel, apartments and A1/A3 to lower floor building)	0.15	22	GRANTED	22	
CHE/16/00835/FUL	The Elm Tree Inn, High Street, Staveley, S43 3UU	Change of use of existing drinking establishment to residential with two storey extension and two new build units forming 23 self-contained apartments with associated landscaping, bin store and cycle stands	0.14	23	GRANTED	23	
CHE/17/00416/FUL	19 Westbourne Grove, Chesterfield	Replacement dwelling to create a five bedroomed house	0.13	0	GRANTED	0	
CHE/16/00824/REM	Land Opposite Oaks Farm, Markham Road, Duckmanton	Reserved matters for CHE/15/00267/OUT - outline planning permission for two storey dwelling	0.13	1	GRANTED	1	
CHE/16/00306/FUL	Rear Of 246, Ashgate Road, S40 4AW	Construction of one new dwelling	0.13	1	GRANTED	1	

Reference	Location	Description	Site Size	Net Committed	Current Status	Supply (Revised NPPF)	Information Sought from Developer / Owner
CHE/17/00874 /REM	Land Adjacent To 89 Sheffield Road, Stonegravels, Chesterfield	Application for reserved matters for CHE/16/00069/OUT.	0.13	3	GRANTED	3	
CHE/13/00595 /FUL	Club House, 3 Station Road, Barrow Hill, Chesterfield	Part demolition of rear boundary wall and erection of 2no. pairs of semi-detached houses.	0.13	4	STARTED – Construction is well underway.	4	
CHE/16/00210 /FUL	Land To The Rear Of 572 Chatsworth Road, Chatsworth Road, Chesterfield	Erection of a 5 bedroom house	0.12	1	GRANTED	1	
CHE/17/00756 /OUT	Land On Goyt Side Road Corner, Factory Street, Chesterfield	Outline application for residential development	0.12	5	GRANTED	5	
CHE/17/00375 /REM	Hady Miners Welfare Club, Houldsworth Drive, Hady, Chesterfield	Approval of reserved matters of CHE/16/00508/OUT - Outline planning application for the construction of two blocks of linked townhouses and one bungalow	0.12	6	GRANTED	6	
CHE/15/00600 /FUL	Avondale Surgery, 3 - 5 Avondale Road, Chesterfield	Conversion of surgery to 2 dwellings, pharmacy to 2 flats and erection of 2 new dwellings	0.12	6	GRANTED	6	

Reference	Location	Description	Site Size	Net Committed	Current Status	Supply (Revised NPPF)	Information Sought from Developer / Owner
CHE/15/00831 /FUL	Land To The Rear Of 570 Chatsworth Road, Chesterfield, Derbyshire	Construction of new three bedroom house at land to the rear of 570 Chatsworth Road (to be developed as an extension to The Willows, off Oakfield Avenue)	0.11	1	GRANTED	1	
CHE/17/00384 /FUL	Jubilee Works Middlecroft Road, Staveley	Conversion of existing buildings to 4 two bedroom dwellings. 2 ground floor bed apartments and 2 two bed duplexes.	0.11	4	GRANTED	4	
CHE/15/00272 /OUT	Land To Rear Of 98 Grangewood Road, Chesterfield	Outline application for residential development of a block of four flats - re-submission of CHE/14/00186/OUT	0.11	4	GRANTED	4	
CHE/15/00176 /FUL	Jaxholme, Eckington Road, Staveley	Demolish existing bungalow and build new two storey dwelling	0.1	0	STARTED	0	
CHE/17/00279 /FUL	25, Porter Street, Staveley, Chesterfield	Demolition of a detached garage and storage building and the erection of a detached dwelling with an integral garage and a detached garage.	0.1	1	GRANTED	1	
CHE/17/00106 /FUL	Land Adjacent 215, Hady Lane, Hady	Demolition of existing garage and construction of new dwelling house (2 storey dormer style bungalow with separate double garage block).	0.1	1	STARTED	1	
CHE/17/00747 /FUL	Land to the Rear of 109 Middlecroft Road, Staveley	Residential development re- submission of application CHE/16/00717/FUL	0.1	3	GRANTED	3	
CHE/17/00271 /FUL	Land Adjacent Troughbrook Road,	Erection of 3 residential dwellings	0.1	3	STARTED	3	

Reference	Location	Description	Site Size	Net Committed	Current Status	Supply (Revised NPPF)	Information Sought from Developer / Owner
	Hollingwood, Chesterfield						
CHE/15/00399 /FUL	Anmere, Eckington Road, Staveley	Demolition of existing bungalow and build new three storey dwelling	0.09	0	STARTED	0	
CHE/15/00746 /REM1	25 Netherthorpe, Chesterfield	Variation of site plan of CHE/14/00858 - Erection of bungalow	0.09	1	STARTED	1	
CHE/14/00782 /OUT	Fridays Chip Shop, 109 Highfield Road, Chesterfield	Alteration and extension of existing building to create five additional residential units - amended drawing received 16th February 2015	0.09	5	GRANTED	5	
CHE/17/00686 /FUL	Ashton Lodge, 28 Abercrombie Street, Chesterfield	Erection of 1 no. detached dwelling and associated works.	0.08	1	GRANTED	1	
CHE/17/00456 /OUT	20A Avondale Road, Chesterfield	Outline planning application for the demolition of the existing dwelling and proposed construction of 2 four bedroom detached dwellings with integral garages	0.08	1	GRANTED	1	
CHE/15/00796 /FUL	131A Station Road, Brimington, Derbyshire	Demolition of existing garage and construction of new single storey bungalow to be used as ancillary accommodation to 131A Station Road for dependent relative	0.08	1	GRANTED	1	
CHE/17/00437 /FUL	Q House, The Green, Chesterfield	Erection of 3 bungalows on land at the green, in place of the existing Methodist church which has been granted demolition (CHE/17/00324/DEM).	0.08	3	GRANTED	3	
CHE/16/00216 /FUL	Jacksons Bakery, New	Residential development of 7 units and associated ancillary works	0.08	7	GRANTED	7	

Reference	Location	Description	Site Size	Net Committed	Current Status	Supply (Revised NPPF)	Information Sought from Developer / Owner
	Hall Road, S40 1HE						
CHE/15/00195 /FUL	Former Social Club, Saltergate, Chesterfield	Demolition of existing single storey club building and construction of new three storey building with 10 flats and two commercial units at ground floor	0.08	10	GRANTED	10	
CHE/16/00806 /FUL	The Cottage, Renishaw Road, Chesterfield, S43 3DW	Demolition and re-building of abandoned cottage with extensions	0.07	0	GRANTED	0	
CHE/17/00690 /OUT	11 Bridle Road, Chesterfield	Erection of a 2 storey detached dwelling with an attached single garage.	0.07	1	GRANTED	1	
CHE/16/00019 /OUT	Land North West Of Sandiway, Walton, Chesterfield	Outline application for residential development of a single chalet bungalow with all matters reserved	0.07	1	GRANTED	1	
CHE/16/00218 /OUT	Land Adjacent To 24, Dovedale Avenue, Inkersall	Residential development of 3 dwellings	0.07	2	GRANTED	2	
CHE/14/00139 /FUL	44 - 46 Park Road, Chesterfield	Redevelopment of buildings, including change of use to provide 2 ground floor offices and 8, 1 bedroom apartments	0.07	8	STARTED – Building work is well underway. Site nearing completion.	8	
CHE/14/00657 /TCU	9 - 21 Stephenson Place, Chesterfield	Conversion of existing 4 No. office spaces above retail units to 4 No. self-contained residential flats	0.07	4	STARTED	0	
CHE/15/00714 /FUL	85 The Green, Chesterfield	Demolition of existing dwelling and erection of new replacement dwelling in similar position on site	0.06	0	STARTED	0	

Reference	Location	Description	Site Size	Net Committed	Current Status	Supply (Revised NPPF)	Information Sought from Developer / Owner
CHE/16/00421 /FUL	Land Adjacent to 105, Kendal Road, Newbold	Erection of a bungalow - re-submission of CHE/15/00083/FUL	0.06	1	GRANTED	1	
CHE/15/00087 /FUL	Land At Rushen Mount, Chesterfield	New two-storey detached house with integral garage	0.06	1	GRANTED	1	
CHE/15/00031 /OUT	Land Adjacent To 20, Woodthorpe Road, Chesterfield	Erection of a detached bungalow as per previous approval CHE/09/00701/OUT	0.06	1	GRANTED	1	
CHE/17/00067 /COU	1 Tennyson Avenue, Chesterfield, S40 4SN	Change of use from medical centre to 5 residential units	0.06	5	GRANTED	5	
CHE/16/00345 /FUL	Post Office, 1, Market Place, S40 1TL	Proposed conversion of the Grade II listed building to create 7 No residential apartments at first and second floor and refurbishment of ground floor (former Post Office) A1 unit with change of use to include A1-A3 uses. Works to include partial demolition.	0.06	7	GRANTED – Work has commenced on site (May 2018 – monitoring year 18/19).	7	
CHE/18/00005 /COU	156 Keswick Drive, Newbold, Chesterfield	Change of use from commercial to residential	0.05	1	STARTED	1	
CHE/17/00546 /FUL	Land to rear of 11 Chesterfield Road, Chesterfield	Construction of a three bedroom bungalow with garage	0.05	1	STARTED	1	
CHE/17/00467 /FUL	27 Willow Garth Road, Newbold,	Change of use of rear of premises from community hall to dwelling	0.05	1	STARTED	1	

Reference	Location	Description	Site Size	Net Committed	Current Status	Supply (Revised NPPF)	Information Sought from Developer / Owner
	Chesterfield						
CHE/17/00394 /COU	91 Newbold Road, Newbold, Chesterfield	Change of use from vacant vet's offices to a 1 bedroom flat	0.05	1	GRANTED	1	
CHE/16/00428 /FUL	Land To Rear Of 19, Bentham Road	Detached house to Plot 4	0.05	1	STARTED	1	
CHE/15/00711 /FUL	Land Adjacent To 24 Riber Terrace, Walton Walk, Chesterfield	Erection of a pair of 3 bedroom semi-detached dwellings	0.05	1	STARTED	1	
CHE/15/00519 /FUL	45 Wythburn Road, Chesterfield	Two bedroomed detached house to existing land to side of 45 Wythburn Road	0.05	1	GRANTED	1	
CHE/16/00769 /FUL	26 A, Circular Road, Staveley, S43 3QX	Demolition of existing retail unit; 1 x Proposed detached residential dwelling; and 1 x Shop/retail unit with accommodation above	0.05	2	STARTED	2	
CHE/16/00083 /OUT	Land To The Rear Of 18 Lancaster Road, Newbold, Chesterfield	Outline application for residential development and access drive off Sherbourne Avenue	0.05	4	GRANTED	4	
CHE/17/00334 /FUL	10B Marsden Street, Chesterfield	Replacement of the existing window units and the proposed installation of 2 No. personnel doors on the east facing elevation. Accompany to prior notification submission for conversion of vacant building to residential use CHE/17/00230/TCU	0.05	5	GRANTED	5	

Reference	Location	Description	Site Size	Net Committed	Current Status	Supply (Revised NPPF)	Information Sought from Developer / Owner
CHE/17/00104 /MA	Land To The West Of 234, Hady Hill, Hady, Chesterfield, S41 0BJ	Material amendment to CHE/12/00234/OUT to add a single detached garage and amend the internal arrangement of the approved dwelling	0.05	1	GRANTED	1	
CHE/17/00172 /COU	14 Queen Street, Chesterfield, S40 4SF	Change of use from single dwelling to house in multiple occupation	0.04	-1	GRANTED	-1	
CHE/17/00477 /FUL	8 Park View, Chesterfield	Construction of a three bedroom detached dwelling within the curtilage of 8 Park View	0.04	1	GRANTED	1	
CHE/17/00213 /FUL	24 Riber Terrace, Walton Walk, Boythorpe, Chesterfield, S40 2QF	Development of vacant land to form new two bedroom bungalow and detached garage	0.04	1	GRANTED	1	
CHE/17/00156 /OUT	158 Middlecroft Road, Staveley, S43 3NG	Erection of one house.	0.04	1	GRANTED	1	
CHE/15/00348 /FUL	115 Coniston Road, Chesterfield	New Dwelling	0.04	1	GRANTED	1	
CHE/14/00725 /FUL	4 Cross Street, Chesterfield	Change of use of ground floor premises from offices to residential	0.04	1	STARTED	1	
CHE/14/00713 /FUL	3 Salisbury Avenue, Chesterfield	Erection of one dwelling 2 storey four bedrooms	0.04	1	STARTED	1	

Reference	Location	Description	Site Size	Net Committed	Current Status	Supply (Revised NPPF)	Information Sought from Developer / Owner
CHE/15/00051 /COU	Angel Inn, 49 South Street North, Chesterfield	Change of use from public house to four flats	0.04	2	STARTED	2	
CHE/17/00444 /FUL	43 Knifemithgate, Chesterfield	Conversion and refurbishment of the first and second floors to create four residential units with associated access.	0.04	4	GRANTED -	4	
CHE/17/00786 /FUL	5 Westwood Lane, Brimington, Chesterfield	Proposed 2 storey detached dwelling on land adjacent 5 Westwood Lane, Brimington, Chesterfield.	0.03	1	GRANTED	1	
CHE/17/00626 /FUL	64 Chester Street, Chesterfield	Proposed change of use of end terrace property into 2 No. 1 bed flat units	0.03	1	STARTED	1	
CHE/17/00586 /FUL	Land Adjacent to 12 Cavendish Street, Old Whittington, Chesterfield	Erection of a two storey dwelling - revised drawings received 1.11.2017	0.03	1	STARTED	1	
CHE/17/00488 /FUL	Land Adjacent to 24 Dovedale Avenue, Inkersall, Chesterfield	Construction of a new 2 bedroom bungalow with detached garage and the provision of two parking spaces for land retained for 24 Dovedale Avenue.	0.03	1	STARTED	1	
CHE/17/00123 /OUT	35 Ashgate Road, Chesterfield, S40 4AG	Erection of a single dwelling on the site which is part of the former rear garden of 35 Ashgate Road.	0.03	1	GRANTED	1	
CHE/16/00831 /FUL	21 Clarence Road,	Proposed new detached dwelling	0.03	1	GRANTED	1	

Reference	Location	Description	Site Size	Net Committed	Current Status	Supply (Revised NPPF)	Information Sought from Developer / Owner
	Chesterfield						
CHE/16/00571 /OUT	35, Whittington Hill, Old Whittington, S41 9HJ	Four bedroom detached dwelling set in second plot of 35 Whittington Hill.	0.03	1	GRANTED	1	
CHE/16/00258 /OUT	Land Adjacent To 2 Hathern Close, Brimington, Chesterfield	Proposed outline planning application with all matters reserved for a detached dwelling	0.03	1	GRANTED	1	
CHE/16/00145 /OUT	Land Adjoining 20 Harehill Road, Harehill Road, Grangewood	Outline permission for detached two bed bungalow	0.03	1	GRANTED	1	
CHE/15/00314 /FUL	7, Walton Walk, Chesterfield	Demolition of existing garage and erection of new 1 and a 1/2 storey two bed dwelling with access from Central Avenue	0.03	1	GRANTED	1	
CHE/15/00310 /FUL	6 - 8 Avenue Road, Chesterfield	Erection of a detached house - re-submission of CHE/14/00490/FUL	0.03	1	STARTED	1	
CHE/14/00772 /FUL	91 Brearley Avenue, Chesterfield	2 bedroom dormer bungalow on land to the side of 91 Brearley Avenue and kerbs to access proposed site	0.03	1	STARTED	1	
CHE/17/00578 /REM	97 Station Road, Chesterfield	Reserved Matters application of CHE/14/00556/OUT for a pair of semi-detached starter homes.	0.03	2	GRANTED	2	

Reference	Location	Description	Site Size	Net Committed	Current Status	Supply (Revised NPPF)	Information Sought from Developer / Owner
CHE/17/00252 /OUT	20 Harehill Road, Chesterfield	Pair of 2 bedroom semi-detached houses	0.03	2	GRANTED	2	
CHE/17/00340 /FUL	24 High Street, Chesterfield	Proposed first floor extension to provide 3 flats	0.03	3	GRANTED	3	
CHE/17/00251 /OUT	Land At Chester Street, Chesterfield	Four 2 bedroom flats and associated parking - amended plans received 05/07/17.	0.03	4	GRANTED	4	
CHE/17/00475 /FUL	1-3 Knifesmithgate, Chesterfield	Conversion of the existing D2 Leisure Unit at 1-3 Knifesmithgate, Chesterfield, to create 10 residential dwellings at first and second floor.	0.03	10	STARTED	10	
CHE/17/00459 /FUL	82 Walton Road, Chesterfield	Re-Submission of application; CHE/17/00135/FUL. - new dwelling on land adjacent to 82 Walton Road, including reconfiguring of boundary between 82 Walton Road and new dwelling along with new site crossover onto Delves Close.	0.02	1	GRANTED	1	
CHE/17/00068 /FUL	7 Myrtle Grove, Hollingwood, Chesterfield, S43 2LN	Proposed new dormer bungalow within the curtilage of 7 Myrtle Grove	0.02	1	STARTED	1	
CHE/16/00721 /OUT	Land Between 16 - 18, Eyre Street East, Hasland, Chesterfield	Residential development of one detached house	0.02	1	GRANTED	1	
CHE/16/00625 /FUL	Land Adjacent 135, Cordwell Avenue, Newbold, S41 8BN	Proposed new dwelling	0.02	1	STARTED	1	

Reference	Location	Description	Site Size	Net Committed	Current Status	Supply (Revised NPPF)	Information Sought from Developer / Owner
CHE/15/00779 /FUL	Land Adjacent, 102 Brooke Drive, Chesterfield	Proposed three bedroom detached house with garage and parking	0.02	1	GRANTED	1	
CHE/14/00883 /FUL	15 Rosedale Avenue, Chesterfield	Erection of a 2 bed starter home	0.02	1	STARTED	1	
CHE/17/00661 /FUL	51, Chesterfield Road, Staveley, Chesterfield	Two semi-detached houses	0.02	2	STARTED	2	
CHE/17/00013 /FUL	118, High Street, New Whittington, S43 2AL	Construction of two No studio apartments at land 118 High Street	0.02	2	GRANTED	2	
CHE/15/00301 /FUL	31 High Street, New Whittington, Chesterfield	2 No one bedroom flats to side of existing property No 31	0.02	2	GRANTED	2	
CHE/14/00900 /COU	7 Holywell Street, Chesterfield	Change of use from Pisces Fish & Chip Takeaway at ground floor level and residential use at first floor to a taxi office and subsequent front elevation treatment	0.01	-1	GRANTED	-1	
CHE/17/00214 /FUL	Land at South Street North, New Whittington, Chesterfield	The reconstruction and extension of the existing derelict dwelling adjacent to no.19 South Street North, and the demolition of the existing dilapidated dwelling and erection of a replacement dwelling adjacent to no. 23 South Street North (amendment to CHE	0.01	0	GRANTED	0	
CHE/15/00177 /FUL	Woodward, Eckington Road, Staveley,	Demolish existing bungalow and build new two storey dwelling	0.01	0	GRANTED	0	

Reference	Location	Description	Site Size	Net Committed	Current Status	Supply (Revised NPPF)	Information Sought from Developer / Owner
	Chesterfield						
CHE/17/00623 /COU	54 Rutland Road, Chesterfield	Change of use from D1 to C3 (A) Residential	0.01	1	GRANTED	1	
CHE/17/00464 /COU	29 Sheffield Road, Chesterfield	Change of use of vacant shop to dwelling	0.01	1	GRANTED	1	
CHE/16/00582 /FUL	52, Lowgates, Staveley, Chesterfield, S43 3TU	Internal alterations to increase shop sales area, retention of, and internal alterations to, first floor living accommodation and change of use of part of ground floor to create separate bed sit accommodation.	0.01	1	GRANTED	1	
CHE/14/00313 /FUL	Poplar Farm, Rectory Road, Duckmanton	Change of use to a dwelling at first floor including demolition of existing ground floor store	0.01	1	STARTED – Developer expects conversion to be completed by 2019.	1	
CHE/17/00353 /PNCOU	Derbyshire Carers Association, 69 West Bars, Chesterfield	Conversion of existing first and second floor accommodation to form 3 studio apartments and associated storage space	0.01	2	GRANTED	2	
CHE/16/00425 /FUL	15-17, West Bars, S40 1AQ	Demolition of 15 - 17 West Bars and erection of replacement building with retail outlet on ground floor and 2 apartments on 1st and 2nd floors with roof garden	0.01	2	STARTED – Former building has been demolished.	2	
CHE/15/00386 /FUL	24 Netherthorpe, Chesterfield	Barn conversion and splitting of existing dwelling into two - resubmission with bat survey	0.01	2	GRANTED	2	

Reference	Location	Description	Site Size	Net Committed	Current Status	Supply (Revised NPPF)	Information Sought from Developer / Owner
CHE/17/00585 /COU	27 Albion Road, Chesterfield	Proposed change of use of house to create 3 flats and retention of lower basement flat	0.01	3	GRANTED	3	
CHE/16/00305 /TCU	6, Rose Hill, S40 1LW	Change of use from office accommodation to dwelling house	0.01	1	STARTED – conversion is underway (commenced March 2018).	1	
CHE/17/00218 /FUL	Land to the Rear of 3 and 5 Wharf Lane, Chesterfield	Conversion of vacant former joiners workshop to form three numbers flats. Addition of 1 extra dwelling and enlargement of the site - received 14/06/2017.	0	4	STARTED	4	
CHE/17/00037 /FUL	The Gables, Staveley, S43 3PU	Three new detached dwellings to land to rear of "The Gables".		3	GRANTED	3	
Total:				3124		1729	

Appendix 2 – Dwelling Supply: Local Plan allocations (without planning permission) as at 1st April 2018

Site address	Local Plan Ref	Site Size	Total Dwellings	Supply (Revised NPPF)	Comment
Staveley and Rother Valley Corridor	Core Strategy Strategic Site (PS5)		1500	0	Masterplan being prepared with landowners. Advanced pre-application discussions with landowners for first phases (1200 dwellings). Application (CHE/17/00644/OUT) is currently pending decision. Complex site with up front infrastructure requirements
Walton Works	H38a		150	0	Current planning application – resolution to approve, 1.5 years lead in, 3 years construction (higher build rate assumed due to high proportion of apartments). Assumed 26 conversions and 11 dwellings will come forward within 5 years subject to S106 agreement being signed.
Former Goldwell Rooms, Ashgate Road	LAA 108	0.54	25	0	Site sold, developer on site undertaking clearance works. Planning application expected 2018
Total			1710	0	

Appendix 3 – Dwelling Supply: SHLAA sites (without planning permission or Local Plan Allocation) on previously developed land, in accordance with spatial strategy and deliverable within five years as at 1st April 2018

LAA Site ID	Address	Site Size	Housing Potential Capacity	Supply (Revised NPPF)	Comment
315	Land off Troughbrook Road (Pondhouse Farm), Troughbrook Road, Hollingwood	1.1	15	0	Recent pre-application discussions (capacity relates to previously developed part of site only). Permission for development of whole site previously refused.
16	Former Brockwell Court, Cheedale Avenue, Newbold	0.74	20	28	CBC ownership: CBC Build Schedule, agreed HRA development
91	Former Ashbrooke Centre, Cuttholme Road, Chesterfield	0.68	20	0	CBC ownership
150	Derwent House HOP, Ulverston Road, Chesterfield	0.57	17	0	DCC ownership
23	Former Heaton Court, Meynell Close, Chesterfield	0.34	15	14	CBC ownership: CBC Build Schedule, agreed HRA development
17	Garage Site, Bank Street and Catherine Street, Chesterfield	0.27	10	0	CBC ownership, disposal of site approved. Likely to go on the market at the end of July (marketed as commercial / residential).
335	Court Place	0.1	2	2	CBC ownership: CBC Build Schedule, agreed HRA development
397	Burns Close		6	6	CBC ownership: CBC Build Schedule, agreed HRA development
398	Markham Court		2	2	CBC ownership: CBC Build Schedule, agreed HRA development
317	Edale Road		4	4	CBC ownership: CBC Build Schedule, agreed HRA development
Total			281	56	

Appendix 4 – Dwelling Supply: Regeneration Priority Areas (without planning permission or Local Plan Allocation) as at 1st April 2018

LAA Site ID	Area	Housing Potential Capacity	Supply (Revised NPPF)	Comment
	Mastin Moor	650	0	Advanced pre-application discussions with landowner. Outline planning application (CHE/17/00469/OUT) currently under consideration (May 2018).
	Poolsbrook	175	0	Sold to Housebuilder subject to planning. Planning application submitted (CHE/18/00229/FUL) and pending consideration following pre-application discussions with a developer.
	Duckmanton	400	0	Current outline planning application has been under consideration since June 2016. An EOT was agreed until May 2018 which has now passed without contact.
	Holme Hall/Linacre	300	0	CBC owned site currently in discussion with preferred bidder (housebuilder undertaking ground investigations at time of writing. Masterplan approved.
Total		1550	0	

Appendix 5: Local Housing Need Calculation

The standard method set out in the NPPF can be used to calculate a minimum annual local housing need figure as follows:

STEP 1 - SETTING THE BASELINE

Set the baseline using national household growth projections, for the area of the local authority. Taking the most recent projections, calculate the projected average annual household growth over a 10 year period (this should be 10 consecutive years, with the current year being the first year).

CBC's household projections are:

- **Population of 48,408 in 2018**
- **Population of 50,645 in 2028**

This is a total of 2,237 new households over the ten year period, equivalent to an average household growth of 223.7 (rounded to 224) per year.

STEP 2 - AN ADJUSTMENT TO TAKE ACCOUNT OF AFFORDABILITY

Then adjust the average annual projected household growth figure (as calculated in step 1) based on the affordability of the area.

The most recent median workplace-based affordability ratios, published by the Office for National Statistics at a local authority level, should be used.

For each 1% increase in the ratio of house prices to earnings, where the ratio is above 4, the average household growth should be increased by a quarter of a percent. No adjustment is applied where the ratio is 4 or below.

CBC's workplace-based affordability ratio is 5.7

Adjustment factor = $((5.7-4)/4) \times 0.25$

The adjustment factor is therefore 0.106.

Minimum Annual Local Housing Need Figure = $(1+0.106) \times 224$

The resulting figure is: 247.7 (rounded to 248).

STEP 3 - CAPPING THE LEVEL OF ANY INCREASE

A cap may then be applied which limits the increase in the minimum annual housing need figure an individual local authority can face. How this is calculated depends on the current status of relevant strategic policies for housing.

Where these policies were adopted within the last five years (at the point of making the calculation), the local housing need figure is capped at 40% above the average annual housing requirement figure set out in the existing policies.

This also applies where the relevant strategic policies have been reviewed by the authority within the five year period and found to not require updating.

Where the relevant strategic policies for housing were adopted more than five years ago (at the point of making the calculation), the local housing need figure is capped at 40% above whichever is the higher of:

- a. the projected household growth for the area over the 10 year period identified in step 1; or
- b. the average annual housing requirement figure set out in the most recently adopted strategic policies (if a figure exists).

CBC adopted a local plan more than 5 years ago and has not reviewed its housing requirement figure through an examination since then.

- **The average annual housing requirement figure in the existing relevant policies is 380 a year**
- **Average annual household growth over ten years is 224 (as per step 1)**
- **The minimum annual local housing need figure is 248 (as per step 2)**
- **The cap is set at 40% above the higher of the most recent average annual housing requirement figure or household growth:**

$$\text{Cap} = 380 + (40\% \times 380) = 532$$

The capped figure is greater than minimum annual local housing need figure and therefore the minimum figure for this local authority is 248.

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By virtue of paragraph(s) 6a of Part 1 of Schedule 12A of the Local Government Act 1972.

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