



Please ask for Charlotte Kearsey
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The Chair and Members of Planning
Committee

3 July 2020

Dear Councillor,

Please attend a meeting of the PLANNING COMMITTEE to be held on MONDAY, 13 JULY 2020 at 1.00 pm, the agenda for which is set out below.

This meeting will be held virtually via Microsoft Teams software, for which members of the Committee and others in attendance will receive an invitation. Members of the public will be able to access Part 1 (Public Information) of the meeting online by following the link [here](#).

AGENDA

Part 1(Public Information)

1. Apologies for Absence
2. Declarations of Members' and Officers' Interests Relating to Items on the Agenda
3. Minutes of Planning Committee (Pages 3 - 22)
4. Applications for Planning Permission - Plans Determined by the Committee (Pages 23 - 60)
5. Building Regulations (P880D) (Pages 61 - 64)
6. Applications for Planning Permission - Plans Determined by the Development Management and Conservation Manager (P140D) (Pages

65 - 78)

7. Applications to Fell or Prune Trees (P620D) (Pages 79 - 86)
8. Appeals Report (P000) (Pages 87 - 94)
9. Enforcement Report (P410) (Pages 95 - 98)

Yours sincerely,

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

Local Government and Regulatory Law Manager and Monitoring Officer

PLANNING COMMITTEE

Monday, 22nd June, 2020

Present:-

Councillor Callan (Chair)

Councillors	Barr	Councillors	Miles
	Bingham		Simmons
	Catt		Kelly
	Caulfield		Marriott
	Davenport		Borrell
	T Gilby		G Falconer

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

*Matters dealt with under the Delegation Scheme

134 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Brady and Mann.

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

There were no declarations of interest.

136 MINUTES OF PLANNING COMMITTEE

RESOLVED -

That the Minutes of the meeting of the Planning Committee held on 18 May and 1 June, 2020 be signed by the Chair as a true record.

137 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/20/00078/FUL - DEMOLITION OF EXISTING PUBLIC HOUSE AND RESIDENTIAL DEVELOPMENT OF 12 TWO-BEDROOM DORMER BUNGALOWS AT THE TRUMPETER INN, HAREHILL ROAD, GRANGEWOOD, CHESTERFIELD, DERBYSHIRE FOR ERICA DEVELOPMENTS LTD

In accordance with Minute No. 299 (2001/2002) Stephen Haslam (applicant's agent) addressed the meeting.

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

A. Time Limit

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. All external dimensions and elevational treatments shall be as shown on the approved plans (listed below) with the exception of any approved non material amendment.

Location Plan

Site Plan 19-755-01D

GF Plan – 19-755-02D

FF Plan – 19-755-03C

Elevations – 19-755-04A

Landscape Masterplan TPG 04

Tree Protection Plan TPG 03

Tree Constraints Plan TPG 02

Tree Survey TPG 01

Visibility Splays 2292/01 P1

Existing Drainage Plan 2292/02 P1

Proposed Drainage Plan 2292/03 P2

Proposed Drainage Areas 2292/05 P1

Drainage Details 2292/06 P2

Design and Access Statement Jan 20

Phase I SI Desk Top Study & Coal Mining Risk Assessment

Coal Mining Report

Supporting Planning Statement

Drainage

3. The site shall be developed with separate systems of drainage for foul and surface water on and off site.
4. There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been

submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to:-

- i) evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical;
- ii) evidence of existing positive drainage to public sewer and the current points of connection; and
- iii) the means of restricting the discharge to the public sewer network to the existing rate less a minimum 30% reduction based on the existing peak discharge rate during a 1 in 1 year storm event, to allow for climate change.

Land Condition

5. No development shall commence until intrusive site investigations have been carried out on site to establish the exact situation in respect of coal mining legacy features. The findings of the intrusive site investigations shall be submitted to the Local Planning Authority for consideration and approval in writing. The intrusive site investigations shall be carried out in accordance with authoritative UK guidance.

6. Where the findings of the intrusive site investigations (required by condition 05 above) identify that coal mining legacy on the site poses a risk to surface stability, no development shall commence until a detailed remediation scheme to protect the development from the effects of such land instability has been submitted to the Local Planning Authority for consideration and approval in writing. Following approval, the remedial works shall be implemented on site in complete accordance with the approved details.

7. No development shall take place until a land contamination assessment is submitted to and approved in writing by the Local Planning Authority. The assessment shall include the following:

- a) reference to the existing Phase 1/desk study
- b) a Phase 2/intrusive site investigation
- c) a Remediation Strategy (if necessary) and
- d) a Validation report

Highways

8. There shall be no gates or other barriers to prevent access to the designated turning area at all times, unless otherwise agreed in writing by the Local Planning Authority.

9. Prior to the occupation of any dwelling, the existing southern vehicular access to Harehill Road shall be permanently closed with a physical barrier and the existing

vehicle crossover reinstated as footway in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority.

10. No development shall take place until a Construction Management Plan or Construction Method Statement (CMP/CMS) has been submitted to and been approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The statement shall provide for:

- parking of vehicles of site operatives and visitors
- routes for construction traffic
- swept paths for construction vehicles expected to enter the site (largest vehicle to be demonstrated)
- hours of operation
- method of prevention of debris being carried onto highway
- pedestrian and cyclist protection
- proposed temporary traffic restrictions
- arrangements for turning vehicles

11. 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 be manoeuvred such that they may enter and leave the site in forward gear. Thereafter all spaces and dedicated manoeuvring areas shall be maintained free from any impediment to their designated use in perpetuity.

Ecology

12. Prior to commencement of the demolition of the building a preliminary bat survey of the site to assess the suitability of the structure for use by roosting bats shall be submitted to the local planning authority for consideration. If the results indicate that the site is suitable for bats or evidence of a roost is found then further emergence surveys would be required during the peak bat activity season (May to August inclusive) to provide survey information compliant with current good practice guidelines. The submitted information shall include mitigation measures and the demolition shall only proceed in accordance with the mitigation measure previously agreed in writing by the local planning authority.

Landscaping

13. The landscaping scheme shown on the Landscape Masterplan shall be carried out in full during the first planting season following completion of the development hereby approved.

14. If, within a period of five years from the date of the planting of any tree or plant, that tree or plant, or any tree or plant planted as a replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

15. The details within the Tree Protection plan (TPP) reference TPG 03 by Weddle Landscape Design shall be adhered to at all times throughout any land stripping and development.

Local Labour

16. Prior to development commencing an Employment and Training Scheme shall be submitted to the Local Planning Authority for consideration and written approval. The Scheme shall include a strategy to promote local supply chain, employment and training opportunities throughout the construction of the development.

Others

17. Before occupation of plots 7, 8 and 9 the rooflights shown for plots 7, 8 and 9 shall be obscure glazed to a minimum of Pilkington level 4 and which shall thereafter be retained as such .

18. Notwithstanding the provisions of the General Permitted Development Order (or any order re-enacting that order) there shall be no additional roof windows or extensions or alterations to the boundary treatments without the prior written approval of the Local planning authority.

19. Precise details of the means of enclosure of the boundary treatment to Harehill Road shall be submitted to the local planning authority for consideration. The detail agreed in writing shall be carried out on site prior to occupation of any unit and notwithstanding the provisions of the General Permitted Development Order shall be retained as constructed thereafter for the life of the development.

20. Precise details of the means of enclosure of the bin stores shall be submitted to the local planning authority for consideration. The detail agreed in writing shall be carried out on site prior to occupation of any unit and shall be retained as constructed thereafter for the life of the development.

21. Construction work (inc. any site clearance and demolition works) shall only be carried out on site between 8:00am and 6:00pm Monday to Friday, 9:00am to 5:00pm 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.

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

23. Electric Vehicle Charging Points (EVCPs) shall be provided in accordance with the approved site layout for at least 2 no. car parking spaces. Thereafter the EVCP's shall be retained and maintained operational for the lifetime of the development.

B. That a CIL Liability notice be served for £50,763.88 as detailed in section 5.9 of the officer's report.

CHE/20/00177/FUL - PROPOSED DEMOLITION OF EXISTING SEMI-DETACHED PROPERTY AND BUILD NEW DETACHED DORMER BUNGALOW AT WALTON VILLA, 32 MATLOCK ROAD, CHESTERFIELD, DERBYSHIRE S42 7LD for Mr JOHN SCOTT

1. A. 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 be implemented as per the approved plan/s (drawings labelled as Block Plan, Rev A – 1:500 @A3; Proposed elevations, Rev A – 1 :100 @A3; Proposed layout, Rev A – 1:100 @A3; Proposed floor plan, Rev A – 1:50 @A3; Proposed floor layout, Rev A, 1:50 @A3; Cross Section A, Rev A – 1:50 @A3; Cross Section D, Rev A – 1:50 @A3; Cross Section F, Rev A – 1:50 @A3; Proposed landscaping plan, Rev A – 1:200 @A3; Site compound, Rev A – 1:200 @A3; and Drainage layout, Rev A – 1:100 @A3), with the exception of any approved non-material amendment.
3. No development shall commence until intrusive site investigations have been carried out on site to establish the exact situation in respect of coal mining legacy features. The findings of the intrusive site investigations shall be submitted to the Local Planning Authority for consideration and approval in writing. The intrusive site investigations shall be carried out in accordance with authoritative UK guidance.
4. Where the findings of the intrusive site investigations (required by condition 3 above) identify that coal mining legacy on the site poses a risk to surface stability, no development shall commence until a detailed remediation scheme to protect the development from the effects of such land instability has been submitted to the Local Planning Authority for consideration and approval in writing. Following approval, the remedial works shall be implemented on site in complete accordance with the approved details.
5. Following implementation and completion of the approved remediation scheme (required by condition 4 above) and prior to the first occupation of the development, a verification report shall be submitted to and approved in writing by the Local Planning Authority to confirm completion of the remediation scheme in accordance with approved details.
6. Construction work shall only be carried out between the hours of 08:00 am to 6:00pm Monday to Friday and 09:00 am to 5:00 pm on a Saturday. Construction work shall not be carried out 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.
7. Prior to commencement of the demolition of the building a preliminary bat survey of the site to assess the suitability of the structure for use by roosting bats shall be submitted to the local planning authority for consideration. If the results indicate that

the site is suitable for bats or evidence of a roost is found then further emergence surveys would be required during the peak bat activity season (May to August inclusive) to provide survey information compliant with current good practice guidelines. The submitted information shall include mitigation measures and the demolition shall only proceed in accordance with the mitigation measure previously agreed in writing by the local planning authority.

Reason - To safeguard against the loss of protected species and habitats in accordance with Policy CS9 and the National Planning Policy Framework.

8. A residential charging point shall be provided for the dwelling with an IPD65 rated domestic 13amp socket, directly wired to the consumer unit with 32 amp cable to an appropriate RCD. The socket shall be located where it can later be changed to a 32amp EVCP. Alternative provision to this specification must be approved in writing, by the Local Planning Authority. The electric charging point shall be provided in accordance with the stated criteria prior to occupation and shall be maintained for the life of the approved development.

9. The dwelling hereby approved shall not be occupied until a minimum of no. 3 off street parking spaces have been made available for their designated use. Off street parking spaces shall each measure a minimum of 2.4 metres x 5.5 metres (unless parking in front of garage doors in which the space shall measure 2.4 metres x 6.5 metres). To be considered a parking space, the garage shall retain internal measurements of 3.0 metres x 6.0 metres minimum.

10. Prior to the ordering of materials, details of the proposed bricks to be used in the east facing gable of no. 34 Matlock Road shall be submitted to the Local Planning Authority for consideration. Only the bricks approved in writing shall be used in the east facing gable of no. 34 Matlock Road.

11. Prior to the ordering of roof materials, full details shall be submitted to the Local Planning Authority for consideration. Only the materials agreed in writing shall be used at the application site.

12. Prior to the rendering of the dwelling hereby agreed full details of the colour shall be submitted to the Local Planning Authority for consideration. Only the render colour agreed in writing shall be used at the application site.

13. Prior to the occupation of the development hereby approved, details of the ecological enhancement measures to be implemented at the site to provide a biodiversity net gain shall be submitted to the Local Planning Authority for consideration. Appropriate ecological enhancement measures shall include bird and/or bat boxes and the details submitted shall include the number of units proposed and the location proposed. Only the ecological enhancement measures agreed in writing shall be implemented on site prior to the development hereby approved being first occupied. The ecological enhancement measures shall remain in perpetuity.

B. That a CIL Liability notice be served for £19,498 as detailed in section 5.9 of the officer's report.

CHE/20/00250/FUL - RE-SUBMISSION OF CHE/19/00199/FUL - ERECTION OF A FREESTANDING TWO STOREY RESTAURANT WITH DRIVE-THRU (A3/A5), CAR PARKING, LANDSCAPING AND ASSOCIATED WORKS. INSTALLATION OF 2NO. COD (CUSTOMER ORDER DISPLAY) WITH ASSOCIATED CANOPIES AT LAND ADJ TO THE ROYAL MAIL DEPOT, WEST BARS, CHESTERFIELD, DERBYSHIRE FOR MCDONALDS RESTAURANTS LTD

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

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

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

5743_AEW_8172_0001 Rev A – Site Location Plan
 5743_AEW_8172_0002 – Block Plan
 5743_AEW_8172_0003 Rev A – Existing Site Plan
 5743_AEW_8172_0004 Rev C – Proposed Site Plan
 5743_AEW_8172_1005 – Proposed Elevations
 5743_AEW_8172_1006 – Proposed Floor and Roof Plan
 5743_AEW_8172_0015 – Proposed Landscape Plan
 5743_AEW_8172_0017 - Proposed Retaining Wall
 4180561- 1000 Rev P3 – Proposed Levels
 4180561- 1001 Rev P3 – Site Sections
 4180561- 1200 Rev P3 – Proposed Drainage
 4180561- 1210 Rev P1 – Drainage Detail (1 of 2)
 4180561- 1211 Rev P1 – Drainage Detail (2 of 2)
 4180561- 1212 Rev P3 – Proposed Drainage Maintenance Plan

Supporting Statement (prepared by Planware Ltd dated March 2019)

Drainage Calcs (prepared by Glanville Consultants Ltd dated February 2019)

Transport Assessment (prepared by ADL Traffic and Highways Engineering Ltd dated April 2020)

Travel Plan (prepared by McDonalds dated April 2020)

Tree Survey, Arboricultural Impact Assessment, Arboricultural Method Statement & Tree Protection Plan [7195-D-AIA] (prepared by Hayden Arboricultural Consultants dated February 2018)

Coal Mining Risk Assessment (prepared by Pam Brown Associates dated February 2019)

Phase I Desk Study and Phase II Geo-Environmental Site Investigation (prepared by Pam Brown Associates dated March 2019)

Standard Patio Area – Supporting Specification

Odour Control – Supporting Information

Goal Post Height Restrictor and COD/Canopy – Details

Site Flythrough Video/Illustration – rec'd 02/08/2019

CIL Forms/Liability

McDonalds Litter Control – Standards/Guidance

Drainage

3. The development hereby approved shall be constructed in accordance with the Drainage Scheme detailed on drawing no's 4180561- 1200 Rev P3 – Proposed Drainage, 4180561- 1210 Rev P1 – Drainage Detail (1 of 2), 4180561- 1211 Rev P1 – Drainage Detail (2 of 2) and 4180561- 1212 Rev P3 – Proposed Drainage Maintenance Plan. The building shall not be occupied until sewage disposal and drainage works have been completed in accordance with the approved plans, unless any alternative is otherwise agreed in writing by the Local Planning Authority.

Construction Management

4. No development shall take place until a Construction Management Plan or Construction Method Statement (CMP/CMS) has been submitted to and been approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The statement shall provide for:

- parking of vehicles of site operatives and visitors
- routes for construction traffic
- swept paths for construction vehicles expected to enter the site (largest vehicle to be demonstrated)
- hours of operation
- method of prevention of debris being carried onto highway
- pedestrian and cyclist protection
- proposed temporary traffic restrictions
- arrangements for turning vehicles

5. Construction works shall only be carried out on site between 8:00am and 6:00pm Monday to Friday, 9:00am to 5:00pm 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.

Tree Protection

6. Prior to commencement of development Root Protection Area's (RPA's) shall be established to the 3 no. protected Maple trees on site in accordance with the Tree Protection Plan (drawing 7195-D-AIA) and tree protection measures shall be erected as outlined in the Tree Report, Tree Impact Assessment and Tree Protection Plan by Hayden's Arboricultural Consultants dated 11th February 2018. Throughout site clearance and construction phases the measures outlined therein shall be adhered to at all times unless otherwise agreed in writing by the Local Planning Authority.

7. In association with the CMP/CMS (required by condition 4) details shall be submitted to and be approved in writing by the Local Planning Authority showing the proposed areas for storage of materials, site cabins, car parking and other associated plant materials and these facilities should be outside the designated RPA's of the 3

no. protected trees and shall not interfere with the rooting environment of these trees. Throughout site clearance and construction phases the layout outlined therein shall be adhered to at all times unless otherwise agreed in writing by the Local Planning Authority.

8. There shall be no excavations for services i.e. electrical cables, inspection chambers, sewage infrastructure etc. within the designated RPA's unless these details have been exclusively submitted under the provisions of this condition for prior consideration and written approval by the Local Planning Authority.

Highways

9. Prior to the commencement of development a detailed scheme of highway improvement works for the provision of the amended access from Markham Road and amended egress onto West Bars, together with a programme for the implementation and completion of the works, shall be submitted to and approved in writing by the Local Planning Authority. These works shall include the provision of exit visibility sightlines measuring 2.4m x 46m on to West Bars; and the maximum achievable sight stopping distance from the West Bars roundabout onto Markham Road towards the site entrance of 51m. No part of the development shall be brought into use until the required highway improvement works have been constructed in accordance with the approved details. The developer will be required to enter into a 1980 Highways Act S278 Agreement with the Highway Authority in order to comply with the requirements of this condition.

10. Prior to the development, the subject of the application, being brought into use, the vehicular and pedestrian accesses shall be created/modified in accordance with the approved designs, the subject of Condition 9 above, all areas (within the development site boundary) in advance of the visibility sightlines shall be retained throughout the life of the development free of any object greater than 1m in height (0.6m in the case of vegetation) relative to adjoining nearside carriageway channel level.

11. Prior to installation a scheme detailing any external lighting shall be submitted to the Local Planning Authority for consideration. Only a scheme which receives approval in writing shall be implemented on site.

If within a period of 24 months from the lighting installation being implemented, any complaints are received about glare/overspill, the lights causing the effect shall be immediately turned off. Before the installation is allowed to be switched back on a night time lighting survey shall be undertaken to assess the full impact of the installation and remedial measures shall be submitted to the Local Planning Authority for consideration and written approval. Thereafter those remedial measures shall be implemented with immediate effect and retained thereafter as approved.

12. The development hereby permitted shall not be occupied until all existing vehicular and pedestrian accesses to the existing highway made redundant as a result of the proposed development shall be permanently closed with a physical barrier and the footway reinstated in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority.

13. No part of the development shall be taken into use until space has been provided within the site curtilage for the parking/loading and unloading manoeuvring of staff/customers service and delivery vehicles (including cycle parking), located, designed, laid out and constructed all in accordance with the approved site layout and maintained throughout the life of the development free from any impediment to its designated use.

14. The development hereby permitted shall not be occupied until details of cycle parking facilities for the visitors to the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.

15. There shall be no gates or other barriers to prevent free passage of vehicles through the site, unless otherwise agreed in writing by the Local Planning Authority.

16. Prior to the commencement of the development details shall be submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of water from the development onto the highway. The approved scheme shall be undertaken and completed prior to the first use of the access and retained as such thereafter.

Landscaping

17. Within 2 months of commencement of development full details of hard landscape works for the approved development shall be submitted to the Local Planning Authority for consideration.

Hard landscaping includes proposed finished land levels or contours; means of enclosure; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.) retained historic landscape features and proposals for restoration, where relevant. These works shall be carried out as approved prior to the occupation of the dwellings.

18. Within 2 months of commencement of development details of a soft landscaping scheme for the approved development shall be submitted to the Local Planning Authority for consideration.

The required soft landscape scheme shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers; densities where appropriate, an implementation programme and a schedule of landscape maintenance for a minimum period of five years. Those details, or any approved amendments to those details shall be carried out in accordance with the implementation programme

19. If, within a period of five years from the date of the planting of any tree or plant, that tree or plant, or any tree or plant planted as a replacement for it, is removed,

uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

Opening Hours/Servicing Hours

20. Opening hours of the restaurant/drive-thru shall be restricted to between the hours of 06.00am and 24.00pm (midnight) on any individual day.

21. Deliveries to the site shall only be made between the hours of 07.00am and 22.30pm on any individual day.

Others

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

23. Electric Vehicle Charging Points (EVCPs) shall be provided in accordance with the approved site layout for at least 2 no. car parking spaces; and passive provision shall be made available for the remainder of the site so that spaces are capable of being readily converted to EVCPs in the future. Thereafter the EVCP's shall be retained and maintained operational for the lifetime of the development.

24. The Approved Travel Plan shall be implemented in accordance with the timescales specified therein, to include those parts identified as being implemented prior to occupation and following occupation, unless alternative timescales are agreed in writing with the Local Planning Authority. The Approved Travel Plan shall be monitored and reviewed in accordance with the agreed Travel Plan targets.

B. That a CIL Liability notice be served in line with the calculation referred to at paragraph 5.9.1 of the officer's report.

138 **BUILDING REGULATIONS (P880D)**

*The Chief Building Control Officer reported that pursuant to the authority delegated to him he had determined the under-mentioned plans under the Building Regulations:-

Approvals

20/02061/DEXFP	Extension to rear of house to create larger lounge and dining room at 2 Wilden Croft Brimington Chesterfield S43 1GT
20/02128/DEXFP	Extensions and alterations at 23 Brookside Bar Chesterfield S40 3PL

20/02218/DEXFP	Installation of one new dormer window to first floor far righthand bedroom at 176 Somersall Lane Chesterfield S40 3NA
19/05156/DEXFP	Single storey rear lounge extension and first floor extension to form bedroom with en suite above existing garage at 8 Hartfield Close Hasland Chesterfield S41 0NU
20/02022/DEXFP	Single storey extension at 48 Foxbrook Drive Walton Chesterfield S40 3JR
20/01643/DEXFP	Single storey rear extension and front porch at 151 Brockwell Lane Brockwell Chesterfield S40 4EP
20/02123/OTHFP	The creation of a charity hub retail unit within the hospital main entrance concourse area at Chesterfield and North Derbyshire Royal Hospital Chesterfield Road Calow Chesterfield S44 5BL
20/01690/DCC	Single storey rear extension at 1 Cornwall Close Brimington Chesterfield S43 1EG
20/01904/DEXFP	Front and rear extension at 27 Clarkson Avenue Birdholme Chesterfield S40 2RS
20/02432/DEXFP	Single/two storey rear extension at 20 Enfield Road Newbold Chesterfield S41 7HN

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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/19/00598/COU	Change of use from car showroom to fitness and martial arts club at The Service Centre Brimington Road North Chesterfield S41 9BH for Mr Steven McPhail
CHE/19/00774/ADV	1 single sided LED illuminated pole sign. (Revised drawings submitted 18/03/20 and additional information added 02/04/20 regarding sign details and 28/05/20 regarding sign angle) at Chesterfield Skoda 1 Discovery Way Whittington Moor Derbyshire S41 9EG for Digital Showrooms Limited

CHE/19/00811/FUL	Demolition of existing conservatory and erection of a replacement rear extension and replacement window to the front of the premises - revised plan received 30 01 2020. Revised drawings received 18.02.2020. Email received 19/05/20 regarding parking at 11 Church Street Staveley S43 3TL for Spire Funeral Services
CHE/19/00812/COU	Retrospective consent for change of use from A1 (shop) to D1 (training establishment and beauty salon) (clarification email in regards the business received on 19/02/20) at Cavendish House 590A Chatsworth Road Chesterfield
CHE/20/00065/FUL	Two storey rear extension at 20 Enfield Road Chesterfield Derbyshire S41 7HN for Mr Daniel Wedge
CHE/20/00113/REM1	Variation of condition 2 - approved plans in relation to application number CHE/18/00648/FUL - To amend the list of approved plans to just reflect the weir removal at Breck Farm Watermeadows Breck Lane Barrow Hill Derbyshire for Miss Rachel Walker
CHE/20/00119/FUL	Single storey side, rear and front extension at 24 Ashgate Avenue Ashgate Chesterfield S40 1JB for Mr and Mrs Goodwin
CHE/20/00124/FUL	External works to existing public house including new free standing pergola, new and refurbished furniture, repairs to existing fences and planters and installation of new festoon lighting at Devonshire Arms 3A Mansfield Road Hasland S41 0JB for Star Pubs and Bars
CHE/20/00183/FUL	Demolition of existing conservatory and erection of a single storey rear extension at 17 Hazel Drive Walton Derbyshire S40 3EN for Lisa Sutton
CHE/20/00190/LBC	Listed Building Consent to repair defective stone cill, re-point affected brickwork, clean and re-paint cast iron window frame, make good internal plaster and re-configure internal partition walls to improve toilet facilities at 10A Marsden Street Chesterfield Derbyshire S40 1JY for Mr Mahroof Saddique
CHE/20/00196/REM1	Variation of condition 1 (approved drawings) of CHE/18/00867/REM (redevelopment of site for residential use) to allow for removal of low brickwork front wall at land at Middlecroft Road Staveley Derbyshire for TGN Construction Ltd

CHE/20/00202/FUL	Extension and conversion of garage at front of property together with a first floor extension above to provide dependant relatives accommodation at 11 Selby Close Walton Derbyshire S40 3HA for Mr Jonathan Green
CHE/20/00207/FUL	Installation of 4 electric vehicle charging stations within the existing car park, along with associated equipment and 2 canopies. Remarking of car parking surface. Installation of height restricting metal barriers at existing car park access points at Markham Vale Services Enterprise Way Duckmanton Derbyshire for SPIE UK
CHE/20/00217/FUL	Ground Floor extension to front of property to form porch and larger dining room at 6 Damson Croft Hollingwood Derbyshire S43 2HY for Mr Neil Smith
CHE/20/00218/FUL	Single storey rear extension (amended drawings received 27.05.2020 indicating gutter line within site curtilage) at 16 Storrs Road Chesterfield Derbyshire S40 3PZ for Mrs Jo Topham
CHE/20/00224/REM1	Removal of condition 3 (heat stove and flue) of CHE/18/00830/LBC (erection of a single-storey rear extension and associated landscaping works. Removal of masonry below existing window sill to form door access between existing building and proposed extension. Demolition of existing garage with new garage to be constructed further back on the site) as stove is to be omitted from the proposal at Long Cottage 79 High Street Old Whittington Derbyshire S41 9LA for Mr Jon Carr
CHE/20/00226/FUL	Single storey, flat roof rear extension for disability facilities at 1 Cornwall Close Brimington S43 1EG for Mr G Gaskin
CHE/20/00230/FUL	Amendment to CHE/19/00798/FUL (extensions to side and rear of property - part single storey and part two storey) to change proposed front bay window to a fully glazed box bay at 19 Dukes Drive Newbold S41 8QB for Stansbury
CHE/20/00241/FUL	Rear extension at 38 Langer Lane Birdholme Derbyshire S40 2JG for Mr and Mrs Blakeley
CHE/20/00246/FUL	Alterations to existing garage. Raising and re-finishing the roof, new fascias and new entrance doors at 90 Peveril Road Newbold S41 8RX for Mr Whitaker
CHE/20/00248/FUL	Removal of existing rear conservatory and garage and erection of a two storey rear and side extension - re-submission of CHE/19/00622/FUL at 112 Burnbridge Road

	Old Whittington Derbyshire S41 9LS for Mr Robert Allen
CHE/20/00296/TPO	Oak T3 - Crown lift over driveway by 4m and cut back from property by 1-2m. Ash T4 T5 - fell at 8 Limetree Close Brimington Derbyshire S43 1RB for SUHA
CHE/20/00299/CA	Beech tree - Crown reduction at Avondale 13 Somersall Lane Somersall Derbyshire S40 3LA for Mr John Miller
CHE/20/00302/NMA	Non material amendment to CHE/18/00626/REM1 - Variation of conditions 31 (highway improvements), 37 (junction improvements Holbeck Close /Brimington Road), 39 (junction improvements Brewery Street /Brimington Road) 41 (pedestrian crossing) and 45 (approved plans) of CHE/16/00183/REM1 - Outline planning application with all matters reserved except for means of access proposing the demolition of existing buildings and erection of a comprehensive mixed use regeneration scheme comprising residential (use class C3); retail (use class A1); financial/professional services (use class A2); restaurants, drinking establishments and hot food establishments (use classes A3, A4 and A5); offices (use class B1); doctors surgery and creche (use class D1); two hotels (use class C1); health and fitness (use class D2); nursing home (use class C2); ancillary creative uses including a possible arts centre, a new canal link, new open spaces including linear and eco parks, new public realm and car parking arrangements including two multi storey car parks at Chesterfield Waterside, A61 Corridor at land at east of A61 known as Chesterfield Waterside Brimington Road Tapton Derbyshire for Chesterfield Waterside Ltd
CHE/20/00315/TPO	Limetree to be reduced by 50% due to stability undermined by water at woodland to rear of 33-37 Coupland Close Old Whittington Derbyshire for Mrs June Macdonald
CHE/20/00320/TPO	Alder tree - 3m crown lift at 2 Bowness Road Newbold Derbyshire S41 8AH for Mrs Janet Hoults
CHE/20/00342/TPO	Removal of Oak tree (dangerous) within G1 of TPO 233 at 16 Booker Close Inkersall Derbyshire S43 3WA for Mrs Heidi Townsend Glossop
CHE/20/00347/CA	Crown reduce small ash tree in rear garden at 540 Chatsworth Road Chesterfield Derbyshire S40 3AY for Mr Toby Perkins

(b) Discharge of Planning Condition

- CHE/20/00227/DOC Discharge of planning conditions 15 (materials), 17 (surface water run off)and 19 (Employment and Training Scheme of CHE/19/00735/FUL - demolition of existing garages and erection of 6 self-contained single storey complex behavioural bungalows and 6 self-contained assisted living apartments over 2 storeys and new tarmac through road linking Bank Street and Chester Street. Additional information received 27.04.2020 at Garage Sites Bank Street Chesterfield S40 1BH for Chesterfield SSL Ltd
- CHE/20/00301/DOC Discharge of condition 5 (soft landscaping) of CHE/18/00575/REM - Reserved matters application for CHE/15/00291 - Construction of a Use Class B8 unit with ancillary B1(a) offices, a sub-station with associated access; parking; servicing area; engineering, landscaping; and drainage works at Markham Employment Growth Zone Markham Lane Duckmanton Derbyshire S44 5HS for AJA Architects LLP
- (c) Prior notification approval not required
- CHE/20/00232/TPD Single storey rear pitched roof extension at 24 Whitecotes Lane Walton Derbyshire S40 3HL for Mr Dean Reece

140 **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/20/00174/TPO Consent is granted to the felling of one Damson tree and the pruning of 14 trees within W1 on the order map for Mr David Turner of 14b Spital Lane, Spital.
- The duty to replant has been dispensed with on this occasion due to other trees in the garden and no loss of amenity.
- CHE/20/00258/TPOEXP Consent is granted to the felling of one Robinia tree which is split down the main stem and located next to the public footpath reference T30 on the Order map for The Environmental Partnership at the former car park of Walton Hospital, Whitecotes Lane, with a condition to replant with another Robinia this planting season October 2020 in the same location that is

reasonably possible.

CHE/20/00259/TPO	Consent is granted to the pruning of two Oak trees reference T3 and T4 on the Order map for Dronfield Tree Services on behalf of Starfish Group at the former Brockwell Court development site off Cheedale Avenue.
CHE/20/00096/TPO	Consent is refused to the pruning of one Oak tree reference T41 on the Order map for MWA Arboriculture Ltd on behalf of Mr Upfold of 402 Old Road.
CHE/20/00296/TPO	Consent is granted to the pruning of one Oak tree reference T3 on the Order map for JB Hibberd Ltd on behalf of Mr Mark Osbourne of 152 Rockingham Street, Sheffield. The tree is located to the frontage of 8 Lime Tree Close, Brimington.
CHE/20/00315/TPO	Consent is granted to the pruning of one Lime tree within W1 on the Order map for Mrs June McDonald of 33 Coupland Close, Old Whittington.
CHE/20/00342/TPOEXP	Consent is granted to the felling of one damaged and dangerous Ash tree within G1 on the Order map for Mrs Heidi Townsend Glossop of 16 Booker Close, with a condition to plant a Rowan tree in the first available planting season after felling.
CHE/20/00320/TPO	Consent is granted to the pruning of one Alder tree reference T1 on the Order map for Mrs Holt of 2 Bowness Road, Newbold.

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

CHE/20/00299/CA The pruning of one Beech tree to the frontage of 13 Somersall Lane, Somersall.	Agreement to the pruning of one Beech tree. The pruning of the tree will have no adverse effect on the amenity value of the area. The tree is within the Somersall Conservation Area and the applicant wishes reduce the size of the tree due to its location in the front garden and limited space to mature.
CHE/20/00347/CA The pruning of one Ash tree in the rear garden of 540 Chatsworth Road, Brampton.	Agreement to the pruning of one Ash tree. The pruning of the tree will have no adverse effect on the amenity value of the area.

The tree is within the Chatsworth Road Conservation Area and the applicant wishes reduce the size of the tree due to its location in the rear garden and limited space to mature.

141 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.

142 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.

143 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 6a of Part 1 of Schedule 12A of the Act.

144 UNAUTHORISED DEVELOPMENT AT 20 NORTH CRESCENT, DUCKMANTON, CHESTERFIELD, DERBYSHIRE S44 5EZ

The Development Management and Conservation Manager submitted a report on the unauthorised developments at 20 North Crescent, Duckmanton, Chesterfield, Derbyshire.

***RESOLVED –**

1. That authority be granted for the issue of an Enforcement Notice requiring the removal of the raised structure not forming part of the original roof area, all railings and any fixed ladder or steps attached to the out building located in the rear garden of 20 North Crescent, Duckmanton, Chesterfield and requiring all aspects of development listed above, to be removed and the building returned to its original condition.
2. That the period for compliance be 2 months.

Agenda Item 4

COMMITTEE/SUB	Planning Committee
DATE OF MEETING	13 th July 2020
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 13 JULY 2020**

- ITEM 1 CHE/19/00624/HAZ - APPLICATION FOR HAZARDOUS SUBSTANCES CONSENT FOR THE STORAGE OF LIQUEFIED PETROLEUM GAS AT UNIT 53/64 M1 COMMERCE PARK, MARKHAM LANE, DUCKMANTON, CHESTERFIELD FOR AVANTIGAS LTD.**
- ITEM 2 CHE/20/00312/COU - CHANGE OF USE FROM B8 to B2 Industrial use AT UNIT 5 , PLOT 2 MARKHAM VALE INDUSTRIAL PARK, MARKHAM LANE, DUCKMANTON, CHESTERFIELD FOR ESF CHESTERFIELD LTD**

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ITEM 1

Application for Hazardous Substances Consent for the storage of Liquefied Petroleum Gas at Unit 53/64 M1 Commerce Park, Markham Lane, Duckmanton, Chesterfield for AvantiGas Ltd.

Local Plan: Economic Growth Area

Ward: Hollingwood and Inkersall

1.0 **CONSULTATIONS**

Ward Members	No representations received.
Environmental Services	No comments received.
Environment Agency	No comments received.
Bolsover District Council	No comments to make.
Derbyshire Constabulary	No objections to the scheme.
DCC Highways	No objection
Highways England	No objection
Health & Safety Executive	Comments received see report.
Neighbours/Site Notice/Advert	No representations received

2.0 **THE SITE**

2.1 The application site is situated within the former Markham Colliery site at Markham Vale and is part of the former

colliery site which has not been redeveloped for new industry and warehousing. The site lies to the east of the M1 and is positioned close to the administrative boundaries with Bolsover and North East Derbyshire District Council to the east of the Borough of Chesterfield.

- 2.2 The works site is generally level and is positioned with an agricultural field to the west separating the site from the M1, open caravan storage (Bolsover Caravans) to the south and south east and other commercial uses within the former Markham Colliery buildings to the north and east including a number of vehicle repair and maintenance centres. The land to the rear of all the units fronting Markham Lane is all used as hard surfaced parking areas. The application site was previously used for vehicle parking by ADR Vehicles.
- 2.3 Yard 73 extends to an area of approximately 1930 square metres and comprises of an open storage and hardsurfacing compound with the main AvantiGas Ltd two storey office buildings lying to the east in unit 63 off Markham Lane. All access to the site is via Markham Lane from a single access point to the group of units to the north.
- 2.4 All site boundaries to yard 73 are secured by steel fencing and there is a lighting system and 24 hour monitored security CCTV system in place. Access to yard 73 is from the north west corner via a security gate.
- 2.5 The nearest residential properties are those fronting Erin Road, located approximately 315 metres to the north.



3.0 **RELEVANT SITE HISTORY**

3.1 CHE/19/00031/FUL - Installation of gas tank at yard 73 M1 Commerce Park for Avanti Gas Ltd – Approved 30th April 2019.

4.0 **THE PROPOSAL**

4.1 The application is submitted for a Hazardous Substances Consent for the storage of Liquefied Petroleum Gas of up to 24 tonnes in a vessel at yard 73 and up to 3 tonnes in 3 No 1 tonne vessels at units 53 and 64 M1 Commerce Park. The 24 tonnes vessel is the one which was given planning permission in April last year under CHE/19/00031/FUL. The 3 No 1 tonnes vessels are located to the north east corner of the Avanti Gas Ltd compound.



4.2 The 24 tonnes LPG vessel does not need Hazardous Substances Consent (HSC) on its own as up to 24 tonnes is a controlled/permitted quantity under the regulations however it was noted on the site inspection that there were 4 smaller tanks immediately adjacent to the compound of the

24 tonnes vessel which collectively trigger the need for Avanti Gas Ltd to apply for HSC. The HSC application is therefore made in retrospect.

4.3 Yard 73 is used primarily for the parking of LPG tankers with occasional loading and off loading to site storage vessel or tanker to tanker. The submission indicates a daily quantity of up to 23 tonnes. Units 53/64 involve LPG supply for third party commercial office space via pipework and commercial unit in the form of Autogas supply and filling of vehicles. An average of 15 tonnes a year is used.

4.4 Yard 73 and the facilities at units 53/64 have been developed in line with the relevant Liquid Gas UK code of practice with additional measures of gas detection and overfill protection in place.

4.5 Yard 73 is used exclusively for the storage of LPG and is operated by Avanti Gas Ltd only as one of the many hazardous sites owned and operated throughout the UK. Avanti Gas Ltd have many years experience in Upper and Lower Tier COMAH establishments, incident prevention and control. The site has been designed using well established process safety and risk assessment techniques (HAZOP).

5.0 **PROCEDURES**

5.1 This application falls to Chesterfield Borough Council, as the Hazardous Substances Authority, to determine and relates to the well-established Avanti Gas Ltd operation across the UK. The application seeks permission for a Hazardous Substances Consent to allow continuation of the storage of specified substances in line with the regulations introduced by the Planning (Hazardous Substances) Act 1990 and the Planning (Hazardous Substances) Regulations 2015.

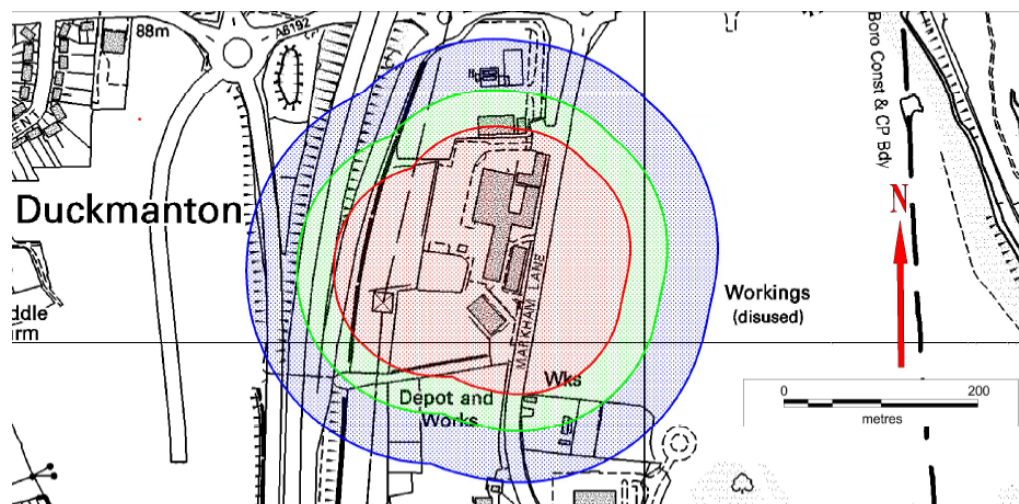
- 5.2 The Councils Constitution refers at P220 to carrying out all non-executive functions of the authority as Hazardous Substances Authority under the Planning (Hazardous Substances) Act 1990, including the determination of applications for hazardous substances consent. The scheme delegates decisions to officers under P230D where after consultation with the Assistant Director - Health and Wellbeing, to determine claims for Deemed Hazardous Substances Consent. It is the case therefore that the determination of an application for Hazardous Substances Consent is a matter for planning committee.
- 5.3 In determining an application for hazardous substances consent, the Hazardous Substances Authority must take into account any material considerations including:
- a) any current or contemplated use of land to which the application relates;
 - b) the way in which land in the vicinity is being used or is likely to be used;
 - c) any planning permission that has been granted for development of land in the vicinity;
 - d) the provisions of the development plan; and
 - e) any advice which the HSE has given following consultations. The HSE and the EA acting jointly, are the Control of Major Accident Hazards competent (COMAH) Authority.
- 5.4 The Authority may grant Hazardous Substances Consent either unconditionally or subject to conditions, or may refuse consent. Full reasons must be stated for any conditions imposed, and any refusal. The consent must include a description of the land to which it relates, a description of the hazardous substance to which it relates, and a statement of the maximum quantity of each hazardous substance allowed by it to be present at any one time.
- 5.5 Consultations have been carried out and the following comments have been received:

5.5.1 Health and Safety Executive

HSE has assessed the risks to the surrounding areas population arising from the proposed operations and likely activities arising from the maximum quantity of hazardous substances for which consent is being sought and has concluded that the risks to the surrounding population are so small that there are no significant reasons, on safety grounds, for refusing Hazardous Substances Consent. HSE comment that it would be beneficial to include the following condition:

The hazardous substances shall not be kept or used other than in accordance with the particulars provided on the application forms, nor outside the areas marked for storage of the substances on the plans which formed part of the application, specifically Substance Location Plan Duckmanton Hazardous Consent Boundaries drawing number A11528.

On the basis of the above assessment, HSE has prepared a “3-zone map” comprising a consultation zone, the outer of the zones marked on the map, which will become in force on the back of the Hazardous Substances Consent.



5.5.2 Environment Agency

No objection received.

5.5.3 **Other Consultees**

Ward councillors, Bolsover District Council, Environmental Services, Derbyshire Constabulary, the Highway Authority and Highways England have all been consulted with no adverse responses received.

5.5.4 **Publicity**

In accordance with the Regulations, the application has been advertised (by the applicant company) in the Derbyshire Times on 23rd January 2020 and by Site Notice on 17th January 2020. No representations have been received as a result of this publicity.

5.5.5 Letters have also been sent to 24 neighbouring business units also with no representations being received.

6.0 **PLANNING CONSIDERATIONS**

6.1 This is not an application for planning permission and it does not concern any proposal to change the activities already operating at the site. It is an application for Hazardous Substances Consent arising solely as a consequence of the proximity of other nearby LPG storage facilities, which together, exceed the trigger for such a licence. It is the case therefore that beyond the general allocations within the development plan, it is not of direct relevance to the determination of the application. In this case the site is shown to be in an industrial and commercial area where such proposals can be accepted. Industrial and commercial operations are encouraged in this location as an area of economic growth. It is also the case that planning permission has already been granted for the use and the vessels and which considered the impacts of such matters as design and appearance, highways and protection of the local environment for example.

- 6.2 The Hazardous Substances Consent process is to ensure that necessary measures are taken to address the risks of major accidents and limit their consequences to people and the environment. This is a key part of the controls for storage and use of hazardous substances which could, in quantities at or above specified limits, present a major off-site risk. The system of Hazardous Substances Consent does not replace requirements under health and safety legislation. Under the Regulations, the COMAH competent authority is the HSE and the EA, acting jointly. They advise hazardous substances authorities, such as the Borough Council, on the nature and severity of the risk to persons in the vicinity and the local environment arising from the presence of a hazardous substance at an establishment. This is the primary material consideration in this case.
- 6.3 The Hazardous Substances Authority can impose conditions, including conditions as to how and where substances are kept and the times substances may be present, or requiring permanent removal within a certain time. Conditions as to how a substance is to be kept or used may only be imposed if the COMAH competent authority has advised that such conditions should be imposed.
- 6.4 The NPPF provides guidance on the planning considerations in relation to hazardous substances. Paragraph 45 states that Local planning authorities should consult the appropriate bodies when considering applications for the siting of, or changes to, major hazard sites, installations or pipelines, or for development around them.
- 6.5 The site is appropriately located in a primarily industrial and commercial area at some distance away from the nearest residents which are located in Duckmanton on the other side of the M1 corridor. The site is most closely surrounded by uses with low occupancy such as the agricultural field to the west, caravan storage to the south and car parking areas to

the north. Slightly further away is the Great Bear distribution depot/warehouse and Viridor Waste and Landfill site. The Markham Vale area is however a growth area for business investment and where new B1, B2 and B8 industrial uses are encouraged. Avanti Gas Ltd are already situated within the area and are required to comply with the regulations regarding their operations and environmental standards. The company has a history of successfully managing the storage of hazardous substances and the Council has not received any complaints about the site activities.

6.6 It is considered that there are no unacceptable risks to the environment or public amenity associated with this application. The standards required in the regulations are being met. The HSE and the EA have been consulted and have considered this application. HSE has provided an assessment of the risk of harm from the maximum quantity of hazardous substances for which consent is being sought and concluded that the risks to the surrounding population arising from the proposed operation are such that there are no significant reasons, on safety grounds, for refusing Hazardous Substances Consent, provided the conditions listed in their response is imposed on the consent.

6.7 There are no other material planning considerations which would justify anything other than an approval for the Hazardous Substances Consent in this case.

7.0 **HUMAN RIGHTS ACT 1998**

7.1 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

7.2 It is considered that the recommendation is objective and in accordance with clearly established law and regulations .

7.3 The recommended condition is considered to be no more than necessary to control details of the development in the interests of amenity and public safety and which interferes as little as possible with the rights of the applicant.

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

8.1 The following is a statement on how the Local Planning Authority (LPA) has adhered to the requirements of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 in respect of decision making in line with paragraph 38 of the February 2019 National Planning Policy Framework (NPPF).

8.2 Given that the proposed development does not conflict with the NPPF, it is considered to be ‘sustainable development’ and there is a presumption on the LPA to seek to approve the application. The LPA has impose a condition recommended by the Health and Safety Executive and has been sufficiently proactive and positive in proportion to the nature and scale of the consent applied for.

9.0 **CONCLUSION**

9.1 The COMAH competent authority, has concluded that there are no reasons to not grant consent based on safety grounds as set out in the Regulations. Having had regard to local

conditions, the local plan, and other material considerations, there are also no reasons not to grant consent on planning policy grounds.

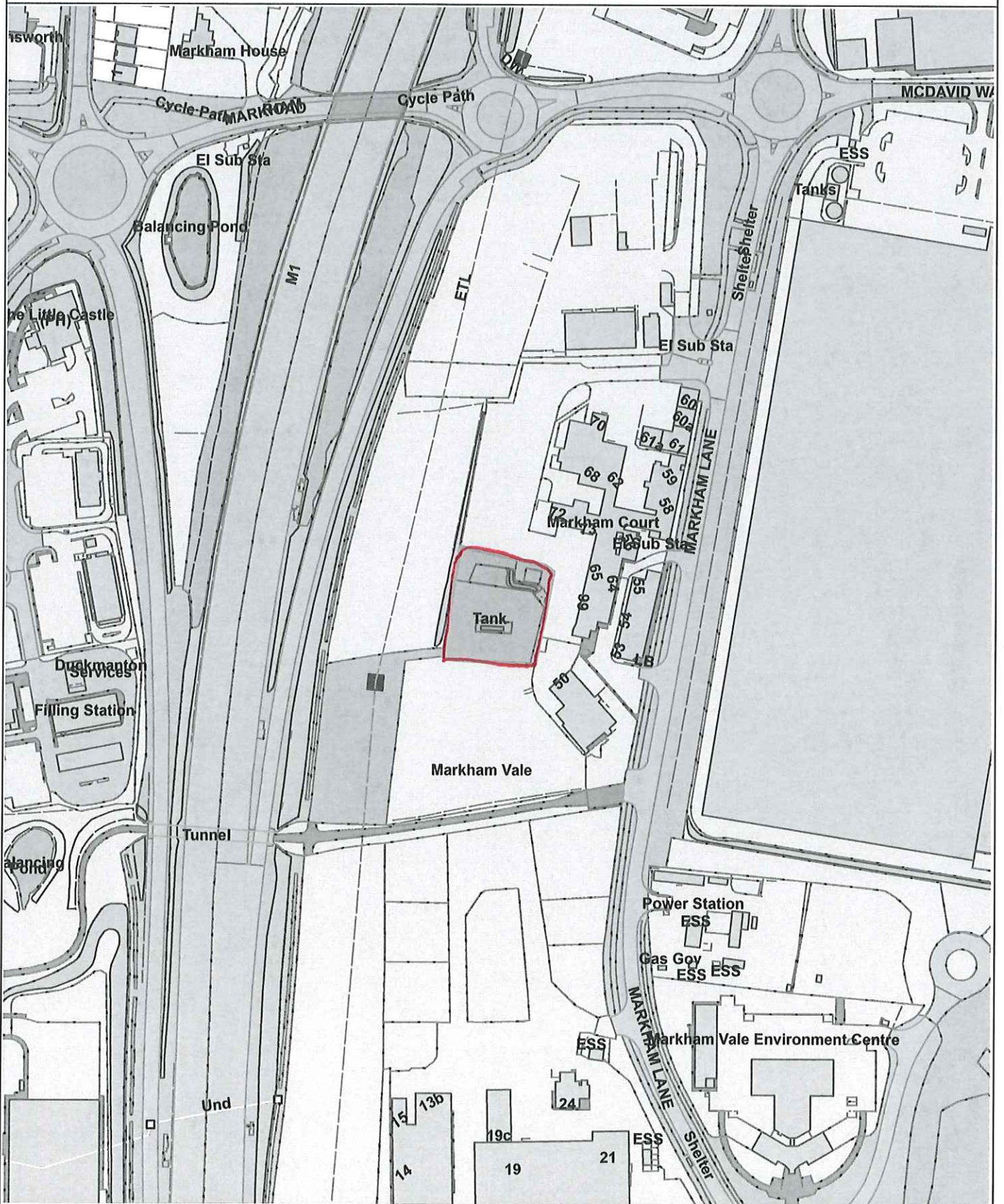
10.0 **RECOMMENDATION**

10.1 It is recommend that Hazardous Substances Consent should be granted for the application in this case, subject to the condition advised by HSE as follows.

1. The hazardous substances shall not be kept or used other than in accordance with the particulars provided on the application forms, nor outside the areas marked for storage of the substances on the plans which formed part of the application, specifically Substance Location Plan Duckmanton Hazardous Consent Boundaries drawing number A11528.

Reason:

1. To ensure conformity with the details of the application as approved and to clarify its scope.



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Ctte Date: July 13th, 2020

ITEM 2

CHANGE OF USE FROM B8 to B2 Industrial use AT UNIT 5 , PLOT 2 MARKHAM VALE INDUSTRIAL PARK, MARKHAM LANE, DUCKMANTON, CHESTERFIELD FOR ESF CHESTERFIELD LTD

Local Plan: Economic Growth Area
Ward: Hollingwood & Inkersall

1.0 **CONSULTATIONS**

Ward Members	no representations received.
Environmental Services	Comments received – see report.
DCC Highways	No objection
Staveley Town Council	No comments received
Neighbours/Site Notice	No objections received.

2.0 **THE SITE**

2.1 The application site extends to an area of 2.391 hectares and comprises of the warehouse building formerly occupied by Andrew Page Ltd at plot 2 south , Markham Lane at Markham Vale.

2.2 The site is to the west of the link road through to Erin Void Waste Disposal site and on the opposite side of the road is Inspirepac Smurfit Kappa. To the south between the two roundabouts is the offices and yard of WS Transportation

Tanker Logistics and the western boundary of the site is formed by the M1 motorway corridor. The south bound slip road to junction 29A runs along the edge of the site arriving at the traffic roundabout at the south west corner of the site. To the north of the site on plot 2 north is Gould Alloys.

- 2.3 The building, which is currently vacant is being used on a temporary basis by DCC for food parcel distribution to shielded households during the Covid 19 pandemic. The building is a rectangular block extending to 9,524 square metres (including mezzanine) within a 2 bay, 14 metre high typical warehouse type unit. The building is served by two access / egress arrangements which separate cars from service vehicles. Both are from the link road running along the east boundary of the site. The car entrance used by staff and customers is towards the south east corner of the building via a gated arrangement and which provides access to areas of car parking (61 spaces) at the south and south east corner of the site. Covered cycle parking facilities are also available. The offices and entrance to the building are located at this end. The service entrance is located at the northern end of the building and which provides access to the western side of the building where loading and service bays are provided.



2.4 Landscaping around the building is now maturing and provides an attractive surrounding to the unit.





3.0 **RELEVANT SITE HISTORY**

- 3.1 CHE/0502/0312 – Outline for commercial (not major retail) office industrial & warehouse development, new and altered roads (including a new motorway junction), land reclamation ground re-modelling, drainage, landscaping and re-use of railheads on 360 hectares of land at Markham Colliery site was agreed on 16/5/05.
- 3.2 CHE/11/00592/REM – Reserved Matters for Warehouse and Distribution Depot (B8) , ancillary offices, access, car parking and associated infrastructure was conditionally agreed on 14/11/11.
- 3.3 CHE/12/00073/DOC – Discharge of conditions 2 and 3 agreed 08/03/12
- 3.4 CHE/12/00004/ADV – 3 Illuminated signs agreed 24/4/12

3.5 CHE/12/00305/DOC – Discharge of conditions 7, 13 and 14 agreed 06/07/12

4.0 **THE PROPOSAL**

4.1 The application seeks a change of use of the unit from B8 to B2 industrial to enable the use for operation of a separation and refined fuel production process for the manufacture of biomethane fuel and commercial nutrient products using Advanced Anaerobic Digestion.

4.2 The proposed operation utilises proprietary biogas production equipment and associated biomethane gas upgrading and methanisation technology to produce a product gas for export from site. The facility has been designed to process approximately 75,000 tonnes per annum of waste derived from feedstocks comprising a mixture of highly organic waste biomass materials. The processing activities employed at site will utilise Advanced Anaerobic Digestion (AAD), which forms part of a suite of technologies referred to as Advanced Conversion Technologies (ACT). AAD / ACT processes are routinely used to manufacture biomethane for use in the biofuel / renewable transport fuel sectors. Such processes also produce high nutrient fertiliser products which can be used in agriculture.

4.3 All biomethane produced by the site will meet the Transco Grid Injection Standard and be suitable for export from site, either by direct grid injection or by road tankers. Both ACT and AAD are recognised by Ofgem as a renewable energy generation technology and are a means of clean generation of energy.

4.4 The Applicant intends to use the site as a processing plant to produce biofuels feedstocks and clean methanated gas and nutrient products. A small amount of ancillary gas fired

combined heat and power (CHP) will also take place on site solely for the purposes of meeting the energy needs of the process, namely pasteurisation, tank heating and drying.

- 4.5 All the processing equipment and activities would be accommodated within the existing buildings. This includes all necessary deliveries, storage silos and tanks, incoming feedstock conveyors and processing plant, bioreactors, digestion tanks and separation equipment. The existing building requires minimal change to accommodate the proposed use and apart from the installation of a small ventilation stack extending to approximately 14.9m in height and a number of small ancillary process chillers and evaporative cooling towers along the east elevation, no material external building changes will be required.
- 4.6 All feedstock would be delivered into the site will be via the existing vehicular means of access on Markham Lane via the M1 Junction 29a.
- 4.7 The throughput of the plant is equivalent plant to 8.5 to 9 tonnes per hour and will have the annual capacity to process and recover approximately 75,000 tonnes per annum. Due to the nature of the processing, all feedstocks would be provided in sealed / enclosed vehicles and transferred directly into the sealed reception areas, feed systems and bioreactor tanks for processing.
- 4.8 Once operational, approximately 20 FTE jobs would be created on site. Based on the designed [75,000TPA] processing throughput, approximately 50 daily vehicle movements would be required (material deliveries, gas tankering, nutrient cake collections). All deliveries would be predominantly daytime weekday only, with minimal deliveries proposed over weekends and/or bank holiday periods.

4.9 The facility will be operated on a continuous 24/7 basis with deliveries, loading and unloading operations being carried out in accordance to the schedule below:

- Monday – Saturday: 06.00 - 18.00
- Sundays: No deliveries unless in emergencies
- Bank Holidays: No deliveries or collections unless in emergencies

All deliveries and collections will be carried out using the existing vehicular entrances on Markham Way.

4.10 The proposal was advertised by a site notice on 1st June 2020 and advert in the Derbyshire Times on 28th May 2020.

4.11 The application is supported by a number of planning decisions confirming the use as a B2 industrial use:

- 12/3024/CP: Lawful Development Certificate for use of the site for a propriety technology using an advanced process (gasification/pyrolysis) to convert biofuels and other suitable feedstock into clean gas to be injected into Transco National Grid Gas Distribution Network (Use Class B2). - Royal Greenwich LBC
- 2011/1319: Lawful Development Certificate: The use of former industrial building (Class B2) for the processing of end of life tyre to produce fuel and carbon black – Swansea City Council;
- N/00139/05/FUL: Certificate of Lawful B2 Use: Separation Process for Refined Fuel Production from Non-Hazardous Waste – Birmingham City Council;
- CL/340383/17: Certificate of Lawful B1/B2/B8 Use: Separation Process for Refined Fuel Production – Oldham Council;
- 09/01644/CLP: Certificate of Lawful B2 use: Refined Fuel production from Waste – Newham LBC

5.0 **CONSIDERATIONS**

The Development Plan

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'. Currently the relevant Development Plan for the area comprises of the saved policies of the Replacement Chesterfield Local Plan adopted June 2006 (RCLP) and the adopted Chesterfield Local Plan Core Strategy however the Emerging Local Plan (2018 – 2035) is also relevant and should now be taken into consideration and, in accordance with the criteria of para 48 of the NPPF, weight be given to it since the Inspector's final response has been received regarding the modifications process and the plan is to be considered for adoption by the Council on 15th July 2020. Adoption of the plan at that point will mean that the 2006 local plan and the 2013 Core Strategy cease to be of any relevance.

5.2 **Replacement Chesterfield Borough Local Plan Policies ('RCBLP')**

There are no relevant policies

5.3 **Chesterfield Local Plan: Core Strategy 2011 -2031 ('Core Strategy')**

- CS1 Spatial Strategy
- CS2 Principles for Location of Development
- CS3 Presumption in Favour of Sustainable Development
- Renewable Energy
- CS18 Design
- CS20 Influencing the Demand for Travel

5.4 **Submission Local Plan 2019**

- LP1 Spatial Strategy
- LP2 Principles for Location of Development
- LP21 Design

5.5 **National Planning Policies**

The Sections of the National Planning Policy Framework (NPPF) considered relevant to the decision are;

- 2. Achieving Sustainable Development
- 8. Promoting Healthy and Safe Communities
- 9. Promoting sustainable transport
- 12. Achieving Well designed Places

ASSESSMENT

Principle of Use

5.8 Both the existing and emerging local plans support the development of the Markham Vale area for economic growth and Markham Vale is specifically referred to in policy CS1 of the 2013 Core Strategy and LP1 of the emerging Local Plan in so far as the principle of locating developments. Both policy CS13 and LP7 concerning economic growth state that

development should deliver sustainable economic growth by supporting existing jobs and businesses and delivering inward investment and that proposals that facilitate a mix of uses will be encouraged. The policies state that planning permission will be granted for new employment development which accords with the council's overall spatial strategy as follows:

- a) B1(a) Office development within and on the edge of existing town and district centres and at developments at Chesterfield Waterside and Markham Vale
- b) B1(b&c) Light Industrial in locations within and close to existing town and district centres

- c) B1(b&c) and B2 Industrial uses within Established Business Areas (as shown on the proposals map) and at areas at Markham Vale, the Staveley and Rother Valley Corridor, and the Chatsworth Road Corridor
- d) B8 uses at Markham Vale and the Staveley and Rother Valley Corridor. In other Established Business Areas, new B8 uses will be permitted where they would not have an unacceptable adverse impact as a result of traffic movements.

5.9 The scheme is for a change of use from B8 use to B2 industrial use and which therefore accords with the general policy position referred to above. It is clear that the proposed use is a B2 industrial use as opposed to any waste processing facility which would fall to the County Council to deal with. This conclusion is reached on the basis of legal judgements and appeal decisions and is based on the following factors:

- The feedstock would be non-hazardous organic feedstocks derived from the waste processing and agricultural sectors (Bennett Fergusson decision held that waste falls within the definition of an “*Article*” in the definition of an industrial process.)
- It has also been held that waste processing involving the sorting, processing and conversion of waste materials can amount to an industrial process. The Swansea and Greenwich decisions held that the processing of waste to produce fuel falls within Class B2.
- The proposed use involves a multi-stage process consisting of sorting, separation, bio-digestion, blending, drying, purification and methanisation. All are an integral part of the proposed plant and are consistent with a waste processing process that has been held to be an “*Industrial Process*”.
- All solid nutrient products and gaseous fuels that are produced by the “*Industrial Process*” are manufactured to a

strict specification and meet the accepted definition of a “*Product*”.

- The fact that biofuel is produced or the plant would be regulated under an environmental permit does not prevent the process being an industrial process falling within Class B2 [as the Swansea and Greenwich decisions demonstrate].
- None of the materials brought onto the site would be hazardous or disposed of by way of incineration, chemical treatment or landfill, which would otherwise not be an “*Industrial Process*” for the purposes of the Use Classes Order.

5.10 The building already exists in a warehousing use and the planning issues therefore primarily concern the detail of, and consequence of the change to an industrial process.

5.11 Another key component policy issue common to both the existing and emerging local plans concerns policy on renewable energy. The Councils policy as set out in the emerging LP13 is that it supports proposals for renewable energy generation particularly where they have wider social, economic and environmental benefits, provided that the direct and cumulative adverse impacts of the proposals on the following assets are acceptable, or can be made so:

- a) the historic environment including heritage assets and their setting;
- b) natural landscape and townscape character;
- c) nature conservation;
- d) amenity – in particular through noise, dust, odour, and traffic generation.

The policy states that proposals will be expected to reduce impact in the open countryside by locating distribution lines below ground where possible; include provision to reinstate the site if the equipment is no longer in use or has been decommissioned and incorporate measures to enhance biodiversity.

- 5.12 Strategic Policy 1 is for the Council to minimise greenhouse gas emissions in line with Government targets, increase the use of renewable energy and help the borough adapt to the effects of climate change and policy LP21 sets out that all development should, as far as possible contribute towards reduction of CO2 emissions and generation of renewable energy.
- 5.13 The proposal is clearly in line with the strategic objectives in that it delivers a site where refined biomethane fuel is produced creating a significant renewable energy opportunity. The scheme will significantly contribute to the regional landfill reduction targets and provide high value green technology jobs in what is an emerging renewables and advanced renewables fuel sector.

Design and Visual Amenity

- 5.14 Policy CS18 of the Core Strategy and LP21 of the emerging local plan state that *'All development should identify, respond to and integrate with the character of the site and surroundings and respect the local distinctiveness of its context.*
- 5.15 The proposed use is comprised wholly within the existing building where all plant, machinery and silos for example would be located. The external changes are insignificant in so far as the addition of a flue at roof level and external chiller units on the east elevation and this would not be inappropriate in an area characterised by such buildings with plant and machinery. The occupied site will appear just as it does in its current appearance.

Amenity Issues

- 5.16 Core Strategy Policy CS2 and Emerging Local Plan Policy LP15 comments that all development will be required to have an acceptable impact on the amenity of users or adjoining

occupiers, taking into account noise and tranquility, dust, odour, air quality, traffic, appearance, overlooking, shading (daylight and sunlight) and glare and other environmental impacts.

5.17 The proposed process is required to be regulated (in terms of its emissions) under the Environment Agency's Environmental Permitting Regulations (EPR), as required by the EU Industrial Emissions Directive to ensure that all impacts are acceptable.

5.18 The anticipated environmental emissions would be as follows:

Emissions to Air - The plant would generate a small quantity of combustion products from the combined heat and power plants. The key emissions would be NO_x, CO and CO₂ and would be managed under the EPR.

Emissions of Odour - The buildings, industrial plant and processes will be required to be sealed and operated under negative pressure within the building to ensure that no offsite odour impacts are created. All buildings and process tanks will be fitted with odour abatement to ensure that all emissions meet with recognised Best Available Techniques (BAT).

Emissions of Noise - Noise emissions will be managed under the EPR. The principal noise source will be the internally housed engines, although these will be set within a noise abatement enclosure and which would be inaudible externally.

Emissions to Water - The only emissions to water will be surface-water runoff, which would be discharged to a sealed drainage system under EA consent.

Emissions to Sewer - All process effluents would be discharged to foul sewer under Yorkshire Water consent.

5.19 The Councils Environmental Health Officer has considered the proposal and concluded that on the basis that the use will

be regulated under an Environmental Permit issued by the Environment Agency then no adverse comments are made.

Drainage

- 5.20 The building has an existing drainage system and the proposal does not significantly alter the existing situation raising no adverse planning impacts.

Highways Issues

- 5.21 The site is situated within an economic growth area immediately adjacent to the M1 junction 29a and where easy access is available for all traffic associated with the scheme. The site has 61 No parking spaces, including 2 No disabled and a covered cycle shelter with 6 No cycle racks. There are considerable hardsurfaced service areas to the north and west of the building which are more than what is required for the proposed use. The proposed quantum of vehicle movements falls significantly below the currently consented use of the development and that which was operated by Andrew Page.
- 5.22 There are three times more parking spaces currently available at the site than the number of anticipated employees.
- 5.23 The County Highway Authority has raised no objection to the proposal on this basis.

6.0 Representations Received

- 6.1 No representations have been received regarding the proposal.

7.0 HUMAN RIGHTS ACT 1998

7.1 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

7.2 It is considered that the recommendation is objective and in accordance with clearly established law.

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

8.1 The following is a statement on how the Local Planning Authority (LPA) has adhered to the requirements of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 in respect of decision making in line with paragraph 38 of the February 2019 National Planning Policy Framework (NPPF).

8.2 Given that the proposed development does not conflict with the NPPF or with 'up-to-date' Development Plan policies, it is considered to be 'sustainable development' and there is a presumption on the LPA to seek to approve the application. The applicant also sought pre application advice from officers of the Council. The application has been dealt with by the local planning authority in a sufficiently proactive and positive manner in proportion to the nature and scale of the development applied for.

8.3 The applicant / agent and any objector will be provided with copy of this report informing them of the application considerations and recommendation / conclusion.

9.0 **CONCLUSION**

9.1 The proposed development accords with the adopted and emerging Local Plans and is also supported by the principles of the NPPF. The scheme provides an appropriate user for a large vacant plot at this regeneration site which has to be welcomed. The use will have little local impact and provides a significant renewable energy opportunity. The scheme will significantly contribute to the regional landfill reduction targets and provide high value green technology jobs in what is an emerging renewables and advanced renewables fuel sector. There is therefore a presumption on the LPA to seek to approve the application.

10.0 **RECOMMENDATION**

10.1 That 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.

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

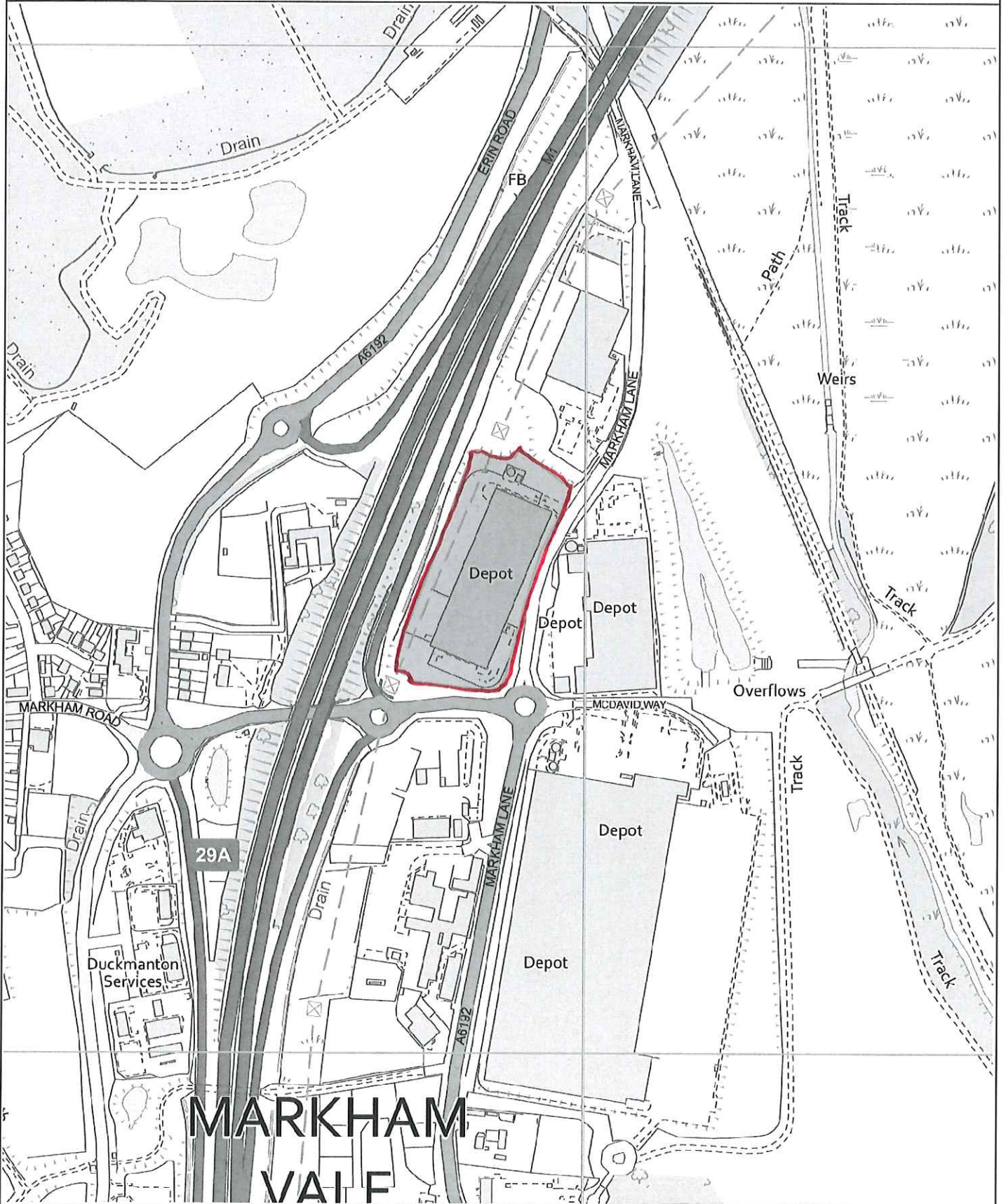
2. All external dimensions and elevational treatments shall be as shown on the submitted red line site location map contained within the SOL Environmental report accompanying the planning application with the exception of any approved non material amendment.

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

Notes

1. If work is carried out other than in complete accordance with the approved plans, the whole development may be rendered unauthorised, as it will not have the benefit of the original planning permission. Any proposed amendments to that which is approved will require the submission of a further application.

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Agenda Item 5

COMMITTEE/SUB	Planning Committee
DATE OF MEETING	13 th July 2020
TITLE	DELEGATION
PUBLICITY	For Publication
CONTENTS	Items approved by the Group Leader, Development Management under the following Delegation references:- No Agenda Item
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:-

Building Regulations Stuart Franklin 345820

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Committee List - Chesterfield

Reference Number	Site Address	Description Of Work	Decision Date	Decision Type
20/02433/DOMFP	5 Spencer AvenueWoodthorpeChesterfieldS43 3BX	Proposed rear extension	15/06/2020	C
20/02567/DEXFP	24 Whitecotes LaneWaltonChesterfieldS40 3HL	Single storey rear extension	17/06/2020	C
20/01337/DEXFP	Land Adj82 Walton RoadWaltonChesterfieldS40 3BY	New dwelling	18/06/2020	C
20/02640/DEXFP	16 Wimborne CrescentNewboldChesterfieldS41 8PS	Single Storey Rear Extension	22/06/2020	C
20/02548/DEXFP	11 Devon Park ViewBrimingtonChesterfieldS43 1EN	Single Storey Rear Extension	24/06/2020	A
20/02551/DEXFP	32 Purbeck AvenueBrockwellChesterfieldS40 4NP	Single Storey Side Extension	24/06/2020	A
20/02028/DEXFP	4 Mansfeldt RoadNewboldChesterfieldS41 7BW	Orangery extension to dining room	29/06/2020	A
20/02705/DEXFP	9 Ralph RoadStaveleyChesterfieldS43 3PY	Loft Conversion	29/06/2020	C
20/02159/DEXFP	23 Dale Bank CrescentNew WhittingtonChesterfieldS43 2DN	Side Extension	29/06/2020	A

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Agenda Item 6

COMMITTEE/SUB	Planning Committee
DATE OF MEETING	13 th July 2020
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/18/00350/FUL	St Leonards	Proposed temporary car park (revised plans received 01.11.2018, supporting drawing showing proposed and existing levels provided 05.02.2019, revised plans received 22.07.2019, revised plan and design and access statement received 18.12.2019) At 15 Mill Street Chesterfield S41 7XA For Bank Park Ltd	CP	18/06/2020
CHE/20/00105/RET	Hollingwood And Inkersall	Retrospective consent for retention of kitchen extension (amended plans received 05.05.2020) At 23 Myrtle Grove Hollingwood Derbyshire S43 2LL For Mr Peter Catherwood	CP	18/06/2020
CHE/20/00138/DOC	Middlecroft And Poolsbrook	Discharge of conditions 3 (site layout), 6 (bin storage), 7 (storage of plant and machinery), 11 (Site Investigation), 12 (coal mining report), 13 (hard and soft landscaping), 14 (permeability tests) and 15 (Ecological Appraisal) of CHE/17/00747/FUL - Residential development. Revised drawings received 28 5 2020. At Land To Rear Of 109 Middlecroft Road Staveley S43 3XH For MUSE	DPC	18/06/2020
CHE/20/00155/FUL	Rother	Dropped kerb and driveway to property At 193 Boythorpe Road Boythorpe Derbyshire S40 2NB For Mr Yashin Umerji	REF	23/06/2020

CHE/20/00163/FUL	Brockwell	Single storey rear extension At 51 Ashgate Road Chesterfield Derbyshire S40 4AG	CP	19/06/2020
		For Mr Matthew Young		
CHE/20/00197/DOC	Lowgates And Woodthorpe	Discharge of planning conditions 3 (materials) 4 (landscaping, bin storage, boundary treatments), 5 (windows and doors), 9 (employment and Training scheme), 10 (site storage provision) and 14 (Arboricultural Assessment) of CHE/17/00359/FUL (Alterations and change of use from public house to residential use comprised of 9 flats and a separate 4 bed dwelling)	REF	22/06/2020
		At Victoria Hotel Lowgates Staveley Derbyshire S43 3TR		
		For KAT Homes		
CHE/20/00204/COU	St Leonards	Change the use from current A1 status to SuiGeneris - private hire function room.	CP	26/06/2020
		At 6 Cannon Court Beetwell Street Chesterfield Derbyshire S40 1SH		
		For Mrs Louise Gavan		
CHE/20/00206/LBC	St Leonards	LBC for internal works to facilitate change of use of premises to private hire function room	CP	26/06/2020
299		At 6 Cannon Court Beetwell Street Chesterfield Derbyshire S40 1SH		
		For Mrs Louise Gavan		
CHE/20/00214/FUL	West	First floor extension over existing garage and two storey side extension to provide accommodation for dependent relatives At 27 Yew Tree Drive	CP	02/07/2020

Somersall
S40 3NB
For Mr and Mrs Jassim

CHE/20/00219/COU St Leonards	Change of use of ground floor from A1 retail to A4 Drinking establishment At 64 Jawbones Hill St Augustines Chesterfield S40 2EN For Mr Stephen Eyre	REF	12/06/2020
CHE/20/00242/DOC Hasland	Discharge of planning condition 3 (materials) of CHE/17/00267/FUL - Two storey front extension At 110 Broomfield Avenue Hasland Derbyshire S41 0ND For Mr and Mrs Wilson	DPC	19/06/2020
CHE/20/00243/PNC St Leonards	Change of use of former off licence to coffee shop (A3) (description amended 28/04/2020 following email with applicant) At The Birdcage Chesterfield Ltd 35 Derby Road Chesterfield Derbyshire S40 2EF For The Birdcage Chesterfield Ltd	PANRZ	18/06/2020
CHE/20/00251/DOC Holmebrook	Discharge of planning conditions 16,18, 23 (surface water) and 24 (approved drawings) of CHE/19/00735/FUL - demolition of existing garages and erection of 6 self contained single storey complex behavioural bungalows and 6 self contained assisted living apartments over 2 storeys and new tarmac through road linking Bank Street and Chester Street At Garage Sites Bank Street Chesterfield S40 69 For For Chesterfield SSL Ltd	DPC	24/06/2020

CHE/20/00252/FUL	Hollingwood And Inkersall	Two storey side extension At 14 McMahon Avenue Inkersall Derbyshire S43 3HN For Miss Jenna Broomhead and Mr Johnathon Shemwell	REF	11/06/2020
CHE/20/00254/DOC	Holmebrook	Discharge of planning conditions 20 and 22 (Site investigation)of CHE/19/00735/FUL -demolition of existing garages and erection of 6 self contained single storey complex behavioural bungalows and 6 self contained assisted living apartments over 2 storeys and new tarmac through road linking Bank Street and Chester Street. At Garage Sites Bank Street Chesterfield S40 1BH For Chesterfield SSL Ltd	DPC	24/06/2020
CHE/20/00255/FUL	Middlecroft And Poolsbrook	Ground floor extension to the rear elevation At 38 Calver Crescent Staveley Derbyshire S43 3LZ For Mr Julian Haynes	CP	24/06/2020
CHE/20/00260/FUL	St Leonards	Modular ramping to front elevation At 28 Harvey Road Hady S41 0BN For Mr Duffy	CP	18/06/2020
CHE/20/00262/DOC	St Leonards	Discharge of condition 7 (boundary wall) and 8 (palisade fencing) of CHE/19/00779/REM1 - Variation of condition 2 (external dimensions of the link building) of CHE/18/00603/FUL - Demolition of existing link building with proposed replacement link building At 9D Holywell Street Chesterfield S41 7SA For Mr Roy Cutt	DPC	19/06/2020

CHE/20/00267/DOC	St Leonards	Discharge of planning conditions 3 (ground contamination), 7 (landscaping), 8 (lighting), 9 (storage of waste) and 10 (foul and surface water) of CHE/18/00152 (traveller site with 3 pitches) At Mayfields Hady Lane Hady Derbyshire S41 0DE For Mr J Cash	DPC	25/06/2020
CHE/20/00269/FUL	St Helens	Single storey rear extension and loft conversion (including dormer to rear) (revised drawing received 23.06.2020 demonstrating no encroachment) At 40 Tapton View Road Newbold S41 7JU For Mr Steinhobel	CP	29/06/2020
CHE/20/00271/FUL	Brockwell	Two storey rear extension and single storey front porch. (revised drawings provided 09/06/20) At 40 Highfield Avenue Newbold S41 7AX For Mr Allen	CP	30/06/2020
CHE/20/00272/FUL	Loundsley Green	Two storey side extension and conversion of garage to bedroom (revised plans received 09.06.2020) At 14 Kennet Vale Chesterfield S40 4EW For Mr and Mrs S Fox	CP	24/06/2020
CHE/20/00275/FUL	St Leonards	Change of use from A1 shop to A Tattoo studio(sui generis) At Market Hall, Shop 8 Market Place Chesterfield S40 1AR For Stixis Kostas Diamantdis	CP	30/06/2020

2106

CHE/20/00276/LBC	St Leonards	Listed Building Consent for change of use from A1 shop to A Tattoo studio(sui generis) At Market Hall, Shop 8 Market Place Chesterfield S40 1AR For Stixis Kostas Diamantidis	CP	30/06/2020
CHE/20/00277/LBC	St Leonards	Internal alterations to install a space divider to separate reception area from studio area. At Market Hall, Shop 8 Market Place Chesterfield S40 1AR For Stixis Kostas Diamantdis	CP	30/06/2020
CHE/20/00279/FUL	Walton	Erection of a single storey pitched roof rear extension, erection of gable end roof projection, insertion of a flat roof dormer in rear roof slope and insertion of Velux style roof windows in the front roof slope (revised drawing for a half hip loft conversion received 12.06.2020) At 275 Walton Road Walton S40 3BT For PjN Architecture and Planning	CP	25/06/2020
CHE/20/00280/DOC	Lowgates And Woodthorpe	Discharge condition numbers 3 - materials, 16 - Intrusive site investigation. and 17 - Land contamination of application number CHE/19/00357/FUL At Land Adjacent 11 Bridle Road Woodthorpe Derbyshire For Joshua Greveson	DPC	25/06/2020
CHE/20/00283/FUL	Hollingwood And Inkersall	Two storey, part first floor extension to the front elevation, two storey extension to the rear and side, including alteration to the existing house roof. At 16 Chestnut Drive Hollingwood S43 2LZ For Mr and Mrs Miller	REF	30/06/2020

CHE/20/00303/PNC St Leonards	Conversion of first and second floor vacant offices into residential apartments (revised plans submitted 25.06.2020 reducing number of flats at first floor to 14) At Burlington House Burlington Street Chesterfield Derbyshire S40 1RX For Gape Equity Ltd	REF	30/06/2020
CHE/20/00307/TPO Brockwell	Copper Beech (T19) lift the crown by removing the 4 lowest branches which face the house to balance the lower crown. At 21 Hunters Walk Chesterfield S40 1GB For Miss Wendy Pinchbeck	CP	15/06/2020
CHE/20/00308/DOC Middlecroft And Poolsbrook	Discharge of condition 11 (drainage) of CHE/20/00164/REM1 - Provision of artificial grass pitch; car park resurfacing and installation of 11 No flood lighting columns. At Staveley Miners Welfare Fc Pavillion Inkersall Road Staveley Derbyshire S43 3WL For Mr Terry Damms	DPC	23/06/2020
CHE/20/00311/TPD Hasland	Single storey rear extension At 126 Broomfield Avenue Hasland Derbyshire S41 0ND For James & Claire Bentley	PANR	24/06/2020
CHE/20/00331/DOC St Leonards	Discharge of planning conditions 3 (foul and surface water) 4 (tree protection) and 6 (electric vehicle charging points) of CHE/19/00466/FUL - Installation of a new carpark development to incorporate 25 spaces, works to include the removal of some existing vegetation and trees	DPC	23/06/2020

At Sports Ground
Whitebank Close
Hasland
Derbyshire

For Chesterfield Borough Council

CHE/20/00338/TPO St Leonards	T1 horse chestnut- general maintenance to prolong life of tree ,T2 lime- dead wood and crossing branches, raise over road as lower branches are getting damaged by larger lorries/van and reduce branches encroaching on building.T3 silver birch-crossing and dead branches. Slight raise of lower branches/epicormic growth to maintain tree shape. Slight reduction to top just to maintain long life of tree and safety. T4 sorbus- crossing and dead branches. Slight raise for pedestrians and cars slight reshape due to broken limb and misshapen tree.	SC	30/06/2020
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At1 Broadoaks Close
Spital
Chesterfield
S41 0EW
For Mr Alex Smith

CHE/20/00351/TPO West	Crown reduce and remove low hanging branches number 19s garage and Somersall Willows At Green Gables 19 Somersall Lane Somersall Derbyshire S40 3LA	SC	25/06/2020
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For Mr John Thompson

CHE/20/00352/CPO Barrow Hill And New Whittington	Change of use from B2 use to end of life processing for vehicles (sui generis use) At Bay 10 Whittington Engineering Complex South Street North New Whittington Derbyshire S43 2BP	OC	26/06/2020
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For Messrs Lucasz & Ernest Gawrych & Wisniewski

CHE/20/00357/TPO Walton	Oak tree - Crown lift to 3 metres, crown thin by 20% to remove dead wood, suckers and thin of the crown to allow light to filter through. At 1 Bunting Close Walton Derbyshire S42 7NU	CP	16/06/2020
	For Mr Andrew Dalton		
CHE/20/00365/TPO Brockwell	Crown thinning of large Beech tree and large Lime tree, for crown lifting, crown thinning and a reduction of branches from around the telephone wire and those overhanging our home. At Russell House 16 Gladstone Road Chesterfield S40 4TE	CP	30/06/2020
	For Mrs Sally Hawgood		
CHE/20/00369/TPO Brimington North	Dangerous Cherry tree At 2 Ringwood Meadows Brimington Derbyshire S43 1FE	CP	12/06/2020
	For Louise Blundell		
CHE/20/00373/TPO Brockwell	T29 - Beech Tree to felled At 2 Hunters Walk Chesterfield Derbyshire S40 1GB	CP	15/06/2020
	For Rosa-Lynn Vann		
CHE/20/00416/CA West	T1, T2 Malus T3 Conifer - partial reduction in length of branches. These are catching their garage of number 19. At Upper Close 17 Somersall Lane Somersall Derbyshire S40 3LA	UP	25/06/2020
	For Mr John Thompson		

CHE/20/00423/TPO St Leonards T3 Sycamore tree - now dead, to be CP
felled due to close proximity to a public
footpath and 10 Cragside Close.

30/06/2020

At 10 Cragside Close
Chesterfield
Derbyshire
S41 0FH

For Chesterfield Borough Council

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	13 th July 2020
TITLE	DELEGATION
PUBLICITY	For Publication
CONTENTS	Items approved by the Development Management and Conservation Manager under the following Delegation references:- Felling and Pruning of Trees P100D, P120D, P130D
RECOMMENDATIONS	Not applicable
LIST OF BACKGROUND PAPERS	Relevant applications

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

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

<u>CODE NO</u>	<u>DESCRIPTION OF PROPOSAL</u>	<u>TERMS OF DECISION</u>
CHE/20/00369/TPOEXP TPO 4901.315 11/06/20	The felling of one Cherry tree reference T18 on the order map for Louise Blundell of 2 Ringwood Meadows, Brimington. The Cherry tree has a split in the main limb to the west of the trees crown and once removed would leave the tree one sided and un-balanced.	Consent is granted to the felling of one Cherry tree with a condition to plant a Rowan tree as a replacement in the first available planting season after felling.
CHE/20/00307/TPO TPO 4901.261 15/06/20	The pruning of one Beech tree reference T19 on the Order map for Wendy Pinchbeck of 21 Hunters Walk, Chesterfield.	Consent is granted to crown lift the Beech tree by 3.5 metres and to include the removal of the first 4 lower branches growing towards the property.
CHE/20/00373/TPOEXP TPO 4901.261 15/06/20	The felling of one Beech tree reference T29 on the Order map for Mrs Rosa-Lynn Vann on behalf of Lime Tree Park No. 1 Management Company at Hunters Walk, Chesterfield. The tree recently lost a large limb and on inspection it was found that another large limb over the driveway to Hunters Walk has a poor union on the main stem and was opening and closing in	Consent is granted to the felling of one Beech tree with a condition to plant a new Lime tree as a replacement near to the original tree.

	the wind. Removing just the limb will leave the tree with no branch framework and exposed to further storm damage.	
CHE/20/00357/TPO TPO 4901.174 16/06/20	The pruning of one Oak tree reference T9 on the Order map for Mr Dalton of 48 Foxbrook Drive, Walton. The tree is located on the boundary of 1 Bunting Close and 48 Foxbrook Drive.	Consent is granted to the crown lifting by 3 metres and crown thinning by 20% of one Oak tree to allow garden maintenance and light into the gardens.
CHE/20/00351/TPO TPO 4901.43 24/06/20	The pruning of 10 trees reference T22, T24, T27 and T29 Holly, T23, T26, T30, T32 and T35 Purple Plum and T31 Ash on the Order Map and which are situated adjacent to 19 Somersall Lane and along the south side of Somersall Willows between 19 Somersall Lane and 4 Somersall Willows	<p>Consent is refused to the crown reduction in height of T24 & T27 Holly because the trees height of only 4 - 5 metres is not considered excessive and a reduction in height is unnecessary to trees of this size.</p> <p>Also, consent is refused to the reshaping of T26 Purple Plum because the tree already has a well-balanced crown and the approved crown lift will remove any low and protruding branches.</p> <p>Consent is granted to the reduction of branches growing towards 19 Somersall Lane of T32 & T35 Purple Plum & T33 Lawson Cypress and T31 Ash to clear the property by 1.5 metres and the crown lifting of the remaining trees to clear the highway</p>

		and allow general maintenance of the grounds.
CHE/20/00338/TPO TPO 4901.101 30/06/20	The pruning of 4 trees within G1 on the Order Map and which are situated in the grounds of 1 Broadoaks Close, Piccadilly. The trees are low over the garden and driveway and close to the property.	Consent is granted to the crown lifting, removal of dead wood and the reduction of branches growing towards the property to give a 1.5 metre clearance from the structure.
CHE/20/00365/TPO TPO 4901.93 30/06/20	The pruning of two trees reference T1 & T2 on the Order map for Mrs Hawgood of 16 Gladstone Road, Chesterfield.	Consent is granted to crown lift the trees to clear the highway and garden, crown thin to allow more light through the canopy and reduce branches growing towards the property and telephone wires.
CHE/20/00423/TPOEXP TPO 4901.263 30/06/20	The felling of one Sycamore tree reference T3 on the Order map for Ted Firth on behalf of Chesterfield Borough Council. The tree is located along the banking of the River Rother at Piccadilly adjacent to 10 Cragside Close and is dead.	Consent is granted to fell one dead Sycamore tree with a condition to plant a replacement Rowan in the first available planting season after felling.

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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/20/00245/CA The felling of one small Holly and one dead Purple Plum tree.	The trees are within the Somersall Conservation Area and the applicant wishes to remove the trees to maintain the general appearance of the area and remove a hazard with the dead tree.	Agreement to the felling of 2 trees. The felling will have no adverse effect on the amenity value of the area.	24/06/20

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APPEALS REPORT

MEETING: PLANNING COMMITTEE
DATE: 13th July 2020
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>
2/208	Old Whittington ward	Nikki Cooper	CHE/19/00389/COU – Change of Use from B8 warehouse to D2 gym at unit 18 Broombank Park Refusal	Officer delegation	28/01/20	Written Reps (HAS)	
2/5549	Hasland ward	Rock Paper Scissors	CHE/19/00744/FUL – Extension to rear 10 The Green. Refusal	Officer Delegation	10/02/20	Written Reps (CAS)	Dismissed 01/7/20 see appendix A
2/4071	Moor ward	Mr D Revitt	Unauthorised building to rear of 10 Pottery Lane West. Enforcement Notice Grounds b) and c)	Planning Committee	25/2/20	Written Reps	
2/4077	Hollingwood & Inkersall ward	Katie Buxton	4 Ringwood Meadows Tree Replacement Notice	Officer Delegation	2/3/20	Written Reps	
2/1272	St Leonards ward	McDonalds	CHE/19/00199/FUL – new restaurant on land at West Bars roundabout Refusal	Planning Committee against officer advice	20/3/20	Written Reps	
2/5337	Woodthorpe & Lowgates ward	Chatsworth Settlement Trustees	CHE/17/00469/OUT	Planning Committee against officer advice	14/4/20	Public Inquiry	

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Appendix A
Appeal by Mr Cutts
Extension to rear of 10 The Green, Hasland, Chesterfield.
CHE/19/00744/FUL
2/5549

1. Planning permission was refused on 29th January 2020 for permission for an extension to the rear of “Rock Paper Scissors”, 10 The Green, Hasland for the following reasons:

The proposal does not comply with policies CS2 and CS18 of the Chesterfield Local Plan: Core Strategy 2011 - 2031 and therefore the wider National Planning Policy Framework. The overall rearwards projection of the proposed extension and existing adjoining extension would result in an overbearing built form which is excessive in scale, contrasting with the existing low level boundary wall and adversely impacting the amenity of the adjoining occupiers at No 8 The Green. The proposed extension is located to the south of No 8 The Green and as such will result in overshadowing to the amenity space of the adjoining occupiers. The proposed extension combined with the existing extension, outbuilding and built form would result in the overdevelopment and over intensive use of the site.

2. An appeal against the decision has been determined by the written representation appeal method and has been dismissed.
3. The main issues considered were i). the effect of the proposal upon the living conditions of the occupiers of No. 8 The Green with regard to outlook and light; and ii). the character and appearance of the surrounding area.

Living Conditions

4. The appeal site comprises a two-storey, mid-terrace currently occupied by a hair and beauty salon. The surrounding area is characterised by residential properties and retail premises. The appeal scheme seeks to further extend an existing flat roof rear projection. Both the appeal site and No. 8 are an ‘L’ shape and have a projection to the rear with a gable roof. No. 8 is a residential property and it has a rear window, close to

the boundary. There are also patio doors on the original rear elevation.

5. The Council stated the existing rear extension measures approximately 2.9m in depth and the proposed extension would also measure approximately 2.9m in depth. Thus, the proposed extension, together with the existing extension, would project approximately 5.8m beyond the rear elevation of No. 8. The extension would be adjacent to the existing boundary wall and would have a height of approximately 3m. The appellant did not dispute these figures. The height of the boundary wall is considerably lower than the existing and proposed extension. The outlook from the rear window would be dominated by a large blank wall and would result in an oppressive form of development. Consequently, the development would have a detrimental impact upon the outlook from within No. 8's habitable room because of the height and depth of the extension located in proximity to the window.
6. The terraces have narrow, small rear gardens. The proposal, together with the existing built development, would therefore result in a large amount of the site being developed. Thus, a large proportion of the rear garden of No. 8 would also be dominated by a high blank wall due to the siting, height and depth of the extension, and because of the size of the garden.
7. The inspector visited the appeal site late morning and observed that part of the rear garden was already shadowed. Nevertheless, the proposal would further reduce the amount of light which would reach the rear garden because of the scale, massing and siting of the extension.
8. The appellant states that the extension would only be 1m higher than a permitted 2m garden fence. However, the inspector considered the scale and massing of a 2m garden fence would be significantly less than the proposed extension.
9. The inspector noted that the current occupiers of No. 8 did not object to the proposal and the owner considers that the scheme would benefit them as it would provide privacy to their rear garden. The Council highlighted that the submitted support letter is from the owner of No. 8 and they live

elsewhere and the role of the planning system is to consider the effects of development on both current and any prospective future occupiers. The inspector considered that this consideration did not outweigh the harm identified.

10. For the reasons given above, the inspector considered that the proposed extension would result in the living conditions of the occupiers of No. 8 The Green being adversely affected, with regard to outlook and light. Consequently, the proposal would conflict with Policies CS2 and CS18 of the Chesterfield Borough Council Local Plan: Core Strategy 2011-2031 (2013) (LP). These Policies collectively seek, amongst other matters, to ensure new development has an acceptable impact on the amenity of adjoining occupiers. The development would also be at odds with guidance in the Framework relating to amenity.

Character and Appearance

11. The Council was concerned that the proposal would result in the overdevelopment and over intensive use of the site, against the grain of the surrounding buildings. In addition to the existing rear extension, to the rear of the appeal building there is a canopy leading to toilets located in an outbuilding. The development would result in a reduction of undeveloped space.
12. However, the inspector considered that the scheme would not be detrimental to the character and appearance of the surrounding area. He considered that garden sizes are not a key visual characteristic of the area as they are well screened by existing development. The extent of built development would not be apparent from public vantage points because of the surrounding terraces. Thus, the scheme would maintain the character and appearance of the area. For these reasons, the inspector concluded that the proposed development would accord with Policy CS18 of the LP.

Other Considerations

13. The Council raised other areas of concern with the proposal, relating to the canopy being unauthorised and materials of both the existing extension and proposed extension. Given that the inspector dismissed the appeal he confirmed he had not considered these matters further as they would not be

determinative to his decision. In any event, it would only be possible to condition the materials of the proposed extension and any unauthorised development is a matter for the Council. Furthermore, the canopy does not form part of the development proposed and therefore a condition seeking its removal would not satisfy the six tests outlined in the Framework.

14. The lack of harm on the second issue did not mitigate or outweigh the harm found on the first issue. Thus, although the scheme would not cause harm to the character and appearance of the area, the scheme would adversely affect the living condition of the occupiers of No. 8 to which the inspector attached significant weight.

FOR PUBLICATION Agenda Item 9

ENFORCEMENT REPORT

MEETING: PLANNING COMMITTEE

DATE: 13TH JULY 2020

REPORT BY: LOCAL GOVERNMENT AND REGULATORY LAW MANAGER
DEVELOPMENT MANAGEMENT & CONSERVATION MANAGER

WARD: As listed in the report

FOR PUBLICATION

TITLE: D255 and Non-exempt papers (if any) on relevant files

BACKGROUND PAPERS

LOCATION: LEGAL SERVICES

1.0 PURPOSE OF REPORT

1.1 To update members, and get further authority, on formal enforcement.

2.0 BACKGROUND

2.1 The table summarises formal planning enforcement by the Council.

3.0 INFORMAL ACTION

3.1 Formal enforcement is a last resort, with most planning problems resolved without formal action (in accordance with government guidance). More information on informal enforcement is available from the Planning Service.

4.0 MORE INFORMATION ABOUT THE TABLE

4.1 A summary of the main types of planning enforcement action available to the Council and penalties for non compliance is available from Legal Services.

5.0 RECOMMENDATION

5.1 That the report be noted.

GERARD ROGERS
LOCAL GOVERNMENT AND
REGULATORY LAW MANAGER

PAUL STANIFORTH
DEVELOPMENT MANAGEMENT
& CONSERVATION MANAGER

Further information on this report from Gerard Rogers, Legal Services
Tel 01246 345310 or email gerard.rogers@chesterfield.gov.uk

Enforcements currently Authorised: 6

ENFORCEMENT REPORT

02 July 2020

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: days</i>					
York Street	2 <small>284</small>	23/09/19 <small>284</small>	balcony, canopy and french door	17/00800/FUL			Instructed. About to be issued.	<input type="checkbox"/> <small>03/12/19</small>	Ha
Enforcement Notice		<i>Total currently Authorised: 5</i>		<i>Authorised to Issue Average: 281 days</i>					
Markham Road	Markham House	18/02/08 <small>4,519</small>	storage of commercial vehicles	20/03/08 <small>31</small>	18/04/08 <small>4459</small>	20/10/08 <small>4274</small>	Complied by 2009. Unauthorised use has started again. Prosecute - awaiting instructions.	<input type="checkbox"/> <small>14/11/19</small>	HI
North Crescent	20	22/06/20 <small>11</small>	reinforced deck and railings				Deck on top of shed (shed immune from enforcement). Final warning sent before formal action 24/06/20. When issued, 2 months for compliance.	<input type="checkbox"/> <small>24/06/20</small>	

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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	06/01/20 179	two unauthorised metal structures.		06/02/20 31			Initially action against one structure approved 12/11/19, then second structure installed and further report on both structures approved 06/01/20. Issued. Appeal.	<input type="checkbox"/> 04/03/20	Mo
Tadon View Road	47	24/04/17 1,166	unauthorised extension	16/00648	14/06/19 781	22/07/19 347	22/01/20 163	Application dismissed on appeal. Application for changes to extension CHE/17/00827/FUL approved, but unauthorised extension not removed. Issued, requiring demolition of unauthorised part. Not complied, but builder now contracted. CV-19.	<input type="checkbox"/> 26/02/20	SH

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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
York Street	2	09/10/17 998	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 authorised - see separate entry.	<input type="checkbox"/> 19/12/18	Ha

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

Key to Ward abbreviations: BNW Barrow Hill and New Whittington • BN Brimington North • BS Brimington South • B Brockwell • D Dunston • Ha Hasland • Hb Holmebrook • HI Holningwood and Inkersall • L Linacre • LG Loundsley Green • LW Lowgates and Woodthorpe • MP Middlecroft and Poolsbrook • Mo Moor • N Newbold • OW Old Whittington • R Roper • SH St Helens • SL St Leonards • Wa Walton • We West

SJP - single justice procedure: prosecutions dealt with by the Magistrates Court on paper without a hearing in open court

CV19 - coronavirus implications for enforcement or compliance