



Please ask for Liz Athorn
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The Chair and Members of Planning Committee

Councillors B Bingham, Holmes and Thornton – Site Visit 1 and 2
Councillors Blakemore, Flood and Miles – Site Visit 3

23 June 2023

Dear Councillor,

Please attend a meeting of the PLANNING COMMITTEE to be held on MONDAY, 3 JULY 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 11am. Ward members wishing to be present should attend on site as indicated below:-

1. 11.30am 277 Handley Road, New Whittington
CHE/22/00828/FUL
2. 11.55am Station Road,
Whittington Moor
CHE/22/00422/FUL

3. 12.15 pm

Derby Road Birdcage
CHE/21/00746/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 10.30am in Committee Room 1 for those not able to attend the site visits.

Ward members are invited to attend on site and should confirm their attendance by contacting Liz Athorn on tel. 01246 959612 or via e-mail: liz.athorn@chesterfield.gov.uk by 9.00 a.m. on Monday, 3rd July 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 5 - 14)
4. Applications for Planning Permission - Plans Determined by the Committee (Pages 15 - 74)
5. Applications for Planning Permission - Plans Determined by the Development Management and Conservation Manager (P140D) (Pages 75 - 88)
6. Applications to Fell or Prune Trees (P620D) (Pages 89 - 94)
7. Appeals Report (P000) (Pages 95 - 98)

8. Enforcement Report (P410) (Pages 99 - 102)

Yours sincerely,

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

Head of Regulatory Law and Monitoring Officer

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PLANNING COMMITTEE

Monday, 12th June, 2023

Present:-

Councillor Brittain (Chair)

Councillors B Bingham
J Bingham
Davenport

Councillors Falconer
Ridgway
Stone

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

CHE/21/00273/RET – Retention of mound at Springwell Hill, on land off Eckington Road, New Whittington, Chesterfield for DP Kelly LTD.

Councillors J Bingham, Brittain, Davenport, Falconer, Ridgway and Stone.

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

*Matters dealt with under the Delegation Scheme

8 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Brady, Callan, Miles and Yates.

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

No declarations of interest were received.

10 MINUTES OF PLANNING COMMITTEE

RESOLVED –

That the Minutes of the meeting of the Planning Committee held on 22 May, 2023 be signed by the Chair as a true record.

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

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

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

In accordance with Minute No. 299 (2001/2002) Mr S Haslam (Mitchel Proctors, Applicants Agent) addressed the meeting.

***RESOLVED –**

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

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

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.

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.

12 **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/21/00781/RET	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) at Dunston Hall Garden Centre, Dunston Road, Chesterfield S41 9RL for Dunston Hall Garden Centre
CHE/22/00256/REM	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 at Land Adjacent 11 Bridle Road, Woodthorpe S43 3BY for Mr Joshua Greaveson
CHE/22/00544/FUL	Detached dwelling (bungalow) with detached garage at 24 Chesterfield Road, Brimington S43 1AD for Mr Robert Allen
CHE/22/00546/FUL	Erection of a new dwelling at land to the side of 307 High Street, New Whittington, Chesterfield S43 2AP for Mr and Mrs Bosher

CHE/22/00750/LBC	Reconstruction of 1-storey extension building after collapse at Post House Nursery, 15 High Street, Brimington S43 1DE for Mr Michael Fowler
CHE/23/00080/REM	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
CHE/23/00085/RET	Retention of ATM and panelling at 15 Cavendish Street, Chesterfield S40 1XA for Cardtronics UK Ltd, Trading As CASHZONE
CHE/23/00086/ADV	Retention of signage at 15 Cavendish Street, Chesterfield S40 1XA for Cardtronics UK Ltd, Trading As CASHZONE
CHE/23/00094/LBC	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
CHE/23/00103/FUL	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
CHE/23/00107/FUL	Construction of a 3 bedroom bungalow at Markham Court, Duckmanton Road, Duckmanton, Chesterfield S44 5HH for Chesterfield Borough Council
CHE/23/00111/FUL	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
CHE/23/00123/FUL	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
CHE/23/00127/FUL	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
CHE/23/00151/LBC	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
CHE/23/00164/ADV	Installation of non-illuminated and illuminated signage at Plot 2, South Markham Lane, Duckmanton S44 5HS for NIBE Energy Systems Limited
CHE/23/00170/FUL	Single storey side/rear extension at 62 King Street, Brimington S43 1HX for Mr David Brookes
CHE/23/00172/REM	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
CHE/23/00177/FUL	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

CHE/23/00183/ADV	Signage at 10 Saltergate, Chesterfield S40 1UT for Mr Engin Baysal
CHE/23/00188/FUL	New modular ramp to front / side elevation for wheelchair access at 103 Brearley Avenue, New Whittington S43 2DZ for Mr Simon Plant
CHE/23/00190/FUL	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
CHE/23/00204/FUL	Porch extension and alteration to utility at 190 Somersall Lane, Somersall, Chesterfield S40 3NA for Mr Craig Ingram
CHE/23/00206/REM	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
CHE/23/00213/COU	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
CHE/23/00215/FUL	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)
CHE/23/00224/ADV	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

CHE/23/00225/LBC 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

(b) Refusals

CHE/23/00026/ADV 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

CHE/23/00054/FUL 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

(c) Discharge of Planning Condition

CHE/22/00058/DOC 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 at Arnold Clark Motorstore, Meltham Lane, Chesterfield S41 7LG for Arnold Clark Automobiles

CHE/22/00259/DOC 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
- CHE/23/00010/DOC 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
- CHE/23/00184/DOC 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
- CHE/23/00228/DOC 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
- (d) CLOPUD granted
- CHE/22/00834/CLO 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

(e) CLUD granted

CHE/23/00214/CLU Lawful development certificate for two storey rear extension at 35 New Hall Road, Chesterfield S40 1HE for Mrs Anne Nowak

(f) Conditional Consent for Non-Material Amendment

CHE/22/00459/NMA 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

(g) Prior approval not required

CHE/23/00236/DEM 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

(h) Other Council no objection without comments

CHE/23/00316/CPO 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

13 APPLICATIONS TO FELL OR PRUNE TREES (P620D)

There was no report available.

14 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.

15 ENFORCEMENT REPORT (P410)

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

***RESOLVED –**

That the report be noted.

Agenda Item 4

COMMITTEE/SUB	Planning Committee
DATE OF MEETING	3 rd July 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 3rd July 2023**

ITEM 1	CHE/21/00746/RET - RETROSPECTIVE CONSENT FOR CANOPY AND DECKING TO SIDE OF PREMISES FOR OUTSIDE DINING, INSTALLATION OF WOODEN POSTS ON FRONT BOUNDARY AND RETRACTABLE CANOPY TO FRONTAGE AT THE BIRDCAGE, 35 DERBY ROAD, CHESTERFIELD FOR THE BIRDCAGE
ITEM 2	CHE/22/00422/FUL - CHANGE OF USE FROM TV REPAIR SHOP TO AUTO GARAGE AND SINGLE STOREY REAR EXTENSION AND COVERED AREA AT THE OLD STATION, STATION ROAD, OLD WHITTINGTON, CHESTERFIELD FOR MR B LALLI
ITEM 3	CHE/22/00828/FUL - ERECTION OF SINGLE STOREY ANNEX TO BE USED IN CONJUNCTION WITH EXISTING HOUSE (AMENDED PLANS AND DESCRIPTION) AT 277 HANDLEY ROAD, NEW WHITTINGTON, CHESTERFIELD, DERBYSHIRE, S43 2ES FOR MR AND MRS KNIGHT.
ITEM 4	CHE/23/00247/FUL - CHANGE OF USE TO CREATE A LARGER HOUSE IN MULTIPLE OCCUPATION, USE CLASS C4 TO SUI GENERIS AT 32 FAIRFIELD ROAD, BROCKWELL, CHESTERFIELD FOR MR R CUSIMANO

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ITEM 1

Retrospective consent for canopy and decking to side of premises for outside dining, installation of wooden posts on front boundary and retractable canopy to frontage at The Birdcage, 35 Derby Road, Chesterfield for The Birdcage

Local Plan: Unallocated

Ward: Rother

Committee Date: 03/07/2023

1.0 CONSULTATION RESPONSES

Ward Members: No comments received.

Highways Authority: No objection

Environmental Services: No objection.

Representations: 5 comments received. All of the comments are objections, on the grounds of the design of the external works, increased parking issues from customers and staff of the two businesses, increased noise from customers to residents, loss of privacy to persons living across from the café on Derby Road, a distraction to drivers of Derby Road and due to the application being retrospective.

2.0 THE SITE

2.1 The application site is on the corner of Derby Road and Lord Roberts Road, and it is related to the area surrounding no's 33 and 35 Derby Road. No.33 is used as the offices for Tim Vice Plumbing and Property Maintenance Ltd, with no.35 used as a café/bar. The frontage and side of both units is utilised by the café business for seating.

Google image:



- 2.2 The area is predominantly residential in character, with dwellings surrounding the site on all sides. The site is two no. terraced units in red brick. The character of the area is for two storey terraced dwellings, with limited off-street parking availability.
- 2.3 Derby Road is a busy main road and Lord Roberts Road is a quiet residential side road, with access restricted to prevent through traffic utilising the street.

3.0 SITE HISTORY

- 3.1 CHE/20/00243/PNCOU - Change of use of former off licence to coffee shop (A3) – Prior Notification Not Required – 18/06/20
- 3.2 This application was a notification for prior approval for the change of use of a retail unit to a café (no.35), which included opening hours of 7am to 11pm. As part of this application the principle, residential impact and highways impact were considered.

4.0 THE PROPOSAL

- 4.1 Retrospective planning permission is sought to retain the side canopy and decking to the premises for outside dining, installation of wooden posts on front boundary and the retractable canopy to the frontage elevation.
- 4.2 The wooden posts to the frontage include advertisement boards in-between, consisting of 10 sub-1m black wooden posts, with black-backed boards adjoining them along the south and west of the frontage. The retractable canopy is attached to and projects several metres out from the front elevation of both units. The side decking area and canopy include a red brick sub-1.2m high brick wall to enclose the street with a grey metal framed

canopy attached to this with a glazed roof. There is also a glazed side and timber-cladded ends; it has a lean-to roof and is no more than 2.5m in height.

Images:



5.0 PLANNING POLICY

5.1 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

CLP2 Principles for Location of Development (Strategic Policy)

CLP6	Economic Growth
CLP14	A Healthy Environment
CLP16	Biodiversity, Geodiversity and the Ecological Network
CLP20	Design
CLP22	Influencing the demand for travel

5.3 National Planning Policy Framework

- Chapter 2 Achieving sustainable development
- Chapter 6 Building a strong, competitive economy
- Chapter 8 Promoting healthy and safe communities
- Chapter 12 Achieving well-designed places
- Chapter 15 Conserving and enhancing the natural environment

6.0 CONSIDERATION

6.1 Principle of Development

6.1.1 The application is to retain the above described elements which have been added to an existing site to aid the expansion of the operation to improve external seating areas. The expansion of an existing business is acceptable in principle in relation to policies CLP1 and CLP6. The use of the café, and any impacts associated with this are not being considered as the use is authorised. The change of use of the office space is permitted development within Use Class E.

6.2 Design and Appearance of the Proposal

6.2.1 Local Plan policy CLP20 states in part; 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.

6.2.2 The front posts and advertisements have been built at a comparable size to the dwarf brick walls which is a common feature of dwellings on the street. This is considered to appropriate enclose the site from the street scene in visual terms. The front canopy whilst a substantial feature is considered to be of an acceptable design in keeping with the character of the area and is an enhancement of the site from earlier appearances. The side canopy and

decking are considered to be a sympathetic design for the location, utilising matching brick and planting. It is a temporary, subservient structure to the original building which is considered to be acceptable in design terms.

6.2.3 In this regard, the proposal is not considered to be detrimental to the character or appearance of the area. Accordingly, this application is considered to comply with the design objectives of policy CLP20 of the Chesterfield Borough Local Plan and Chapter 12 of the revised NPPF.

6.3 Residential Amenity

6.3.1 Local Plan policy CLP14 states that development will be expected to have an acceptable impact on the amenity of users and neighbours. The Council's SPD 'Successful Places' provides further guidance in respect of privacy, day light and sunlight, overshadowing and external amenity space.

6.3.2 Whilst planning permission for the outdoor seating is not required, due to the approved Class E use of the site, nevertheless the introduction of structures makes the outdoor area more likely to be used more frequently throughout the year and therefore the issues to be considered in terms of the structures are linked to a degree to the seating provision. These outdoor areas have the potential to lead to increased noise levels from customers in a residential area, this is potentially exacerbated as the business has an alcohol licence. Due to the close vicinity of the unit to the residential properties surrounding the site, it is considered that the outside seating area should be restricted to opening hours no later than 9pm, this is considered to be a reasonable response to the needs of the business but also considering the amenity of local residents in that they are not significantly impacted later in the evenings.

6.3.3 A screen has been erected to the northern end of the frontage area, on the boundary with no.31 Derby Road. The combination of the screen and the canopy leads to a potential impact to the frontage of no.31 in terms of overshadowing/massing, leading to potential overshadowing to the front lounge window of this dwelling. As seen in the image below:



No comment has been received from the resident of this dwelling. Whilst the canopy is retractable, it appears that during the majority of the café's opening hours this feature is left fully open, which means that during most daylight hours the canopy is ever present. However, it is considered that the angle of the canopy ensures that residents of this dwelling retain a reasonable level of sunlight/daylight to a primary window, in addition this also provides a level of privacy and screening from the café which is of benefit to the residents of that property. On this basis a refusal of the proposal is not considered to be warranted.

6.3.4 In this regard the proposal will result in acceptable amenity impacts in line with policy CLP14, and the revised NPPF.

6.4 Highway Safety

6.4.1 Local Plan policies CLP20 and CLP22 require consideration of parking provision and highway safety.

6.4.2 The Highway Authority has not objected to the scheme. However, there are several objections from local residents regarding the highway impacts of the development, but these refer to the previous change of use of the buildings from a newsagents and retail unit to a café and office, which is an authorised use. It is understood that the change of the use and success of the business may have had an impact to Lord Roberts Road in terms of parking from customers and staff from both businesses, but this application cannot reconsider the authorised use of the premises.

6.4.3 A further issue raised is that the development proposed would be a distraction to drivers on Derby Road. As the Highway Authority have raised

no concerns regarding this it is not considered to be a matter for which a refusal of planning permission could be justified.

6.4.4 It is considered that the scheme does not lead to a negative impact in terms of highway safety and is acceptable in regards policies CLP20 and CLP22 of the Local Plan.

6.5 Biodiversity

6.5.1 Local Plan policy CLP16 states that all development will “protect, enhance, and contribute to the management of the borough’s ecological network of habitats, protected and priority species ... and avoid or minimise adverse impacts on biodiversity and geodiversity and provide a net measurable gain in biodiversity.” The NPPF in paragraph 170 requires decisions to protect and enhance sites of biodiversity and paragraph 174 also requires plans to “pursue opportunities for securing measurable net gains for biodiversity”.

6.5.2 The proposal is considered to be a minor development and does not result in the loss of an existing species rich habitat area. Some level of biodiversity net gain is considered to be necessary to accord with policy CLP16 of the Local Plan and the NPPF. However, the planting that has taken place on site is considered to have adequately provided a gain in biodiversity and therefore there is no need for a condition to agree further details, although a condition to secure this gain is required.

6.5.3. On this basis the proposal is considered to accord with the provisions of policy CLP16 of the Local Plan.

7.0 REPRESENTATIONS

7.1 5 comments received. All of the comments are objections, on the grounds of the design of the external works, increased parking issues from customers and staff of the two businesses, increased noise from customers to residents, loss of privacy to persons living across from the café on Derby Road, a distraction to drivers of Derby Road and due to the application being retrospective.

7.2 Officer comment – The above comments are mostly considered in the above report. In regard the comment about the application being retrospective; whilst applicants are encouraged to submit planning applications prior to commencing works, there is no legal requirement to do so. All applications for planning permission need to be considered against the relevant planning policies whether or not the submission is retrospective.

8.0 HUMAN RIGHTS ACT 1998

- 8.1 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
- 8.2 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.

9.0 STATEMENT OF POSITIVE AND PROACTIVE WORKING WITH APPLICANT

- 9.1 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 and 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.

10.0 CONCLUSION

- 10.1 The proposed development is considered to sufficiently reflect the architectural characteristics and form of the existing site and surrounding area. Furthermore, it is not considered that the development would result in significant injury to the amenity of nearby residents, subject to condition restricting external hours of operation. It is not considered to lead to a negative impact upon highway safety of the local area. As such, this application is considered to comply with the requirements of policies CLP2, CLP14, CLP20 and CLP22 of the Chesterfield Borough Local Plan 2018-2035 and Chapter 12 of the revised National Planning Policy Framework.

11.0 RECOMMENDATION

11.1 It is therefore recommended that the application be **GRANTED** subject to the following conditions:

11.2 Conditions

1. The development hereby approved shall only be carried out in full accordance with the approved plans: Site Location Plan, Site Plan, Elevation Plans; with the exception of any approved non-material amendment.

Reason: In order to clarify the extent of the planning permission.

2. The outdoor area of the premises shall not be used for external seating in connection with the operation of the café before 8.00am and after 9.00pm daily.

Reason - To safeguard the privacy and amenities of the occupiers of adjoining properties in accordance with policy CLP14 of the Adopted Local Plan.

3. The planting provided on site for biodiversity benefits shall be retained and maintained throughout the life of the development.

Reason: To secure a biodiversity net gain in accordance with policy CLP16 of the Adopted Local Plan.

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ITEM 2

Change of use from TV repair shop to auto garage and single storey rear extension and covered area at The Old Station, Station Road, Old Whittington, Chesterfield for Mr B Lalli

Local Plan: Economic Growth
Ward: Whittington

Committee Date: 03/07/23

1.0 CONSULTATION RESPONSES

Ward Members:	1 joint comment received from 2 councillors, no objection.
Highways Authority:	No objection
Design Services:	No objection, subject to condition
Coal Authority:	Material Consideration
Network Rail:	Not supportive of original scheme and do not support any parking in front of railway access points.
Strategic planning:	No objections subject to further information regarding highway safety, flooding, noise insulation and restriction of pd rights.
Environmental Health:	Additional information was sought in regard to noise insulation.
Representations:	5 comments received from 4 people. The comments raised are: <ul style="list-style-type: none">- insufficient parking and manoeuvring on site,- highway safety issues on busy road and junctions, both entering and leaving the site,- potential for noise to adjoining residents from power tools and compressors,

- the potential for vehicles being parked off site in the surrounding area which would impact customer and staff parking for surrounding businesses,
- blocking of access for railway maintenance,
- pedestrian safety

2.0 THE SITE

- 2.1 The application site is a single storey red brick building on the eastern side of Station Road. It is adjacent to the entrance to Brimington Road North and it includes a hard surfaced parking area to the front. To the north-west of the site is an operational railway access point for Network Rail. The site includes an open area to the south of the building which is partly enclosed by brick walling. To the east of the site there is a building containing flats and its garden to the rear. To the east of this there are two retail units including JE James Cycles and an Electronic Cigarette retailer, with a parking area for staff and customers in front of this.
- 2.2 The site was previously used as a tv repair shop and it has an existing double door entrance to the frontage and some closed up windows.
- 2.3 There is some lack of clarity in the land owned/managed by the applicant and highway authority, as there is a pavement adjoining the road to the front, and behind this there are several highway signs, utility boxes and lampposts; this area appears to have been maintained by the highway authority but is not officially in highway maintainable land. There is a bus stop to the front of the site and a pedestrian/cycle entrance from the underpass from the Whittington Moor roundabout. The site is in flood zone 2.

2.4 Google image of the site:



3.0 SITE HISTORY

3.1 CHE/23/00026/ADV - Installation of 1 x 48 sheet freestanding LED illuminated advertising display unit – Refused – 24/05/23

4.0 THE PROPOSAL

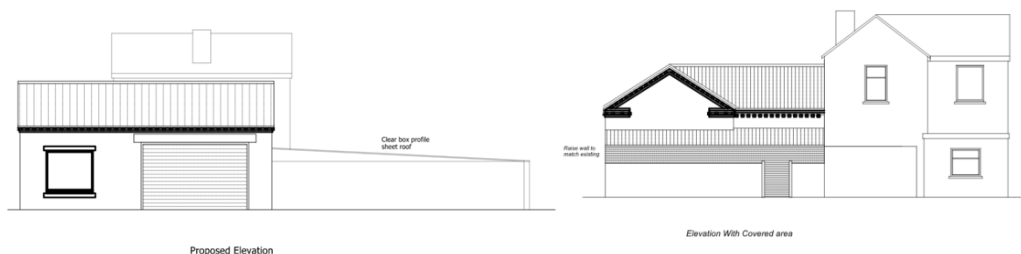
4.1 Planning permission is sought for a change of use of the building from a TV repair shop to an auto garage with a single storey rear extension and a covered area to the southern side, as well as some minor alterations to the front of the building.

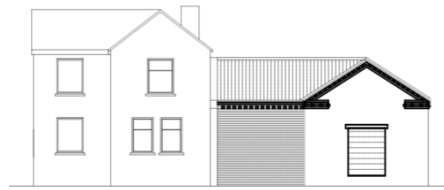
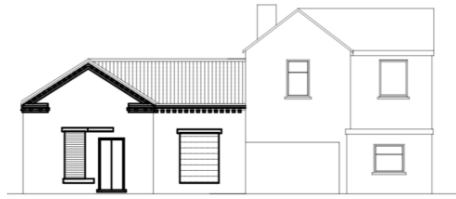
4.2 The single storey rear extension would be an in-fill section to the north-east of the existing building, with a 5m width and a 3.4m depth. It would have a pitched roof adjoining the existing building, matching the ridge and eaves height. This would use facing brick and would slate to the roof.

4.3 The side yard area would be covered with lightweight clear profiled sheeting and the existing side wall would be raised in height from 1.3m to 2m, with a gate filled in as well. The profiled sheeting would be a lean-to construction. The wall materials are proposed to be facing brick, but it is not specified if this would be matching brick.

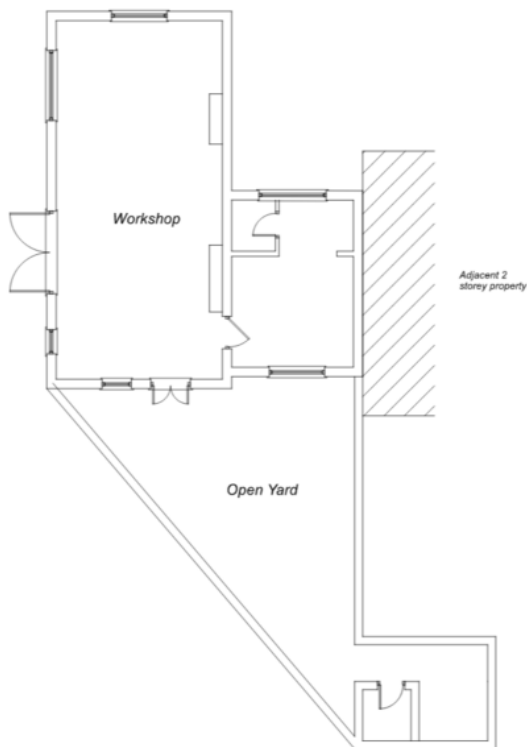
4.4 The front elevation would be altered with the creation of a large opening that would include the existing entrance and side window. This would be 2.8m high and 4.5m wide, with a lintel above this. The proposed door type has not been confirmed.

Proposed plans:

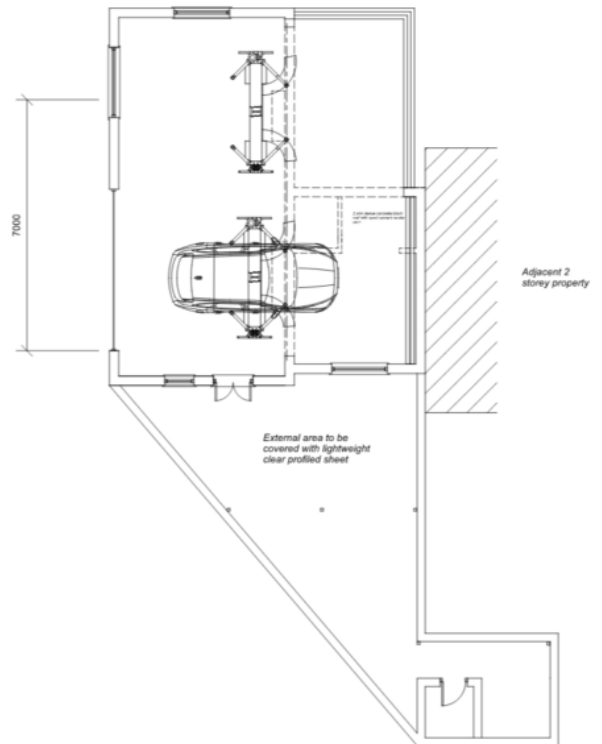




Floor Plans:

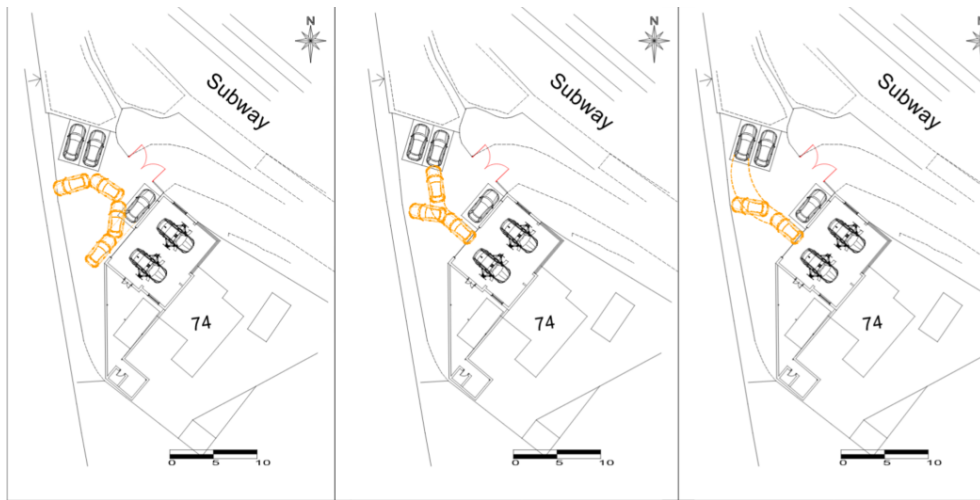


Existing Floor Plan



Proposed Floor Plan

- 4.5 The works also include noise insulation to the rear of the building, although the exact details yet to be confirmed.
- 4.6 It is proposed to have 3 parking spaces to the front, space for 2 vehicles internally and a no parking zone in front of the gates for the railway access point.



4.7 It is proposed to have no more than 2 members of staff on site at any one time, with no more than 3 customers per day and opening hours of 8am until 6pm Monday to Friday and 8am until 1pm on Saturdays. This scheme does not include any details of advertisements for the business which is likely to be considered under a separate application for advertisement consent.

5.0 **PLANNING POLICY**

5.1 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
CLP2	Principles for Location of Development (Strategic Policy)
CLP6	Economic Growth
CLP13	Managing the Water Cycle
CLP14	A Healthy Environment
CLP16	Biodiversity, Geodiversity and the Ecological Network
CLP20	Design
CLP22	Influencing the Demand for Travel

5.3 **National Planning Policy Framework (2020)**

- Chapter 2: Achieving sustainable development
- Chapter 6: Building a strong, competitive economy
- Chapter 8: Promoting healthy and safe communities

- Chapter 12: Achieving well-designed places
- Chapter 14: Meeting the challenge of climate change, flooding and coastal change
- Chapter 15: Conserving and enhancing the natural environment

6.0 CONSIDERATION

6.1 Principle of Development

6.1.1 Policy CLP1 sets out the spatial strategy for the Borough in seeking to concentrate new development within walking distance of a key range of services. The application site is a sustainably located site in accordance with Policy CLP1.

6.1.2 The application site is identified as being within an Employment Area under Policy CLP6 as identified on the Policies Map.

Policy CLP6 Economic Growth notes:

“Within Established Business Areas (as shown on the Policies Map) other business and industrial uses, not falling within the B1, B2 or B8 classes, and ‘B’ class uses outside of the criteria set out above will be considered based upon the locational criteria set out in policy CLP2, the suitability of the use for the location and the employment generation of the proposed use when compared to the existing or previous use, and will normally be permitted where they would otherwise not have a significant adverse impact upon the surrounding area.”

The proposed use is therefore acceptable in principle in this location.

6.1.3 The applicant has applied for a B1 former business use class which is now consumed within Class E. However, the inclusion in Class E of ‘any industrial process, being a use, which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit’ (giii) is not considered to apply to a car repair garage and therefore the use is considered to be a B2 use. The exact nature of the business will impact whether its use leads to significant levels of noise, vibration, smell, fumes and smoke to the surrounding area. These matters are considered under the amenity section of the report below.

6.1.4 In principle it is considered that the scheme is acceptable in locational terms in relation to policies CLP1 and CLP6.

6.2 Design and Appearance of the Proposal

- 6.2.1 Local Plan policy CLP20 states in part; 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.
- 6.2.2 The existing building whilst not on the local list appears to have some finer brick detailing matching that of the adjoining dwelling, and may have been connected with the adjacent railway use. Therefore, the re-use and retention of this building is welcomed.
- 6.2.3 The rear extension will not be highly visible from the streetscene; it is designed to be in-keeping with the character of the existing building. The enlargement of the front entrance will introduce a large door to the front elevation, with the door design and junction with the brick detailing needing to be conditioned for further assessment. The creation of the larger door will alter the front elevation but subject to detailing, to be secured via condition the scheme is considered to retain the overall character of the building.
- 6.2.3 The submitted drawings show a proposed covered area to the side of the premises. In recent times this area has fallen into dis-repair with part of the wall falling down and a container positioned in this space. The intention is to raise the wall and create a roof with clear plastic profiling sheeting to a shallow pitch. This site is very visually prominent given the siting on a main route into the town. Given the roofing material and prominence of the wall, further details are required via condition to ensure an appropriate finished development.
- 6.2.4. The application is therefore considered to comply with the design objectives of policy CLP20 of the Chesterfield Borough Local Plan and Chapter 12 of the revised NPPF.

6.3 Residential Amenity

- 6.3.1 Local Plan policy CLP14 states that development will be expected to have an acceptable impact on the amenity of users and neighbours.
- 6.3.2 The scheme is adjacent to residential units to the east and the proposal has the potential to lead to a negative impact to residents in regard noise and vibration. Concerns have been raised by the neighbouring residents in this regard.

- 6.3.3 To address this the agent for the scheme has submitted details for the noise insulation. Environmental Health has been consulted on these details, and they do not object to the proposal. It is therefore considered that subject to a condition to secure the insulation measures proposed that the change of use is acceptable in terms of amenity impacts in accordance with policy CLP14.
- 6.3.5 In regards overshadowing, overlooking and loss of light the rear extension is not considered to lead to a significant impact to the neighbouring residents' garden. Therefore the extension is considered to meet the requirements of Policy CLP14.

6.4 Highway Safety

- 6.4.1 Local Plan policies CLP20 and CLP22 require consideration of parking provision and highway safety. The Highway Authority was consulted, and requested revised drawings/information about the proposal on site given the constraints to parking and manoeuvrability within the site. The Highway Authority also used their own internal parking standards to quantify how much parking was required on site; this is for 1 space per 15 sqm for customers, 1 space per 30 sqm for staff and 1 space on site for tow vehicles. As the site would be 75 sqm the proposed standards would require 5 spaces for customers, 2.5 space for staff and 1 larger space for a tow vehicle, which is 8.5-9 spaces.
- 6.4.2 A parking plan has been provided for the site, with 2 parking spaces to the north of the yard, 1 space to the front of the building and space for 2 vehicles internally, as well as a no-parking zone in front of the railway access gates, manoeuvring space has been demonstrated. Staff numbers have been stated as a maximum of 2 and customer numbers as no more 3 per day. Customer and staff numbers could potentially be limited to control the throughflow and demand on site. One of the comments from a local landowner has stated that they are apprehensive about the proposed use utilising parking in front of JE James, as this is unrestricted but used by customers and staff of JE James and the neighbouring retail units. The proposed 5 parking spaces (external and internal) could be utilised by staff and customers, which would ensure that vehicles related to the business do not spill out into the surrounding streets. It is also worth noting that there are some parking restrictions on the highway in this area as well as on street areas where on street parking is feasible for example; to park on Brimington Road North.

6.4.3 Details have been provided regarding the parking proposals and customer and staff numbers. The Highway Authority has commented on revised drawings for the parking layout on site, including the tracking information, and on the basis of this they no longer object to the scheme. Conditions have been recommended and are included in the recommendation.

6.4.4 It is considered that the scheme is acceptable on highway safety and pedestrian grounds, subject to conditions to restrict parking on site to the layout proposed, and the restriction of staff and customers. On this basis the proposal is considered to accord with the provisions of policies CLP20 and CLP22 of the Local Plan.

6.5 Biodiversity

6.5.1 Local Plan policy CLP16 states that all development will “protect, enhance, and contribute to the management of the borough’s ecological network of habitats, protected and priority species ... and avoid or minimise adverse impacts on biodiversity and geodiversity and provide a net measurable gain in biodiversity.” The NPPF in paragraph 170 requires decisions to protect and enhance sites of biodiversity and paragraph 174 also requires plans to “pursue opportunities for securing measurable net gains for biodiversity”.

6.5.2 As the application site is just the building and a surrounding hardstanding area, it is considered that additional biodiversity measures are not suitable in this case. Some level of biodiversity net gain is not considered to be necessary to accord with policy CLP16 of the Local Plan and the NPPF, therefore a planning condition will not be attached to any decision issued to ensure the application provides the agreed biodiversity net gain measures, as a result of the proposed development. On this basis the proposal is considered to accord with the provisions of policy CLP16 of the Local Plan. An informative will be included, if any biodiversity measures are considered to be suitable.

6.6 Flooding

6.6.1 The site is within Flood zone 2. Policy CLP13 requires 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. It requires development proposals to:

- 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.

6.6.2 In addition, CLP13 seeks to increase the capacity of the floodplain safely, make space for water across the whole borough, and to remove problems from the drainage network, particularly in connection with new development. To address matters of flooding the application has submitted a Flood Risk Assessment (FRA). It is agreed with the conclusions of the FRA that the application is for a development type exempt from the sequential test (as per NPPF footnote 56 – a small non-residential extension with a footprint of less than 250m²), and that an Exception test is not required.

6.6.3 It is noted that the FRA recommends further mitigation measures because the extension cannot be raised to provide sufficiently high floor levels due to access and headroom constraints. The applicant should submit detailed information to confirm the flood resistance mitigation measures (paragraph 4.1.3 of the FRA) and SuDS components (Table 5 of the FRA) that are being proposed for the site in order to accord with NPPF 167a to e, and CLP13. This will be secured by condition.

6.6.4 The Council's Design Services Team commented on the scheme that they had no objection to the proposal, as it is a minor development and mitigating measures have been proposed. The development is considered to be policy compliant with policy CLP13 subject to conditions.

6.7 Community Infrastructure Levy

6.7.1 The proposal does not require a CIL payment due to the proposed use being outside of the charging areas.

6.8 Land contamination and Coal mining Legacy

6.8.1 Policy CLP14 also requires development to be safe in terms of below ground impacts.

6.8.2 The Council's Environmental Health Team was consulted on the proposal and has not requested a land contamination report to be submitted for the proposal.

6.8.3 A Coal Mining Risk Assessment has been submitted for the proposal and the Coal Authority has been consulted on the scheme; they have not objected to the proposal, but it has been identified in the submitted report that a raft may be required in the foundations of the scheme. This is considered sufficient mitigation and whilst a condition was not requested it

is considered important to impose a condition for the works to accord with the submitted report. This will ensure that the proposal is acceptable in regard to coal mining legacy, as required by Policy CLP14.

7.0 REPRESENTATIONS

7.1 5 comments were received from 4 people. The comments were all objections, and these were the points raised:

- insufficient parking and manoeuvring on site,
- highway safety issues on busy road and junctions, both entering and leaving the site,
- potential for noise to adjoining residents from power tools and compressors,
- the potential for vehicles being parked off site in the surrounding area which would impact customer and staff parking for surrounding businesses,
- blocking of access for railway maintenance,
- pedestrian safety

7.2 Officer response – the above issues have been considered in the report.

8.0 HUMAN RIGHTS ACT 1998

8.1 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

8.2 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.

9.0 STATEMENT OF POSITIVE AND PROACTIVE WORKING WITH APPLICANT

9.1 In accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015 and the 2021 National Planning Policy Framework (NPPF) as

the proposed development does not conflict with the NPPF and 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.

10.0 CONCLUSION

10.1 The proposed development is considered to be an acceptable change of use for the site and to be in-keeping with the character of the wider area. Furthermore, it is not considered that the development would result in significant injury to the neighbouring residents or lead to a negative impact upon highway safety of the local area subject to conditions. As such, this application is considered to comply with the requirements of policies CLP2, CLP6, CLP13, CLP14, CLP20 and CLP22 of the Chesterfield Borough Local Plan 2018-2035 and the revised National Planning Policy Framework.

11.0 RECOMMENDATION

11.1 It is therefore recommended that the application be **GRANTED** subject to the following conditions:

11.2 Conditions

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

Reason: The condition is imposed in accordance with section 51 of the Planning and Compulsory Purchase Act 2004

2. The development hereby approved shall only be carried out in full accordance with the approved plans: Site Location Plan, Revised Parking layout (11/04/23), Vehicle Tracking (04/05/23), Proposed Elevations (24/05/23), Lintel Details, Proposed Floor plans and Elevations (15/09/22); with the exception of any approved non-material amendment.

Reason: In order to clarify the extent of the planning permission.

3. Prior to the ordering of external materials taking place, precise specifications and /or samples of; all fenestration including the large door opening and its detailed junction with the brick coursing and header detail, brick for the external wall and all roofing materials to be used shall be submitted to and agreed in writing by the Local Planning Authority.

Only those materials approved in writing by the Local Planning Authority shall be used as part of the development unless otherwise agreed by the Local Planning Authority in writing.

Reason: The condition is imposed in order to ensure that the proposed materials of construction are appropriate for use on the particular development and in the particular locality, in relation to policy CLP20.

4. No part of the development hereby approved shall be occupied until space has been laid out within the site in accordance with the approved plan for cars to be parked, and for vehicles to turn so that they may enter and leave the site in forward gear. The 3 external parking spaces should be clearly marked out, with no parking in front of the access gate. This is in line with the submitted drawings for the parking layout plan (11/04/23) and vehicular tracking (04/05/23).

Reason: In order to avoid the need for vehicles to park and turn on the highway in the interests of highway safety and policy CLP22 of the Adopted Local Plan.

5. The business shall be operated on an appointment only basis and there shall be no more than 2 staff present at the premises per day and 3 customers per day. No more than 3 customers' vehicles shall be at the site at any one time.

Reason - In order to ensure parking measures meet the scale of the operation and do not result in harm to highway safety in accordance with policies CLP20 and 22 of the Adopted Local Plan.

6. The premises shall not be used for the purposes authorised by this permission (including deliveries) other than between the following hours: 0800 to 1800 Monday to Friday, 0800 to 1300 on Saturdays and no opening on Sundays and Bank Holidays.

Reason: To safeguard the privacy and amenities of the occupiers of adjoining properties in accordance with policy CLP14 of the Adopted Local Plan.

7. Unless otherwise agreed by the Local Planning Authority construction work shall only be carried out on site between 8:00am and 6:00pm Monday to Friday, 9:00am to 1:00pm on a Saturday and no work on a Sunday or public holiday. The term "work" will also apply to the operation of plant, machinery and equipment.

Reason: In the interests of residential amenities and policy CLP14 of the Adopted Local Plan.

8. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) produced by RAB dated 19th August 2022 and the following mitigation measures detailed within the FRA shall be implemented:
- The finished floor level of the extension should be set no lower than the existing,
 - Implement a scheme of flood resilience within the extension (and to the existing building as far as possible) in line with recommendations given in Section 4.1.3,
 - The site manager should register to receive Environment Agency Flood Alert provide useful information about local flood conditions as outlined in Section 4.2.2.
 - Review the use of small retrofit SuDS components when making any modification to the existing surface water drainage scheme (refer to Section 4.3.2).
 - Construction (Design and Management) Regulations 2015

The revised CDM Regulations came into force in April 2015 to update certain duties on all parties involved in a construction project, including those promoting the development. One of the Designer's responsibilities is to ensure that the Client organisation, in this instance Sukhbinder Singh Lalli, is made aware of their duties under the CDM Regulations.

Reason: To reduce flooding in the locality and policy CLP13 of the Adopted Local Plan.

9. The Solid Masonry Wall insulation details submitted 22.02.2023 and the email content from the agent dated 15.09.2022 noting the 225mm masonry wall and 50mm gap from the party wall, shall all be fully installed along the length and full internal height of the existing and proposed south eastern party wall prior to the occupation of the premises.

Reason: To protect the amenities of the adjoining properties in accordance with Policy CLP14 of the Adopted Local Plan.

10. Notwithstanding the provisions of the Town and Country Planning (Uses Classes) Order 1987, (or any Order revoking or re-enacting that Order with or without modifications), this permission shall relate solely to the use of the land and buildings for a car repair garage within Use Class B2

and for no other purpose, including any other activity within the same class of the schedule to that Order.

Reason: To ensure that any other use within the same class of the schedule is controlled and considered under a planning application to protect the amenity of the neighbouring residents in accordance with Policy CLP14 of the Adopted Local Plan.

11. The development shall be completed in accordance with the mitigation strategy and conclusions of the Coal Mining Risk Assessment by Envirosolution dated 11.11.2022.

Reason: To ensure risk from former Coal Mining Activity are mitigated in accordance with Policy CLP14 of the Adopted Local Plan.

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. Any external changes to the building may require planning permission. The applicant should communicate with the Local Planning Authority and their Conservation Officer if any changes to the building are proposed.
3. Any adverts to the building may require planning permission, the applicant should communicate with the Local Planning Authority and their Conservation Officer if any advertisements to the building are proposed.
4. It should be noted that wherever coal resources or coal mine features exist at shallow depth or at the surface, there is the potential for mine gases to exist. However, the absence of such a comment should not be interpreted to imply that there are no gas risks present. Whether or not specific emissions have been noted by the Coal Authority, developers should seek their own technical advice on the gas hazards that may exist, and appropriate measures to be implemented, from technically competent personnel.

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Item 3

CHE/22/00828/FUL - Erection of single storey annex to be used in conjunction with existing house (amended plans and description) at 277 Handley Road, New Whittington, Chesterfield, Derbyshire, S43 2ES for Mr and Mrs Knight.

1. CONSULTATION RESPONSES

Drainage	No objections
Environmental Health	No comments received
Highways	No objections
Tree Officer	No objections, subject to conditions
Ward Councillors	Comments received from Cllr B Bingham requesting application be determined at planning committee
Representations	10 received from 3 neighbouring properties.

2. SITE DESCRIPTION

- 2.1. The application relates to a part of the garden area to the side/rear of 277 Handley Road, which is within the residential curtilage of the property. The site, approx. 0.18ha in area, currently comprises a detached bungalow, driveway and large rear garden which backs onto an area of woodland which is within the green belt area. The proposed development will be located where a detached garage, since demolished, previously stood.
- 2.2. The site is accessed via a shared track leading from Handley Road towards the woodland area to the rear to the Northwest, known as 'The Black Hills'. There is also a separate and parallel track which provides access to the dwellings of 279-283 Handley Road.
- 2.3. The surrounding area is solely residential, characterised by other detached bungalows and larger semi-detached dwellings, which are of varying designs and material construction. The site is located close to a bend in the highway where Handley Road becomes Long Lane and the speed limit changes, from 30mph to National Speed Limit. This is also

the boundary between the Borough and North East Derbyshire District Council.



3. PLANNING HISTORY

3.1. None

4. PROPOSAL

- 4.1. The applicant is seeking permission for the erection of a single storey building to be used as an annex in conjunction with the occupation of the main property. The building will measure 7.32m (W) by 8.35m (L) giving a total floor area of 61.12m². The building will have a gable pitched roof, with eaves and ridge of 2.43m and 4.45m respectively.
- 4.2. The annex will accommodate 2 bedrooms, living/dining room and bathroom, with car parking to the front, shared with 277 Handley Road. Kitchen facilities are within the main dwelling.
- 4.3. The initial submission proposed a two-storey structure however this was reduced due to concerns over the impact it would have on the host dwelling and surrounding street scene. It is the revised single storey structure that is to be determined by the committee.

5. PLANNING POLICY

- 5.1. 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

- CLP2 Principles for Location of Development (Strategic Policy)
- CLP14 A Healthy Environment
- CLP16 Biodiversity, Geodiversity and the Ecological Network
- CLP20 Design
- CLP22 Influencing the Demand for Travel

5.3. National Planning Policy Framework

- Part 2. Achieving sustainable development
- Part 4. Decision-making

- Part 8. Promoting healthy and safe communities
- Part 12. Achieving well-designed places
- Part 15. Conserving and enhancing the natural environment

5.4. Supplementary Planning Documents

- Successful Places Residential Design Guide

6. CONSIDERATION

6.1. Principle of Development

6.1.1. The application site is situated within the built settlement area of New Whittington, on the edge of the Green Belt and Local Authority boundary. This area is predominantly residential in nature, where works to domestic dwellings are generally considered acceptable in principle. Having regard to the proposed development, Local Plan policies CLP1, CLP2, CLP14 and CLP20 and the wider National Planning Policy Framework (NPPF) apply. In addition, the Council's SPD on Housing Layout and Design "Successful Places" is also a material consideration.

6.2. Design and Appearance of the Proposal

6.2.1. Local Plan Policy CLP20 states in part; 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.

6.2.2. The initial proposal would have introduced a large two-storey structure on the site, which would have appeared as an incongruous feature when viewed in the context of the surrounding bungalows. The amended scheme presents a single storey outbuilding which is of the scale and massing of a large domestic garage and which would be set back from the main property to its rear, screening it from public vantage points from the public highway. A garage building used to exist at the property before it was demolished.

- 6.2.3 The proposed building will be seen from the neighbouring properties at xxx which face toward the site however the building is of a scale and position which is not uncommon at a residential property and is not therefore inappropriate in its context.
- 6.2.4. The proposed materials of rendered blockwork with stone quoins reflect those used in the main property. Detailed samples of the proposed materials will be conditioned to be submitted prior to their use in the development.
- 6.2.5. The proposal is therefore not considered to have a detrimental impact on the area. The proposal therefore accords with the provisions of policy Local Plan policy CLP20.

6.3. Residential Amenity

- 6.3.1 Local Plan Policy CLP14 states that development will be expected to have an acceptable impact on the amenity of users and neighbours.
- 6.3.2 The proposed development will result in the creation of a residential annex separate from the main dwellinghouse at 277 Handley Road. The proposed development will provide approximately 62.12m² of habitable space (when including the eaves space which could be used for storage). This is noted to be in line with the minimum internal space requirements as set out in the Technical Housing Standards – Nationally Described Space Standards (for a 2 bed, 3/4-person occupancy dwelling). It is acknowledged this only forms a guide however and therefore limited weight is given to this document as this LPA has not adopted the standards set out in it.
- 6.3.3 The size of the building means that it could function as a separate dwelling in the future however, this would require planning consent. In addition, the close relationship between the proposed annexe accommodation and the existing dwelling would likely give rise to possible amenity conflicts if the annexe was used as a standalone dwelling. For this reason, it is considered appropriate to condition the

proposed annexe to be occupied only in conjunction with the main dwellinghouse.

6.3.4 The erection of the building to form ancillary accommodation in relation to the existing dwellinghouse would still enable the property at the application site to have access to sufficient outdoor shared amenity space. The proposal would result in 4-5 bedrooms provided at the application site (across both the main property and proposed annex) and, according to the guidance set out in the adopted SPD, should therefore have access to a minimum of 90 square metres. This is considered to be achievable given the size of the site.

6.3.5. The proposed building is located far enough away from neighbouring dwellings, and its height & massing are similar to a large garage, so as not to have a detrimental impact in terms of overshadowing or overbearing character. There are no main windows which face neighbouring properties, maintaining privacy levels to a reasonable degree.

6.3.6. Taking the observations made above into account, it is considered the proposed erection of a single storey outbuilding to form an ancillary annexe to the main residential dwelling can be considered to be acceptable subject to the annexe only being occupied in conjunction with the main dwellinghouse. Appropriate planning conditions can be included to bind the annexe to the residential occupation of the main dwelling at 277 Handley Road.

6.3.7 On this basis the proposal is considered to accord with the provisions of policies CLP14 and CLP20, as well as the revised NPPF.

6.4. Highway Safety

6.4.1. Local Plan policy CLP20 and CLP22 require consideration of parking provision and highway safety.

- 6.4.2. The proposal does not result in the loss of off-street parking for the existing dwelling and parking for the annex is to be provided within the site.
- 6.4.3. The main issue raised by objectors is the impact of the development on highway safety, particularly vehicles entering and exiting the site, due to proximity to the semi-blind bend and change in speed limit – from 30mph to National Speed Limit – to the Northeast of the site. It is noted that there have been road traffic accidents close to site involving vehicles colliding with a nearby stone wall to the North of the site.
- 6.4.4. The application site allows for better visibility up and down Handley Road, compared to the adjoining neighbouring track, and vehicles can ingress/egress the site in a forward gear, which reduces the potential for collisions between reversing vehicles and traffic already on the highway.
- 6.4.5. Comments regarding highways safety and vehicular collisions with the wall to the North are noted however, these have occurred whilst there has been no development on the application site, and it is not clear that the additional vehicle movements associated with the development will increase the likelihood of further road traffic accidents on this stretch of public highway.
- 6.4.6. The applicant has a right of access over the track which will serve the proposed annexe (shown in deeds to the property), and there is clear visibility from the site along the track from the highway towards the access gate at the woods to the Northwest. As such, it is unlikely that vehicles using the site will come into conflict with vehicles using the access track, which is not hard surfaced and doesn't allow for vehicles to travel at speed along it.
- 6.4.6 The Highways Authority have been consulted on the proposal and were re-consulted following comments from neighbours. In both instances, no objections have been raised in relation to highway safety, with appropriate planning conditions which have been suggested.

6.4.7. On this basis the proposal is considered to accord with the provisions of policies CLP20 and CLP22 of the Local Plan.

6.5. Biodiversity

6.5.1. Local Plan policy CLP16 states that all development will “protect, enhance, and contribute to the management of the boroughs ecological network of habitats, protected and priority species ... and avoid or minimise adverse impacts on biodiversity and geodiversity and provide a net measurable gain in biodiversity.” The NPPF in paragraph 170 requires decisions to protect and enhance sites of biodiversity and paragraph 174 also requires plans to “pursue opportunities for securing measurable net gains for biodiversity”.

6.5.2. The proposal is considered to be a minor development and does not result in the loss of an existing species rich habitat area. Some level of biodiversity net gain is considered to be necessary to accord with policy CLP16 of the Local Plan and the NPPF, therefore a planning condition can be attached to any decision issued to ensure the application provides biodiversity net gain measures, as a result of the proposed development.

6.5.3. The Council’s tree officer was consulted on the application and has raised no objections. However, to compensate for the loss of a section of hedgerow which has been removed to facilitate the development, appropriate planning conditions should be attached for a landscaping scheme to improve the general soft landscaping along the boundary and provide additional wildlife habitats for the site.

6.5.3. On this basis the proposal is considered to accord with the provisions of policy CLP16 of the Local Plan.

6.6. Drainage

6.6.1. Comments from neighbours have been made regarding drainage in the site, particularly the alleged redirection of surface water run-off from the applicants’ access to the adjoining track which serves neighbouring dwellings.

6.6.2. As this issue relates to two parcels of private land, the matter would need to be resolved between individual parties. Drainage provision for the proposed building would be detailed and approved during building regulations approval, which the proposal will require due to the building exceeding 30m² in floor area.

6.6.3. Design Services Drainage were consulted during the application and have raised no objection to the proposal. It is noted that connection to the sewer network will require consent from Yorkshire Water.

6.7. Land Ownership

6.7.1. The LPA has been made aware that the applicant does not own the strip of land adjoining the site which would be used to access the proposed new building. Whilst the applicant has a Right of Way over the access they do not own the land and so they have provided an appropriate certificate, notifying the landowners of the proposal. No comments have been received by the Council from the landowners regarding the proposed development.

7. REPRESENTATIONS

7.1. Notification letters were sent to neighbouring properties and ten representations have been made from three neighbouring properties as a result. The issues raised include:

- Owners of the access track have not been informed of the development.
- The applicant does not own the access track and is misrepresenting the site by including it within the site boundary.
- A public site notice was not posted.
- A neighbour further along the adjoining track was not notified of the application.
- Neighbours have not been given appropriate timescales to make comments on the application.
- Correspondence with the applicant not being in the public realm.
- Derbyshire CC Highways based their comments on incorrect information.
- Derbyshire CC Highways have not taken appropriate consideration of the dangerous road conditions at the top of Handley Road.

- The development sets a precedent for further residential development in rear gardens.
- The height of the building is out of character with the surrounding properties.
- The proposed building is the equivalent size of a brand-new dwelling.
- The proposed building will block light/sunlight to the adjacent private lane.
- Querying the requirement for an annexe within the site
- Highway safety issues from vehicles entering/exiting the site – there have been road traffic accidents at this part of Handley Road due to speeding vehicles misjudging the bend in the road.
- Poor visibility when exiting the site and appropriate visibility splays cannot be achieved, raising highways safety concerns.
- A previous application to a nearby property was refused, and the subsequent appeal dismissed, due to highway safety concerns.
- The applicant has diverted water from their property onto the adjoining access track, causing further deterioration and erosion of the surface.
- The applicants have caused nuisance through the burning of garden/green waste and via the removal of a hedgerow, which may contain Japanese Knotweed
- The applicant does not intend to use the building as an annexe, instead utilising it as a separate, independent dwelling.
- The boundary between the site and track leading to the 'Black Hills' could be reinstated at any time by the landowners, which would affect the access to the site and potentially cause further highway safety issues.

7.2. Many of the issues raised have been addressed in the report above.

7.3. As the development is considered a minor development, there is no statutory requirement to advertise the application via site notice. Properties which shared a boundary with the site, or which were close enough to the development to be impacted by it were notified by letter, in compliance with the Development Management Procedure Order. Other neighbours appear to have been notified by word of mouth and could have submitted representations if they wish. Interested parties do not need to receive a letter in order to make representations.

- 7.4. Any issues regarding the reinstatement of the boundary between the site and the track serving the 'Black Hills' would be private matter between individual parties.
- 7.5. There is no requirement for correspondence between the Council and applicant to be made public. Communications between the LPA and applicant has sought to amend the scheme and ensure the application is valid.
- 7.6. The LPA cannot speculate on the intended use of the building however, as it is described as an annex, it would be reasonable to include planning conditions tying it to the ownership of the main property.
- 7.7. The previous application was determined by different authority and relates to a different site where the materials considerations will not be the same. All applications should be judged on their own merits.

8. HUMAN RIGHTS ACT 1998

- 8.1. 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
- 8.2. 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.

9. STATEMENT OF ENGAGEMENT

- 9.1. In accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 and paragraph 38 of 2019 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 'sustainable development' to which the presumption in favour of the development applies.

- 9.2. The Local Planning Authority have considered this application in a positive and proactive way to achieve a positive outcome for the application.

10. CONCLUSION

- 10.1. Overall, the proposal is considered to be acceptable in accordance with the above identified policies of the Local Plan. The proposal would not harm the character of the street scene, would not have a harmful impact on the amenity of the occupiers or surrounding residents, does not raise any highway safety concerns and a scheme of biodiversity net gain can be secured by condition. It is therefore considered that the application is acceptable from a design, amenity, highways, biodiversity perspective.
- 10.2. Representations from neighbors are noted however, the issues raised do not warrant a recommendation for refusal in this instance.

11 RECOMMENDATION

- 11.1. It is therefore recommended that the application be **GRANTED** subject to the following conditions:

11.2. Conditions

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

Reason – The condition is imposed in accordance with section 51 of the Planning and Compulsory Purchase Act 2004

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. All external dimensions and

elevational treatments shall be as shown on the approved plan/s (listed below).

- Drawing Titled 'Proposed Elevations and Floor Plans' (Published 28.03.2023)

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

3. The self-contained accommodation hereby permitted shall only be occupied in connection with, and incidental to, the occupation of the adjoining dwelling known as 277 Handley Road, in that it shall:

- Only be occupied by persons with a familial link or demonstrable relationship to the occupants of the main dwelling;
- not be identified or addressed as a separate postal address;
- not be occupied in the event the main dwelling is unoccupied; and
- not be occupied under any form of contract.

Reason – The provision of an independent unit of living accommodation would not safeguard a sufficient degree of residential amenity for the occupants of either the existing dwelling or the proposed accommodation in accordance with policies CLP14 and CLP20 of the Adopted Local Plan 2020.

4. Prior to the ordering of materials, details of the render, stone quoins, roof materials and windows & doors materials shall be submitted to and approved in writing by the Local Planning Authority. Only the materials agreed in writing shall be used at the application site.

Reason – In the interests of the visual amenity of the area in accordance with Local Plan policies CLP14 and CLP20.

5. No construction works, movement of construction traffic, or deliveries to and from the premises, shall occur other than between 0800 and 1800 hours weekdays, and 0800 and 1300 hours on Saturdays, and at no time

on Sundays or Public Holidays.

Reason – To safeguard the privacy and amenities of the occupiers of adjoining properties in accordance with Local Plan policies CLP14, CLP20 and CLP22.

6. 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 buildings, structures, extensions, fences, gates, walls or other means of enclosure – other than those expressly authorised in this permission – shall be erected within the curtilage of the dwelling without the prior written approval of the Local Planning Authority upon an application submitted to it.

Reason – In the interests of the amenity of residential occupants in accordance with Local Plan policies CLP14 and CLP20.

7. Prior to completion of the development hereby approved; 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. Details shall include:
 - a) a scaled plan showing vegetation to be retained and trees and plants to be planted along with habitat/wildlife improvements:
 - b) a schedule detailing sizes and numbers of all proposed trees/plants.
 - c) sufficient specification to ensure successful establishment and survival of new planting.
 - d) details of biodiversity and ecological enhancement measures to be installed into the development on site.

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). The ecological enhancement measures shall thereafter be retained and maintained throughout the life of the development.

Reason – Required to safeguard and enhance the character and amenity of the area and 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 175 of the National Planning Policy Framework

11.3. Informative Notes

1. The Local Planning Authority have, 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.
2. 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.
3. Coal Authority Informative 01/01/2023 – 31/12/2024

The proposed development lies within an area that has been defined by the Coal Authority as containing coal mining features at surface or shallow depth. These features may include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such features are seldom readily visible, they can often be present and problems can occur, particularly as a result of new development taking place.

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance

where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design which takes into account all the relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries.

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

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

www.gov.uk/government/organisations/the-coal-authority

4. When you carry out the work, you must avoid taking, damaging or destroying the nest of any wild bird while it is being built or used, and avoid taking or destroying the egg of any wild bird. You must not intentionally kill, injure or take a bat, or intentionally or recklessly damage, destroy or block access to any structure or place that a bat uses for shelter.

These would be offences (with certain exceptions) under the Wildlife and Countryside Act 1981, the Habitats Regulations 1994 and the Countryside and Rights of Way Act 2000.

5. In accordance with condition no. 7(d) of this permission, appropriate ecological / biodiversity enhancement measures shall include but shall not be limited to:

- Bird/Owl/Bat Boxes

Locating your nestbox:

Whether fixed to a tree or a wall, the height above ground is not critical to most species of bird as long as the box is clear of inquisitive humans and prowling cats. If there is no natural shelter, it is best to mount a box facing somewhere between south-east and north to avoid strong direct sunlight and the heaviest rain. The box should be tilted slightly forwards so that the roof may deflect the rain from the entrance.

You can use nails to attach the box directly to a tree trunk or branch; or you can use rope or wire wrapped right around the box and trunk (remembering to protect the trunk from the wire cutting into it by using a piece of rubber underneath it). Both methods are satisfactory, but annual maintenance is easier if the box is wired and can be taken down easily for cleaning.

The number of nestboxes which can be placed in a garden depends on the species you wish to attract. Many species are fiercely territorial, such as blue tits, and will not tolerate another pair close by; about 2 to 3 pairs per acre is the normal density for blue tits. Other species, such as the tree sparrow, which is a colonial nester, will happily nest side-by-side.

Do not place your nestbox close to a birdtable or feeding area, as the regular comings and goings of other birds are likely to prevent breeding in the box.

Locating your bat box:

Bat boxes should be positioned at least 3 metres above the ground (5 metres for noctules) in a position that receives some direct sun for part of the day, with a clear flight path to the box, but preferably also with some tree cover nearby as protection from the wind. In the roof eaves, on a wall or fixed to a tree are all suitable sites.)

- Biodiversity enhancing planting and landscaping including trees, hedges and native species, wildflower planting and nectar rich planting for bees and night scented flowers for bats.
- Measures to enhance opportunities for invertebrates including bug hotels/log piles, stone walls including a programme of implementation and maintenance.
- Holes in fences and boundary treatment to allow species such as hedgehog to move across the site.
- Bee bricks.

ITEM 4

Case Officer: CW

Application No: CHE/23/00247/FUL

Change of use to create a larger house in multiple occupation, Use Class C4 to Sui Generis at 32 Fairfield Road, Brockwell, Chesterfield for Mr R Cusimano

Local Plan: Unallocated

Ward: Brockwell

Committee Date: 03/07/2023

1.0 CONSULTATION RESPONSES

Ward Members	- No comments received.
Highway Authority	- No objection, given restricted on-street parking provided within the local area.
Community Safety Officer	- No comments received
Strategic Planning	- No objection, comments in regard to water efficiency and cycle parking.
CBC Private Housing	- No objection
Neighbours	- 1 objection received. Concerns regarding impacts of previous work, the potential for increased parking demand in the locality and highway safety including access for emergency vehicles.

2.0 THE SITE

2.1 This application concerns No.32 Fairfield Road, which is 2 storey Victorian terraced building. It used to be a 4/5 bedroom dwelling (use class C3a), but has since been converted using permitted development rights into a 6 bedroom house in multiple occupancy (use class C4). It is situated on the western side of the street and is a part of a red brick terraced building with bay windows to the front elevation. The building has had the basement and attic space converted into habitable space.

- 2.2 The property is within a residential area and is surrounded by housing to all sides. All surrounding properties are in residential use. There is no parking directly related to the dwelling, although there is on-street parking available in the surrounding area within parking bays that are controlled by a parking permit scheme. The property has a small front garden area with low front boundary wall and approximately 30 sqm of back garden area.

Google Image - The property is the one with the central gable:



3.0 SITE HISTORY

- 3.1 No relevant applications for this building.

4.0 THE PROPOSAL

- 4.1 Planning permission is sought to change the store room on the first floor into an additional bedroom with en-suite bathroom and which, as a result, changes the building into a larger house of multiple occupancy beyond the permitted number of rooms to a different Use Class - Sui generis. The building would as proposed accommodate 7 bedrooms with shared facilities.
- 4.2 The first floor storeroom comprises a floorspace of 8.4 square metres plus an en-suite bathroom. No other changes are proposed to the property.

4.3 The building would have a lounge/diner and kitchen in the basement, two bedrooms at ground floor, 3 bedrooms at 1st floor and 2 bedrooms in the attic space; all of which would have en-suite bathrooms.

5.0 PLANNING POLICY

5.1 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
- CLP2 Principles for Location of Development (Strategic Policy)
- CLP4 Range of Housing
- CLP14 A Healthy Environment
- CLP16 Biodiversity, Geodiversity and the Ecological Network
- CLP20 Design
- CLP22 Influencing the Demand for Travel

5.3 National Planning Policy Framework

- Chapter 2. Achieving sustainable development
- Chapter 5. Delivering a sufficient supply of homes
- Chapter 8. Promoting healthy and safe communities
- Chapter 9 Promoting sustainable transport
- Chapter 12. Achieving well-designed places

5.4 Supplementary Planning Documents

- Successful Places Residential Design Guide

6.0 CONSIDERATION

6.1 Principle of Development

6.1.1 Permitted development rights allow for the conversion of a single dwelling (Use Class C3) to a House in Multiple Occupation (Use Class C4) “by not more than six residents” living together and sharing facilities. Under the Use

Classes Order, such conversions relate only to small shared houses occupied by between three and six unrelated individuals, as their only or main residence, and who share basic amenities such as a kitchen, living room or bathroom. The conversion of an additional room to a further bedroom (bringing the total to seven), would take the whole property out of Use Class C4 and into a Sui Generis Use Class (a class of its own). The application should therefore be considered as a change of use of the entire property and the impact of the use addressed as a whole, rather than just as the change of use of a storage room to a bedroom.

6.1.2 The application site is not allocated within the Adopted Local Plan but is within the existing settlement boundary area. Policy CLP1 requires: The overall approach to growth will be to concentrate new development within walking distance of a range of Key Services. Policy CLP2 defines this in more detail looking to; deliver the council's Spatial Strategy and maximise opportunities through their location for cycling and the use of public transport. The site is centrally located close to the town centre with access to a wide range of key facilities by walking and cycling and public transport, therefore in principle a residential use in this location accords with policies CLP1 and CLP2 of the adopted Local Plan.

6.1.3 The proposed development is considered acceptable in principle against policies of the Local Plan and the wider objectives of the revised NPPF which encourage sustainable development, however an assessment of the detailed impacts is required under policy CLP14, CLP20 and CLP22 as referred to below.

6.2 Design and Appearance of the Proposal

6.2.1 Local Plan policy CLP20 states in part; 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.

6.2.2 The proposal does not include any external changes to the building. In this regard the proposal is considered to have no adverse impact on the design and appearance of the building or surroundings. The proposal therefore accords with the provisions of policy Local Plan policy CLP20.

6.3 Residential Amenity/Anti-Social Behaviour

- 6.3.1 Policy CLP4 encourages a range of housing and this includes HMOs. However, if there is a high concentration of HMOs within an area this can have negative impacts on the wider area, including anti-social behaviour. The Local Plan has no specific policies on the concentration of larger HMOs, smaller HMOs and houses that have been converted into flats, which are not always taken account of when considering the impact of multiple occupancy buildings, and the impacts of the increased densification of urban areas.
- 6.3.2 Local Plan policy CLP14 states that development will be expected to have an acceptable impact on the amenity of users and neighbours. The Council's SPD 'Successful Places' provides further guidance in respect of privacy, day light and sunlight, overshadowing and external amenity space.
- 6.3.2 Policy CLP20 also states in part that "All development will be expected to;
k) have an acceptable impact on the amenity of users and neighbours; l) be designed to be safe and secure and to create environments which reduce the potential for crime."
- 6.3.3 There are other HMO properties within the locality. It is considered that an increased density of poorly managed HMOs/shared houses in one small area can lead to an increase in anti-social behaviour in a locality and therefore these impacts have to be considered. The community safety officer has been consulted on the application but has not responded. No comments have been received from consultees noting that there is a particular problem in this area with anti-social behaviour. The comments made by the local resident appear to relate to when works were under construction and problems arising from this rather than from the occupants of the property. Therefore, there is no evidence to say that the increase in density of housing in this area is causing particular issues for which planning permission could be refused.
- 6.3.4 The Council's Private Housing Team has commented on the proposal, and have noted that that the proposal is of an adequate size with adequate facilities to accommodate an additional single occupant. They confirm that the house will have to adhere to the rules and regulations within the existing and amended HMO Licence attached to the property.
- 6.3.5 It is worth noting that the proposed bedroom size exceeds the Nationally Described Space Standard for a single bedroom however as a shared HMO the NDSS does not set a standard for overall space provision. Whilst the Council has not adopted these standards it is worthwhile considering in terms of the quality of accommodation being provided.

6.3.6 The opening and management of the existing smaller HMO within the property has allowed local residents to experience how the occupants would impact the neighbouring residents' amenity and how the property has been managed. As set out above, the lack of anti-social behaviour issues raised within the locality can be taken as positive feedback in this regard. On this basis a refusal of permission could not be sustained on the basis of a current lack of evidence in this regard.

Internal image of the HMO:



Photos of rooms

6.4 Highway Safety

- 6.4.1 Local Plan policies CLP20 and CLP22 require consideration of parking provision and highway safety. In relation to highway safety the proposal includes 7 bedrooms and no parking spaces, however the lack of off-street parking is typical within this part of the town. Parking permits are required to utilise on-street parking and it is understood that this is controlled by Derbyshire County Council who limit the number of parking passes available. The site is close to the town centre where walking, cycling and public transport is available. The Highway Authority have commented; “It is noted that the application site has no off street parking provision. However, there are extensive waiting restrictions on Fairfield Road and on the adjoining roads in the vicinity of the application site, including a residents parking scheme and on that basis it is considered that any additional roadside parking requirements associated with the application would not represent a highway safety issue. On that basis, there are no highway objections to the application.”
- 6.4.2 A local resident has commented that the occupants of the existing 6 bedroom HMO at the application property has led to a negative impact to the parking provision on the street, and that an additional bedroom and therefore additional person will exacerbate this problem. There can be a presumption that residents of HMOs are less likely to own vehicles and that residents who live close to local centres are not likely to require a vehicle for their day-to-day lives. However, this presumption may be ill-founded. The specific type of HMO developed by this particular landlord is for a higher quality product. As one of the presumptions in regard to car ownership levels is based on income levels it is considered that car ownership levels are likely to be higher in such accommodation. It is therefore likely that these types of development will lead to increased pressure on parking provision in the locality, but as the on street parking spaces are safe on street parking spaces the proposal would not lead to a harm in terms of highway safety, as set out by the Highway Authority above. Any unsafe parking would be dealt with by the Police. Therefore, the parking pressure is more of an inconvenience to residents but not a highway safety concern, therefore a refusal of planning permission on this basis would not be reasonable.
- 6.4.3 The proposed development has some space in the rear garden for safe and secure cycle parking, this can be secured via condition.
- 6.4.4 Due to the dwelling being located in a sustainable location where residents rely on on-street permit-controlled parking it is not considered that a refusal on highway safety grounds would be sustainable. On this basis the proposal

is considered to accord with the provisions of policies CLP20 and CLP22 of the Local Plan.

6.5 Biodiversity/landscaping

- 6.5.1 Local Plan policy CLP16 states that all development will “protect, enhance, and contribute to the management of the borough’s ecological network of habitats, protected and priority species ... and avoid or minimise adverse impacts on biodiversity and geodiversity and provide a net measurable gain in biodiversity.” The NPPF in paragraph 170 requires decisions to protect and enhance sites of biodiversity and paragraph 174 also requires plans to “pursue opportunities for securing measurable net gains for biodiversity”.
- 6.5.2 The proposed development is considered to be a minor development and a change of use only which does not result in the loss of an existing species rich habitat area. However, there is space to the rear of the property where additional planting could be provided as a net gain and therefore a condition is recommended to secure this. On this basis the proposal is considered to accord with the provisions of policy CLP16 of the Local Plan.

7.0 REPRESENTATIONS

- 7.1 1 objection received.
The project took place last year and was a nightmare they were throwing objects from the scaffolding which damaged items in the garden. I had a skip outside the property for months.
I cannot park near my house and need close by disabled parking.
The same will happen again to another property making it worse. Another 7 cars on the street. Emergency vehicles may not be able to access causing a danger to life.
- 7.2 Officer comment – These issues are considered in the above report. Whilst the issues experienced during earlier building work are noted, such behaviours cannot be controlled through the planning process.

8.0 HUMAN RIGHTS ACT 1998

- 8.1 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

8.2 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.

9.0 STATEMENT OF POSITIVE AND PROACTIVE WORKING WITH APPLICANT

9.1 In accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015 and the 2021 National Planning Policy Framework (NPPF) as the proposed development does not conflict with the NPPF and 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.

10.0 CONCLUSION

10.1 Overall, the proposal to add a seventh lettable room to the property is considered to be acceptable in accordance with the policies of the Local Plan as set out above subject to the recommended conditions. There are not considered to be amenity concerns which would lead to a refusal of planning permission. As the proposal will not result in harm to highway safety the proposal is not considered to be refusible on highway grounds whilst it is acknowledged that there is limited parking in the area it is a sustainable location where alternative means of transport are available.

11.0 RECOMMENDATION

11.1 It is therefore recommended that the application be **GRANTED** subject to the following conditions:

Conditions

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

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

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. All external dimensions and elevational treatments shall be as shown on the approved plan/s (listed below):
- Site location plan
 - Existing Floor plans
 - Proposed Floor plans

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

3. Prior to occupation of the development hereby approved, on site facilities shall be provided within the curtilage of the site for the secure and weatherproof storage for 7 bicycles, in accordance with details to be submitted to and approved by the Local Planning Authority beforehand. Such facilities shall be maintained for use throughout the life of the development.

Reason - To encourage sustainable travel in accordance with policies CLP1, 2 and 22 of the Adopted Local Plan.

4. Within 2 months of the occupation of the development hereby approved, biodiversity and ecological enhancement measures shall be installed/integrated into the development and / or planted on site in line with the advice at informative 2. The ecological enhancement measures shall thereafter be retained and maintained throughout the life of the development.

Reason - 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 175 of the National Planning Policy Framework

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. In accordance with condition 4 above appropriate ecological/biodiversity enhancement measures shall include but shall not be limited to:

Bird/owl/bat boxes

(Locating your nestbox:

Whether fixed to a tree or a wall, the height above ground is not critical to most species of bird as long as the box is clear of inquisitive humans and prowling cats. If there is no natural shelter, it is best to mount a box facing somewhere between south-east and north to avoid strong direct sunlight and the heaviest rain. The box should be tilted slightly forwards so that the roof may deflect the rain from the entrance.

You can use nails to attach the box directly to a tree trunk or branch; or you can use rope or wire wrapped right around the box and trunk (remembering to protect the trunk from the wire cutting into it by using a piece of rubber underneath it). Both methods are satisfactory, but annual maintenance is easier if the box is wired and can be taken down easily for cleaning.

The number of nestboxes which can be placed in a garden depends on the species you wish to attract. Many species are fiercely territorial, such as blue tits, and will not tolerate another pair close by; about 2 to 3 pairs per acre is the normal density for blue tits. Other species, such as the tree sparrow, which is a colonial nester, will happily nest side-by-side.

Do not place your nestbox close to a birdtable or feeding area, as the regular comings and goings of other birds are likely to prevent breeding in the box.)

(Locating your bat box: Bat boxes should be positioned at least 3 metres above the ground (5 metres for noctules) in a position that receives some direct sun for part of the day, with a clear flight path to the box, but preferably also with some tree cover nearby as protection from the wind. In the roof eaves, on a wall or fixed to a tree are all suitable sites.)

Biodiversity enhancing planting and landscaping including trees, hedges and native species, wildflower planting and nectar rich planting for bees and night scented flowers for bats.

Measures to enhance opportunities for invertebrates including bug hotels/log piles, stone walls including a programme of implementation and maintenance.

Holes in fences and boundary treatment to allow species such as hedgehog to move across the site.

Bee bricks.

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Agenda Item 5

COMMITTEE/SUB	Planning Committee
DATE OF MEETING	3 rd July 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/21/00077/RET	Rother	Retrospective consent for erection of a cold storage unit and 2 additional air conditioning units. At Birdholme Service Station Derby Road Birdholme S40 2EU For Mrs Natalie Ternent	CP	06/06/2023
CHE/22/00669/FUL	Staveley South	Demolition of existing church hall and toilet block, erection of replacement church and erection of 9 new dwellings with associated car parking, landscaping, boundary treatments and external lighting. (Amended/additional information received 28.04 and 03.05) At Former Inkersall Methodist Church Summerskill Green Inkersall Chesterfield S43 3SR For Osco Homes Ltd	CP	05/06/2023
CHE/22/00842/DOC	Dunston	Discharge of conditions 4 (contamination) and 5 (coal mining activity) of CHE/22/00388/FUL - Rear/side extension to factory At Units 1 - 4 Highlands Place Foxwood Road Sheepbridge Chesterfield S41 9RN For Mr Ray Woolley	DPC	08/06/2023

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/23/00022/FUL	Hasland	Change of use and conversion of former public toilets to a Dessert Bar, with associated building works including energy efficiency measures and rendering At Public Conveniences Hasland Road Hasland Chesterfield S41 0SJ For Mr S Pugh	CP	20/06/2023
CHE/23/00109/FUL	Hasland	Two storey side extension At 100 Norwood Avenue Hasland Chesterfield S41 0NH For Mr Mark Bladon	CP	14/06/2023
CHE/23/00125/FUL	Spire	Single storey front extension At 48 Piccadilly Road Chesterfield S41 0EJ For Mr Richardson	CP	06/06/2023
CHE/23/00157/FUL	Hasland	Two storey side extension to form a 1 bedroom annexe to the ground floor and additional bedroom and bathroom space to the first floor. At 22 Challands Way Hasland Chesterfield S41 0ER For Mr & Mrs John & Wendy Whitfield	CP	06/06/2023
CHE/23/00167/FUL	Brampton West & Loundsley	Construction of hardstanding drive, accessed via Old Road by removing part of garden wall At 192 Old Road Chesterfield S40 3QP For Mr Richard Ogle	REF	06/06/2023

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/23/00186/FUL	Brampton West & Loundsley	Erection of pergola and installation of astroturf to existing outside seating area At Woodside 343 Ashgate Road Chesterfield S40 4DB For Stonegate Pub Group	CP	12/06/2023
CHE/23/00187/RET	Brampton West & Loundsley	Retrospective application for the installation of two wall mounted compressors, a cold room extension and a metal structure to house associated gas cylinders At Woodside 343 Ashgate Road Chesterfield S40 4DB For Stonegate Pub Group	CP	12/06/2023
CHE/23/00200/DOC	Brampton West & Loundsley	Discharge of conditions 13 (Construction goods space), 18 (Biodiversity enhancement plan) , 20 (Tree protection measures for ground investigation), 21 (Tree protection), and 25 (Construction management plan) of CHE/22/00511/FUL- Erection of a new 3 bedroom bungalow with attached garage and associated landscaping works At Land West Of Wash House Lane Wash House Lane Chesterfield For Mr Christopher Allenby	DPC	07/06/2023
CHE/23/00202/DOC	Dunston	Discharge of condition 9 (biodiversity) of CHE/21/00633/FUL- Erection of a two bedroom detached dwelling At 41 Cobnar Drive Newbold Chesterfield S41 8DB For Mr John Ford	DPC	08/06/2023

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/23/00208/DOC	Whittington Moor	<p>Discharge of conditions 6 (Tree protection measures) and 9 (Demolition method statement) of application CHE/22/00680/FUL- Demolition of existing buildings and erection of a self storage facility (Unit 1) including office use (Class E(g)(i)) of 186 sqm and two employment units comprising Unit 2 Class E (g)(ii)/E (g)(iii) & B8 and Unit 3 Class E(g) & B8 and associated parking, servicing areas and landscaping</p> <p>At Former Simply Gym Sheffield Road Whittington Moor Chesterfield S41 8LF</p> <p>For McCarthy's Storage World (Chesterfield) Ltd</p>	PDOC	08/06/2023
CHE/23/00229/DOC	Dunston	<p>Discharge of conditions 3 (Biodiversity measures), 14 (Car parking management plan) and 17 (Event management plan) of CHE/21/00430/FUL- Change of use of Dunston Hall from C3 to sui generis use permitting the building to be operated as a Holiday Let and wedding venue, including conversion of the existing garage building to create an internal space suitable for conducting wedding ceremonies and the creation of a car parking area</p> <p>At Dunston Hall Dunston Road Chesterfield S41 9RL</p> <p>For Dunston Hall Leisure Ltd</p>	PDOC	05/06/2023
CHE/23/00230/FUL	Brampton West & Loundsley	<p>Demolition of existing buildings and construction of single storey rear extension</p> <p>At 31 Westbrook Drive Chesterfield S40 3PQ</p> <p>For Mr and Mrs Kamwendo</p>	CP	09/06/2023

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/23/00232/FUL	Spire	Rebuilding of external wall at the rear of the property At 26 Abercrombie Street Chesterfield S41 7LW For Mr Steven Taft	CP	20/06/2023
CHE/23/00237/TPO	Dunston	T1 Oak- Crown lift the canopy, pruning of limbs to achieve 1m clearance around phone lines, canopy pruned to ensure a 5.2m clearance of roadside where applicable and achieve a 3m clearance away from property At 67 Windermere Road Newbold S41 8DT For Mr Jon Geary	CP	05/06/2023
CHE/23/00253/RET	Staveley Central	Retention of timber fence to garden frontage At 8 Kentmere Way Middlecroft Staveley S43 3TW For Mrs Lisa Baker	CP	05/06/2023
CHE/23/00254/FUL	Walton	Two storey side extension and single storey front extension At 3 Kelburn Avenue Walton Chesterfield S40 3DG For Mrs Isobel Maltby	CP	20/06/2023
CHE/23/00260/FUL	Spire	Alterations to disused office accommodation to form two dwellings At 48 Newbold Road Newbold Chesterfield S41 7PL For James Norton RIBA	CP	20/06/2023

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/23/00262/TPO	Spire	<p>Crown lifting, removal of dead or dying branches (general maintenance) and removal of Ivy to trees fronting Newbold Road</p> <p>At Former Shrubberies 46 Newbold Road Newbold S41 7PL</p> <p>For Mr Luke Fletcher</p>	CP	13/06/2023
CHE/23/00265/FUL	Walton	<p>Creation of unloading layby and access ramp to existing building. Installation of new access staircase to flat roof area</p> <p>At Walton Hospital Whitecotes Lane Walton Chesterfield S40 3HW</p> <p>For Derbyshire Community Health Services NHS Trust</p>	CP	19/06/2023
CHE/23/00266/TPO	Walton	<p>T1 Oak -Fell and treat stump with eco plugs to combat subsidence</p> <p>At 23 Yew Tree Drive Somersall Derbyshire S40 3NB</p> <p>For Kammy Porter</p>	UP	08/06/2023

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/23/00285/TPO	Spire	<p>Beech Tree - T25- Crown lift to an approximate height of the house gutter to give a clearance below the trees crown to allow light to the property from underneath the tree. The reduction of branches growing towards the property to give a 1.5 metres clearance from the structure. The reduction of branches to clear telephone wires. A 25% crown thin to allow light through the crown which would also remove dead wood and any weak branches.</p> <p>Birch-T13- Remove Ivy rather than just severing at the base to allow more light and crown clean to remove dead wood and inspect. No pollard advised.</p> <p>Poplars-G6- Fell and replace due to their poor condition and reduced amenity value. We would proposed to replace with acer platanoides which we though a good choice based on colour and advised as ideal for avenues.</p> <p>At 26 Abercrombie Street Chesterfield S41 7LW For Mr Steven Taft</p>	CP	13/06/2023
CHE/23/00292/FUL	Walton	<p>First floor rear infill extension over existing ground floor extension</p> <p>At 180 Somersall Lane Somersall Chesterfield S40 3NA</p> <p>For Mr and Mrs Ashmore</p>	CP	14/06/2023

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/23/00293/FUL	Whittington Moor	<p>Change of Use from D1 (Education Facility) to sui generis vehicle workshops Including Class IV MOT bay, training facility, parts storage, staff, visitor and vehicle parking areas and de-minimis change of external appearance.</p> <p>At Chesterfield College Automotive Centre Units 4-6 Lockoford Lane Chesterfield S41 7HY</p> <p>For Vertu Motors plc</p>	CP	19/06/2023
CHE/23/00302/TPD	Brampton East & Boythorpe	<p>Single storey rear extension</p> <p>At 5 Shaftesbury Avenue Ashgate Chesterfield S40 1HN</p> <p>For Mr D Ragan</p>	PANR	07/06/2023
CHE/23/00330/DOC	Brampton West & Loundsley	<p>Discharge of conditions 5 (Site setup) and 6 (Biodiversity) of application CHE/22/00813/FUL- External alterations, changes to frontage parking layout, relocated fence and gates and change of use of workshop to showroom</p> <p>At 464 Chatsworth Road Chesterfield S40 3BD</p> <p>For Vertu Motors</p>	DPC	05/06/2023

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/23/00331/NMA	Brimington South	<p>Non-material amendment to application REF CHE/23/00172/REM1- 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 - For amended door locations and the addition of a basement within footprint of approved garage building</p> <p>At Oldfield Farm Wetlands Lane Brimington Chesterfield S43 1QG</p> <p>For Mr Walters</p>	REF	05/06/2023
CHE/23/00339/TPO	Hasland	<p>Felling of one dead Beech tree with reference T40 of Tree Preservation Order 160</p> <p>At 85 The Green Hasland Chesterfield S41 0LW</p> <p>For Mr Kevin Gill</p>	CP	05/06/2023
CHE/23/00340/TPO	Walton	<p>Fell T50 Horsechestnut of Tree Preservation Order 4901.46</p> <p>At Somersall Hall Farm Somersall Hall Drive Somersall S40 3LH</p> <p>For Katie Lloyd</p>	CP	06/06/2023

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/23/00342/TPO	Spire	<p>Crown lift all trees bordering the property to a height of 2.4m over the footpaths and 5.2m over the roads where necessary and crown clean to reduce any encroaching branches from the house to give 1.5-2m clearance and to improve splay from the street light on Avondale Road. Remove epicormic growth from 2 Lime trees which border Hawksley Avenue</p> <p>At 1 Avondale Road Chesterfield S40 4TF</p> <p>For Miss Emma Proctor</p>	CP	13/06/2023
CHE/23/00350/TPO	Brampton West & Loundsley	<p>T2 Ash - the tree is producing Inonotus hispidus fungi so far, on a main limb. Request to take down</p> <p>At 25A Storrs Road Chesterfield S40 3QA</p> <p>For Mrs Jean Coxhead</p>	CP	16/06/2023
CHE/23/00368/TPO	Brampton West & Loundsley	<p>Crown reduce T3- Ash</p> <p>At Orchard Cottage 1 Wash House Lane Chesterfield S40 3AZ</p> <p>For Mrs Hazel Robinson</p>	CP	20/06/2023

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	3 rd July 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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SECTION 1**APPLICATION TO FELL OR PRUNE TREES**

<u>CODE NO</u>	<u>DESCRIPTION OF PROPOSAL</u>	<u>TERMS OF DECISION</u>
CHE/23/00339/TPOEXP TPO 4901.160 05/06/23	The felling of one dead Beech tree reference T40 on the Order map and situated in the grounds of 85 The Green, Hasland.	Consent is granted to the felling of one Beech tree. After a tree inspection it was noted that the tree was dead. The tree can therefore be felled by virtue of Part VIII, Chapter 1, Section 198, paragraph 6(a) of the Town and Country Planning Act 1990 which has provisions for dead and dangerous trees. A replacement Copper Beech tree is to be planted in the next available planting season.
CHE/23/00237/TPO TPO 4901.112 05/06/23	The pruning of one Oak tree reference T19 on the Order Map and which is situated to the frontage of 79 Windermere Road, Dunston	Consent is granted to the crown lifting of the tree by 5.2 metres to clear the highway and garden, the pruning of branches to clear telephone wires and the reduction of branches to clear the properties by 2 metres.
CHE/23/00340/TPOEXP TPO 4901.46 06/06/23	The felling of one Horsechestnut tree reference T50 on the Order map, which is situated in the grounds of Somersall Hall, Somersall.	Consent is granted to fell one Horsechestnut tree. After a tree inspection it was noted that the tree was dead. The tree can therefore be felled by virtue of Part VIII, Chapter 1, Section 198, paragraph 6(a) of the Town and Country Planning Act 1990 which has provisions for dead and dangerous trees. A

		replacement Oak tree is to be planted in the next available planting season.
CHE/23/00266/TPO TPO 4901.155 08/06/23	The felling of one Oak tree reference T5 on the Order map, which is situated in the grounds of 23 Yew Tree Drive, Somersall.	Consent is granted to the felling of one Oak tree reference T5 due to the conclusion that on the balance of probability, it is likely that the Oak tree is influencing the foundations to the property, resulting in the observed cracking. The requirement for a replacement tree has been dispensed with on this occasion due to lack of suitable locations.
CHE/23/00262/TPO TPO 4901.133 13/06/23	The pruning of six trees reference T1, T5, T6 & T10 Beech, T3 & T8 Whitebeam on the Order Map and which are situated in the grounds of the Shrubberies, 46 Newbold Road	<p>Consent is granted to fell T8 Whitebeam. After a tree inspection it was noted that the tree is virtually dead with only a few live branches in the crown. The tree should therefore be felled by virtue of Part VIII, Chapter 1, Section 198, paragraph 6(a) of the Town and Country Planning Act 1990. A replacement Whitebeam is to be planted in the next available planting season.</p> <p>Consent is also granted to crown lift T1, T5, T6 & T10 Beech and T3 Whitebeam to clear the highway by 5.2 metres and 4 metres within the site pruning back to suitable replacement branches. Crown clean to remove dead wood and clear street lighting heads and telephone wires.</p>

<p>CHE/23/00285/TPO</p> <p>TPO 4901.19</p> <p>13/06/23</p>	<p>The felling of 4 Poplar trees reference G6 which are in poor condition and reduced amenity value from a previous pollarding cycle and the pruning of 1 Birch reference T13 and 1 Beech reference T25 on the Order map, which is situated in the grounds of 26 Abercrombie Street.</p>	<p>Consent is granted to the felling of 4 Poplar trees with 4 Norway Maples planted as replacement trees in the first available planting season after felling.</p> <p>Consent is also granted to crown clean one Birch tree and crown thin, crown lift and reduce branches away from the property to give a 1.5m clearance from the structure to one Beech tree.</p>
<p>CHE/23/00342/TPO</p> <p>TPO 4901.316</p> <p>13/06/23</p>	<p>The pruning of seven trees reference T1 Maple & T2-T7 Lime on the Order Map and which are situated in the grounds of 1 Avondale Road</p>	<p>Consent is granted to the crown lifting of 7 trees to clear the public footpath and highway, crown clean to remove dead wood and the reduction of branches growing towards the property and street lighting heads.</p>
<p>CHE/23/00350/TPO</p> <p>TPO 4901.216</p> <p>15/06/23</p>	<p>The felling of one Ash tree reference T2 on the Order Map and which is situated at the entrance of the driveway to 25a Storrs Road, Brampton. The tree has Inonotus fungus brackets on the main stem.</p>	<p>Consent is granted to the felling of one Ash tree with a condition to plant a replacement Fastigiated Hornbeam in the first available planting season after felling.</p>
<p>CHE/23/00368/TPO</p> <p>TPO 4901.139</p> <p>19/06/23</p>	<p>The pruning of one Ash tree reference T3 on the Order Map and which is situated on land to the north of Orchards Cottage, Wash House Lane, Brampton. The tree has Inonotus fungal</p>	<p>Consent is granted to crown reduce the tree by 50% pruning back where possible to suitable replacement branches and leaving a well-balanced and structured crown to reduce any risk of failure whilst retaining the</p>

	brackets within the crown.	mature Ash tree.
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APPEALS REPORT

MEETING: PLANNING COMMITTEE

DATE: 3rd July 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	
2/621	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	
2/3583	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	

2/1209	Moor ward	Plumco Ltd	CHE/23/00090/ADV – 48 sheet illuminated signage Refused	Officer delegation	23/05/23	Written Reps	
2/2150	Old Whittington ward	Chris Eaton	CHE/23/00001/FUL Dwelling at 7 Ashcroft Drive, Old Whittington – Refusal	Officer delegation	9/6/23	Written Reps	

FOR PUBLICATION Agenda Item 8

ENFORCEMENT REPORT

MEETING: PLANNING COMMITTEE
DATE: 3RD JULY 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

23 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	update <small>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 29	Loud music in marquee	23/00228/DOC				Authorised by Development Management and Conservation Manager	<input type="checkbox"/>	D
York Street	2 23/09/19 1,369	balcony, canopy and french door	17/00800/FUL	16/03/21 540	16/03/21 829	16/04/21 798	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>					
Chamber Street	94 20/02/23 123	wooden play structure		30/05/23 99	29/06/23 -6	29/07/23 -36	removal within 28 days. Issued 30/05/23.	<input type="checkbox"/>	B
Markham Road	Markham House 18/02/08 5,604	storage of commercial vehicles		20/03/08 31	18/04/08 5544	20/10/08 5359	Complied by 2009. Unauthorised use has started again. Prosecute - awaiting instructions.	<input type="checkbox"/> 14/11/19	HI

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>144</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>193</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>340</i>	Storage of vehicles					Instructed	<input type="checkbox"/> <i>20/10/22</i>	Mo
York Street	2	09/10/17 <i>2,083</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>256</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>991</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>991</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