



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

Councillor Jacobs – Site Visit 1

13 October 2023

Councillors Holmes and Thorton –  
Site Visit 2

Councillor Thompson – Site Visit 3

Dear Councillor,

Please attend a meeting of the PLANNING COMMITTEE to be held on MONDAY, 23 OCTOBER 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 Reception at 11.05am. Ward members wishing to be present should attend on site as indicated below:-

1. 11.25am Whittington Road, Barrow Hill
2. 11.55am Whittington Hill
3. 12.15pm Chesterfield Football Club Stadium

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

Telephone: 01246 345 345, Text: 07960 910 264, Email: [info@chesterfield.gov.uk](mailto:info@chesterfield.gov.uk)

[www.chesterfield.gov.uk](http://www.chesterfield.gov.uk)

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.

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](mailto:liz.athorn@chesterfield.gov.uk) by 9.00 a.m. on Monday 23 October 2023. If you do not confirm your attendance, it will be assumed that you will not be attending on site.

A reasonable adjustment meeting will take place at 10.30am in Committee Room 1 for those not able to attend site visits.

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 - 20)
4. Applications for Planning Permission - Plans Determined by the Committee (Pages 21 - 66)
5. Applications for Planning Permission - Plans Determined by the Development Management and Conservation Manager (P140D) (Pages 67 - 82)
6. Applications to Fell or Prune Trees (P620D) (Pages 83 - 92)
7. Appeals Report (P000) (Pages 93 - 96)
8. Enforcement Report (P410) (Pages 97 - 102)

9. Local Government Act 1972 - Exclusion of Public

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

Part 2 (Non Public Information)

10. Retrospective application for ground works, provision of fencing and change of use on land to the North East of the Golf Driving Range, Whittington Road, Barrow Hill, Chesterfield (Pages 103 - 128)

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, 2nd October, 2023**

Present:-

Councillor Callan (Chair)

Councillors	B Bingham	Councillors	Falconer
	J Bingham		Miles
	Brady		Stone
	Brittain		Yates
	Davenport		

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

**CHE/23/00348/FUL** - Retrospective application for the erection of portable classroom building for a temporary period - revised plans received, new fence proposed at boundary with evergreen trellis to provide screening at Hasland Support Centre, 38 The Green, Hasland, Chesterfield, Derbyshire, S41 0LN for Esteem Multi-Academy Trust.

Councillors J Bingham, Callan, Davenport, Falconer, Miles, Stone and Yates.

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

**53 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Caulfield and Ridgway.

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

**CHE/23/00348/FUL** - Retrospective application for the erection of portable classroom building for a temporary period - revised plans received, new fence proposed at boundary with evergreen trellis to

provide screening at Hasland Support Centre, 38 The Green, Hasland, Chesterfield, Derbyshire, S41 0LN for Esteem Multi-Academy Trust.

Councillors Brady and Brittain declared an interest in this item.

**55** **MINUTES OF PLANNING COMMITTEE**

**RESOLVED** - That the Minutes of the meeting of the Planning Committee held on 11<sup>th</sup> September, 2023 be signed by the Chair as a true record.

**56** **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:-

Councillors Brady and Brittain left the meeting.

CHE/23/00348/FUL - RETROSPECTIVE APPLICATION FOR THE ERECTION OF PORTABLE CLASSROOM BUILDING FOR A TEMPORARY PERIOD - REVISED PLANS RECEIVED, NEW FENCE PROPOSED AT BOUNDARY WITH EVERGREEN TRELIS TO PROVIDE SCREENING AT HASLAND SUPPORT CENTRE, 38 THE GREEN, HASLAND, CHESTERFIELD, DERBYSHIRE, S41 0LN FOR ESTEEM MULTI-ACADEMY TRUST

In accordance with Minute No. 299 (2001/2002) Ms Kelly Brown (objector) addressed the meeting.

In accordance with Minute No. 299 (2001/2002) Ms Ruth Child (agent on behalf of the applicant) addressed the meeting.

**\*RESOLVED**

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

1. The development hereby permitted is granted for a limited period only expiring on 2<sup>nd</sup> October 2026. On or before this date, the development

carried out in pursuance of this permission shall be removed from the site and the land restored to its former condition.

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

- Revised Proposed Site Block Plan, drawing number 713.172061 (00) 002 (received 31.07.2023)
- General Arrangement Modular Accommodation, drawing number 36791-PML-B1-XX-DR-A-0001 Revision P7
- Building Elevations Modular Accommodation, drawing number 36791-PML-B1-XX-DR-A-0060 Revision P3
- FENCING DRAWING, (received 24.08.2023)
- SCREENING FENCE DETAILS (received 24.08.2023)
- Email with link to green evergreen trellis (received 24.08.2023)

3. The trellis screening shall be installed in accordance with the approved plans set out in condition 2, within two months of the date of the decision and shall thereafter be maintained in place for the life of the development.

4. Obscure film shall be installed to all windows in the west (rear) elevation of the building within one week of the date of the decision and shall thereafter be maintained for the life of the development.

5. Within 12 months of the date of the decision a detailed assessment of current and anticipated student number with a long-term management plan shall be submitted to the Local Planning Authority for written approval. The details shall include an assessment of pupil numbers up to the end of the temporary consent period and include clarification as to whether additional classroom space will be required after the expiry of the temporary consent period. If additional classroom space is required, then a plan for the removal of the building and works extend or alter the existing building shall be submitted to show comprehensive long term management of the site.

6. Tree protection measures

- a. There shall be no excavations for services within 8 metres of the Oak tree and no storage of materials or machinery in the soft landscaped area underneath the canopy of the tree T71 Oak.
- b. The delivery, off-loading and subsequent removal of the classroom units shall be clear of the outermost parts of the Oak tree T71 canopy and supervised by a competent banksman who shall be present when the units are delivered and removed to make sure that the delivery vehicle and crane off-loading of the units does not come into contact with any part of the protected tree.
7. Space shall be provided within the application site in accordance with the approved application drawings for the parking and manoeuvring of vehicles, laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.
8. Within 2 months of the decision a car parking management plan including any green travel initiatives to be provided, shall be submitted to the local planning authority for consideration. The development shall only proceed on the basis of the car park management plan which is subsequently agreed in writing by the local planning authority.

Councillors Brady and Brittain rejoined the meeting.

**57 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/20/00860/FUL	Demolition and alteration of existing buildings to create 5 additional new dwellings with associated landscaping, car parking, access and sewage treatment plant. (Amended scheme 21.10.2022 and description 6.01.2023) at White Lodge Farm, Breck Lane, Barrow Hill S43 2NP for Mr M Hewitt
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CHE/22/00716/FUL	Erection of a dwelling at 62 Walgrove Road, Walton, Chesterfield S40 2DR for Peppermint Grove Ltd
CHE/22/00811/FUL	Resurfacing of parking areas and additional parking spaces, soft landscaping and speed management measures. Rendering, new windows, doors and balcony panels. (Updated description and plans 30.03.2023) at Ashford Court, Newland Dale, Newbold, Chesterfield S41 7QQ for Chesterfield Borough Council
CHE/23/00106/FUL	Two storey rear extension and erection of a single storey detached garage (description amended and revised drawings received 13/07/23) at 366 Brimington Road, Tapton, Chesterfield S41 0TF for Mr Peter Lythgoe
CHE/23/00263/RET	Retention of existing garden structures / gazebos at 36 St Chads Way, Chesterfield S41 8RN for Mrs Bui
CHE/23/00298/ADV	Retention of 11 flagpoles at 464 Chatsworth Road, Chesterfield S40 3BD for Vertu Motors plc
CHE/23/00373/FUL	New render panels, new areas of cladding, new windows, and resurfacing of paths to existing blocks of flats at Burbage Court, Howden Court, Longshaw Court, Rivelin Court, Wheston Court, Winyard Court, White Edge Close, Brockwell, Chesterfield S40 4JJ for Chesterfield Borough Council
CHE/23/00374/FUL	Two storey side extension (revised drawings received 21.07.23) at 15 Holmebank Close, Brockwell, Chesterfield S40 4AU for Mr David Ford
CHE/23/00428/FUL	Ground and first floor side extension at 11 Station Road, Brimington, Chesterfield S43 1JH for Mr Damien Spencer

CHE/23/00430/SOL	Installation of 230kWp of Solar panels on the existing roof at the site at Holdsworth Cold Store Ltd, Greaves Close, Duckmanton, Chesterfield S44 5FB for Holdsworth Foods
CHE/23/00439/TPO	Oak tree - Remove lower branch touching the house, crown lift over field to allow light to 4m, 25% thin- to include shortening of branches going toward property at 281 Hady Hill, Hady, Chesterfield S41 0BL for Mr Rose
CHE/23/00450/LBC	Replace 4 windows with single glazed timber sash style windows at 10 Church Street North, Old Whittington, Chesterfield S41 9QW for Ms Justine Dronfield
CHE/23/00453/TPO	T1- Oak- 40-50% reduction of the tree to encourage new growth and remove all dead and existing affected branches at 21 Hucknall Avenue, Loundsley Green, Chesterfield S40 4BY for Mr Stephen Raybould
CHE/23/00461/FUL	Construction and operation of a micro energy storage facility at Land to the North of Storforth Lane Substation, Storforth Lane, Chesterfield for AMP Clean Energy
CHE/23/00482/FUL	Two storey office side extension at P A R Insulations and Wires Ltd, Foxwood Close, Sheepbridge, Chesterfield S41 9RB for P A R Insulations and Wires Ltd
CHE/23/00496/TPO	T59 Copper Beech crown lift to 4.8m Crown then by 10%. Prune back from building by 3.5m for 2 light issues at 96 The Green, Hasland, Chesterfield S41 0JU for Mr Stephen Hollingworth
CHE/23/00510/TPO	T1 - Beech, <i>Fagus sylvatica</i> - Crown reduction of the southern crown extent up to 2.5m, cutting back (reduction) of the western crown to provide

up to 1m clearance from the north and east elevations of the Property to leave a balanced crown at Pine Bank Day Centre, 9 Abercrombie Street, Chesterfield S41 7LW for Mr Andrew Barnes

- CHE/23/00512/TPO Tree references T15 (Wild Cherry), T17 (Locust tree), T18 (Locust tree) & T19 (Wild Cherry) - Crown lift to circa 3m from existing ground level to clear visibility splay for vehicle junction and off public highway/footpath at Land South of Walton Hospital, Harehill Road, Grangewood, Chesterfield for Countryside Partnerships South East Midlands
- CHE/23/00530/TPO T1 Oak- to be dead wooded and low branches over garden raised to 3 meters and T2 Sycamore- to be dead wooded and 3 lowest limbs overhanging road to be taken off at 16 Church Street North, Old Whittington, Chesterfield S41 9QW for Mr Dan Witham
- (b) Refusals
- CHE/23/00074/RET Change of use of land to agricultural/education and siting of associated units and vehicles at Land South of Netherthorpe Flash Nature Reserve, Netherthorpe, Staveley, Chesterfield for Mrs Sharon Edwards
- CHE/23/00267/FUL New boundary fence at 131 Brockwell Lane, Brockwell, Chesterfield S40 4EH for Mr Jack Mathison
- CHE/23/00360/OUT Outline application for a one bedroom bungalow with all matters reserved. Resubmission of CHE/22/00448/OUT at adjacent 214 Tapton View Road, Newbold, Chesterfield S41 7LB for Mr Mark Pendleton
- CHE/23/00434/TPO T5 Sycamore - Fell and plant two native replacement trees at 2 Summerfield Place, Park

Road, Chesterfield S40 2LG for Mr John Collins

CHE/23/00468/CLO Construction of 3m-deep ground and first floor extensions, hip-to-gable roof extension and rear dormer extension, addition of 3no. rooflights to the front roof plane and internal alterations at 37 Kingsley Avenue, Birdholme, Chesterfield S40 2SZ for Taylor Mottershead Limited

CHE/23/00495/TPO Ash tree - fell and replace with an oak at 11 Woodland Walk, Holme Hall, Chesterfield S40 4YB for Mrs Samantha Meadows

(c) Discharge of Planning Condition

CHE/22/00368/DOC Discharge of planning conditions 2 (land levels) and 9 (surface water) of CHE/18/00805/REM - Reserved Matters submission for the erection of 200 dwellings and associated landscaping at Land to The West Of Dunston Lane, Newbold for William Davis

CHE/23/00196/DOC Discharge of condition 14 of (Site Remediation) of CHE/19/00385/FUL - Erection of 72 bed care home with associated private amenity space and parking facilities, including change of use from "sui generis" car park at Goldwell Rooms Car Park, Ashgate Road, Chesterfield for Mr Ryan Day

CHE/23/00376/DOC Discharge of condition 27 (Detail of grasscrete installation and arboricultural method statement) of application CHE/22/00116/REM1 - Variation of conditions 2 (approved drawings), 5 (works around RPAs) and 6 (hard and soft landscaping) of CHE/20/00305/FUL - Erection of new residential dwellings at the sites off Whitecotes Lane and Harehill Road with associated access, parking and open space to allow for construction of a sub-station to Whitecotes Lane and for the introduction of a YWA in the s/western corner off Harehill Road at Land South of Walton Hospital,

Harehill Road, Grangewood, Chesterfield for  
Vistry Partnership

- CHE/23/00449/DOC Discharge of conditions 12 (Materials) and 14 (Land levels) of application CHE/22/00607/FUL- Demolition of 20 and 22 Somersall Lane and erection of three replacement dwellings with associated parking and turning areas (existing accesses retained) at 20 Somersall Lane, Somersall, Chesterfield, S40 3LA for Rutland UK Property Ltd
- CHE/23/00478/DOC Discharge of conditions 9 (Surface water drainage) and 10 (separate foul and surface water drainage) of CHE/22/00749/FUL - Demolition of derelict cottage and erection of one dwelling with associated infrastructure, access, parking and gardens at 1 Ralph Road, Staveley, Chesterfield S43 3PY for Mr and Mrs Easson
- CHE/23/00486/DOC Discharge of conditions 4 (Phasing for vehicular and pedestrian accesses to Enterprise Way), 5 (Highway Construction Management Plan) and 8 (Tree protection plan and arboricultural method statement) of CHE/22/00272/FUL- Erection of electric vehicle charging station with ancillary uses including retail and food and drink with associated electrical infrastructure, car parking and landscaping at Land At Enterprise Way, Enterprise Way, Duckmanton, Chesterfield for GRIDSERVE Sustainable Energy Ltd
- CHE/23/00507/DOC Discharge of condition 4 (materials) of CHE/22/00828/FUL - Erection of single storey annex to be used in conjunction with existing house at 277 Handley Road, New Whittington, Chesterfield S43 2ES for Mrs J Knight
- CHE/23/00523/DOC Discharge of condition 3 (biodiversity) of CHE/22/00353/FUL- Proposed front, side and rear two storey extension, with new front porch canopy and render to front and rear elevations at

35 Brookside Glen, Chesterfield S40 3PG for Mr Logan Mantle

(d) Partial Discharge of Conditions

CHE/23/00518/DOC Discharge of Condition 8a-b (Site investigation) of application CHE/22/00749/FUL - Demolition of derelict cottage and erection of one dwelling with associated infrastructure, access, parking and gardens at 1 Ralph Road, Staveley, Chesterfield S43 3PY for Mr and Mrs Easson

CHE/23/00519/DOC Discharge of Condition 10a-b (Site investigation) of CHE/22/00748/OUT - Outline planning application (means of access submitted) for the erection of two dwellings with associated infrastructure, access, parking and gardens at 1 Ralph Road, Staveley, Chesterfield S43 3PY for Mr and Mrs Easson

(e) Unconditional permission

CHE/23/00494/TPO T4 Beech Tree - Fell and completely remove the tree. The tree has many dead branches and appears to be diseased/dying. I would like to apply for an exemption to planting a replacement tree as I feel the loss of this tree will not have a negative effect on the amenity value of the area. There are several existing very large, protected trees in close locality. There is very little space to plant a replacement tree without encroaching on neighbour's property or our existing lawn at 146 St Johns Road, Newbold S41 8PE for Ms Sue Atkin

CHE/23/00524/CA Complete removal of silver birch identified by T1 on sketch plan. The tree is too large for the plot by approx 8m high. It grows at an angle and predominantly encroaches on at 18 Grove Farm Close, Brimington, Chesterfield S43 1QA for Mr Alan Smith

CHE/23/00532/CA T3 Holly- left hand stem to be taken off to leave one single standing stem and up to 1-2 meter reduction and T4 Yew - to be reduced in height and spread by up to 1.5 meter at 16 Church Street North, Old Whittington, Chesterfield S41 9QW for Mr Dan Witham

(f) Prior approval not required

CHE/23/00481/TPD Single storey rear extension at 691 Chatsworth Road, Chesterfield S40 3PE for Mr Jon Richardson

CHE/23/00485/AGR Agricultural track at Land to the North of Balmoak Lane, Tapton, Chesterfield for Meadowland Holdings Limited

(g) Split decision with conditions

CHE/23/00462/TPO Oak tree - crown reduction, crown thinning and cut back from the building at 21 Pearson Croft, Upper Newbold, Chesterfield S41 8WX for Mrs Carol Sanders

CHE/23/00525/TPO Maple tree - Cut back, prune out some of the density and reduce the height at Maple Court, Avenue Road, Whittington Moor, Chesterfield for John Semple

(h) Withdrawn

CHE/23/00235/NMA Non-material amendment to application CHE/17/00685/REM- Application for approval of reserved matters of CHE/14/00404/OUT for residential development of 120 dwellings - For the removal of footpath link between plot no. 5 & 38 all the way to the turning head and footpath adjacent to plot 34 at Land North-East of Sainsburys Roundabout, Rother Way, Chesterfield for Harron Homes

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

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

(a) The felling and pruning of trees:-

CHE/23/00439/TPO Consent is granted to the pruning of one Oak tree reference T1 on the Order Map and which is situated at 281 Hady Hill, Hady

CHE/23/00453/TPO Consent is granted to the pruning of one Oak tree reference T1 on the Order Map and which is situated in the rear garden of 21 Hucknall Avenue, Ashgate

CHE/23/00496/TPO Consent is granted to the pruning of one Beech tree reference T59 on the Order Map and which is situated in the grounds of 96 The Green, Hasland

CHE/23/00494/TPO Consent is granted to the felling of one Beech tree reference T4 on the Order Map and which is situated in the grounds of 146 St Johns Road

CHE/23/00510/TPO Consent is granted to the pruning of one Beech reference T14 on the Order Map and which is situated in the grounds of 9 Abercrombie Street

CHE/23/00512/TPO Consent is granted to the pruning of four trees reference T26 & T32 Cherry and T25 & T31 Acacia on the Order Map and which are situated on the entrance to Woodcote Way, Whitecotes Lane

CHE/23/00530/TPO Consent is granted to the pruning of one Sycamore tree reference T54 and one Oak tree reference T55 on the Order Map and which is situated in the garden of 16 Church Street North, Old Whittington



CHE/23/00434/TPO Consent is refused to the felling of one Sycamore tree reference T3 on the Order map at Summerfield Place, Park Road, Boythorpe

CHE/23/00525/TPO Consent is refused to the pruning of one Maple tree reference T1 on the Order Map and which is situated to the frontage of Maple Court, Avenue Road, Whittington Moor

Consent is granted to crown thin the tree by 20% and crown lift

CHE/23/00462/TPO Consent is refused to the pruning of one Oak tree reference T1 on the Order map at 21 Pearson Croft, Newbold

Consent is granted to the crown lifting and crown thin the tree by 20%

CHE/23/00495/TPO Consent is refused to the felling of one Ash tree reference T4 on the Order Map and which is situated in the rear garden of 11 Woodland Walk, Holmehall

(b) Notification of Intent to Affect Trees in a Conservation Area

CHE/23/00524/CA Agreement to the felling of one Birch tree. The felling of the tree will have no adverse effect on the character and amenity of the area

The felling of one Silver Birch tree at 18 Grove Farm Close, Brimington

The tree is within the Brimington Conservation Area and the applicant wishes to fell the tree due to its size and small garden with the constant dropping of debris

CHE/23/00532/CA Agreement to the pruning of trees at 16 Church Street North. The pruning of the trees will have no adverse effect on the character and amenity of the area

The pruning of 2 trees, 1 Holly tree & 1 Yew at 16 Church Street North, Old Whittington

The trees are within the Old Whittington Conservation Area and the applicant wishes to

prune the trees to reshape and restrict future growth.

**59 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.

**60 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.

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

**\*RESOLVED –**

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

**62 GRADE II BRAMPTON HOUSE**

The Development Management and Conservation Manager submitted a report to inform members of the unauthorised alterations to the Grade II Listed Brampton House, 218 Old Hall Road, Chesterfield and to request authority to take enforcement action.

**\*RESOLVED –**

That authority be granted for the service of a Listed Building Enforcement Notice regarding the following unauthorised works at the Grade II Listed Brampton House, 218 Old Hall Road, Chesterfield, S40 1HQ and requiring the reinstatement of the detailing which existed prior to the following alterations being undertaken:

1. Removal of 2 No chimney stacks and roofing over the voids;
2. Removal of the projecting roof rafter structure to create an overhanging soffit to the eastern gable wall resulting in a flush gable end.
3. Removal of the decorative pierced and scalloped bargeboard from the eastern gable and replacement with modern uPVC dry verge system.
4. Removal of the timber bargeboard on the west elevation and replacement with a uPVC dry verge system.
5. The replacement of timber sash windows with uPVC windows on the east, west and north elevations.
6. The replacement of timber casement windows with uPVC casement windows on the east, west and south elevations.

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# Agenda Item 4

COMMITTEE/SUB	Planning Committee
DATE OF MEETING	23 <sup>rd</sup> October 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 23rd October 2023**

<b>ITEM 1</b>	CHE/23/00445/FUL - PLACEMENT OF A CONTAINER TO BE USED AS A BAR ON MATCH DAYS AND PERIMETER FENCING AT SMH GROUP STADIUM, 1866 SHEFFIELD ROAD, WHITTINGTON MOOR, CHESTERFIELD, DERBYSHIRE, S41 8NZ FOR MR SANTIAGO GARCIA-PEREZ.
<b>ITEM 2</b>	CHE/23/00315/FUL - DETACHED 2 BEDROOM DWELLING ON LAND AT 43-45 WHITTINGTON HILL, OLD WHITTINGTON, CHESTERFIELD FOR MR M BOOT

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**Item 1****PLACEMENT OF A CONTAINER TO BE USED AS A BAR ON MATCH DAYS AND PERIMETER FENCING AT SMH GROUP STADIUM, 1866 SHEFFIELD ROAD, WHITTINGTON MOOR, CHESTERFIELD, DERBYSHIRE, S41 8NZ FOR MR SANTIAGO GARCIA-PEREZ.**

Local Plan: no allocation  
 Ward: Whittington Moor

Planning Committee Date: 23<sup>rd</sup> October 2023

**1.0 CONSULTATIONS**

Ward Members	Cllr Leslie Thompson confirms he has no objection to the principle of the proposal.
Local Highway Authority	No objection.
Derbyshire Constabulary	No objection.
Strategic Planning	Concerns raised – see report.
Environmental Health	No objection.
Urban Design Officer	Objection, refusal recommended, see report.
Representations	1 objection has been received by a member of the public who has objected on noise, residential amenity, highways and visual grounds. See report.

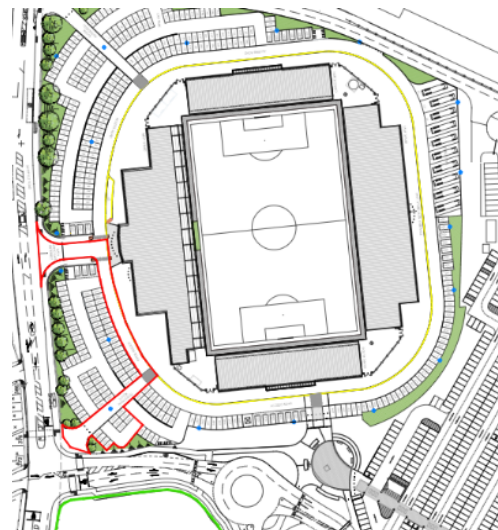
**2.0 THE SITE**

2.1 The site subject of the application is situated at the south west corner of the car park which fronts the Chesterfield Football Club SMH Group stadium, sited at the junction of Sheffield Road and Ernie Moss Way.

- 2.2 The site currently provides 10 no. parking spaces for the football club and the red line boundary includes a pedestrian entrance to the ground which enters the stadium site from the corner of Sheffield Road and Ernie Moss Way.
- 2.3 Vehicular access to the site is via the main vehicle access to the stadium which is taken from Sheffield Road. The site slopes from south west to north east towards the stadium building.
- 2.4 The main part of the application site (excluding the pedestrian and vehicular access captured within the application red line boundary) is approximately 250sqm (0.025ha). This includes the 15sqm footprint of the proposed container.
- 2.5 Sheffield Road is mixed in character at this location, featuring a wide range of uses including the Aldi and Tesco stores to the south and south east, commercial uses to the north, commercial uses to the west and north west, Glass Yard development which provides a mix of uses including retail, showroom and food and beverage, and residential uses to the south west along Nelson Street and Sanforth Street. The application site is within close proximity to the Whittington Moor District Centre, the boundary of which is immediately to the north of the stadium site.



Aerial photograph © Google Maps



Site Location Plan ©



Application site, looking east



Application site, looking north west

### **3.0 SITE HISTORY**

- 3.1 The stadium site has been subject to a number of planning applications. Those listed below are those considered to be most relevant to the application under consideration.
- 3.2 CHE/08/00230/FUL – Redevelopment of former Dema Glass Site, New Football Stadium (incorporating conference and banqueting facilities) (D2) Food Store (A1) (including ancillary retail units), Petrol Filling Station, a mix of office (B1) and/or Hotel (C1), and/or Restaurant (A3), and/or Car Showroom with associated access, parking (including park and ride spaces) and landscaping – in association with the revised plans received including (drawing no's 6418\_P02 REV D, EA/5122/004 rev L, EA/5122/002 rev L, EA/5122/001 rev L, EA/5122/003 rev L, 25041\_PL02A, 25041\_PL03A and revised plans WBP/305/1000 Rev P2, WBP/305/900 Rev P2, WBP/305/600 Rev P3 contained within the Transport Assessment Addendum.

CONDITIONAL PERMISSION: 30/07/2008

- 3.3 CHE/09/00129/FUL – Amendments to approved drawings of CHE/08/00230/FUL relating to the redevelopment of former Dema Glass site, new football stadium, food store, petrol filling station, a mix of office and/or hotel, and/or restaurant, and/or car showroom with associated access, parking and landscaping.

CONDITIONAL PERMISSION: 21/04/2009

3.4 CHE/09/00300/FUL – Amendment to CHE/08/00230/FUL specifically relates to the car park - revised application form received 24th June 2009

CONDITIONAL PERMISSION: 20/07/2009

3.5 CHE/13/00040/REM1 - Variation of Condition 17 to CHE/08/00230/FUL to allow up to two non-football events to take place within the football stadium each year, with associated activity taking place within the boundaries of the curtilage of the stadium

CONDITIONAL PERMISSION: 04/06/2013

3.6 CHE/12/00414/FUL - Transfer of the existing car boot sale from Holywell Cross to the B2 Net stadium on Sundays from 6am to 1pm

CONDITIONAL PERMISSION: 25/09/2012

3.7 CHE/13/00228/REM1 - Variation of condition 2 (to increase trading and free parking areas - as per Plan A) and condition 3 (to allow stall set up at 07:45, remove reference in condition to 'public' and exclude approved catering vans from condition restrictions) of CHE/12/00414/FUL

CONDITIONAL PERMISSION: 04/06/2013

3.8 CHE/20/00114/REM1- Variation of condition 17 of CHE/08/00230 to allow outdoor cinema screenings on the pitch twice per year

FOUND TO BE PERMITTED DEVELOPMENT: 02/03/2020

3.9 CHE/21/00789/FUL – Single storey detached sports bar set in the car park of the Technique Stadium

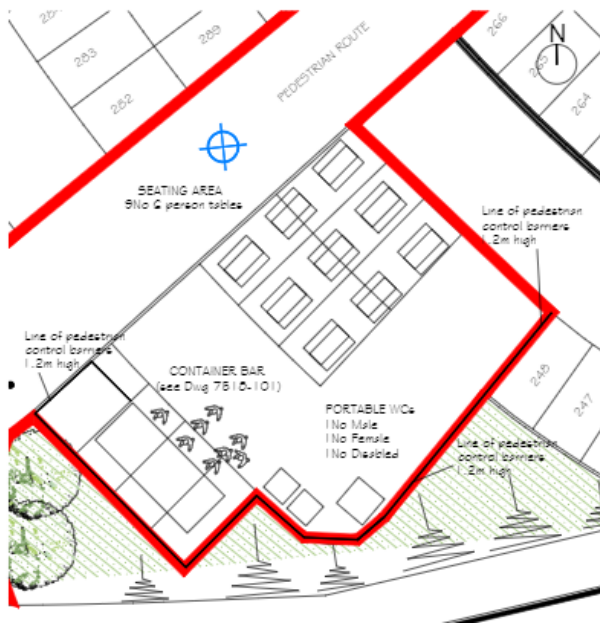
CONDITIONAL PERMISSION: 11/10/2022

3.10 CHE/23/00497/FUL – Erection of a substation for 12 ultra rapid electric vehicle charge points and associated electrical equipment

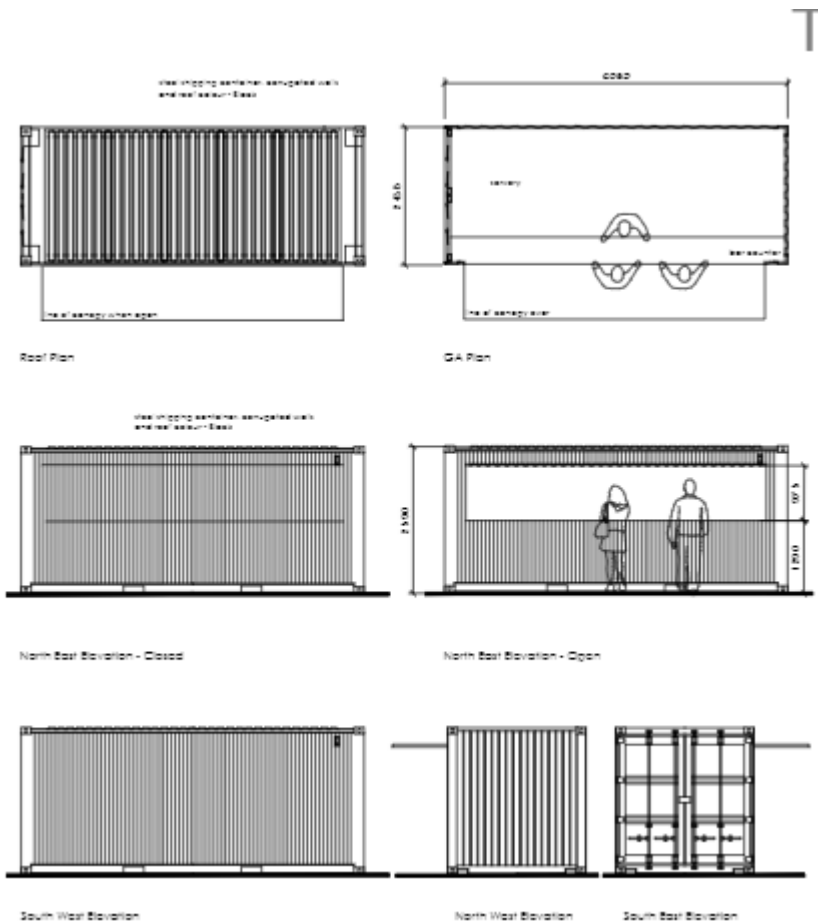
PENDING CONSIDERATION

#### 4.0 **THE PROPOSAL**

- 4.1 This application seeks planning permission for the placement of a shipping container to be used as a bar within the grounds of the Chesterfield Football Club SMH Group Stadium, including the erection of perimeter fencing.
- 4.2 The container is proposed to measure 6m x 2.5m, at 2.59m tall and is proposed to be set at an angle to run parallel with the boundary of the existing hardscape at this part of the site, with an opening for the bar to the north-east elevation, with retractable canopy. The elevations state that the colour of the container is to be black.
- 4.3 A line of 1.2m pedestrian control barriers is proposed to run around the south east and south west boundaries of the site (those boundaries that are adjacent to the public highway). No elevational or other details have been provided relating to the barrier provision. The application form states that boundary treatments are to be “temporary when operational”.
- 4.4 1 no. male, 1 no. female and 1 no. disabled temporary WCs / ‘portaloos’ are to be located within the perimeter fencing. The application form states that 1100 litre bins are to be provided within the site however no details of the bin storage or collection arrangements have been provided.
- 4.5 The proposed site plan shows that 9 no. 6-person tables are to be provided within the site to provide seating for customers.
- 4.6 Power is to be provided through the use of a generator.
- 4.7 The application confirms that the hours of opening are to be from 12 – 8 (assumed 12pm to 8pm) on Saturdays. There is an error on the application form (Section 18), which should refer to the fact that the proposal includes the gain of 15sqm non-residential floor space within the (now revoked) A4 use class “Drinking Establishments”.
- 4.8 The pedestrian access at the junction of Sheffield Road and Ernie Moss Way is to be retained. The application form (Section 10) is erroneous in that it does not reflect the 10 no. parking spaces that would be lost through the implementation of the scheme.
- 4.9 The applicant is not seeking a temporary permission and did not seek advice prior to submission of the application.



Proposed site plan ©



Proposed elevations ©

## 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 (Strategic Policy)
- CLP2 Principles for Location of Development (Strategic Policy)
- CLP9 Retail
- 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 2023**

- Part 2. Achieving sustainable development
- Part 4. Decision-making
- Part 8. Promoting healthy and safe communities
- Part 12. Achieving well-designed places
- Part 14. Meeting the challenge of climate change, flooding and coastal change
- Part 15. Conserving and enhancing the natural environment

## **5.4 National Design Guide (2021)**

## **6.0 CONSIDERATION**

### **6.1 Principle of Development**

6.1.1 The site is not allocated for a particular use within the Local Plan. The principle of development should therefore primarily be assessed through Policies CLP1, CLP2 and CLP9 of the Chesterfield Local Plan.

6.1.2 Policy CLP1 directs growth in the Borough towards areas that are within walking distance of a range of Key Services as set out in Policy CLP2 and policy CLP2 identifies a range of considerations for proposals on non-allocated sites. The proposal is within walking distance to Whittington Moor District Centre which provides a range of Key Services and sits along a key public transport corridor which runs along Sheffield Road.



- 6.1.3 The proposal can be considered to accord with the Council's Spatial Strategy as set out by policy CLP1 and is on an existing area of hardstanding which is not of high environmental value, satisfying criteria a) and b) of policy CLP2. It is not considered that there are any specific regeneration or sustainability benefits to the area that would arise from the proposal. The proposal sits on the edge of Whittington Moor District Centre which provides a range of Key Services and is sited along a corridor for public transport which runs along Sheffield Road and is within range of existing cycling routes, therefore is in accordance with criteria d) and e) of policy CLP2. The proposal will have no impact on existing social infrastructure provision, satisfying criteria f) of CLP2. The proposal is not considered to compromise the safeguarding of Minerals Related Infrastructure and is not located on agricultural land, satisfying criteria g) and h) of CLP2.
- 6.1.4 On this basis, it is considered that the proposal accords with the Council's spatial strategy as established by CLP1 and CLP2 of the Chesterfield Local Plan.

#### Proposed Use

- 6.1.5 The proposal is for a sui generis Main Town Centre use as defined by the NPPF and is not within a defined Local Centre on the Local Plan policies map. Under the requirements of the NPPF (para 87) and Policy CLP9 the Council must therefore apply the sequential test. In addition, para 90 of the NPPF also necessitates the provision of an impact assessment, subject to any locally set thresholds. Policy CLP9 of the Local Plan requires an impact assessment to be undertaken for proposals over 280sqm within 500m of a District Centre so the requirement for an impact assessment to be provided does not apply in this case.
- 6.1.6 The applicant has provided a sequential assessment (Rev 01 – 04.09.2023) which states that it is considered that the site area as a whole should be subject to the sequential test, owing to the interrelated nature of the proposed container bar and the outdoor seating area. The sequential test is therefore undertaken on the basis of 250sqm of 'floorspace', as, in the view of the applicant, 'Any assessment of alternative sites needs to consider the operation of the proposed bar and the space required to meet the operational needs of the proposal.' It is therefore the view of the applicant that the 250sqm of outdoor space is required to support an independent freestanding proposed bar.



- 6.1.7 The sequential assessment considers a survey of use classes within Whittington Moor District Centre, a review of local planning applications and a review of local commercial listings. The Strategic Planning Team are generally satisfied that the parameters of the assessment are reasonable, and that a range of appropriate sources of information have been used.
- 6.1.8 The applicant has set the following requirements when considering the suitability, availability and viability of potential sites:
- The scale of the development (250sqm)
  - Suitable and safe customer access points
  - Parking with the vicinity
  - Level pedestrian access
  - Room to accommodate customer space and toilet units
  - A site that is easily accessible by a variety of means of transport
  - Linked to the stadium site on match days
  - Site that can be suitably serviced
- 6.1.9 The sequential assessment considers that there are no suitable sites within the Whittington Moor District Centre, on the edge of Whittington Moor District Centre along Sheffield Road (including with the Glass Yard development). Newbold Moor and Brimington Road/East Side Road Industrial Estate are considered to be unsuitable owing to their being predominantly residential and industrial in nature respectively.
- 6.1.10 Within Whittington Moor, the site of the former Travellers Rest Public House has been considered and could physically accommodate the proposed development. However, the additional cost of site purchase would, in the applicant's view, render the development financially unviable. The distance of the site from the stadium and the links to the identified customer footfall (fans visiting the football club on match days) make the site unsuitable.
- 6.1.11 Along Sheffield Road, the sequential test considers that there are no suitable units that are available within the former Dema glass site, nor within the recently completed Glass Yard development. The former Pure Gym site directly opposite the football stadium was considered, however the site is not currently on the market and has recently been sold. Planning permission was granted in 2022 for the redevelopment of the site for a self-storage facility and business units under application reference CHE/22/00680/FUL.

- 6.1.12 On that basis the sequential assessment concludes that there are no sequentially preferable alternative locations to accommodate the proposed development in either Whittington Moor Centre or other edge of centre locations.
- 6.1.13 The Strategic Planning Team has commented that the assessment provided should include more information regarding its conclusions, which includes the details of the units considered and the reasons why units were considered to be unavailable or unsuitable. Their comments state that if such information could be provided, and that information supports the conclusions within the sequential assessment, that the requirement for a sequential approach will have been met.
- 6.1.14 It is noted that some details of sites have been provided in section 5 however it is unclear whether these are considered within those mentioned at section 4.4 or are additional. Nevertheless, the Strategic Planning Team are satisfied that the overall methodology used is acceptable, subject to the provision of further information.
- 6.1.15 On this basis, it is considered that the proposed development satisfies the sequential test as defined within the NPPF. The principle of development can therefore be considered acceptable in this case.

## **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... b) 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 NPPF places a strong emphasis on good design and sets a clear expectation that ‘development that is not well designed should be refused’ (NPPF para 134). The National Design Guide advocates the need for development to reflect on local context, identity and built form to achieve beautiful, enduring and successful places.
- 6.2.3 This part of Sheffield Road has a mixed character, though is dominated by commercial buildings of varying scales and types.

Within the immediate vicinity, there are large-format supermarkets, pubs, commercial uses at the Glass Yard development, and the stadium building.

6.2.4 The stadium site is dominated by the large-scale stadium building, which is built in a mix of materials, predominantly a cladded structure above a red brick plinth. The site frontage is purposefully open in character, with the stadium building set back away and at a lower ground level from the Sheffield Road frontage which mitigates against the scale of the building. The site frontage to Sheffield Road is bounded by a pleasant landscaping scheme behind a stone boundary wall which help to shield the stadium building and provide a pleasant visual appearance to the site, despite its use and scale. A similar approach has been applied to other large format development schemes in the vicinity such as the Glass Yard site, Tesco and the former Simply Gym site.

6.2.5 The application site is located at a visually prominent corner of the wider stadium site, adjacent to the main pedestrian entrance into the site, which features a totem sign which provides information relating to upcoming fixtures. To the Ernie Moss Way frontage there is a grassed verge boundary which separates the stadium car park from the highway edge and again has an open character. The position is a key visible landmark corner which is seen in the round but especially when approaching along Sheffield Road and Ernie Moss Way.

6.2.6 The Urban Design officer and Strategic Planning Team have raised significant concerns regarding the poor quality design of the proposal, i.e. the placement of an 'off-the-shelf' shipping-style container. The Strategic Planning Team comments state the following:

*'I am concerned that the current proposal is of significantly poorer design quality [than the previous proposal for a sports bar] and that it would conflict with the aims of policy CLP20.'*

6.2.7 The Urban Design officer raises the following issues:

- Lack of detail provided regarding the seating arrangements (materiality, colour)
- Siting and orientation, which fails to take account of the relationship between vehicles, pedestrians and other users, raising concerns relating to safety and security

- The proposed operation of the bar (as a 'fan zone' on match days) and its relationship to the surrounding neighbourhood
- Lack of sense of place
- The temporary nature of the proposals and long term management (i.e. refuse)
- Visual appearance, weak sense of enclosure and poor edge treatments, which are detrimental to the function of the space and its relationship to the surrounding area
- Overall poor quality and unsympathetic design

6.2.8 The applicant has stated that the container will be painted in club colours (blue and white?), however the proposed drawings state the colour to be black. No RAL code has been provided. Reference is provided within the application material to temporary fencing however no details have been provided, or any confirmation given on how this will be managed, or how the site will be left on non-operational dates. It is understood that the proposal is to create a 'fan zone' on match days, however no detail is given on the proposed operations of the 'zone'.

6.2.9 Whilst it is recognised that the proposal would serve a commercial function for the stadium and provide a space for supporters to congregate and drink on match days in appropriate weather, this is on a sporadic and inconsistent basis. It is noted that there are multiple drinking establishments within the immediate vicinity of the stadium site which provide the opportunity for supporters to meet on match days, as well as food and beverage outlets within the stadium itself.

6.2.10 It is considered that the siting of the proposed container at such a prominent part of the stadium site is inappropriate and would be incongruous within the street scene. It would detract from the overall character of the site and its open character to the frontage and would therefore be harmful to the visual amenity of the site.

6.2.11 The orientation of the proposal is considered to be inappropriate, since it turns its back on the prominent corner of Ernie Moss Way and Sheffield Road and faces inwards into the site, which will shield the activity and vibrancy that it purports to bring away from the road frontage and which creates an insular nature and does not provide a welcome to supporters when operational. From the street frontage the development will appear as an industrial, bland container unit.

- 6.2.12 The proposal fails to contribute positively to the local character, it lacks visual interest and appeal, and does not provide a standout / prominent feature within the streetscape which this prominent part of the stadium site would warrant. This is considered to be especially the case when the bar is not in use (which will be the majority of the time), which will leave an array of seating without any purpose and a locked, bland storage container, which is inappropriate for this location.
- 6.2.13 The applicant has submitted a retort to the Urban Design Officers' comments which state that the proposal is considered to be a 'box park' style feature, however this is not considered to be the case, nor does it provide a worthwhile comparison. Boxpark is known for being a vibrant mix of food, drink, and events to bring activity and vibrancy to locations. The application proposal will be an isolated, single, container within the wider stadium site that bears no relationship to its wider setting and sells drinks to supporters on match days.
- 6.2.14 It is considered that the proposal lacks character, any architectural interest, and fails to positively contribute to the setting of the stadium or the surrounding area. It is considered to be detrimental to the visual amenity of the stadium site.
- 6.2.15 As noted by the Strategic Planning Team, a previous proposal for a bar use at this part of the stadium site was subject to substantial revision owing to its poor design quality. In this instance, it is not considered that any revisions can be made which would make the proposal acceptable. This is due to the fact that it is not considered appropriate for a container to be placed and used for this purpose at such a prominent part of the site, and the only way to overcome this would be to propose a permanent building, as per the previous permission on the site.
- 6.2.16 On that basis, it is not considered that the proposal meets the requirements of Policy CLP20 of the Chesterfield Local Plan, para 130 of the NPPF or guidance within the National Design Guide. As per the NPPF guidance, it is not considered that the proposal is well-designed and should therefore be refused.

### **6.3 Local 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 adjoining occupiers, taking into account noise and disturbance, dust, odour, air

quality, traffic, outlook, overlooking, shading, daylight and sunlight and glare, and other environmental impacts.

6.3.2 The Council's Environmental Health Team has been consulted and have raised no objections regarding noise or other impacts arising from the scheme.

6.3.3 The lack of information regarding the operational management of the site, including site set up and closedown, with respect to the proposed pedestrian barriers, refuse storage and collection, WC management and cleaning, and security, mean that there are amenity concerns regarding the management of the site.

6.3.4 Concerns have also been raised by local a local resident regarding the potential harmful amenity affects of the proposal, as follows:

- Noise: arising from customer use and generators used to power the site
- Risk of anti-social behaviour relating to the seating and WCs when the bar is not in use

6.3.5 There is insufficient information within the application proposal relating to the site operations and management which would be required to satisfy the requirements of Policy CLP14 of the Local Plan with regarding to managing the impact on local amenity.

## **6.4 Highways Safety**

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

6.4.2 A local resident has raised concerns regarding highway safety as a result of people congregating close to the signalised junction.

6.4.3 The Local Highway Authority has commented that:

*“The proposal includes 1.2m high fencing around the perimeter of the bar area which would go some way to preventing overspill of patrons of the facility on to the adjoining footway and carriageway. This does occur at match times when spectators arrive at and leave the ground and cross roads surrounding the site when gaps in traffic are perceived to be available; the presence of the proposed bar is not considered to alter, or worsen what is usual practice by spectators arriving and leaving the ground on match days.*”

*Based on the above comments, there are no highway objections to the application.”*

- 6.4.2 The proposal would result in the loss of 10 no. parking spaces from the stadium site, with parking provision on match days being a point of concern. No information has been provided by the applicant regarding the mitigation of this loss of parking. Previous applications on this part of the site have included information that suggests that the lost parking could be suitably accommodated elsewhere, and whilst this information has not been submitted, the loss of the parking spaces is not considered to constitute a reason for refusal in this instance.
- 6.4.3 On this basis the proposal is considered to accord with the provisions of policies CLP20 and CLP22 of the Local Plan.

## **6.5 Biodiversity and trees**

- 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 No additional information in relation to biodiversity measures on site has been provided as part of the application. The proposed development 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 would have been attached to any positive decision issued to ensure the application provided 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.

## **7.0 REPRESENTATIONS**

- 7.1 1 objection has been received from a local resident raising concerns as follows:
- Noise

- Traffic and highway safety
- Visual impact
- Risk of anti-social behaviour
- Risk of additional lighting being required
- Management of fans

7.2 Officer response: The comments raised have been addressed within Section 6 of the report.

## **8.0 HUMAN RIGHTS ACT 1998**

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

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

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 The Local Planning Authority has considered the merits of the submitted application and judged that there was no prospect of resolving the fundamental planning problems with it through negotiation, due to the significant changes that would be required to the design of the proposal. On this basis, the requirement to engage in a positive and proactive manner is considered to be best served by the Local Planning Authority issuing a decision on the application at the earliest opportunity, thereby allowing the applicant to exercise their right to appeal or amend the scheme through pre-application discussion and the submission of a new planning application.

## **10.0 CONCLUSION**

10.1 The proposal is not considered to be of an acceptable design and therefore fails to accord with policy CLP20 of the Chesterfield Local



Plan and the requirements of the NPPF to promote good design and the National Design Guide in creating beautiful, enduring and successful places. Insufficient information has been provided relating to the management of the site which would address the amenity issues identified, which fails to accord with Policy CLP14 of the Chesterfield Local Plan.

## **11.0 RECOMMENDATION**

- 11.1 It is therefore recommended that the application be **REFUSED** on the basis of the following:
1. The proposal is of a poor design in terms of its siting, orientation, layout, and visual appearance not taking account of the context, identity and built form of the locality and therefore failing to satisfy the requirements of Policy CLP20 of the Chesterfield Local Plan, the requirements of the National Planning Policy Framework paragraph 134 and the National Design Guide.
  2. Insufficient information has been provided with regard to the management and operation of the site in respect of proposed pedestrian barriers, refuse storage and collection, WC management and cleaning, and security resulting in outstanding amenity concerns regarding the site at odds with Policy CLP14 of the Chesterfield Local Plan.

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**ITEM 2****DETACHED 2 BEDROOM DWELLING ON LAND AT 43-45 WHITTINGTON HILL, OLD WHITTINGTON, CHESTERFIELD FOR MR M BOOT**

Local Plan: Unallocated, within the built up area

Ward: Whittington

**1.0 CONSULTATIONS**

Ward Members	No comments received
Local Highways Authority	No objections subject to conditions – see report
Strategic Planning	Would accord with the Local Plan spatial strategy and its location would be accessible to a range of key services
Coal Authority	Withdrew objection following submission of a Coal Mining Risk Assessment report – recommends conditions
Environmental Health	No adverse comments - asks that condition restricting hours of building work be imposed
Design Services Drainage	Site is not shown to be at risk of flooding. Should be developed using separate systems of foul and surface water drainage
Representations	2 objections received from residents; concerns raised regarding: highway safety and parking; design; loss of light/overshadowing; loss of privacy; loss of trees and habitat; noise and disturbance; question right to build on rear access – see report

**2.0 THE SITE**

- 2.1 The application site comprises part of the rear garden area of 43 & 45 Whittington Hill and part of an overgrown access track. The applicant has provided title documents to show they own this area of land. There is an area of hardstanding which is used for car parking for 43 & 45 Whittington Hill accessed from Holland Road. The site stands at a higher level than the properties on Whittington Hill.
- 2.2 The site is within a Coal Authority Development High Risk Area and Flood Zone 1.



Extract of submitted location plan ©

Aerial View



View looking towards rear of 43 & 45 Whittington Hill



View of rear access

### **3.0 SITE HISTORY**

3.1 CHE/0191/0033 Conversion of 45 Whittington Hill into 2 flats.  
Refused 15.04.1991.

### **4.0 THE PROPOSAL**

4.1 The application proposes a detached two storey dwelling. The overall gross internal floorspace of the proposed dwelling would be 80sqm. The internal layout comprises an open plan ground floor with porch with two first floor bedrooms and bathroom. There would

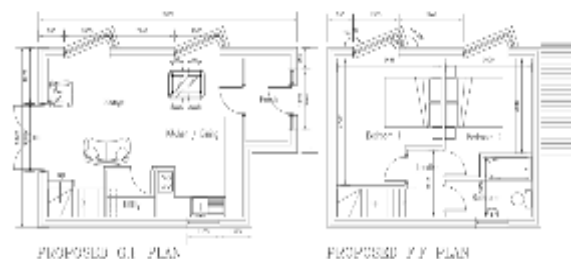
be no first floor windows to the east and west elevations with an obscure glazed bathroom window to the first floor elevation of the south elevation. To the north elevation fronting Holland Road would be splayed feature windows with a central mirrored panel.

4.2 The proposed materials are red brickwork to the ground floor with a white render finish to the first floor. The transition between the brick and render would be a 150mm deep reconstituted stone band. The porch wall finish would be dark grey embossed woodgrain WPC wall cladding. Blue/black Eternit Rivendale slates are proposed for the roof. Windows and doors would be anthracite grey upvc.

4.3 The main amenity area would be to the west of the proposed dwelling, which would be enclosed by a 1.8m high close boarded timber fence. It would have an area of around 75sqm. This would leave 43 Whittington Hill with around 88sqm of amenity space with around 54sqm for no.45. The existing brick wall to the Holland Road frontage would remain. The access and parking area would be to the east of the proposed dwelling. The limited depth of the site at around 8m means there would only be space to park one car.



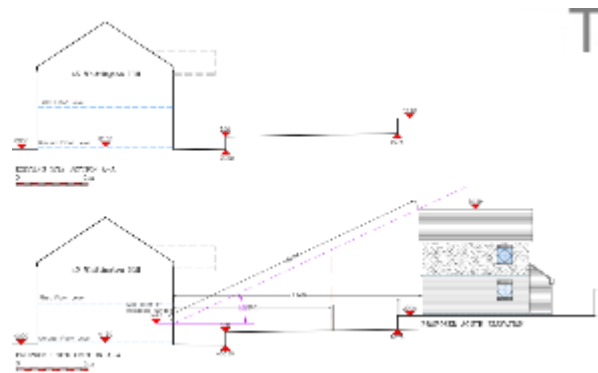
Proposed Elevations



Proposed Floor Plans



Proposed Block Plan



Existing & Proposed Site Sections

## 5.0 PLANNING POLICY

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

## 5.2 **Chesterfield Borough Local Plan 2018 – 2035**

CLP1 Spatial Strategy (Strategic Policy)

CLP2 Principles for Location of Development (Strategic Policy)

CLP3 Flexibility in Delivery of Housing

CLP11 Infrastructure Delivery

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**

Part 4. Decision-making

Part 5. Delivering a sufficient supply of homes

Part 8. Promoting healthy and safe communities

Part 9. Promoting sustainable transport

Part 11. Making effective use of land

Part 12. Achieving well-designed places

Part 14. Meeting the challenge of climate change, flooding and coastal change

Part 15. Conserving and enhancing the natural environment

## 5.4 **Supplementary Planning Documents**

Successful Places’ Residential Design Guide

## 6.0 **CONSIDERATION**

### 6.1 **Principle of Development**

6.1.1 The application site is unallocated and is positioned within the built-up area therefore policies CLP1 and CLP2 are of relevance.

5.4.2 Policy CLP1 sets out the overall approach to growth will be to concentrate new development within walking distance of a range of Key Services as set out in policy CLP2.

- 5.4.3 Policy CLP2 states that when *‘Planning applications for developments that are not allocated the Local Plan, will be supported according to the extent to which the proposals meet the following requirements which are set out in order of priority:*
- a) deliver the council’s Spatial Strategy (policy CLP1);*
  - b) are on previously developed land that is not of high environmental value;*
  - c) deliver wider regeneration and sustainability benefits to the area;*
  - d) maximise opportunities through their location for walking access to a range of key services via safe, lit, convenient walking routes;*
  - e) maximise opportunities through their location for cycling and the use of public transport to access a range of key services;*
  - f) utilise existing capacity in social infrastructure (Policy CLP10) or are of sufficient scale to provide additional capacity, either on site or through contributions to off-site improvements;*
  - g) ensure the long term protection of safeguarded Minerals Related Infrastructure as identified in the Derbyshire and Derby Minerals Local Plan and shown on the Policies Map;*
  - h) are not on the best and most versatile agricultural land;’*
- 5.4.4 The location is accessible to a range of key services and facilities by walking on adopted highways, and by cycling and bus. The site is located within a built-up area where new residential development would be considered acceptable in principle. As such, this proposed development site is considered sufficiently sustainable for a development of this nature and adheres to Local Plan policies CS1 and CS2. Other aspects of the scheme are considered below.

## **6.2 Design of the Proposal and impact on neighbours and future occupiers**

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



occupiers, taking into account noise and disturbance, dust, odour, air quality, traffic, outlook, overlooking, shading (daylight and sunlight and glare and other environmental impacts'

- 6.2.3 The adopted 'Successful Places' SPD is a material consideration and covers design and amenity considerations. The document also details minimum requirements for private open space (excluding parking areas). Minimum requirements are outlined in table 4 (p78) and states that a 1/2 bedroom dwelling should have a minimum of 50sqm. The requirements for private amenity space would be met for the proposed dwelling plus the two existing dwellings at 43 and 45 Whittington Hill. The floorspace of the proposed dwelling also exceeds the minimum internal space standards set out in the Nationally Described Space Standards.
- 6.2.4 The key factors in this case are the level differences between the proposed dwelling and existing properties and whether given this adequate separation distances can be achieved.
- 6.2.5 The distance to the frontages of properties on the opposite side of Holland Road exceeds the 12m rule of thumb for front to front minimum separation distance set out on pages 76 of the Successful Places SPD.
- 6.2.6 With regard to levels from the section drawing included above it can be seen that due to the raised level of the application site compared to 45 Whittington Hill its ridge height would be higher than that property. Both 43 and 45 Whittington Hill have two storey rear elements with obscure glazed bathroom windows in the rear elevations. From the east facing ground floor windows of 43 and 45 Whittington Hill the proposed dwelling would be 17.369m away. A distance of 18.884m would be achieved from the midpoint of the window to the ridge of the proposed house. The angle of view clear of the ridge would be 25 degrees from the centre of the affected window, which would comply with the guidance on proximity set out on page 77 of the Successful Places SPD.
- 6.2.7 With no first floor windows proposed to the side elevations and only a bathroom window to the south elevation it is considered that this would avoid overlooking of neighbouring properties. The patio would be raised with steps down to the garden area, so a 1.8m boundary fence is adequate for the garden boundary but there is also a privacy screen shown for the patio area, which would reduce

the impact from the use of the patio and the patio doors in the west elevation.

- 6.2.8 With regard to the design of the proposed dwelling, there are a variety of house types in the vicinity and a range of materials which whilst mainly brick do also include render, including in close proximity to the site. Two storey houses are the predominant form and the design albeit of a more modern design is considered acceptable in this context.
- 6.2.9 It is therefore considered that the proposal is appropriate to its surroundings and would not cause significant adverse impacts on the visual amenity and character of the area. The proposal therefore accords with the provisions of policy Local Plan policy CLP20.

### **6.3 Highways Safety and Parking Provision**

- 6.3.1 Local Plan policy CLP20 expects development to '*g) provide adequate and safe vehicle access and parking and h) convenient and attractive environment for pedestrians*
- 6.3.2 Local Plan policy CLP22 details the requirements for vehicle/cycle parking.
- 6.3.2 The Local Highway Authority commented that the application proposes the use of the existing vehicular access off Holland Road, however, this access point appears to serve the rear of a number of dwellings from 43 to 65 Whittington Hill and possibly 1 to 11 Newbridge Street. The submitted plans indicate significant narrowing of the 'access road'. The proposed access itself does achieve appropriate emerging visibility splays in both directions and is of appropriate width at 3m. The existing vehicular crossing will need to be widened to serve the dwelling. The application proposes one parking space with no provision for replacement parking for 43 and 45 Whittington Hill. The increase in width of the parking space shown on the amended plan is acceptable. The loss of off-street parking provision for nos. 43 and 45 Whittington Hill is not ideal and is likely to lead to increased demand for roadside parking space in the vicinity of the application site: however, an objection on these grounds alone is not considered to be sustainable. It is noted that the site layout plan indicates a 1.8m fence to be erected on the eastern boundary of the site which will extend up to the highway boundary. This would restrict visibility for emerging vehicles onto Holland Road including pedestrian intervisibility. Therefore, the first

2m of the fence measured from the highway boundary i.e. back of footway should be no higher than 0.6m for the first 2m into the site to maintain pedestrian intervisibility at the access. The dropped footway crossing will require widening to reflect the width of the access. This will require permission under S184 of the Highways Act. Recommend conditions that the dwelling is not occupied until the access and parking facilities have been provided and the fence on the eastern site boundary shall not exceed 0.6m in height for the first 2m into the site.

- 6.3.3 The rear access is not in a state that it may be used by vehicles and does not provide vehicular access to properties on Whittington Hill. Whilst not desirable to loss off-street parking for 43 and 45 Whittington Hill, this would be no different to the majority of properties on this section of Whittington Hill. As can be seen from the above paragraph the County Highway Authority do not consider this to be sufficient grounds to justify refusal. One space would be provided or for the proposed dwelling, which does not conflict with the Successful Places guidance.

#### **6.4 Flood risk, Drainage and Water Efficiency**

- 6.4.1 Local Plan policy CLP13 states that *'The council will require flood risk to be managed for all development commensurate with the scale and impact of the proposed development so that developments are made safe for their lifetime without increasing flood risk elsewhere.*  
*Development proposals and site allocations will:*  
*a) be directed to locations with the lowest probability of flooding as required by the flood risk sequential test;*  
*b) be directed to locations with the lowest impact on water resources;*  
*c) be assessed for their contribution to reducing overall flood risk, taking into account climate change.*
- 6.4.2 Local Plan policy CLP13 states that *'Development proposals will be expected to demonstrate that water is available to support the development proposed and that they will meet the optional Building Regulation water efficiency standard of 110 litres per occupier per day.'*
- 6.4.3 The application site is located in 'Flood Zone 1' as defined by the Environment Agency and is therefore considered to be at low risk of flooding. Having regards to the provisions of CLP13 and the wider

NPPF the application was referred to the Council's Design Services (Drainage) Team for comments in respect of flood risk and drainage/wastewater.

5.8.4 The Design Services (Drainage) Team reviewed the application and noted that the site is not shown to be at risk of flooding according to the Environment Agency Flood Maps and should be developed using separate systems of foul and surface water drainage. Yorkshire Water will need to be contacted prior to any new connections to the public sewerage system.

6.4.5 Subject to the imposition of a relevant condition covering water efficiency standards the proposal will accord with the provisions of CLP13 and the wider NPPF.

## **6.5 Biodiversity**

6.5.1 Local Plan policy CLP16 and the NPPF require all development to provide a net gain in biodiversity. Whilst planning applications should be supported by information from which to assess baseline biodiversity and any potential gains, it is likely that the site has only a limited baseline of biodiversity if using the DEFRA Metric 3.1. Consequently, it would be disproportionate to require further information on biodiversity and there may be scope to achieve a net gain through relatively 'simple' measures such as providing bat roosting or bird nesting opportunities. Appropriate net gain measures should be provided on site, and this can be secured by the imposition of a condition.

6.5.2 The submitted Planning Statement states that the development will provide opportunities for biodiversity enhancements such as supplementary ecology rich planting (shrubs and trees) within the hedge and garden area, lawn, bird boxes etc.

6.5.3 The development would necessitate the loss of some trees, however this are not of a quality that would merit a preservation order and as such would not prevent the development of the site.

6.5.4 Subject to a condition as recommended above the development accords with the requirements of CLP16 and the NPPF.

## **6.6 Developer Contributions and Community Infrastructure Levy**

6.6.1 Having regard to the nature of the application proposals the development comprises the creation of a new dwellings and is therefore CIL Liable. The site the subject of the application lies within the medium CIL zone and therefore the CIL Liability is calculated (using gross internal floor space and is index linked).

		A		B	C	D	E
<b>Development type</b>	<b>Proposed floor space (GIA in Sq.m)</b>	<b>Less Existing (Demolition or change of use) (GIA in Sq.m)</b>	<b>Net Area (GIA in Sq.m)</b>	<b>CIL Rate</b>	<b>Index permission</b>	<b>Index Charging schedule 2020</b>	<b>CIL Charge</b>
Residential (C3)	68		68	£50	355	288	£4191

## 6.7 Land Stability

6.7.1 The site is within a Coal Mining Risk ‘high risk’ zone. Local Plan policy CLP14 does not permit development on land where instability is suspected or present unless it is demonstrated that mitigation and/or remediation is feasible. The NPPF similar requires that planning decisions prevent new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of land instability.

6.7.2 The Coal Authority initially objected to the application given that a Coal Mining Risk Assessment Report had not been submitted. Following the submission of a report the objection was removed with the Coal Authority concurring with the report’s conclusions that coal mining legacy potentially poses a risk to the proposed development and that investigations are required, along with possible remedial measures, in order to ensure the safety and stability of the proposed development. Recommend the imposition of conditions for a scheme of intrusive investigations and implementation of any remediation works and/or mitigation measures.

6.7.3 Environmental Health made no comments in respect of contaminated land.

## 6.8 Climate Change

6.8.1 The proposal is for a minor development, so the requirement in Local Plan policy CLP20 for a statement on minimising carbon emissions

and maximising renewable energy is not applicable. Provision for one electric vehicle charging point should be secured in order to accord with Local Plan policy CLP22. The submitted Planning Statement states that an EV charging point will be provided.

## **7.0 REPRESENTATIONS**

7.1 The application has been publicised by neighbour notification letters and site notice. Two representations have been received (one on behalf of a group of 7 residents from Holland Road and Newbridge Street) and the other from a resident of Newbridge Street (who is also one of the group of 7 residents). The concerns raised are summarised as follows:

- Adequacy of parking/loading/turning –The location of the proposed development is on a narrow side road where there is not adequate room for parking, loading or turning of additional vehicles which will be required for building materials. In particular lorries, vans etc. There are even official signs on the road stating no access to such vehicles.
- Archaeology – This type of building work would cause concern during an archaeology assessment as there would be ground disturbance including digging, trenching, tunnelling, concrete cutting, and boring.
- Disabled access – there are individuals that live on this street with poor health and who suffer from disabilities; as such, any vehicles, roadwork signs, materials on the roadside, or anything blocking the pavements would be at a significant detriment of these individuals' access.
- Hazardous materials – building works inevitably bring hazardous materials which would be harmful to both the people living on the street and the wildlife located in the area. There are also small businesses in the area that this will affect such as local cafes or public houses. Hazardous materials such as dust, fumes, smoke, fibres etc. This is exacerbated by the location of the road being particularly small and narrow.
- Road safety - The road is very narrow, and it is already difficult to get 2 cars alongside each other on this road. Allowing large trucks or lorries on this road would result in the road becoming unsafe and would increase the risk of damage to the vehicles of the residents of this street. Several residents of that road park their vehicles along the road so there is limited room for additional vehicles to park meaning they would need to block the already narrow road.

- Loss of light/overshadowing – this proposed building would block out views from properties and also reduce natural lighting to existing properties as the building would be very close.
- Loss of privacy – this proposed property would mean a loss of privacy for several of the neighbouring houses as the house would be so close to the main road and would therefore have access to windows into people homes.
- Loss of trees – The area in which is being proposed for building works is currently home to many trees and in order to build in this area it would require the destruction of these trees without any room to plant new ones.
- Noise and disturbance – the road in which this building is proposed is very small and the noise that would come from this development would cause significant distress for the local residents. Some of which have small children whose learning or sleep schedules could be affected.
- Road access – the road is very small and narrow and it would be difficult for trucks and material lorries to access.
- Smells – As this is a small area toxic fumes and smells would be unavoidable. This time of year, during the summer when doors and windows would be open it would cause concern to the surrounding neighbouring village.
- Chesterfield BC have previously informed property owners that if any development was to take place along the back lane, consent would need to be granted by all residents who own a section of the Lane. No one has asked for permission.
- Proposed plans and material out of keeping with the area and Victorian terraced houses on Whittington Hill.
- Position of the house would cause overshadowing.
- Loss of habitat for birds and mammals.

## 7.2

### **Officer comments**

- **Several of the above points relate to disturbance during the construction phase, which is inevitable but of a temporary nature. The hours of working may be controlled by condition.**
- **The applicant was asked to clarify if they owned all the application site, including the access 'lane'. They provided title documents to show they did own all the site outlined in red. This is sufficient in planning terms and other rights would be a private civil matter.**
- **Issues regarding parking, design and impact upon residential amenity have been addressed with the body of the report above.**

***-A number of trees would need to be removed, but none are worthy of a preservation order and a condition would be imposed requiring landscaping and biodiversity measures.***

## **7.0 HUMAN RIGHTS ACT 1998**

- 7.1 Under the Human Rights Act 1998, which came into force on 2<sup>nd</sup> October 2000, an Authority must be in a position to show:
- Its action is in accordance with clearly established law
  - The objective is sufficiently important to justify the action taken
  - The decisions taken are objective and not irrational or arbitrary
  - The methods used are no more than are necessary to accomplish the legitimate objective
  - The interference impairs as little as possible the right or freedom
- 7.2 The action in considering the application is in accordance with clearly established Planning law and the Council's Delegation scheme. It is considered that the recommendation accords with the above requirements in all respects.

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

- 8.1 In accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015 and paragraph 38 of 2023 National Planning Policy Framework (NPPF) as the proposed development does not conflict with the NPPF or with 'up-to-date' policies of the Local Plan, it is considered to be 'sustainable development' to which the presumption in favour of the development applies.
- 8.2 The Local Planning Authority have considered this application in a positive and proactive way in order to achieve a positive outcome for the application.

## **9.0 CONCLUSION**

- 9.1 The application site is located within the built-up area in a location which is within walking and cycling distances of key services and facilities, therefore the proposal is considered to accord with the principles of CLP1 and would largely accord with CLP2. The proposal is within the settlement boundary and would introduce additional housing within the existing built-up area. The scheme



therefore broadly meets the strategic requirements of Local Plan policies CLP1 and CLP2 and the NPPF. On balance the scheme will create a modest two storey dwelling in which the layout has been designed to respond to the constraints of the site. Subject to conditions the proposal will therefore accord with the provisions of Local Plan policies CLP14 and CLP20. Subject to conditions covering water efficiency and biodiversity enhancements the scheme will accord with the requirements of CLP13, CLP16 and the wider NPPF.

## **10.0 RECOMMENDATION**

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

### **Conditions**

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

Reason - This is a statutory period which is specified in Section 91 of the Town and Country Planning Act 1990.

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

- WAL-23-20-01 Site Location Plan
- WAL-23-20-02A Proposed Floor Plans
- WAL-23-20-03A Proposed Site Plan
- WAL-23-20-04 Proposed Elevations
- WAL-23-20-05 Existing and Proposed Site Sections
- WAL-23-20-06 Existing Site Plan
- WAL-23-20-07 Typical Fence Elevation

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

3. No construction or demolition 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. The term 'construction work' shall include mobile and fixed

plant/machinery, (e.g. generators) radios and the delivery of construction materials.

Reason - To safeguard the privacy and amenities of the occupiers of adjoining properties in accordance with CLP20 and CLP14

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

Reason - To protect the water environment in accordance with policy CLP13 of the of the adopted Chesterfield Borough Local Plan and to accord with paragraph 149 of the National Planning Policy Framework

5. Prior to the occupation of the development details of a privacy screen for the western side of the patio area shall be submitted to and approved in writing by the Local Planning Authority. The approved privacy screen shall be installed in accordance with the approved plans prior to the occupation of the development and thereafter be retained and maintained throughout the life of the development.

Reason - In the interests of the amenities of occupants of adjoining dwellings, CLP14 and CLP20.

6. No development shall commence until:
  - a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past coal mining activity; and
  - b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative K guidance.

Reason – To fully establish the presence and / or otherwise of any coal mining legacy affecting the application site and policy CLP14.

7. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason - To fully establish the presence and / or otherwise of any coal mining legacy affecting the application site and policy CLP14.

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

Reason - In the interest of satisfactory and sustainable drainage and in accordance with CLP13.

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

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

10. Notwithstanding the provision of the Town and Country Planning (General Permitted) Development Order 2015 (as amended) there shall be no extensions, outbuildings or garages constructed, or additional windows erected or installed at or in the dwellings hereby approved without the prior written agreement of the Local Planning Authority.

Reason - In the interests of the amenities of occupants of adjoining dwellings, CLP14 and CLP20.

11. No development above floor-slab/D.P.C level shall take place until A landscape and biodiversity enhancement and management plan

(LBEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LBEMP should combine both the ecology and landscape disciplines and include the following:-

- a) Description and location of features to be created, planted, enhanced and managed.
- b) Aims and objectives of management.
- c) Appropriate management methods and practices to achieve aims and objectives.
- d) Prescriptions for management actions.
- e) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a ten-year period).
- f) Details of the body or organisation responsible for implementation of the plan.
- g) Ongoing monitoring visits, targets and remedial measures when conservation aims and objectives of the plan are not being met.
- h) Details of internal bird and bat boxes.

The approved plan will be implemented in accordance with the approved details and maintained thereafter.

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 190 of the National Planning Policy Framework

12. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; 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 a period of five years, 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.

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

13. All lighting used on site shall be designed so as to control glare and overspill onto nearby residential properties. The applicant shall submit details of all the lights they intend to use as part of this development and shall seek written approval from the local planning authority prior to the installation of lighting on site.

Reason - To protect residential amenity through construction works in accordance with policy CLP14 of the Adopted Local Plan

14. Prior to the occupation of the development hereby approved, the access and parking facilities shown on drawing "WAL-23-20-03A" shall be provided and thereafter shall be retained permanently for domestic car parking unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of highway safety in accordance with policy CLP22 of the Adopted Local Plan 2020.

15. The boundary fence treatment on the eastern site boundary shall not exceed 0.6m in height relative to the carriageway level for the first 2m into the site measured from the back of the footway/highway boundary.

Reason: In the interest of highway safety in accordance with policy CLP22 of the Adopted Local Plan 2020.

## **10.2**      **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. This approval contains condition/s which make requirements prior to development commencing. Failure to comply with such conditions will render the development unauthorised in its entirety, liable to enforcement action and will require the submission of a further application for planning permission in full.
3. You are notified that you will be liable to pay the Community Infrastructure Levy (CIL) to Chesterfield Borough Council as CIL collecting authority on commencement of development. This charge will be levied under the Chesterfield Borough Council CIL charging schedule and s211 of the Planning Act 2008. A CIL Liability Notice will be issued at the time of a detailed planning permission which first permits development, in accordance with the Community Infrastructure Levy Regulations 2010 (as

amended). The extent of liability will be dependent on the permitted Gross Internal Area. This will be calculated on the basis of information contained within a subsequent detailed planning permission. Certain types of development may be eligible for relief from CIL, such as self-build or social housing, or development by charities. Further information on the CIL is available on the Borough Council's website.

#### 4. Ground Investigations

Under the Coal Industry Act 1994 any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) require the prior written permission of the Coal Authority since these activities can have serious public health and safety implications. 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 permission to enter or disturb Coal Authority property will result in the potential for court action. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at: [www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property](http://www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property)

#### 5. Shallow coal seams

In areas where shallow coal seams are present caution should be taken when carrying out any on site burning or heat focussed activities.

6. Connection to the public sewerage system requires prior consent from Yorkshire Water. Connections to the existing drainage may require Building Control approval.

7. Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1991 prior notification shall be given to the Place Department at County Hall, Matlock regarding access works within the highway. Information and relevant application forms, regarding the undertaking of access works within highways limits is available vis the County Council's website [http://www.derbyshire.gov.uk/transport\\_roads/roads\\_traffic/development\\_control/vehicular\\_access/default.asp](http://www.derbyshire.gov.uk/transport_roads/roads_traffic/development_control/vehicular_access/default.asp). Email [highways.hub@derbyshire.gov.uk](mailto:highways.hub@derbyshire.gov.uk) or telephone Call Derbyshire on 01629 533190.

8. Under provisions within Sections 149 and 151 of the Highways Act 1980, the developer must take all necessary action to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the developer's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.
9. Lighting installed on site shall be designed to ensure no glare or overspill occurs to nearby residential properties.
10. In accordance with condition 11 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.

Species	Potential Enhancement Measure	Notes
<b>Wildflowers</b>	<p><b>Native wildflower meadow areas:</b> as an alternative to amenity grassland.</p> <p><b>Wildflower verges.</b></p>	<p>Wildflower meadow can be added where there is grassed verge / communal garden space as well as within residential gardens or as part of wider landscaping schemes. Advice for creating and maintaining a wild patch is available on the <a href="#">Wildlife Trust website</a> and through <a href="#">Flora Locale</a>.</p>
<b>Birds</b>	<p><b>Bird Boxes and other nesting features:</b> (such as stone ledges and wooden cladding).</p> <p><b>Native species planting and boundary features:</b> Berry and seed producing shrubs are particularly beneficial for wildlife and include: Barberry, Blackthorn, Common</p>	<p>Particularly where adjoining natural areas such as woodland, areas of priority habitat and the river and canal environment. For guidance on installing bird boxes including minimum height see: <a href="https://www.bto.org/how-you-can-help/providing-birds/putting-nest-boxes-birds/putting-nest-box">https://www.bto.org/how-you-can-help/providing-birds/putting-nest-boxes-birds/putting-nest-box</a></p> <p>Generally, boxes should be sheltered from prevailing wind,</p>



	Dogwood, Guelder Rose Hawthorn and Spindle berry.	rain and strong sunlight. Check local records (Magic portal and DWT advice) for target species.
<b>Invertebrates</b>	<p><b>Bug hotels and log piles with stones:</b> particularly near ponds.</p> <p><b>South facing banks:</b> with some bare ground.</p> <p><b>Rough or natural stone walls with holes</b> for invertebrates to use.</p> <p><b>Brown roofs with a range of substrates</b> these are particularly recommended on brownfield sites where open mosaic habitat may have been lost. The substrate does not have to cover the entire roof.</p>	<p>Examples of living roof projects are available on the Buglife web page:  <a href="https://www.buglife.org.uk/our-work/living-roof-projects/">https://www.buglife.org.uk/our-work/living-roof-projects/</a></p>



# Agenda Item 5

<b>COMMITTEE/SUB</b>	Planning Committee
<b>DATE OF MEETING</b>	23rd October 2023
<b>TITLE</b>	DELEGATION
<b>PUBLICITY</b>	For Publication
<b>CONTENTS</b>	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
<b>RECOMMENDATIONS</b>	Not applicable
<b>LIST OF BACKGROUND PAPERS</b>	Relevant applications

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

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

<b>Code No FileNo</b>	<b>Ward</b>	<b>Proposal</b>	<b>Decision</b>	<b>Decision Date</b>
CHE/22/00135/FUL	Whittington	Change of use from scrub/highway verge to create additional parking for adjacent business (revised drawings received 21.09.2022)  At Brimington Road North Industrial Park, Unit 4 Brimington Road North Chesterfield S41 9AJ For Stoneacre Motor Group	CP	27/09/2023
CHE/22/00568/HH	Whittington	High hedge complaint At 279 Handley Road New Whittington S43 2ES  For Ms Jonquil Knight	CP	12/10/2023
CHE/23/00198/DOC	Whittington	Discharge of conditions 3 (Tree protection measures), 8 (Materials) and 9 (Biodiversity net gain) of application CHE/19/00810/FUL- Erection of a detached house  At 132 High Street Old Whittington Chesterfield S41 9LE For Micheal Ellis-Thompson	DPC	05/10/2023
CHE/23/00246/FUL	Dunston	Construction of new foul water drainage from Dunston Hall to mains connection on Dunston Road  At Dunston Hall Dunston Road Chesterfield S41 9RL For Dunston Hall Leisure Ltd	CP	03/10/2023

<b>Code No FileNo</b>	<b>Ward</b>	<b>Proposal</b>	<b>Decision</b>	<b>Decision Date</b>
CHE/23/00300/FUL	Brimington South	Demolition of garage and erection of a side and rear extension with rear dormers  At 74 Manor Road Brimington Chesterfield S43 1NN For Mr Steven Smith	CP	22/09/2023
CHE/23/00318/FUL	Spire	Two storey side and rear extension  At Russell House 16 Gladstone Road Chesterfield S40 4TE For Mr and Mrs Hawgood	CP	27/09/2023
CHE/23/00319/FUL	Brockwell	Detached garage and boundary walling with gate to the front elevation  At 6 Hartside Close Loundsley Green Chesterfield S40 4LB  For Mr Paul Wilson	REF	04/10/2023
CHE/23/00345/FUL	Brampton West & Loundsley	Construction of a detached dwelling house and carport with associated boundary treatments  At Land Adjacent 392 Ashgate Road Chesterfield S40 4DD For Mr James Wright	CP	06/10/2023

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/23/00365/REM	Whittington Moor	Variation of condition 2 (Approved plans) 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  At Former Simply Gym Sheffield Road Whittington Moor Chesterfield S41 8LF  For McCarthy's Storage World (Chesterfield) Ltd	CP	04/10/2023
CHE/23/00388/FUL	Rother	Single storey entrance porch to the front of the dwelling  At 26 Baden Powell Avenue Chesterfield S40 2RW For Mr Michael Jones	REF	25/09/2023
CHE/23/00390/CLU	Whittington	Certificate of lawful use for change of use of building to dwelling - resubmission of CHE/22/00580/CLUD  At Greenfield Stables 219A Handley Road New Whittington Chesterfield S43 2ES For Ms Tina Bannister	GRANT	11/10/2023
CHE/23/00398/FUL	Whittington Moor	Detached garage At 31 Lockoford Lane Chesterfield S41 7JA  For Mr C De Girolamo	REF	27/09/2023

<b>Code No FileNo</b>	<b>Ward</b>	<b>Proposal</b>	<b>Decision</b>	<b>Decision Date</b>
CHE/23/00416/FUL	Brampton West & Loundsley	Proposed dormer windows and roof canopy with porch to the front elevation. Re-submission of CHE/22/00399/FUL  At 82 Storrs Road Chesterfield S40 3QB  For Mr Max Unwin	CP	27/09/2023
CHE/23/00435/FUL	Brockwell	Alterations to frontage levels to form driveway  At 18 Brooklyn Drive Brockwell Chesterfield S40 4BB  For Mr James Marshall	CP	28/09/2023
CHE/23/00436/DOC	Dunston	Discharge of conditions 3 (land contamination), 4 (land levels), 6 (storage of plant and materials), 11 (surface water) of CHE/21/00633/FUL- Erection of a two bedroom detached dwelling  At 41 Cobnar Drive Newbold Chesterfield S41 8DB  For Mr John Ford	PDOC	29/09/2023
CHE/23/00437/ADV	Brampton East & Boythorpe	Installation of replacement illuminated and non illuminated signs to the exterior of the building  At Mecca Bingo Foljambe Road Chesterfield S40 1NJ For Mecca Bingo	CP	28/09/2023
CHE/23/00446/FUL	Brimington North	Construction of two two-bedroom bungalows and associated fencing  At Fairfield House 64 Station Road Brimington Chesterfield S43 1JT For Mr Mark Anglesea	REF	04/10/2023



<b>Code No FileNo</b>	<b>Ward</b>	<b>Proposal</b>	<b>Decision</b>	<b>Decision Date</b>
CHE/23/00458/FUL	Spire	Remove concrete panels on 3 external walls and replace with facing brickwork  At 99 Hady Lane Hady Chesterfield S41 0DH For Walker Brothers Investments	CP	06/10/2023
CHE/23/00464/FUL	Hasland	Single storey rear extension At 45 Broomfield Avenue Hasland Chesterfield S41 0LU  For Mr Steve Corbett	CP	11/10/2023
CHE/23/00465/FUL	Linacre	Construction of masonry steps & handrail to front of property and car hardstanding. At 16 Sudbury Close Holme Hall Chesterfield S40 4RS For Derbyshire County Council, Disabled Design Team	CP	09/10/2023
CHE/23/00467/PA	Spire	prior approval for change of use to 1 flat At 35 West Bars Chesterfield S40 1AG  For Mr Ismael Abdullah	PA	04/10/2023
CHE/23/00469/DOC	Brampton West & Loundsley	Discharge of conditions 3 (Biodiversity) and 5 (Northern boundary treatment) of application CHE/22/00374/FUL- Demolition of existing conservatory and erection of a single/two storey rear extension. Resubmission of application CHE/21/00678/FUL  At 62 Storrs Road Chesterfield S40 3PZ  For Mr Tim Vice	DPC	29/09/2023

<b>Code No FileNo</b>	<b>Ward</b>	<b>Proposal</b>	<b>Decision</b>	<b>Decision Date</b>
CHE/23/00470/LBC	Whittington	Replacement of 4 windows with like for like single glazed sash windows At 8 Church Street North Old Whittington Chesterfield S41 9QW  For Miss Kate Witham	CP	29/09/2023
CHE/23/00484/DOC	Whittington	Discharge of conditions 11 (Land contamination investigations) and 12 (Coal mining investigations) of application CHE/20/00878/FUL- Demolition of disused church/church hall building and erection of 9 three bedroom houses with associated access, parking and landscaping At St Patricks Church Hall High Street New Whittington Chesterfield S43 2AN  For Wilcockson Construction Ltd	DPC	25/09/2023
CHE/23/00488/PA	Spire	Change of use of first and second floors to 2 dwellings At 24-26 Knifsmithgate Chesterfield S40 1RF  For Pemart Limited	PA	05/10/2023
CHE/23/00501/TPO	Walton	T1 and T2 Maple- 50% crown reduction At 20 and 22 Foxbrook Drive Walton Chesterfield S40 3JR  For Mrs Modupe Ayonrinde	REF	27/09/2023

<b>Code No FileNo</b>	<b>Ward</b>	<b>Proposal</b>	<b>Decision</b>	<b>Decision Date</b>
CHE/23/00516/DEM	Walton	Demolition of existing farmhouse and redundant agricultural buildings At The Old Crane Hire Yard (Walton Fields Farm) Walgrove Road Walton Chesterfield  For Mrs Turner	PANR	26/09/2023
CHE/23/00534/DOC	Brampton West & Loundsley	Discharge of Condition 23 (Further bat survey) of application CHE/22/00109/OUT- Outline application for the demolition of existing office premises and erection of residential dwellings, with all matters reserved except access  At Manor Offices Old Road Chesterfield S40 3QT For Balfour Beatty Homes	DPC	02/10/2023
CHE/23/00539/DOC	Brampton West & Loundsley	Discharge of conditions 4 (Biodiversity enhancement plan), 8 (Tree protection plan and arboricultural method statement), 9 (Landscaping plan) and 17 (Climate change) of application CHE/22/00607/FUL- Demolition of 20 and 22 Somersall Lane and erection of three replacement dwellings with associated parking and turning areas (existing accesses retained)  At 20 Somersall Lane Somersall Chesterfield S40 3LA For Rutland UK Property Ltd	DPC	02/10/2023

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/23/00546/TPO	Walton	<p>T22- Sweet Chestnut- Crown lift by maximum of 2.5m from ground level pruning back to suitable replacement branches, leaving a well balanced crown. Reduction of branches growing towards the conservatory to give a 1m clearance from the structure pruning back to suitable replacement branches.</p> <p>Removal of damaged or dead branches and removal of any epicormic growth</p> <p>At The Laurels 2 Park Hall Gardens Walton Chesterfield S42 7NQ</p> <p>For J.E Kemp</p>	CP	27/09/2023
CHE/23/00549/DEM	Brampton West & Loundsley	<p>Demolition of buildings</p> <p>At Manor Offices Old Road Chesterfield S40 3QT</p> <p>For Mr Tim Linnell</p>	PANR	02/10/2023
CHE/23/00550/DOC	Spire	<p>Discharge of conditions 3 (Design and associated management and maintenance plan) and 4 (Details of additional surface water run-off) of application CHE/22/00811/FUL- Resurfacing of parking areas and additional parking spaces, soft landscaping and speed management measures. Rendering, new windows, doors and balcony panels</p> <p>At Newland Dale Newbold Chesterfield S41 7QQ</p> <p>For Chesterfield Borough Council</p>	DPC	09/10/2023
CHE/23/00551/TPD	Dunston	<p>Single storey rear extension</p> <p>At 8 Westmoreland Road Newbold Chesterfield S41 8FA</p> <p>For Dr D Haidry</p>	PANR	06/10/2023

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/23/00558/TPO	Spire	<p>T2 &amp; T3 (Popular) - re-pollarding to reduce the shade cast by the trees and to keep the trees to a suitable size for their environment. T4 - T10 (Small leaved limes) - re-pollarding same as above T11 &amp; T12 (Beech) - Crown lift the lower branches to increase the clearance between the ground and the crown. We wish to lift the crown of the 2 trees to a height of no more than 3 metres. This is to reduce the shade cast by the trees and to keep them to a suitable size for their environment.</p> <p>At Hady Meadows 73A Hady Hill Hady Chesterfield S41 0EE For Mrs Justine Fletcher</p>	CP	29/09/2023
CHE/23/00559/TPO	Brampton West & Loundsley	<p>T1-4 Lime trees adjacent to the front boundary of the property. Re-pollard to approximately 1m above the previous height</p> <p>At 8 Oakfield Avenue Chesterfield S40 3LE For Mr Alan Redfern</p>	CP	26/09/2023
CHE/23/00562/TPO	Staveley Central	<p>T2 Elm in green space adjacent to 8 Kentmere Way - elm tree is dead and requires removal</p> <p>At Green Space Land To The Rear Of 8 Kentmere Way Middlecroft Staveley Chesterfield S43 3TW For Chesterfield Borough Council</p>	CP	25/09/2023
CHE/23/00567/TPO	Brampton West & Loundsley	<p>Copper Beech - crown thin by 20% to include shortening of branches over the grage to allow more light</p> <p>At 33 Oakfield Avenue Chesterfield S40 3LE</p>	CP	27/09/2023

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/23/00568/TPO	Brimington North	T1-Horse Chestnut. The tree is becoming too large for its location and taking light from the house and garden. 25% Crown reduction and thin canopy  At 7 Hedley Drive Brimington S43 1BF  For Mr Smith	SC	12/10/2023
CHE/23/00569/TPO	Brockwell	Crown reduction to a willow tree in the grounds of the property At Hawkinge House 30 Newbold Back Lane Chesterfield S40 4EY  For Mr Keith Davidson	CP	05/10/2023
CHE/23/00575/CPO	Brampton West & Loundsley	Single storey building to provide accommodation for childrens home, family support centre, short break, emergency provision and support services for young people from 8 - 17 who may have a physical disability, learning disability, autistic spectrum condition or sensory impairment together with vehicular and pedestrian access, car parking, landscaping and associated infra structure  At Former Ashbrook Centre Cuttholme Road Loundsley Green Chesterfield For Derbyshire County Council	OC	10/10/2023
CHE/23/00581/TPO	Brampton West & Loundsley	Remove branches within 1.5m of property At Land Adjacent 392 Ashgate Road Chesterfield S40 4DD  For Mr Richard Crampton	CP	02/10/2023

<b>Code No FileNo</b>	<b>Ward</b>	<b>Proposal</b>	<b>Decision</b>	<b>Decision Date</b>
CHE/23/00588/CA	Spire	Removal of dead tree in south west corner At Bowling Green South Place Chesterfield  For Chesterfield Bowling Club	UP	05/10/2023
CHE/23/00593/TPO	Linacre	Ash tree - One limb has failed and landed in neighbours garden. 2nd Limb has a large crack all the way through - to cut back to just below the crack and reshape by 25% At 11 Woodland Walk Holme Hall Chesterfield S40 4YB  For Mrs Samantha Meadows	CP	05/10/2023
CHE/23/00602/TPO	Brimington North	T1 and T2 Oak- Prune back encroaching oak crowns to provide 2 to 3m clearance from adjacent property and Remove deadwood overhanging highway (40mm+ diameter)  At Newbridge Lane Brimington Chesterfield  For Derbyshire County Council	CP	12/10/2023
CHE/23/00608/TPO	Brampton West & Loundsley	Oak T117 - Remove epicormic growth, remove back branches from touching house + garage to new growing tips, reduce crown by 25% leaving well balanced crown. Due to excessive shading branches touching house + roof  At Pynot Fields 19B Somersall Lane Somersall S40 3LA  For John Salway	CP	12/10/2023

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/23/00612/CA	Staveley Central	<p>T1,T2,T3,T4,T5 Lime - re-pollard, T7 Chestnut - re-pollard, T8 Ash - re-pollard (please extend permission to 10 years to allow 3 re-pollarding cycles)</p> <p>T6 Lime - Fell, tree is very close and interfering with T5</p> <p>At 25 Porter Street Staveley Chesterfield S43 3UY For Mr David Mateer</p>	UP	12/10/2023



## *Delegated List - Planning Applications*

### Key to Decisions

<b>Code</b>	<b>Description</b>
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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<b>COMMITTEE/SUB</b>	Planning Committee
<b>DATE OF MEETING</b>	23 <sup>rd</sup> October 2023
<b>TITLE</b>	DELEGATION
<b>PUBLICITY</b>	For Publication
<b>CONTENTS</b>	Items approved by the Development Management and Conservation Manager under the following Delegation references:-  Felling and Pruning of Trees P100D, P120D, P130D
<b>RECOMMENDATIONS</b>	Not applicable
<b>LIST OF BACKGROUND PAPERS</b>	Relevant applications

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

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

<b><u>CODE NO</u></b>	<b><u>DESCRIPTION OF PROPOSAL</u></b>	<b><u>TERMS OF DECISION</u></b>
CHE/23/00562/TPO TPO 4901.128  25/09/23	The felling of one dead Elm trees reference T2 on the Order Map and which is situated in the greenspace to the rear of 8 Kentmere Way, Staveley	<p>Consent is granted to the felling of one dead Elm tree by virtue of Part VIII, Chapter 1, Section 198, paragraph 6(a) of the Town and Country Planning Act 1990 as amended under The Town and Country Planning (Tree Preservation) (England) Regulations 2012, which has provision for dead and dangerous trees, Section 206, paragraph 1(b) of the same Act requires any dead/dangerous tree to be felled under Section 198 to be replaced during the next available planting season.</p> <p>The replacement tree is to be one Oak and planted as near as reasonably possible to the original tree.</p>
CHE/23/00559/TPO TPO 4901.16  26/09/23	The pruning of four trees reference T2, T4, T5 and T6 Lime on the Order map and which are situated in the front garden of 8 Oakfield Avenue, Somersall	Consent is granted to the re-pollarding of 4 Lime trees pruning back to previous pollard points.

<p>CHE/23/00501/TPO</p> <p>TPO 4901.174</p> <p>27/09/23</p>	<p>The pruning of two Maple trees reference T1 &amp; T2 on the Order Map and which are situated to the rear 20 &amp; 22 Foxbrook Drive, Walton.</p>	<p>Consent is refused to the crown reduction by 50% of two Maple trees because this would reduce the amenity of the trees and the contribution the trees currently make on the streetscene and the general character of the area. The crown reduction by 50% of the crown would therefore have a substantial adverse impact by reducing their visual amenity.</p> <p>There is almost inevitably some loss of light where trees are concerned but, in this instance, it is not considered to be at an unreasonable degree. Likewise, the dropping of minor debris, insect residue and leaf fall is a natural and normal occurrence and not a sufficient reason to justify a crown reduction.</p> <p>A degree of seasonal inconvenience and additional maintenance associated with the shedding of leaves, small twigs and other debris is an unavoidable consequence of owning a property containing protected trees. It is considered that the overall impact in this instance is not too excessive and not a sufficient reason to warrant a heavy reduction of the crown.</p>
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<p>CHE/23/00546/TPO TPO 4901.169 27/09/23</p>	<p>The pruning of one Sweet Chestnut tree reference T22 on the Order Map and which is situated in the grounds of 2 Park Hall Garden, Walton</p>	<p>Consent is granted to crown lift the tree over the highway by 5 metres and 2.5 metres over the garden and public footpath. Consent is also granted to remove dead wood and the small amount of epicormic growth and reduce branches growing towards to conservatory to give a 1 metre clearance from the structure.</p>
<p>CHE/23/00567/TPO TPO 4901.74 27/09/23</p>	<p>The pruning of one Copper Beech reference T32 on the Order map at 33 Oakfield Avenue.</p>	<p>Consent is granted to a 20% crown thin and the reduction of branches growing towards the garage to give a 2 metre clearance from the structure.</p>
<p>CHE/23/00558/TPO TPO 4901.186 29/09/23</p>	<p>The pruning of 9 trees reference T4 – T10 Lime, T11 &amp; T12 Copper Beech on the Order Map and which are situated on the west boundary of 73a Hady Hill</p>	<p>Consent is granted to re-pollard 7 Lime trees pruning back to previous pollard points and to crown lift 2 Beech trees by 3 metres pruning back to suitable replacement branches.</p>
<p>CHE/23/00581/TPO TPO 4901.7 02/10/23</p>	<p>The pruning of Pine trees within G2 on the Order Map and which are situated to the west of 392 Ashgate Road, Ashgate.</p>	<p>Consent is granted to the reduction of lateral branches growing towards 392 Ashgate Road to give a maximum of 1.5 metres clearance from the structure, pruning back to suitable replacement branches.</p>

<p>CHE/23/00569/TPO TPO 4901.311 04/10/23</p>	<p>The pruning of one Willow tree reference T1 on the Order Map and which is situated in the grounds of Hawkinge House, Newbold Back Lane</p>	<p>Consent is granted to the crown reduction by 4-5 metres of one Willow tree to previous reduction points pruning back to suitable replacement branches and leaving a well-balanced crown. To include the removal of one damaged lower limb.</p>
<p>CHE/23/00593/TPO TPO 4901.191 05/10/23</p>	<p>The pruning of one Ash tree reference T4 on the Order Map and which is situated in the rear garden of 11 Woodland Walk, Holmehall</p>	<p>Consent is granted to the reduction of one damaged limb and crown reduce the remainder of the tree to re-shape by 25% pruning back to suitable replacement branches as recommended on application CHE/23/00495/TPO where consent was refused to fell the tree.</p>
<p>CHE/23/00602/TPO TPO 4901.178 11/10/23</p>	<p>The pruning of two Oak trees reference T2 &amp; T3 on the Order Map and which are situated adjacent to 23 Newbridge Lane, Brimington.</p>	<p>Consent is granted to the reduction of branches growing towards 23 Newbridge Lane to give a 2-3 metre clearance from the structure and a crown clean to remove dead wood.</p>
<p>CHE/23/00568/TPO TPO 4901.74 11/10/23</p>	<p>The pruning of one Horsechestnut tree reference T14 on the Order Map and which is situated at 7 Hedley Drive, Brimington.</p>	<p>Consent is refused to an all-round crown reduction because this this would create unnecessary wounds to a healthy tree.</p> <p>Consent is granted to the reduction of lateral branches to the south and west of the crown to reshape and balance the tree and at the same time reduce branches on the outer canopy away from the property. Consent is</p>



		also granted to a limited crown thin by 15% to allow more light through the trees canopy into the property and front garden.
CHE/23/00608/TPO TPO 4901.43 11/10/23	The pruning of one Oak tree reference T117 on the Order Map and which is situated to the rear of 19b Private Drive, Somersall Lane	Consent is granted to a 25% crown reduction and the pruning back of branches growing towards the property to give a 1.5 metre clearance from the structure, pruning back to suitable replacement branches and leaving a well-balanced crown.

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

<b><u>CONTENTS OF NOTICE</u></b>	<b><u>SUMMARY OF CONSIDERATIONS</u></b>	<b><u>TERMS OF DECISION</u></b>	<b><u>DATE OF DECISION</u></b>
CHE/23/00588/CA The felling of one dead Pine tree at Chesterfield Bowling Club, Beetwell Street.	The tree is within the Town Centre Conservation Area.	Agreement to the felling of one dead Pine tree. The felling of the tree will have no adverse effect on the character and amenity of the area.	05/10/23
CHE/23/00612/CA The felling of one Lime tree and the re-planting of 5 Limes, 1 Ash and 1 Horsechestnut at 25 Porter Street, Staveley.	The trees are within the Staveley Conservation Area. The applicant wishes to fell one pollarded Lime tree due to its location next to a larger Lime tree and its poor growth and form.	Agreement to the felling and pruning of trees. The felling and pruning of the trees will have no adverse effect on the character and amenity of the area.	11/10/23

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## APPEALS REPORT

**MEETING:** PLANNING COMMITTEE

**DATE:** 23rd October 2023

**REPORT BY:** DEVELOPMENT MANAGEMENT AND  
CONSERVATION MANAGER

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### FOR PUBLICATION

#### BACKGROUND PAPERS FOR PUBLIC REPORTS

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

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#### 1.0 PURPOSE OF REPORT

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

**PAUL STANIFORTH**  
**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**

<b><u>FILE NO.</u></b>	<b><u>WARD</u></b>	<b><u>APPELLANT</u></b>	<b><u>CASE</u></b>	<b><u>MEMBER OFFICER</u></b>	<b><u>DATE REC</u></b>	<b><u>TYPE AND DATE</u></b>	<b><u>DECISION AND DATE</u></b>
2/2581	Middlecroft & Poolsbrook ward	Mr T Singh	CHE/21/00381/FUL Extension at 26A Circular Road – Refusal	Officer delegation	23/2/23	Written Reps	
2/1257	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	
2/2403	Holmebrook ward	Mr Paul Servante	CHE/19/00534/RET – Play Equipment at 94 Chester Street – appeal against planning refusal dated 19/11/19 rather than Enforcement Notice	Committee authorised Enforcement Notice	9/6/23	Written Reps	

2/1118	Whittington ward	Mr Paul Hardy (Vivid Outdoor Media Ltd	CHE/23/00026/ADV – Illuminated 48 sheet hoarding at Station Road, Whittington Moor - Refusal	Officer delegation	19/07/23	Written Reps	
2/	Brampton West and Loundsley Green	Mr Richard Ogle at	CHE/23/00167/FUL – Vehicle access at 192 Old Road. - Refusal	Officer delegation	29/8/23	Written Reps	
2/6155	Staveley North	Mr and Mrs Linathon	CHE/23/00287/FUL – extension of Oak Tree Barn, Bolsover Road - Refusal	Officer delegation	26/9/23	Written Reps	



# FOR PUBLICATION Agenda Item 8

## ENFORCEMENT REPORT

**MEETING:** PLANNING COMMITTEE  
**DATE:** 23<sup>RD</sup> OCTOBER 2023  
**REPORT BY:** HEAD OF REGULATORY LAW  
DEVELOPMENT MANAGEMENT & CONSERVATION MANAGER  
**WARD:** As listed in the report

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### **FOR PUBLICATION**

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

### **BACKGROUND PAPERS**

LOCATION: LEGAL SERVICES

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#### **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  
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# ENFORCEMENT REPORT

Enforcements currently Authorised: 11

13 October 2023

Address	Authorised <small>days from</small>	Breach	CHE/ <small>days to issue</small>	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
<b>Breach of Condition Notice</b>		<i>Total currently Authorised: 2</i>		<i>Authorised to Issue Average: 540 days</i>					
Dunston Road	Dunston Hall 25/05/23 <small>141</small>	Loud music in marquee	23/00228/DOC				Authorised by Development Management and Conservation Manager	<input type="checkbox"/>	D
York Street	2 23/09/19 <small>1,481</small>	balcony, canopy and french door	17/00800/FUL	16/03/21 <small>540</small>	16/03/21 <small>941</small>	16/04/21 <small>910</small>	Issued. One month to submit details. Then 6 months after approval to carry out works. Not complied. Prosecution being prepared.	<input type="checkbox"/> <small>18/03/21</small>	Ha
<b>Enforcement Notice</b>		<i>Total currently Authorised: 5</i>		<i>Authorised to Issue Average: 65 days</i>					
Chester Street	94 20/02/23 <small>235</small>	wooden play structure		30/05/23 <small>99</small>	29/06/23 <small>106</small>	29/07/23 <small>76</small>	removal within 28 days. Issued 30/05/23. Owners indicated they would appeal refusal of planning permission and might also appeal enforcement notice. However no appeals registered before notice took effect.	<input type="checkbox"/> <small>30/08/23</small>	B

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
Markham Road	Markham House	18/02/08 5,716	storage of commercial vehicles		20/03/08 31	18/04/08 5656	20/10/08 5471	Complied by 2009. Unauthorised use has started again. Prosecute - awaiting instructions.	<input type="checkbox"/> 14/11/19	HI
Park Hall Avenue	2	12/12/22 305	timber fencing and stone columns on frontage					Awaiting instructions	<input type="checkbox"/> 21/12/22	Wa
Pottery Lane West	10	18/07/22 452	Storage of vehicles					About to be issued.	<input type="checkbox"/> 20/10/22	Mo
York Street	2	09/10/17 2,195	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"/> 19/12/18	Ha

### Enforcement Notice (Listed Building)

Total currently Authorised: 1 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
Old Hall Road	Brampton House	02/10/23 11						various unauthorised alterations. Awaiting instructions.	<input type="checkbox"/>	Bro
<b>Section 215 Amenity Notice</b>			<i>Total currently Authorised: 3 Authorised to Issue Average: days</i>							
Edinburgh Road	12	10/10/22 368	unroadworthy vehicle, trailer and miscellaneous building materials etc.					Did not comply within 3 months given. Instructed.	<input type="checkbox"/> 28/10/22	SH
Highfield Road	80	05/10/20 1,103	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"/> 15/02/21	SH
Tapton Terrace	26	05/10/20 1,103	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"/> 15/02/21	SL

<b>Address</b>	<b>Authorised</b> <i>days from</i>	<b>Breach</b>	<b>CHE/</b>	<b>Issued</b> <i>days to issue</i>	<b>Effective</b> <i>days to (-) /from</i>	<b>Comply</b> <i>days to (-) /from</i>	<b>Notes</b>	<b>update</b> <i>last update</i>	<b>Ward</b>
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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*

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

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