



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

5 April 2024

Dear Councillor,

Please attend a meeting of the PLANNING COMMITTEE to be held on MONDAY, 15 APRIL 2024 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 11.25 am. Ward members wishing to be present should attend on site as indicated below:-

1. 11.45am 82 St Philips Drive, Hasland, Chesterfield

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

A reasonable adjustment meeting will take place at 11.10am in Committee Room 1 for those not able to attend the site visit.

Ward members are invited to attend on site and should confirm their attendance by contacting Liz Athorn on tel. 01246 959612 or via e-mail: liz.athorn@chesterfield.gov.uk by 9.00 a.m. on Monday 15th April 2024. If you do not confirm your attendance, it will be assumed that you will not be attending on site.

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

1. Apologies for Absence
2. Declarations of Members' and Officers' Interests Relating to Items on the Agenda
3. Minutes of Planning Committee (Pages 3 - 18)
4. Applications for Planning Permission - Plans Determined by the Committee (Pages 19 - 38)
5. Applications for Planning Permission - Plans Determined by the Development Management and Conservation Manager (P140D) (Pages 39 - 52)
6. Applications to Fell or Prune Trees (P620D) (Pages 53 - 60)
7. Appeals Report (P000) (Pages 61 - 64)
8. Enforcement Report (P410) (Pages 65 - 68)

Yours sincerely,



Head of Regulatory Law and Monitoring Officer

PLANNING COMMITTEE

Monday, 25th March, 2024

Present:-

Councillor Brittain (Chair)

Councillors B Bingham
Davenport
Falconer

Councillors Miles
Ridgway
Stone
Yates

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

CHE/24/00019/REM1 - Variation of Condition 1 (Approved Plans) of CHE/21/00131/REM - Erection of Detached Dwelling including Access at Land between 34 and 38 Lake View Avenue, Walton, Chesterfield, S40 3DR for Mr Long.

Councillors Brittain, Falconer, Miles, Ridgway, Stone and Yates.

CHE/23/00370/REM - Reserved Matters Application for CHE/20/00700/OUT - Erection of 143 Residential Units, Associated Parking, Secondary Roads and Landscaping, Phase 1 on Land South of Worksop Road, Mastin Moor, Chesterfield for Harron Homes.

Councillors Brittain, Falconer, Miles, Ridgway, Stone and Yates were unable to attend the site visit at Land South of Workshop Road, Mastin Moor, due to vehicle breakdown and received relevant site information by other means as a reasonable adjustment.

Councillors B Bingham and Davenport were unable to attend on site and received relevant site information by other means as a reasonable adjustment.

*Matters dealt with under the Delegation Scheme

127 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors J Bingham, Brady, Callan and Caulfield.

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

CHE/23/00370/REM - Reserved Matters Application for CHE/20/00700/OUT - Erection of 143 Residential Units, Associated Parking, Secondary Roads and Landscaping, Phase 1 on Land South of Worksop Road, Mastin Moor, Chesterfield for Harron Homes.

Paul Staniforth, Development Management and Conservation Manager, declared an interest in this item due to a member of his family objecting and being neighbours to the outline application site.

129 MINUTES OF PLANNING COMMITTEE

RESOLVED - That the Minutes of the meeting of the Planning Committee held on 11th March, 2024 be signed by the Chair as a true record.

130 APPLICATIONS FOR PLANNING PERMISSION - PLANS DETERMINED BY THE COMMITTEE

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

CHE/23/00370/REM - RESERVED MATTERS APPLICATION FOR CHE/20/00700/OUT - ERECTION OF 143 RESIDENTIAL UNITS, ASSOCIATED PARKING, SECONDARY ROADS AND LANDSCAPING, PHASE 1 ON LAND SOUTH OF WORKSOP ROAD, MASTIN MOOR, CHESTERFIELD FOR HARRON HOMES.

Paul Staniforth declared an interest in this item and left the meeting at this point.

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

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

***RESOLVED**

A. That the officer recommendation be upheld and the application be approved subject to the following conditions and a CIL Liability Notice issued.

1. The development hereby approved shall only be carried out in full accordance with the approved plans (listed below) with the exception of any conditional requirement below or of the Outline permission (CHE/20/00700/OUT) or of any approved non-material amendment. All external dimensions and elevational treatments shall be as shown on the approved plan/s (listed below):

- Site location plan 593-003 received 15.06.2023
- Site layout 593-001 Rev Q received 08.03.2024
- External materials and boundary treatments layout 593-006 Rev D received 08.03.2024
- Materials layout 593-005 Rev E received 08.03.2024
- House type bundle Rev C received 05.03.2024
- Coal mining overlay 593 received 29.01.2024
- Adoptable highway geometry principles 1163-001 received 29.01.2024
- Street scenes 593-021 received 29.01.2024 (notwithstanding the updated house type bundle Rev C)
- Site sections 593-009 received 29.01.2024
- Fire swept path analysis 593-012 received 15.06.2023
- Refuse swept path analysis 593-011 received 15.06.2023
- Deliveries swept path analysis 593-013 received 15.06.2023
- Drainage strategy 1163-SK04 received 15.06.2023
- Levels Strategy 1163-SK03 received 15.06.2023
- Noise impact assessment received 15.06.2023
- Design and Access Statement received 21.06.2023
- JSP Ltd Sustainability statement Bolsover Road Mastin Moor Phase 1 dated October 2022 received 15.06.2023
- Phase 1 planning statement received 15.06.2023
- Eastwood Remediation implementation plan dated 9th November 2022 received 15.06.2023
- Construction Environmental management plan received 15.06.2023
- Eastwood Geotechnical and Geo-environmental Site Investigation dated 12th September 2022 Part 1 to 6 received 15.06.2023
- Sales area plan 593-201 Rev B received 15.06.2023

2. Notwithstanding submitted plan 593-201 Rev B received 15.06.2023, this permission does not grant advertisement consent for the sales signage or flags.
3. Prior to works commencing beyond slab level on the first plot, details of all retaining features; including any walls, structures or banking shall be submitted to and approved in writing by the Local Planning Authority. Works shall be completed in accordance with the agreed details.
4. Prior to works commencing beyond slab level on the first plot, details of boundary treatments to clearly define the separation of public and private spaces to the housing across the site, shall be submitted to and approved in writing by the Local Planning Authority. Works shall be completed in accordance with the agreed details.
5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or in any Statutory Instrument revoking or re-enacting that Order with or without modification) no buildings, structures, extensions, fences, gates, walls or other means of enclosure shall be erected within the area of the curtilage between the dwelling and the highway or open space edge as defined by the agreed boundary locations set out on the external materials and boundary treatments layout plan 593-006 Rev D received 08.03.2024, in respect of the following plots; 1, 5, 9, 11, 20, 23, 26, 27, 28, 31, 33, 44, 45, 53, 56, 57, 61, 67, 70, 76, 79, 80, 81, 82, 86, 87, 96, 97, 99, 100, 101, 109, 110, 112, 115, 116, 117, 120, 123, 128, 131, 135, 138, 143, without the prior written approval of the Local Planning Authority upon an application submitted to it.
6. Notwithstanding the external materials and boundary treatments layout plan 593-006 Rev D received 08.03.20, the northern boundary to plot 57 where it is adjacent the footpath and shown as a dotted blue line, there shall be a 1.8m high screen fence with brick dwarf wall and piers as demonstrated by the purple line on the same plan.
7. Notwithstanding the details shown on plan External materials and boundary treatments layout plan no. 593-006 Rev D received 08.03.20, the rear garden boundaries to the affordable housing shall be the 1.8m high feather edge timber fence, not the 1.2m high post and rail fence.
8. In accordance with conditions 3 to 7 above the agreed boundary treatments defined as agreed or shown on the external materials and

boundary treatments layout plan no. 593-006 Rev D received 08.03.2024, shall be installed on site in accordance with the agreed details prior to the occupation of each unit.

Reason – In order to ensure an appropriate finished form of development in accordance with policy CLP20 of the Adopted Local Plan.

9. Notwithstanding the external materials shown on Materials layout plan 593-005 Rev E received 08.03.2024, the external facing materials of the housing hereby approved shall be agreed in writing with the Local Planning Authority in accordance with condition 55 of the outline permission CHE/20/00700/OUT.

10. The development shall be completed in accordance with the recommendations of the Noise Impact Assessment for Harron Homes dated 19th September 2022 NIA-10539-22-10680-v1 Mastin Moor, Phase 1.

11. The bat and bird boxes to be integrated into the fabric of the external walls as shown on materials layout plan 593-005 Rev E shall be installed prior to the occupation of each unit where the boxes are to be provided.

12. Further to the requirements of condition 48 of the outline permission CHE/20/00700/OUT, and prior to the development progressing above the slab level of the first dwelling in the phase to which this permission relates, details of the treatment of all parts on the site not covered by buildings shall be submitted to and approved in writing by the Local Planning Authority.

The site shall be landscaped strictly in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner.

The details shall include:

- 1) a scaled plan showing all existing vegetation and landscape/habitat features to be retained and trees/plants to be planted and new habitats created;
- 2) details of;
 - a) tree pit design;
 - b) underground modular systems;
 - c) sustainable urban drainage integration;
- 3) a schedule detailing sizes and numbers/densities of all proposed trees/plants;
- 4) specifications for operations associated with plant establishment and maintenance that are compliant with best practise; and

5) types and dimensions of all boundary treatments.

There shall be no excavation or raising or lowering of levels within the prescribed root protection area of retained trees, hedgerows and habitats unless agreed in writing by the Local Planning Authority.

13. The development hereby approved shall not be occupied until the access, parking and turning facilities have been provided as shown on the submitted drawing(s).

14. The development hereby approved shall not be occupied until visibility splays are provided from a point 0.6m above carriageway level at the centre of the access to the application site and 2.4 metres back from the near side edge of the adjoining carriageway, (measured perpendicularly), for a distance of 25m metres in each direction measured along the nearside edge of the adjoining carriageway and offset a distance of 0.6 metres from the edge of the carriageway. These splays shall thereafter be permanently kept free of all obstructions to visibility over 0.6m in height above carriageway level.

15. The development hereby approved shall not be occupied until sheltered, secure and accessible bicycle parking has been provided for each plot in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority. The agreed cycle parking storage area shall be maintained for this purpose thereafter.

16. Notwithstanding House type bundle Rev C received 05.03.2024, to house type The Empingham there shall be no blocked window detail to the upper floor side elevation, which shall instead have plain bricked walling.

B. That a CIL liability notice be issued.

Paul Staniforth rejoined the meeting at this point.

CHE/24/00019/REM1 - VARIATION OF CONDITION 1 (APPROVED PLANS) OF CHE/21/00131/REM - ERECTION OF DETACHED DWELLING INCLUDING ACCESS AT LAND BETWEEN 34 AND 38 LAKE VIEW AVENUE, WALTON, CHESTERFIELD, S40 3DR FOR MR LONG

***RESOLVED**

A. That the officer recommendation be upheld and the application be approved subject to the following conditions and that a CIL Liability be issued as per Section 5.11 of the Officer's Report:-

1. The development hereby approved shall only be carried out in full accordance with the approved plans and documents (listed below) with the exception of any approved non material amendment.

- Site and Location plan, drawing number 3274-CDA-00-ZZ-DR-A-0400
- Proposed site levels and site sections, drawing number 3274-CDA-00-ZZ-DR-A-0401
- Proposed plans, drawing number 3274-CDA-00-ZZ-DR-A-0402
- Proposed Elevations, drawing number 3274-CDA-00-ZZ-DR-A-0403

2. This consent shall not extend to the use of render as shown on drawing Proposed Elevations, drawing number 3274-CDA-00-ZZ-DR-A-0403 and drawing. Proposed site levels and site sections, drawing number 3274-CDA-00-ZZ-DR-A-0401. Precise specifications or samples of all materials to be used in the construction of the external surfaces of the proposed development shall be submitted to and approved in writing by the local Planning Authority before any work to any external surface is carried out. The development shall thereafter be constructed in accordance with the approved details.

3. 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.

4. A scheme for biodiversity enhancement shall be submitted to the Local Planning Authority for consideration within two months of the commencement of the development. The approved biodiversity enhancement scheme shall be installed on site in full prior to the occupation of the development, maintained and retained thereafter.

B. That a CIL liability notice be issued for £25,505.83 as per section 5.11 of the officer's report.

*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/22/00083/ADV	New Illuminated signage at The Golden Fleece, High Street, Chesterfield for Star Pubs and Bars
CHE/23/00013/FUL	Single storey side extension to house. Rear extension and construction of a lower ground floor to garage to convert it into an annexe and render to the lower ground floor elevation. Retaining wall and steps/balustrade to lower ground floor level at 19 Cranleigh Road Woodthorpe, Chesterfield S43 3BH for Mr and Mrs Guerreiro
CHE/23/00383/FUL	Reorganisation of lower ground and ground floors of existing pub to form 2 self-contained units under class E (b), new glazed orangery and upgraded beer garden and formation of 3 flats within existing building at Marthas Vineyard, 3 Corporation Street, Chesterfield S41 7TU for Triward Holdings LTD
CHE/23/00617/FUL	External alterations to dining block at Outwood Academy Hasland Hall, Broomfield Avenue, Hasland, Chesterfield S41 0LP for Outwood Grange Academies Trust
CHE/23/00666/FUL	Front extension and single storey rear extension with roof terrace above and dormer at 127 Manor Road, Brimington, Chesterfield S43 1NP for Mrs T Lowe and Mr S Fawcett*
CHE/23/00773/FUL	Demolition of existing conservatory and erection of a single storey and two storey rear extension At 17 Troughbrook Road, Hollingwood, Chesterfield S43 2JN for Mr Paul Longstaffe.

CHE/23/00792/FUL	Erection of a double garage incorporating a hobby workshop at 78 Broomfield Avenue, Hasland, Chesterfield S41 0ND for Mr Chris Strawbridge
CHE/24/00002/REM	Variation to condition 2 (Approved plans) of CHE/23/00406/FUL (Demolition of existing lean to & erection of single storey rear extension) to amend window sizes and placements at 133 Station Road, Brimington, Chesterfield S43 1LJ for Mr and Mrs Gascoyne
CHE/24/00003/FUL	Demolition of existing garage and erection of single storey side and rear extension and increase of roof height to existing front gable end and cladding/render to it at 9 Amesbury Close, Chesterfield S41 8PJ for Ms Lena Babajan
CHE/24/00004/TPO	Removal of T34- Lombardy Poplar at 134 St Johns Road, Newbold, Chesterfield S41 8TW for Innovation Group
CHE/24/00026/SOL	Installation of 218 roof mounted solar building and ancillary development at Units 1 – 4, Highlands Place, Foxwood Road, Sheepbridge, Chesterfield S41 9RN for Custom Solar
CHE/24/00027/FUL	Demolition of existing rear ground floor flat roof extension and erection of new rear two storey flat roof extension with associated external works at 64 Broomfield Avenue, Hasland, Chesterfield S41 0ND for Mr & Mrs Clay
CHE/24/00040/TPO	Horsechestnut (T1)- Crown reduction due to excessive shading and to prevent branches contacting roof/guttering at 24 Gratton Place, Chesterfield S41 7FF for Mr Paul Burton
CHE/24/00086/TPO	Fell one Beech tree and one Elm tree within W1 and crown reduce 3 Holly tree within G4

- (description amended 05.03.24) at 33 Coupland Close, Old Whittington, Chesterfield S41 9TB for Mrs June MacDonald
- CHE/24/00098/TPO T1 Alder- Crown lift by 4m from ground level, pruning back leaving a balanced crown at 2 Bowness Road, Newbold, Chesterfield S41 8AH for Mrs Janet Holt
- CHE/24/00103/TPO T01 - Scot's Pine- Proposed pruning works as illustrated on photo 1 and photo 3 at land adjacent to 392 Ashgate Road, Chesterfield S40 4DD for Mr James Wright
- CHE/24/00108/TPO Scots pine T1 - crown lift 5m over highway to statutory height. Scots pine T2 - Crown lift to allowed over driveway height. Scots pine T6 - Request removal, crown lift to highway height would leave no branches, no foliage left. Scots Pine T7 Request removal, tree suppressed by T6, T9, T10. Happy to plant replacements at 188 Somersall Lane, Somersall S40 3NA for Mr Benjamin Coop
- CHE/24/00127/TPO Deodar cedar in the back garden, most northernly nearest to number 13, which becomes multi stemmed. Request to fell, during winter the limbs have been weakened resulting in one falling. New tree to be replanted at 15 The Dell, Ashgate, Chesterfield S40 4DL for Mr Bob Mckittrick
- CHE/24/00131/TPO Tree next to gate, next to no 1 Ash lodge court, brocklehurst piece and large tree, prune away from neighbouring property as branches are almost touching house at land adj. Poplar Motors, Old Road, Chesterfield S40 2QZ for Mr David Lister
- CHE/24/00148/TPO T1 Sycamore- Sever ivy around the lower bole. Prune out deadwood in excess of 25mm diameter T2 Horse Chestnut- Crown-reduce in

height by 4-5m and side-reduce lateral branch extending over the Hall drive by 4m to appropriate side branch. T3 Horse Chestnut- Crown-reduce by 6m in height and 4m in spread to previous reduction points T4 Lime- Crown lift to 3m at The Rectory, Church Street, Staveley, Chesterfield S43 3TN for Diocese Of Derby

(b) Refusals

- CHE/24/00082/DOC Discharge of condition 14 (Employment and Training scheme) of 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 3QR for Balfour Beatty Homes
- CHE/24/00099/TPO Removal of sycamore tree at 15 High Street, Brimington, Chesterfield S43 1DE for Mr James Bell

(c) Discharge of Planning Condition

- CHE/23/00635/DOC Discharge of conditions 3 (Hard surfacing and bollard details), 5 (Petrol interceptor details), 6 (Drainage details) of CHE/22/00068/FUL- Temporary car park at former Chesterfield Hotel, Malkin Street, Chesterfield S41 7UA for Chesterfield Borough Council
- CHE/23/00730/DOC Discharge of conditions 4 (Landscape and Ecological Management Plan) and 5 (Soft landscaping) of applications CHE/20/00432/FUL- The construction and operation of a solar photovoltaic farm, with battery storage and other associated infrastructure, including inverters, security cameras, fencing, access tracks and landscaping at land to West of Inkersall Road, Staveley, Chesterfield for Inkersall Solar Farm

Limited

- CHE/23/00777/DOC Discharge of conditions 10 (drainage discharge) and 11 (surface water drainage) of 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 Merlin Design and Survey Partnership
- CHE/23/00787/DOC Discharge of conditions 7 (Landscape and Ecological Management Plan), 8 (Soft Landscaping Plan), 10 (Hard Landscaping Scheme) and 13 (Sewage Protection Measures) of application CHE/23/00606/REM1- Variation of condition wording of conditions 12, 14 and 15 of CHE/20/00420/FUL Restoration of the Chesterfield Canal between Eckington Road and Hague Lane, including lifting level of existing earth embankment, installation of aqueduct over river Doe Lea, construction of two vehicular access bridges, two pedestrian/cycle bridges, a new lock and associated infrastructure at Eckington Road To Hague Lane, Eckington Road, Staveley, Chesterfield
- CHE/24/00016/DOC Discharge of planning condition 7 (schedule of fixtures and fittings) of CHE/23/00227/LBC - Internal and external alterations at 39, 39A and 41 Holywell Street, Chesterfield S41 7SH for Voeberg Hospitality Ltd

(d) Partial Discharge of Conditions

- CHE/22/00557/DOC Discharge of conditions 2 (Details of geomembrane), 3 (Details of woodland fencing), 4 (Foundation design of plot 137), 6 (Retaining walls and materials), 7 (Boundary treatments), 9 (Bin collection areas), 13 (Arboricultural impact

statement) and 16 (On plot landscaping) of application CHE/21/00567/REM- Approval of reserved matters of CHE/19/00131/OUT - residential development of 400 dwellings, public open space and associated infrastructure at Land To West Of Inkersall Road, Staveley, Chesterfield for Barratt David Wilson Homes

(e) Conditional Consent for non-material Amendment

CHE/24/00090/NMA Non-material amendment to CHE/22/00540/FUL (Construction of a new mental health facility and associated landscaping, groundworks, parking, and access arrangements - re-submission of CHE/21/00887/FUL)- to change retaining wall structure, remove fences and gates to police/ambulance vehicular entrance and addition of stairs at Chesterfield and North Derbyshire Royal Hospital, Chesterfield Road, Calow, Chesterfield S44 5BL for Derbyshire Healthcare NHS Foundation Trust C/o WSP

(f) Prior approval not required

CHE/24/00046/CLO Side extension and rear dormer loft conversion, change of use from C3 to C4 house in multiple occupation for 6 residents at 1 New Beetwell Street, Chesterfield S40 1QR for Kith Living Limited

CHE/24/00079/CLO Internal refurbishment and change of use to a 6 bed house in multiple occupation at 39 Park Road, Chesterfield S40 2LP for Miss Georgina Smith

(h) Unconditional Permission

CHE/24/00149/CA T6 Rowan- Crown lift to 3m G1 (Ash, Laurel, Sycamore, Horse Chestnut)- Side reduce to boundary fence line at The Rectory, Church Street, Staveley, Chesterfield S43 3TN for

Diocese Of Derby

132 APPLICATIONS TO FELL OR PRUNE TREES (P620D)

The Development Management and Conservation Manager reported that a full report will be provided at the next committee meeting.

133 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.

134 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.

135 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 involved the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A of the Act.

136 UNAUTHORISED DEVELOPMENT AT 28 MCMAHON AVENUE, INKERSALL, CHESTERFIELD, S43 3HN

The Development Management and Conservation Manager presented a report to inform members of the breach of planning legislation. This relates to the siting of a shipping container on the frontage of 28

McMahon Avenue, Inkersall, Chesterfield which is being used for business purposes. Authorisation is being sought for enforcement action to facilitate the cessation of the use and removal of the shipping container from the site.

***RESOLVED –**

That approval is granted for the issue of an enforcement notice, in relation to the unauthorised business use of the unit requiring it to cease with a compliance period of 28 days.

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Agenda Item 4

COMMITTEE/SUB	Planning Committee
DATE OF MEETING	15 th April 2024
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 15th APRIL 2024**

ITEM 1	CHE/23/00794/FUL - CHANGE OF USE FROM HEALTH CENTRE TO RESIDENTIAL ASSESSMENT CENTRE AND CHILDREN'S HOME INCLUDING GROUND FLOOR AND FIRST FLOOR EXTENSIONS AND OTHER ALTERATIONS AT 82 ST PHILIPS DRIVE, HASLAND, CHESTERFIELD FOR DR CATHERINE KEMP
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Planning Committee: 15th April 2024**ITEM****PROPOSAL: CHANGE OF USE FROM HEALTH CENTRE TO RESIDENTIAL ASSESSMENT CENTRE AND CHILDREN'S HOME INCLUDING GROUND FLOOR AND FIRST FLOOR EXTENSIONS AND OTHER ALTERATIONS****LOCATION: 82 ST PHILIPS DRIVE, HASLAND, CHESTERFIELD FOR DR CATHERINE KEMP**

Local Plan: Unallocated, within the built up area.

Ward: Hasland

1.0 CONSULTATIONS

Ward Members	Cllr Serjeant objects on grounds of negative impact on the character and nature of the area; overshadowing and loss of privacy; traffic, safety and parking.
Local Highways Authority	No highway objections subject to conditions regarding parking provision and provision of visibility splays, – see report
Strategic Planning	It is broadly an appropriate location for the proposed use in principle - see report.
Design Services Drainage	Part of the site is shown as susceptible to surface water flooding – need to ensure the new development is set no lower than the existing floor level.
Environmental Health	No adverse comments. Condition recommended restricting working hours.
Representations	84 objections received from 62 objectors - concerns raised regarding highway safety, inadequate parking provision, form of the design, overdevelopment, overlooking

	and overshadowing, impact on residential amenity, lack of bin provision – see report
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2.0 **THE SITE**

- 2.1 The application site is the vacant former health centre which comprises a single storey L-shaped building on the corner of St Philips Drive and Swanbourne Close. The surrounding area is residential, with dormer bungalows opposite the site along St Philips Drive and bungalows in Swanbourne Close and to the west on St Philips Drive. The existing car park is accessed from Swanbourne Close and exits onto St Philips Drive, a one-way system was in operation for the surgery.
- 2.2 The application site is within the defined Built up Area and is unallocated on the Chesterfield Borough Council adopted local plan policies map 2018-2035.
- 2.3 The site is within Flood Zone 1.



Block Plan 1:500

Photo 1: The Site (View from junction of St. Phillip's Drive and Swanbourne Close)



Photo 2: The Site (View from St. Phillip's Drive including existing vehicle exit)



Photo 3: The Site (View from Swanbourne Close including existing vehicle entrance)



3.0 SITE HISTORY

- 3.1 CHE/06/00671/FUL single storey extension, Conditional Permission 01.11.2007.
- 3.2 CHE/0993/05211/FUL single storey extension, Conditional Permission 11.11.1993.

4.0 THE PROPOSAL

- 4.1 The application proposes to change the use from a health centre to a residential assessment centre and children's home including ground and first floor extensions and other alterations to the access and car parking arrangements. It is proposed the majority of the existing tarmac car park would provide two separate outdoor amenity areas, with two separate parking areas, one to the east providing 5 spaces for unit 2 and 3 spaces to the west for unit 1.

Proposed Landscape Plan



Proposed Floorplans



Proposed Elevations



- 4.3 The proposed operator of the proposed care home would be TH Residential Services who set out that the proposal is to provide two facilities, each of which would provide a distinct type of residential care and support. One would be a three-bed facility to be used for emergency placement/assessment. Children would stay in the property for a relatively short period during which their specific needs would be assessed, before being placed in appropriate longer term care. The second would provide longer term accommodation for up to five children plus carers. The property has been specifically designed to accommodate children with learning disabilities. Both properties would be registered with Ofsted.
- 4.4 Both properties would have staff present on a 24/7 basis. The number of staff would vary according to the needs of the residents, with some staff on site for a short period of time, others for longer. Managerial and specialist staff may not need to be on site each day. The number of staff on site would increase for a short time during staff hand-over/shift change.
- 4.5 During a typical day, property 1 would have on site the following staffing team: a manager, a deputy manager, 1 senior support worker, 1 team leader and 2 residential support workers.

During a typical night time, property 1 would have on site the following staffing team: 1 senior support worker, 1 team leader and 1 residential support worker.

During a typical day, property 2 would have on site the following staffing team: a manager, 1 senior support worker and 2 residential support workers.

During a typical night time, property 2 would have on site the following staffing team: 1 senior support worker/team leader and 1 residential support worker.

- 4.6 Given their needs, children would not leave the site unaccompanied with any trips or visits away from the properties supported by staff at agreed care ratios.

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)
- CLP3 Flexibility in Deliver of Housing
- CLP6 Economic Growth
- CLP10 Social Infrastructure
- 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 2. Achieving sustainable development
- Part 4 Decision making
- 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 Before considering the principle of the proposed use, the loss of the health centre use needs to be addressed via the application of policy CLP10. This states that development resulting in the loss of a community facility should only be approved if:

- a) *there is an equivalent facility available in the locality or an equally accessible one is made available prior to the commencement of redevelopment to serve the same need; and*
- b) *it can be demonstrated through a viability assessment that the current use is economically unviable and all reasonable efforts have been made to let or sell the unit for the current use over a continuous 12 month period that includes advertisement for let or sale at a realistic price.*

6.1.2 Strategic Policy note that both parts of the policy need to be addressed before considering alternative uses. The applicant has provided a letter of support explaining the context of the move of health services from the building and it is noted that there is alternative provision at Hasland Medical Centre, around 700m from the site.

6.1.3 In respect of part (b) – no viability or sales information has been provided. However, it is appropriate to consider that GP services operate under specific funding and operational arrangements that mean that putting the unit on the open market would not be appropriate and is unlikely to result in re-use for the same purpose (as may be the case, for example, with a pub).

6.1.4 Given the above, officers are therefore satisfied that the requirements of policy CLP10 have been met.

6.1.5 The overriding aim of the Local Plan, as expressed in policies CLP1 and CLP2 is to locate uses where they are accessible by a range of means of transport, but with an emphasis on walking. This location is within the built up area, primarily residential, and within reasonable walking distance of a Local Centre and a range of

schools. It is therefore broadly an appropriate location for the use in principle.

6.2 Design and Appearance of the Proposal

- 6.2.1 Local Plan policy CLP20 states *‘all development should identify and respond positively to the character of the site and surroundings and respect the local distinctiveness of its context respect the character, form and setting of the site and surrounding area by virtue of its function, appearance and architectural style, landscaping, scale, massing, detailing, height and materials.’*
- 6.2.2 The surrounding residential area is characterised by detached single storey bungalows with a number of semi-detached chalet bungalows opposite the site on St Philips Drive. All these properties have pitched roofs with gables.
- 6.2.3 The proposed first floor extension would have a hipped roof. The ridge height would be 7.05 metres. The single storey extension would also have a hipped roof with a ridge height of 4.409 metres. It would extend the building to within 0.8m of the boundary with 80 St Philips Drive, with a gated pedestrian access to the rear.
- 6.2.4 The proposal is considered to be of a scale that would be out of keeping with the wider residential context of the site. It would introduce a two storey building into an area characterised by bungalows and being located on a prominent corner plot would fundamentally change the appearance of the area. The single storey extension would result in an elongated form of development, close to the side boundary, resulting in the need for car parking to be provided forward of the building. The design is thus considered to be unacceptable and as such would conflict with the requirements of Local Plan policy CLP20.

6.3 Impact on Neighbouring Residential Amenity

- 6.3.1 Local Plan policy CLP14 states that *‘All developments will be required to have an acceptable impact on the amenity of users and adjoining occupiers, taking into account noise and disturbance, dust, odour, air quality, traffic, outlook, overlooking, shading (daylight and sunlight and glare and other environmental impacts’*
- 6.3.2 Local Plan policy CLP20 expects development to *‘k) have an acceptable impact on the amenity of users and neighbours;’*
- 6.3.3 The proposed two storey addition would include bedrooms at first floor level. There would be one bedroom window plus bathroom

window in the north elevation facing 4 Swanbourne Close, one bedroom window plus two bathroom windows in the west elevation and three bedroom windows in the south elevation facing onto St Philips Drive.

- 6.3.4 The distance to the boundary fence with 4 Swanbourne Close is approximately 8.2m with the distance between the rear wall of 82 St Philips Drive and the side wall of 4 Swanbourne Close being around 10.6m. 4 Swanbourne Close has a rear conservatory.
- 6.3.5 The Successful Places Residential Design Guide SPD at 3.11.9 states *“to reduce the effect of direct overlooking from new houses, first floor habitable room windows directly facing a rear boundary should not normally be sited close than 10.5m to the boundary of an adjoining residential garden.”* Although not a new house, the proposed first floor addition including a bedroom window would result in a comparable situation. It is considered this would result in an unacceptable degree of overlooking and loss of privacy for adjacent dwellings.
- 6.3.6 The Council’s Environmental Health Officer reviewed the scheme and raised no objections in principle. As the application site is surrounded by residential dwellings the impact of construction works could be restricted by the imposition of a condition controlling the hours of construction works.
- 6.3.7 Having consideration for the observations above, based on the siting and orientation of the proposed development it is considered that the proposal would adversely impact on the neighbouring residents in terms of overlooking and loss of privacy. The proposal would conflict with the provisions of Local Plan policies CLP14 and CLP20.

6.4 Highways Safety

- 6.4.1 Local Plan policy CLP20 expects development to *‘g) provide adequate and safe vehicle access and parking and h) convenient and attractive environment for pedestrians*
- 6.4.2 Local Plan policy CLP22 details the requirements for vehicle/cycle parking.
- 6.4.3 The Local Highways Authority reviewed the scheme and provided the following comments: *“Although there are no highway objections ... and .. mindful that it is in the remit of Chesterfield Borough Council to determine if the proposed parking adheres to the relevant parking standards.*

However, submitted drawing P/008 Rev A shows the widening of the vehicle access onto St Philips Drive, but the submitted application has indicated that there will be no alterations to the vehicular access proposed to or from the public highway which is clearly not the case. The widening of the access from St Philips Drive will require the increase of the dropped kerbs on both sides of the existing access, so to ensure the aforementioned access improvements are provided (ensuring vehicles do not drive over a full height kerb.” The response goes on to recommend conditions that the access, parking and turning facilities are provided and pedestrian visibility splays of 2m x 2m be provided on either side of both vehicular accesses.

- 6.4.4 One representation believes it is not possible to provide the required visibility splays without utilising land within adjacent properties.
- 6.4.5 The application proposes 5 parking spaces for unit 2 utilising the existing access from Swanbourne Close and 3 parking spaces for unit 1 accessed from St Philips Drive. The surgery operated with an in and out arrangement for car parking which was implemented as part of a previous planning permission to extend the premises. This enabled vehicles to enter and leave the site in forward gear without the need to reverse out onto St Philips Drive or Swanbourne Close. This has been raised as a significant concern by many of the residents given the proximity of the accesses to the junction of St Philips Drive and Swanbourne Close, together the road alignment and condition plus the volume of traffic now using St Philips Drive.
- 6.4.6 Whilst the Local Highway Authority does not object, it is considered that the parking arrangements are not ideal, particularly the spaces fronting St Philips Drive. The applicant has indicated 2m by 2m visibility spaces on the plan (shown at para 4.1) however they are not drawn correctly and would simply be driven over and be ignored. Whilst they do not utilise or impact on the adjacent properties, being wholly within the application site, they could be appropriately provided at the access points but would result in a reduction in the number of parking spaces which can be provided on site.
- 6.4.7 In so far as the number of parking spaces, the scheme shows 3 No to St Phillips Drive and 5 No off Swanbourne Close (total spaces 8). The proposed number of staff set out above at paragraph 4.4-4.5 would potentially (particularly at shift changeover) result in more cars being present than parking spaces available meaning some staff may have to park on the road, at least until the previous shift has left. At shift overlap when staff leaving from the day shift would still be present on site when staff for the night shift will have arrived, a typical day suggests that there would be a total of 9 staff for property 1 and 6 for property 2 (total staff on site 15). This figure excludes any visitors or servicing which may take place but it is

accepted that some staff may not travel to the site requiring a car parking space. Notwithstanding this it is considered the development as proposed does not include adequate car parking facilities resulting in the likelihood of increased on road parking close to a junction and bend in the highway which would not be in the best interests of highway safety. The number of spaces available would be reduced further (by 1) if the 2m by 2m splays were to be appropriately required.

6.5 Flood risk, Drainage and Water Efficiency

- 6.5.1 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.
- 6.5.2 The application site is within Flood Zone 1. The Council’s Design Services Drainage Team were consulted and commented *“part of the site is shown as susceptible to surface water flooding according to the Environment Agency Flood Maps. The applicant needs to be aware of this and ensure the new development is set no lower than the existing floor level and bear in mind any flood mitigation measures which may be necessary to ensure this is not exacerbated.”*
- 6.5.3 The proposed single storey extension would be at the same level as the existing building.
- 6.5.4 In addition 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.’* This is normally addressed by the imposition of a planning condition to this effect.

6.6 Biodiversity

- 6.6.1 Local Plan policy CLP16 states that *‘The council will expect development proposals to:*

- *avoid or minimise adverse impacts on biodiversity and geodiversity; and*
- *provide a net measurable gain in biodiversity'*

6.6.2 The NPPF also requires net gains in biodiversity.

6.6.3 As a minor application a full habitat assessment would not be appropriate. A note on the revised landscaping plan states that the existing planted area is 73.7sqm, the proposed planted area is 130.5sqm communal, 136,3sqm private, plus allow for inclusion of 2 bird boxes and one bat brick. An existing gravel area which was previously shown as retained is now proposed to be a planted area. In order to satisfy the policy requirement, the applicant should set out a scheme for achieving BNG, including use of planting and bird/bat/invertebrate nesting and roosting provision. Wherever possible, this should be incorporated into the fabric of the building/landscaping to ensure permanence. This could be dealt with through the imposition of a planning condition.

6.7 Landscaping

6.7.1 The submitted landscaping plan shows the existing frontage hedge and lawn retained with new 1.8m high close boarded fencing to separate the two amenity areas and car parking area for unit 2. Indicative areas of planting are also shown within the outdoor amenity areas with existing boundary fences with adjacent properties to remain. An existing gravel area would be replaced with a planted area. Full details could be required by condition.

6.8 Developer Contributions and Community Infrastructure Levy

6.8.1 The proposed development is within the C2 residential institutions use class. This is not CIL liable development.

7.0 REPRESENTATIONS

7.1 The application has been publicised by neighbour notification letters and by the posting of 2 site notices. 84 objections have been received from 62 objectors. The points made may be summarised as follows:

- Contrary to Local Plan policies CLP14 and CLP20, as the extensions would be out of character with the area and result in overdevelopment of the site, overlooking and loss of privacy for neighbouring properties;
- This is an area of bungalows with pitched gable roofs, so a two storey extension with a hipped roof would not be in keeping;

- Number of parking spaces proposed is inadequate for the use, given the number of staff proposed;
- Required visibility splays could not be provided without encroaching on third party land;
- Site is close to a blind junction and increase in traffic, cars reversing out of parking spaces or the need for vehicles to park on street will be harmful to highway and pedestrian safety, given the volume of traffic which now uses St Philips Drive;
- The nature of the use would result in increased noise and disturbance for local residents, due to the number of vehicle movements including staff turnover and deliveries and potential activity within the garden areas;
- No provision has been made for bin storage so presume would need to be stored in the rear garden areas;
- Covenant prevents the site being used for business purposes.

7.2 ***Officer comments – It is considered the points raised have been addressed in the report.***

8.0 HUMAN RIGHTS ACT 1998

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

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

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

9.0 STATEMENT OF POSITIVE AND PROACTIVE WORKING WITH APPLICANT

9.1 In accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015 and the 2023 National Planning Policy Framework (NPPF) the Local Planning Authority considered the merits of the submitted application and judged that the application is not acceptable in terms of the its design and impact on the amenities of local residents, which is contrary to the provisions of the Local Plan and the NPPF. 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 and thereby allowing the applicant to exercise their right to appeal.

10.0 CONCLUSION

10.1 The proposed extensions are not considered to be of an acceptable design which would have a detrimental impact on the amenities of local residents and on highway safety. The planning balance is therefore considered not to be in favour of the proposals.

11.0 RECOMMENDATION

11.1 It is therefore recommended that the application be refused for the following reasons:

Reasons

1. The proposed development would in the opinion of the Local Planning Authority result in an over development of the plot to the detriment of local residential amenity and highway safety having regard to the following matters:
 - a) An over dominant form of development overlooking the adjacent dwelling at 4 Swanbourne Close to the detriment of residential amenity;
 - b) The proposed hipped roof design of the first floor extension would not be in keeping with the predominant character of the area to the detriment of visual amenity;
 - c) The elongated form of the single storey extension would result in parking spaces forward of the building resulting in a negative impact to the street scene of St Philips Drive;
 - d) The number of parking spaces proposed is inadequate to serve the needs of the proposed development resulting in parking on the highway close to a junction and bend in the road which would not be in the best interests of highway safety;
 - e) Satisfying the highway authority requirement for pedestrian intervisibility splays would further reduce parking numbers available on site.

As such the proposal is considered to be an unacceptable form of development which would conflict with policies CLP14, CLP20 and CLP22 of the adopted Chesterfield Borough Local Plan 2018-2035 and with part 12 of the NPPF 2023.

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Agenda Item 5

COMMITTEE/SUB	Planning Committee
DATE OF MEETING	15 th April 2024
TITLE	DELEGATION
PUBLICITY	For Publication
CONTENTS	Items approved by Development Management and Conservation Manager under the following Delegation references:- Planning Applications P020D, P200D to P250D, P270D to P320D, P350D to P370D, P390D, P420D to P440D Agricultural and Telecommunications P330D and P340D
RECOMMENDATIONS	Not applicable
LIST OF BACKGROUND PAPERS	Relevant applications

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

Planning Applications	Paul Staniforth	345781
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Delegated List *Planning Applications*

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/23/00066/DOC	Staveley South	Discharge of conditions 4 (Surface water drainage scheme),5 (Restriction of peak flow of surface water),6 (Sustainable drainage scheme details) and 17 (Disposal of surface water details) of application CHE/15/00085/OUT- Outline residential development on 1.38 hectares of land for up to 35 dwellings including means of access At Land To South Of Poplar Farm Rectory Road Duckmanton Chesterfield For Woodall Homes Ltd	PDOC	22/03/2024
CHE/23/00471/FUL	Rother	Single storey rear extension At 10 Staunton Close Chesterfield S40 2FE For Mr A Such	CP	21/03/2024
CHE/23/00521/RET	Brockwell	Concrete and wood panelled fencing At 10 Birchen Close Brockwell Chesterfield S40 4JT For Mr Andrew Collins	REF	27/03/2024

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/23/00721/DOC	Staveley South	<p>Discharge of conditions 25 (protected species survey) and 26 (ecological survey) of CHE/13/00781/EOT - Extension of time to CHE/0502/0312 for 'Commercial (not major retail) office, industrial and warehouse development new and altered roads (including a motorway junction) land reclamation, ground re-modelling, drainage landscaping and re-use of railheads on 360 hectares of land in Bolsover, Staveley and Sutton-cum-Duckmanton on both sides of the M1 in the vicinity of the former Markham Colliery A632 (Chesterfield Road) Erin Road, Lowgates, Eckington Road, Hall Lane and the A619 south of Staveley and land off, Chesterfield Road, Erin Road, Lowgates, Eckington Road'</p> <p>At Markham Employment Growth Zone Markham Lane Duckmanton S44 5HS</p> <p>For Peter Storey</p>	PDOC	19/03/2024
CHE/23/00765/FUL	Spire	<p>Installation of 22 no. additional air conditioning units with associated fencing and a gas cylinder cage</p> <p>At Ravenside Retail Park, Unit 5 Park Road Chesterfield S40 1TB</p> <p>For Pets at Home Limited</p>	CP	26/03/2024
CHE/23/00782/FUL	Walton	<p>Erection of a single-storey building with link corridor and associated plant and canopy, to form a new main entrance and community diagnostic centre</p> <p>At Walton Hospital Whitecotes Lane Walton Chesterfield S40 3HW</p> <p>For Derbyshire Community Health Services NHS Foundation Trust</p>	CP	26/03/2024

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/24/00001/LBC	Hasland	Listed Building consent to replace windows and doors and replace roof timbers. Current stone roof tiles to be refitted once work is done At Farriers Croft 110 The Green Hasland Chesterfield S41 0JU For Mr Paul Hancox	CP	22/03/2024
CHE/24/00005/FUL	Spire	Alterations to the front elevation to remove one existing window and double door, and provide a new double door access and a new single door access with a ramp At Markham House Markham Road Chesterfield S40 1TG For Department For Work and Pensions - DWP Estates	CP	28/03/2024
CHE/24/00008/FUL	Walton	Erection of porch infill, window to front elevation and erection of a garage at the front of the property. At 91 Whitecotes Lane Walton S40 3HJ For Dr Harris	REF	26/03/2024
CHE/24/00015/FUL	Brampton West & Loundsley	Two storey and single storey rear extension with internal alterations. At 87 Somersall Park Road Chesterfield S40 3LD For Mr and Mrs Cordin	CP	02/04/2024

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/24/00030/FUL	Hasland	Two storey rear extension, dormer loft conversion and bay window to front elevation At 15 Kent Street Hasland Chesterfield S41 0PJ For Mr Kapar	CP	02/04/2024
CHE/24/00032/LBC	Brampton West & Loundsley	Replacement of all windows including bay window, one bay door and front door in heritage style At The Old Rectory 408 Chatsworth Road Chesterfield S40 3BQ For Mrs Rebecca Bidwell	REF	03/04/2024
CHE/24/00034/FUL	Brockwell	Garage conversion. New door and canopy to side elevation and new window to rear elevation. At 9 School House Way Newbold Chesterfield S41 7QU For Mr & Mrs Tidbury	CP	15/03/2024
CHE/24/00042/FUL	Spire	Timber-framed garden room At 29 Springbank Road Chesterfield S40 1NL For J Bamford	CP	21/03/2024
CHE/24/00045/FUL	Brampton West & Loundsley	Side and rear single storey extension At 81 Manor Road Brampton Chesterfield S40 1HZ For Mr Robin Rees	CP	22/03/2024

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/24/00051/ADV	Staveley South	2 Internally Illuminated Wordmarks At Markham Vale Services, Starbucks Coffee Enterprise Way Duckmanton Chesterfield S44 5FD For Euro Garages	CP	27/03/2024
CHE/24/00052/FUL	Brockwell	Change of use from C4 house in multiple occupation to Suis Generis larger house in multiple occupation At 26 Fairfield Road Brockwell Chesterfield S40 4TP For Dovedale Property Ltd	CP	28/03/2024
CHE/24/00055/FUL	Spire	Conversion of office/staff kitchen into self-contained residential units (linked to existing hostel); conversion of laundry into office At Parkhouse Lodge 30 Highfield Road Newbold Chesterfield S41 7EY For Action Housing	CP	28/03/2024
CHE/24/00058/DOC	Staveley North	Discharge of conditions 6 (Construction Environment Plan) and 19 (Construction Method Statement) of application CHE/23/00606/REM1- Variation of condition wording of conditions 12, 14 and 15 of CHE/20/00420/FUL - Restoration of the Chesterfield Canal between Eckington Road and Hague Lane, including lifting level of existing earth embankment, installation of aqueduct over river Doe Lea, construction of two vehicular access bridges, two pedestrian/cycle bridges, a new lock and associated infrastructure At Eckington Road To Hague Lane Eckington Road Staveley Chesterfield For Chesterfield Canal Trust Ltd	DPC	21/03/2024

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/24/00083/DOC	Staveley Central	<p>Discharge of condition 3 (Construction method statement) of CHE/23/00034 - Creation of a vehicular entranceway from Porter Street, with adjustments to the street facing brick boundary wall to accommodate a new timber gateway and erection of a bin store and shed. Revised drawings showing revised entranceway position with steel gate and half height side railings</p> <p>At 25 Porter Street Staveley Chesterfield S43 3UY For Mr & Mrs Hilary & David Mateer</p>	DPC	18/03/2024
CHE/24/00100/DOC	Brockwell	<p>Discharge of conditions 6b (Remediation works) and 7 (Declaration of site safety) of application CHE/23/00220/FUL- Replacement of existing canopy, fuel tanks, fills, pipework, forecourt and alterations to existing parking arrangement</p> <p>At Petrol Filling Station Newbold Road Newbold Chesterfield S41 7AL For Esso Petroleum Company Limited</p>	DPC	02/04/2024
CHE/24/00117/REM	Whittington Moor	<p>Removal of Condition 4 (Provision of additional car parking spaces) of application CHE/23/00497/FUL- Erection of a sub station 12 ultra rapid electric vehicle charge points and associated electrical equipment</p> <p>At SMH Group Stadium 1866 Sheffield Road Whittington Moor Chesterfield S41 8NZ</p> <p>For Osprey Charging Network</p>	CP	20/03/2024

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/24/00152/NMA	Spire	<p>Non-material amendment to an existing REF planning permission CHE/20/00314/FUL, for change of use from 133no. room hotel to 40no. apartments with commercial space below</p> <p>At Land At Basil Close Chesterfield For Belmont Projects</p>		19/03/2024
CHE/24/00153/DOC	Brampton West & Loundsley	<p>Discharge of conditions 4 (Landscaping plan) and 5 (Bird and bat boxes) of CHE/22/00562/FUL- Demolition of the existing conservatory and erection of a replacement single storey side extension and a single storey east front/side extension. Timber fencing, raised terracing and associated landscaping works</p> <p>At Upper Close 17 Somersall Lane Somersall Chesterfield S40 3LA For Mr Ash Young</p>	DPC	22/03/2024

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/24/00160/TPO	Whittington	<p>Oak tree to north west elevation (side) of property. Location of tree and photos shown on accompanying images. Works as described below. All works to be undertaken for safety purposes to protect the property and / or neighbour properties, esp. in inclement / adverse weather conditions where a sail effect is being created.</p> <ul style="list-style-type: none"> - Removal of lowest limb over green house and shed. - Pruning back from the property by the removal of 2m. - Pruning back the higher parts of the extended branches towards the property and neighbouring property to reduce sail effect in storms. - Pruning back the lower branches that overhang neighbours garden to the rear. - Removal of dead wood where necessary. - General crown reduction to focus on extending limbs to reduce sail effects in storms. <p>At 23 Coupland Close Old Whittington Chesterfield S41 9TB</p> <p>For Mrs Jenny Toothill</p>	SC	20/03/2024
CHE/24/00185/TPO	Brampton East & Boythorpe	<p>Two trees close to no. 1 Ash Lodge - 25% crown thin on both trees</p> <p>At Poplar Motors Old Road Chesterfield S40 2QZ</p> <p>For Mr David Lister</p>	CP	20/03/2024

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/24/00194/NMA	Brampton West & Loundsley	<p>Non-material amendment to CHE/23/00356/FUL (Demolition of conservatory and erection of single storey side/rear extension and provision of a raised decking area) to replace raised decking with patio level with the garden lawn. Steps to lead down from the dining area to access the patio.</p> <p>At 2 The Knoll Brookside Chesterfield S40 3PS</p> <p>For Mr and Mrs Bentley</p>	CPNMAZ	03/04/2024

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Delegated List - Planning Applications

Key to Decisions

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

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COMMITTEE/SUB	Planning Committee
DATE OF MEETING	15 th April 2024
TITLE	DELEGATION
PUBLICITY	For Publication
CONTENTS	Items approved by the Development Management and Conservation Manager under the following Delegation references:- Felling and Pruning of Trees P100D, P120D, P130D
RECOMMENDATIONS	Not applicable
LIST OF BACKGROUND PAPERS	Relevant applications

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

Applications to Fell or Prune Trees Steve Perry

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SECTION 1**APPLICATION TO FELL OR PRUNE TREES**

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<u>CODE NO</u>	<u>DESCRIPTION OF PROPOSAL</u>	<u>TERMS OF DECISION</u>
CHE/24/00103/TPO TPO 4901.7 04/03/24	The pruning of one Pine tree within G2 on the Order Map and which is situated on land adjacent to 392 Ashgate Road, Ashgate.	Consent is granted to the limited pruning of one Pine tree to reshape the tree by the reduction of the small amount of protruding branches from the main crown.
CHE/24/00108/TPO TPO 4901.234 04/03/24	The felling of two Scots Pines and the pruning of two Scots Pines within G7 on the Order Map and which are situated to the frontage of 188 Somersall Lane, Somersall.	Consent is granted to the felling of two Scots Pines which have been suppressed by the more dominant trees with a condition to plant one new Pine trees in the first available planting season after felling. Consent is also granted to the crown lifting over the public highway and driveway of two Scots Pine pruning back to suitable replacement branches and leaving a well-balanced crown.
CHE/24/00127/TPO TPO 4901.7 04/03/24	The felling of one Cedar tree within A1 on the Order Map and which is situated in the rear garden of 15 The Dell, Ashgate	Consent is granted to the felling of one Cedar tree which has suffered storm damage with the loss of large limbs leaving the remaining sections of the trees crown compromised to further storm damage. Condition attached to plant one purple Maple tree in the first available planting season.

<p>CHE/24/00131/TPO TPO 4901.92 04/03/24</p>	<p>The pruning of two Beech trees reference T1 & T2 on the Order Map and which are situated on land to the west of Poplar Motors, Old Road, Brampton</p>	<p>Consent is granted to the reduction of branches growing towards 1 Ashlodge Court, Brocklehurst Piece to give a 2-3 metre clearance from the property structure pruning back to suitable replacement branches. Consent is also granted to crown lift T2 Beech to give a 3.5 metres height clearance over the parking area.</p>
<p>CHE/24/00086/TPO TPO 4901.175 & 176 06/03/24</p>	<p>The felling of one dead Elm tree and one Beech tree within W1 and one pruning of three Holly trees within G4 on the Order Map and which are situated to the north of 33 Coupland Close, Old Whittington.</p> <p>The Elm tree is dead, and the Beech tree has decay in the main stem at the base and where the two main leaders fork to the upper crown with further splits on one of the branches.</p>	<p>Consent is granted to the felling of one dead Elm tree and one Beech which is in a poor condition. The duty to plant a replacement tree in the woodland has been dispensed with on this occasion in favour of the natural regeneration of the Elm and a condition is attached for a replacement Oak tree for the Beech.</p> <p>Consent is also granted to the selective pruning of one Holly tree to give a clearance away from the adjacent protected Oak tree.</p>
<p>CHE/24/00004/TPOEXP TPO 4901.34 07/03/24</p>	<p>The removal of one storm damaged Lombardy Poplar reference T34 on the Order map. The tree was blown over in high winds and hung up in the adjacent trees.</p>	<p>Consent is granted to the removal of the tree with a condition to plant one Lime tree as a replacement in the first available planting season.</p>

<p>CHE/24/00098/TPO TPO 4901.308 12/03/24</p>	<p>The pruning of one Alder tree reference T1 on the Order Map and which is situated in the garden of 2 Bowness Road, Newbold.</p>	<p>Consent is granted to the crown lifting by 4 metres of one Alder tree pruning back to suitable replacement branches and leaving a well-balanced crown.</p>
<p>CHE/24/00148/TPO TPO 4901.71 12/03/24</p>	<p>The pruning of four trees reference T1, Sycamore, T23 & T24 Horsechestnut and T27 Lime on the Order Map and which are situated at The Rectory, Church Street, Staveley</p>	<p>Consent is granted to the crown reduction of two Horsechestnut trees and the crown lifting and removal of dead wood to one Sycamore and one Lime tree.</p>
<p>CHE/24/00099/TPO TPO 4901.119 13/03/24</p>	<p>The felling of one Sycamore tree reference T1 on the Order Map and which is situated in the grounds of 15 High Street, Brimington</p>	<p>Consent is refused to the felling of one Sycamore tree. It is agreed that there are cavities in the crown around the old pollarding pruning cuts, but the tree is otherwise in a sound condition. It is recommended that a new application is submitted to re-pollard the tree to reduce the weigh load in the upper crown which would allow the retention of a tree in a confined space that is suited to its surroundings and within the Brimington Conservation Area.</p>
<p>CHE/24/00160/TPO TPO 4901.175 20/03/24</p>	<p>The pruning of T64 Oak tree at 23 Coupland Close, Old Whittington</p>	<p>Split decision – consent refused to crown reduction of all crown of Oak but minor crown lift and reduction of branches growing toward 23 Coupland Close granted</p>

CHE/24/00185/TPO TPO 4901.92 20/03/24	Pruning of 2 Beech trees T1 and T2 at Poplar Motors, Old Road	Consent granted to a crown thin 2 Beech trees to maximum of 25%
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SECTION 2**NOTIFICATION OF INTENT TO AFFECT TREES IN A CONSERVATION AREA**

<u>CONTENTS OF NOTICE</u>	<u>SUMMARY OF CONSIDERATIONS</u>	<u>TERMS OF DECISION</u>	<u>DATE OF DECISION</u>
CHE/24/00149/CA The crown lifting of one Rowan tree and reduce the sides of Sycamore, Horse Chestnut, Ash and Laurel to the fence line as shown in the submitted tree report at The Rectory, Church Street, Staveley.	The trees are within the Staveley Conservation Area.	Agreement to the pruning of trees. The pruning of the trees will have no adverse effect on the character and amenity of the area.	12/03/24

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APPEALS REPORT

MEETING: PLANNING COMMITTEE
DATE: 15th April 2024
REPORT BY: DEVELOPMENT MANAGEMENT AND
CONSERVATION MANAGER

FOR PUBLICATION

BACKGROUND PAPERS FOR PUBLIC REPORTS

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

1.0 PURPOSE OF REPORT

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

PAUL STANIFORTH DEVELOPMENT MANAGEMENT AND CONSERVATION MANAGER

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

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APPEALS

<u>FILE NO.</u>	<u>WARD</u>	<u>APPELLANT</u>	<u>CASE</u>	<u>MEMBER OFFICER</u>	<u>DATE REC</u>	<u>TYPE AND DATE</u>	<u>DECISION AND DATE</u>
2/1257	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/	Whittington ward	Mr G Wolstenholme	CHE/22/00568/HH – Remedial Notice served in respect of hedges at 279 Handley Road	Officer delegation	8/11/23	Written Reps	
2/4071	Whittington Moor ward	Mr D A Revitt	Enforcement Notice at 10 Pottery Lane West – Vehicle Storage	Planning Committee	28/02/24	Written Reps	
2/717	Brimington North	BOPB Ltd – James Bell	CHE/24/00099/TPO – felling of a Sycamore Tree at 15 High Street, Brimington - Refusal	Officer delegation	27/03/24	Written Reps (fast track)	

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FOR PUBLICATION Agenda Item 8

ENFORCEMENT REPORT

MEETING: PLANNING COMMITTEE
DATE: 15TH APRIL 2024
REPORT BY: HEAD OF REGULATORY LAW
DEVELOPMENT MANAGEMENT & CONSERVATION MANAGER
WARD: As listed in the report

FOR PUBLICATION

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

BACKGROUND PAPERS

LOCATION: LEGAL SERVICES

1.0 PURPOSE OF REPORT

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

2.0 BACKGROUND

2.1 The table summarises formal planning enforcement by the Council.

3.0 INFORMAL ACTION

3.1 Formal enforcement is a last resort, with most planning problems resolved without formal action (in accordance with government guidance). Information about informal enforcement is available from the planning 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 Regulatory Law.

5.0 RECOMMENDATION

5.1 That the report be noted.

GERARD ROGERS
HEAD OF REGULATORY LAW

PAUL STANIFORTH
DEVELOPMENT MANAGEMENT
& CONSERVATION MANAGER

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

ENFORCEMENT REPORT

Enforcements currently Authorised: 11

03 April 2024

Address	Authorised <small>days from</small>	Breach	CHE/	Issued <small>days to issue</small>	Effective <small>days to (-) /from</small>	Comply <small>days to (-) /from</small>	Notes	<small>update last update</small>	Ward
Breach of Condition Notice		<i>Total currently Authorised: 1</i>		<i>Authorised to Issue Average: 540 days</i>					
York Street	2 <small>1,654</small>	23/09/19 <small>1,654</small> balcony, canopy and french door	17/00800/FUL	16/03/21 <small>540</small>	16/03/21 <small>1114</small>	16/04/21 <small>1083</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
Enforcement Notice		<i>Total currently Authorised: 6</i>		<i>Authorised to Issue Average: 44.33 days</i>					
Chester Street	94 <small>408</small>	20/02/23 <small>408</small> wooden play structure		30/05/23 <small>99</small>	29/06/23 <small>279</small>	29/07/23 <small>249</small>	removal within 28 days. Issued 30/05/23. No appeal. Not complied. Prosecute.	<input type="checkbox"/> <small>12/12/23</small>	B
Markham Road	Markham House <small>5,889</small>	18/02/08 <small>5,889</small> storage of commercial vehicles		20/03/08 <small>31</small>	18/04/08 <small>5829</small>	20/10/08 <small>5644</small>	Complied by 2009. Unauthorised use has started again. Prosecute - awaiting instructions.	<input type="checkbox"/> <small>14/11/19</small>	HI
McMahon Avenue	28 <small>9</small>	25/03/24 <small>9</small> shipping container						<input type="checkbox"/>	
Park Hall Avenue	2 <small>478</small>	12/12/22 <small>478</small> timber fencing and stone columns on frontage					Awaiting instructions	<input type="checkbox"/> <small>21/12/22</small>	Wa

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
Pottery Lane West	10	29/01/24 65	storage of vehicles		01/02/24 3			Substitute and clarified enforcement notice. Written representation appeal.	<input type="checkbox"/> 11/03/24	Mo
York Street	2	09/10/17 2,368	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)				<i>Total currently Authorised:</i>	<i>1</i>	<i>Authorised to Issue Average:</i>	<i>days</i>			
Old Hall Road	Brampton House	02/10/23 184						Various unauthorised alterations. Instructed, notice to be issued.	<input type="checkbox"/> 03/11/23	Bro
Section 215 Amenity Notice				<i>Total currently Authorised:</i>	<i>3</i>	<i>Authorised to Issue Average:</i>	<i>days</i>			

Address		Authorised <i>days from</i>	Breach	CHE/	Issued <i>days to issue</i>	Effective <i>days to (-) /from</i>	Comply <i>days to (-) /from</i>	Notes	update <i>last update</i>	Ward
Edinburgh Road	12	10/10/22 <i>541</i>	unroadworthy vehicle, trailer and miscellaneous building materials etc.					Did not comply within 3 months given. Instructed.	<input type="checkbox"/> <i>28/10/22</i>	SH
Highfield Road	80	05/10/20 <i>1,276</i>	Removal of debris and waste					Update report 15/02/21. Working with occupier and representative with view to progress without formal action.	<input type="checkbox"/> <i>15/02/21</i>	SH
Tapton Terrace	26	05/10/20 <i>1,276</i>	removal of Heras fencing and erection of new boundary fence, removal of vans, debris and waste					Update report 15/02/21. Progressing without formal action.	<input type="checkbox"/> <i>15/02/21</i>	SL

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Action authorised by Committee except Breach of Condition, Planning Contravention, Section 215 Notices, Advertisement Discontinuance, prosecutions and urgent action which are authorised by officers

Key to old and new Ward abbreviations : BE Brampton East and Boythorpe. BW Brampton West and Loundsley Green. 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. Sp Spire. SC Staveley Central. SN Staveley North. SS Staveley South. Wa Walton. We West. W Whittington. WM Whittington Moor

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