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The Chair and Members of Planning
Committee

Councillors B Bingham, Holmes and
Thornton – Site Visit 1

2 June 2023

Dear Councillor,

Please attend a meeting of the PLANNING COMMITTEE to be held on
MONDAY, 12 JUNE 2023 at 1.00 pm in Committee Room 1, 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
11:20am. Ward members wishing to be present should attend on site as
indicated below:-

1. 11:45am Springwell Hill, New Whittington,
Chesterfield
CHE/21/00273/RET

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, unless a
reasonable adjustment is in place by prior arrangement. 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.

A reasonable adjustment meeting will take place at 11am in Committee Room 1 for those not able to attend site visits.

Ward members are invited to attend on site and should confirm their attendance by contacting Liz Athorn on tel. 01246959612 or via e-mail: Liz.athorn@chesterfield.gov.uk by 9.00 a.m. on Monday 12 June 2023. If you do not confirm your attendance, it will be assumed that you will not be attending on site.

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

1. Apologies for Absence
2. Declarations of Members' and Officers' Interests Relating to Items on the Agenda
3. Minutes of Planning Committee (Pages 3 - 36)
4. Applications for Planning Permission - Plans Determined by the Committee (Pages 37 - 64)
5. Applications for Planning Permission - Plans Determined by the Development Management and Conservation Manager (P140D) (Pages 65 - 80)
6. Applications to Fell or Prune Trees (P620D) (Pages 81 - 82)
7. Appeals Report (P000) (Pages 83 - 92)
8. Enforcement Report (P410) (Pages 93 - 96)

Yours sincerely,



Head of Regulatory Law and Monitoring Officer

PLANNING COMMITTEE**Monday, 22nd May, 2023**

Present:-

Councillor Callan (Chair)

Councillors B Bingham
Brittain
G Falconer
Miles

Councillors J Bingham
Ridgway
Stone
Yates

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

CHE/23/00087/REM1 - Variation of Condition 2 (Approved Plans) of CHE/21/00609/FUL- Variation to Account for revised site layout around proposed plots 1-9 to accommodate existing Sewer Easement outside of private gardens on land to the West of Swaddale Avenue, Tapton, Chesterfield for Mypad2020.

Councillors B Bingham, J Bingham, Brittain, Callan, Falconer, Ridgway and Stone.

CHE/23/00222/TEL - Prior approval to install a 15m high slim-line monopole, supporting 6 no. antennas, 3 no. equipment cabinets and ancillary development thereto at the verge on junction between Rother Avenue and Station Road, Brimington for CJ Hutchinson Networks (UK) Ltd.

Councillors B Bingham, J Bingham, Brittain, Callan, Falconer, Ridgway and Stone.

CHE/23/00216/TEL - Prior approval to install a 15m high slim-line monopole, supporting 6 no. antennas, 3 no. equipment cabinets and ancillary development thereto at the verge on Newbold Road North West of Junction with Ladywood Drive, Upper Newbold, Chesterfield for CK Hutchinson (UK) Ltd.

Councillors B Bingham, J Bingham, Brittain, Callan, Falconer, Ridgway and Stone.

Councillor Miles was unable to attend on site and received relevant site information by other means as a reasonable adjustment.

Councillor Yates was unable to attend the site visits or receive relevant site information by other means and therefore did not take part in determining applications CHE/23/00087/REM1, CHE/23/00222/TEL or CHE/23/00216/TEL.

*Matters dealt with under the Delegation Scheme

1 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Brady, Caulfield and Davenport.

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

Councillor Callan declared an interest in Agenda Item 4.3.

3 MINUTES OF PLANNING COMMITTEE

RESOLVED -

That the Minutes of the meeting of the Planning Committee held on 3 April 2023 and 24 April 2023 be signed by the Chair as a true record.

4 APPLICATIONS FOR PLANNING PERMISSION - PLANS DETERMINED BY THE COMMITTEE

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

CHE/23/00087/REM1 - VARIATION OF CONDITION 2 (APPROVED PLANS) OF CHE/21/00609/FUL- VARIATION TO ACCOUNT FOR REVISED SITE LAYOUT AROUND PROPOSED PLOTS 1-9 TO ACCOMMODATE EXISTING SEWER EASEMENT OUTSIDE OF PRIVATE GARDENS ON LAND TO THE WEST OF SWADDALE AVENUE, TAPTON, CHESTERFIELD FOR MYPAD2020

It was clarified by the planning officer at the meeting that the following recommendations were not required for the following reasons:

- Variation of the legal agreement (Section 106 agreement) – the existing agreement will remain effective.
- Condition 1 (commencement within 3 years) - the development has already commenced.

***RESOLVED -**

That the officer recommendation be upheld, subject to the following conditions and that a CIL liability notice be issued as per section 5.12 of the officer's report:-

It is therefore recommended that the application be **GRANTED** subject to the following conditions and that a CIL liability notice be issued as per section 5.12 of the officer's report:-

2. 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 or conditional requirement. All external dimensions and elevational treatments shall be as shown on the approved plan/s (listed below).

- Proposed site layout 21015-70-001_P20 received 08.02.2023
- Swept Path analysis 600357-HEX-00-00-DR-TP-0104 P02 received 13.06.22
- House types:
 - B2.3 A 21015-020-004_P2 received 20.04.22
 - B2.3 B 21015-020-013 received 20.04.22
 - H2.4 A 21015-020-002_P2 received 20.04.22
 - H2.4 B 21015-020-007 received 20.04.22
 - H2.4 C 21015-020-008 received 20.04.22
 - H3.5 A 21015-020-003_P2 received 20.04.22
 - H3.5 B and H3.5 C 21015-020-010 received 20.04.22
 - H3.5 C and H3.5 D 21015-020-009 received 20.04.22
 - H3.5 E 21015-020-011 received 20.04.22
 - H3.5 F 21015-020-01 received 20.04.22

3. a) No development shall take place until a Written Scheme of Investigation for archaeological work has been submitted to and approved

by the local planning authority in writing, and until any pre-start element of the approved scheme has been completed to the written satisfaction of the local planning authority. The scheme shall include an assessment of significance and research questions; and

1. The programme and methodology of site investigation and recording
2. The programme for post investigation assessment
3. Provision to be made for analysis of the site investigation and recording
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
5. Provision to be made for archive deposition of the analysis and records of the site investigation
6. Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation
 - b) No development shall take place other than in accordance with the archaeological Written Scheme of Investigation approved under condition (a)
 - c) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological Written Scheme of Investigation approved under condition (a) and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured
4. Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority. Specific issues to be dealt with in the TPP and AMS:

- a) Location and installation of services/ utilities/ drainage
- b) Details of construction within the RPA or that may impact on the retained trees
- c) a full specification for the installation of boundary treatment works within the designated root protection areas
- d) a full specification for the construction of any roads, parking areas and driveways, including details of the no-dig specification and extent of the areas of the roads, parking areas and driveways to be constructed using a no-dig specification. Details shall include relevant sections through them
- e) Detailed levels and cross-sections to show that the raised levels of surfacing, where the installation of no-dig surfacing within Root Protection Areas is proposed, demonstrating that they can be accommodated where they meet with any adjacent building damp proof courses
- f) A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing
- g) a specification for scaffolding and ground protection within tree protection zones
- h) Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area
- i) details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires
- j) Methods to improve the rooting environment for retained and proposed trees and landscaping, due to the use of heavy machinery around the retained trees and the compaction to the rooting environment that this may have caused.

The development thereafter shall be implemented in strict accordance with the approved details.

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

a) a scaled plan showing vegetation to be retained and trees and plants to be planted, which shall include wildflower planting to the easement area to the south eastern boundary:

b) notwithstanding the submitted details, the proposed hardstanding and boundary treatments that shall be suitable for hedgehog routes (with existing residents boundaries retained and enhanced) and shall include fencing to the south eastern easement area which allows for views through

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 (unless the Local Planning Authority gives its written consent to any variation).

6. A Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development. The LEMP shall cover all retained and created habitats, as identified in the agreed Biodiversity Net Gain Feasibility Assessment report to meet the habitat gains set out in the Biodiversity metric calculation and landscaping of the site agreed under

condition 5 above.

The content of the LEMP shall include the following;

- a) Description and evaluation of features to be managed
- b) Ecological trends and constraints on site that might influence management
- c) Aims and objectives of management
- d) Appropriate management options for achieving aims and objectives, including appropriate management of the wildflower planting to the south eastern easement area
- e) Prescriptions for management actions
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a thirty-year period)
- g) Details of the body or organization responsible for implementation of the plan
- h) Ongoing monitoring and remedial measures
- i) Details of the company to be set up to manage the any private highways areas and the landscaped areas of the site in perpetuity, The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term (30 Years +) implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP

are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan shall be implemented in accordance with the approved details.

7. 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. The facilities shall be retained free from any impediment to their designated use throughout the construction period.

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

9. No development shall take place until full construction details of the residential estate road and footways including layout (generally in accordance with approved application drawings), levels, gradients, surfacing and means of surface water drainage, have been submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

10. The carriageway and footways agreed under condition 8 above, shall be constructed up to and including base course surfacing to ensure that each dwelling has a properly consolidated and surfaced carriageway and footway, between the dwelling and the existing highway prior to occupation. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or abutting the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surface course within twelve months (or three months in the case of a shared surface road) from the occupation of such dwelling, unless otherwise agreed in writing by the Local Planning Authority.

11. 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 the

drives/accesses/shared drives onto the proposed adopted highway. The approved scheme shall be undertaken and completed prior to the first use of the access and retained as such thereafter.

12. No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and maintenance company has been established as appropriate.

13. No dwelling shall be occupied until access has been formed to the new estate street, unless otherwise agreed in writing by the Local Planning Authority, provided with 2m x 25m visibility sightlines, the areas in advance maintained free from any objects exceeding 1m in height (600mm if vegetation) relative to the adjacent carriageway channel level.

14. No dwelling shall be occupied until space has been laid out within the site in accordance with the approved application drawings for parking and manoeuvring of residents/ visitors/ service and delivery vehicles, laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or in any Statutory Instrument revoking or re-enacting that Order with or without modification) no fences, gates, walls or other means of enclosure shall be erected along the highway frontage of any dwelling without the prior written approval of the Local Planning Authority upon an application submitted to it.

16. The proposed driveways shall be no steeper than 1:12 and shall be constructed of a solid bound material.

17. No individual dwelling hereby approved shall be occupied until the optional requirement for water consumption (110 litres use per person per day) in Part G of the Building Regulations has been complied with for that dwelling.

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

19. Prior to any demolition, construction or contaminated land remediation works commence in connection with each identified phase, a Construction Environmental Management Plan (CEMP) shall be submitted to, and approved in writing by, the Local Planning Authority detailing the provisions to be made for the monitoring and control of:

a) Operating hours: No demolition, construction or contaminated land remediation activities, movement of traffic, or deliveries to and from the premises, shall occur other

Monday to Friday: 08:00 – 18:00

Saturday: 08:00 – 13:00

Sundays and bank Holidays - No working

b) Noise and vibration: To demonstrate compliance with the guidance in British Standard BS5228 Noise and vibration control on construction and open sites; including the proposed measurement methodology, the location of monitoring locations and noise-sensitive premises, the maximum permitted facade noise levels. No piling, blasting, dynamic compaction or use of vibrating rollers shall occur without the written approval of the Local Planning Authority

c) Dust/Particulate emissions: To include the prevention of dust/particulates being blown off-site. At such times as the prevention of dust/particulate nuisance by the agreed means is not possible, the movement of vehicles, soils or dusty materials must temporarily cease until such time as weather conditions improve

d) Waste: To include suitable and sufficient provisions for the collection, storage and disposal of waste materials. No unwanted materials shall be disposed of on site by burning without the prior written approval of the Local Planning Authority

e) Lighting: To include a site plan showing the proposed types, locations and heights of the lamps, vertical illuminance levels (Lux) to the facades of agreed light-sensitive premises and operating times.

All works shall be fully implemented in accordance with the approved CEMP. The CEMP shall be reviewed at least at the start of each phase of the development or where there are changes to relevant legislation or where changes are made to the agreed CEMP.

20. The development shall be constructed in line with the sustainability statement dated 15th July 2022.

21. The site shall be developed with separate systems of drainage for foul and surface water on and off site. The separate systems should extend to the points of discharge to be agreed.

22. 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:

i) the means of discharging to the public sewer network at a rate not to exceed 3.5 litres per second

23. No building or other obstruction including landscape features shall be located over or within 3 metres either side of the centre line of the public sewer i.e. a protected strip width of 6 metres, that crosses the site. Furthermore, no construction works in the relevant area(s) of the site shall commence until measures to protect the public sewerage infrastructure that is laid within the site boundary have been implemented in full accordance with details that have been submitted to and approved by the Local Planning Authority.

The details shall include but not be exclusive to the means of ensuring that access to the pipe for the purposes of repair and maintenance by the statutory undertaker shall be retained at all times. If the required stand-off or protection measures are to be achieved via diversion or closure of the sewer, the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant

statutory undertaker and that, prior to construction in the affected area, the approved works have been undertaken.

24. Prior to the commencement of development a detailed methodology for site clearance shall be submitted to and agreed in writing by the Local Planning Authority. The agreed methodology shall be followed through all site clearance works.

25. Prior any external lighting installation a lighting scheme shall be submitted to and approved in writing by the Local Planning Authority to ensure that wildlife implications are fully taken into account (including the need for reduced or no lighting in the more sensitive locations and directions; specifically, towards the railway line). The agreed lighting scheme shall be fully installed in accordance with the approved scheme prior to last occupation.

26. Prior to works commencing above slab level a scheme for the incorporation of bat and bird boxes within the development shall be submitted to and agreed in writing by the Local Planning Authority. Such a scheme shall provide precise details of the number, range and location of boxes. The boxes shall be fully installed and maintained thereafter in accordance with the agreed scheme.

27. Details including samples where necessary of all materials to be used in the construction of the external surfaces of the proposed development shall be submitted to and approved in writing by the Local Planning Authority before any work to any external surface is carried out. The development shall thereafter be constructed in accordance with the approved details.

28. Following completion of 50% of the dwellings and secondly at the stage of the final completion of the remaining 50% of the dwellings, a post construction Accessible Housing Certification Table containing the full details of the following matters shall be submitted to and approved in writing by the Local Planning Authority;

- Which and how many dwellings within the development have satisfied M4 (2)* accessible and adaptable dwellings standards
- Which and how many dwellings within the development have satisfied M4 (3)* wheelchair adaptable dwellings standards

- Which and how many dwellings within the development have satisfied M4 (3)* wheelchair accessible dwellings standard. (*contained within Part M Volume 1 (Approved Document) of The Building Regulations 2010, or any such Approved Document or Regulations for the time being in force, including any modification, extension or re-enactment of the same and including all instruments, orders, regulations and directions for the time being made, issued or given under the Approved Document or Regulations (or deriving validity from the same)).

The accessible dwellings shall be provided in accordance with the agreed details and shall be retained as provided for thereafter.

29. Prior to works commencing beyond the entrance access works, a scheme detailing all proposed finished floor and land levels shall be submitted to and approved in writing by the Local Planning Authority prior to any importation of earth to site or excavation works commencing. The development shall be carried out in accordance with the approved scheme unless the Local Planning Authority gives its written consent to any variation.

30. 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. Drawings Hexa Consulting (21/12/2021). Drainage Layout Sheet 1, 600357-HEX-XXZZ-DR-C-9201, Revision P02 and Hexa Consulting (21/12/2021). Drainage Layout Sheet 2, 600357-HEX-XX-ZZ-DR-C-9202, Revision P02; and letters Wojnowska, A. 2022. Letter to Jo Crawshaw-Moore, 600357/AW, 27 June and Wojnowska, A. 2022. Letter to Jo Crawshaw-Moore, 600357/AW, 6 July; 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.

31. 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.

32. Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority. This must demonstrate that the drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls).

33. Prior to the commencement of development a statement setting out how emissions will be reduced through the construction process shall be submitted to and agreed in writing by the Local Planning Authority. Works shall be completed in accordance with the agreed details.

34. A residential charging point shall be provided for each new dwelling with an IP65 rated domestic 13 amp 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 points shall be provided in accordance with the stated criteria prior to occupation and shall be maintained for the life of the approved development.

B. That a CIL liability notice be issued for £128,592 as per section 5.12 of the officer's report.

CHE/23/00216/TEL - PRIOR APPROVAL TO INSTALL A 15M HIGH SLIM-LINE MONOPOLE, SUPPORTING 6 NO. ANTENNAS, 3 NO. EQUIPMENT CABINETS AND ANCILLARY DEVELOPMENT THERETO AT THE VERGE ON NEWBOLD ROAD NORTH WEST OF JUNCTION WITH LADYWOOD DRIVE, UPPER NEWBOLD, CHESTERFIELD FOR CK HUTCHINSON (UK)LTD

In accordance with Minute No. 299 (2001/2002) Mr Christopher Stone (Objector) addressed the meeting.

In accordance with Minute No. 299 (2001/2002) Councillor Gavin Baldauf-Good (Objector and Ward Member) addressed the meeting.

***RESOLVED -**

That the officer recommendation not be upheld and the application be refused for the following reason:-

The proposal, by virtue of its siting and appearance, would present itself as an unduly dominant and incongruous feature within the street scene. Accordingly, the proposal would result in unacceptable harm to the character, appearance and visual amenity of the surrounding area. In the opinion of the Local Planning Authority insufficient information has been submitted by the applicant with regard to alternative sites. The proposal is therefore contrary to the national guidance in NPPF and Policy CLP20 of the Chesterfield Local Plan 2018-35.

CHE/23/00222/TEL - PRIOR APPROVAL TO INSTALL A 15M HIGH SLIM-LINE MONOPOLE, SUPPORTING 6 NO. ANTENNAS, 3 NO. EQUIPMENT CABINETS AND ANCILLARY DEVELOPMENT THERETO AT THE VERGE ON JUNCTION BETWEEN ROTHER AVENUE AND STATION ROAD, BRIMINGTON FOR CK HUTCHINSON NETWORKS (UK) LTD

Councillor Callan declared an interest in this item and left the meeting at this point.

Councillor Brittain took the Chair for this item.

***RESOLVED –**

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

It is recommended that Chesterfield Borough Council refuse the siting and appearance of the development proposed in the manner described in the above-mentioned application and shown on the accompanying plan(s) and drawing(s) for the following reason:

1. The siting and appearance of the proposed installation due to being directly adjacent to and in close proximity to a Grade II listed building, no. 64 Station Road, would result in harm to the public appreciation of and to the setting of the Grade II listed building, resulting in harm to the significance of the heritage asset. The public benefits arising from

the proposal are not considered to outweigh the harm in this case. The proposal is considered to be contrary to the national guidance in Part 16 of the NPPF and Policy CLP21 of the Chesterfield Local Plan 2018-35.

Councillor Callan returned to the meeting at this point and resumed Chair.

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

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

(a) Approvals

CHE/19/00815/HH	Reduction in height of hedge at 12 Boythorpe Avenue, Boythorpe S40 2QE for Mrs Barbara Matchett
CHE/21/00200/REM	Variation of conditions 18 (surface water drainage) and 24 (substitution of drainage drawing) of CHE/19/00735/FUL - Re-submission of CHE/19/00341/FUL - demolition of existing garages and erection of 6 self-contained single storey complex behavioural bungalows and 6 self-contained assisted living apartments over 2 storeys and new tarmac through road linking Bank Street and Chester Street at Garage Sites, Bank Street, Chesterfield S40 1BH for Chesterfield SSL Ltd
CHE/21/00708/FUL	Single storey flat roof rear extension at 44 Redvers Buller Road, Chesterfield S40 2EH for Mrs Samantha Grayson
CHE/22/00116/REM	Variation of conditions 2 (approved drawings), 5 (works around RPAs) and 6 (hard and soft landscaping) of CHE/20/00305/FUL - Erection of new residential dwellings at the sites off

	Whitecotes Lane and Harehill Road with associated access, parking and open space to allow for construction of a sub-station to Whitecotes Lane and for the introduction of a YWA in the s/western corner off Harehill Road at Land South Of Walton Hospital, Harehill Road, Grangewood, Chesterfield for Vistry Partnerships
CHE/22/00426/LBC	Replacement of main boiler. The new flue will need to terminate vertical to roof level. It will require a protective cage and a vent at Holly House School, Church Street North, Old Whittington, Chesterfield S41 9QR for Derbyshire County Council
CHE/22/00789/FUL	Erection of an outbuilding to the rear of the property to be used as a games room and storeroom for building tools / materials) at 72 Stanley Avenue, Inkersall, Chesterfield S43 3SY for Mr Clinton Peters
CHE/22/00813/FUL	External alterations, changes to frontage parking layout, relocated fence and gates and change of use of workshop to showroom (Updated description 24.03.2023) at 464 Chatsworth Road, Chesterfield S40 3BD for Vertu Motors
CHE/22/00825/FUL	Erection of small storage/light use unit at Land to The Rear Of 52 Whittington Hill, Old Whittington, Chesterfield for Mr Kevin Marchant
CHE/23/00030/FUL	Demolition of existing sunroom and erection of a single storey side extension at 32B Norbriggs Road, Woodthorpe, Chesterfield S43 3BU for Mr Ken Rutland
CHE/23/00035/FUL	Drop kerb stones to facilitate vehicular at Landscape Cottage, 716 Chatsworth Road, Chesterfield S40 3PB for Mr Alan Miles
CHE/23/00040/FUL	Demolition of existing garage and conservatory

	to allow for two-storey side extension, with attached carport and single storey rear extension with cladding of walls at 15 South Lodge Court, Ashgate, Chesterfield S40 3QG for Mr Paul Stoppard
CHE/23/00041/FUL	Development of new security fencing and automated gates at Police Station, Eckington Road, Staveley, Chesterfield S43 3XZ for Derbyshire Constabulary
CHE/23/00045/FUL	Existing flat roof of front and rear wing changed to a dual pitched design at 75 Ashover Road, Inkersall, Chesterfield S43 3EG for Mr Sean Heenan
CHE/23/00047/FUL	Removal, refurbishment and re-installation of existing bollards, gate pillars and wrought iron gate to create wider gate opening and change operation of electric gates from hinged to sliding at Hady House, 75 Hady Hill, Hady S41 0EE for Mr C Fletcher
CHE/23/00060/FUL	Single storey side extension at 104 Storrs Road, Chesterfield S40 3QB for Mrs A Hutson
CHE/23/00068/FUL	Engineering works to dismantle the cavity walls of the rear elevation and part of the side elevation and rebuild them at 33 The Crescent, Brimington S43 1AZ for Chesterfield Borough Council
CHE/23/00070/FUL	Single storey/two storey rear extension - Re-submission of application CHE/22/00553/FUL at 47 Highbury Road, Newbold S41 7HL for Mr Jason Briggs
CHE/23/00076/FUL	Alteration to land levels of frontage to allow for two proposed parking bays and dropped kerb for access at 27 Oak Street, Hollingwood, Chesterfield S43 2HL for Stephen Easto

CHE/23/00081/FUL	Two storey side extension and single storey front extension, proposed porch, proposed rear WC, drive widening and extended drive at 1 Totlely Mount, Brimington, Chesterfield S43 1JZ for Mr Cosar
CHE/23/00093/FUL	Single storey rear extension - re-submission of CHE/22/00576/FUL at 34 Newbold Avenue, Newbold, Chesterfield S41 7AT for Mr and Mrs Lewishill
CHE/23/00099/FUL	Erection of external fire escape and associated construction works at Inspiration House, Markham Lane, Duckmanton S44 5HS for Smurfit Kappa
CHE/23/00100/FUL	Rendering of bungalow, dropped kerb and retention of 2m high electric gate at 122 Newbridge Lane, Old Whittington, Chesterfield S41 9JA for Mr David John Gladwin
CHE/23/00102/FUL	Alterations to existing Courtyard area to create Mental Health Occupational Therapy Garden including raising Boundary Walls / Fences and new Greenhouse and Shed at Walton Hospital, Whitecotes Lane, Walton S40 3HW for Derbyshire Healthcare NHS Foundation Trust
CHE/23/00110/FUL	Demolition of existing garage and single-storey rear extension, construction of new two-storey side extension and single-storey rear extension at 41 Yew Tree Drive, Somersall, Chesterfield S40 3NB for Mr and Mrs Jon Fuller
CHE/23/00112/FUL	Alterations to convert existing rear conservatory to a sunroom at 402 Old Road, Chesterfield S40 3QF for Mr T Upfold
CHE/23/00113/ADV	1 Internally Illuminated tablet fascia sign and 5 window vinyl's at Chesterfield and District Co-Op Society Ltd, 17 High Street, Brimington,

	Chesterfield S43 1DE for Sophie Mead
CHE/23/00115/LBC	Repairs and stabilisation to building at Cannon Mill, Dock Walk, Chesterfield S40 2AB for Cannon Mill Trust CIO
CHE/23/00120/FUL	Single-storey side/rear extension with render and new driveway at 95 Newbridge Lane, Old Whittington, Chesterfield S41 9HU for Miss Louise Henstock
CHE/23/00126/ADV	Installation of Internally illuminated 'MG' totem sign, internally illuminated 'MG' logo sign, integrally illuminated set of 'Bristol St Motors' letters and a non-illuminated 'Welcome' sign at 464 Chatsworth Road, Chesterfield S40 3BD for MG Motor UK Limited
CHE/23/00138/FUL	Single storey rear garden room extension at 60 Spire Heights, Chesterfield S40 4BF for Miss L Kerry
CHE/23/00139/TPO	T15 Lime - Remove new growth from reduced limb as per pervious approved request. T8 Cedar - crown lift to 3 metres, remove all crossing and dead branches, reduce back 2 limbs to the east edge of property to growing tips (approx 3 metres), reduce growing tips over property by approx 2 metres. Reasons for work: improve health of tree, overshadowing of property, loss of light at 40 Netherleigh Road, Ashgate, Chesterfield S40 3QJ for Mr Martin Reynolds
CHE/23/00140/FUL	Two storey rear extension at 35 East Crescent, Duckmanton, Chesterfield S44 5ES for Mrs Katherine Longstaffe
CHE/23/00145/FUL	Two storey side and rear extension at 3 Hartland Way, Old Whittington, Chesterfield S41 9HT for Miss Tia Chapman-Metham

- CHE/23/00146/TPO Pruning works to Oak trees labelled T10, T11 and T13 to include: Removal of any epicormic growth on the stem, crown raise to ensure 3m clearance from footpath and 5m over the highway where necessary, cutting back all branches to ensure there is 2.5m clearance from the property and 1m from any overhead BT lines, wires and streetlighting columns, removal of any dead wood over 50mm diameter throughout the canopy. Works are carried out in respect to direct damage to roof and integrity of properties and with a view to facilitating ongoing property maintenance by Chesterfield Borough Council Housing department at 2 Ennerdale Crescent, Newbold, Chesterfield S41 8HL for Mr Gary McCarthy
- CHE/23/00147/TPO Pruning works to T8 on location plan to include: Removal of any epicormic growth on the stem, crown raise to ensure 3m clearance from footpath and 5m over the highway where necessary, cutting back all branches to ensure there is 2.5m clearance from the property and 1m from any overhead BT lines, wires and streetlighting columns, removal any dead wood over 50mm diameter throughout the canopy. Works are carried out in respect to direct damage to roof and integrity of properties and with a view to facilitating ongoing property maintenance by Chesterfield Borough Council Housing department at 131 Keswick Drive, Newbold, Chesterfield S41 8HJ for Mr Gary McCarthy
- CHE/23/00158/FUL Alterations to roof line of conservatory and installation of glazed lantern lights with altered flat roofs at 47 Norbriggs Road, Woodthorpe, Chesterfield S43 3BT for Mr Daniel Woolliscroft
- CHE/23/00163/FUL Additional ancillary office, workshop and showroom space within the existing building

- envelope. Proposed alterations to the external wall cladding and glazing on the NW, SE and SW elevations. Provision of a new entrance canopy on the SW elevation at Plot 2, South, Markham Lane, Duckmanton S44 5HS for NIBE Energy Systems Limited
- CHE/23/00165/ADV Signage at Northern Gateway Enterprise Centre, Saltergate, Chesterfield S40 1UT for Chesterfield Borough Council
- CHE/23/00179/FUL Replacement of 6 external doors (2 single doors and 2 pairs of double doors) at Church of Saint Augustine, Derby Road, Chesterfield S40 2EP for Saints Augustine Church
- CHE/23/00182/RET Retention of garden games room, external store and boundary wall and covered yard/canopy - resubmission of CHE/21/00852/RET at 11 Castleton Grove, Inkersall S43 3HU for Mr Richard White
- CHE/23/00193/TPO Fell weeping ash which is diseased Daldinia Concentrica and plant replacement tree at 666 Chatsworth Road, Chesterfield S40 3NU for Dr John Hadfield
- CHE/23/00217/TPO T1 Sycamore car park - lean over car park cavity at the base. 30% reduction 18m tree height. 15m crown height. 13m crown spread remove up to 2.5m to appropriate growth points T2 Horse chestnut - 30% reduction Tree height 25m. Crown height 21m crown spread 17m remove up to 3m of the crown and cut to appropriate growth points T3 Oak - lighting strike. dead wood removal only T4 Horse chestnut - reduce limb over driveway by 1.5m T6 Lime - Reduce limb next to the building by 2m T7 Lime - Dead tree – remove at Goldcrest House, High Street, Old Whittington

S41 9LQ for Mr Renshaw

- CHE/23/00219/TPO Crown reduction to T3- Sycamore at Oaklands 25A Storrs Road, Chesterfield S40 3QA for Mrs Jean Coxhead
- CHE/23/00239/TPO Trees T1 and T2 (Both Beech Trees)- Crown thin up to 20%, removal of crossing branches and removal of dead wood at Walton Hall, 85 Foljambe Avenue, Walton S40 3EY for Mr Matthew Jones
- CHE/23/00244/TPO Removal of snow-damaged branches to one Cedar within A1 of TPO 7 at 15 The Dell, Ashgate, Chesterfield S40 4DL for Philip Heath
- CHE/23/00249/TPO Remove Tree 01 for reasons outlined in attached report. Replace with new tree, to be planted within 3 metres of the property's roadside boundary with
The Green. True native species of Silver Birch is preferred (Betula Pendula) unless the local authority require a different species at 97 The Green, Hasland S41 0JT for Mr Alan Boyce
- CHE/23/00259/TPO Lime T12- Remove epicormic growth crossing Ash T6- Remove dead wood and thin by 25% Lime T7- Pollard back to previous cuts Lime T8- Remove dead wood and 25% crown thin at 3 Somersall Willows, Chesterfield S40 3SR for John Salway
- CHE/23/00270/TPO Remove dead and dangerous branches from T53 Beech and T55 Oak of Tree Preservation Order 4901.159 at Cheslyn Hay, 752 Chatsworth Road, Chesterfield S40 3PN for Jon Braithwaite
- (b) Refusals
- CHE/20/00759/DOC Discharge of condition 7 (tree survey) of CHE/17/00804 - Conversion of existing goat shed/stables into holiday let using shared access

	drive at Poppy Barn, 23 Bridle Road, Woodthorpe S43 3BY for Mr and Mrs Hall
CHE/22/00580/CLU	Lawful development certificate application for use of building as a dwelling at Greenfield Stables, 219A Handley Road, New Whittington, Chesterfield S43 2ES for Mrs Tina Bannister
CHE/23/00050/FUL	First floor rear extension at 1 Highfield View Road, Newbold, Chesterfield S41 7HW for Mr Graham Flint
CHE/23/00063/DOC	Discharge of condition 35 (Details of additional surface water run-off avoidance) of application CHE/21/00800/FUL- Demolition of 1 no. existing dwellinghouse and outbuildings, and construction of 33 no. 2, 3 & 4 bed dwellinghouses and associated access, parking and gardens at Adjacent 929 Sheffield Road, Sheepbridge, Chesterfield S41 9EJ for Vistry Partnership, Yorks
CHE/23/00069/DOC	Discharge of conditions 25 (Details of estate road and footways), 30 (Prevention of discharge of water onto highway), 33 (Management plan of surface water drainage) and 34 (Drainage hierarchy) of application CHE/21/00800/FUL- Demolition of 1 no. existing dwellinghouse and outbuildings, and construction of 33 no. 2, 3 & 4 bed dwellinghouses and associated access, parking and gardens at Adjacent 929 Sheffield Road, Sheepbridge, Chesterfield S41 9EJ for Vistry Homes
CHE/23/00090/ADV	Installation of a freestanding 1 x 48 - sheet LED illuminated display panel at Chesterfield Trade Centre, Sheffield Road, Whittington Moor, Chesterfield S41 8LS for Vivid Outdoor Media Solutions (A) Ltd
CHE/23/00161/DOC	Discharge of conditions 5 (intrusive site investigations) and 6 (coal mining safety) of

- CHE/21/00286/OUT at 16A Eyre Street East,
Hasland S41 0PQ for Bix and Oshin
Development Ltd
- CHE/23/00166/PA Prior approval for change of use from class E to
2 no flats- Resubmission of application
CHE/22/00826/PA at 31 West Bars, Chesterfield
S40 1AG for James Steer
- CHE/23/00171/DOC Discharge of condition 11 (Flood risk
assessment) of CHE/21/00800/FUL- Demolition
of 1 no. existing dwellinghouse and outbuildings,
and construction of 33 no. 2, 3 & 4 bed
dwellinghouses and associated access, parking
and gardens at adjacent 929 Sheffield Road,
Sheepbridge
S41 9EJ for Vistry Partnership Yorkshire
- CHE/23/00185/DOC Discharge of conditions 5 (Means of disposal of
surface water drainage), 6 (Storage of plant and
materials within site), 7 (Details of access and
parking), 9 (Construction details of the shared
driveway), 11 (Space for parking within site
curtilage), 13 (Storage of bins and collection of
waste), 14 (Management and maintenance of
the proposed shared driveway), 15 (Written
Scheme
of Investigation), 16 (Site investigation), 18
(Biodiversity Enhancement Plan), 19 (Lighting
strategy), 20 (Tree surveys), 21 (Landscaping),
22 (Details of proposed Access Facilitation
Pruning), 24 (Materials) and compliance with
conditions 1 (Approval of reserved matters), 2
(Time scale of
submission of reserved matters), 3
(Commencement), 4 (Development with
separate systems of drainage), 8 (Vehicular
access), 10 (Shared driveway construction), 12
(Gates), 17
(Removal of vegetation) and 23 (Construction
hours), 25 (Revocation of PD rights) and 26 (EV
charging points) of application

- CHE/19/00043/OUT- Outline application for residential Development at Moorlea, Ashgate Road, Chesterfield S42 7JE for Bestwick Estates Limited
- CHE/23/00201/DOC Discharge of conditions 8 (Scheme for restoration of tree's rooting environment) and 9 (Landscaping) of application
CHE/22/00500/FUL- Erection of a new health and wellbeing hub at Chesterfield and North Derbyshire Royal Hospital, Chesterfield Road, Calow, Chesterfield S44 5BL for DSFS Limited
- CHE/23/00234/CLO Certificate of Lawfulness for a proposed single storey rear extension at 3 Cromwell Road, Chesterfield S40 4TH for Mrs April Hancock
- (c) Discharge of Planning Condition
- CHE/21/00587/DOC Discharge of conditions 28 and 29 of CHE/16/00171/OUT at Land At Former Boat Yard, Sheffield Road, Sheepbridge for Vistry Partnerships (Yorkshire)
- CHE/21/00874/DOC Discharge of condition 8 (parking layout and entrance/exit) of application CHE/21/00303/FUL - Demolition of existing residential annex and construction of new 4 bedroom house at The Oaks, 534 Chatsworth Road, Chesterfield S40 3AY for A-Rock Construction
- CHE/22/00776/DOC Discharge of condition 3 (Drainage strategy) of application CHE/22/00540/FUL- Construction of a new mental health facility and associated landscaping, groundworks, parking and access arrangements - re-submission of CHE/21/00887/FUL at Chesterfield and North Derbyshire Royal Hospital, Chesterfield Road, Calow, Chesterfield S44 5BL for Derbyshire Healthcare NHS Foundation Trust

- CHE/23/00043/DOC Discharge of conditions 7 (Details of levels), 8 (Compliance with working hours), 11 (Storage of plant and materials) and 13 (Construction details of estate roads and footways) of application CHE/15/00085/OUT- Outline residential development on 1.38 hectares of land for up to 35 dwellings including means of access at Land to South Of Poplar Farm, Rectory Road, Duckmanton, Chesterfield for Woodall Homes Ltd
- CHE/23/00057/DOC Discharge of condition 4 (Employment and Training Scheme) of application CHE/21/00800/FUL- Demolition of 1 no. existing dwellinghouse and outbuildings, and construction of 33 no. 2, 3 & 4 bed dwellinghouses and associated access, parking and gardens at adjacent 929 Sheffield Road, Sheepbridge S41 9EJ for Vistry Homes
- CHE/23/00067/DOC Discharge of conditions 7 (stone material), 15 (repointing methodology), 17 (ecology measures), 18 (bat survey), 19 (guttering), and 20 (roof materials) of CHE/22/00668/FUL- Conversion of barn to one dwelling including associated alterations, air source heat pump, amenity space and parking at Woodthorpe Grange Farm, 27 Bridle Road, Woodthorpe, Chesterfield S43 3BY for Mrs Sally Crowder
- CHE/23/00128/DOC Discharge of condition 3 (biodiversity) of CHE/22/00329/FUL-Loft conversion and associated roof works to create additional accommodation at 14 Newbold Drive, Newbold, Chesterfield S41 7AP for Michael and Kathryn Boden
- CHE/23/00149/DOC Discharge of conditions 9 (health and safety construction plan), 11 (European Protected species licence and 15 (Archaeological WSI) of

- CHE/22/00111/FUL - Alteration and conversion of existing outbuilding to create a new ancillary function room associated with the use of Dunston Hall as a holiday let and wedding venue at Dunston Hall, Dunston Road, Chesterfield S41 9RL for Dunston Hall Leisure Ltd
- CHE/23/00150/DOC Discharge of condition 3 (Schedule of work) of CHE/22/00112/LBC - Listed Building Consent for alteration and conversion of existing outbuilding to create a new ancillary Function Room associated with the use of Dunston Hall as a holiday let and wedding venue at Dunston Hall, Dunston Road, Chesterfield S41 9RL for Dunston Hall Leisure Ltd
- CHE/23/00250/DOC Discharge of condition 14 (Materials) of application CHE/21/00883/FUL- Re-submission of CHE/21/00078/FUL for demolition of existing bungalow and detached garage and erection of a 2 bed bungalow at 4 Woodthorpe Road, Woodthorpe, Chesterfield S43 3BZ for AKO Vale Ltd
- CHE/23/00271/DOC Discharge of condition 3 (Biodiversity) of application CHE/22/00498/FUL- Ground floor triple glazed window on side elevation at 90 Highland Road, New Whittington S43 2EZ for Mrs Therese Walker
- CHE/23/00272/DOC Discharge of condition 4 (biodiversity measures) of CHE/22/00561/FUL- Attached garage on the side elevation at 40 Westmoor Road, Brimington S43 1PT for Mrs Jane Conneely
- CHE/23/00295/DOC Discharge of condition 8 (Boundary treatment details) of application CHE/22/00413/REM1- Variation of condition 30 (external dimensions and elevational treatments) of application CHE/12/00028/FUL- Redevelopment of Manor

Syck Farm, including conversion of three barns, refurbishment of existing farmhouse and new build detached farmhouse garage and detached property (Amended plan 08.09.22 removing upper floor rear window from plot 4) at Manor Syck Farm, 132 Church Street North, Old Whittington, Chesterfield S41 9QP for Marsh Green Construction Ltd

(d) Partial Discharge of Conditions

- CHE/23/00118/DOC Discharge of conditions 11 (Details of roosting and nesting facilities) and 12 (External materials) of application CHE/21/00438/FUL- Two-storey Urgent Care and Emergency Department extension to existing hospital at Chesterfield and North Derbyshire Royal Hospital, Chesterfield Road, Calow, Chesterfield S44 5BL for Derbyshire Support & Facilities Services Limited
- CHE/23/00148/DOC Discharge of condition 3 (Schedule of works) and 10 (Archaeological WSI) (Schedule of works) of CHE/22/00618/LBC - Repair of Listed (former) farm outbuildings associated with Dunston Hall, including repairs to external and internal walls, roofs, floors, windows and doors. The insertion of a contemporary steel framework to provide necessary structural support at Dunston Hall, Dunston Road, Chesterfield S41 9RL for Dunston Hall Leisure Ltd
- CHE/23/00176/DOC Discharge of conditions 3 (Protection of retained trees), 4 (Landscaping), 5 (Landscape and Ecological Management Plan), 8 (SMART Target added to Travel Plan), 9 (Cycle parking), 13 (Design and management plan for surface water drainage) and 18 (Employment and Training Scheme) of application CHE/21/00438/FUL- Two-storey Urgent Care and Emergency Department extension to existing Hospital (Revised

description 18/4/23 replacing condition so that condition 13 is sought discharge instead of 16) at Chesterfield and North Derbyshire Royal Hospital, Chesterfield Road, Calow, Chesterfield S44 5BL for Chesterfield Royal Hospital

CHE/23/00181/DOC

Discharge of conditions 3 (Compliance with separate systems of drainage), 4 (Works to provide a satisfactory outfall), 6 (Materials), 7 (Cycle parking), 10 (Landscape and Ecological Management Plan), 11 (In accordance with update biodiversity net gain metric), 12 (Badger mitigation measures) and 13 (Lighting strategy) of application CHE/22/00500/FUL- Erection of a new health and wellbeing hub at Chesterfield and North Derbyshire Royal Hospital Chesterfield Road, Calow, Chesterfield S44 5BL for DSFS Limited

(e) Conditional Consent for Non-Material Amendment

CHE/23/00020/NMA

Non-material amendment to application CHE/21/00567/REM- Approval of reserved matters of CHE/19/00131/OUT - residential development of 400 dwellings, public open space and associated infrastructure- To remove a section of carriageway from the approved planning layout, removal of foul pumping station, removal of 2 no. attenuation basins, removal of swales along the spine road at Land to West Of Inkersall Road, Staveley Chesterfield for Barratt David Wilson Homes

CHE/23/00162/NMA

Non-material amendment to CHE/20/00790/FUL (First floor side extension above existing garage and rear two storey extension) to reduce width of the side extension by approximately 600mm at 31 Storrs Road, Chesterfield S40 3QA for Mr & Mrs Pogson

(f) Unconditional Permission

CHE/23/00101/NMA	Non-material amendment of application CHE/21/00713/FUL (Side extension to form an annexe for dependent relative) - To allow for own use at Lorien 6 Thornfield Avenue, Chesterfield S40 3LG for Mr Shaun Coe
CHE/23/00205/CA	G1 - Poplar Group - Previously pollarded and now with extensive re-growth - Re-Pollard back to previous points at Red Lion, Church Street, Brimington S43 1JG for Naomi Hales
CHE/23/00218/CA	Tree works at The Rectory, Church Street, Brimington S43 1JG for Ms Jenny Allen
CHE/23/00223/CA	Reduce Ash by 25%, remove dead wood and crossing branches at 3 Somersall Willows, Chesterfield S40 3SR for John Salway
CHE/23/00238/CA	Crown lifting of one Horsechestnut tree at Royal Court, Basil Close, Chesterfield S41 7SL for Richard O'Shea
CHE/23/00252/CA	Prune magnolia tree as canopy is shading bowling green & grass is not growing. Also, tree is causing damage to retaining boundary wall at Bowling Green, South Place, Chesterfield for Chesterfield Bowling Club

(g) CLOPUD granted

CHE/23/00142/CLO	Certificate of lawfulness for a proposed single storey extension at 17 Stradbroke Rise, Walton, Chesterfield S40 3RB for Mr & Mrs Newton
CHE/23/00156/CLO	Roof alterations including hip to the gable roof alteration to facilitate a dormer window to the rear elevation at 3 Queen Mary Road, Chesterfield S40 3LB for Mr Mike Smith

CHE/23/00189/CLO Certificate of Lawfulness for the proposed use of the building for ancillary booking, admin and IT office functions associated with an app-based private taxi/minicab/private hire service; with no private hire vehicle parking or visiting members of the public at Tapton Park Innovation Centre, Room 27D, Brimington Road, Tapton, Chesterfield
S41 0TZ for Bolt Services UK Limited

(h) Found to be Permitted Development

CHE/17/00627/TPD Rear single storey extension at 218 Lockoford Lane, Tapton S41 0TQ for Mr Haydon Pratt

(g) Split Decision with Conditions

CHE/23/00083/TPO T9 Horse Chestnut, T7 and T8 Lime Trees - To be pollarded to previous Points. T5- To be felled and replaced (permission for this granted on a previous application) at 15 South Lodge Court, Ashgate, Chesterfield S40 3QG for Mr Ian Trueman

(i) Prior approval not required

CHE/23/00098/SOL Installation of roof mounted solar PV panels at Heraeus Electro-Nite (UK) Ltd, 655 Sheffield Road, Sheepbridge, Chesterfield, S41 9ED for Heraeus Electro-Nite Ltd

CHE/23/00124/TPD Rear extension and chimney at 27 Hillside Drive, Walton S40 2DB for Mr and Mrs Patrick Jones

CHE/23/00168/DEM Demolition of portal framed single skin commercial building on concrete slab at Tapton Business Park, Brimington Road, Tapton, Chesterfield
S41 7UP for Chesterfield Engineering Group Ltd

(j) Finally Disposed Of

CHE/19/00473/HH Leylandii hedge could be reduced in height at 72A Hawksley Avenue, Chesterfield S40 4TL for Mr Andrew Brough

(k) Withdrawn

CHE/22/00661/FUL New upper and lower concrete landings with brick retaining walls all supporting a new external platform lift at 75 Laurel Crescent, Hollingwood S43 2LS for Mrs Sharon May

CHE/23/00122/FUL Demolition of building used as hairdresser and erection of two storey building containing 2 one bed apartments and associated car parking at 87 Heaton Street, Chesterfield S40 3AF for Mr Webber

6 **APPEALS REPORT (P000)**

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

***RESOLVED -**

That the report be noted.

7 **ENFORCEMENT REPORT (P410)**

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

***RESOLVED -**

That the report be noted.

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Agenda Item 4

COMMITTEE/SUB	Planning Committee
DATE OF MEETING	12 th June 2023
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 12th June 2023**

ITEM 1	CHE/21/00273/RET - RETENTION OF MOUND AT SPRINGWELL HILL, ON LAND OFF ECKINGTON ROAD, NEW WHITTINGTON, CHESTERFIELD FOR DP KELLY LTD.
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ITEM 1

**RETENTION OF MOUND AT SPRINGWELL HILL, ON LAND OFF
ECKINGTON ROAD, NEW WHITTINGTON, CHESTERFIELD FOR DP KELLY
LTD.**

Local Plan: Green Belt

Ward: Barrow Hill and New Whittington

1.0 CONSULTATIONS

Ward Members	No comments received.
Local Highways Authority	No objections – see report.
The Coal Authority	No objection.
Derbyshire Wildlife Trust	Comments received – see report.
Lead Local Flood Authority	Comments received – see report.
Environment Agency	No objection – informatives provided.
Derbyshire Constabulary	No comments received.
DCC Strategic Planning	No Comments received.
CBC Strategic Planning	No comments received.

CBC Environmental Health	No objection.
Urban Design Officer	No comments to offer
Representations/ Site Notice/ Advert	1 representation received – see report.

2.0 THE SITE

- 2.1 The site is located at the northern edge of the Borough and overlaps into North East Derbyshire District Councils area. The site was the former Springwell Colliery site linked to the railway to the east (Barrow Hill Engine Shed leg) but when the colliery closed the site was opencast and became a waste/landfill disposal facility. The landfill operation closed a number of years ago. Kelly Plant Hire continues to operate for the Romney type building at the bottom corner of the site (In NEDDC area).
- 2.2 The site, which extends to 8.24 hectares in size, is surrounded on all sides by agricultural land. Bridlepath Staveley 43 linking Nether Handley to the north to Parkhouse Farm and Whittington Road to the south cuts across the far eastern part of the site. There are a number of isolated dwellings around the site with Springwell House on the B6052 Springwell Hill opposite the site entrance, Ironstone Cottages within the woodland to the north with further farm premises in the Nether Handley settlement further to the north, Parkgate Farm on Parkgate Lane to the south west and Parkhouse Farm to the south.
- 2.3 The land is part of the undulating countryside which generally falls from north to south to where a watercourse runs along the valley bottom through the site. The watercourse feeds the pond which is also within the site boundary. There is a mixture of woodland blocks and fields with hedgerows and settlement buildings, typical of this part of North Derbyshire.



3.0 **SITE HISTORY**

- 3.1 CHE/1186/0682 – Extension of Time limit for coal extraction imposed by condition 2 of CHE/1283/0736 – Refused 22.06.88
- 3.2 CHE/1186/0692 – Excavation of coal and overburden from 1.4ha of land – Refused 22.06.88
- 3.3 CHE/0187/0014 – Extension of Time imposed by condition 2 of CHE/0280/0132 – Refused 22.06.88

- 3.4 CHE/0693/0319 – Infill of voids by importing waste and site restoration – No objection to DCC 15.09.93
- 3.5 CHE/0994/0546 – 9 hole golf course – Permission granted 22.05.95
- 3.6 CHE/0696/0356 - Variation of conditions for the restoration of the site – Objected to DCC 22.08/96
- 3.7 CHE/0797/0396 – Variation of conditions 2 and 3 of CW4/696/22 and CW2/696/19 to extend time by 2 years for importation of waste – No objection to DCC 17.09.97
- 3.8 CHE/0798/0372 – Timescale extensions for submission of schemes – no objection to DCC 17.09.98
- 3.9 CHE/0500/0320 – Renewal of consent for 9 hole golf course with club house – Approved with conditions 18.07.00

4.0 THE PROPOSAL

- 4.1 The application seeks consent for retention of the mound levels and profile which currently exist on site.
- 4.2 Whilst the applicant had implemented the golf course permission through formation of the land forms to achieve the fairways, greens and tees on the east part of the site, it was decided not to progress with the golf course proposal but to restore the finished land to a natural landscaped site.
- 4.3 The proposal includes a landscape masterplan and planting plan by Weddle Landscape Design which sets out areas of woodland planting blocks but also grass and meadow wildflower planting. The scheme creates a swale to catch rainwater which would be linked to the watercourse/pond on the site. The proposed plan shows a total of 5360 new trees to be planted with substantial areas of meadow planting.
- 4.4 Screening of soils is currently taking place on site to secure appropriate topsoils suitable as a cover for the new landscaping

scheme however it is likely that additional planting medium will be needed to assist the landscaping scheme being successful.



5.0 CONSIDERATIONS

5.1 Planning Policy

5.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 require that, 'applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise'. The relevant Development Plan for the area comprises of the Chesterfield Borough Local Plan 2018 – 2035.

5.2 Chesterfield Borough Local Plan 2018 – 2035

- CLP1 Spatial Strategy (Strategic Policy)
- CLP2 Principles for Location of Development (Strategic Policy)
- CLP13 Managing the Water Cycle
- CLP14 A Healthy Environment
- CLP15 Green Infrastructure
- CLP16 Biodiversity, Geodiversity and the Ecological Network
- CLP20 Design

5.3 National Planning Policy Framework

- Part 2. Achieving sustainable development
- Part 8. Promoting healthy and safe communities
- Part 12. Achieving well-designed places
- Part 13. Protecting Green Belt Land
- Part 14. Meeting the challenge of climate change, flooding and coastal change
- Part 15. Conserving and enhancing the natural environment

5.4 Principle of Development

Relevant Policies

5.4.1 The application site forms a part of the Green Belt area around the north side of the Borough. Policies CLP1 and CLP2 are therefore of relevance.

5.4.2 Policy CLP1 states that *'The overall approach to growth will be to concentrate new development within walking distance of a range of Key Services as set out in policy CLP2, and to focus on areas that need regenerating, including the 'place shaping' areas set out in policies SS1 to SS6 and Regeneration Priority Areas.'* The policy goes on to state that *'The existing Green Belt will be maintained and enhanced'*.

5.4.3 Policy CLP2 states that when *'Planning applications for developments that are not allocated the Local Plan, will be supported according to the extent to which the proposals meet the following requirements which are set out in order of priority:*

- a) deliver the council's Spatial Strategy (policy CLP1);*
- b) are on previously developed land that is not of high environmental value;*
- c) deliver wider regeneration and sustainability benefits to the area;*
- d) maximise opportunities through their location for walking access to a range of key services via safe, lit, convenient walking routes;*
- e) maximise opportunities through their location for cycling and the use of public transport to access a range of key services;*
- f) utilise existing capacity in social infrastructure (Policy CLP10) or are of sufficient scale to provide additional capacity, either on site or through contributions to off-site improvements;*
- g) ensure the long term protection of safeguarded Minerals Related Infrastructure as identified in the Derbyshire and Derby Minerals Local Plan and shown on the Policies Map;*
- h) are not on the best and most versatile agricultural land;'*

Exceptions to the council's Spatial Strategy will be considered where development proposals can clearly demonstrate that the proposed use:

- i. needs to be in a specific location in order to serve a defined local catchment or need, to access specific resources or facilities (including transport connections) or to make functional links to other, existing uses; or*
- ii. is required to regenerate sites and locations that could not otherwise be addressed or to support existing community facilities that otherwise would be at risk of closure.*

Considerations

- 5.4.4 The principle of development is assessed through consideration of Local Plan Policies CLP1 and CLP2 (see extracts above).
- 5.4.5 The application site is part of a longstanding area of land where development and desolation of the landscape has existed for many years. This includes a former c19 colliery followed by opencast and landfill. The landfill operations agreed by the County Council did not include full detail of a restoration plan with very limited information of final levels and after use. The intention was an agricultural after use however concerns existed regarding the impact arising from the waste which was buried on the site. At the time government funding was being provided to fund such schemes where there was no restoration plan in place.
- 5.4.6 The site owner promoted an alternative after use as a 9 hole golf course which was accepted on the basis that it maintained an open use of the land, avoided agriculture and brought about an opportunity to agree a levels and landscape plan as part of the restoration. It was accepted at the time that such a use would generate an artificial landscape appearance together with the need for a car park and clubhouse which would attract a more intensive use of the land compared to the originally anticipated agriculture after use.
- 5.4.7 When the site ended as a household waste disposal facility the site owner continued with importation of inert waste to the site building up the levels to a point when the Council considered enforcement action to stop the continued importing of material to be necessary. Importation of all material subsequently ceased a number of years ago leaving the current mound. However, this has recently been softened by regrading parts of the land to remove the escarpment edge to the west side of the mound to achieve a more natural profile. It is the case that the mound levels exceed what was anticipated for the land however it is not possible to quantify this without a full site survey and there remains uncertainty as to then precise levels which had been agreed for the land. It is considered

more appropriate now to consider whether or not the landform and its after use as proposed is acceptable in green belt terms.

- 5.4.8 The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open with the essential characteristics of Green Belts being their openness and their permanence. Paragraph 138 of the NPPF 2021 states that the Green Belt serves five purposes:
- a) to check the unrestricted sprawl of large built-up areas;
 - b) to prevent neighbouring towns merging into one another;
 - c) to assist in safeguarding the countryside from encroachment;
 - d) to preserve the setting and special character of historic towns;
- and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

- 5.4.9 Paragraph 147 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances and at paragraph 148 that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. It states that 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. At paragraph 149 it is made clear that the construction of new buildings is regarded as inappropriate in the Green Belt however there are exceptions including buildings for agriculture and forestry and for outdoor sport and recreation; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. The paragraph also accepts the partial or complete redevelopment of previously developed land, whether redundant or in continuing use and which would not have a greater impact on the openness of the Green Belt than the existing development or would not cause substantial harm to the openness of the Green Belt. Paragraph 150 also makes it clear that certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These include for example mineral

extraction; engineering operations; and material changes in the use of land such as changes of use for outdoor sport or recreation.

5.4.10 Policy CLP15 is also of relevance in that it promotes the borough's green infrastructure network with the aim of protecting enhancing, linking and managing the network, and creating new green infrastructure where necessary. Development proposals should demonstrate that they will not adversely affect, or result in the loss of, green infrastructure, unless suitable mitigation measures or compensatory provision are provided. The policy states that development proposals should, where relevant:

- a) not conflict with the aim and purposes of the Green Belt (as set out in the NPPF); and
- c) enhance connectivity between, and public access to, green infrastructure; and
- f) protect or enhance Landscape Character; and
- g) increase tree cover in suitable locations in the borough to enhance landscape character, amenity and air quality; and
- h) where new green infrastructure is proposed, there must be clear funding and delivery mechanisms in place for its long-term management and maintenance, prior to the development commencing.

5.4.11 In this case there are no buildings or 'urbanising' features as part of the scheme. Indeed the none continuation of the development of the golf course will avoid the need to erect a clubhouse building. The main issue here concerns the extent of impact on the openness of the green belt having regard to the landform and after use now proposed.



From Parkgate Lane



From junction of Unstone FP40 with access to Binkley Cottages



From mid field on Unstone FP40

5.4.12 The land to which the application relates is not generally visible from the north or east due to the specific local topography. It is however clearly visible from Springwell Hill and beyond to the west and from Parkgate Lane to the south as shown in the three photographs above. The local area is generally undulating such that the proposed levels do not necessarily appear greatly at odds with the prevailing landform in the vicinity. The mound is currently noticeable as works to finalise the grading are completed with the screening equipment on its top and also in the absence of any landscaping. However, it is considered that in time the proposed landscape solution for the site will soften the mounds appearance and assist in blending the site into the local area. This will be the first opportunity for many years to rescue this despoiled site and integrate it into the local landscape character.

5.4.13 The most significant view is from Parkgate Lane as shown in the top photograph however the mound has been regraded on its western

left side to reduce the impact of its artificial appearance. Furthermore, the mound does not breach the land horizon line and when landscaped will appear as a part of the wooded hillside dropping down from Nether Handley to the north to the south towards the valley bottom. When viewed from the public footpath of Unstone FP40 to the west, as shown in the middle and bottom photographs, the land form assimilates into the existing topography and appears to be a part of the naturally sloping landscape and dropping levels to the valley bottom which runs along the site length.

- 5.4.14 In use terms the proposal also has to be assessed in terms of a comparison with the agreed and implemented golf course after use. The proposed solution will be far less artificial and urbanising and has the potential to become a re-wilded area dominated by landscaping. There will be no buildings or vehicle trips/car parking associated with the scheme which will be a positive in green belt terms.
- 5.4.15 The landform has changed slightly the local topography however, on balance, this is not to such an extent that there is any harm to the purpose of the green belt and the principal of retention of the mound as proposed with a landscaped after use solution would not conflict with green belt policy or the council's spatial strategy to the extent that an argument to resist the application could be made. On this basis it is considered that the proposal does not conflict with the principles advocated in policy CLP1, CLP2 and CLP15.

5.5 Design and Appearance of the Proposal

Relevant Policies

- 5.5.1 Local Plan policy CLP20 states *'all development should identify and respond positively to the character of the site and surroundings and respect the local distinctiveness of its context respect the character, form and setting of the site and surrounding area by virtue of its function, appearance and architectural style, landscaping, scale, massing, detailing, height and materials.'*

Considerations

- 5.5.2 This is largely dealt with under the previous paragraphs concerning the appropriateness visually in the green belt area. The landscaping option will help assimilate the site into the local area especially as indigenous species are specified.
- 5.5.3 Overall the proposal is considered to respond in a positive way to the current situation and taking account of the constraints of the site. The scheme is appropriately designed and would not cause serious adverse impacts on the visual amenity and character of the area. The proposal will therefore accord with the provisions of policy Local Plan policies CLP20.

5.6 Impact on Neighbouring Residential Amenity

Relevant Policies

- 5.6.1 Local Plan policy CLP14 states that '*All developments will be required to have an acceptable impact on the amenity of users and adjoining occupiers, taking into account noise and disturbance, dust, odour, air quality, traffic, outlook, overlooking, shading (daylight and sunlight and glare and other environmental impacts*'
- 5.6.2 Local Plan policy CLP20 expects development to '*k) have an acceptable impact on the amenity of users and neighbours;*'

Considerations

- 5.6.3 The nearest dwelling to the site is Springwell House facing the site entrance. The residents comment that having lived opposite the site for 36/8 years, given the condition of the site and its history, the scheme appears to be a pragmatic solution to restoration of the area. The residents do however make comments regarding flooding/drainage and wildlife issues which are considered below.
- 5.6.4 The proposal does not have an adverse impact on the amenity of any residential neighbours due to its relatively remote location and does not therefore conflict with the provisions of policies CLP14 and CLP20 of the Local Plan.

5.7 Highways Safety, Parking Provision and Air Quality

Relevant Policies

- 5.7.1 Local Plan policy CLP20 expects development to *'g) provide adequate and safe vehicle access and parking'*

Considerations

- 5.7.2 The proposed development concerns the levels and landscaping of the site and does not change anything in terms of access. Compared to the golf course scheme the access use will be reduced as the current proposal generates no vehicle activity. Any maintenance will most likely be carried out from the adjacent Kelly Plant site.
- 5.7.3 The County Highway Authority confirm that the application has no highway safety implications and that there are therefore no highways objections to make. Of course a consideration to take into account in the event that the levels proposed were not acceptable would be the need to remove all the materials off site to another landfill site. This would generate a significant highways impact with a substantial number of highway trips and which would not be a sustainable option.
- 5.7.4 In so far as Air Quality, whilst the EHO has not raised a comment, it is considered that the introduction of a landscaped solution for the site can only be a positive outcome.

5.8 Flood Risk, Drainage and Water Efficiency

Relevant Policies

- 5.8.1 Local Plan policy CLP13 states that *'The council will require flood risk to be managed for all development commensurate with the scale and impact of the proposed development so that developments are made safe for their lifetime without increasing flood risk elsewhere.*
Development proposals and site allocations will:

- a) be directed to locations with the lowest probability of flooding as required by the flood risk sequential test;*
- b) be directed to locations with the lowest impact on water resources;*
- c) be assessed for their contribution to reducing overall flood risk, taking into account climate change.*

Considerations

- 5.8.2 The siting of the mound within the application site falls within 'Flood Zone 1' as defined by the Environment Agency and is therefore considered to be at low risk of flooding.
- 5.8.3 The Environment Agency has reviewed the scheme and confirms no objections arise suggesting a number of standard informatives be applied to any decision issued. The Lead Local Flood Authority has also responded stating that due to the nature and scale of the proposal that there are no adverse comments to make, commenting that the developer should be advised that any works in or near an ordinary watercourse may require consent under the Land Drainage Act 1991 from the County Council and that further contact can be made at Flood.Team@derbyshire.gov.uk.
- 5.9.4 Given the natural sloping topography of the local area which is characterised by the valley bottom watercourse and pond, there has always been a prospect of rainfall running down the levels to the valley bottom, Whether the mound is at its current level or lower would make no difference to this. The land remains able to percolate water at times of rainfall and the proposal has not reduced the capacity for this to occur. Indeed, the scheme incorporates a cut off swale half way down the west facing slope such that any water landing above will migrate to the swale and then be channelled to the watercourse beyond the pond thereby limiting the water entering the pond at times of heavy rainfall. The introduction of landscaping within the scheme with 5360 new trees will also assist in mitigating the impacts of surface water run off.
- 5.8.5 It is considered that the development complies with the requirements of policy CLP13 and the wider NPPF.

5.9 Ground Conditions, Land contamination and Land Stability

Relevant Policies

5.9.1 Local Plan Policy CLP14 states that *'Unstable and Contaminated Land Proposals for development on land that is, or is suspected of being, contaminated or unstable will only be permitted if mitigation and/or remediation are feasible to make the land fit for the proposed use and shall include:*

- a) a phase I land contamination report, including where necessary a land stability risk assessment with the planning application; and*
- b) a phase II land contamination report where the phase I report (a) indicates it is necessary, and*
- c) a strategy for any necessary mitigation and/or remediation and final validation.*

A programme of mitigation, remediation and validation must be agreed before the implementation of any planning permission on contaminated and/or unstable land. The requirement to undertake this programme will be secured using planning conditions.

5.9.2 Paragraph 178 of the NPPF states that *'Planning policies and decisions should ensure that:*

- a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);*
- b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and*
- c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.'*

Considerations

- 5.9.3 Both the Coal Authority and the Councils Environmental Health Officer have confirmed that no objections arise to the proposal due to its scale and nature.
- 5.9.4 The applicant has taken suitable precautions/mitigation necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available in order to ensure the safety and stability of the development, in accordance with paragraphs 178 and 179 of the National Planning Policy Framework and in accordance with Local Plan policy CLP14.

5.10 Biodiversity including Landscaping

Relevant Policies

- 5.10.1 Local Plan policy CLP16 states that *'The council will expect development proposals to:*
- *avoid or minimise adverse impacts on biodiversity and geodiversity; and*
 - *provide a net measurable gain in biodiversity'*
- 5.10.2 The NPPF also requires net gains in biodiversity (paragraph 170 d).
- 5.10.3 Policy CLP15 of the Local Plan as referred to above is also of relevance to this section of the report.

Considerations

- 5.10.4 Derbyshire Wildlife Trust commented that they welcome the proposals to create new woodland, species-rich grassland and wetland habitat. They commented that the proposed woodland mixes should be revised and based on the mixes specified for the Coal Measures Natural Area in the Habitat Creation guide for Lowland Derbyshire. They also commented that the composition of the existing adjacent woodland should also be considered. Whilst Workhouse Wood located immediately north of the red line boundary is not a designated Local Wildlife Site, it is listed on our database as a notable woodland site. The new woodland creation

should complement this existing habitat and provide an extension of this existing feature.

DWT also commented that the grassland mixes should also be based on the mixes specified in the Habitat Creation document detailed above, appropriate to the soil type.

- 5.10.5 The applicant was provided with the Habitat Creation guide and their landscape designer provided revised drawings which took account of the DWT advice.
- 5.10.6 DWT also confirmed that the adjacent woodland should be considered an important habitat, along with the adjacent pond which is designated as a Local Wildlife Site (NE141 Springwell Pond). They confirm that the proposals have the potential to positively impact these habitats and the species which may use them by creating a larger, joined up area of semi-natural habitats, which contribute to the wooded corridor running south to Barrow Hill and north-west to West Handley. It is therefore important that the habitat creation is appropriate to the local area and managed effectively in the long term. We advise that a management plan should be conditioned to secure the establishment and management of the habitat in the medium to long-term, providing a biodiversity net gain and contributing positively to local targets for green infrastructure and nature recovery networks. DWT confirm that on the basis of the site still comprising of largely bare and disturbed ground with ongoing works (evident from the current screening operation taking place to generate the top soil layer), then they do not anticipate any significant constraints.
- 5.10.7 The site of the mound is largely disturbed but with significant potential to create a connected habitat area linked to the surrounding habitats and which could become a real asset for the local area. It is considered that there is considerable scope for new planting to enhance biodiversity. It is recommended that a Management Plan for delivery and maintenance should be sought by condition as advocated by DWT and as referred to in policy CLP15.

5.10.8 Subject to conditions requiring biodiversity enhancements be installed through agreeing a Management Plan for the site, the development accords with the requirements of CLP16 and the NPPF.

6.0 REPRESENTATIONS

6.1 The application has been publicised by neighbour notification letters and the only representations received have been from Springwell House. The comments made are summarized as follows:

6.1.1 The scheme is a pragmatic solution to restoration of the site given its current condition and history;

6.1.2 Hope the scheme would have time constraints imposed which would be monitored;

6.1.3 The Handley Brook discharges via a culvert under Springwell Hill through the site. The culvert was blocked resulting in water backing upto a considerable depth on the neighbouring farmland west of Springwell Hill. This brook drains a large area and flows vary according to rainfall. In 2007 the B6052 was badly flooded. Photographs have been submitted showing the floods in 2019 and 2020;

6.1.4 The area north of the B6052 has extensive wildlife activity with badgers, fox, hare and deer. The passage between this area and the site is evidenced by the frequency of road kill with 3 badgers and a fox in 3 weeks (2021). They have witnessed hare, fox and deer on the sites high ground.

Comments – The comments regarding drainage and flood potential are acknowledged but are unlikely to be affected in any material way as a result of the scheme. The brook referred to flows from west to east down the gradient with the flooding created by a blocked culvert. The Highway Authority dealt with the culvert recently at the same time as the highway ditches were cleared. The wildlife comments are noted however the proposal is likely to enhance the opportunities for ecology and biodiversity.

In so far as requiring a time limit for completion of the works this is generally not possible. It is usually to require development to start within a timeframe but to require completion in a timeframe could not be considered to be reasonable. What can be required by condition is an intended program of carrying out the works and maintenance for a reasonable period of time thereafter.

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 The action in considering the application is in accordance with clearly established Planning law and the Council's Delegation scheme. It is considered that the recommendation accords with the above requirements in all respects.

8.0 STATEMENT OF POSITIVE AND PROACTIVE WORKING WITH APPLICANT

- 8.1 In accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015 and paragraph 38 of 2021 National Planning Policy Framework (NPPF) as the proposed development does not conflict with the NPPF or with 'up-to-date' policies of the Local Plan, it is considered to be 'sustainable development' to which the presumption in favour of the development applies.

- 8.2 The Local Planning Authority has during the consideration of this application engaged in a positive and proactive dialogue with the applicant in order to achieve a positive outcome for the application.

9.0 CONCLUSION

- 9.1 The proposal to retain the mound has an impact on the local topography however it will not appear at odds with the character of the undulating hillside at the base of which it is located. The addition of a landscaped after use brings with it significant visual, biodiversity, habitat opportunity and surface water run off benefits when compared to the previously agreed after use and which when matured will assist in blending and integrating the land form into the local area. Whilst the mound has an impact on the openness of the green belt area it is mitigated as far as possible through a natural form and which will not be at odds with the purposes of including the land within the green belt. The proposal is not considered to be in conflict with the requirements of Local Plan policies CLP1, CLP2 and CLP15 and the NPPF to the point where a refusal is justified.

10.0 **RECOMMENDATION**

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

Conditions

Approved plans and documents

1. The development hereby approved shall only be carried out in full accordance with the approved plans and documents (listed below) with the exception of any approved non material amendment.
 - Landscape Masterplan and Planting Plan – 1021-SPH-01 rev E rec 16/03/23
 - Cross Section by Rowley Surveying – A3-01 rec 16/03/23
 - Cross Section location by Rowley Surveying – A3-02 rec 16/03/23

Reason - In order to clarify the extent of the planning permission for the avoidance of doubt.

Landscaping and biodiversity

2. Within 4 months of the date of this permission a landscaping programme of implementation and maintenance scheme shall be submitted to the local planning authority for consideration. This

shall include how the scheme achieves a net measurable gain in biodiversity through the development. The details agreed in writing shall be implemented during the first planting season following the agreement of the details and which shall be maintained thereafter as agreed.

Reason - In order to safeguard and enhance the character and amenity of the local area, to provide ecological, environmental and biodiversity benefits and to enhance its setting within the immediate locality in accordance with CLP16 of the Local Plan. In the interests of achieving a net measurable gain in biodiversity in accordance with policy CLP16 of the adopted Chesterfield Borough Local Plan and to accord with paragraph 170 of the National Planning Policy Framework.

Retention of soft landscaping

3. All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within the agreed maintenance period under condition 2 above, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All landscaping shall also be carried out in accordance with the details approved under condition 2 above.

Reason - To ensure a satisfactory standard of landscaping in the interests of amenity in accordance with CLP20 and CLP16

Informative Notes

1. If work is carried out other than in complete accordance with the approved plans, the whole development may be rendered unauthorised, as it will not have the benefit of the original planning permission. Any proposed amendments to that which is approved will require the submission of a further application.
2. Environment Agency Informatives
 - Follow the risk management framework provided in '[Land](#)

[contamination: risk management](#) when dealing with land affected by contamination

- Refer to our [Guiding principles for land contamination](#) for the type of information that we require in order to assess risks to controlled waters from the site – the local authority can advise on risk to other receptors, such as human health
- Consider using the [National Quality Mark Scheme for Land Contamination Management](#) which involves the use of competent persons to ensure that land contamination risks are appropriately managed
- Refer to the [contaminated land](#) pages on gov.uk for more information.

3. Lead Local Flood Authority informative - The developer is advised that any works in or near an ordinary watercourse may require consent under the Land Drainage Act 1991 from the County Council and that further contact can be made at Flood.Team@derbyshire.gov.uk.

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Agenda Item 5

COMMITTEE/SUB	Planning Committee
DATE OF MEETING	12 th June 2023
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/21/00781/RET	Dunston	<p>Retrospective planning application for new children's play area, covering to outdoor eating area, flat louvred flue and kitchen extraction flue to rear of existing building (Amended plans received 21.04.2023)</p> <p>At Dunston Hall Garden Centre Dunston Road Chesterfield S41 9RL</p> <p>For Dunston Hall Garden Centre</p>	CP	23/05/2023
CHE/22/00058/DOC	Whittington Moor	<p>Discharge of planning conditions 4 (site investigation), 5 (remediation scheme), 6 (biodiversity enhancement), 8 (employment and training) and 9 (materials) of CHE/20/00079/FUL - Construction of new parts hub building and separate valet/photo building and provision of new compound to the south of the motorstore site with wash building</p> <p>At Arnold Clark Motorstore Meltham Lane Chesterfield S41 7LG</p> <p>For Arnold Clark Automobiles</p>	DPC	23/05/2023
CHE/22/00256/REM	Staveley North	<p>Variation to condition 2 of application CHE/19/00357/FUL to include a raised patio to the rear elevation of the dwelling, with associated privacy screens.</p> <p>At Land Adjacent 11 Bridle Road Woodthorpe S43 3BY</p> <p>For Mr Joshua Greaveson</p>	CP	01/06/2023

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/22/00259/DOC	Staveley North	Discharge of conditions: 5 (vehicular access), 9, 11 (foul and surface water drainage), 12 (landscaping), 13 (ecology), 14 (electric charging point), relating to CHE/20/00304/REM1 of application CHE/19/00357/FUL. - Erection of a detached dwelling At Land Adjacent 11 Bridle Road Woodthorpe Chesterfield For Mr Joshua Greaveson	DPC	24/05/2023
CHE/22/00459/NMA	Brimington North	Non material amendment of application CHE/20/00236/FUL- New dwelling over two floors. To add an external air source heat pump. At Land To The East Of 34 Queen Street Brimington Chesterfield For Mr David Banister	CPNMAZ	31/05/2023
CHE/22/00544/FUL	Brimington South	Detached dwelling (bungalow) with detached garage At 24 Chesterfield Road Brimington S43 1AD For Mr Robert Allen	CP	23/05/2023
CHE/22/00546/FUL	Whittington	Erection of a new dwelling At Land To The Side Of 307 High Street New Whittington Chesterfield S43 2AP For Mr and Mrs Boshier	CP	31/05/2023

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/22/00750/LBC	Brimington North	Reconstruction of 1-storey extension building after collapse At Post House Nursery 15 High Street Brimington S43 1DE For Mr Michael Fowler	CP	15/05/2023
CHE/22/00834/CLO	Spire	Certificate of Lawfulness for the proposed: Demolition of existing outbuildings and enclosed patio area to the rear of the property, Demolition of ground floor elevation projection, Removal of chimney stack, Repositioning of front entrance doors to sit backward of the existing elevation to create a covered porchway, New window positions within the existing walls of the property, New render finish to existing walls at ground floor level to match that at first floor and Replacement of stonework around property entrance at ground floor to be extended full height to roof eaves; and erection of detached garage. At Trevilla 73 Hady Hill Hady Chesterfield S41 0EE For Mrs Lorraine Fletcher	GR	24/05/2023
CHE/23/00010/DOC	Staveley South	Discharge of condition 2 (Biodiversity scheme) of application CHE/21/00553/FUL- Construction of a new bridge crossing the River Doe Lea and construction of a greenway linking to former Markham colliery site from land east of the river At Site Of Former Markham Guaging Station Markham Vale Markham Lane Duckmanton For Derbyshire County Council	DPC	19/05/2023

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/23/00026/ADV	Whittington	Installation of 1 x 48 sheet freestanding LED illuminated advertising display unit At The Old Station Station Road Old Whittington Chesterfield S41 9AW For Vivid Outdoor Media Solutions (A) Ltd	REF	25/05/2023
CHE/23/00054/FUL	Brimington South	Construction of a subterranean room with decking area above and erection of an outbuilding for use as a salon At 36 Paxton Road Tapton Chesterfield S41 0TN For MD Construction Services	REF	23/05/2023
CHE/23/00080/REM	Whittington	Variation of condition 2 (approved plans) of CHE/19/00663/FUL - Two storey side and rear extension to change from pitched roof to flat roof At 56 Dale Bank Crescent New Whittington Chesterfield S43 2DN For Mr and Mrs Bradwell	CP	15/05/2023
CHE/23/00085/RET	Spire	Retention of ATM and panelling At 15 Cavendish Street Chesterfield S40 1XA For Cardtronics UK Ltd, Trading As CASHZONE	CP	25/05/2023
CHE/23/00086/ADV	Spire	retention of signage At 15 Cavendish Street Chesterfield S40 1XA For Cardtronics UK Ltd, Trading As CASHZONE	CP	25/05/2023

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/23/00094/LBC	Spire	Installation of a velux conservation roof drill to 4inch holes for drainage and an extractor fan for new ensuite At Plover Hill Farm Wetlands Lane Brimington Chesterfield S43 1QG For L Jenkins & Sons Ltd	CP	15/05/2023
CHE/23/00103/FUL	Brimington South	Removal of wooded fence and canopy and build new single storey side/rear extension to existing takeaway At 36 Wikeley Way Brimington Chesterfield S43 1AQ For MS Yan Fang Chen	CP	16/05/2023
CHE/23/00107/FUL	Staveley South	Construction of a 3 bedroom bungalow At Markham Court Duckmanton Road Duckmanton Chesterfield S44 5HH For Chesterfield Borough Council	CP	23/05/2023
CHE/23/00111/FUL	Rother	Demolition of existing single storey rear extension and erection of a two storey side and single storey rear extensions At 32 Swalebank Close Chesterfield S40 2US For Miss Kaela Holt	CP	23/05/2023

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/23/00123/FUL	Hasland	Single storey side extension and alteration to existing utility room roof (revised drawings received 15.05.2023) At 38 Eastwood Park Drive Hasland Chesterfield S41 0BD For Frances Johnson	CP	18/05/2023
CHE/23/00127/FUL	Hasland	Single storey side extension to provide an accessible bedroom, wet room and water closet At 19 Hollythorpe Close Hasland Chesterfield S41 0DN For Mr Dean Horner	CP	23/05/2023
CHE/23/00151/LBC	Spire	Listed Building Consent for installation of two radon sump systems and one positive input ventilation system At University Of Derby St Helena Centre 3 Sheffield Road Stonegravels Chesterfield S41 7LL For University Of Derby	CP	16/05/2023
CHE/23/00164/ADV	Staveley South	Installation of non-illuminated and illuminated signage At Plot 2, South Markham Lane Duckmanton S44 5HS For NIBE Energy Systems Limited	CP	24/05/2023
CHE/23/00170/FUL	Brimington North	Single storey side/rear extension At 62 King Street Brimington S43 1HX For Mr David Brookes	CP	12/05/2023

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/23/00172/REM	Brimington South	Variation of conditions 2 (Approved plans),3 (Drainage strategy) and 12 (Landscaping) of application CHE/21/00484/REM1- Variation of conditions of CHE/18/00764/FUL - Redevelopment of a previously-developed site for 2. 'self-build' dwellings and garages At Oldfield Farm Wetlands Lane Brimington Chesterfield S43 1QG For Mr & Mrs Walters	CP	23/05/2023
CHE/23/00177/FUL	Walton	Extension to rear of property, part single storey and part two storey and extension to drive to allow additional off the road parking. At 255 Walton Back Lane Walton Chesterfield S42 7AA For Mr Robert Cox	CP	31/05/2023
CHE/23/00183/ADV	Spire	Signage At 10 Saltergate Chesterfield S40 1UT For Mr Engin Baysal	CP	11/05/2023

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/23/00184/DOC	Whittington Moor	Discharge of conditions 3 (Ecological enhancements), 4 (Details of electric sub station) and 6 (Details of externally mounted plant and equipment) of application CHE/22/00331/FUL- Change of use of Unit A from previous motor trade/retail use to Use Class E bakery with takeaway and eat in options, with associated external alterations and outdoor seating area At 450 Sheffield Road Whittington Moor Chesterfield S41 8LF For Peppermint Grove Ltd	DPC	26/05/2023
CHE/23/00188/FUL	Whittington	New modular ramp to front / side elevation for wheelchair access At 103 Brearley Avenue New Whittington S43 2DZ For Mr Simon Plant	CP	23/05/2023
CHE/23/00190/FUL	Walton	Demolition of existing garage and erection of single storey side and rear extensions to existing bungalow At 110 Moorland View Road Walton Chesterfield S40 3DF For Mr Chris Davie	CP	23/05/2023
CHE/23/00204/FUL	Walton	Porch extension and alteration to utility roof At 190 Somersall Lane Somersall Chesterfield S40 3NA For Mr Craig Ingram	CP	23/05/2023

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/23/00206/REM	Whittington Moor	Re-submission of CHE/22/00785/REM1 - Variation of condition 4 (Opening hours) of application CHE/21/00042/COU- To extend permissible hours for licensing activities to from 10am-12am daily At 10 Station Road Whittington Moor Chesterfield S41 9AQ For Mrs Sarah Mason	CP	25/05/2023
CHE/23/00213/COU	Whittington	Change of use from B8 (storage) to mixed use B2 (general industrial) and E (Commercial, Business and Service) At Unit 2B Carlisle Close Sheepbridge Chesterfield S41 9ED For Kaymech Solutions Ltd	CP	24/05/2023
CHE/23/00214/CLU	Brampton West & Loundsley	Mrs Lawful development certificate for two storey rear extension At 35 New Hall Road Chesterfield S40 1HE For Mrs Anne Nowak	GRANT	15/05/2023
CHE/23/00215/FUL	Staveley Central	Demolition of rear out outbuilding/store and extension to existing offices and vehicular workshop/garages to create 3 new working bays and associated works At Acidisation Company Ltd Ireland Close Staveley S43 3LP For Autocraft MC Staveley Ltd - (Birks Holdings)	CP	23/05/2023

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/23/00224/ADV	Spire	Advertisement consent for replacement of two existing fascia and 2 existing hanging signs with Santanders new logos and lettering on Central Pavement and Market Place elevations At 2 Central Pavement Chesterfield S40 1PQ For Santander UK plc	CP	01/06/2023
CHE/23/00225/LBC	Spire	Listed Building Consent for internal refurbishment and improvement works to the banking hall, internal spaces and refurbishment, repair works to the external shopfront and replacement of existing signage with new At 2 Central Pavement Chesterfield S40 1PQ For Santander UK plc	CP	01/06/2023
CHE/23/00228/DOC	Dunston	Discharge of condition 5 (Noise impact assessment report) of application CHE/22/00784/FUL- Temporary siting of a marquee with associated temporary path, access and car parking, for use in connection with the existing business at Dunston Hall (for a period of three years) At Dunston Hall Dunston Road Chesterfield S41 9RL For Dunston Hall Leisure Ltd	DPC	25/05/2023
CHE/23/00236/DEM	Spire	Demolish portal framed single skin commercial building on concrete slab At Tapton Business Park Brimington Road Tapton Chesterfield S41 7UP For Chesterfield Engineering Group Ltd	PANR	17/05/2023

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/23/00316/CPO	Brampton East & Boythorpe	Replacement of clay pitched roof over the main entrance, replacement flat roof areas to the internal court yard area, and window, rooflight and skylight replacement At Parkside Community School Boythorpe Mount Boythorpe S40 2NS For Derbyshire County Council	OW	18/05/2023

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Delegated List - Planning Applications

Key to Decisions

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

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COMMITTEE/SUB	Planning Committee
DATE OF MEETING	12 th June 2023
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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APPEALS REPORT

MEETING: PLANNING COMMITTEE

DATE: 12th June 2023

REPORT BY: DEVELOPMENT MANAGEMENT AND
CONSERVATION MANAGER

FOR PUBLICATION

BACKGROUND PAPERS FOR PUBLIC REPORTS

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

1.0 PURPOSE OF REPORT

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

PAUL STANIFORTH
DEVELOPMENT MANAGEMENT AND CONSERVATION
MANAGER

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

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APPEALS

<u>FILE NO.</u>	<u>WARD</u>	<u>APPELLANT</u>	<u>CASE</u>	<u>MEMBER OFFICER</u>	<u>DATE REC</u>	<u>TYPE AND DATE</u>	<u>DECISION AND DATE</u>
2/4150	West ward	Mr D Pogson of 31 Storrs Road	CHE/22/00250/TPO – Felling 2 Beech trees at 25a Storrs Road Refusal	Officer delegation	21/06/22	Hearing	
2/156	Lowgates and Woodthorpe ward	Miss S McManus	CHE/22/00742/FUL – extension at 26 Netherthorpe Close - Refusal	Officer delegation	16/01/23	Written Reps	Dismissed 19/05/23 see appendix A
2/2518	West ward	Mr J Simms	CHE/22/00712/FUL – fencing at 34 Miriam Avenue - Refusal	Officer delegation	12/01/23	Written Reps	Dismissed 25/05/23 see appendix B
2/621	Barrow Hill and New Whittington ward	Mr P Rawson	CHE/22/00592/OUT 2 dwellings on land at 66 South Street North – None Determination	n/a	9/2/23	Written Reps	
2/2581	Middlecroft & Poolsbrook ward	Mr T Singh	CHE/21/00381/FUL Extension at 26A Circular Road – Refusal	Officer delegation	23/2/23	Written Reps	
2/705	Brockwell ward	Mr D Hopkinson	CHE/22/00276/RET Retention of fencing and retail sales at 194-196 Newbold Road - Refusal	Planning Committee against officer advice	28/02/23	Written Reps	
2/1257	Middlecroft & Poolsbrook ward	Mrs V Zheng	CHE/21/00778/FUL Change of Use and new build to create 20 apartments at Elm Tree Inn, High Street, Staveley – Refusal	Planning Committee against officer advice	28/04/23	Written Reps	

2/	St Helens ward	Woodall Homes Ltd	CHE/22/00604/FUL – Residential Development of land at Brimington Road, Waterside – 145 units – Non Determination	n/a	11/05/23	Public Inquiry	
2/	Moor ward	Plumco Ltd	CHE/23/00090/ADV – 48 sheet illuminated signage Refused	Officer delegation	23/05/23	Written Reps	

Appendix A
Appeal by Miss S McManus and D Hill
Two Storey extension at 26 Netherthorpe Close, Staveley,
Chesterfield.
CHE/22/00742/FUL

1. Planning permission was refused on 6th January 2023 for a two storey side extension at 26 Netherthorpe Close. The reasons for refusal were:

The proposed extension fails to show full consideration to the architectural style and character of the host dwelling and surrounding streetscene. The proposal seeks to introduce a two storey side extension resulting in visual terracing, insufficient visual subservience and a large dominant and incongruous wall to the side. The proposed extension in respect of its size, proximity to the boundary and orientation of the site is considered to have an adverse impact on the amenity of the occupants of No 25 resulting in overbearing impacts with outlook onto a blank two storey wall immediately to the north of No. 25. The proposed extension will therefore create an unacceptable relationship with the existing property. The proposal would have an adverse impact on the visual amenity and character of the area and an adverse impact on the amenity of the residential neighbour at No 25. The proposal therefore does not accord to policy CLP14, CLP20 of the Chesterfield Borough Local Plan 2018 - 2035 and the wider National Planning Policy Framework (2021) and the "Successful Places" Supplementary Planning Document (2013).

2. An appeal against the decision has been determined by the written representation appeal method and has been dismissed.
3. The main issues were the effect of the proposal on the character and appearance of the existing dwelling and the streetscene; and the effect on the living conditions of the occupants of the neighbouring dwelling at number 25 Netherthorpe Close (number 25), with regard to outlook.

4. The appeal property is a semi-detached two storey dwelling, which is situated in a residential cul-de-sac. Other properties in Netherthorpe Close are of a similar scale and appearance, although some have been altered and extended over the years. These extensions mainly include single storey additions on the sides of the houses, although there are also two-storey side and front extensions. The inspector noted that the appeal property has a single-storey addition at the rear. Notwithstanding the presence of other extensions, a distinctive characteristic of the streetscene is the relatively wide gaps between properties at first-floor level. These gaps provide a degree of spaciousness to the streetscene.
5. The appeal proposal is to construct a two-storey side extension, with a hipped roof, that would cover the width of the existing driveway and extend the full length of the dwelling. The extension would add significantly to the mass of the property and it would narrow the width of the existing gap between it and number 25, notwithstanding the fact that number 25 is positioned further back and is more in line with the rear wall of the appeal dwelling. In the inspectors opinion, the extension would have an unacceptably harmful effect on both the existing dwelling and the streetscene, because of its dominant appearance and the absence of any relief between it and original property.
6. Policy CLP20 of the Chesterfield Borough Local Plan 2018-2035 (LP) seeks to ensure (amongst other things) that all new development responds positively to the character of the site and surroundings. This is consistent with Paragraph 130 of The National Planning Policy Framework 2021. In addition, the Council's Supplementary Planning Document – Successful Places reflects this requirement, although the guidance appears to be directed more at larger developments. For the reasons given above, the inspector considered that on this issue, the proposal is unacceptable and conflicts with Policy CLP20 of the LP.

Living Conditions

7. Policies CLP14 and CLP20 of the LP both require new developments to have an acceptable impact on the amenity of neighbours. The Council contends that the proposed extension would have an overbearing impact on number 25, because the outlook from the front windows of number 25 would be towards the two-storey side wall of the extension.
8. Whilst the side of the extension would be prominent when viewed from the windows of number 25, it would be separated by the driveway of the neighbouring property. Given this separation and the angular relationship between the front windows of number 25 and the proposed extension, the inspector was not persuaded that the proposal would be unacceptably harmful. Consequently, he did not find against the proposal on this issue.
9. In reaching the decision, the inspector considered and acknowledged the benefits to the appellants in providing additional accommodation for the family. He also noted that they have suggested an amended design, which would result in the extension being set-back of 2.5m at first-floor level. In the inspectors opinion, it may be possible to design an extension that would both benefit the appellants and address the Council's concerns. However, that would require the submission of a new planning application and it is a matter between the two parties.

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Appendix B
Appeal by Mr J Simms
Fencing at 34 Miriam Avenue, Chesterfield.
CHE/22/00712/FUL

1. Planning permission was refused on 8th December 2022 for a new 2.0m fence to the frontage of the property to Miriam Avenue. The reasons for refusal were:

The proposed boundary treatment would appear out of keeping and incongruous in the street scene, and harm visual amenity, in respect of the character and setting of the site, by virtue of its appearance, height and materials. It would not ensure that the interface between the building plot and street is attractive or takes into account the relationship between the public and private space. This is contrary to the Council's Supplementary Planning Document 'Successful Places' (section 3.15.7 Boundaries), Policy CLP20 part b and e of the Chesterfield Borough Local Plan and paragraph 130 of the revised National Planning Policy Framework..

2. An appeal against the decision has been determined by the written representation appeal method and has been dismissed.
3. The main issue in this case was the effect of the proposal on the character and appearance of the area.
4. The area is residential, comprising one and two storey detached and semidetached properties set back from the highway. The street frontages are characterised by low level boundary treatments, predominantly stone walls, with soft landscaping of varying heights, maintaining a pleasant, open character. The appeal site is on a prominent corner plot with the majority of its outdoor space to the side and front of the dwelling. The low-level stone boundary wall and planting contribute to the open, verdant character.
5. Given its height and position forward of the front building line, directly behind the existing low-level boundary wall, the proposed fence would form a large, obtrusive, and incongruous feature within the street scene, significantly reducing its openness. When combined with the removal of

the boundary planting, the proposal would appear harsh and out of keeping with the prevailing softness of the area.

6. The inspector concluded that the proposal would harm the character and appearance of the area and would conflict with Policy CLP20, part b and e of the Chesterfield Borough Local Plan (July 2020) which requires that boundary treatments are attractive while respecting the character of the area. There is also conflict with Successful Places: Supplementary Planning Document 2013) where it seeks to ensure that boundaries are appropriate to their location, strengthen distinctiveness and reflect the characteristics of the local context. Similarly, there is conflict with the National Planning Policy Framework (the Framework) which seeks to ensure development is visually attractive as a result of good layout and appropriate landscaping.
7. The inspectors attention was also drawn to other fences in the area. However, he noted that elements of their design including their position in relation to the front building line are different from the appeal proposal. Further, the majority of the examples provided are some distance from the appeal site where the character of the area is not the same. Moreover, the existence of other fences in the area does not justify the harm identified to the character and appearance of the area above. The appellant's desire to ensure their garden is private and secure and the lack of objections from neighbours were acknowledged, but not considerations which outweighed the harm identified above.

FOR PUBLICATION Agenda Item 8

ENFORCEMENT REPORT

MEETING: PLANNING COMMITTEE
DATE: 12TH JUNE 2023
REPORT BY: HEAD OF REGULATORY LAW
DEVELOPMENT MANAGEMENT & CONSERVATION MANAGER
WARD: As listed in the report

FOR PUBLICATION

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

BACKGROUND PAPERS

LOCATION: LEGAL SERVICES

1.0 PURPOSE OF REPORT

1.1 For non-exempt information about current formal enforcement progress.

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 Enforcement team.

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
HEAD OF REGULATORY LAW

PAUL STANIFORTH
DEVELOPMENT MANAGEMENT
& CONSERVATION MANAGER

Further information on this report from Gerard Rogers, Regulatory Law
Tel 01246 936471 or email gerard.rogers@chesterfield.gov.uk

ENFORCEMENT REPORT

Enforcements currently Authorised: 11

02 June 2023

Address	Authorised <small>days from</small>	Breach	CHE/	Issued <small>days to issue</small>	Effective <small>days to (-) /from</small>	Comply <small>days to (-) /from</small>	Notes	<small>update last update</small>	Ward
Breach of Condition Notice		<i>Total currently Authorised: 2</i>		<i>Authorised to Issue Average: 540 days</i>					
Dunston Road	Dunston Hall 25/05/23 8	Loud music in marquee	23/00228/DOC				Authorised by Development Management and Conservation Manager	<input type="checkbox"/>	D
York Street	2 23/09/19 1,348	balcony, canopy and french door	17/00800/FUL	16/03/21 540	16/03/21 808	16/04/21 777	Issued. One month to submit details. Then 6 months after approval to carry out works. Not complied. Prosecution being prepared.	<input type="checkbox"/> 18/03/21	Ha
Enforcement Notice		<i>Total currently Authorised: 6</i>		<i>Authorised to Issue Average: 65 days</i>					
Chester Street	94 20/02/23 102	wooden play structure		30/05/23 99	29/06/23 -27	29/07/23 -57	removal within 28 days. Issued 30/05/23.	<input checked="" type="checkbox"/>	B
Markham Road	Markham House 18/02/08 5,583	storage of commercial vehicles		20/03/08 31	18/04/08 5523	20/10/08 5338	Complied by 2009. Unauthorised use has started again. Prosecute - awaiting instructions.	<input type="checkbox"/> 14/11/19	HI

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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
Newbold Road	194-196 - former Hardy's Site	30/01/23 <i>123</i>	frontage fencing and forecourt retail sales					Appeal against refusal of planning permission, further report to be submitted.	<input type="checkbox"/> <i>12/05/23</i>	N
Park Hall Avenue	2	12/12/22 <i>172</i>	timber fencing and stone columns on frontage					Awaiting instructions	<input type="checkbox"/> <i>21/12/22</i>	Wa
Pottery Lane West	10	18/07/22 <i>319</i>	Storage of vehicles					Instructed	<input type="checkbox"/> <i>20/10/22</i>	Mo
York Street	2	09/10/17 <i>2,062</i>	conversion and extension of roof space	17/00800/FUL				Flat conversion approved 03/04/18, conditions requiring removal of balcony, canopy, french windows appealed, but dismissed 18/12/18. Not complied with conditions. BCN served - see separate entry.	<input type="checkbox"/> <i>19/12/18</i>	Ha

Section 215 Amenity Notice

Total currently Authorised: 3 Authorised to Issue Average: days

Address		Authorised <i>days from</i>	Breach	CHE/	Issued <i>days to issue</i>	Effective <i>days to (-) /from</i>	Comply <i>days to (-) /from</i>	Notes	update <i>last update</i>	Ward
Edinburgh Road	12	10/10/22 <i>235</i>	unroadworthy vehicle, trailer and miscellaneous building materials etc.					Did not comply within 3 months given. Instructed.	<input type="checkbox"/> <i>28/10/22</i>	SH
Highfield Road	80	05/10/20 <i>970</i>	Removal of debris and waste					Update report 15/02/21. Working with occupier and representative with view to progress without formal action.	<input type="checkbox"/> <i>15/02/21</i>	SH
Tapton Terrace	26	05/10/20 <i>970</i>	removal of Heras fencing and erection of new boundary fence, removal of vans, debris and waste					Update report 15/02/21. Progressing without formal action.	<input type="checkbox"/> <i>15/02/21</i>	SL

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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

CV-19 - coronavirus implications for enforcement or compliance