



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

Councillors Blank and Sarvent –

Site Visit 1

Councillors Brittain and Serjeant –

Site Visit 2

Councillors Holmes and Thornton –

Site Visit 3

15 November 2019

Dear Councillor,

Please attend a meeting of the PLANNING COMMITTEE to be held on MONDAY, 25 NOVEMBER 2019 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 1:00pm. Ward members wishing to be present should attend on site as indicated below:-

1. 13:10 73 Hady Hill CHE/19/00498/FUL
2. 13:30 Land at Calow Lane CHE/19/00251/OUT
3. 14:00 Barrow Hill CHE/19/00163/FUL

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

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

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

Ward members are invited to attend on site and should confirm their attendance by contacting Charlotte Kearsley on tel. 01246 345236 or via e-mail: charlotte.kearsey@chesterfield.gov.uk by 9.00 a.m. on Monday 25 November, 2019. 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. Applications for Planning Permission - Plans Determined by the Committee (Pages 3 - 110)
4. Building Regulations (P880D) (Pages 111 - 114)
5. Applications for Planning Permission - Plans Determined by the Development Management and Conservation Manager (P140D) (Pages 115 - 128)
6. Applications to Fell or Prune Trees (P620D) (Pages 129 - 136)
7. Appeals Report (P000) (Pages 137 - 140)
8. Enforcement Report (P410) (Pages 141 - 146)

Yours sincerely,



Local Government and Regulatory Law Manager and Monitoring Officer

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Agenda Item 3

COMMITTEE/SUB	Planning Committee
DATE OF MEETING	25 November 2019
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 25 NOVEMBER 2019**

- ITEM 1** **CHE/19/00163/FUL – Proposed environmental improvements to the southern area of London Boroughs Estate, Barrow Hill - the improvements to include resurfacing road/parking courts, paving, street lighting and boundary treatments within the area identified as phase 2 (revised plans rec'd 30/07/2019) at the London Borough's Estate, Barrow Hill, Derbyshire for CBC Housing Services**
- ITEM 2** **CHE/19/00498/FUL – Construction of new four bedroom, one and a half storey detached dwelling, served from new access drive – revised drawings received 4.11.2019 and 11.11.2019 at Trevilla, 73 Hady Hill, Hady S41 0EE**
- ITEM 3** **CHE/19/00251/OUT - Outline application for the construction of up to 120 dwellings with all matters reserved except for point of access. revised drawings and noise assessment report received 29 July 2019. revised masterplan received 5 September 2019 and extra information re berm view on land south of Calow Lane, Hasland, Derbyshire**

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Case Officer: Sarah Kay
 Tel. No: (01246) 345786
 Ctte Date: 25th November 2019

File No: CHE/19/00163/FUL
 Plot No: 2/876

ITEM 1

PROPOSED ENVIRONMENTAL IMPROVEMENTS TO THE SOUTHERN AREA OF LONDON BOROUGHS ESTATE, BARROW HILL - THE IMPROVEMENTS TO INCLUDE RESURFACING ROAD/PARKING COURTS, PAVING, STREET LIGHTING AND BOUNDARY TREATMENTS WITHIN THE AREA IDENTIFIED AS PHASE 2 (REVISED PLANS REC'D 30/07/2019) AT THE LONDON BOROUGHS ESTATE, BARROW HILL, DERBYSHIRE FOR CBC HOUSING SERVICES

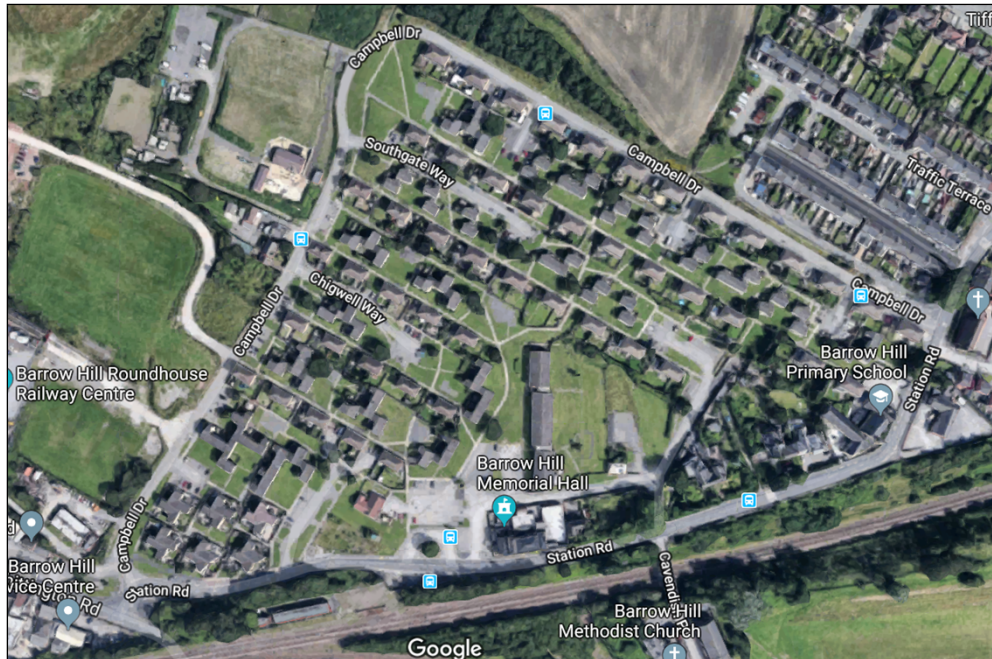
Local Plan: Unallocated
 Ward: Barrow Hill & New Whittington

1.0 **CONSULTATIONS**

Local Highways Authority (DCC)	Comments received 15/05/2019 and 29/10/2019 – see report
CBC Design Services	Comments received 15/04/2019 and 14/08/2019 – see report
CBC Environmental Services	Comments received 08/04/2019, 07/10/2019 and 06/11/2019 – see report
Lead Local Flood Authority	Comments received 01/04/2019, 15/08/2019 and 16/10/2019 – see report
CBC Conservation Officer	Comments received 16/04/2019 and 07/08/2019 – see report
Yorkshire Water Services	Comments received 24/04/2019 and 22/08/2019 – see report
Coal Authority	Comments received 12/04/2019 and 15/08/2019 – see report
CBC Tree Officer	Comments received 17/06/2019 – see report
C/Field Cycle Campaign	Comments received 12/04/2019 – see report
Staveley Town Council	No comments received
Ward Members	No comments received
Site Notice / Neighbours	No representations received

2.0 **THE SITE**

- 2.1 The site the subject of the application comprises of the London Boroughs Estate which is located north of Station Road and to the east and south of Campbell Drive at Barrow Hill, Chesterfield.



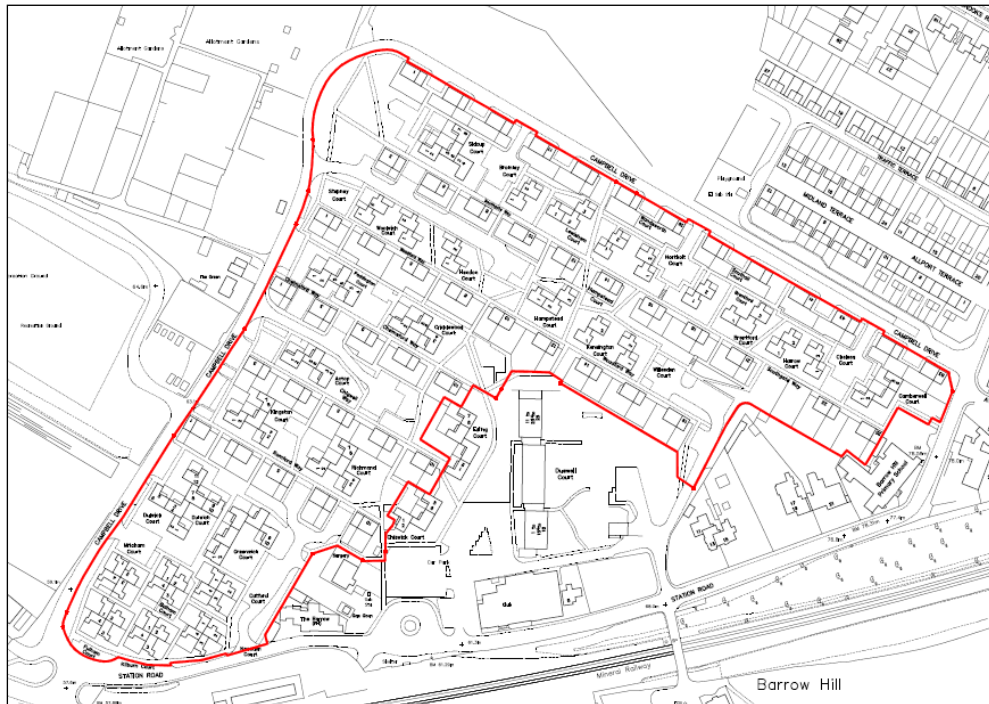
3.0 **RELEVANT SITE HISTORY**

- 3.1 CHE/18/00281/DOC - Discharge conditions 5 (materials) and 7 (construction management plan) of application CHE/17/00568/FUL.
- Condition 5 and 7 approved 18/05/2018.
- 3.2 CHE/17/00821/DOC - Discharge condition 3 (Drainage) from approved application CHE/17/00568/FUL.
- Condition 3 approved 19/01/2018.
- 3.3 CHE/17/00568/FUL - Environmental improvements to the northern area of London Boroughs Estate, Barrow Hill. The improvements to include resurfacing road/parking courts, paving, street lighting and boundary treatments within the area identified as Phase 1.
- Conditional permission approved 28/09/2017.
- 3.4 CHE/16/00027/FUL - Environmental improvements to include new roads, parking courts, paving, street lighting and boundary treatments.
- Conditional permission approved 11/10/2016.

4.0 **THE PROPOSAL**

4.1 In October 2016 planning permission was granted for an Environmental Improvements Scheme covering the whole of the London Borough's Estate under app. ref CHE/16/00027/FUL

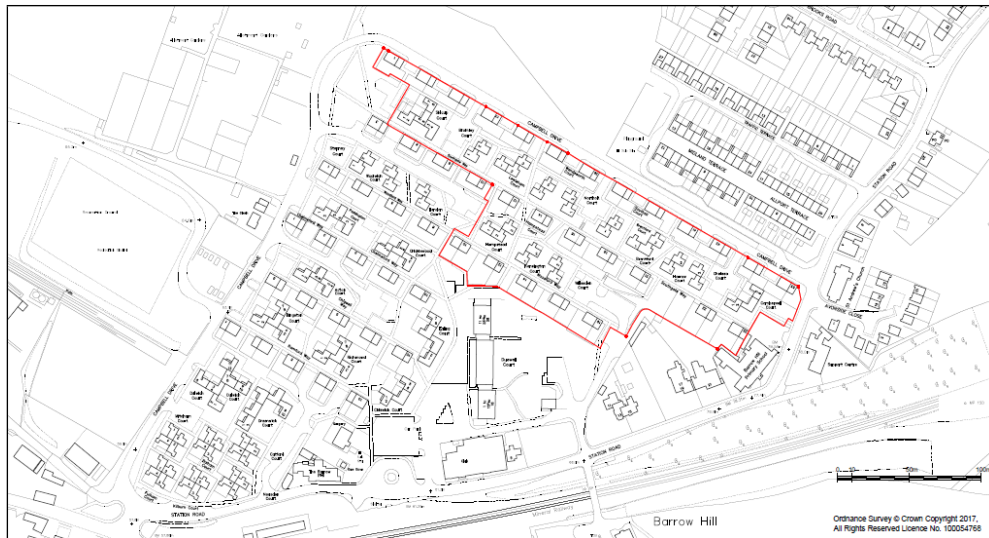
(see OS extract Plan 1 below).



4.2 Developmental progression of the 2016 scheme led to a phasing requirement of the works previously agreed and therefore works were split into 2 no. phases.

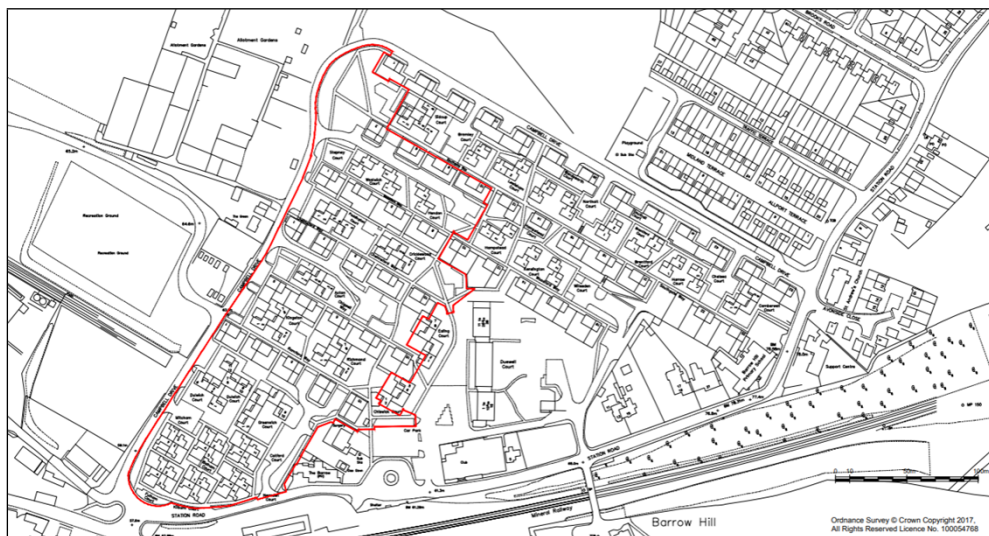
4.3 Phase 1 of the Environmental Improvements works was consented in 2017 under app. ref CHE/17/00568/FUL and is now being implemented.

(see OS extract plan below)



4.4 This latest application identifies Phase 2 of the Environmental Improvements and seeks to secure an independent planning permission for those works.

(see OS extract plan below).



4.5 The application submitted, which is detailed in full, proposes a scheme of environmental improvements to the second phase of the London Boroughs Estate in Barrow Hill, Chesterfield which can be broadly classified in to the following elements:

Pathways

- Works will include path realignments, widening of paths and verges, closures of some links and new surfacing.
- The paths will be 2m wide and surfaced with durable new surfacing. All existing paths that are retained will be re-surfaced accordingly.
- The proposed path network will have grass verges (0.5m-1m wide between path edge and garden boundaries), where possible, for extra space and security. Verges will include foundation planting where appropriate to improve amenity.
- In order to facilitate and improve the path network as well as enhance residents' privacy, it is proposed to close and/or privatise several under-used or inappropriate sections of public paths.

Private access paths and courts

- Works will include access path re-alignments, path widening and construction of new access paths as required to achieve consistency in width and appearance. All access paths will be 1m wide.
- New boundary treatments will create private garden areas for residents
- Private courts will be enlarged and enhanced, where possible, and divided with appropriate screens and/or planting for private use by residents.
- All private access paths and courts will be paved with unit block paving.

Shared surface streets and courtyards

- Shared surface residential streets are where people and vehicles share the space. This is often achieved by removing features such as kerbs, road surface markings and traffic signs. New shared streets and courtyards are proposed throughout the Estate. These shared streets are illustrated in the Environmental Improvement Type: Streets Plan (drawing no. 17037-CO-LP-2-02).
- These streets and courtyards will provide more usable paved space for residents, offering opportunities for community gatherings and informal play. • All existing and new roads

/shared surfaces and parking courtyards will be surfaced using a consistent palette of materials.

- Tree planting will be incorporated where possible to enhance the appearance of streets and spaces.
- In recognition of the potential challenges that shared surfaces can present to some user groups, pedestrian 'comfort' space will be appropriately demarcated throughout the shared spaces.

Campbell Drive streetscape and on street parking

- Streetscape improvements to Campbell Drive, as illustrated in the Environmental Improvements Landscape Plan (drawing no. 17037-CO-LP-1-01), will include new footpaths, grass verges, tree planting, parallel car parking bays and way finding signage.
- New raised junctions and pedestrian footpath crossing points are proposed along Campbell Drive.
- A new footpath alignment and grass verge with tree planting is proposed along the length of Campbell Drive from Station Road/Whittington Road junction northwards.
- All existing on-street car parking along Campbell Drive (West) will be replaced with parallel car parking bays.

Green space

- Retain more usable green space in key areas to enhance existing green space by creating community green spaces that cater for passive recreation and relaxation, community gatherings and informal play.
- Public green space has been reduced so as to create private garden spaces for residents. The remaining green space, as illustrated in the Environmental Improvement Type: Green Space Plan (drawing no. 14017-CO-LP-2-03), will consist of grass and/or planted verges along streets, roads and paths, as well as public spaces in key areas at Southgate way, Stepney Court, Hendon Court and Acton Court.
- There is potential for community gardens, seating and informal play areas in these enhanced green spaces.
- Tree planting is proposed to roads, streets, courtyards and green spaces. Trees will enhance these environments and contribute to the overall “greening” of the Estate.

Gardens and boundaries

- New garden boundaries are proposed to enclose private and semi-private gardens for all residents. The Environmental Improvement Type: Gardens Plan (drawing no. 14017-CO-LP-2-04) illustrates the creation of these gardens and types of boundary treatments used to enclose them.
- These gardens will be private, secure and usable spaces for residents to enjoy. Whilst all semi-private gardens will continue to be accessed by Chesterfield Borough Council for garden maintenance, there is also an opportunity for residents to take ownership of these spaces.
- Hedge planting is proposed along the new boundaries to enhance their appearance and contribute to the overall "greening" of the Estate.

In addition to the broad types of improvement work outlined above there are various other elements that are proposed as part of the London Boroughs Estate environmental improvement proposals, these include:

- Public Lighting: New lighting scheme to entire Estate (excluding Campbell Drive and Duewell Court);
- Signage & Site Furniture: Way finding / orientation signage and bollards;
- Landscape Maintenance: Minimum 12 months landscape maintenance – grass cutting, tree pruning, litter/ leaf collection proposed.

The principles of the environmental improvement scheme are to enhance the character of the area and improve its appearance, usability and safety.

4.6 The application submission was originally supported by the following detailed plans / drawings and reports:

17037 CO-LP-0-02 REV-0 – Location Plan

17037 CO-LP-1-01 REV-0 – Env. Improvements – Landscape Plan

17037 CO-LP-2-01 REV-0 – Env. Improvements – Pathways Plan

17037 CO-LP-2-02 REV-0 – Env. Improvements – Streets Plan

17037 CO-LP-2-03 REV-0 – Env. Improvements – Green Space Plan

17037 CO-LP-2-04 REV-0 – Env. Improvements – Gardens Plan
17037 CO-LP-3-01 REV-0 – Landscape Plan with Topo Overlay
17037 DD-LN-1-01 REV-3 – General Notes and Legends
17037 DD-LP-0-01 REV-3 – Key Plan
17037 DD-LP-1-01 REV-3 – Site Plan 1 of 4
17037 DD-LP-1-02 REV-3 – Site Plan 2 of 4
17037 DD-LP-1-03 REV-3 – Site Plan 3 of 4
17037 DD-LP-1-04 REV-3 – Site Plan 4 of 4
17037 DD-LD-0-01 REV-0 – Boundary Details
17037 DD-LD-0-02 REV-0 – Boundary Details
17037 DD-LD-0-03 REV-0 – Boundary Details
17037 DD-LD-0-04 REV-0 – Boundary Details
17037 DD-LD-0-05 REV-0 – Boundary Details
17037 DD-PB-4-01 REV-0 – Play Equipment Image Board

2514-D-01 – Proposed Street Lighting and Service Works Layout
2514-D-02 – Proposed Street Lighting and Illuminance Layout

22622-KWS-00-XX-DR-D-1150 P05 D2 – Existing Highway
Clearance Works
22622-KWS-00-XX-DR-D-2001 P03 D2 – Proposed Highway
Levels
22622-KWS-00-XX-DR-D-2002 P03 D2 – Proposed Highway
Levels
22622-KWS-00-XX-DR-D-2003 P03 D2 – Proposed Highway
Levels
22622-KWS-00-XX-DR-D-2010 P03 D2 – Junction Visibility Splays
22622-KWS-00-XX-DR-D-2014 P02 S1 – Swept Path Analysis
Large Refuse
22622-KWS-00-XX-DR-D-4001 P04 D2 - Proposed Highway
Drainage
22622-KWS-00-XX-DR-D-4002 P02 D2 - Proposed Drainage
Areas
22622-KWS-00-XX-DR-D-4003 P07 D2 - Work Extents in Public
Highway
22622-KWS-00-XX-DR-D-4010 P04 D2 - Proposed Private
Drainage
22622-KWS-00-XX-DR-D-4011 P03 D2 - Footpath Levels Swales
22622-KWS-00-XX-DR-D-4401 P04 D2 - Highway Standard
Details
22622-KWS-00-XX-DR-D-4402 P03 D2 - Private Drainage
Standard Details

22622-KWS-00-XX-DR-D-4403 P03 D2 - Private Highway Standard Details
 22622-KWS-00-XX-CA-D-0400 P02 S1 - Highway Drainage Calculations
 22622-KWS-00-XX-CA-D-0500 P02 S1 - Private Drainage Calculations
 22622-KWS-00-XX-DR-S-4450 P02 D2 – Boundary Wall Details
 22622-KWS-00-XX-DR-S-4451 P01 D2 – Retaining Wall Details
 22622-KWS-00-XX-DR-S-4452 P01 D2 – Retaining Wall Details
 22622-KWS-00-XX-DR-S-4453 P01 D2 – Retaining Wall Notes
 22622-KWS-00-XX-DR-D-4012 P01 S1 – Existing Impermeable Areas
 22622-KWS-00-XX-DR-S-4454 – External Steps Notes P01 D2
 22622-KWS-XX-XX-CO-D-0401 P01 S1 – Planning Correspondence
 22622-KWS-XX-XX-SP-D-0200 P03 D2 – Engineering Specification
 22622-KWS-XX-XX-RP-D-0400 P01 S1 – Flood Risk Assessment

Design and Access Statement by EBLA dated March 2019
 Soils Contamination Report entitled 'Basic Human Health Report' by CMT testing dated 23rd October 2019

5.0 **CONSIDERATIONS**

5.1 **Planning Policy Context / Background**

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

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

- a) adhere to policy CS1
- b) are on previously developed land
- c) are not on agricultural land

- d) deliver wider regeneration and sustainability benefits
- e) utilise existing capacity in social infrastructure
- f) maximise walking / cycling and the use of public transport
- g) meet sequential test requirements of other national / local policies

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

- 5.1.3 Policy 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.

5.2 **Design & Appearance Considerations (inc. Neighbour Effect)**

- 5.2.1 The character of the London Boroughs Estate is predominantly 1970's housing development, with a linear fringe of 1850's houses which aligns Campbell Drive to the north. The Estate is situated on a slope, steep in places, and is intersected at present by a series of pedestrian thoroughfares, cul-de-sacs and parking courts. The cul-de-sac and parking court formations are not presently connected and do not necessarily meet best practise recommendations. Anti-social behaviour is an ongoing problem in the surrounding area.

- 5.2.2 As previously agreed the Environmental Improvements scheme seeks to improve pedestrian and vehicular circulation throughout the site, connecting access roads and courtyards and creating more potential accessible routes available to those with limited mobility. Parking courts will be re-configured. The scheme proposes re-surfacing of all pathways to improve safety and minimise potential trip hazards. Drop kerbs and/or raised tables are to be provided at junctions and pedestrian crossings and surface level changes will be reduced significantly through the introduction of shared surfaces. Comfort space for predominantly pedestrian use has been allowed for in the streetscape design to ensure that where shared surfaces are proposed users are protected. It is proposed that comfort space will be demarcated using tonal contrast between surfacing materials and further delineation achieved using street furniture and tree planting.
- 5.2.3 The improvement works proposed have been separated out into 2 no. distinct phases of works. Phase 1 concerned the northern proportion of the estate and following its consent in 2017 is now almost complete. The works for Phase 2 are to be delivered separately.
- 5.2.4 Having regard to the design rationale detailed above it is considered that the creation of a legible and clear hierarchy of paths, streets and spaces by rationalising the pedestrian and vehicular circulation throughout the Estate, will improve its legibility and perceived safety for residents and visitors. Permeability and visibility along pathways and adjacent to access points will also enhance safety and discourage anti-social behaviour. Sightlines are detailed to be kept open to encourage passive surveillance of public spaces and parking areas from dwellings and this is considered to be acceptable.
- 5.2.5 The package of improvements also detail the installation of new boundary treatments and it is considered that the creation of well-defined private garden spaces through the introduction of suitable boundary treatments will increase privacy, enhance the sense of ownership for residents and improve safety. Closing off some pathways and through routes can also prevent unauthorised access to private spaces and discourage anti-social behaviour.

5.2.6 Overall it is considered that the scheme of improvements have been carefully designed in the best interest of the improving and enhancing the environment of the London Boroughs Estate. Each element of works detailed offer enhancement to the community and can only be considered to make a positive contribution to the local environment and neighbouring amenity in the context of policies CS2 and CS18 of the Core Strategy and the wider NPPF.

5.3 **Highways Issues**

5.3.1 The Phase 2 application submission has been reviewed by the **Local Highways Authority** (LHA) who commented as follows:

Planning permission has previously been granted for environmental improvements in this area under application reference 16/00027/FUL. The Highway Authority generally supported the principle of the development proposals, subject to the imposition of highway related conditions within the consent issued. In the intervening period the proposals and layout have been modified and the overall scheme has been divided into 2 separate phases. However, there has been on-going pre-application dialogue throughout this process, between the applicant and the Highway Authority, in order to arrive at a mutually acceptable proposal. This has culminated in the submission of the current application for phase 2 of the works (phase 1 already being approved and currently under construction).

The current scheme now retains the highway cul-de-sacs (Southgate Way, Chigwell Drive and Catford Court) instead of the previously 'connected' layout under the original application. However, guidance does suggest that shared surface environments are more successful when laid out in cul-de-sac form, this modified is therefore welcomed.

Revised swept path analysis has been provided, which demonstrates a large refuse vehicle can successfully navigate the new streets and turn at its closed end, which is considered acceptable from a highways perspective.

The proposals will still require some small areas of existing highway to be stopped up in order to facilitate the development - the extinguishment of highway rights over these areas will

need to be pursued under section 247 of the Town and Country Planning Act. I understand this process was progressed as part of the previous application, however, it is presumed this process will need to be repeated for the current application given it is now a different planning application. I would be grateful if you could confirm if this is correct.

As advised in my previous highway consultation response, to application reference 16/00027/FUL, it would be desirable to provide some additional improvements to the Station Road frontage, in terms of the highway layout - to be more consistent with the environmental improvements carried out elsewhere on this development. Improvements could be carried out to the existing layby arrangement to make it more consistent with those being created on Campbell Drive.

A street lighting design has been provided as part of the planning submission, however, it is noted that some of the column positions appear to be immediately adjacent to some street trees, which is likely to affect the lighting levels. The County Council can provide advice, and a design if necessary, for the public highway areas, to ensure it meets with current lighting requirements for highway areas. In addition, given the advances in LED lighting technology, it is likely that different lantern specifications will be required as well as dimming and part night time lighting gear incorporating into the lighting column designs. Therefore the lighting scheme provided is being considered as indicative only at this stage, in connection with the planning application.

The proposed layout and new construction is likely to have a significant impact on underground services; the Highway Authority would not wish to see the areas of new paving being disturbed following the enhancement works. The applicant will therefore need to look at existing services to see how they are affected and with a view to replacing / diverting existing services or providing additional underground ducting within Statutory Undertaker 'corridors', or verges areas where possible, to minimise the risk of disturbance to the newly laid paved areas.

The construction details supporting the application are generally acceptable in principle, however, there will inevitably

be a number of minor amendments required in order for the scheme to be constructed in a manner that will be acceptable to the Highway Authority, for adoption purposes; these would normally be picked up as part of the subsequent construction approval process with this Authority. Providing this is acceptable to the Local Planning Authority and the applicant is fully aware, and is willing to carry out such amendments to the layout and construction details, the Highway Authority would not wish to prolong the approval process further by requesting every single amendment be carried out prior to any consent to being issued. The applicant should however be made aware that acceptance of the proposals for planning purposes in no way compels the Authority to adopt the resultant estate streets and entering into an adoption Agreement for the new streets is purely a voluntary act between the County Council and the developer; the Highway Authority will need to be satisfied that the new / revised streets will be of benefit to the public and that they accord with current adoptable criteria in terms of layout, construction, drainage and street lighting.

Should this be an acceptable approach, I would recommend the following highway related conditions and notes be included in any consent issued, or similar based on the same, recommended in the interests of highway safety:-

- 1. Prior to any works exceeding demolition or site clearance taking place space shall be provided within the site for storage of plant and materials and site accommodation, loading, unloading and manoeuvring of goods 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.*
- 2. Prior to any works exceeding demolition or site clearance taking place a construction management plan or construction method statement shall be 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:
 - a. Parking of vehicles of site operatives and visitors,**

- b. *routes for construction traffic,*
 - c. *method of prevention of debris being carried onto highway,*
 - d. *pedestrian and cyclist protection,*
 - e. *proposed temporary traffic restrictions,*
 - f. *roadside hoarding / highway boundary treatment.*
3. *Prior to any works exceeding demolition or site clearance taking place an Estate Street Phasing and Completion Plan shall be submitted to and approved in writing by the Local Planning Authority. The Estate Street Phasing and Completion Plan shall set out the development phases / program and the standards that estate streets serving each part of the development will be completed to. The development shall thereafter proceed in accordance with the approved details.*
4. *Within 2 months of commencement of development, unless otherwise agreed in writing by the Local Planning Authority, details of a soft landscaping scheme for the highway areas shall be submitted to the Local Planning Authority for approval. The 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.*
5. *No gates or barriers, or any part of their opening arc, shall be permitted to open outwards over the proposed public highway. Any gates or barriers should be physically prevented from opening outwards or be set back a sufficient distance within the site to accommodate the opening requirements, all as may be agreed in writing with the Local Planning Authority.*
6. *Prior to the commencement of the development details shall be submitted to and approved in writing by the Local Planning Authority showing the means to prevent the*

discharge of water from private areas of the development onto the highway. The approved scheme shall be undertaken and accordance with the approved details and timescale agreed in advance with the Local Planning Authority. The approved details being retained as such thereafter.

5.3.2 In response to the commentary provided above, a package of revised plans were prepared and submitted (30 July 2019) which the LHA were invited to review. The following response was received:

I note the further correspondence and drawings submitted by the applicant, which were uploaded to your website on the 30th July 2019. The 'Letter from Kier' acknowledges the comments made in the Highway Authority's consultation response and agrees that the minor modifications to the scheme – primarily construction details – could be resolved through the subsequent construction approval process with this Authority (a pre-requisite of this Authority entering into any highway works Agreement – Section 38 or 278).

The content of the revised drawings are noted, however, it is still considered a number of minor amendments would be required to accord with adoptable criteria. It is however welcomed that additional improvements on the Station Road frontage have now been included.

As previously highlighted the proposals are generally considered acceptable for planning purposes and provided your Authority is happy to proceed on the basis that minor amendments to the construction details can be picked up as part of the construction approval process, the Highway Authority would not wish to raise objection in principle to the proposals on highway safety grounds. The previously provided conditions are still considered relevant, however, you may also wish to include the following additional condition (or similar based on the same), to any consent issued

The development shall be carried out in accordance with the application drawings, including any subsequent revisions resulting from the implementation of the Road Safety Audit or construction approval process with the Highway Authority.

5.3.3 Having regard to the commentary set out above, it is not unusual for highway design and detail to be amended through the 'Construction Approval' process with the LHA. Essentially if the LHA are to takeover (through the adoption process) the ongoing maintenance of any highways works post development their scrutiny of the construction details is to be anticipated. Through ongoing dialogue with the applicant it has been agreed that the conditions suggested to be imposed by the LHA are acceptable, therefore if imposed the 'Construction Approval' process is likely to run alongside a DOC application, if permission is granted.

5.3.4 Overall therefore it is considered that the scheme of improvement works (subject to the conditions detailed by the LHA above) will offer enhanced connectivity and amenity / environmental improvement to the local area which are considered to accord with the provisions of policies CS2 and CS18 of the Core Strategy and the wider NPPF in respect of highway safety and accessibility.

5.4 Other Considerations

5.4.1 Heritage

It is noted that part of the application site lies within the Barrow Hill Conservation Area and subsequently the application was referred to the Council's **Conservation Officer** for comment. The following comments were received:

- *Given the previous approval of Phase I, the principle of development has been established.*
- *Phase I was in a more sensitive location, including a large swathe of the Conservation Area, and was adjacent to the Grade II Barrow Hill Primary School.*
- *Phase II includes a very small area of designated Conservation Area, but is primarily land adjacent to the Conservation Area.*
- *The purpose of the application is to make environmental improvements around established housing development. Although the majority of this area is 1970s development, the 1850s development was part of a Model Village concept, developed by Richard Barrow for workers at nearby industrial works.*
- *The improvement of the housing and its surrounding environment is in keeping with the philosophy of industrial philanthropists, and is therefore appropriate in its aims.*

- *The Design & Access Statement is clear in the rationale for change. It is assumed in these comments that the palette of materials was established for Phase 1 and the continuation of these materials will be applied.*
- *The illustrations provided demonstrate the use of a metal railing to front boundaries, with the use of timber fencing to subdivide plots to the rear. I support the use of green boundaries and metal railings to front boundaries, and the use of solid timber subdivides in private rear gardens only.*
- *The use of natural materials and simple design details is the preferred design concept. Concrete kerbs, concrete paving slabs, large swathes of tarmacadam footpaths and concrete block paving is to be discouraged.*
- *Minimal use of street furniture such as bollards, and a reduction of expired/duplicated highway signage is to be encouraged.*
- *The purpose of my assessment is to consider the impact of the proposal to the character and appearance of the Conservation Area. I do not consider that the proposal would result in harm to the character or appearance of the Conservation Area, and therefore do not object to the application.*

Having regard to the comments received above a palette of materials was agreed as part of the Phase 1 of works which is to be continued into Phase 2. Accordingly subject to the materials and finishes being the same, the proposals are considered to be compatible with the historic environment and designations associated therewith. Accordingly the provisions of policy CS19 of the Core Strategy are met.

5.4.2 Flood Risk / Drainage

Having regard to the fact the application submission proposes the creation of new areas of hard surfacing and alterations to the existing footway network it is anticipated that the scheme will require amendments to surface water drainage. The Council's **Design Services** team have reviewed the application submission confirming that they have no objections to the works being proposed. They have however advised that separate consent will be required from Yorkshire Water for any public sewer connections, and DCC Highways for any highway drainage connections.

Yorkshire Water Services and the **Lead Local Flood Authority** also commented on the application proposals (and revised details) confirming that the drainage proposals were in principle acceptable to them. They both requested a series of drainage related planning conditions be imposed on any decision issued to meet their overall requirements.

It is considered that appropriate planning conditions can also be imposed to address surface water drainage as per the consultee recommendations and policy CS7 of the Core Strategy.

5.4.3 Land Stability / Coal Mining Risk

In respect of land stability and potential coal mining risk (policy CS8 of the Core Strategy) the application has been reviewed by the **Coal Authority** whose response confirmed, given the nature of the application proposals, they had no objections to the planning application. The CA requested that an advisory note be appended to any decision made to draw to the applicants / developer attention risk from unrecorded coal mining legacy.

5.4.4 Neighbour Amenity / Noise

The application was referred to the **Environmental Health Officer** (EHO) who advised that it is considered appropriate that a condition be imposed on any decision to control working hours to protect neighbouring amenity.

5.4.5 Trees / Landscaping

In respect of trees and landscaping part of the environmental improvement works include new tree planting and soft landscaping so the Council's Tree Officer was invited to review and comment on the proposals for Phase 2. He advised:

The proposed environmental improvements for phase 2 of the above mentioned planning application at Barrow Hill include hard and soft landscaping works and boundary treatments to the north of Station Road, Barrow Hill as shown on the submitted drawing 17037-CO-LP-0-02 Site Location Plan.

Improvements have already been made in the phase 1 part of the project and this is a continuation of the improvement scheme to the

area. A landscape drawing has been submitted with the application reference 17037-CO-LP-1-01 Landscape Plan which includes new tree planting and other landscape improvements which is acceptable and will add to the environmental enhancement of the area. There is limited quality tree planting in the area at the moment and the proposed scheme would be a greatly improve the situation and provide the local residents some good visual amenity and green spaces.

I therefore have no objection to the application as it stands. If consent is granted to the application then the proposed landscaping scheme should be attached as a condition.

Having regard to the comments made above, implementation of the landscaping works will form part of a list of approved plans, however it will be necessary to imposed a conditions requiring a 5 year maintenance / replacement plan to ensure new planting is established effectively.

5.4.6 Contamination

In addition to their commentary on noise / amenity matters, the **Environmental Health Officer** (EHO) also reviewed the soils data accompanying the original application submission. Their review of this data resulted in a request for further interpretive works to be undertaken, which were received following dialogue with the EHO on 25 October 2019. The EHO subsequently reviewed the details and advised that they had no further comments to make, therefore accordingly it is concluded that there are no further outstanding matters in relation to soils testing and under the provisions of policy CS8 any risk from the recorded / interpreted ground conditions are acceptable.

6.0 REPRESENTATIONS

6.1 The application has been publicised by site notice posted on 29/03/2019 and by advertisement placed in the local press on 04/04/2019.

6.2 There have been no letters of representation received as a result of the applications publicity.

7.0 **HUMAN RIGHTS ACT 1998**

- 7.1 Under the Human Rights Act 1998, which came into force on 2nd October 2000, an authority must be in a position to show:
- Its action is in accordance with clearly established law
 - The objective is sufficiently important to justify the action taken
 - The decisions taken are objective and not irrational or arbitrary
 - The methods used are no more than are necessary to accomplish the legitimate objective
 - The interference impairs as little as possible the right or freedom
- 7.2 It is considered that the recommendation is objective and in accordance with clearly established law.
- 7.3 The recommended conditions are considered to be no more than necessary to control details of the development in the interests of amenity and public safety and which interfere as little as possible with the rights of the applicant.
- 7.4 Whilst, in the opinion of the objector, the development affects their amenities, it is not considered that this is harmful in planning terms, such that any additional control to satisfy those concerns would go beyond that necessary to accomplish satisfactory planning control.

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

- 8.1 The following is a statement on how the Local Planning Authority (LPA) has adhered to the requirements of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 in respect of decision making in line with paragraph 38 of the National Planning Policy Framework (NPPF).
- 8.2 Given that the proposed development does not conflict with the NPPF or with 'up-to-date' Development Plan policies, it is considered to be 'sustainable development' and there is a presumption on the LPA to seek to approve the application. The LPA has used conditions to deal with outstanding issues with the development and has been sufficiently proactive and positive in proportion to the nature and scale of the development applied for.

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

9.0 **RECOMMENDATION**

9.1 The proposals are all considered to be appropriately sited, detailed and designed such that the development will comply with the provisions of policies CS2 and CS18 of the Chesterfield Local Plan: Core Strategy 2011 – 2031.

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

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

Time Limit etc

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

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

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

17037 CO-LP-0-02 REV-0 – Location Plan

17037 CO-LP-1-01 REV-0 – Env. Improvements –
Landscape Plan

17037 CO-LP-2-01 REV-0 – Env. Improvements – Pathways
Plan

17037 CO-LP-2-02 REV-0 – Env. Improvements – Streets
Plan

17037 CO-LP-2-03 REV-0 – Env. Improvements – Green
Space Plan

17037 CO-LP-2-04 REV-0 – Env. Improvements – Gardens Plan
17037 CO-LP-3-01 REV-0 – Landscape Plan with Topo Overlay
17037 DD-LN-1-01 REV-3 – General Notes and Legends
17037 DD-LP-0-01 REV-3 – Key Plan
17037 DD-LP-1-01 REV-3 – Site Plan 1 of 4
17037 DD-LP-1-02 REV-3 – Site Plan 2 of 4
17037 DD-LP-1-03 REV-3 – Site Plan 3 of 4
17037 DD-LP-1-04 REV-3 – Site Plan 4 of 4
17037 DD-LD-0-01 REV-0 – Boundary Details
17037 DD-LD-0-02 REV-0 – Boundary Details
17037 DD-LD-0-03 REV-0 – Boundary Details
17037 DD-LD-0-04 REV-0 – Boundary Details
17037 DD-LD-0-05 REV-0 – Boundary Details
17037 DD-PB-4-01 REV-0 – Play Equipment Image Board
2514-D-01 – Proposed Street Lighting and Service Works Layout
2514-D-02 – Proposed Street Lighting and Illuminance Layout
22622-KWS-00-XX-DR-D-1150 P05 D2 – Existing Highway Clearance Works
22622-KWS-00-XX-DR-D-2001 P03 D2 – Proposed Highway Levels
22622-KWS-00-XX-DR-D-2002 P03 D2 – Proposed Highway Levels
22622-KWS-00-XX-DR-D-2003 P03 D2 – Proposed Highway Levels
22622-KWS-00-XX-DR-D-2010 P03 D2 – Junction Visibility Splays
22622-KWS-00-XX-DR-D-2014 P02 S1 – Swept Path Analysis Large Refuse
22622-KWS-00-XX-DR-D-4001 P04 D2 - Proposed Highway Drainage
22622-KWS-00-XX-DR-D-4002 P02 D2 - Proposed Drainage Areas
22622-KWS-00-XX-DR-D-4003 P07 D2 - Work Extents in Public Highway
22622-KWS-00-XX-DR-D-4010 P04 D2 - Proposed Private Drainage
22622-KWS-00-XX-DR-D-4011 P03 D2 - Footpath Levels Swales

22622-KWS-00-XX-DR-D-4401 P04 D2 - Highway Standard Details
22622-KWS-00-XX-DR-D-4402 P03 D2 - Private Drainage Standard Details
22622-KWS-00-XX-DR-D-4403 P03 D2 - Private Highway Standard Details
22622-KWS-00-XX-CA-D-0400 P02 S1 - Highway Drainage Calculations
22622-KWS-00-XX-CA-D-0500 P02 S1 - Private Drainage Calculations
22622-KWS-00-XX-DR-S-4450 P02 D2 – Boundary Wall Details
22622-KWS-00-XX-DR-S-4451 P01 D2 – Retaining Wall Details
22622-KWS-00-XX-DR-S-4452 P01 D2 – Retaining Wall Details
22622-KWS-00-XX-DR-S-4453 P01 D2 – Retaining Wall Notes
22622-KWS-00-XX-DR-D-4012 P01 S1 – Existing Impermeable Areas
22622-KWS-00-XX-DR-S-4454 – External Steps Notes P01 D2
22622-KWS-XX-XX-CO-D-0401 P01 S1 – Planning Correspondence
22622-KWS-XX-XX-SP-D-0200 P03 D2 – Engineering Specification
22622-KWS-XX-XX-RP-D-0400 P01 S1 – Flood Risk Assessment

Design and Access Statement by EBLA dated March 2019
Soils Contamination Report entitled 'Basic Human Health Report' by CMT testing dated 23rd October 2019

Drainage

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

Reason - In the interest of satisfactory and sustainable drainage.

04. There shall be no piped discharge of surface water from the development prior to the completion of surface water

drainage works, details of which will have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to:-

- a) evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical ;
- b) evidence of existing positive drainage to public sewer and the current points of connection; and
- c) the means of restricting the discharge to public sewer to not exceed the total site discharge rate of 32.2 (thirty two point two) litres a second.

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

05. No development shall take place until a detailed design and associated management and maintenance plan of the surface water drainage for the site, in accordance with the principles outlined within:
- a. London Boroughs Estate – Environmental Improvements Phase 2 Flood Risk Assessment Issue P01 (July 2019 by Kier Business Services Ltd) and including any subsequent amendments or updates to those documents as approved by the Flood Risk Management Team,
 - b. And DEFRA’s Non-statutory technical standards for sustainable drainage systems (March 2015),
- have been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved detailed design, prior to the use of the building commencing.

Reason - To ensure that the proposed development does not increase flood risk and that the principles of sustainable drainage are incorporated into this proposal, and sufficient detail of the construction, operation and maintenance/management of the sustainable drainage systems are provided to the Local Planning Authority, in advance of full planning consent being granted.

06. Prior to commencement of the development, the applicant shall submit for approval to the LPA, details indicating how additional surface water run-off from the site will be avoided

during the construction phase. The applicant may be required to provide collection, balancing and/or settlement systems for these flows. The approved system shall be operating to the satisfaction of the LPA, before the commencement of any works, which would lead to increased surface water run-off from site during the construction phase.

Reason - To ensure surface water is managed appropriately during the construction phase of the development, so as not to increase the flood risk to adjacent land/properties or occupied properties within the development.

Highways

07. Prior to any works exceeding demolition or site clearance taking place space shall be provided within the site for storage of plant and materials and site accommodation, loading, unloading and manoeuvring of goods vehicles, laid out and constructed in accordance with detailed designs first submitted to and approved in writing by the Local Planning Authority. Once implemented the facilities shall be retained free from any impediment to their designated use throughout the construction period.

Reason – In the interests of highway safety.

08. Prior to any works exceeding demolition or site clearance taking place a construction management plan or construction method statement shall be 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:
- a. Parking of vehicles of site operatives and visitors,
 - b. routes for construction traffic,
 - c. method of prevention of debris being carried onto highway,
 - d. pedestrian and cyclist protection,
 - e. proposed temporary traffic restrictions,
 - f. roadside hoarding / highway boundary treatment.

Reason – In the interests of highway safety.

09. Prior to any works exceeding demolition or site clearance taking place an Estate Street Phasing and Completion Plan shall be submitted to and approved in writing by the Local Planning Authority. The Estate Street Phasing and Completion Plan shall set out the development phases / program and the standards that estate streets serving each part of the development will be completed to. The development shall thereafter proceed in accordance with the approved details.

Reason – In the interests of highway safety.

10. Within 2 months of commencement of development, unless otherwise agreed in writing by the Local Planning Authority, details of a soft landscaping scheme for the highway areas shall be submitted to the Local Planning Authority for approval. The 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 – In the interests of highway safety.

11. No gates or barriers, or any part of their opening arc, shall be permitted to open outwards over the proposed public highway. Any gates or barriers should be physically prevented from opening outwards or be set back a sufficient distance within the site to accommodate the opening requirements, all as may be agreed in writing with the Local Planning Authority.

Reason – In the interests of highway safety.

12. Prior to the commencement of the development details shall be submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of water from private areas of the development onto the highway. The approved scheme shall be undertaken

and accordance with the approved details and timescale agreed in advance with the Local Planning Authority. The approved details being retained as such thereafter.

Reason – In the interests of highway safety.

Landscaping

13. The Landscaping details set out drawing no. 17037-CO-LP-1-01 Landscape Plan shall be implemented in full in the first planting season following commencement of development.

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.

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

Others

14. 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 amenity.

15. Before construction works commence or ordering of external materials takes place, precise specifications or samples of the colour and finish of all surface materials and hard landscaping to be used shall be submitted to the Local Planning Authority for consideration. Only those materials approved in writing by the Local Planning Authority shall be used as part of the development.

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

Notes

01. If work is carried out other than in complete accordance with the approved plans, the whole development may be rendered unauthorised, as it will not have the benefit of the original planning permission. Any proposed amendments to that which is approved will require the submission of a further application.
02. The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. 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 a Coal Authority Permit for such activities is trespass, with the potential for court action.

Property specific summary information on past, current and future coal mining activity can be obtained from:
www.groundstability.com

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at:
www.gov.uk/coalauthority

03. Notes from the Lead Local Flood Authority

A. The County Council does not adopt any SuDS schemes at present (although may consider ones which are served by highway drainage only). As such, it should be confirmed prior to commencement of works who will be responsible for SuDS maintenance/management once the development is completed.

B. Any works in or nearby an ordinary watercourse may require consent under the Land Drainage Act (1991) from the County Council. For further advice, or to make an application please contact Flood.Team@derbyshire.gov.uk.

C. No part of the proposed development shall be constructed within 3-8m of an ordinary watercourse and a minimum 3 m for a culverted watercourse (increases with size of culvert). It should be noted that DCC have an anti-culverting policy.

D. The applicant should demonstrate, to the satisfaction of the Local Planning Authority, the appropriate level of treatment stages from the resultant surface water discharge, in line with Table 4.3 of the CIRIA SuDS Manual C753.

E. The County Council would prefer the applicant to utilise existing landform to manage surface water in mini/sub-catchments. The applicant is advised to contact the County Council's Flood Risk Management team should any guidance on the drainage strategy for the proposed development be required.

F. Surface water drainage plans should include the following:

- Rainwater pipes, gullies and drainage channels including cover levels.
- Inspection chambers, manholes and silt traps including cover and invert levels.
- Pipe sizes, pipe materials, gradients and flow directions and pipe numbers.
- Soakaways, including size and material.
- Typical inspection chamber / soakaway / silt trap and SW attenuation details.

- Site ground levels and finished floor levels.

G. On Site Surface Water Management;

- The site is required to accommodate rainfall volumes up to 1 in 100 year return period (plus climate change) whilst ensuring no flooding to buildings or adjacent land.
- The applicant will need to provide details and calculations including any below ground storage, overflow paths (flood routes), surface detention and infiltration areas, etc, to demonstrate how the 100 year + 30% Climate Change rainfall volumes will be controlled and accommodated, also incorporating a sensitivity test to 40% Climate change. In addition an appropriate allowance should be made for urban creep throughout the lifetime of the development as per 'BS 8582:2013 Code of Practice for Surface Water Management for Developed Sites' (to be agreed with the LLFA).
- Production of a plan showing above ground flood pathways (where relevant) for events in excess of 1 in 100 year rainfall, to ensure exceedance routes can be safely managed.
- A plan detailing the impermeable area attributed to each drainage asset (pipes, swales, etc).
- Peak Flow Control
- For developments which were previously developed, the peak run-off rate from the development to any drain, sewer or surface water body for the 1 in 1 year rainfall event and the 1 in 100 year rainfall event must be as close as reasonably practicable to the greenfield run-off rate from the development for the same rainfall event, but should never exceed the rate of discharge from the development, prior to redevelopment for that event.

Volume Control

- For developments which have been previously developed, the runoff volume from the development to any highway drain, sewer or surface water body in the 1 in 100 year, 6 hour rainfall event must be constrained to a value as close as is reasonably practicable to the greenfield runoff volume for the same event, but must

not exceed the runoff volume for the development site prior to redevelopment for that event.

- Note:- If the greenfield run-off for a site is calculated at less than 2 l/s, then a minimum of 2 l/s could be used (subject to approval from the LLFA).
- Details of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure the features remain functional.
- Where cellular storage is proposed and is within areas where it may be susceptible to damage by excavation by other utility contractors, warning signage should be provided to inform of its presence. Cellular storage and infiltration systems should not be positioned within the highway.
- Guidance on flood pathways can be found in BS EN 752.
- The Greenfield runoff rate which is to be used for assessing the requirements for limiting discharge flow rates and attenuation storage for a site should be calculated for the whole development area (paved and pervious surfaces - houses, gardens, roads, and other open space) that is within the area served by the drainage network whatever size of the site and type of drainage system. Significant green areas such as recreation parks, general public open space etc., which are not served by the drainage system and do not play a part in the runoff management for the site, and which can be assumed to have a runoff response which is similar to that prior to the development taking place, may be excluded from the greenfield analysis.

H. If infiltration systems are to be used for surface water disposal, the following information must be provided:

- Ground percolation tests to BRE 365.
- Ground water levels records. Minimum 1m clearance from maximum seasonal groundwater level to base of infiltration compound. This should include assessment of relevant groundwater borehole records, maps and on-site monitoring in wells.
- Soil / rock descriptions in accordance with BS EN ISO 14688-1:2002 or BS EN ISO 14689-1:2003.

- Volume design calculations to 1 in 100 year rainfall + 30% climate change standard. An appropriate factor of safety should be applied to the design in accordance with CIRIA C753 – Table 25.2.
- Location plans indicating position (soakaways serving more than one property must be located in an accessible position for maintenance). Soakaways should not be used within 5m of buildings or the highway or any other structure.
- Drawing details including sizes and material.
- Details of a sedimentation chamber (silt trap) upstream of the inlet should be included.

Soakaway detailed design guidance is given in CIRIA Report 753, CIRIA Report 156 and BRE Digest 365.

I. All Micro Drainage calculations and results must be submitted in .MDX format, to the LPA. (Other methods of drainage calculations are acceptable.)

J. The applicant should submit a comprehensive management plan detailing how surface water shall be managed on site during the construction phase of the development ensuring there is no increase in flood risk off site or to occupied buildings within the development.

04. Notes from the Local Highways Authority

- The construction details will need to be formally submitted to the Highway Authority and will be subject to further technical and safety assessments / audits, which may result in slight changes to the layouts and construction details as shown on any layout(s) approved by virtue of the planning permission. The applicant will need to obtain technical approval from the Highway Authority and enter into the appropriate Highways Act (1980) Agreements prior to any works being undertaken within existing public highway limits.
- The proposals will result in additional areas of highway being created and the provision of on-street parking bays and street landscaping. This will place extra maintenance burdens on the County Council's current maintenance budgets, which the County Council would wish to recoup through commuted sums. These sums would be calculated

following the issue of construction approval and prior to entering into any Agreements for the works to be implemented.

- Pursuant to Section 38 and the Advance Payments Code of the Highways Act 1980, the proposed new estate roads should be laid out and constructed to adoptable standards and financially secured. Advice regarding the technical, financial, legal and administrative processes involved in achieving adoption of new residential roads may be obtained from the Economy, Transport and Environment department at County Hall, Matlock (telephone: 01629 580000 and ask for the Development Control Implementation Officer, North). The applicant is advised to allow approximately 16 weeks in any programme of works to obtain a Section 38 Agreement.
- 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.
- Pursuant to Section 163 of the Highways Act 1980, where the site curtilage slopes down towards the public highway, measures shall be taken to ensure that surface water run-off from within the site is not permitted to discharge across the footway margin. This usually takes the form of a dish channel or gulley laid across the access immediately behind the back edge of the highway, discharging to a drain or soakaway within the site.
- Pursuant to Section 278 of the Highways Act 1980 and the provisions of the Traffic Management Act 2004, no works may commence within the limits of the public highway without the formal written Agreement of the County Council as Highway Authority. It must be ensured that public transport services in the vicinity of the site are not adversely affected by the development works. Advice regarding the technical, legal, administrative and financial processes involved in

Section 278 Agreements may be obtained from the Economy, Transport and Environment department at County Hall, Matlock (telephone: 01629 580000 and ask for the Section 278 Manager). The applicant is advised to allow approximately 16 weeks in any programme of works to obtain a Section 278 Agreement.

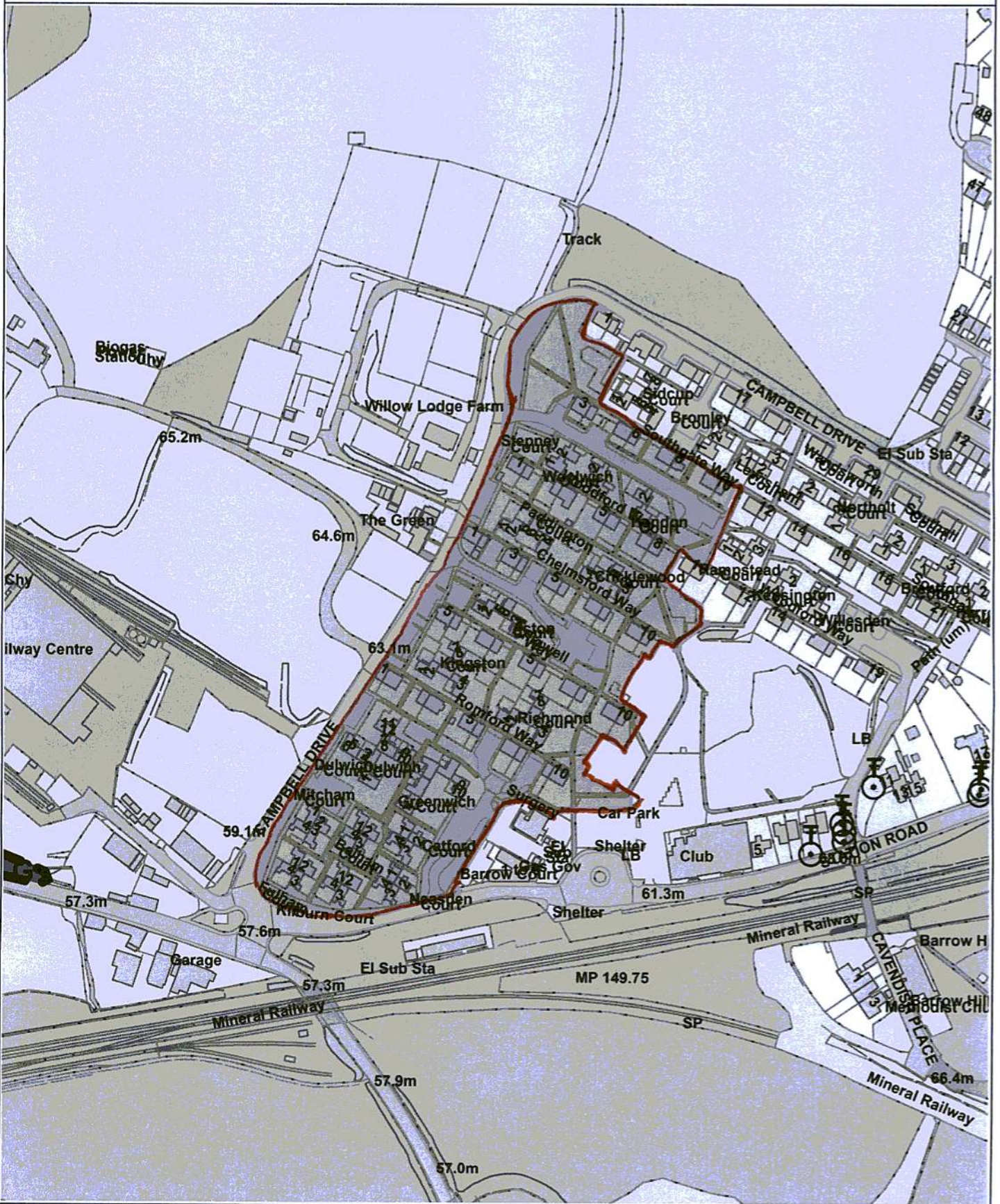
- Under the provisions of the New Roads and Street Works Act 1991 and the Traffic Management Act 2004, all works that involve breaking up, resurfacing and / or reducing the width of the carriageway require a notice to be submitted to Derbyshire County Council. Works that involve road closures and / or are for a duration of more than 11 days require a three month notice; developers' works will generally fall into this category. Developers and Utility companies (for associated services) should prepare programmes for all works that are required for the development, such that these can be approved through the coordination, noticing and licencing processes. This will require developers and Utility companies to work to agreed programmes and booked slots for each part of the works. Discussions should therefore take place with the County Council's Highways Hub (highway.hub@derbyshire.gov.uk) at the earliest stage possible.

- The proposed development works entail the use of land which currently forms part of the public highway. No works may commence on the land or means to enclose it, until the land in question has been formally stopped up. Pursuant to Section 247 of the Town and Country Planning Act 1990, a stopping up application should be made to the National Transport casework Team at the earliest opportunity. As part of the consultation process associated with such applications, the Highway Authority and other interested parties will be given the opportunity to object to the proposed stopping up. It should be noted that the Highway Authority's acceptance of the proposals for planning purposes does not preclude an objection being raised by the Authority at this stage.

- There are existing bus stops on Campbell Drive and Station Road, adjacent to the application site. The applicant must contact Derbyshire County Council's Public Transport

Unit, County Hall, Matlock, DE4 3AG or telephone: 01629 580000 ext. 36748 for advice regarding any works that may affect the bus stops or public highway users accessing them. Should the development be approved and necessitate the re-siting of a bus stop / shelter all relevant costs of these works will be recharged to the applicant.

- Construction works are likely to require Traffic Management and advice regarding procedures should be sought from the Highways Hub (highways.hub@derbyshire.gov.uk). 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



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Case Officer: Rob Forrester File No: CHE/19/00498/FUL
 Tel. No: (01246) 345580 Plot No: 2/126
 Ctte Date: 25th November 2019

ITEM 2

Construction of new four bedroom, one and a half storey detached dwelling, served from new access drive - revised drawings received 4.11.2019 and 11.11.2019, at Trevilla, 73 Hady Hill, Hady S41 0EE

Local Plan: Unallocated
 Ward: St Leonards

1.0 CONSULTATIONS

Local Highways Authority	Amended Comments received 30/10/2019 no objections to the proposal – recommends 7 conditions.
Tree Officer	Amended Comments received 31/10/2019 – None of the proposed changes on the revised plan will affect the retained trees. No objection subject to adherence with tree report and to 3 conditions.
CBC Environmental Health	Comments received 03/09/2019 – Given the proximity of adjacent dwellings, hours of operation during building works should be restricted
CBC Drainage	Comments received 12/09/2019 – see report
Yorkshire Water	Noted that foul water to be connected into existing drainage system that serves no.73 and surface water is to be drained in proposed back garden area, which is considered acceptable in principle to Yorkshire Water. Usual separate systems of drainage condition is

	satisfactory for a decision notice.
CBC Policy	Comments received 01/10/2019 – see report
D.W.T	Comments received 11/10/2019 – see report
Coal Authority	Comments received 17/09/2019 – see report
Ward Members	No comments received
Site Notice / Neighbours	1 representation received

2.0 **THE SITE**

2.1 The site the subject of the application comprises a backland development site to the rear of 73 Hady Hill, Hady, a detached dwelling served from 2 access-points with a hardstanding area to the front behind a substantial wall/railings. There are further dwellings to the north, and a recreation ground to the south.



73 Hady Hill

2.2 The site is part of the large sloping rear garden to No 73, and comprises a plateau area (where a tennis court was previously situated with the hardstanding remaining) and a lower garden area.



- 2.3 The road frontage of the site is dominated by stone-walls and mature gardens, and whilst several dwellings are close to the road, others are set-back, and the site reflects this unusual layout of dwellings, being set-back from Hady Hill, and accessed via a long tree-lined access drive.
- 2.4 This section of Hady Hill is itself, a 'service road' running parallel to the main Hady Hill Road, the A632 and is a narrow "country lane" with dwellings to the southern side and a woodland strip between the 2 roads on the other.



Application site to rear of No 73

- 2.5 The surrounding land is in residential use with the immediate properties being a mix of detached houses and modern bungalows, all within substantial grounds.
- 2.6 The dwelling at No 73 is a rendered chalet-style bungalow within a fenced side/ rear garden, with on-site turning/parking to the front.
- 2.7 The adjacent dwelling at No 81 is set-back from the highway and is a substantial bungalow in extensive grounds, separated from the application site by a substantial hedge.
- 2.7 The site is surrounded by mature trees to the front side and rear boundaries, which are covered by a Preservation Order, with 2 fine specimen beech trees, close to where the dwelling would be sited.

3.0 RELEVANT SITE HISTORY

- 3.1 There has been an extensive history of tree-works at the site, however the only relevant/recent Planning History relating to the site is the previous outline applications as follows:-
- 3.1.1 CHE/17/00768/OUT – Outline for erection of a dwelling was Refused 26.02.18 for 2 reasons:
1. Intensification in the use of two existing substandard access roads onto Hady Hill where alignment and visibility are both considered to lead to an increased risk in highway safety within the local area. Also, insufficient information to account for the parking of 3 vehicles and their manoeuvring within the defined site.
 2. Potential for adverse effects upon amenity and the future health and wellbeing of the protected trees.
- 3.1.2 CHE/18/00321/OUT - Outline erection of one 4-bed, 1½ storey detached dwelling was Approved 27.06.18

4.0 THE PROPOSAL

- 4.1 The scheme differs slightly from the indicative plan included on the outline approval, but remains a linear dwelling however the parking/garage and turning area is positioned where the site is at its widest, immediately behind the garden to No 73 (on the outline

scheme, the parking was further from the highway to the rear of the proposed dwelling)

- 4.2 The dwelling now proposed is a 1½ - storey chalet-style bungalow, incorporating bedrooms within the roof served by high-level roof lights and gable end windows.
- 4.3 The design has been influenced by the need to respect the protected trees on the site. The dwelling is a compact 4-bedroomed unit with a master bedroom at ground floor and with 3 more bedrooms within the roof. It incorporates an integral garage. The layout incorporates high-level roof-lights and high sill windows on the elevation facing the neighbour.
- 4.4 The dwellings main outlook from the living space (open-plan lounge/kitchen/diner), faces in to the extensive rear garden, that is at a lower level than the dwelling and is surrounded by trees and hedges.
- 4.5 The proposed dwelling would be rendered with a slate roof.
- 4.6 The proposal would result in the reduction in height of the front boundary wall to No73 Hady Hill for visibility, and service vehicle tuning and garage/parking is provided served by the long drive. The dwelling is to be served from its own drive directly from the service road (Hady Hill), with the visibility splays required by the Local Highway Authority, and with bin-storage at the entrance.

3-D Visual Impressions are shown below:-



View on Approach



View from garden

- 4.8 The application is accompanied by a detailed assessment of the impact on the trees, with a constraint plan and root-protection area and service trench detail, and the drive past the pollarded trees would be a no-dig cellular construction.

5.0 **CONSIDERATIONS**

5.1 **Planning Policy Background**

- 5.1.1 The site is situated within St Leonard's Ward in an area which is unallocated in the current and emerging Local Plans and which is predominantly residential in nature.
- 5.1.2 Having regard to the nature of the application proposals policies CS1 (Spatial Strategy), CS2 (Location of Development), CS3 (Presumption in favour of Sustainable Development), CS4 (Infrastructure Delivery), CS6 (Sustainable Design), CS7 (Management of the Water Cycle), CS8 (Environmental Quality),

CS9 (Green Infrastructure and Biodiversity), CS10 (Flexibility in delivery of Housing), CS11 Housing Mix, CS18 (Design) and CS20 (Demand for Travel) 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.

5.2 **Principle of Development**

Local Plan Spatial Strategy

5.2.1 The main policy considerations relating to the principle of development are Core Strategy policies CS1, CS2 and CS10. These policies are viewed to be in date and relevant to the proposal.

5.2.2 **CS1** sets out that the overall approach is to concentrate new development within walking and cycling distance of centres and focus on areas that need regenerating. In terms of walking distance, the site is around 800m to the east of Chesterfield (Sub-Regional) Town Centre, 800m of a convenience store (coop), play area, natural greenspace, 600m from the railway station and 200m from Hady School. All these are accessible on relatively level, hard surfaced, well lit and overlooked and well-used routes. Given the distance and route, and with a good bus service, this is considered reasonable in terms of distance from a centre, as set out in CS1. However some weight can also be given to the Chartered Institute of Highways and Transport guidance and the residential design SPD, which makes reference to “800m” being a ‘walkable neighbourhood’. There are bus stops in close proximity and good cycle routes to the centre.

5.2.3 **CS2** (Principles for Location of Development) sets criteria for assessing proposals for development on unallocated sites, favouring previously-developed sites (the current site is part greenfield and part brownfield). In relation to criteria a, as mentioned above, the site is within a reasonable walking distance from a centre, and therefore contributes to delivering the spatial strategy in this regard. The spatial strategy also sets out the overall housing requirement for the borough, and the proposal would make a contribution, albeit small, to delivering that.

5.2.4 **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, policy CS10 would indicate that planning permission should *not* be granted for the development of residential gardens or small scale greenfield urban infill plots, although the current site is part-previously developed. Accordingly the proposal would not fully accord with policy CS10, and whilst favouring the development of previously developed sites, the NPPF is not so restrictive as to rule-out the development of greenfield sites.

5.2.5 Given that the Local Plan has relevant policies that are not out of date there is no requirement to apply the approach to the presumption in favour of sustainable development set out in policy CS3 and paragraph 11 of the NPPF.

5.2.6 In this case when considering policies CS1, CS2 and CS10 together, there appears to be a tension between policy CS1 and CS10. The proposal would accord with policy CS1 and the majority of the criterion in policy CS2 would also met. However, it would not accord with CS10. In such a circumstance it is for the decision maker to attribute weight to the policies taking into account the facts of the particular case. In this instance it would seem reasonable to apply greater weight to policy CS1 than CS10 on the basis that (in a cumulative manner): -

- The majority of criteria in policy CS2 are met.
- The site is within reasonable walking distance of a main centre and well served by public transport
- The site is not on land protected by the Local Plan for Green Infrastructure, Biodiversity or ‘open countryside’ functions so its loss would not have an impact on the intrinsic character and openness of the countryside or the general level of amenity of the locality
- The application site is situated within a residential area close to a school
- It would add to the availability of housing land – boosting supply as required by the NPPF, and provides a 4 bedroomed family dwelling
- The site already has the benefit of an extant consent which establishes the principle of development
- Given the above the proposal would not prejudice the spatial strategy and strategic objectives.

5.2.7 Having regard to the above it is accepted that the proposal would not fully accord with policy CS10 and criterion (b) of CS2 due to it not being totally previously developed land, however, the proposal is considered to be in accordance with the Spatial Strategy and policy CS1 and meets the majority of criteria in policy CS2.

5.2.8 Whilst weight should be given to policies CS10 and CS2, it seems reasonable to give greater weight to policy CS1 (when considering purely the principle of development) in this particular instance, having regard to the small scale of the proposed development, its location and the degree to which it otherwise meets the requirements of CS1 and CS2 and the NPPF and therefore it is considered that on balance the principle of development is acceptable.

5.3 **Design and Appearance**

5.3.1 In respect of design and appearance matters the proposal provides for a 4-bedroomed family dwelling in a compact linear form of a contemporary style and the 1½-storey dwelling as proposed does not jar with the surrounding character of the detached houses and bungalows on Hady Hill.

5.3.2 The area is one that has a mix of dwelling sizes, age and architectural style and any development could not possibly mirror each character. The proposal is not at odds with the form of the surrounding development or its low density, as the dwelling is situated on a generous plot, a similar distance from the road to that of other backland developments. Outline permission has already been granted for development of the plot and the scheme generally reflects the form agreed at outline stage.

5.3.3 The design does not therefore appear out-of-character, being well screened from public vantage points and the crisp-modern design is not unattractive, and is fitting for its location.

5.3.4 No design matters related to the application would materially affect crime, disorder or policing.

5.3.5 The reduction in height of the front wall to below 1m to provide a level of visibility would not result in an unsatisfactory appearance as the wall is not a traditional one, but a modern addition.

- 5.3.6 The dwelling is sufficiently distant from the neighbours such that they cannot readily be viewed together, and as a result, the proposed dwelling has a modern style, and the proposed render/slate construction will not look out-of-place.
- 5.3.7 The dwelling in its amended form, maintains the same basic form approved at the outline stage and it is considered that the siting, design and scale of the development proposal is visually acceptable having regard to the provisions of policies CS2, CS6, and CS18 of the Core Strategy.

5.4 **Highways Issues**

- 5.4.1 The plans submitted at the outline stage, indicated that the normal 2.4m x 43m visibility splays for a 30mph zone could be achieved within the highway boundary, however it has been discovered during the processing of this application that the indicated splays were based on an outdated Ordnance Survey Plan and the carriageway was significantly closer to the front boundary than previously shown.
- 5.4.2 As a result, there is a severe shortfall in available visibility of only 2.0m x 29.8m to the east (the critical traffic approach-side) and only 2.0m x 14.1m to the west. The amended plans demonstrate that the visibility splays previously required by the Local Highway Authority) cannot be achieved, however by reducing the height of the front wall, the visibility can be maximised, being greater on the critical traffic-approach side. Traffic speeds are relatively slow, and there would be reasonable pedestrian visibility and on this basis the Local Highways Authority raises no objections, despite the shortfall.
- 5.4.3 Due to the distance from the highway, and to avoid on-road parking, the scheme makes provision for the turning of small-delivery vehicles (as used by supermarkets for home-delivery) and an adequate level of parking is provided. The Highway Authority considers that, on the basis of the present drawing, the vehicle tracking is considered to be acceptable. The amended plans enlarge the garage to the dimensions required by the Highway Authority, and the proposal is acceptable in Highway safety terms and the N.P.P.F indicates that permission should only be refused on highway safety grounds when the resulting situation would be severe.

5.4.4 On this basis, and having regard to the other matters considered above, the development proposals are considered to be acceptable in terms of Highway Safety and accord with the provisions of policies CS2, CS18 and CS20 of the Core Strategy in respect of highway safety matters.

5.5 **Neighbouring Impact/Amenity**

5.5.1 The proposed dwelling has been designed so as to look up and down its own plot, and there are few windows facing the neighbour at No81 Hady Hill, who has expressed concerns at potential overlooking.

5.5.2 The upper floor of the proposed dwelling is largely contained within the roof, and is served by gable end windows and high level roof-lights. The side windows at ground floor level are high sill types and the rooflights/high sills, do not allow for overlooking of the neighbour and the concerns are therefore unfounded, particularly as there is an especially high hedge between the new and existing properties.

5.5.3 The position of the dwelling is such that there could be a modest loss of light to the neighbour's garden although much of the dwelling is hidden behind the hedge and the roof pitches away from the boundary and as a result, the impact would be acceptable.

5.5.4 The position of the new dwelling and orientation of windows is such that there would be no unacceptable impact on the amenities of the neighbours arising from a loss of light or privacy or over-looking, and there would be no undue noise/disturbance arising from the use of the access. A restriction on further windows could be conditioned.

5.5.5 Subject to the above controls identified above, the proposal would not harm the amenities of nearby residents, and the development complies with the provisions of policies CS2 and CS18 of the Core Strategy.

5.6 **Impact on Protected/Mature Trees**

- 5.6.1 There are 17 trees on and off the site that are covered by Tree Preservation Order. The proposal follows closely the layout as agreed at the outline stage, which considered the impact on protected/mature trees.
- 5.6.2 Many of the trees, particularly those next to the access drive have been pollarded in the past and hence would have a lesser root protection area, and the application is accompanied by a tree-report, constraints plan and root-protection areas which demonstrate that the development would not impact on existing trees.
- 5.6.3 The proposal includes details of the position of service trenches and the drive is to be a no-dig granular construction to avoid root compaction, and the tree officer raises no objection, subject to conditions. Subject to the above controls identified above, the proposal would not harm the mature trees, and the development complies with the provisions of policies CS2 and CS9 of the Core Strategy.

5.7 **Ecology**

- 5.7.1 Ecology - The only other issue is the impact on wildlife habitat, although as the scheme retains all the boundary trees and hedges there would be little impact on wildlife. The main ecological consideration appears to be the existing mature trees, which will be retained. With suitable measures in place to protect the retained trees, as per the tree protection plan submitted, it is not anticipated that there would be any significant negative impact on the biodiversity value of the site. It is recommended that some simple features are incorporated into the design to provide ecological enhancement for roosting bat and nesting birds, ideally as integrated nest boxes and bricks. The development could be subject to conditions to require such landscaping/habitat creation.
- 5.7.3 Subject to conditions it is not considered that any ecology or wildlife be harmed by the proposal which therefore complies with the provisions of policies CS2 and CS9 of the Core Strategy.

5.8 **Ground Condition**

5.8.1 Whilst the Coal Authority has made a holding objection, this was on the basis of a technicality, as the required documents had already been provided in relation to the previous outline application, and the granting of that outline demonstrated that the site was capable of being developed without any over-riding safety issues arising from mining legacy, and similar conditions should be imposed.

5.8.2 In so far as contamination issues it is also the case that the granting of outline permission established that contamination would not be a constraint on development, and similar conditions need to be imposed.

5.9 **Drainage**

5.9.1 The site is shown to be at risk of surface water flooding to the rear of the site, according to the Environment Agency Flood Maps. However, this is not expected to cause a problem as it is shown to be away from the proposed property. It is noted that the applicant intends to use soakaways as a means of surface water disposal. Therefore, infiltration tests should be carried out and calculations provided in accordance with BRE Digest 365 to ensure that no flooding for a 1 in 30 year rainfall event. The surface water flooding mentioned above may saturate the ground inhibiting the effectiveness of a soakaway in this location. Any new connections to the public sewerage system will require prior approval from Yorkshire Water.

5.10 **Community Infrastructure Levy (C.I.L)**

5.10.1 Having regard to the nature of the application proposals the development comprises the creation of a new dwelling and the development is therefore CIL Liable.

5.10.2 The site the subject of the application lies within the medium CIL zone and therefore the CIL Liability will be calculated (using calculations of gross internal floor space and be index linked).

	A	B	C	D	E
Proposed Floorspace (GIA in Sq.m)	Net Area (GIA in Sq.m)	CIL Rate	Index (permission)	Index (charging schedule)	CIL Charge
226	226	£50 (Low Zone)	307	288	£12,045

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

6.0 REPRESENTATIONS

6.1 The application has been publicised by means of a site notice (expired 01/10/2019) and neighbour letters (publicity period expired 30/09/2019).

6.2 As a result of the applications publicity, 1 letter of objection was received from the adjacent neighbour at No 81 Hady Hill, which made the following points:-

- I have concern at windows over-looking my property
- My property is currently on the market and the proposal could deter buyers and devalue my home

Comments

The issue of the impact of the development on the neighbour is addressed in the above 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 noted above.

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 paragraph 38 of the National Planning Policy Framework (NPPF).

8.2 Following changes to the proposed development as a result of concerns in relation to visibility splays/parking and 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 objectors/supporter will be notified of the Committee date and invited to speak, and this report informing them of the application considerations and recommendation /conclusion is available on the web-site.

9.0 CONCLUSION

- 9.1 The site already benefits from outline consent which established the principle of the proposed development of this backland/part brown-field site. The detailed development has been sited, detailed and designed such that the development proposals comply with the provisions of policies CS1, CS2, CS3, CS6, CS7, CS8, CS9, CS18, and CS20 of the Chesterfield Local Plan: Core Strategy 2011 – 2031.
- 9.2 Planning conditions have been recommended to address any outstanding matters and ensure compliance with policies CS2, CS8, CS9, CS18 and CS20 of the Chesterfield Local Plan: Core Strategy 2011 – 2031 and therefore the application proposals are considered to be sustainable and acceptable.

10.0 RECOMMENDATION

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

Conditions

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
02. The development hereby approved shall only be carried out in full accordance with the approved plans (listed below) with the exception of any approved non material amendment.
All external dimensions and elevational treatments shall be as shown on the approved plans which are:
Drawing Number - 110-01 Rev C – Location Plan - Received 04.11.2019;
Drawing Number - 210-03 Rev F - Proposed Site Plan - Received 04.11.2019;
Drawing Number - 210-03 Rev C - Proposed levels and Service Trench - Received 04.11.2019;
Drawing Number - 210-4 Rev C - Tracking Plan - Received 04.11.2019;
Drawing Number - 210-5 Rev D - Proposed Floor Plans - Received 04.11.2019;
Drawing Number - 210-6 Rev C - Proposed Roof Plan - Received 04.11.2019;

Drawing Number - 210-07 Rev B – Highway Splays - 210-03 Rev C - Received 11.11.2019;
Drawing Number - 310-01 Rev D - Proposed Elevations - Received 04.11.2019;
Drawing Number - 410-01 Rev B - Existing and Proposed Sections - Received 04.11.2019, and
Drawing Number - HHC 03 Rev A - Tree Protection Plan – Received on 19.09.2019.

03. A residential charging point shall be provided for the additional dwelling with an IP65 rated domestic 13amp socket, directly wired to the consumer unit with 32 amp cable to an appropriate RCD. The socket shall be located where it can later be changed to a 32amp EVCP. Alternative provision to this specification must be approved in writing, by the local planning authority. The electric vehicle charging point shall be provided in accordance with the stated criteria prior to occupation and shall be maintained for the life of the approved development.
04. No development above floor-slab/D.P.C level shall be carried out until the precise specifications or samples of the walling and roofing materials to be used shall be submitted to and approved in writing by the Local Planning Authority. Only those materials approved in writing by the Local Planning Authority shall be used as part of the development.
05. Before any other operations are commenced, space shall be provided within the site for storage of plant and materials, site accommodation, loading, unloading and manoeuvring of goods vehicles, parking and manoeuvring of employees and visitors vehicles, laid out and constructed in accordance with detailed designs first submitted to and approved in writing by the Local Planning Authority. Once implemented the facilities shall be retained free from any impediment to their designated use throughout the construction period.
06. Prior to occupation of the dwelling, the existing vehicular access to the Hady Hill service road shall be provided with maximum achievable visibility from a distance 2.0m back taken from the highway boundary across the site frontage, including the existing dwelling No. 73. The sightlines shall be maintained clear of all obstructions greater than 1 metre in height (0.6 metre in the case

of vegetation) relative to nearside carriageway channel level for the life of the development.

07. The proposed dwelling shall not be occupied until space has been laid out within the site in accordance with the revised application drawing for cars to be parked and for vehicles (including smaller service/delivery vehicles e.g. supermarket delivery) to turn so that they may enter and leave the site in a forward gear. Once provided, the spaces shall be maintained free from any impediment to their designated use for the life of the development.
08. The proposed dwelling shall not be occupied until parking and manoeuvring is available for the existing dwelling which shall be retained thereafter free from any impediment to its designated use for the life of the development.
09. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015, or any Order revoking and re-enacting that Order no gates or other barriers (other than that already existing on site) shall be erected within 6m of the entrance to the site, where it meets the public highway.
10. The access/drive to the Hady Hill service road shall be no steeper than 1:14.
11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015, or any Order revoking and re-enacting that Order, no dormer windows, new windows or roof-lights, other than those hereby permitted, shall be installed above ground floor ceiling height, without the prior express consent of the Local Planning Authority.
12. No demolition, remediation or construction work to implement the permission hereby granted shall only be carried out on site between 8:00am and 6:00pm in any one day, Monday to Friday, 9:00am to 1:00pm 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.
13. 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.

14. No development above floor-slab/D.P.C level shall take place until details for the treatment of all parts on the site not covered by buildings shall be submitted to and approved in writing by the Local Planning Authority. The site shall be landscaped strictly in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. Details shall include:
- a) a scaled plan showing trees and plants to be planted:
 - b) proposed hardstanding and boundary treatment:
 - c) a schedule detailing sizes and numbers of all proposed trees/plants
 - d) Sufficient specification to ensure successful establishment and survival of new planting.
- Any new tree(s) that die(s), are/is 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.
15. The details within the Tree Protection plan (TPP) reference HHC 03 Rev A by Weddle Landscape Design shall be adhered to at all times throughout any land stripping and development. A method statement should be submitted and approved with details of the ground preparation process for the installation of the new 'no dig' driveway within the designated root protection area before any heavy construction vehicles are brought onto the site. Details and specifications for the construction any alterations to the track/roadway to the frontage of the site where the track runs parallel with Hady Hill and meets the new driveway to the proposed dwelling should be submitted and approved which should include details of the no-dig specification and extent of the areas of the roads and driveway to be constructed using a no-dig specification. Details shall include relevant sections through them.

16. The site shall be developed with separate systems of drainage for foul and surface water on and off site and no piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority .

Reasons for Conditions

01. The condition is imposed in accordance with section 51 of the Planning and Compulsory Purchase Act 2004.
02. In order to clarify the extent and terms of the planning permission in the light of guidance set out in "Greater Flexibility for planning permissions" by CLG November 2009.
03. In the interests of reducing emissions in line with policies CS20 and CS8 of the Core Strategy.
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 and in order to comply with Policy CS18 of the Adopted Core Strategy Local Plan 2011-2033.
05. In the interest of Highway Safety and to comply with policy CS20 of the Adopted Core Strategy Local Plan 2011-2033. The above condition needs to be prior to commencement as the Details need to be in place prior to work commencing.
06. In the interest of Highway Safety and to comply with policy CS20 of the Adopted Core Strategy Local Plan 2011-2033.
07. In the interest of Highway Safety and to comply with policy CS20 of the Adopted Core Strategy Local Plan 2011-2033.
08. In the interest of Highway Safety and to comply with policy CS20 of the Adopted Core Strategy Local Plan 2011-2033.

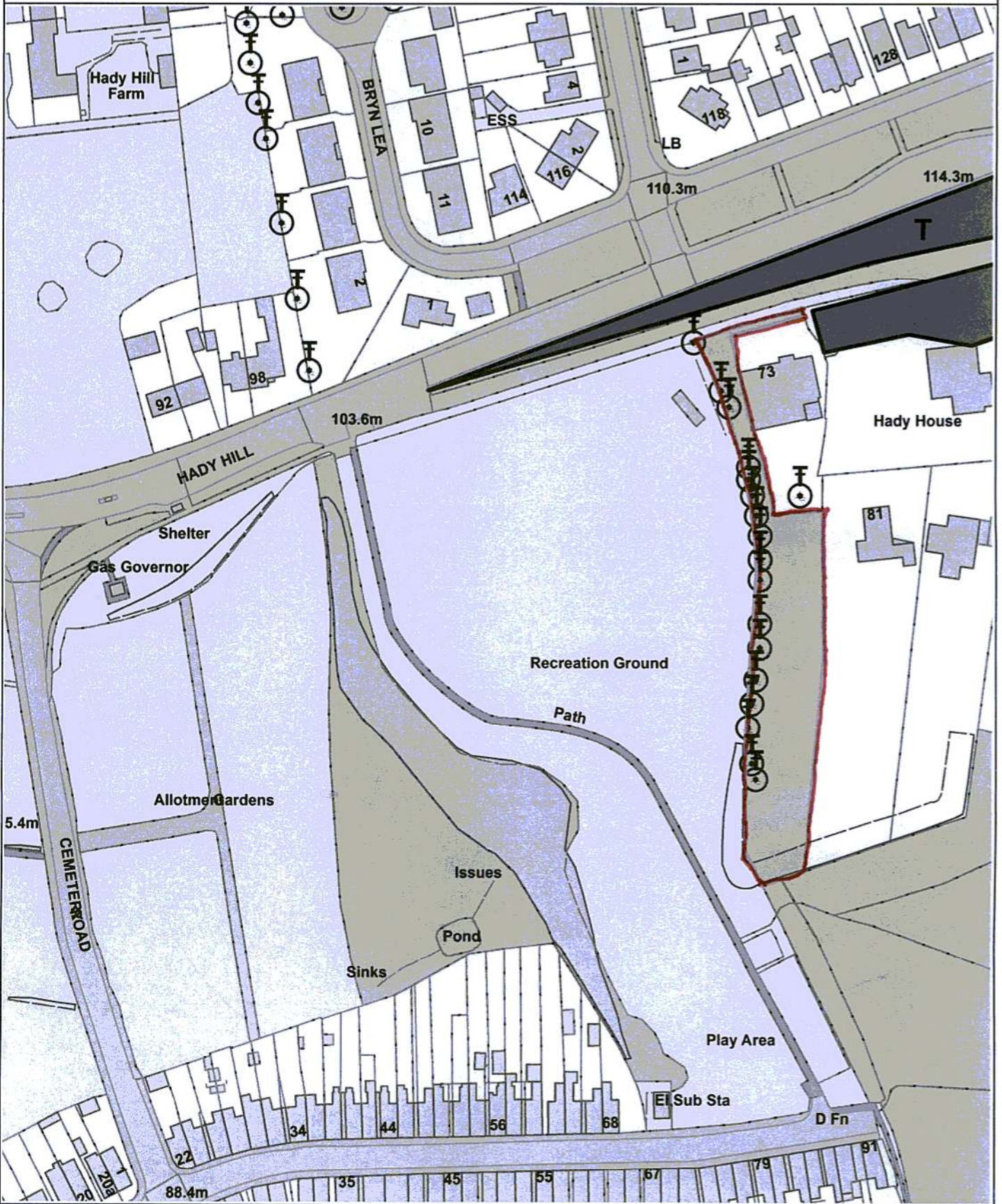
09. In the interest of Highway Safety and to comply with policy CS20 of the Adopted Core Strategy Local Plan 2011-2033.
10. In the interest of Highway Safety and to comply with policy CS20 of the Adopted Core Strategy Local Plan 2011-2033.
11. In the interests of the privacy and amenity of occupants of the neighbouring dwelling and to comply with Policy CS18 of the Adopted Core Strategy Local Plan 2011-2033
12. In the interests of residential amenities.
13. To fully establish the presence and / or otherwise of any coal mining legacy affecting the application site. This condition is a 'pre-commencement' condition and is required to be so in the interest of public safety, as the construction of the dwellings may need to involve special foundations or other measures, that would only be apparent following completion of the required investigation.
14. In order to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and bio-diversity benefits and to enhance its setting within the immediate locality.
15. In regards to the protection of trees on site and to ensure compliance with Policy CS9 of the Core Strategy Local Plan 2011-2033
16. In order to ensure that the development can be properly drained In the interest of satisfactory and sustainable drainage and to comply with Policy CS7 of the Adopted Core Strategy Local Plan 2011 - 2033

Notes.

1. The Highway Authority recommends that the first 5m of the access/driveway should not be surfaced with a loose material (i.e. unbound chippings or gravel etc.). In the event that loose material is transferred to the highway and is regarded as a hazard or nuisance to highway users, the Authority reserves the right to take any necessary action against the householder.
2. 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.

3. 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.
4. This approval contains condition/s which make requirements prior to development commencing. Failure to comply with such conditions will render the development unauthorised in its entirety, liable to enforcement action and will require the submission of a further application for planning permission in full.



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Case Officer: Rob Forrester
 Tel. No: (01246) 345580
 Ctte Date: 25th November 2019

File No: CHE/19/00251/OUT
 Plot No: 2/3582

ITEM 3

OUTLINE APPLICATION FOR THE CONSTRUCTION OF UP TO 120 DWELLINGS WITH ALL MATTERS RESERVED EXCEPT FOR POINT OF ACCESS. REVISED DRAWINGS AND NOISE ASSESSMENT REPORT RECEIVED 29 JULY 2019. REVISED MASTERPLAN RECEIVED 5 SEPTEMBER 2019 AND EXTRA INFORMATION RE BERM VIEW. ON LAND SOUTH OF CALOW LANE, HASLAND, DERBYSHIRE

Local Plan: Open Countryside /unallocated
 Ward: Hasland

1.0 **CONSULTATIONS**

CBC Strategic Planning	Revised comments received 13/11. Object – Contrary to Policies CS1, CS2, CS10 and LP4. Premature in advance of the Emerging Local Plan and poorly related to the centre and does not encourage sustainable transport modes – See report.
CBC Environmental Health	Comments received 25/09/2019 – The noise barrier, as proposed will meet the WHO noise criteria, so rather than specify the noise level, I think that it's best to condition the barrier design. Historical mapping shows this to be a greenfield site, with no previous use (no contamination) – advises 2 conditions
CBC Design Services	Comments received 29/05/2019 – see report
CBC Economic Development	Comments received 06/06/2019 – No objection - advise condition/106 agreement to cover local employment, training

	and supply chain opportunities
CBC Housing	No comments received
CBC Leisure Services	No comments received
Environment Agency	Comments received 20 & 22/05/2019 – see report
Yorkshire Water Services	Comments received 25/06/2019 – No objection advises 3 conditions (public sewers cross the site and should not be built-over except with agreement
Adjacent Authority – NEDDC	No comments received
DCC Contributions (Education)	Revised Comments received 11/06/2019 – Hady School will need to accommodate children from the development – Revised Comments received 28/06/2019 - County Council is not objecting to this application on education grounds
Derbyshire Constabulary	Comments received 31/05/2019 – No objections to the principle of residential development on this site. As all matters except access are to be determined at a later date - no further comment to make
Lead Local Flood Authority	Revised Comments received 18/01/2019 - No objection on surface water grounds
DCC Highways	Comments received 04/07/2019 and 25/09/2019 - The speed survey results confirm that these support suitability of 2.4m x 70m exit visibility sightlines in each direction from the proposed junction. No objection, advises 14 conditions – see report
C/Field Cycle Campaign	Comments received 03/08/2019 – The transport assessment for this application makes the usual glib DfT statements about suitability simply based on

	distance without any thought to the quality of the potential cycling routes. The Campaign therefore objects to this application because it falls short of Chesterfield Borough Council's core strategy of prioritising pedestrian and cycle access.
Coal Authority	Comments received 06/06/2019 – No objection, advise 1 condition
CBC Tree Officer	Comments received 25/05/2019 no objection subject to retention of trees. Hedgerows are not deemed 'important' under the Hedgerows Act 1997 and any hedge removed should be replaced – advises 2 conditions
CBC Urban Design Officer	Defer to DCC Urban Design / Landscape Team comments – would wish to comment on Reserved Matters if outline approved
DCC Urban Design / Landscape Team	Revised Comments received 25/10/2019 – Given the planting and maturity of a robust appropriate native planting scheme as well as the retention of substantial amounts of existing hedgerow and trees, it could be possible to in the long term to reduce landscape impacts of the proposals to an acceptable level. However, I do not consider that the proposed layout achieves this. The loss of existing hedgerow and lack of space to plant sufficient woodland to the east of the proposed acoustic bunds are problematic and would result

	in an unacceptable level of visual landscape impacts - see report
Derbyshire Wildlife Trust	Comments received 07/06/2019, No objection advise 5 conditions
DCC Archaeology	Comments received 10/06/2019 – No objection as much of the site had been subjected to open cast mining and therefore it would be of little archaeological potential
North Derbyshire CCG	Comments received 18/06/2019 – Contribution to Health facilities needed - £57,600
Ward Members	No comments received
Site Notice / Neighbours	10 no. representations received

2.0 **THE SITE**

- 2.1 The application site is located to the north west of Hasland (700m) and to the south west of Chesterfield (2.4km). It is bounded by Calow Lane to the north and the A617 to the west. The site is approximately 6.75ha roughly rectangular in shape and comprises 4 fields of agricultural land which are contained by hedge-rows along each boundary.
- 2.2 The site is accessible via a gate from Calow Lane at the western corner of the site. Land to the north and east of the site lies within Flood Zones 2 and 3 of the Environment Agencies Flood Risk Map for Planning. There are also a number of identified old open cast mining pits within the site.
- 2.3 The site is gently sloping from south-west down to the north-east. The site contains an incised valley within the south-western and central area of the site, the valley is orientated approximately south-west/north-east. The difference in the site levels across the site is roughly 13m.
- 2.4 The application site is bound to the north by Calow Lane, beyond which the land use is largely residential. The western border of the site is formed by the A617, beyond which lies the Calow Lane Industrial Estate, and residential properties. The site is located

3.0 **RELEVANT SITE HISTORY**

3.1 No planning history.

4.0 **THE PROPOSAL**

4.1 The application submitted seeks outline planning permission for the erection of up to 120 dwellings (incorporating public open space, landscaping and sustainable drainage) with all matters except for means of access being reserved. Access is shown to be formed as a single entrance-point from Calow Lane.

4.2 The applicant indicates that the scheme will provide up to 120 dwellings, and be a mix of both market and affordable housing and include 2, 3, 4, and 5 bedroom homes, with a focus on the provision of family housing and housing for the elderly.

4.3 An illustrative layout indicates the single-point access and spine road running roughly north-south with a series of cul-de-sacs spurs off as shown on the plan below:-



4.4 The illustrative layout indicates that an area of public open space incorporating the SUD's attenuation ponds will be created on the eastern side next to Calow Brook (the part of the site falls within flood-risk zones 2 and 3).

- 4.5 A noise attenuating bund (4 metres in height with a 1.5m high acoustic fence on top) would be provided along the entire length of the A617 edge and the bund would have steep sides at a slope of 1:2.
- 4.6 Extensive planting is proposed as a part of the scheme, particularly to the eastern and southern boundaries.
- 4.7 The applicant is proposing various up-grades to the footpaths and road crossings along Calow Lane to improve pedestrian access although little can be done to improve the footpaths at the numerous 'pinch-points' along Calow Lane.
- 4.8 The application submission is supported by the following plans/documents:
- Site plan
 - Visual Impact Assessment
 - Revised Landscape Masterplan
 - Topographic Survey
 - Engineering Constraints plan
 - Internal Road Gradient plan
 - Berm section details and views
 - Refuse vehicle tracking
 - Visibility splay details
 - Preliminary s278 layout
 - Preliminary Highway Works
 - Archaeological Assessment
 - Design and Access Statement
 - Drainage Strategy and Constraints
 - Ecology Report
 - Geo Environmental Reports phases I, II, III and IIIa
 - Planning statement
 - Transport assessment
 - Travel Plan
 - Noise report and Assessment
 - Acoustic Information
 - Footpath survey
 - Speed survey

5.0 **CONSIDERATIONS**

5.1 **Planning Policy Background**

5.1.1 The site the subject of the application 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 and the allocation above policies CS1 (Spatial Strategy), CS2 (Location of Development), CS3 (Presumption in favour of Sustainable Development), CS4 (Infrastructure Delivery), CS6 (Sustainable Design), CS7 (Management of the Water Cycle), CS8 (Environmental Quality), CS9 (Green Infrastructure and Biodiversity), CS10 (Flexibility in Delivery of Housing), CS11 (Range of Housing), CS18 (Design), CS19 (Heritage) and CS20 (Demand for Travel) of the Core Strategy and the wider National Planning Policy Framework (NPPF) apply.

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

5.2 **Principle of Development (inc. Open Countryside / 5yr Housing Land Supply)**

5.2.1 There are five key Local Plan considerations in determining the principle of housing development in this location:

1. Does development accord with the spatial strategy as expressed through policies CS1 and CS2 of the Core Strategy?
2. Does it accord with policy EVR2 of the 2006 Local Plan?
3. Can the council demonstrate a five year housing supply as required by the NPPF and how does this affect the consideration of Core Strategy Policy CS10?
4. Is the countryside location appropriate, and is the site close to a centre?
5. Is consideration premature?

- 5.2.2 The Council's Strategic Planning Officer has commented on the Policy situation as follows:-
- 5.2.3 The following comments are provided in addition to the comments previously provided on the 11th June 2019 relating to this application. They are primarily related to:
- An update of the Council's five year housing supply
 - the weight to be given to the emerging Local Plan;
 - matters of prematurity;
 - the implications of the recent successful appeal against the refusal of outline planning permission for 150 homes at Northmoor View on the interpretation of the Development Plan;
 - Reference made to an appeal on a site in North East Derbyshire at Hasland;
 - Amendments made to the application since the previous comments.
- 5.2.4 For the avoidance of doubt, at the time of writing the adopted development plan continues to be the Chesterfield Local Plan Core Strategy (2013) and the saved policies of the Replacement Chesterfield Local Plan (2006), the relevant policies of which are referred to above.
- 5.2.5 The emerging Local Plan was submitted to Planning Inspectorate at the end of June 2019. Hearing sessions on the Local Plan were held between 15th October and 6th November 2019 and the Council is currently preparing modifications to the plan as requested by the Inspectors, for consultation later in 2019/early 2020.

FIVE YEAR SUPPLY POSITION

- 5.2.6 The Council's latest five year supply position was published on 29th May 2019 and clearly indicates that the council can demonstrate a five year supply of deliverable housing sites, including provision for the 20% buffer required by the results of the Housing Delivery Test.
- 5.2.7 This position was confirmed in the Appeal Decision (hearing) on the Chesterfield Cattery Site at Crow Lane (CHE/18/00225/FUL).

- 5.2.8 The latest Housing Delivery Test was due to be published in November but is now likely to be delayed due to the election purdah period. However based on monitoring of housing delivery for the 2018-19 period the Council believes the 20% buffer that has already been applied remains appropriate and that paragraph 11(d) of the NPPF would not be triggered by the Housing Delivery Test results.

IMPLICATIONS OF NORTHMOOR VIEW APPEAL

- 5.2.9 The key implications of the Northmoor View appeal relate to the interpretation of Core Strategy policy CS10 and RCBLP policy EVR2. In doing so it is relevant to re-consider whether the application accords with the spatial strategy as set out in policies CS1 and CS2, in the light of changes to the application.

POLICIES CS1 and CS2

- 5.2.10 The Core Strategy does not set a specific distance to centres, but the Residential Design SPD does set out distances to a range of destinations that define whether a development is 'walkable', and policies CS2 and CS20 seek to maximise opportunities for walking and cycling and use of public transport. In considering whether an application meets these requirements it is appropriate to also take into account the safety and convenience of routes and whether there are any factors that would discourage occupants to walk (as a position that was confirmed in the Chesterfield Cattery appeal).

- 5.2.11 Relevant indicators include:
- 600-800m to a Local Centre/shop
 - 800-1000m to a primary school
 - 800-1000m to a GP Surgery

Accessibility criteria should also have regard to a range of local factors:

- The catchment populations of different facilities.
- The degree of permeability/directness of walking/cycle routes.
- The general shape of the settlement.
- The propensity of users to walk to specific facilities.
- The influence of topography.
- The safety of the route (real or perceived fear of crime).

- The level of hostility in terms of traffic speed and volume and the quality of the pedestrian experience.

The most recent MHCLG guidance contained in the National Design Guide (dated 1st October 2019) identifies the need to secure well designed places and which include those which are walkable. Walkable is defined as a site where local facilities are within walking distance, generally considered to be no more than a 10 minute walk (800 metre radius).

5.2.12 As previously outlined, the boundary of the site is some 700m from the Hasland Local Centre, with the majority of the site beyond 800m, and 1400 metre from the boundary of the site to Hady Primary School (the nearest primary school to the site). There are concerns about the quality and safety of the route however the applicant has suggested some potential improvements to the route from the site to Hasland Centre, but not to the routes north east along Calow Lane to Hady Primary School and the bus stops along Spital Lane that provide public transport access to Chesterfield Town Centre.

5.2.13 The conclusion reached is that the proposed application is in conflict with policies CS1 and CS2 of the adopted Local Plan Core Strategy in terms of its location, as one which would not encourage the use of sustainable means of transport.

POLICY EVR2

5.2.14 As set out in the previous comments, the application is in conflict with policy EVR2. This policy is a saved policy of the Replacement Chesterfield Borough Local Plan, which pre-dated the 2012 NPPF. Whilst the NPPF does make it clear that policies should not automatically be considered out of date because they predate the NPPF, consideration should be given to the weight that they should be given.

5.2.15 In determining the Northmoor View appeal, the Inspector gave consideration to the fact that when the policy was adopted, this was in a different climate regarding housing need, and the need for some level of greenfield housing development set out in the 2013 Core Strategy. The policy should therefore be considered 'out of date' and the conflict with EVR2 given limited weight in determining the current planning application.

5.2.16 As part of the emerging Local Plan examination (in the Inspector's Matters Issues and Questions), the Inspectors requested the council prepare settlement boundaries in support of emerging policy LP4 that would effectively replace EVR2 and this is addressed under the section on weight to be given to the emerging plan.

Policy CS10

5.2.17 Policy CS10, whilst also pre-dating the current NPPF, was prepared after the 2012 NPPF. Weight should be accorded to it depending on the extent to which it accords with the current NPPF. The policy seeks to restrict greenfield housing development whilst the council can demonstrate a five year supply of deliverable housing sites. The council can currently demonstrate such a supply (confirmed in the decision dismissing the appeal against the Council's refusal of planning permission at Chesterfield Cattery).

5.2.18 In considering the Northmoor View appeal the Inspector gave considerable weight to the fact that the appeal site otherwise accorded with the Council's Spatial Strategy (which seeks to locate development within walking distance of centres).

5.2.19 In the case of the current application, it is considered to be in conflict with policies CS1 and CS2 (see above) and is not therefore considered a sustainable location for new housing. Paragraph 103 of the NPPF seeks to limit the need to travel and offer a choice of transport modes to reduce congestion and emissions, improve air quality and public health. It also acknowledges that sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in decision-making. In a compact borough such as Chesterfield, it is entirely appropriate to prioritise walking as the most sustainable form of transport.

5.2.20 The location of the development does not therefore outweigh the requirements of policy CS10 whilst the council can demonstrate a five year supply of housing sites.

5.2.21 Considerable weight should continue to be given to the conflict with policy CS10 in determining the application.

WEIGHT TO BE GIVEN TO THE EMERGING LOCAL PLAN

- 5.2.22 Paragraph 48 of the NPPF states that “Local planning authorities may give weight to relevant policies in emerging plans according to:
- a. the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
 - b. the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
 - c. the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).”
- 5.2.23 With regard to (a) The Council’s emerging Local Plan (the Chesterfield Local Plan 2018-2033) was submitted for examination at the end of June 2019. Hearing sessions were held between 15th October and 6th November 2019. The Council is currently preparing draft main modifications in response to the Inspectors’ directions for later consultation. The plan has therefore reached an advanced stage of preparation.
- 5.2.24 The emerging Local Plan does not allocate the application site for development.
- 5.2.25 The site would be outside the proposed urban area, and emerging policy LP4 would apply.
- 5.2.26 The most relevant policies in this case are emerging policies LP1, LP2 and LP4 (the policies that will replace Core Strategy Policies CS1, CS2 and CS10 respectively). Emerging policies LP1 and LP2, set out the spatial strategy and approach to location of development, which remains broadly the same as set out in the current Core Strategy. Policy LP4 allocates land for housing (which does not include the application site), and provides a framework for determining applications for development that are not allocated, and are outside the urban area (as the application site is).
- 5.2.27 The proposed development would likely be in conflict with each of these policies, as submitted and as proposed to be amended.

However, these policies are subject to a number of Main Modifications on which further consultation is required. Whilst material considerations, only limited weight should be given to these emerging policies in determining the principle of development. In particular, the conflict with adopted Core Strategy Policy CS10 should continue to be given greater weight than conflict with emerging policy LP4.

- 5.2.28 Regarding other emerging policies, the emerging local plan continues the Core Strategy aim of securing a net gain in biodiversity and on site EV charging points. Policies for affordable housing are the subject of a number of objections and proposed modifications and the Core Strategy policy should continue to be given greater weight.

PREMATURITY

- 5.2.29 The NPPF sets out how prematurity is to be considered at paragraph 50. It is clear that a refusal on this basis will seldom be justified where a draft plan has yet to be submitted for examination. However in this case the draft plan was submitted in June 2019 and Hearing Sessions were undertaken between 15th October and 6th November on the submitted plan, so the issue of prematurity is pertinent. It should be noted that prematurity is a material consideration but is not, by itself, necessarily a bar to granting planning permission where it would otherwise be appropriate taking account of national and local planning policy, and other material considerations.
- 5.2.30 A refusal on these ground should only be justified on the basis of clearly showing how granting permission would prejudice the outcome of the plan-making process. In such a case it would be necessary to demonstrate that:
- a. the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan; and
 - b. the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.

- 5.2.31 Regarding (b), the plan has been subject to formal consultation, submission and Hearings. Consultation on Main Modifications is expected to follow. The emerging plan is therefore considered to be at an advanced stage.
- 5.2.32 Turning back to (a), the question is whether, on its own or cumulatively, this application would predetermine the scale, location or phasing of new development in an emerging plan. First and foremost, it must be noted that the emerging Local Plan does not seek to allocate the application site for housing development. Development of the application site for housing would be contrary to the spatial strategy set out in the emerging plan, which seeks to prioritise sites with good walking access to centres and a range of other facilities, and limit unnecessary greenfield development. Furthermore, the emerging local plan is expected to be able to demonstrate a five year supply of deliverable housing sites upon adoption, and a sufficient supply of housing sites across the plan period (which is to be extended to 2018-2035 by main modifications) to comfortably exceed the minimum objectively assessed need for the period.

RELEVANCE OF APPEAL AT LAND OFF MANSFIELD ROAD, WINSICK, NORTH EAST DERBYSHIRE

- 5.2.33 Reference has been made to an appeal decision to approve planning permission for 160 dwellings on a site off Mansfield Road at Winsick in North East Derbyshire, for 160 dwellings, and whether this is pertinent to the current application.

The site at Winsick lies just outside Chesterfield Borough at the east end of Hasland and referred to two planning applications refused planning permission by NEDDC (one for full planning permission and one for reserved matters permission relating to an outline that had already been granted at appeal).

The key issue is whether these appeal decisions alter the view on whether the Calow Lane site should be viewed as a sustainable location for development on the basis that the Winsick site is further from the Hasland Local Centre than the Calow Lane site and was considered a sustainable location for development by the Planning Inspector.

All planning applications should be considered on their merits, although relevant appeal decisions do provide context to interpreting local and national planning policy. Before looking at the Winsick appeal decision in detail, there are a number of key points to consider:

- The application site already benefitted from an outline planning permission that had been granted at appeal, at a point when NEDDC were unable to demonstrate a five year supply of deliverable housing sites;
- The NEDDC Local Plan dated from 2005, prior to publication of the first NPPF in 2012 (the Chesterfield Core Strategy by comparison was adopted in 2013).

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The development plan in the case of Calow Lane is the Chesterfield Local Plan, and the spatial strategy in particular that was adopted in 2013 and is still considered to overall be appropriate and in conformity with the NPPF. It is entirely possible and reasonable for two council's Local Plans to take different approaches to what is considered a sustainable location for development. Paragraph 103 of the NPPF specifically recognises that 'opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making'.

It is notable that in considering the appeal, the Inspector did not specifically consider the distance of the site to the centre, as this was not an aspect of the relevant Local Plan policies (unlike the Chesterfield Core Strategy). Crucially, the Inspector concluded that the main Local Plan policies relating to the site were out of date and that the emerging policies (which included settlement boundaries that the proposed development would have conflicted with) should be given little weight, but did give substantial weight to the existing outline planning permission.

It is also worth noting that, whilst the Winsick site is slightly further from Hasland Local Centre, the nature is different in character, with pavement along the full length which is direct, sufficiently wide and lit, does not cross the A617, and is also on a regular (every 30

minutes during daytime) bus route that gives access to both the Local Centre and Chesterfield Town Centre via public transport options, unlike Calow Lane which does not have a regular service to Hasland, and where services to the Town Centre are accessed by roads that do would require either walking on the road or repeated crossings of the road.

The comparison of distance to schools has also been noted, with the Winsick site securing a contribution to provide school places. The council's report on the full planning application acknowledged that the distance to primary and secondary education from the site at Winsick, along 'highly trafficked highways' would encourage the use of private cars, particularly to Hady School. It also acknowledged that providing Junior places at Hady School would not contribute to healthy, inclusive communities. This was acknowledged in the reports conclusions, although greater weight was given to other material considerations including, crucially, the existing outline planning permission. Therefore as it had not been identified as a reason for refusal it was not specifically addressed by the Inspector.

In conclusion, sufficient material differences exist between the appeal site and the application site at Calow Lane, and between the planning policy contexts in which the decisions are being taken, that limited weight should be given to this appeal in determining the current application.

- 5.2.34 Based on the above it can be seen that there are considerable policy-based objections to the proposal, which is premature in advance of the emerging Local Plan and would conflict with and therefore prejudice it's provisions.

5.3 **Design and Appearance Considerations (inc. Landscape)**

- 5.3.1 The application submission is accompanied by a Design and Access Statement which has been considered alongside the Landscape Master-plan and Revised Master-plan and the noise berm design having regard to design and appearance, particularly the impact and encroachment in to the countryside.
- 5.3.2 Given that the application submission is an outline, consideration of design and appearance issues are limited to principles and parameters; as any outline permission granted would need to be

the subject of further reserved matters consideration including concerning appearance, landscaping, layout and scale.

5.3.3 With the above context in mind, the **DCC Urban Design / Landscape Officer** (DCC UDLO) has reviewed the application and provided the following comments:

An LVIA was carried out in relation to Landscape Masterplan drawing 2887/4 and previous landscape comments relating to this were dated 25.04.19. Due to further investigation into noise reduction measures a revised layout has been submitted with the inclusion of earth bunds and acoustic fencing. The bunds would be an alien feature in the landscape and the proposal need considering in terms of its landscape and visual impacts.

Visual impacts

The submitted information comprises sections and views from the A619 and it is accepted that the impacts here will be minimal. However, no views are provided for any other receptors and it is considered that the new layout including the bund needs to be assessed.

In the letter from the applicant dated 4/9/19 it is considered that other views of the bund will be minimal as they will be shielded by the proposed dwellings. It would be useful if the sections included the proposed dwellings as there is a lack of information on proposed ridge heights and the relationship to the bunds is important.

To the east of the site, footpath NE 5/19/1 rises to a height of 95m for a short distance, and it is very likely that the bund will be visible from here especially between dwellings and over dwellings. The LVIA assessed impacts for this footpath on completion of the development as 'Substantial' and as 'Moderate' 15 years following completion of the development. This assessment was without the addition of the bund which can only increase the impacts.

Although the impacts of the bund are likely to be high from footpath NE 9/21/1, adjacent and to the south of the site, it is likely to be little used as a connection has been severed to the west by the A617.

The level of the top of the fence on the bund is similar to the road level of Calow Lane on the bridge over the A617 and from this elevated viewpoint the bund and fence will be visible.

It is also likely that the proposed bunds topped by a fence will be visible against the skyline from Calow Lane at the crossing of

Calow Brook. Whilst the housing would screen this in places a perception would exist of a continuous sky line of fencing. This would be increased by the loss of existing hedgerows.

Layout and Planting

There is mention of tree planting to the bunds, however this is not shown on the Masterplan. The bunds are also shown extremely close to the proposed dwellings in several cases and this would create a poor outlook and would not allow space for meaningful buffer planting which is considered would be essential to mitigate the impact of the bunds.

The proposed loss of hedges along Calow Lane and across the site are of great concern and their presence would help screen and integrate the development into the wider landscape. The construction of the bunds will involve extensive earthworks and localised changes to soil conditions. The position of the bunds close to an existing hedgerow and associated trees may endanger their long term survival. It is considered that a much wider margin is required.

Conclusion

Given the planting and maturity of a robust appropriate native planting scheme as well as the retention of substantial amounts of existing hedgerow and trees, it could be possible, in the long term, to reduce landscape impacts of the proposals to an acceptable level. However, the DCC UDLO does not consider that the proposed layout achieves this.

The proposed loss of existing hedgerows and lack of space to plant sufficient woodland to the east of the proposed acoustic bunds are problematic and it is considered that the current proposals would result in an unacceptable level of visual landscape impacts.

5.3.4 On this basis it is concluded that the development of the site would have a harmful landscape impact particularly when viewed from elevated view-points from the public footpath to the east and which would be exacerbated by the noise-bund that would appear as an alien feature within this rural landscape and that it would expand the built-up area in to an area of open countryside.

5.3.5 The **Crime Prevention Design Advisor** (CPDA) has indicated that being an outline application there are no particular concerns and that the main issues can be considered at the detailed stage.

Neighbour responses have also raised concerns over the impact on the environment.

- 5.3.6 Having regard to the comments of the DCC UDLO and CPDA above, in the context of the provisions of policies CS2, CS9 (e), CS18 and CS20 of the Core Strategy and the Council's SPD Successful Places, it is considered that whilst there are weaknesses and landscape impact issues highlighted by the DCC UDLO in the detail of the outline application as submitted, and whilst further detailed consideration of appearance, landscaping, layout and scale would be undertaken at a second tier (reserved matters) level of the application process, there is a fundamental concern that the development and the noise-bund (necessary to make the development acceptable on noise-related grounds) and the overall landscape impact is unacceptable.

Overall therefore it is considered that the outline development proposals is regarded as in conflict with the design and appearance and landscape principles of policies CS2, CS9 (e) and CS18 of the Core Strategy and the guidance within the N.P.P.F which indicates that development should respect the intrinsic beauty of the countryside.

5.4 **Highways / Demand for Travel**

- 5.4.1 The majority of the representations received are directed at highway safety issues, and having regard to the nature of the application proposals there are a number of highway related matters to be considered. These include considerations in respect of the impact of the development upon the local highway network; the quality of the route in to the centre and connectivity thereto; and finally the demand for travel arising from the nature of the development proposals, particularly as the local schools are at capacity and cannot be extended and therefore there would be increased travel to other schools.
- 5.4.2 Looking in turn at each of the considerations set out above, in regard to the local highways network, the nature of the application proposals will inevitably lead to an impact upon the local highway network which must be considered. The fact that access is detailed for consideration alongside this outline planning application means that as well as the impacts of the development

5.4.3

upon the wider highway network, the impacts of the specific junction proposals upon Calow Lane must also be considered. In order to address these matters the application submission is accompanied by a Transport Assessment (TA) and Travel Plan (TP) which have both been prepared by Local Transport Projects dated April 2019. In relation to initial concerns regarding the availability of adequate visibility splays and the impact on the front boundary hedge, the applicants carried out a speed survey, a detailed design of the junction to Calow Lane and a visibility splay plan, along with a gradient plan which demonstrated that the site can be developed in a manner that would not have any significant highway implications and the gradients were such that the road could meet adoptable standards.

5.4.4

Together with the TA and TP, the proposals and supporting documents were reviewed by the **Local Highways Authority** (LHA) who initially made the following comments:

“The Highway Authority has considered the traffic and transport information submitted in respect of the above proposal. It should be understood that, as a generality, the Highway Authority does not “agree” the content of a Transportation Assessment or, inevitably, concur with every detail contained therein. However, providing it is considered that the conclusion is sound then it is not regarded as reasonable or warranted to require the applicant to devote resources to amending detail which would not vary the conclusion. In this case the Highway Authority does not consider that there is an evidence base to suggest that the conclusion that the development would not have a significant adverse effect on capacity or safety of the local road network is incorrect. Certainly, there is no data that would support a reason for refusal of planning permission on the basis that the development would result in severe harm on the highway network, with reference to Paragraph 106 of the National Planning Policy Framework.

The Highway Authority recommended within its pre-application advice that some consideration should be given to impact of the development traffic on operation of the length of Calow Lane between the proposed site access and B6039 Mansfield Road. Whilst the submitted Assessment does not contain any specific commentary with regard to this, the predicted horizon year traffic flows included within the report indicate that development related traffic would be likely to constitute between 6% and 6.5% of traffic

on this section of the highway. It's known that on-street parking is the main constraint to existing operation of this length of Calow Lane and increased flows may well exacerbate the current situation. This being the case it's recommended that funding is secured for a period of 5 years post full occupation of the development, normally under a S106 Agreement, for investigation into, and any subsequent implementation of, Traffic Management Measures should the need arise.

Notwithstanding, the Highway Authority considers that a suitable junction can be created in the vicinity of the location shown within controlled land/ existing highway.

As stated in pre-application advice, there should be no reduction in existing width of Calow Lane at any point as a result of the S278 works and the carriageway should be of 6.0m absolute minimum width across the entire site frontage. In addition, a review of street lighting on Calow Lane will be required as a part of any S278.

The Transportation Assessment acknowledges that relocation of the existing bus stop on the site frontage may be necessary to accommodate the proposed junction. It's recommended that a review is undertaken with this Authority's Public Transport Officer to determine the desired location and infrastructure required to serve the development proposals.

As layout is a reserved matter, no specific comments will be made in this respect. However, any internal road layout submitted in association with a future Reserved Matters/ Full application should comply with the recommendations contained within the Delivering Streets and Places Design Guide.

The existing difference in level between the site and Calow Lane will be likely to require major earthworks and care will be required to ensure acceptable longitudinal gradients can be delivered.

The proposed off-street parking levels contained within the Transportation Assessment are considered to be acceptable. Off-street parking spaces should be of 2.4m x 5.5m minimum dimension (2.4m x 6.5m where in-front of garage doors) with an additional 0.5m of width to any side adjacent to a physical barrier e.g. wall, hedge, fence, etc. Single and double garages should be

of 3.0m x 6.0m and 6.0m x 6.0m minimum internal dimension respectively if to be included within off-street parking provision.

Specific comments with respect to the submitted Travel Plan are appended to this letter. It's recommended that Travel Plan monitoring fees of £1,015p.a. are secured (usually under a S106) for a 5 years period (i.e. £5,075 total index linked).

In addition to the aforementioned S106 funding for traffic management measures and Travel Plan monitoring, it's recommended that 14 conditions are included within the Consent"

5.4.5

In relation to the revised plans and the speed survey provided, the Local Highways Authority (LHA) made the following additional comments:

"I note termination of the fronting footway just to the east of the existing bus stop. There would be no objection to this, however, a 2.0m width grassed margin should be provided over the remaining length of frontage.

The drawings I have indicate that the proposed junction will be provided with exit visibility sightlines of 2.4m x 70m to the nearside carriageway channel in each direction. Without taking into account approach gradient, these are commensurate with 36mph vehicle approach speeds i.e. in excess of the speed limit.

As stated in the initial response, the Highway Authority is satisfied that an acceptable access can be formed to serve a development of the scale and nature proposed. If the detailed design of this can't be made the subject of condition, then a full detailed design will need to be submitted including sightlines based on speed survey results and taking into account gradient and swept paths for the largest vehicle likely to frequently visit the site – normally a Large Refuse Vehicle of 11.6m length.

TA's are predictions of impact of development on the existing highway network. What transpires during and after development can be radically different to the predictions and, this being the case, the HA wouldn't seek to undertake Works that may prove to be unnecessary (or in the wrong place) hence the recommendation to secure funding for a period post full occupation of the site.

I note the speed survey results and can confirm that these support suitability of 2.4m x 70m exit visibility sightlines in each direction from the proposed junction.

I note the developers intentions to assess existing footways and identify potential improvements”.

- 5.4.6 Having regard to the comments above, it is apparent that despite the concerns of local residents, the development is acceptable in highway safety terms and the proposal is acceptable and the N.P.P.F indicates that permission should only be refused on highway safety grounds when the resulting situation would be severe.
- 5.4.7 On this basis, and having regard to the other matters considered above, the development proposals are considered to be acceptable in terms of Highway Safety and any impacts will not be severe and the scheme will therefore accord with the provisions of policies CS2, CS18 and CS20 of the Core Strategy in respect of highway safety matters.
- 5.4.8 A key issue is the acceptability and quality of the route from the site in to the Hasland Centre, as this has an impact on the connectivity and therefore the sustainability of the proposal, given that proximity to centres is a fundamental and determining factor of Policy CS1 of the Core Strategy.
- 5.4.9 The local school is located at the end of Calow Lane where it meets Mansfield Road within Hasland Centre however this school is over-subscribed, cannot be extended, and as a result, children from the development would need to travel to Hady School and the acceptability of that route has an impact on the connectivity and hence sustainability credentials of the site.
- 5.4.10 The route from the site to Hady School is convoluted since the path moves from one side of the road to the other, resulting in the need to cross Calow Lane several times. The route is not a high quality route and as such would not encourage walking or cycling especially with young children in mind.
- 5.4.11 Whilst the Education department has not objected on education grounds, as the expansion of Hady school could be potentially funded from C.I.L, the fact that children could not attend the local school raises a concern that the site is not readily accessible in terms of access to key services.

- 5.4.12 The route along Calow Lane in to the centre of Hasland is referred to in the 'Policy' section above, which indicates the travel distances and that the 'quality' of the route is poor.
- 5.4.13 The footpaths are particularly narrow in places (down to 750mm or less in places), obstructed with street furniture and many of the junctions where side-streets meet Calow Lane have high kerbs, all of which would deter 'walking' and the route is not an attractive one, particularly for anyone with a push-chair or young children, or the elderly or infirm on say mobility scooters.
- 5.4.14 Whilst the applicant has undertaken a condition survey of the route, and is proposing to provide dropped kerbs at some of the junctions to aid anyone with a push-chair, wheel-chair or mobility scooter, there is nothing that can be done to resolve the narrow nature of the path or the numerous pinch-points and the condition of the footpaths would not encourage walking as advocated by the N.P.P.F and which forms one of the key elements of the spatial strategy, particularly Policy CS1 and which promotes developments that can easily access centres. It is considered that the poor quality of the route (irrespective of the distance travelled) would be a disincentive to use transport modes other than the car.
- 5.4.15 Additional comments were also made by the **Chesterfield Cycle Campaign (CCC)** as follows:
- CCC have objected on the basis that the route in to Hasland involves travelling along narrow roads and the Transport Assessment ignores the quality of the route and it falls short of Chesterfield Borough Council's Core Strategy of prioritising pedestrian and cycle access.*
- 5.5.16 The above comments from the cycling-body emphasis that the routes from the site to accepted destinations would not encourage cycling either.
- 5.4.17 Turning to the third and final issue of the demand for travel arising from the development proposals, the application submission is supported by a Travel Plan which has been reviewed by the Local Highways Authority Travel Plan team (LHA TP). Their comments received make a series of recommendations to carry the TP forward following commencement of development and these could be the subject of a condition, if permission is granted.

- 5.4.18 Whilst the applicant has examined the route in to the district centre (and indicated improvements), there are numerous other destinations that need to be reviewed as noted in the Policy comments above, which states:-
The applicant has suggested some potential improvements to the route from the site to Hasland Centre, but not to the routes north east along Calow Lane to Hady Primary School and bus stops along Spital Lane that provide public transport access to Chesterfield Town Centre.
- 5.4.19 The applicant has not suggested any improvements to the other routes (other than the Hasland Centre), and the quality of those other destinations would also deter walking/cycling.
- 5.4.20 On the basis of the above it is concluded that the quality of the connections to local services and facilities is poor and would not represent a walkable and well connected form of development.

5.5 **Flood Risk / Drainage**

- 5.5.1 Policy CS7 requires all new development proposals to consider flood risk and incorporate, where appropriate, Sustainable Drainage Systems (SuDS) to ensure the maximum possible reduction in surface water run off rates are achieved commensurate with the development being proposed.
- 5.5.2 In accordance with policy CS7 of the Core Strategy and wider advice contained within the NPPF the application submission is supported by a Flood Risk Assessment (FRA) prepared by Eastwood and Partners dated 2th March 2019. Part of the site falls within the Flood-risk zones 2 and 3, although the dwellings would be located on the part of the site within flood-risk zone 1. The SUD's drainage and attenuation ponds would be located in flood-risk zone 2 with the pen-space being located within flood-risk zones 2 and 3. A drainage strategy by BSP Consulting 24th April 2018, addressed the drainage issues
- 5.5.3 Consultation took place with the **Lead Local Flood Authority** (LLFA), the Councils own **Design Services (Drainage)** team (DS), **Yorkshire Water Services** (YWS) and the **Environment Agency**

(EA) who all provided detailed responses to the outline proposals and the Assessments submitted.

- 5.5.4 Firstly the EA confirmed that they do not object and that it is appropriate to have open-space within the flood-risk zone providing the dwellings are in FRZ1.
- 5.5.5 There are public sewers crossing the site although an appropriate way-leave is provided to Yorkshire Water requirements, and the technical bodies (Lead Flood Authority and CBC Drainage) reviewed the application submission and did not raise any objections to the proposals in principle.
- 5.5.6 Having regard to the comments made it is considered that appropriate conditions could be imposed upon any outline planning permission granted to ensure that a fully detailed drainage strategy for the development proposals could be drawn up to achieve acceptable run off rates, incorporate appropriate storage volumes and provide adequate improvements measures sought as set out.
- 5.5.7 Taking into consideration all of the comments received in respect of flood risk and drainage matters it is concluded that if the principle of development is accepted, appropriate planning conditions can be imposed to meet the requirements above in accordance with policy CS7 of the Core Strategy and the wider NPPF.

5.6 **Land Condition / Contamination**

- 5.6.1 Albeit that the site is an undeveloped greenfield it is essential to ensure that the ground conditions are appropriate, or can be appropriately remediated to an appropriate level, to ensure that the ground is suitable for the development being proposed.
- 5.6.2 In accordance with policy CS8 of the Core Strategy and wider advice contained in the NPPF the application submission is accompanied by a Phase I Investigation Report (Desk Study) and Coal Mining Risk Assessment prepared by Ecus Environmental dated April 2018 which has been reviewed alongside the application submission by both the Councils **Environmental Health Officer** (EHO) and the **Coal Authority** (CA) in respect of land condition and contamination.

- 5.6.3 The EHO has confirmed that the report demonstrates that contamination would not be a constraint on development in their response to this application.
- 5.6.4 The site was formerly within an open-cast mining area, and having regard therefore to the conclusions of the Mining report and the advice of the CA above, intrusive site investigations are deemed necessary to address land condition and coal mining risk. Appropriate planning conditions could be imposed to this effect to meet the requirements of policy CS8 of the Core Strategy and paragraphs 178-179 of the NPPF if permission is granted.

5.7 **Ecology / Biodiversity**

- 5.7.1 The site the subject of the application is undeveloped and has an established arable agricultural use. Given the open nature of site and land beyond, the presence of peripheral trees and hedgerows within the site and an adjoining watercourse there is potential for biodiversity/ecological interest to exist which must be considered.
- 5.7.2 The Derbyshire Wildlife Trust has raised no objections as the proposed peripheral planting belts would compensate for any losses and represents an increase in Biodiversity as required by CS9. Overall therefore if permission is granted it is considered that appropriate conditions could be imposed to address the ecological requirements arising. This would secure enhancement to biodiversity overall. Such measures would be expected to be shown in the preparation of any 'landscaping' reserved matters submission.
- 5.7.3 In addition to the comments made by DWT above, the Council's **Tree Officer (TO)** also reviewed the proposals and has no objection subject to appropriate replacement trees/hedges and to landscaping conditions.
- 5.7.4 Having regard to the comments made by the Tree Officer it is considered that the suggested conditions are acceptable and can imposed should outline planning permission be granted.

5.8 **Air Quality / Noise**

- 5.8.1 In respect of Air Quality Policy CS8 of the Core Strategy requires development proposals to assess air quality impact and incorporate measures to avoid or mitigate increase in air pollution and under the provisions of policy CS20 of the Core Strategy the Council requires all new residential properties to include provision for Electric Vehicle Charging points. This would be imposed by planning condition, if permission were granted.
- 5.8.2 In respect of Noise policy CS2 and CS18 of the Core Strategy addresses matters in respect of noise/amenity. Furthermore para. 170 e) and 180 of the NPPF requires *'decisions taken to contribute to the natural / local environment by e) preventing new and existing development from contributing to, but put at unacceptable risk from, or being adversely affected by, unacceptable levels of noise pollution'* and *'ensure that new development is appropriate for its location taking into account the likely effects of pollution on health and in doing so should a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life'*.
- 5.8.3 The application submission is supported by a Noise Assessment (NA) (prepared by Acute Acoustics Ltd dated 24th July 2019) and further noise modelling data which has been considered by the Councils **Environmental Health Officer** (EHO).
- 5.8.4 The Noise Assessment concludes that the site is subject to noise from the A617 and the dwellings would require acoustic ventilation and double glazing to reduce noise, although acceptable levels can only be achieved by means of a noise attenuating soil berm, (4m high berm with 1.5m high acoustic fence on the top) along the entire boundary with the A617. As there is a 'gap' to allow the sewer wayleave, this would allow noise entry to the site, but can be resolved by placing apartment blocks (with single-aspect design facing away from the gap) to each side of the gap to shield the remainder of the site.
- 5.8.5 The EHO has advised that:
The report is appropriate and the design of the berm would need to be conditioned.
- 5.8.6 As the EHO confirms the means of mitigation proposed is appropriate to mitigate the impacts identified, and subject to an

appropriate condition requiring such measures to be set out in any reserved matters submission the issue of noise would be addressed in compliance with policies CS2, CS18 and the wider NPPF. This would be imposed by planning condition, if permission was to be granted.

5.9 **Heritage and Archaeology**

- 5.9.1 The impact of new development on the setting of heritage assets should be a consideration when assessing proposals, having regard to the provisions of policy CS19 of the Core Strategy and the wider NPPF. The application is also supported by an Archaeological Desk Based Assessment (prepared by LANPRO SERVICES dated March 2019) and the **DCC Development Control Archaeologist** (DCC Arch) have been consulted on the development proposals and conclude that as the site is a former open-cast mining site, it will have little archaeological interest remaining.
- 5.9.2 Having regard to the comments received from the DCC Arch above, it is a requirement of the National Planning Policy Framework, para. 189 - 190 that the applicant demonstrates to the satisfaction of the Local Planning Authority that appropriate desk-based assessment and, where necessary, field evaluation has been undertaken to determine the potential impact of the development proposals upon any heritage assets, including those with archaeological interest.
- 5.9.3 In this instance it is considered that the applicant has provided the Local Planning Authority (LPA) with satisfactory assessment and evaluation of heritage / archaeological assets to determine the application and based upon the requirements set out in para. 196 – 197 of the NPPF, it is therefore concluded that there would be no harm to the heritage assets and the proposal therefore complies with Core Strategy Policy CS19 and the wider requirements of the N.P.P.F.

5.10 **Other Considerations (On Site Open Space / S106 / CIL)**

- 5.10.1 Having regard to the nature of the application proposals several contribution requirements are triggered given the scale and nature of the proposals. Policy CS4 of the Core Strategy seeks to secure necessary green, social and physical infrastructure commensurate

with the development to ensure that there is no adverse impact upon infrastructure capacity in the Borough.

- 5.10.2 Internal consultation has therefore taken place with the Councils own **Economic Development, Leisure Services and Housing** teams, as well as externally with **Derbyshire County Councils Strategic Planning** team and the **North Derbyshire Care Commissioning Group** on the development proposals to ascertain what specific contributions should be sought.
- 5.10.3 The responses have been collaborated to conclude that were permission to be granted a requirement to secure S106 Contributions via a Legal Agreement in respect of the Affordable Housing (Policy CS11); up to 1% of the overall development cost for a Percent For Art scheme (Policy CS18); a Health contribution via the CCG (Policy CS4) Matters in respect of education and leisure provision are dealt with by CIL contributions.
- 5.10.4 Policy CS11 of the Core Strategy concerns Affordable Housing; and a development of this scale would trigger negotiations to secure up to 30% affordable housing provision on site. Furthermore policy CS18 of the Core Strategy concerns Design and includes a mechanism by which the Council would seek a contribution of up to 1% of the overall development costs towards a public art scheme (for major development proposals costing in excess of £1million).
- 5.10.5 There is no Viability Appraisal / Assessment presented with the application submission and therefore at this stage appropriate levels of contributions for the specific issues of Affordable Housing and Percent for Art cannot be calculated. In similar such cases the Council has incorporated a requirement in a S106 Agreement for a Viability Appraisal / Assessment to be completed and submitted concurrently with the first reserved matters submission to determine the level of these contributions in line with the policy wording.
- 5.10.6 In addition to the above a request for a contribution has been received from the North Derbyshire Clinical Commissioning Group (CCG) for a contribution of £ **£57,600** indicating that It is unlikely that NHS England or NHS Derby and Derbyshire CCG would support a single handed GP development as the solution to

sustainably meet the needs of the housing development and that the health contribution would ideally be invested in enhancing capacity/infrastructure with existing local practices. The closest practices to this development are; Inspire Health, Hasland Medical Centre and Inspire Health, Hasland Surgery.

New CIL Regulations came into force on 1st September 2019, replacing the council's 'Regulation 123' list (which determined what infrastructure would be covered by CIL and which by S106), replacing them with 'Infrastructure Funding Statements' (IFS). However the first IFS is not due to be published until the end of 2020. In the interim, the Regulation 123 list continues to be the most up to date evidence of the council's intentions and priorities for spending CIL contributions. Health services are not currently covered by this list and it is therefore necessary to consider if this should be addressed through a financial contribution, secured by a S106 agreement as well as matters above in the event that a planning permission were to be granted.

- 5.10.7 In respect of the GP contribution Policy CS4 states that 'developers will be required to demonstrate that the necessary infrastructure (green, social and physical) will be in place in advance of, or can be provided in tandem with, new development'. The preamble (para 5.6) to the policy describes infrastructure, but does not provide an exclusive or exhaustive list. It does refer to health facilities specifically as an example of social infrastructure. Para 5.8 refers to working 'co-operatively and jointly with partners to ensure delivery of the infrastructure required to enable development and improve existing facilities'.
- 5.10.8 Under the policy, strategic infrastructure set out in the council's Infrastructure Delivery Plan should be secured through CIL. The expansion of GP services in this area is not in the IDP or on the Regulation 123 list and therefore securing a contribution through S106 would be the appropriate mechanism.
- 5.10.9 The CIL regulations and NPPF set out the tests for planning obligations. Planning obligations should only be sought where they meet all of the following tests:
- necessary to make the development acceptable in planning terms
 - directly related to the development

- fairly and reasonably related in scale and kind to the development

- 5.10.10 The CCG has clearly set out the evidence relating to the second two tests. On the basis of policy CS4, as expanded in the preamble to the text, it is clear that health facilities are covered by policy CS4 where a need can be identified. The request also therefore meets the first test and it is considered that this contribution should be sought if permission is granted. This would form a standard clause in the associated S106 agreement.
- 5.10.11 Looking in turn at other triggered requirements (policy CS13 – Economic Development to secure local labour) the LPA would look to secure by planning condition the requirement for local labour
- 5.10.12 As mentioned above, if permitted, the development would be CIL liable and the site is within the medium zone and would be charged at £50 per sqm of gross internal floorspace (index linked). Relief would be available on any affordable or Custom and Self Build element upon application.

6.0 **REPRESENTATIONS**

- 6.1 The application has been publicised by site notice posted on 28/05/2019; by advertisement placed in the local press on 06/06/2019; and by neighbour notification letters sent on 20/05/2019 and 30/07/2019.
- 6.2 As a result of the applications publicity there have also been 10 representations received in total from local residents. The list set out below includes the street names and numbers which were identifiable in these representations. A number of other representations received by email or other means of correspondence were also received where an address was not given or legible.

224 Hady Lane, Hady S41 0DB x2

273 Spital Lane, Spital S41 0HS

7 Norwood Close, Hasland S41 0NL

49 Blackthorn Close, Hasland S41 0DY x2

59A Calow Lane, Hasland S41 0AX

11 Halesworth Close, Walton S40 3LW

6.3 Detailed below is a summary of all the comments / issues which were made in the representations received:-

- Policy concerns
- Traffic or Highways issues
- Visual impact
- Impact on residential amenity
- The proposed scheme compromises the policies as set out in the CBC Policy Team Document. CS10,CS1&2
- The site is a greenfield one which should go to nature if no longer needed for farmland – increasing vegetation cover would aid climate-change with forecasts of increasingly hot/wet summers
- Calow Lane already gets gridlocked and further traffic would promote chaos without another access
- 120 extra houses in an already congested area will put pressure on traffic for most of the day
- Highway and road junctions are dangerous as it is a rat-run to junction 29A of the M1
- Roads already blocked at peak times. Calow Lane is the main arterial route to Chesterfield Royal Hospital. Need less traffic not more
- Council falls short on basic litter/glass left locally. Speeding is a problem. Road speed reduction scheme needed
- Calow Lane is already a majorly congested road during peak times
- Many people on this estate use Calow Lane to get to the hospital via Hady Lane
- The Calow Lane junction in Hasland is congested and there is conflict between traffic and pedestrians in the centre
- There are stables nearby and horses use this once quiet road
- Please connect up the site to truncated Grassmoor FP21 and on to Temple Normanton and Mansfield Rd
- Unsuitable development for the area and location with regards to access off Calow lane & flooding – run-off to

Calow brook will increase and will threaten low-lying dwellings and property

- No initial neighbour letters received and I take an interest of proposals in my area particularly as we are looking to complete a house extension ourselves soon and came across this application last month and added a public comment stating my view to object the application - perhaps if a thorough consultation was carried out, more feedback would be received rather than limiting the window of opportunity for members of the public to have their say
- It's fair to say the estate I live on is predominantly made up of the older generation with likely no access to the internet, sending a letter so far down the consultation stage seems a very unfair process being they were not informed previously, I suspect this is why there are very little public comments listed
- We were consulted some time ago by the developer and responded then, but did not copy in the Council - so hope our comments will still be considered
- Development should never be allowed to go ahead when there are environmental impact/increased flooding or road and pedestrian safety

Officer response: many of the above comments relate to traffic and highway safety which are addressed in the report. Other issues relate to environmental issues and flooding which are also addressed in the report as are the policy/greenfield issues. The publicity and neighbour letters which were sent out met the Council's usual and required procedures.

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 applicant has the right to appeal the final decision in the event of a refusal.
- 8.0 **STATEMENT OF POSITIVE AND PROACTIVE WORKING WITH APPLICANT**
- 8.1 The following is a statement on how the Local Planning Authority (LPA) has adhered to the requirements of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 in respect of decision making in line with paragraph 38 of the National Planning Policy Framework (NPPF).
- 8.2 Whilst detailed matters including highways and noise have been addressed via the amended plans, there remains fundamental policy/landscape impact concerns, and the proposed development conflicts with principles of the NPPF and the relevant Development Plan policies for the reasons given in the report above.
- 8.3 The conflict with Development Plan policies has led the LPA to conclude the development is not fully regarded to meet the definitions of "sustainable development" having regard to local character and amenity and a presumption on the LPA to seek to approve the application is not considered to apply.
- 9.0 **CONCLUSION**
- 9.1 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'. In this context the application has been considered against all up to date development plan policies (as set out in section 5.1 and 5.2) and the wider National Planning Policy Framework (NPPF) as detailed in the report above.
- 9.2 In the context of para. 11 of the NPPF it is acknowledged that the Framework directs all planning decisions to apply a presumption in

favour of sustainable development; however in this case having regard to the considerations set out in the report above neither para. 11c or 11d of the Framework are engaged in this respect.

- 9.3 At the time of writing the adopted development plan continues to be the Chesterfield Local Plan Core Strategy (2013) and the saved policies of the Replacement Chesterfield Local Plan (2006), the relevant policies of which are highlighted in the previous comments. The emerging Local Plan was submitted to Planning Inspectorate at the end of June 2019. Hearing sessions on the Local Plan were held between 15th October and 6th November 2019 and the Council is currently preparing modifications to the plan as requested by the Inspectors, for consultation later in 2019/early 2020.
- 9.4 The Council's latest five year supply position was published on 29th May 2019 and clearly demonstrated that the council can demonstrate a five year supply of deliverable housing sites, including provision for the 20% buffer required by the results of the Housing Delivery Test.
This position was confirmed in the Appeal Decision on the Chesterfield Cattery Site at Crow Lane (CHE/18/00225/FUL).
- 9.5 So in so far as the Principle of the Development of the site the proposed application is in conflict with policies CS1 and CS2 of the adopted Local Plan Core Strategy in terms of its location, which would not encourage the use of sustainable means of transport. Policies CS1 and CS2 are considered to be up to date and consistent with the NPPF.
- 9.6 The proposed development is in conflict with saved policy EVR2 of the RCBLP, but this policy is considered 'out of date' and the conflict with EVR2 is therefore given limited weight in determining the current planning application. On the basis that the application is considered in conflict with policies CS1 and CS2, considerable weight should continue to be applied to the conflict with policy CS10.
- 9.7 The emerging Local Plan does not allocate the site for development, supporting the position that the site is not considered a 'sustainable' site for residential development. It would be considered outside the urban area in terms of the application of policy LP4. However at this stage only limited weight should be

given to the conflict with emerging local plan policies LP1, LP2 and LP4.

9.8 When taken together with the recent grant of permission at appeal for 150 dwellings at Northmoor View (as a site that is not accounted for in the Local Plan), and an outstanding (at the time of writing the report) outline application for 350 dwellings at Bamford Road, this could result in a further 620 new dwellings not accounted for in the emerging plan, on greenfield sites - or 15.2% of the minimum housing requirement across the whole emerging Local Plan period. Cumulatively the applications have the potential to have a significant impact on the strategy in the emerging Local Plan in terms of the Sustainability Appraisal and Infrastructure provisions of the plan. The planning application should therefore be considered premature.

9.9 The site falls within the open countryside and will be prominent from various view-points particularly the Calow Lane bridge over the A617 and the elevated public footpath to the east. Whilst the proposed noise bund would not be prominent from the A617, it would appear as an alien intrusion in to the countryside from other views and together with the landscape impact of the development, this would constitute an intrusion in to the countryside contrary to CS18 and the N.P.P.F.

9.10 All other technical issues have been resolved.

10.0 **RECOMMENDATION**

10.1 It is therefore recommended that the application be **REFUSED** for the following reasons:

1. Having regard to the requirements of policy CS1 of the Chesterfield Local Plan: Core Strategy 2011 – 2031 the site is not located within an acceptable walking distance to local services, including primary education provision, and a local centre via a safe, convenient route and therefore the development fails to meet the provisions set out in the CS1 Spatial Strategy to 'concentrate new development within walking and cycling distances of centres' and is not considered Sustainable Development. Furthermore the development proposals fails on the majority of the criteria set out in policy CS2 of the Chesterfield Local Plan: Core

Strategy 2011 – 2031 (the exceptions being (c) and (g)), and there is no evidence to suggest that the proposal meets the exception tests set out in CS2 (i) and (ii).

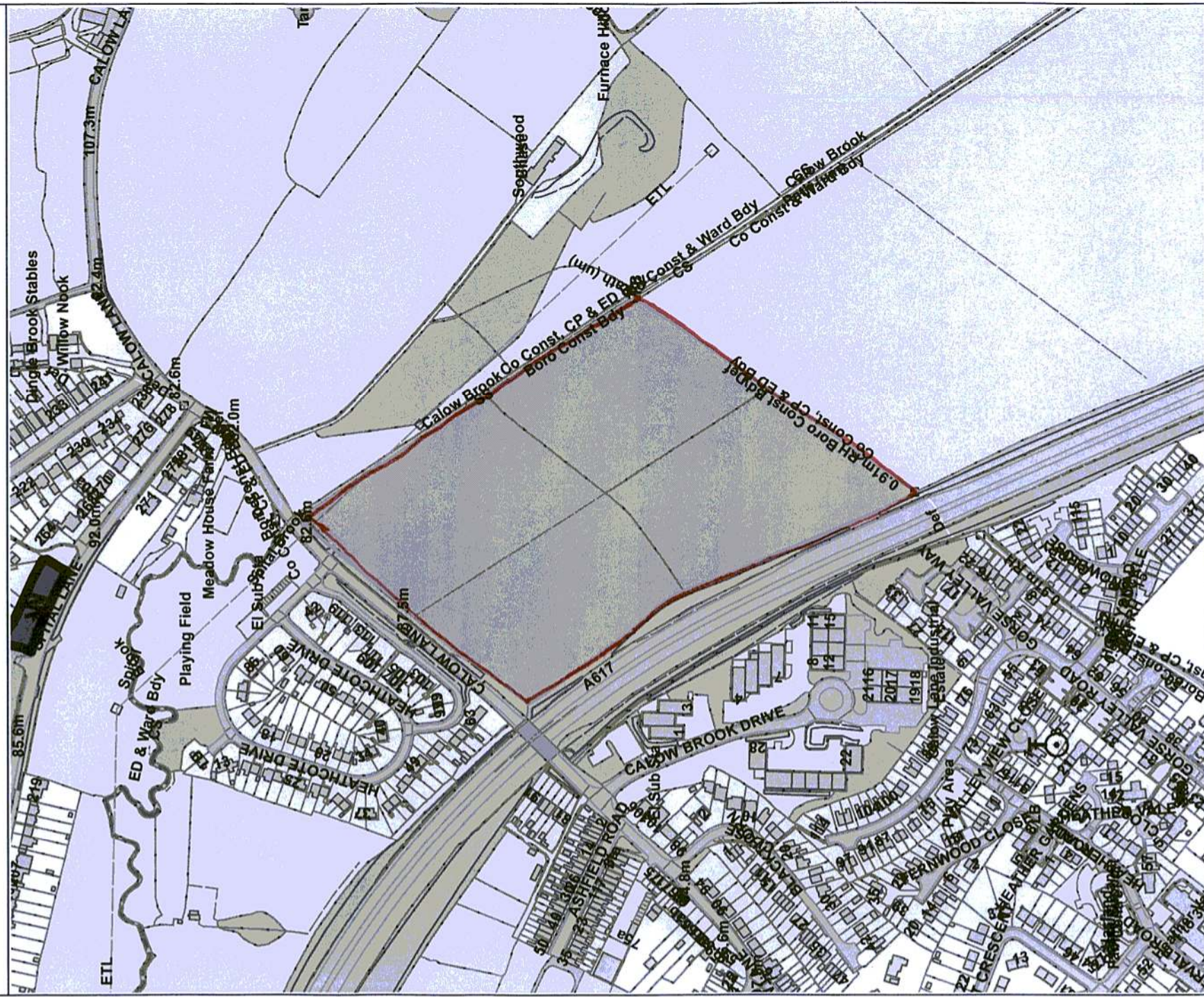
In respect of policy CS10 of the Chesterfield Local Plan: Core Strategy 2011 – 2031 the policy requirement is clear in its aim that greenfield led housing development will not be accepted where the Local Planning Authority is able to demonstrate a 5 year housing land supply.

Overall on the basis that the Local Planning Authority is currently able to demonstrate a 5 year housing land supply the development would be contrary to the provisions of policy CS1, CS2 and CS10 of the Chesterfield Local Plan: Core Strategy 2011 – 2031 and the wider provisions of the National Planning Policy Framework and it is therefore unacceptable.

2. Having regard to paragraph 50 of the NPPF, the proposed development, would undermine the plan-making process by predetermining decisions about the scale, location or phasing of the emerging Chesterfield Local Plan (2018-2035) by enabling substantial development of a scale and location not supported by the emerging strategy when taken cumulatively with other development proposals.
3. The site falls within the open countryside and will be prominent from various view-points particularly the Calow Lane bridge over the A617 and the elevated public footpath to the east.
Whilst the proposed noise bund would not be prominent from the A617, it would appear as an alien intrusion in to the countryside from other views and together with the landscape impact of the development, this would constitute an intrusion in to the countryside contrary to Core Strategy Policies CS9(e) CS18 and the N.P.P.F.

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CHESTERFIELD
BOROUGH COUNCIL

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Agenda Item 4

COMMITTEE/SUB	Planning Committee
DATE OF MEETING	25 November 2019
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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Committee List - Chesterfield

Reference Number	Site Address	Description Of Work	Decision Date	Decision Type
19/05858/DEXFP	9 Netherfield Road Somersall Chesterfield S40 3LS	Single storey side extension	23/10/2019	A
19/05654/DEXFP	11 Westwood Close Inkersall Chesterfield S43 3JE	Single Storey Rear Extension and Internal Alterations	24/10/2019	A
19/05569/OTHEP	St Michael And All Angels Church Street Brimington Chesterfield S43 1JG	Removal of pew platforms and re-instatement of floor incorporation under floor heating and insulation	25/10/2019	C
19/01803/DOMFP	Ravensdale 26 Chesterfield Road Brimington Chesterfield S43 1AD	Construction of 5 new dwellings and associated infrastructure	29/10/2019	C
19/05225/DEXFP	127 Tapton View Road Newbold Chesterfield S41 7LE	Removal of ground floor wall and installation of new universal supporting beam	04/11/2019	A
19/05444/DEXPI	102 Highfield Lane Newbold Chesterfield S41 8BA	Single storey rear kitchen extension	08/11/2019	C

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Agenda Item 5

COMMITTEE/SUB	Planning Committee
DATE OF MEETING	25 November 2019
TITLE	DELEGATION
PUBLICITY	For Publication
CONTENTS	Items approved by Development Management and Conservation Manager under the following Delegation references:- Planning Applications P020D, P200D to P250D, P270D to P320D, P350D to P370D, P390D, P420D to P440D Agricultural and Telecommunications P330D and P340D
RECOMMENDATIONS	Not applicable
LIST OF BACKGROUND PAPERS	Relevant applications

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

Planning Applications	Paul Staniforth	345781
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Delegated List
Planning Applications

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/19/00192/ADV	St Leonards	Installation of 5 illuminated fascia signs		
WDN	31/10/2019			
1272		At Land Adjacent To Royal Mail Depot West Bars Chesterfield For McDonalds Restaurants Ltd		
CHE/19/00195/ADV	St Leonards	Installation of a free standing sign head on a 9m pole	WDN	31/10/2019
1272		At Land Adjacent To Royal Mail Depot West Bars Chesterfield For McDonalds Restaurants Ltd		
CHE/19/00196/ADV	St Leonards	Various site signs including 4 free standing illuminated double digital menu boards, 12 DOT non illuminated signs and 1 illuminated digital booth screen	WDN	31/10/2019
1272		At Land Adjacent Royal Mail Depot West Bars Chesterfield For McDonalds Restaurants Ltd		
CHE/19/00389/COU	Old Whittington	Re-submission of CHE/19/00262/COU - Change of use from warehousing (B8) to Assembly and Leisure (D2)	REF	12/11/2019
		At Unit 18 Broombank Park Chesterfield Trading Estate Chesterfield S41 9RT For The Combat Academy (Chesterfield) Ltd		

CHE/19/00391/FUL	Dunston	Erection of a stone built garage and air source heat pump house. Revised drawings and supporting information received 13.09.2019	CP	29/10/2019
218		At Dunston Grange Dunston Lane Newbold S41 9RJ For Mr John Young		
CHE/19/00416/FUL	Hollingwood And Inkersall	Erection of a one 3-bedroomed bungalow	CP	28/10/2019
2/4248		At Markham Court Duckmanton Road Duckmanton S44 5HH For Chesterfield Borough Council		
CHE/19/00460/RET	St Leonards	Change of use to second floor to D1 use for a aesthetic and wellbeing clinic	UP	31/10/2019
229		At 5 Lordsmill Street Chesterfield S41 7RW For Mrs Theresa Goldsmith		
CHE/19/00468/OUT	Hasland	Outline planning consent for two dwellings to replace expired consents	CP	22/10/2019
1632 and 1633		At Land Adjacent To 21 Southfield Avenue Hasland For Mr William Ervine		
CHE/19/00489/FUL	Brimington North	Single storey extension to bungalow to replace conservatory and garage on the side and rear of bungalow	CP	01/11/2019
2441		At 10 Langdale Square Brimington S43 1LA For Mr Ian Johnson		

CHE/19/00492/FUL	West	Rear single storey extension with dormer roof extension for additional bedroom and en-suite to existing loft space	REF	28/10/2019
131		At 5 Chiltern Close Chesterfield S40 4QY		
		For Mr & Mrs Maclean		
CHE/19/00503/ADV	Lowgates And Woodthorpe	2 x fascia signs and 1 totem sign	CP	30/10/2019
544 544		At 3B Seymour Link Road Woodthorpe S43 3FG		
		For Protec Ltd		
CHE/19/00508/RET	St Helens	Retention of garden shed	CP	31/10/2019
6622		At 60 Gloucester Road Stonegravels Chesterfield S41 7DG		
		For Mr Rashid Iqbal		
CHE/19/00525/DOC	St Helens	Discharge of planning conditions 2 (wall and roof materials), 8 (tree protection scheme), 11 (hard landscaping) and 14 (boundary treatments) of CHE/19/00007/REM - Approval of reserved matters of appearance, layout and scale, of CHE/18/00083/REM1, for the development of 177 dwellings, public open space and associated infrastructure.	DPC	22/10/2019
1637 163 5171		At Land At East Of A61 Known As Chesterfield Waterside Brimington Road Tapton Derbyshire		
		For Avant Homes (Central)		

CHE/19/00526/FUL	Middlecroft And Poolsbrook	Front extension to form new porch with wc and pitched canopy with garage door to front of carport with canopy over front window At 106 Middlecroft Road Staveley S43 3NG For Mr Pymm	CP	29/10/2019
CHE/19/00528/FUL	St Leonards	Proposed side extension At 28 Summerfield Road Boythorpe S40 2LJ For S Clarke	CP	01/11/2019
CHE/19/00530/FUL	Middlecroft And Poolsbrook	Removal of existing aluminium shop front and installation of 4 new windows and a new timber door and window combination At 10 High Street Staveley S43 3UJ For D Palterman	CP	25/10/2019
453				
CHE/19/00531/RET	Hollingwood And Inkersall	Retrospective change of use back from D1 Adult Training Centre to previous B2 general industrial and retention of 2 windows on the rear elevation thought to have been permitted development At Waterloo Court, Unit 2 Markham Lane Duckmanton S44 5HN For Catering Projects Ltd	CP	01/11/2019
544				

CHE/19/00533/NMA	Brockwell	Non material amendment to UP CHE/19/00081/FUL (Single storey extension to rear, demolition of existing garden out building and small new build to top of garden, conversion of existing garage to side and small porch extension to front) for elevational amendments relating to rear extension, window and door openings and addition of a parapet roof. Revised drawings received 18 October 2019.		25/10/2019
2386		At 22 Tennyson Avenue Chesterfield S40 4SW For Mr and Mrs Emmerson		
CHE/19/00535/FUL	Walton	Erection of a conservatory	CP	06/11/2019
279		At 1 Fenland Way Chesterfield S40 3RH For Mr and Mrs Richmond		
CHE/19/00536/FUL	Dunston	Change of use of first floor from one flat to two flats and installation of steel staircase.	CP	31/10/2019
		At Accommodation Above 53 Cordwell Avenue Newbold S41 8BT For Premier Salls Convenience		
CHE/19/00537/ADV	Moor	Installation of electric charging point with 1 LCD media screen (measuring 0.53m x 0.93m) and 3 x flag pole signs (each measuring 1.25m x 0.7m)	UP	25/10/2019
495		At Tesco Extra Lockoford Lane Chesterfield Derbyshire S41 7EW For Mr Horwood		

CHE/19/00543/FUL	Walton	Garage conversion, first floor side extension At 4 Stanwood Drive Walton S42 7NT For Mr David Beardow	CP	25/10/2019
5587				
CHE/19/00546/DOC	Hollingwood And Inkersall	Discharge of conditions 2 (access), 3 (construction management plan), 7 (land levels) and 8 (soft landscaping) of CHE/18/00768/REM - residential development of 33 dwellings At Land To South Of Poplar Farm Rectory Road Duckmanton For Woodall Homes	DPC	29/10/2019
1017				
CHE/19/00547/FUL	Hollingwood And Inkersall	Two storey side extension with extended dormer at rear At 1 Beeley Close Inkersall S43 3EB For Mr Paul Rimington	CP	31/10/2019
10				
CHE/19/00549/FUL	Linacre	Single storey side extension At 29 Wheathill Close Holme Hall Chesterfield 7JZ For Mr Adrian Francis	CP	31/10/2019
CHE/19/00552/RET	Hollingwood And Inkersall	Replacement conservatory/sun room due to failure of roof,internal gutter and ant infestation of cavity walls, all due to the age of the structure At 12 Westwood Drive Inkersall S43 3DF For Mr Stephen Haycox	UP	06/11/2019

CHE/19/00554/FUL	Dunston	Two storey rear extension, single storey CP side extension and facelift of existing house, and associated landscaping/garden building. At 501 Newbold Road Newbold S41 8AE For Mr Serrell		22/10/2019
3256				
CHE/19/00559/REM1		Walton Variation of planning conditions 10 CP (windows) and 18 (drive gradient) of application CHE/18/00024/FUL - Five detached dwellings and garage At Land At Breckland Road Walton S40 3LJ For Peppermint Grove		31/10/2019
CHE/19/00560/ADV	Dunston	Display of 1 internally illuminated Totem sign At 22-24 Station Road Whittington Moor S41 9AQ For DPSK Ltd	CP	22/10/2019
CHE/19/00569/ADV	Hollingwood And Inkersall	Installation of 4 new digital freestanding signs. At McDonalds Restaurants Ltd Markham Vale Services Enterprise Way Duckmanton S44 5HB For McDonalds Restaurants Ltd	CP	06/11/2019
1017				
CHE/19/00571/FUL	Walton	Proposed side extension At 6 Brincliffe Close Walton Derbyshire S40 3DU For Mr and Mrs Shepley	CP	12/11/2019

CHE/19/00573/FUL	Brimington South	Alterations to existing bay window on the front elevation	CP	08/11/2019
1456		At 1 Fuller Drive Chesterfield S41 0UG For Mr Jeffrey Fisher		
CHE/19/00585/RET	Walton	Erection of a 2 metre high boundary fence of concrete posts and wooden panels.	UP	12/11/2019
		At 8 Thorndon Way Walton S40 3DW For Mr Bryn Holmes		
CHE/19/00616/TPO	West	A - Ash tree - 2 m crown reduction to north side of tree. B - Lime tree - 4.5 m crown lift. C - Lime Tree - 4.5m crown lift. D Sycamore - 4m crown lift. All trees will benefit from works to allow more light to the ground and improve overall health.	CP	28/10/2019
		At 7 The Willows Oakfield Avenue Chesterfield S40 3HN For A-Rock Construction Ltd		
CHE/19/00617/TPO	Rother	One tree that overhangs my boundary.		CP
23/10/2019		Currently it is lopsided and growing into a tree on my property. Removing some lower branches. At Grass Verge To North Of Lillymede Close Birdholme Derbyshire For Mr Michael Bateson		

CHE/19/00619/TPD Rother	Single storey rear conservatory attached to existing lounge extension At 44 Thornbridge Crescent Birdholme S40 2JH For Mr Steven Taylor	WDN	29/10/2019
CHE/19/00621/TPO Brockwell 01/11/2019	To fell 2 cherry trees in back garden of property. At 52 Bentham Road Chesterfield S40 4EZ For Ms Karen Duszczak		CP
CHE/19/00623/TPO Old Whittington T2 Hawthorne -	T1 Lime - Crown lift and crown clean to remove dead material. T2 Hawthorne - Crown clean to remove dead material. T3 Sweet Chestnut - Remove deadwood and low level branch to the north of the stem At 93 High Street Old Whittington S41 9LB For Mrs Susan Smith	CP	12/11/2019
CHE/19/00635/TPO Linacre	Trees need branch removal and crown lift At Eyre Chapel Newbold Village Newbold Road Newbold S41 8RJ For Cllr Peter Barr	CP	22/10/2019
CHE/19/00636/OUT Hasland 1276	Erection of three linked bungalows At Land At Storforth Lane Junction Derby Road Birdholme For Miss Lavin Ali Osman	WDN	06/11/2019

CHE/19/00644/TPO Dunston	T18 - Copper Beech - Crown lift, crown thin, clear structures to allow light into house and garden. At 2 Broughton Road Newbold S41 8DX For Mr Kevin Bonsell	CP	28/10/2019
CHE/19/00653/TPO West	To Fell Silver Birch .Replant with 1 standard Silver Birch in same place At 4A Oakfield Avenue Chesterfield S40 3LE For Mr Rob Kirk	CP	28/10/2019
CHE/19/00668/TPO West 01/11/2019	Lifting of the crown, removal of branches At 2 Park Hall Gardens Walton S42 7NQ For Mr John Kemp		CP
CHE/19/00669/CA West	Reduce conifer by 50%, crown lift trees around car park and investigate chestnut for structural integrity At St Thomas' Church Road Chesterfield S40 3AW For Mr Mark Hoare	UP	31/10/2019

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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Agenda Item 6

COMMITTEE/SUB	Planning Committee
DATE OF MEETING	25 November 2019
TITLE	DELEGATION
PUBLICITY	For Publication
CONTENTS	Items approved by the Development Management and Conservation Manager under the following Delegation references:- Felling and Pruning of Trees P100D, P120D, P130D
RECOMMENDATIONS	Not applicable
LIST OF BACKGROUND PAPERS	Relevant applications

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

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

<u>CODE NO</u>	<u>DESCRIPTION OF PROPOSAL</u>	<u>TERMS OF DECISION</u>
CHE/19/00617/TPO TPO 4901.289 23/10/19	The pruning of one Lime tree reference T94 on the order map for Mr Bateson of 9 Lillymede Close. The tree is located in the highway grass verge on Langer Lane and overhangs 9 Lillymede Close.	Consent is granted to the crown reduction of one Lime tree to reshape the southern side of the crown to form an evenly balanced tree and remove branches overhanging the applicant's property. Consent is also granted to crown lift the tree by 5.2 metres which would clear the lower branches suppressing the Cherry tree in the garden area.
CHE/19/00616/TPO TPO 4901.221 28/10/19	The pruning of trees reference T8 Ash, T11 Lime, T12 Sycamore and one Lime and one Sycamore within G1 on the order map for Mr Rockie White of 7 The Willows, off Oakfield Avenue.	Consent is granted to the reduction of branches growing towards 7 The Willows by a maximum of 2 metres to clear the property on T8 Ash and one Lime within G1. Consent is also granted to dead wood and crown lift the remaining 3 trees by 4.5 metres pruning back to suitable replacement branches.
CHE/19/00653/TPO TPO 4901.82 28/10/19	The felling of one dead Silver Birch tree reference T2 on the Order map for Mr Kirk of 4a Oakfield Avenue.	Consent is granted to the felling of one Birch tree with a condition to plant a new Birch tree in the next available planting season after felling.
CHE/19/00644/TPO	The pruning of one Copper Beech tree reference T18 on the order map for Mr	Consent is granted to the reduction of branches to give a 2 metre clearance from

TPO 4901.112 28/10/19	Kevin Bonsell of 2 Broughton Road, Newbold.	the property and to crown thin by 20% to allow more light into the property and garden. Consent is also granted to crown lift the tree by 5.2 metres to clear the highway and allow light to filter under the tree into the property.
CHE/19/00621/TPO TPO 4901.67 01/11/19	The felling of two dying Cherry trees reference T6 & T7 on the Order map for Mr Duszczak of 52 Bentham Road.	Consent is granted to the felling of two Cherry trees. The duty to plant two replacement trees have been dispensed with on this occasion due to no suitable locations on the property which would provide any public amenity.
CHE/19/00668/TPO TPO 4901.169 01/11/19	The pruning of one Sweet Chestnut tree reference T22 on the Order map for Mr Kemp of 2 Park Hall Gardens, Walton.	Consent is granted to crown lift, crown clean to remove damaged branches and to reduce branches growing towards the conservatory to give a 1 metre clearance of one Sweet Chestnut tree.
CHE/19/00623/TPO TPO 4901.13 12/11/19	The felling of one Lime and the pruning of one Lime, one Hawthorn and two Sweet Chestnut tree within G5 on the Order map for Mrs Smith on land adjacent to 93 High Street, Old Whittington.	Consent is granted to the felling of one small to medium sized Lime tree to facilitate one new dwelling application CHE/18/00121/FUL and the crown lifting of one Lime and two Sweet Chestnut trees and the removal of dead wood from all of the trees on the site.

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SECTION 2**NOTIFICATION OF INTENT TO AFFECT TREES IN A CONSERVATION AREA**

<u>CONTENTS OF NOTICE</u>	<u>SUMMARY OF CONSIDERATIONS</u>	<u>TERMS OF DECISION</u>	<u>DATE OF DECISION</u>
CHE/19/00669/CA The pruning of trees for Mr Hoare on behalf of St Thomas's Church, Chatsworth Road, Brampton.	The trees are within the Chatsworth Road Conservation Area and the applicant wishes to crown lift the lower branches of the trees along the footpaths, car park and war memorial. The applicant also wishes to remove dead wood and crown reduce one storm damaged conifer by 50%	Agreement to the pruning of trees. The pruning will have no adverse effect on the amenity value of the area.	31/10/19

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APPEALS REPORT

MEETING: PLANNING COMMITTEE
DATE: 25 November 2019
REPORT BY: DEVELOPMENT MANAGEMENT AND
CONSERVATION MANAGER

FOR PUBLICATION

BACKGROUND PAPERS FOR PUBLIC REPORTS

TITLE

LOCATION

Non exempt papers on files
referred to in report

Development Management
Section
Planning Service
Town Hall
Chesterfield

1.0 PURPOSE OF REPORT

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

PAUL STANIFORTH
DEVELOPMENT MANAGEMENT AND CONSERVATION
MANAGER

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

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APPEALS

<u>FILE NO.</u>	<u>WARD</u>	<u>APPELLANT</u>	<u>CASE</u>	<u>MEMBER OFFICER</u>	<u>DATE REC</u>	<u>TYPE AND DATE</u>	<u>DECISION AND DATE</u>
2/1963	St Leonards ward	Mr and Mrs Preston	CHE/18/00754/FUL – rear extension at 74 Wain Avenue Refusal	Officer delegation	28/08/19	Written Reps (HAS)	

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ENFORCEMENT REPORT

MEETING: PLANNING COMMITTEE

DATE: 25TH NOVEMBER 2019

REPORT BY: LOCAL GOVERNMENT AND REGULATORY LAW MANAGER
DEVELOPMENT MANAGEMENT & CONSERVATION MANAGER

WARD: As listed in the report

FOR PUBLICATION

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

BACKGROUND PAPERS

LOCATION: LEGAL SERVICES

1.0 PURPOSE OF REPORT

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

2.0 BACKGROUND

2.1 The table summarises formal planning enforcement by the Council.

3.0 INFORMAL ACTION

3.1 Formal enforcement is a last resort, with most planning problems resolved without formal action (in accordance with government guidance). More information on informal enforcement is available from the Planning Service.

4.0 MORE INFORMATION ABOUT THE TABLE

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

5.0 RECOMMENDATION

5.1 That the report be noted.

GERARD ROGERS
LOCAL GOVERNMENT AND
REGULATORY LAW MANAGER

PAUL STANIFORTH
DEVELOPMENT MANAGEMENT
& CONSERVATION MANAGER

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

ENFORCEMENT REPORT

Enforcements currently Authorised: 10

13 November 2019

Address	Authorised <small>days from</small>	Breach	CHE/	Issued <small>days to issue</small>	Effective <small>days to (-) /from</small>	Comply <small>days to (-) /from</small>	Notes	update <small>last update</small>	Ward
Breach of Condition Notice		<i>Total currently Authorised: 1</i>		<i>Authorised to Issue Average: days</i>					
York Street	2 <small>52</small>	23/09/2019 <small>52</small> balcony, canopy and french doors	17/00800/FUL				Instructed	<input type="checkbox"/>	Ha
Enforcement Notice		<i>Total currently Authorised: 7</i>		<i>Authorised to Issue Average: 248.5 days</i>					
Markham Road	Markham House <small>4,287</small>	18/02/2008 <small>4,287</small> storage of commercial vehicles		20/03/2008 <small>31</small>	18/04/2008 <small>4227</small>	20/10/2008 <small>4042</small>	Complied by 2009. Unauthorised use has started again. Prosecute.	<input type="checkbox"/> <small>04/03/201</small>	HI
Pottery Lane	10 <small>52</small>	23/09/2019 <small>52</small> unauthorised metal structure					Instructed	<input type="checkbox"/>	
Station Lane	<small>590</small>	03/04/2018 <small>590</small> importation of materials - creation of hard surfacing		03/07/2018 <small>91</small>	08/08/2018 <small>463</small>	08/08/2019 <small>98</small>	Application for partial retention (CHE/19/00242/FUL) now approved subject to S106 agreement for wildlife habitat area (draft received)	<input type="checkbox"/> <small>04/11/201</small>	BHW

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
Station Lane	03/04/2018 590	importation of materials - industrial use		03/07/2018 91	08/08/2018 463	08/08/2019 98	Application for partial retention (CHE/19/00242/FUL) now approved subject to S106 agreement for wildlife habitat area (draft received)	<input type="checkbox"/> 04/11/201	
Patton View Road Patton 145	47 24/04/2017 934	unauthorised extension	16/00648	14/06/2019 781	22/07/2019 115	22/01/2020 -69	Application for retention dismissed on appeal. Application for changes to extension CHE/17/00827/FUL approved, but unauthorised extension not removed. Issued, requiring demolition of unauthorised part and to make good.	<input checked="" type="checkbox"/> 24/06/201	SH

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		27/06/2016 1,235	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. Operator now looking to relocate to new premises.	<input type="checkbox"/> 04/11/201	Wa
York Street	2	09/10/2017 766	conversion and extension of roof space	17/00800/FUL				Flat conversion approved 03/04/18, condition requiring removal of balcony, canopy, french windows appealed, but dismissed 18/12/18. Not complied with condition. BCN authorised - see separate entry.	<input checked="" type="checkbox"/> 19/12/201	Ha

Planning Contravention Notice

Total currently Authorised: 1 Authorised to Issue Average: 0 days

Address	Authorised <small>days from</small>	Breach	CHE/	Issued <small>days to issue</small>	Effective <small>days to (-) /from</small>	Comply <small>days to (-) /from</small>	Notes	update <small>last update</small>	Ward
Springwell Hill	13/06/2019 154	waste / engineering works		13/06/2019 0	13/06/2019 154	04/06/2019 163	Information about current ownership, materials imported and use of land. Opportunity to make representations. Notice complied with, no activity since summer and land reprofiled. Application likely.	<input checked="" type="checkbox"/> 04/11/201	BHW

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Stop Notice

Total currently Authorised: 1 Authorised to Issue Average: days

Walton Works	27/06/2016 1,235	use for war and horror style games of game play					See notes for Enforcement Notice.	<input type="checkbox"/> 03/03/201	Wa
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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

SJP - single justice procedure: prosecutions dealt with by the Magistrates Court on paper without a hearing in open court.

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