

## PLANNING COMMITTEE

Monday, 3rd July, 2023

Present:-

Councillor Callan (Chair)

Councillors B Bingham  
J Bingham  
Brittain  
Caulfield  
Davenport

Councillors Falconer  
Miles  
Ridgway  
Yates

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

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

Councillors J Bingham, Brittain, Callan, Caulfield, Davenport, Falconer, Ridgway and Yates.

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

**CHE/22/00422/FUL** - Change of Use from TV Repair Shop to Auto Garage and single storey rear extension and covered area at the Old Station, Station Road, Old Whittington, Chesterfield for Mr B Lalli.

Councillors J Bingham, Brittain, Callan, Caulfield, Davenport, Falconer, Ridgway and Yates.

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

**CHE/21/00746/RET** - Retrospective consent for canopy and decking to side of premises for outside dining, installation of wooden posts on front boundary and retractable canopy to frontage at the Birdcage, 35 Derby Road, Chesterfield for the Birdcage.

Councillors J Bingham, Brittain, Callan, Caulfield, Davenport, Falconer, Ridgway and Yates.

Councillors B Bingham and Miles 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

**16**     **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Brady and Stone.

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

Agenda Item 3 - CHE/22/00828/FUL - Erection of Single Storey Annex to be used in conjunction with existing house (Amended Plans and Description) at 277 Handley Road, New Whittington, Chesterfield, Derbyshire, S43 2ES for Mr and Mrs Knight.

Councillor B Bingham mentioned that he had been contacted by both the applicant and objector. He had not expressed any view on the application and had explained the planning process.

**18**     **MINUTES OF PLANNING COMMITTEE**

**RESOLVED -**

That the Minutes of the meeting of the Planning Committee held on 12 June, 2023 be signed by the Chair as a true record.

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

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

CHE/22/00828/FUL - ERECTION OF SINGLE STOREY ANNEX TO BE USED IN CONJUNCTION WITH EXISTING HOUSE (AMENDED PLANS AND DESCRIPTION) AT 277 HANDLEY ROAD, NEW WHITTINGTON, CHESTERFIELD, DERBYSHIRE, S43 2ES FOR MR AND MRS KNIGHT.

In accordance with Minute No. 299 (2001/2002) Mr Wolstenholme (objector) addressed the meeting.

In accordance with Minute No. 299 (2001/2002) Mrs Phipps (objector) addressed the meeting.

In accordance with Minute No. 299 (2001/2002) Mr Fieldhouse (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 shall be begun before the expiration of three years from the date of this permission.
2. The development hereby approved shall only be carried out in full accordance with the approved plans (listed below) with the exception of any approved non-material amendment. All external dimensions and elevational treatments shall be as shown on the approved plan/s (listed below).

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

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

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

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

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

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or in any Statutory Instrument revoking or re-enacting that Order with or without modification) no buildings, structures, extensions, fences, gates, walls or other means of enclosure – other than those expressly authorised in this permission – shall be erected within the curtilage of the dwelling without the prior written approval of the Local Planning Authority upon an application submitted to it.

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

- a) a scaled plan showing vegetation to be retained and trees and plants to be planted along with habitat/wildlife improvements;
- b) a schedule detailing sizes and numbers of all proposed trees/plants.
- c) sufficient specification to ensure successful establishment and survival of new planting.

d) details of biodiversity and ecological enhancement measures to be installed into the development on site.

Any new tree(s) that die(s), are/is removed, become(s) severely damaged or diseased shall be replaced and any new planting (other than trees) which dies, is removed, becomes severely damaged or diseased within five years of planting shall be replaced. Replacement planting shall be in accordance with the approved details (unless the Local Planning Authority gives its written consent to any variation). The ecological enhancement measures shall thereafter be retained and maintained throughout the life of the development.

CHE/23/00247/FUL - CHANGE OF USE TO CREATE A LARGER HOUSE IN MULTIPLE OCCUPATION, USE CLASS C4 TO SUI GENERIS AT 32 FAIRFIELD ROAD, BROCKWELL, CHESTERFIELD FOR MR R CUSIMANO

In accordance with Minute No. 299 (2001/2002) Mr Cusimano (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 shall be begun before the expiration of three years from the date of this permission.
2. The development hereby approved shall only be carried out in full accordance with the approved plans (listed below) with the exception of any approved non-material amendment. All external dimensions and elevational treatments shall be as shown on the approved plan/s (listed below):
  - Site location plan
  - Existing Floor plans
  - Proposed Floor plans
3. Prior to occupation of the development hereby approved, on site facilities shall be provided within the curtilage of the site for the secure and weatherproof storage for 7 bicycles, in accordance with details to be

submitted to and approved by the Local Planning Authority beforehand. Such facilities shall be maintained for use throughout the life of the development.

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

CHE/21/00746/RET - RETROSPECTIVE CONSENT FOR CANOPY AND DECKING TO SIDE OF PREMISES FOR OUTSIDE DINING, INSTALLATION OF WOODEN POSTS ON FRONT BOUNDARY AND RETRACTABLE CANOPY TO FRONTAGE AT THE BIRDCAGE, 35 DERBY ROAD, CHESTERFIELD FOR THE BIRDCAGE

**\*RESOLVED**

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

1. The development hereby approved shall only be carried out in full accordance with the approved plans: Site Location Plan, Site Plan, Elevation Plans; with the exception of any approved non-material amendment.
2. The outdoor area of the premises shall not be used for external seating in connection with the operation of the café before 8.00am and after 9.00pm Sunday to Thursday and before 8am and after 10pm on Friday and Saturday.
3. The planting provided on site for biodiversity benefits shall be retained and maintained throughout the life of the development.

CHE/22/00422/FUL - CHANGE OF USE FROM TV REPAIR SHOP TO AUTO GARAGE AND SINGLE STOREY REAR EXTENSION AND COVERED AREA AT THE OLD STATION, STATION ROAD, OLD WHITTINGTON, CHESTERFIELD FOR MR B LALLI

**\*RESOLVED**

That the officer recommendation be upheld and the application be approved 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.
2. The development hereby approved shall only be carried out in full accordance with the approved plans: Site Location Plan, Revised Parking layout (11/04/23), Vehicle Tracking (04/05/23), Proposed Elevations (24/05/23), Lintel Details, Proposed Floor plans and Elevations (15/09/22); with the exception of any approved non-material amendment.
3. Prior to the ordering of external materials taking place, precise specifications and /or samples of; all fenestration including the large door opening and its detailed junction with the brick coursing and header detail, brick for the external wall and all roofing materials to be used shall be submitted to and agreed in writing by the Local Planning Authority. Only those materials approved in writing by the Local Planning Authority shall be used as part of the development unless otherwise agreed by the Local Planning Authority in writing.
4. No part of the development hereby approved shall be occupied until space has been laid out within the site in accordance with the approved plan for cars to be parked, and for vehicles to turn so that they may enter and leave the site in forward gear. The 3 external parking spaces should be clearly marked out, with no parking in front of the access gate. This is in line with the submitted drawings for the parking layout plan (11/04/23) and vehicular tracking (04/05/23).
5. The business shall be operated on an appointment only basis and there shall be no more than 2 staff present at the premises per day and 3 customers per day. No more than 3 customers' vehicles shall be at the site at any one time.
6. The premises shall not be used for the purposes authorised by this permission (including deliveries) other than between the following hours: 0800 to 1800 Monday to Friday, 0800 to 1300 on Saturdays and no opening on Sundays and Bank Holidays.
7. Unless otherwise agreed by the Local Planning Authority construction work shall only be carried out on site between 8:00am and 6:00pm Monday to Friday, 9:00am to 1:00pm on a Saturday and no work on a

Sunday or public holiday. The term “work” will also apply to the operation of plant, machinery and equipment.

8. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) produced by RAB dated 19<sup>th</sup> August 2022 and the following mitigation measures detailed within the FRA shall be implemented:

- The finished floor level of the extension should be set no lower than the existing,
- Implement a scheme of flood resilience within the extension (and to the existing building as far as possible) in line with recommendations given in Section 4.1.3,
- The site manager should register to receive Environment Agency Flood Alert provide useful information about local flood conditions as outlined in Section 4.2.2.
- Review the use of small retrofit SuDS components when making any modification to the existing surface water drainage scheme (refer to Section 4.3.2).
- Construction (Design and Management) Regulations 2015

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

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

10. Notwithstanding the provisions of the Town and Country Planning (Uses Classes) Order 1987, (or any Order revoking or re-enacting that Order with or without modifications), this permission shall relate solely to the use of the land and buildings for a car repair garage within Use Class B2 and for no other purpose, including any other activity within the same class of the schedule to that Order.

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

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

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

(a) Approvals

CHE/21/00077/RET	Retrospective consent for erection of a cold storage unit and 2 additional air conditioning units. At Birdholme Service Station, Derby Road, Birdholme S40 2EU for Mrs Natalie Ternent
CHE/22/00669/FUL	Demolition of existing church hall and toilet block, erection of replacement church and erection of 9 new dwellings with associated car parking, landscaping, boundary treatments and external lighting. (Amended/additional information received 28.04 and 03.05) at former Inkersall Methodist Church, Summerskill Green, Inkersall, Chesterfield S43 3SR for Osco Homes Ltd
CHE/23/00022/FUL	Change of use and conversion of former public toilets to a Dessert Bar with associated building works including energy efficiency measures and rendering at Public Conveniences, Hasland Road, Hasland, Chesterfield S41 0SJ for Mr S Pugh
CHE/23/00109/FUL	Two storey side extension at 100 Norwood Avenue, Hasland, Chesterfield S41 0NH for Mr Mark Bladon
CHE/23/00125/FUL	Single storey front extension at 48

Piccadilly Road  
Chesterfield S41 0EJ for Mr Richardson

CHE/23/00157/FUL

Two storey side extension to form a 1 bedroom annexe to the ground floor and additional bedroom and bathroom space to the first floor at 22 Challands Way, Hasland, Chesterfield S41 0ER for Mr & Mrs John & Wendy Whitfield

CHE/23/00186/FUL

Erection of pergola and installation of astroturf to existing outside seating area at Woodside, 343 Ashgate Road, Chesterfield S40 4DB for Stonegate Pub Group

CHE/23/00187/RET

Retrospective application for the installation of two wall mounted compressors, a cold room extension and a metal structure to house associated gas cylinders at Woodside, 343 Ashgate Road, Chesterfield S40 4DB for Stonegate Pub Group

CHE/23/00230/FUL

Demolition of existing buildings and construction of single storey rear extension at 31 Westbrook Drive, Chesterfield S40 3PQ for Mr and Mrs Kamwendo

CHE/23/00232/FUL

Rebuilding of external wall at the rear of the property at 26 Abercrombie Street, Chesterfield S41 7LW for Mr Steven Taft

CHE/23/00237/TPO

T1 Oak- Crown lift the canopy, pruning of limbs to achieve 1m clearance around phone lines, canopy pruned to ensure a 5.2m clearance of roadside where applicable and achieve a 3m clearance away from property at 67 Windermere Road, Newbold S41 8DT for

Mr Jon Geary

CHE/23/00253/RET

Retention of timber fence to garden frontage at 8 Kentmere Way, Middlecroft, Staveley S43 3TW for Mrs Lisa Baker

CHE/23/00254/FUL

Two storey side extension and single storey front extension at 3 Kelburn Avenue, Walton, Chesterfield S40 3DG for Mrs Isobel Maltby

CHE/23/00260/FUL

Alterations to disused office accommodation to form two dwellings at 48 Newbold Road, Newbold, Chesterfield S41 7PL for James Norton RIBA

CHE/23/00262/TPO

Crown lifting, removal of dead or dying branches (general maintenance) and removal of Ivy to trees fronting Newbold Road at former Shrubberies, 46 Newbold Road, Newbold S41 7PL for Mr Luke Fletcher

CHE/23/00265/FUL

Creation of unloading layby and access ramp to existing building. Installation of new access staircase to flat roof area at Walton Hospital, Whitecotes Lane, Walton, Chesterfield S40 3HW  
For Derbyshire Community Health Services NHS Trust

CHE/23/00285/TPO

Beech Tree - T25- Crown lift to an approximate height of the house gutter to give a clearance below the trees crown to allow light to the property from underneath the tree. The reduction of branches growing towards the property to give a 1.5 metres clearance from the structure. The reduction of branches to clear telephone wires. A  
25% crown thin to allow light through the

- crown which would also remove dead wood and any weak branches. Birch-T13- Remove Ivy rather than just severing at the base to allow more light and crown clean to remove dead wood and inspect. No pollard advised. Poplars-G6- Fell and replace due to their poor condition and reduced amenity value. We would propose to replace with acer platanoides which we though a good choice based on colour and advised as ideal for avenues at 26 Abercrombie Street, Chesterfield S41 7LW for Mr Steven Taft
- CHE/23/00292/FUL First floor rear infill extension over existing ground floor extension at 180 Somersall Lane, Somersall, Chesterfield S40 3NA for Mr and Mrs Ashmore
- CHE/23/00293/FUL Change of Use from D1 (Education Facility) to sui generis vehicle workshops Including Class IV MOT bay, training facility, parts storage, staff, visitor and vehicle parking areas and de-minimis change of external appearance at Chesterfield College Automotive Centre, Units 4-6 Lockoford Lane, Chesterfield S41 7HY for Vertu Motors plc
- CHE/23/00339/TPO Felling of one dead Beech tree with reference T40 of Tree Preservation Order 160 at 85 The Green, Hasland, Chesterfield S41 0LW for Mr Kevin Gill
- CHE/23/00340/TPO Fell T50 Horsechestnut of Tree Preservation Order 4901.46 at Somersall Hall Farm, Somersall Hall Drive, Somersall S40 3LH for Katie Lloyd
- CHE/23/00342/TPO Crown lift all trees bordering the property to a height of 2.4m over the footpaths and

- 5.2m over the roads where necessary and crown clean to reduce any encroaching branches from the house to give 1.5-2m clearance and to improve splay from the street light on Avondale Road. Remove epicormic growth from 2 Lime trees which border Hawksley Avenue at 1 Avondale Road, Chesterfield S40 4TF for Miss Emma Proctor
- CHE/23/00350/TPO T2 Ash - the tree is producing Inonotus hispidus fungi so far, on a main limb. Request to take down at 25A Storrs Road, Chesterfield S40 3QA for Mrs Jean Coxhead
- CHE/23/00368/TPO Crown reduce T3- Ash at Orchard Cottage, 1 Wash House Lane, Chesterfield S40 3AZ for Mrs Hazel Robinson
- (b) Refusals
- CHE/23/00167/FUL Construction of hardstanding drive, accessed via Old Road by removing part of garden wall at 192 Old Road, Chesterfield S40 3QP for Mr Richard Ogle
- CHE/23/00331/NMA Non-material amendment to application CHE/23/00172/REM1- Variation of conditions 2 (Approved plans), 3 (Drainage strategy) and 12 (Landscaping) of application CHE/21/00484/REM1- Variation of conditions of CHE/18/00764/FUL - Redevelopment of a previously-developed site for 2. 'self-build' dwellings and garages - for amended door locations and the addition of a basement within footprint of approved garage building at Oldfield Farm, Wetlands Lane,

Brimington, Chesterfield S43 1QG for Mr Walters

(c) Discharge of Planning Condition

CHE/22/00842/DOC	Discharge of conditions 4 (contamination) and 5 (coal mining activity) of CHE/22/00388/FUL - Rear/side extension to factory at Units 1 – 4 Highlands Place, Foxwood Road, Sheepbridge, Chesterfield S41 9RN for Mr Ray Woolley
CHE/23/00200/DOC	Discharge of conditions 13 (Construction goods space), 18 (Biodiversity enhancement plan) , 20 (Tree protection measures for ground investigation), 21 (Tree protection), and 25 (Construction management plan) of CHE/22/00511/FUL- Erection of a new 3 bedroom bungalow with attached garage and associated landscaping works at Land West Of Wash House Lane, Wash House Lane, Chesterfield for Mr Christopher Allenby
CHE/23/00202/DOC	Discharge of condition 9 (biodiversity) of CHE/21/00633/FUL- Erection of a two bedroom detached dwelling at 41 Cobnar Drive, Newbold, Chesterfield S41 8DB for Mr John Ford
CHE/23/00330/DOC	Discharge of conditions 5 (Site setup) and 6 (Biodiversity) of application CHE/22/00813/FUL- External alterations, changes to frontage parking layout, relocated fence and gates and change of use of workshop to showroom at 464 Chatsworth Road, Chesterfield S40 3BD for Vertu Motors

(d) Partial Discharge of Conditions

- CHE/23/00208/DOC Discharge of conditions 6 (Tree protection measures) and 9 (Demolition method statement) of application  
CHE/22/00680/FUL- Demolition of existing buildings and erection of a self storage facility (Unit 1) including office use (Class E(g)(i)) of 186 sqm and two employment units comprising Unit 2 Class E (g)(ii)/E (g)(iii) & B8 and Unit 3 Class E(g) & B8 and associated parking, servicing areas and landscaping at former Simply Gym, Sheffield Road, Whittington Moor, Chesterfield  
S41 8LF for McCarthy's Storage World, (Chesterfield) Ltd
- CHE/23/00229/DOC Discharge of conditions 3 (Biodiversity measures), 14 (Car parking management plan) and 17 (Event management plan) of CHE/21/00430/FUL- Change of use of Dunston Hall from C3 to sui generis use permitting the building to be operated as a Holiday Let and wedding venue, including conversion of the existing garage building to create an internal space suitable for conducting wedding ceremonies and the creation of a car parking area at Dunston Hall, Dunston Road, Chesterfield S41 9RL for Dunston Hall Leisure Ltd
- (e) Unconditional Permission
- CHE/23/00266/TPO T1 Oak -Fell and treat stump with eco plugs to combat subsidence at 23 Yew Tree Drive, Somersall, Derbyshire S40 3NB for Kammy Porter
- (f) Prior approval not required
- CHE/23/00302/TPD Single storey rear extension at 5

Shaftesbury Avenue, Ashgate, Chesterfield  
S40 1HN for  
Mr D Ragan

21 **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/23/00339/TPOEXP | Consent is granted to the felling of one dead Beech tree reference T40 on the Order map and situated in the grounds of 85 The Green, Hasland. A replacement Copper Beech tree is to be planted in the next available planting season      |
| CHE/23/00237/TPO    | Consent is granted to the pruning of one Oak tree reference T19 on the Order Map and which is situated to the frontage of 79 Windermere Road, Dunston   |
| CHE/23/00340/TPOEXP | Consent is granted to the felling of one Horsechestnut tree reference T50 on the Order map, which is situated in the grounds of Somersall Hall, Somersall. A replacement Oak tree is to be planted in the next available planting season. |
| CHE/23/00266/TPO    | Consent is granted to the felling of one Oak tree reference T5 on the Order map, which is situated in the grounds of 23 Yew Tree Drive, Somersall.  |
| CHE/23/00262/TPO    | Consent is granted to the pruning of six trees reference T1, T5, T6 & T10 Beech, T3 & T8  |

Whitebeam on the Order Map and which are situated in the grounds of the Shrubberies, 46 Newbold Road. A replacement Whitebeam is to be planted in the next available planting season.

- CHE/23/00285/TPO Consent is granted to the felling of 4 Poplar trees reference G6 which are in poor condition and reduced amenity value from a previous pollarding cycle and the pruning of 1 Birch reference T13 and 1 Beech reference T25 on the Order map, which is situated in the grounds of 26 Abercrombie Street. 4 Norway Maples are to be planted as replacement trees in the first available planting season after felling.
- CHE/23/00342/TPO Consent is granted to the pruning of seven trees reference T1 Maple & T2-T7 Lime on the Order Map and which are situated in the grounds of 1 Avondale Road.
- CHE/23/00350/TPO Consent is granted to the felling of one Ash tree reference T2 on the Order Map and which is situated at the entrance of the driveway to 25a Storrs Road, Brampton, with a condition to plant a replacement Fastigiated Hornbeam in the first available planting season after felling.
- CHE/23/00368/TPO Consent is granted to the pruning of one Ash tree reference T3 on the Order Map and which is situated on land to the north of Orchards Cottage, Wash House Lane, Brampton.

## 22 **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.

**23 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.