

## PLANNING COMMITTEE

Monday, 13th November, 2023

Present:-

Councillor Callan (Chair)

Councillors B Bingham	Councillors Miles
J Bingham	Stone
Davenport	Yates
Falconer	

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

**CHE/23/00284/FUL** - Revised scheme for 1 detached dwelling (drawings submitted 28.09.2023) at land at Cross London Street, Cross London Street, New Whittington, Chesterfield, Derbyshire.

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

**CHE/23/00385/FUL** - Proposed Solar Array at Handleywood Farm, Whittington Road, Barrow Hill, Chesterfield, Derbyshire, S43 2PW for Mr and Mrs B Steele.

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

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

\*Matters dealt with under the Delegation Scheme

### 73 APOLOGIES FOR ABSENCE

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

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

No declarations of interest were received.

**75 MINUTES OF PLANNING COMMITTEE**

**RESOLVED** - That the Minutes of the meeting of the Planning Committee held on 23<sup>rd</sup> October, 2023 be signed by the Chair as a true record.

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

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

**CHE/23/00284/FUL** - Revised scheme for 1 detached dwelling (drawings submitted 28.09.2023) at Land at Cross London Street, Cross London Street, New Whittington, Chesterfield, Derbyshire.

**\*RESOLVED**

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

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 and documents (listed below) with the exception of any approved non-material amendment. All external dimensions and elevational treatments shall be as shown on the approved plan/s (listed below).

- Site Location Plan, drawing number 113
- Proposed Ground Floor Plan, drawing number 101 (dated 05.09.2023)
- Proposed First Floor Plan, drawing number 102 (dated 05.09.2023)
- Proposed Loft Plan, drawing number 103 (dated 05.09.2023)
- Proposed Roof Plan, drawing number 104 (dated 05.09.2023)
- Proposed Front and Rear Elevations, drawing number 105 (dated 05.09.2023)
- Proposed Side Elevations, drawing number 106 (dated 05.09.2023)

- Proposed Street Scene, drawing number 109 (dated 05.09.2023)

3. The development hereby approved shall be carried out in accordance with the approved Construction site logistics, drawing number 112, received 07.11.2023 and Construction environmental management plan, report reference number REP-ME—NFv1, dated 07.11.2023 throughout the construction period.

4. Before any other operations are commenced a new vehicular access shall be created to Cross London Street in accordance with the application drawing 101.

5. No construction or demolition works, movement of construction traffic, or deliveries to and from the premises, shall occur other than between 0800 and 1800 hours weekdays, and 0800 and 1700 hours on Saturdays, and at no time on Sundays or Public Holidays. The term 'construction work' shall include mobile and fixed plant/machinery, (e.g. generators) radios and the delivery of construction materials.

6. Prior to the development hereby permitted commencing above foundation level 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. The development shall thereafter be constructed in accordance with the approved details.

7. Prior to the development hereby permitted commencing above foundation level a scheme shall be submitted to the Local Planning Authority for the treatment of all parts on the site not covered by buildings to be 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 trees and plants to be planted including species and planting density. The plan shall include details of ecologically beneficial landscaping to provide a biodiversity enhancement.
- b) proposed hardstanding surfacing materials
- c) elevational drawings of boundary treatments including materials, types of fencing and treatment/colour.

d) a schedule detailing sizes and numbers of all proposed trees/plants, sufficient specification to ensure successful establishment and survival of new planting.

e) Location and type of bird/bat boxes

8. Prior to the development hereby permitted commencing above foundation level, a scheme (including a programme of implementation and maintenance) to demonstrate an enhancement of the sites biodiversity primarily through the soft landscaping of the development, shall have been submitted to and approved in writing by the Local Planning Authority. The enhancement shall be implemented, retained and maintained thereafter in accordance with the scheme and programme so approved.

9. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority.

10. The 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.

11. The development, the subject of the application, shall not be occupied until space has been provided within the application site in accordance with the approved application drawings 'Proposed Ground Floor Plan, drawing number 101 (dated 05.09.2023)' for the parking and manoeuvring of residents' vehicles, laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or in any Statutory Instrument revoking or reenacting that Order with or without

modification) no fences, gates, walls or other means of enclosure shall be erected within the curtilage forward of the dwelling without the prior written approval of the Local Planning Authority upon an application submitted to it.

13. The development, the subject of the application, shall not be occupied until space has been provided within the application site for the storage/parking of bicycles. Details of the proposed bicycle store shall be submitted to the Local Planning Authority for written approval and shall be installed prior to the occupation of the development and thereafter be maintained free from any impediment to its designated use.

B. That a CIL Liability Notice be issued for £5,177 as per section 5.11 of the Officer's Report.

**CHE/23/00385/FUL** - Proposed Solar Array at Handleywood Farm, Whittington Road, Barrow Hill, Chesterfield, Derbyshire, S43 2PW for Mr and Mrs B Steele.

**\*RESOLVED**

That the officer recommendation be upheld, that the application be **REFUSED** for the following reason:

1. The development proposed is considered to be inappropriate development in the green belt as it does not meet or satisfy any of the 'exception' criteria as set out in paragraph 149 of the National Planning Policy Framework and there are no very special circumstances in paragraph 151 which can be accepted which outweigh the harm to the green belt area. The development by virtue of being inappropriate development in the green belt and due to its encroachment of the structures into an open green field will adversely impact upon the openness of the Green Belt within an area of the site which has previously remained open and undeveloped. It is considered that the development is contrary to the provisions of Policy CLP1 and criteria (a) and (f) of Policy CLP15 of the Chesterfield Local Plan 2018 – 2035 and the requirements of the National Planning Policy Framework Chapter 13.

\*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/23/00226/OUT	Erection of 1. detached single storey dwelling - (outline application for access with all other matters reserved) at 121 Handley Road, New Whittington, Chesterfield S43 2EF for Mr Andy Blank
CHE/23/00511/FUL	Conversion of garage to living accommodation at 8 St Josephs Court, Chesterfield Road, Staveley, Chesterfield S43 3GQ for Mrs Jennifer Whiting
CHE/23/00514/ADV	1 illuminated totem sign and 3 illuminated fascia signs at Brimington Road North Industrial Park, Unit 2 Brimington Road North, Chesterfield S41 9AJ for Suzuki G.B plc
CHE/23/00570/TPO	T1 Lime Tree - Raise crown and clean crown of dead, damaged and diseased branches at 42 Lakeside Close, Old Whittington, Chesterfield S41 9TD for Mrs Anne Lawson
CHE/23/00572/FUL	Demolition of existing building and the creation of charging zone, erection of EV chargers, erection of canopy, LV panel and associated forecourt works at Peveril Filling Station, 300 Sheffield Road, Whittington Moor S41 8JZ for Motor Fuel Group
CHE/23/00610/TPO	Beech (T20) and Oak (T21)- Shorten lateral branches to a suitable growth, remove epicormic growth and crown reduction to retain natural shape at 68 Mansfield Road, Hasland, Chesterfield S41 0JF for Mr Gary Yates

- CHE/23/00613/TPO T8 Sycamore- Crown thin and lift, T3 Oak-Crown lift and thin and T1 Maple- crown lift and thin at 15 High Street, Brimington, Chesterfield S43 1DE for Mr Matthew Bell
- CHE/23/00615/TPO Re-pollarding of 3 Lime trees, pruning just above previous pollarding point at 22 Netherleigh Road, Ashgate, Chesterfield S40 3QJ for Mr Gordon Dent
- CHE/23/00623/TPO T40 Oak - Crown reduce horizontal lateral scaffold branches by 2.5m minimum to a suitable growing point to reduce encroachment over the properties of Orwins Close, 425 Newbold Rd and 7 Ambleside Close at Land Between 7 Ambleside Close and Orwins Close, Newbold Road, Newbold, Chesterfield for Mr Gary McCarthy
- CHE/23/00653/TPO T1 - Lime - Crown lift, dead wood and a light crown thin at 23 Tennyson Avenue, Chesterfield S40 4SN for Mr Jake Eville
- (b) Refusals
- CHE/23/00405/ADV Installation of 1 post mounted directional sign at Verge At Junction Between Basil Close and Brewery Street, Basil Close, Chesterfield for CVS
- CHE/23/00531/FUL Detached garage at Woodward, Eckington Road, Staveley, Chesterfield S43 3XZ for Mr Christian Greaves
- (c) Discharge of Planning Condition
- CHE/23/00312/DOC Discharge of conditions 3 (Measures to reduce additional surface run-off from the site), 5 (Verification report) and 19 (Prevention of discharge of water onto

existing and proposed highway) of application CHE/20/00869/REM-Approval of reserved matters for 150 dwellings of CHE/18/00532/OUT -( Re-submission of CHE/16/00614/OUT (Outline application for proposed housing development with all matters reserved except the access) at Land To The North Of Northmoor View, Brimington, Chesterfield for Vistry Homes Yorkshire

CHE/23/00556/DOC

Discharge of Condition 5 (Land contamination) of application CHE/21/00780/FUL- Extension to existing factory / workshop at Universal Hydraulics Ltd, Carrwood Road, Chesterfield Trading Estate, Chesterfield S41 9QB for Challenger Hydraulics Limited

CHE/23/00577/DOC

Discharge of planning condition 4 (materials) of CHE/21/00414/FUL - Two storey rear extension and alterations at 20 Ringwood Avenue, Newbold, Chesterfield S41 8RB for Mrs L Smith

CHE/23/00622/DOC

Discharge of condition 3 (headlight screen) of CHE/23/00336/FUL- Levelling of frontage to form driveway at 9 Sycamore Road, Hollingwood, Chesterfield S43 2HQ for Miss Victoria Zhang

(d) Conditional Consent for Non-Material Amendment

CHE/23/00620/NMA

Non-material amendment to CHE/12/00568/FUL (Erection of first floor side extension formed above existing single storey entrance/w.c. area and rear single storey extension) to remove of skylight and insert north light, reposition windows and reduce from 4 to 2 at 14 Somersby Avenue, Walton S42 7LY for Mrs Josie Newton



## (e) CLUD Granted

CHE/23/00174/CLU

Certificate of Lawfulness for the use of premises for the sale of firearms operating under Class E at Broomhill Farm, Broomhill Road, Old Whittington, Chesterfield S41 9EA for Broomfield Farm Ltd

## (f) CLOPUD Granted

CHE/23/00544/CLO

Two storey rear extension, hip-to-gable roof extension and rear dormer extension and addition of 3 rooflights to the front elevation at 37 Kingsley Avenue, Birdholme, Chesterfield S40 2SZ for Taylor Mottershead Limited

## (g) Prior approval not required

CHE/23/00578/TPD

Single storey rear extension to provide disability adaptations at 101 Brockwell Lane, Brockwell, Chesterfield S40 4EG for Mr Gunn

## (h) Unconditional Permission

CHE/23/00614/CA

T2 Walnut- remove due to dead tree, T4 Sycamore- Crown thin and lift, T5 Oak- Crown thin and lift, T6 Larch- Remove due to overgrowth, T7 Conifer- Crown thin and lift, T9 Labernum- Remove and T10 Magnolia- Crown thin and lift at 15 High Street, Brimington, Chesterfield S43 1DE for Mr Matthew Bell

CHE/23/00636/CA

Fell dead walnut tree at 15 High Street, Brimington S43 1DE for Mr Matthew Bell

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/23/00615/TPO	Consent is granted to the pruning of 3 Lime trees within G1 on the Order Map and which are situated in the grounds of 22 Netherleigh Road
CHE/23/00610/TPO	Consent is granted to the pruning of one Oak tree reference T20 and one Beech reference T21 on the Order Map and which are situated to the frontage of 68 Mansfield Road, Hasland
CHE/23/00623/TPO	Consent is granted to the pruning of one Oak tree reference T40 on the Order Map and which is situated to the rear of Orwins Close, Newbold
CHE/23/00570/TPO	Consent is granted to the pruning of one Lime tree reference T58 on the Order Map and which is situated to the rear of 42 Lakeside Close, Old Whittington
CHE/23/00613/TPO	Consent is granted to the pruning of three trees reference T1 Sycamore, T2 Oak and T3 Maple on the Order Map and which are situated in the grounds of 15 High Street, Brimington
CHE/23/00653/TPO	Consent is granted to the pruning of 1 Lime tree reference T10 on the Order Map and which is situated to the rear of 23 Tennyson Avenue

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

CHE/23/00636/CA	Agreement to the felling of the tree which has been inspected on 19 <sup>th</sup>
-----------------	---

The felling of one dead Walnut tree referred to as T2 on the submitted plan at 15 High Street, Brimington.

October 2023 and found to be in a dangerous condition.

The trees are within the Brimington Conservation Area and the applicant wishes to fell the Walnut tree because it is dead and dropping branches onto the public highway.

CHE/23/00614/CA

The felling of 6 trees referred to as T6 Larch, T9 Laburnum, T10 Magnolia, T12 Sycamore and T14 & T15 Cherry and crown lift and crown thin 4 trees referred to as T1 & T4 Sycamore, T5 Oak, T7 Conifer and T13 Acer as shown on the submitted revised plan at 15 High Street, Brimington.

Agreement to the felling and pruning of trees. The felling and pruning of the trees will not result in any major loss of amenity or be detrimental to the character of the conservation area.

The trees are within the Brimington Conservation Area and the applicant wishes to fell the trees because of the poisonous seeds on the Laburnum at the children's nursery, the Larch due to its size in the garden, the Magnolia because of damage to the grade 2 listed property and 2 Cherry trees because of overhead cables and the Sycamore competing with the adjacent Oak tree. The pruning works are to clear the lower branches and allow more light into the garden area.

## 79 **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.

**80**     **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.

**81**     **APPEAL DECISION - 7 ASHCROFT DRIVE, OLD WHITTINGTON**

**\*RESOLVED –**

That the report be noted.

**82**     **APPEAL DECISION - TAPTON BUSINESS PARK**

**\*RESOLVED –**

That the report be noted.