



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

27 November 2020

Dear Councillor,

Please attend a meeting of the PLANNING COMMITTEE to be held on MONDAY, 7 DECEMBER 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 - 30)
4. Applications for Planning Permission - Plans Determined by the Committee (Pages 31 - 74)
5. Applications for Planning Permission - Plans Determined by the Development Management and Conservation Manager (P140D) (Pages 75 - 88)

6. Applications to Fell or Prune Trees (P620D) (Pages 89 - 96)
7. Appeals Report (P000) (Pages 97 - 100)
8. Enforcement Report (P410) (Pages 101 - 104)

Yours sincerely,

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

Local Government and Regulatory Law Manager and Monitoring Officer

PLANNING COMMITTEE

Monday, 16th November, 2020

Present:-

Councillor Callan (Chair)

Councillors Barr
Bingham
Catt
Caulfield
D Collins
Davenport

Councillors T Gilby
Miles
Simmons
Marriott
Borrell
G Falconer

*Matters dealt with under the Delegation Scheme

9 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Brady and Mann.

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

The Development Management and Conservation Manager had declared an interest in CHE/17/00469/OUT - Residential development of up to 650 dwellings at land south of Worksop Road, Mastin Moor, Chesterfield, Derbyshire for Chatsworth Settlement Trustees, Agenda Item 8, Appeals Report.

11 MINUTES OF PLANNING COMMITTEE

RESOLVED -

That the Minutes of the meeting of the Planning Committee held on 26 October, 2020 be signed by the Chair as a true record.

12 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/16/00114/OUT - RESIDENTIAL DEVELOPMENT OF 20 DWELLINGS WITH APPROVAL OF ACCESS FROM WORKSOP ROAD AT LAND TO THE WEST OF CARPENTER AVENUE, MASTIN MOOR, DERBYSHIRE FOR THE NORBRIGGS PARTNERSHIP

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

(A) That the officer recommendation be upheld and the committee reaffirms the resolution to grant permission for the development subject to the s106 agreement and the conditions as previously set out in the attached report at appendix A but with the inclusion of the following additional conditions:

40. Prior to the commencement of the development hereby approved full details of proposals for the refurbishment, repair, rebuilding or redevelopment of the cottages at 1 – 3 Worksop Road (indicated in the blue line plan reference 01 Revision A Site Plan) shall have been submitted to and approved in writing by the Local Planning Authority. Such approved details shall then be implemented and shall be available for occupation concurrent with the occupation of the 5th new dwelling on the application site.

41. Details of ecological enhancement measures to be implemented at the site to provide a measurable biodiversity net gain shall be submitted to the Local Planning Authority for consideration as part of the reserved matters submission. Only the ecological enhancement measures agreed shall be implemented on site prior to the development hereby approved being first occupied and the ecological enhancement measures shall thereafter remain in perpetuity.

42. A residential charging point shall be provided for each dwelling with an IP65 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 vehicle charging points shall be provided in accordance with the stated criteria prior to occupation and shall be maintained for the life of the approved development.

(B) The references to the former local plan in the reasons for the condition should also be amended as follows:

28 Reason - To ensure that any ecological interest on site is appropriately addressed and can be mitigated against, prior to any development taking place, in accordance with policy CLP16 of the Chesterfield Local Plan 2018 - 35 and the National Planning Policy Framework.

29 Reason - To ensure that any ecological interest on site is appropriately addressed and can be mitigated against, prior to any development taking place, in accordance with policy CLP16 of the Chesterfield Local Plan 2018 - 35 and the National Planning Policy Framework.

30 Reason - To ensure that any ecological interest on site is appropriately addressed and can be mitigated against, prior to any development taking place, in accordance with policy CLP16 of the Chesterfield Local Plan 2018 - 35 and the National Planning Policy Framework.

31 Reason - In the interests of biodiversity and to accord with policy CLP16 of the Chesterfield Local Plan 2018 - 35 and the National Planning Policy Framework.

32 Reason - In order to promote enhancement and improved connection to the existing footway / cycle network in accordance with the provisions of policy CLP2 and CLP22 of the Chesterfield Local Plan 2018 - 35 and the wider NPPF.

33 Reason - In order to preserve and enhance the significance of the undesignated heritage asset in accordance with policy CLP18 and CLP21 of the Chesterfield Local Plan 2018 - 35 and the wider NPPF.

34 Reason - In order to support the regeneration and prosperity of the Borough, in accordance with the provisions of CLP6 of the Chesterfield Local Plan 2018 - 35.

35 Reason - In the interests of sustainable development and to ensure that the development is capable of meeting the needs of future residents and/or businesses in accordance with policy CLP11 of the Chesterfield Local Plan 2018 - 35 and the wider NPPF.

39 Reason - In the interests of amenity and safeguarding the root environment of any protected / retained trees on site in the context of policy CLP15 of the Chesterfield Local Plan 2018 - 35.

CHE/20/00614/REM1 -REMOVAL OF CONDITIONS 14, 15 AND 16 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) AND REPLACEMENT WITH NEW LANDSCAPING CONDITION VICTORIA HOTEL, LOWGATES, STAVELEY S43 3TR

Councillor Davenport lost connection to the virtual meeting at this point.

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

(A) Table of conditions

CHE/17/00359/FUL	CHE/20/00614/REM1
<p>Condition 1 - The development hereby permitted shall be begun before the expiration of three years from the date of this permission.</p> <p>Reason - The condition is imposed in accordance with section 51 of the Planning and Compulsory Purchase Act 2004.</p>	<p>Condition 1 - The development hereby permitted shall be begun before the 7th August 2021</p> <p>Reason - The condition is imposed in accordance with section 51 of the Planning and Compulsory Purchase Act 2004.</p>
<p>Condition 2 - All external dimensions and elevational treatments shall be as shown on the approved plans with the exception of any approved non material amendment; Application Form dated 09 Jan 2018, OS LOCATION PLAN dated 09 Jan 2018, PROPOSED SECOND FLOOR dated 10 Jul 2018, PROPOSED ELEVATIONS dated 10 Jul 2018, REVISED SITE PLAN dated 23 Jul 2018,</p>	<p>Condition 2 - The development hereby approved shall only be carried out in full accordance with the approved plans (listed below) with the exception of any approved non material amendment. All external dimensions and elevational treatments shall be as shown on the approved plan/s (listed below).</p> <ul style="list-style-type: none"> - Application Form dated 09 Jan 2018, - OS LOCATION PLAN dated 09

<p>EXISTING ELEVATIONS dated 06 Aug 2018, PROPOSED FIRST FLOOR PLAN dated 06 Aug 2018, PROPOSED GROUND FLOOR PLAN dated 06 Aug 2018.</p>	<p>Jan 2018</p> <p>Floor plans</p> <ul style="list-style-type: none"> - PROPOSED SECOND FLOOR dated 10 Jul 2018 - PROPOSED FIRST FLOOR PLAN dated 06 Aug 2018, - PROPOSED GROUND FLOOR PLAN dated 06 Aug 2018. <p>Amended elevations</p> <ul style="list-style-type: none"> - Window Details, drawing number 3/102 Revision G (dated 12.10.2020) - Window Details side elevation from Wateringbury Grove, drawing number 3/102/02 Revision B (dated 07.10.2020) - Window Details front elevation from Lowgates, drawing number 3/102/01 Revision C (dated 07.10.2020) - Window details rear elevation from rear car park, drawing number 3/102/03 Revision C (dated 07.10.2020) - Window details side elevation from memorial park, drawing number 3/012/04 Revision C (dated 07.10.2020) - Vintage collection sash windows
<p>Condition 3 - Before construction works commence or ordering of external materials takes place, precise specifications or samples of the 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</p>	<p>Condition 3 – The development shall be carried out in accordance with materials detailed in the approved 'Boundary Treatment Details, drawing number 3/101 (dated 17.08.2020)' and 'Car Park Boundary Wall Plan & Elevation as Proposed, drawing number 3/100 (dated 20.08.2020)' unless</p>

<p>shall be used as part of the development.</p>	<p>otherwise agreed in writing by the Local Planning Authority.</p> <p>Notwithstanding the details as shown on the submitted plans, the proposed replacement trees shall be implemented in accordance with details contained in the previously submitted Arboricultural Impact Assessment by Jon Coe reference JC/152/180723 and dated the 23rd July 2018.</p> <p>Notwithstanding the requirements of the Arboricultural Impact Assessment listed above, only those details as shown on the approved plan shall be implemented on site and thereafter retained for the life of the development.</p>
<p>Condition 4 - No development shall take place until full details of both hard and soft landscape works, bin storage and boundary treatments including the retention of the freestanding pub sign have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved.</p>	<p>Condition 4 – The hard and soft landscaping, bin storage and boundary treatments shall be carried out in full accordance with 'Boundary Treatment Details, drawing number 3/101 (dated 17.08.2020)' including the retention of the freestanding pub sign.</p> <p>Notwithstanding the details as shown on the submitted plan the proposed replacement trees shall be implemented in accordance with details contained in the previously submitted Arboricultural Impact Assessment by Jon Coe reference JC/152/180723 and dated the 23rd July 2018.</p> <p>Notwithstanding the requirements</p>

	of the Arboricultural Impact Assessment listed above including an enlarged planting bed, only those details as shown on the approved plan shall be implemented on site and thereafter retained for the life of the development.
Condition 5 - Unless otherwise agreed in writing by the local planning authority, development shall not commence until details of the proposed windows and doors with cross sections have been submitted to the Local Planning Authority for consideration and written approval. Only the approved details shall be incorporated as part of the development, unless otherwise agreed in writing by the Local Planning Authority.	Remove – contained in approved plans drawing (condition 2)
Condition 6 - Work 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.	Condition 6-5 6 - Work 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
Condition 7 - Notwithstanding the provision of the Town and Country Planning (General Permitted) Development Order 1995 (as amended) there shall be no extensions, outbuildings or garages constructed or additional windows erected or installed at or in the development hereby approved without the prior written agreement	Condition 7 6 - Notwithstanding the provision of the Town and Country Planning (General Permitted) Development Order 1995 (as amended) there shall be no extensions, outbuildings or garages constructed or additional windows erected or installed at or in the development hereby approved without the prior written

of the Local Planning Authority.	agreement of the Local Planning Authority.
Condition 8 - The rooflights shall be laid flush with the roof and the boundary wall to the South East of the site shall be removed.	Condition & <u>7</u> - The rooflights shall be laid flush with the roof.
Condition 9 - 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.	Condition 9 <u>8</u> – The development shall be carried out in accordance with the submitted 'Training and Development Policy March 2020' and supporting letter dated 14 th September 2020 from Chris Griffin.
Condition 10 - Before any operations are commenced, space shall be provided within the site curtilage for site accommodation, storage of plant and materials, parking and manoeuvring of site operative's and visitor's vehicles together with the loading / unloading and manoeuvring of goods vehicles, designed, laid out and constructed all as may be agreed with the Local Planning Authority in advance of construction work commencing and maintained free from impediment throughout the duration of construction works.	Condition 10 <u>9</u> - The development shall be carried out in accordance with the submitted 'Traffic Management Plan Prizehouse Construction (received 26.06.2020)'.
Condition 11 - All parking spaces shall be formally demarcated on the ground in permanent marking materials and allocated to specific residential units. The approved	Condition 11 <u>10</u> - All parking spaces shall be formally demarcated on the ground in permanent marking materials and allocated to specific

scheme shall be implemented in full prior to occupation of any residential unit.	residential units. The approved scheme shall be implemented in full prior to occupation of any residential unit.
Condition 12 - The parking and turning layout as shall be maintained free from any impediment to its designated use	Condition 42 <u>11</u> - The parking and turning layout as shall be maintained free from any impediment to its designated use
Condition 13 - Prior to the occupation, details shall be provided to the local authority for approval in writing showing adequate bin storage and a bin dwell area for use on refuse collection days clear of the public highway, within the site curtilage clear of all access and parking and turning provision and retained thereafter free from impediment to designated use.	Condition 43 <u>12</u> - Prior to the occupation of the development the bin storage area/dwell shall be provided in accordance with drawing 'Boundary Treatment Details, drawing number 3/101 (dated 17.08.2020) and thereafter retained from impediment to the designated use for the life of the development.
Condition 14 - Notwithstanding the details contained within the Arboricultural Impact Assessment by Jon Coe Tree Services Ltd dated the 23rd July 2018 the 2 no. protected Cherry trees which lie adjacent to the boundary with Wateringbury Grove shall be retained as part of the scheme hereby approved. Prior to any development commencing a revised Arboricultural Impact Assessment shall be submitted to the Local Planning Authority, for approval in writing, which considers and proposes measures to protect the 2 no. protected Cherry trees that are to be retained alongside the details of the site layout as	Condition 44 <u>13</u> - Two new trees shall be planted in the first available planting season after the removal of T1 & T2 Cherry of TPO 293 in the location and to the specifications outlined in the Arboricultural Impact Assessment by Jon Coe reference JC/152/180723 sections 4.5 'Replacement Planting', 6.3 'Tree Planting' and Appendix H. The new tree planting can be carried out either during the development once the new wall has been constructed or once the development has been completed and the trees removed. The development thereafter shall

<p>agreed. The development thereafter shall be implemented in strict accordance with the approved details within the revised assessment.</p>	<p>be implemented in strict accordance with the approved details.</p> <p>The tree protection measures as outlined in the Arboricultural Impact Assessment by Jon Coe reference JC/152/180723 sections 5.2 'Temporary Fencing' and Appendix H shall be implemented in full to protect the rooting environment of the two new replacement trees.</p>
<p>Condition 15 - Before any development or construction work begins, a pre-commencement meeting shall be held on site and attended by the developers appointed arboricultural consultant or the site manager/foreman and a representative from the Local Planning Authority (LPA) to discuss details of the working procedures within the revised Arboricultural Impact Assessment (as per condition 14 above) and agree either the precise position of the approved tree protection measures to be installed OR that all tree protection measures have been installed in accordance with the approved tree protection plan. The development shall thereafter be carried out in accordance with the approved details or any variation as may subsequently be agreed in writing by the Local Planning Authority.</p>	<p>remove</p>
<p>Condition 16 - There shall be no</p>	<p>Remove</p>

excavation or raising or lowering of levels within the prescribed root protection area as agreed under the provisions of condition 14 above, unless agreed in writing by the Local Planning Authority.	
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(B) That a new Tree Preservation Order be made covering the two replacement trees.

Councillor Davenport re-joined the virtual meeting at this point.

13 **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

20/03878/DEXFP	First floor rear extension at 23 Birley Brook Drive Upper Newbold Chesterfield Derbyshire S41 8XN
20/02575/DEXFP	Single storey rear extension at 62 Somerset Drive Brimington Chesterfield S43 1DL
20/03281/DEXFP	Chimney breast removal at ground floor at 22 Crich Road Inkersall Chesterfield S43 3SG
20/02259/DEXFP	Demolition of existing Garden Store, Construction of Replacement Utility Extension to Ground Floor. First Floor Extension to create Additional Bedroom and Master Bed Sitting Room at Manor Cottage Unnamed Road from Balmoak Lane to Manor/Tapton Cottages Chesterfield S43 1QQ
20/04095/DEXFP	Rear extension and internal alterations at 7 Eastwood Close Hasland Chesterfield Derbyshire S41 0BE
20/04013/DCC	Take out an existing bathroom and remove

	bathroom/bedroom wall to form enlarged bathroom. Carry out structural works to support new layout. Form new external access opening with new retaining walls, concrete ramp and hand railing. Inspect existing stone walls effected by new ramping at 19 Edinburgh Road Newbold Chesterfield Derbyshire S41 7HF
20/03914/DEXFP	Removal of loadbearing wall at 2 Somersall Park Road Chesterfield Derbyshire S40 3LD
20/03939/DEXFP	Two storey side and single storey front extension at 44 West Croft Drive Inkersall Chesterfield Derbyshire S43 3GA
20/04091/DEXFP	Garage conversion at 6 Welwyn Close Chesterfield Derbyshire S40 1HH
20/03338/DEXFP	Single storey rear extension at 163 Spital Lane Spital Chesterfield S41 0HL
20/04014/DEXFP	Structural Alterations to create Bi-Fold Door Opening at 1 Kennet Vale Chesterfield Derbyshire S40 4EW
20/04081/DEXFP	Internal alterations and removal of wall between Kitchen and Dining Room at 29 Ormsby Road Newbold Chesterfield Derbyshire S41 8SA
20/03938/DEXFP	Single storey rear extension at 18 Springfield Avenue Chesterfield Derbyshire S40 1DJ
20/04418/DEXFP	Single storey extension at 140 Walton Road Walton Chesterfield Derbyshire S40 3BU
19/03922/OTHFP	Proposed construction of eight new semi-detached houses at St Josephs RC Church Chesterfield Road Staveley Chesterfield Derbyshire S43 3QF
20/04640/DEXFP	First floor front bedroom extension at 21 Wheathill Close Holme Hall Chesterfield Derbyshire S42 7JZ

20/04621/DEXFP	Replace conservatory roof with guardian solid roof system at 6 Ashgate Avenue Ashgate Chesterfield Derbyshire S40 1JB
20/04497/DEXFP	Internal alterations at 2 Laxfield Close Walton Chesterfield Derbyshire S40 3DZ
20/04157/DEXFP	Single Storey Rear and Side Extension and Garage Conversion at 48 Hartfield Close Hasland Chesterfield Derbyshire S41 0NU
20/03414/DEXFP	Single storey rear extension at 12 Foljambe Avenue Walton Chesterfield S40 3EW
20/04400/DEXFP	Single Storey Rear Kitchen/Diner Extension, Single Storey Entrance Hallway Extension and Internal Alterations to Ground and First Floor including New Staircase at 26 Hazel Drive Walton Chesterfield Derbyshire S40 3EN
20/04549/DEXFP	Side Extension to create Attached Garage, Utility Room and Shower/WC at 230A Handley Road New Whittington Chesterfield Derbyshire S43 2ET
20/04634/DEXFP	Loft conversion at 103 Hucknall Avenue Loundsley Green Chesterfield Derbyshire S40 4BZ
20/04575/DEXFP	Rear extension and internal alterations at 1 Ormsby Road Newbold Chesterfield Derbyshire S41 8SA
20/04635/DEXFP	Internal alterations at 6 Kelburn Avenue Walton Chesterfield Derbyshire S40 3DG
20/05058/DEXFP	Split 1 shop into 2 and widen front window at 13 Church Street Staveley Chesterfield Derbyshire S43 3TL
20/03431/DEXFP	Front extension at 82 Smithfield Avenue Hasland Chesterfield S41 0PS
20/03918/DEXFP	Rear extension at 6 Bank Wood Close Upper

	Newbold Chesterfield Derbyshire S41 8XQ
20/05028/DEXFP	Removal of loadbearing wall at 6 Darwent Road Tapton Chesterfield Derbyshire S41 0UE
20/04857/DEXFP	Single storey rear extension at 22 Whitecotes Lane Walton Chesterfield Derbyshire S40 3HL
20/05199/DEXFP	Ground floor rear extension at 4 Wheathill Close Brimington Chesterfield Derbyshire S43 1PU
20/04566/OTHFP	Partitions to create a meeting room and separate small meeting rooms at Room 5 Dunston Innovation Centre Dunston Road Chesterfield Derbyshire S41 8NG

**14 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/19/00010/ADV	Retention of integral illumination and screen to the ATM fascia and internally illuminated Free Cash Withdrawals sign above the ATM with blue LED halo illumination to the surround at 381 - 385 Sheffield Road Whittington Moor Derbyshire S41 8LL for Notemachine UK Ltd
CHE/19/00695/FUL	Extension to existing factory unit to provide additional warehouse and office space. Information received 13.03.2020. Information received 02.04.2020 at P A R Insulations and Wires Ltd Foxwood Close Sheepbridge Chesterfield S41 9RB for P A R Insulations and Wires Ltd
CHE/20/00014/RET	Continued use of land to the side of 1 Alum Chine

	as domestic garden and retention of a garage and a boundary fence at 1 Alum Chine Close Hasland Derbyshire S41 0PU for Grant Teagle
CHE/20/00143/ADV	Display of Illuminated fascia advertisement above the shop window and door and one illuminated projecting sign at 11 Chatsworth Road Chesterfield Derbyshire S40 2AH for Galaxy Travel Cars Ltd
CHE/20/00145/FUL	Amendments to CHE/0901/0524 (Light engineering industrial unit) to incorporate additional first floor offices, alterations to windows and doors at ground and first floor, amended walling and cladding materials and installation of electric gates to site entrance at land west of Unit 1 Meadows Drive Staveley Derbyshire for S P Services Ltd
CHE/20/00223/COU	Change of use to 24hr taxi booking office at Direct Satellites 11 - 11A Chatsworth Road Chesterfield S40 2AH for Galaxy Travel and Cars Ltd
CHE/20/00253/FUL	Replacement of monopitched roof to outbuilding with pitched roof. Revised location plan received 10.09.2020. Amended red line boundaries at 9 Woodthorpe Road Woodthorpe S43 3BZ for Mr and Mrs Matthew Green
CHE/20/00263/FUL	Re-submission of CHE/20/00048/FUL - rear double storey extension, single storey side extensions and removal of existing conservatory. Amended red line boundaries received 10.09.2020 at 9 Woodthorpe Road Woodthorpe Derbyshire S43 3BZ for Mr and Mrs Matthew Green
CHE/20/00309/FUL	Internal alterations to first floor residential unit to create 2 new apartments accessed from existing rear staircase installation of 2 new roof lights and associated works. Revised drawings received 17.09.2020. Revised drawings received

02.10.2020 at 1A Wharf Lane Chesterfield S41 7NE for Mrs Marie Malkin

CHE/20/00334/FUL	Ground and first floor extension together with rooms in the roof space (revised drawings received 09.09.2020) at 16 Manor Avenue Brimington Derbyshire S43 1NQ for Mr Garry Rick
CHE/20/00401/FUL	Re-submission of CHE/20/00074/FUL for rear extension and re-siting of garage at 37 Eastwood Park Drive Hasland Derbyshire S41 0BD for Mr Mallender
CHE/20/00435/RET	Retention of existing front porch and bay window at 101 Dunston Lane Newbold S41 8HA for Mr Christopher Mason
CHE/20/00453/FUL	Bay window replacement/extension at 7 Douglas Road Tapton Derbyshire S41 0UD for Mrs Sally Knight
CHE/20/00461/REM	Variation of condition 7 (replacement window materials) of CHE/18/00548/FUL - Change of use from offices to residential, extensions to dwelling and demolition of existing conservatory and erection of new conservatory and demolition of existing stables and erection of new 4 car garage to allow for use of different materials at Dunston Hole Farm Unnamed Road Accessing Dunston Hall and Hole Farm Chesterfield S41 9RL for Mrs Heppenstall
CHE/20/00464/FUL	Proposed access ramp to community playing field at Community Playing Field Private Drive Hollingwood Derbyshire S43 2LG for Hollingwood Athletic FC
CHE/20/00512/FUL	Dormer to the east elevation of the house. Balcony to rear. Revised drawings received 24.09.2020 and 29.09.2020 at 21 Selby Close Walton Derbyshire S40 3HA for Mrs Heather Carr

CHE/20/00513/FUL	Dormer loft extension and ground floor rear extension (revised plans received 18.09.2020 and 19.10.2020) at 13 Beeley Close Inkersall S43 3EB for Mr Adam Bills
CHE/20/00520/LBC	Listed Building Consent for removal of existing windows and doors from large opening on the west facing elevation of the main house and partial infill of opening with brickwork to create two new windows and a doorset with new lintels and cills at Hady House 75 Hady Hill Hady S41 0EE for Fletcher
CHE/20/00523/FUL	Two storey side extension and rear dormer to convert existing roof space to living accommodation. Revised drawings received 07.10.2020 at 2 Talbot Crescent Hasland S41 0AW for Mr Lee Kenny
CHE/20/00527/FUL	Proposed rear extension at 12 Foljambe Avenue Walton Derbyshire S40 3EW for Ms Sally McGrogan
CHE/20/00556/FUL	New gables and rear dormer to provide bedrooms and bathroom. Extension to front porch and dropped kerb widening. Proposed sunken swim spa and render side elevation of property at 21 Greenbank Drive Loundsley Green Chesterfield Derbyshire S40 4BS for Mr and Mrs Naylor
CHE/20/00559/FUL	Two storey side extension, porch to the front of the property and rear dormer to the existing loft conversion at 50 Highfield Lane Newbold S41 8AY for Miss Jade Quinn
CHE/20/00560/FUL	Demolition of existing single storey garage and shed, erection of smaller garage, new rear single story extension with flat roof and 2 roof lanterns to form study and playroom. Revised drawings

received 01.10.2020 at 376 Ashgate Road
Chesterfield Derbyshire S40 4DD for Mrs
Georgina Spedding

CHE/20/00574/FUL	Two storey side extension with rear first floor balcony, replacement flat roof to dormers with pitched roof and rear balcony. Revised drawings received 13.10.2020 at 2 Westfield Avenue Chesterfield Derbyshire S40 3LQ for Mr David Robinson
CHE/20/00579/FUL	Extension and alterations to existing garage at 27 Westbrook Drive Chesterfield Derbyshire S40 3PQ for Mr M Crawley
CHE/20/00581/COU	Change of use from previous mail order pet supplies to members retail club at Unit 2A A Cottam and Co Carrwood Road Chesterfield Trading Estate Chesterfield S41 9QB for Atlantic Pumps
CHE/20/00582/ADV	New fascia signage, projecting sign, opening hours vinyl, window manifestations - frosted and full colour vinyl, ATM surrounds and letter box surround at 14 Vicar Lane Chesterfield S40 1PY for Virgin Money Stores
CHE/20/00588/FUL	Erection of detached double-garage - Revised Plans received on 19/10/2020 at 7 Fairfield Court Holme Hall Chesterfield S42 7PT for Mr Adam Wilkins
CHE/20/00630/CA	T1 - Sycamore - Remove Tree. T2 - Ash - Crown Reduce by 2m (T2 is an old coppice) at 51 Newbold Road Newbold Derbyshire S41 7PJ for Mrs Louise Sargeant
CHE/20/00645/TPO	T1 - Oak tree crown lift to 5.2m and deadwood at 59 The Green Hasland Derbyshire S41 0LW for Mr Ewin

CHE/20/00651/TPO	Ash Tree (T10) as in attached plan. Removal of tree as I have been told the tree is dangerous by tree surgeon. I have obtained a report from him which I have enclosed at 6 Glenavon Close New Whittington Derbyshire S43 2QG for Mr Michael Rayner
CHE/20/00657/TPO	Reduce T9 (Oak) from both 179 and 177 Keswick Drive to appropriate growth points and reduce the scaffold branch extending over the driveway of 177 and removal of any significant deadwood at 179 Keswick Drive Newbold S41 8HQ for Mr Ted Firth
CHE/20/00659/CA	Request for pruning of two trees which are encroaching on neighbouring properties and are having a negative impact on their properties especially in relation to light. Photographs of both trees are attached at St Thomas' Church Chatsworth Road Chesterfield Derbyshire S40 3AW for Mrs Julie Barton
CHE/20/00665/TPO	Raise canopy to give clearance, crown thin by 25% and clean crown of dead and diseased branches on trees T1, 2 and 4 (sycamore) and T3 (lime), fell to ground level diseased tree T5 (sycamore) and remove lower branch of T6 (horse chestnut) at 218 Handley Road New Whittington Derbyshire S43 2ER for Dr Peter Gilroy
CHE/20/00667/TPO	Re pollard 2 Horse Chestnut trees to previous points as before at High Trees 1 Hillside Drive Walton S40 2DB for Janet Crellin
CHE/20/00670/TPO	Fell diseased trees T1 and T2 (sycamore) to ground level at 106 Highland Road New Whittington Derbyshire S43 2EZ for Mrs Sarah Welch
CHE/20/00677/TPO	Felling to ground level of diseased trees T1 (sycamore) and T2 (sycamore) and crown thin by

30% T3 (sycamore) at 220 Handley Road New Whittington Derbyshire S43 2ER for Mr Patrick Morissey

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| CHE/20/00694/TPO | Fell to ground level 1 large tree due to signs of decline and removal of all timber and brash at 20 Cheedale Close Loundsley Green Chesterfield S40 4NZ for The Guinness Partnership |
| CHE/20/00702/TPO | T11 Larch - Crown lifting to clear highway, lower branches are overhanging the road and pavement. T12 Birch - Crown lifting to clear highway, lower branches are overhanging the pavement and road at 83 High Street Old Whittington Derbyshire S41 9LA for Ms Susan Musgrove |
| CHE/20/00720/TPO | T1 fell as soon as possible to maintain highway safety. T2 fell to maintain highway safety. T3 and T4 remove dead top back to live branches. Two dead sycamore stems, reduce height by 50%. T6, T7, and T8 fell or reduce to a safe height to retain as standing dead wood. Fell small dead tree 20 metres past T8. (All trees are marked with orange paint) at land opposite Hady Crescent Junction Hady Hill Hady Derbyshire for Mr Mark Wilson |

(b) Discharge of Planning Condition

- | | |
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| CHE/20/00037/DOC | Discharge of conditions 3 and 4 (boundary treatment screen) of CHE/19/00400/FUL - Erection of a car port at lower ground floor level with deck and garden room over at ground floor level at 180 Handley Road New Whittington Derbyshire S43 2ER for Mr Ian Milikin |
| CHE/20/00229/DOC | Discharge of planning conditions 4 (site investigation), 5 (existing and proposed levels), 6 (materials), 8 (site compound location), 9 (foul and surface water drainage) and 11 (contamination) of CHE/19/00048/OUT - Outline application for planning permission for one dwelling tied to the |

	existing boarding kennels. Revised landscaping details received 13 July 2020 at Broomhill Farm Broomhill Road Old Whittington Derbyshire S41 9EA for Broomhill Farm Ltd
CHE/20/00295/DOC	Discharge of conditions 2 and 11 in respect of CHE/19/00116/REM at land at east of A61 known as Chesterfield Waterside Brimington Road Tapton Derbyshire for Chesterfield Waterside Ltd
CHE/20/00450/DOC	Discharge of condition 6 (tree protection scheme) of CHE/19/00156/FUL - Construction of 9 new detached dwellings and access road at Tennis Courts Whitebank Close Hasland Derbyshire for A-Rock Construction
CHE/20/00557/DOC	Discharge of condition 3 (boundary wall) of CHE/17/00797/FUL (Erection of new retaining wall to side of property and alterations to existing vehicular access off Langer Lane) at 201 Langer Lane Birdholme Derbyshire S40 2JW for Mr Nyle Howard
CHE/20/00585/DOC	Discharge of condition 18 (soft landscaping) of CHE/20/00250/FUL - Erection of a freestanding two storey restaurant with drive-thru (A3/A5), car parking, landscaping and associated works. Installation of 2 No. COD (Customer Order Display) with associated canopies at Former A G D Car Park West Bars Chesterfield for McDonald's Restaurants Ltd.
CHE/20/00603/DOC	Discharge of condition 16 (surface water from highway) of 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 2 No. COD (Customer Order Display) with associated canopies at former A G D Car Park West Bars Chesterfield Derbyshire for McDonald's Restaurants Ltd

CHE/20/00604/DOC	Discharge of conditions 4 and 7 (Construction Management Plan) of 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 2 No. COD (Customer Order Display) with associated canopies at former A G D Car Park West Bars Chesterfield Derbyshire for McDonald's Restaurants Ltd
CHE/20/00610/DOC	Discharge of planning conditions 4 (community agreement), 7 and 8 (car parking layout and details of cycle stands) of CHE/20/00164/REM1 (Removal of condition 6 (lighting) of CHE/19/00675/FUL - Provision of artificial grass pitch; car park resurfacing and installation of 11 No flood lighting columns) at Staveley Miners Welfare FC Inkersall Road Staveley Derbyshire S43 3WL for Staveley Miners Welfare FC Ltd
CHE/20/00624/DOC	Discharge of planning conditions 2 (on site storage), 4 (materials) and 8 (landscaping) of CHE/20/00195/REM - Erection of 4 Bungalows. Information received 29.10.2020 at 1 Bridle Road Woodthorpe Derbyshire S43 3BY for Orchard View Homes Ltd
CHE/20/00637/DOC	Discharge of condition 17 (hard landscaping) of 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) at former A G D Car Park West Bars Chesterfield Derbyshire for McDonald's Restaurants Ltd
CHE/20/00668/DOC	Discharge of planning conditions 3 (construction Management Plan) and 4 (Environment Management plan) of CHE/19/00116/REM - Approval of reserved matters for layout, scale, appearance and landscaping of the office building pursuant to CHE/18/00626/REM 1 for a mixed use development including hotel, multi-storey car park,

office accommodation and apartments together with ground floor retail and leisure uses at land at east of A61 known as Chesterfield Waterside Brimington Road Tapton Derbyshire for Chesterfield Waterside Ltd

CHE/20/00676/DOC Discharge of planning condition 11 (External lighting) of CHE/20/00250/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 former A G D Car Park West Bars Chesterfield Derbyshire for McDonald's Restaurants Ltd

(c) Prior notification approval

CHE/20/00609/TPD Extension to the rear of the property to create a cloakroom/porch to accommodate clothes, shoes, bags and sport equipment and increase the flow of the daylight into the property at 28 Reservoir Terrace Brockwell Chesterfield S40 4HA for Mr Tomasz Mikolajczak

(d) Prior notification approval not required

CHE/20/00633/TPD Single storey rear extension at 120 Kirkstone Road Newbold Derbyshire S41 8HE for Nicola Fletcher

CHE/20/00648/TPD Erection of a rear orangery at 32 Walton Crescent Boythorpe Derbyshire S40 2PJ for Mr Rhodes

CHE/20/00661/TPD Proposed single storey lean to rear extension constructed in matching brick and tile at 140 Walton Road Walton Derbyshire S40 3BU for Mr and Mrs Schoolar

(e) Conditional Consent for Non-material Amendment

CHE/20/00634/NMA Non material amendment to CHE/17/00798/FUL (Change of use from Office (B1) to Residential -

30 apartments over 3 floors (C3) and internal alterations to Listed Building) - substitute approved drawings to facilitate internal layout alterations at Knightsbridge Court West Bars Chesterfield S40 1BA for Arc Capital

CHE/20/00642/NMA To introduce the ability to undertake the consented scheme in a phased manner in respect of CHE/20/00054/OUT at Chesterfield Hotel Malkin Street Chesterfield S41 7UA for Chesterfield Borough Council and Prestige Hotels (Midlands) Ltd

(f) Environmental Impact Assessment not required

CHE/20/00688/EIA Screening opinion under the Town and Country Planning (Environmental Impact Assessment) (England) Regulations 2017 for the proposed development of land for B2/B8 uses at Markham Employment Growth Zone Markham Lane Duckmanton Derbyshire S44 5HS for Peacock and Smith

15 **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/20/00670/TPO Consent is granted to the felling of two Sycamore trees within A2 on the order map for Underwood Tree Services on behalf of 106 Highland Road, New Whittington, with a duty to plant two new trees in the same location which are to be Rowan species.

CHE/20/00677/TPO Consent is granted to the the felling of two Sycamore trees and the pruning of one Sycamore tree within A2 on the order map for Underwood Tree Services on behalf of 220

Handley Road, New Whittington, with a duty to plant two new trees in the same location which are to be Rowan species.

CHE/20/00665/TPO

Consent is granted to the felling of one Sycamore tree reference T9 and the pruning of five trees consisting of three Sycamores reference T4, T5 and T8, one Lime reference T7 and one Horsechestnut reference T11 on the order map for Underwood Tree Services on behalf of 218 Handley Road, New Whittington, with a duty to plant one new tree in the same location which is to be a Rowan species.

CHE/20/00720/TPOEXP

Consent is granted to the felling of 6 dead Sycamore trees, the reduction of 3 Sycamore trees to live wood and the reduction of 2 dead trees to create habitat stems within W1 for Mark Wilson on behalf of Derbyshire County Council. The trees are close to the highway on Hady Hill and the trees need removing or making safe as they are within falling distance of the highway.

A condition has been attached to plant 6 new Oak trees in the first available planting season after felling.

CHE/20/00657/TPO

Consent is granted to the pruning of one Oak tree reference T9 on the Order map for Ted Firth on behalf of Chesterfield Borough Council. The tree is located to the frontage of 179 Keswick Drive, Dunston.

CHE/20/00694/TPO

Consent is granted to the felling of one Sycamore tree reference T19 on the Order map for Idverde Ltd on behalf of Guinness Partnership on land between 18 and 20 Cheedale Close, with a condition to plant a Rowan species in the next available planting season after felling.

CHE/20/00702/TPO Consent is granted to the pruning of one Larch T11 and one Birch reference T12 on the Order map for Ms Musgrove of 83 High Street, Old Whittington.

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

CHE/20/00630/CA The felling of one Sycamore tree and the crown reduction of one Ash tree to the rear of 51 Newbold Road. Agreement to the felling of one Sycamore tree and the reduction of one Ash tree. The trees have no visual amenity in the rear courtyard and the felling and pruning will have no adverse effect on the amenity value of the area.

The trees are within the Abercrombie Street Conservation Area and within a small courtyard to the rear of properties along Newbold Road.

16 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.

17 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.

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Agenda Item 4

COMMITTEE/SUB	Planning Committee
DATE OF MEETING	7 DECEMBER 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 7 DECEMBER 2020**

- ITEM 1 CHE/19/00518/FUL - THE ERECTION OF 2 TWO BEDROOM
 HOUSES 8 COURT PLACE, STAVELEY, CHESTERFIELD FOR
 CHESTERFIELD BOROUGH COUNCIL**
- ITEM 2 CHE/20/00666/FUL - INSTALLATION OF NEW LOW LEVEL
 FLOODLIGHTING TO FIVE EXISTING OUTDOOR FLOODLIT
 TENNIS COURTS 4 TO 8 INCLUSIVE AT CHESTERFIELD
 LAWN TENNIS CLUB, HAWKSLEY AVENUE, CHESTERFIELD
 FOR CHESTERFIELD LAWN TENNIS CLUB**

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Case Officer: Chris Wright
Tel. No: (01246) 959700

File No: CHE/19/00518/FUL
Plot No: 2/3019

ITEM 1

The erection of 2 two bedroom houses 8 Court Place, Staveley, Chesterfield for Chesterfield Borough Council

1.0 CONSULTATIONS

Ward Members:	No comments received.
Staveley Parish Council	No comments received.
Local Highway Authority:	No objection subject to adequate parking provided.
Strategic Planning:	No objections in principle, subject to conditions in relation to biodiversity net gain, electric charging points and other land stability issues being resolved.
Yorkshire Water:	No objection subject to condition
Chesterfield Design Services:	Low risk of flooding. Details required of proposed drainage systems, which should be a separate foul and surface water drainage systems.
Coal Authority:	Material Consideration, subject to condition
Environmental Health:	No objection subject to the submission of a validation/verification report in regards the proposed remediation on site, and conditions on hours of work and air quality.

Representations:

1 comment received in support of proposal.

2.0

THE SITE

2.1

The site is currently an empty plot after the previous 2 bungalows were demolished. The street is dominated by pairs of semi-detached bungalows and the site has housing on all sides and is in a residential area. The previous dwellings were a pair of semi-detached bungalows as seen in the streetscene, with projecting gables to the front of either side. There is lamppost to the front of the site also.





3.0 **RELEVANT SITE HISTORY**

3.1 No relevant applications on site.

4.0 **THE PROPOSAL**

4.1 It is proposed to build a pair of semi-detached 2 bedroom bungalows which would have hipped roofs and projecting gables to either side of the pair. They would have a brick plinth around the bottom of the dwellings as well as a rendering finish above this. The dwellings are of a slightly larger scale than the previous sited dwellings, with an overall width of 20.3m and a depth of 8m.

4.2 They would have 2 parking spaces to the front and gardens to the rear and it is proposed to move the existing lamppost, as part of the works on site.

5.0 **CONSIDERATION**

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

- CLP1 Spatial Strategy
- CLP2 Principles for Location of Development

- CLP4 Range of Housing
- CLP13 Managing the water cycle
- CLP14 A Healthy Environment
- CLP16 Biodiversity, Geodiversity and the Ecological Network
- CLP20 Design
- CLP22 Influencing the Demand for Travel

5.2 The National Planning Policy Framework is also of relevance

- Chapter 5: Delivering a sufficient supply of homes
- Chapter 8: Promoting healthy and safe communities
- Chapter 9: Promoting sustainable transport
- Chapter 12: Achieving well-designed places

5.3 Supplementary Planning Documents of relevance:

- Designing Out Crime
- Successful Places' Residential Design Guide

5.4 **Principle of Development**

5.4.1 The Council's strategic planning team have been consulted on the proposal and they have commented that as the proposal is to replace two previously sited dwellings which were demolished and is within safe walking distance of a local centre, no objection arises.

5.4.2 The development plan for Chesterfield consists of the adopted Chesterfield Borough Local Plan 2018-2035 (adopted 15th July 2020). The Spatial Strategy in the Local Plan for sites that are not allocated for specific types of development, expressed in policies CLP1 and CLP2, focusses on development being within walking distance of a range of key facilities. For housing, the Council's residential design guide "Successful Places" provides further guidance on what is considered a 'walkable neighbourhood' (ref page 41). This site is within walking distance of a range of key facilities in the local area. The site is within the built-up area as shown on the policies map and the restrictions in policy CLP3 do not apply. The principle of residential development on the site therefore accords with Local Plan policies CLP1 and CLP2.

- 5.4.3 Policy CLP16 seeks a measurable net gain in biodiversity as a result of the development. Whilst the use of the DEFRA biodiversity metric as a means of measuring this is encouraged, it would not be appropriate to use the Metric for such small scale of development and the relatively low value of biodiversity ascribed to domestic gardens however only limited detail has been provided on this matter and a condition will be necessary to secure appropriate detail and provision.
- 5.4.4 The proposed development includes two off street parking spaces. The development should therefore include at least one Electric Vehicle charging point per dwelling to meet policy CLP22 and this can be secured by condition
- 5.4.5 The development of new housing is liable for CIL, subject to any exemptions applied for, at a rate of £20/sqm GIA (subject to index linking).
- 5.4.6 The proposed development is considered appropriate in principle against policies CLP1, CLP2 and CLP20 of the Local Plan and the wider objectives of the NPPF, however a further assessment of the detailed impacts is required under policy CLP14, CLP16, CLP20 and CLP22 as referred to below.

5.5 **Residential Impact**

- 5.5.1 Local Plan policy CLP14 states that development will be expected to have an acceptable impact on the amenity of users and neighbours.
- 5.5.2 The proposed dwellings are sited in a similar location to the previous dwellings which existed on the site and which have no side windows. It is not considered that they would have a significant impact on the surrounding dwellings in terms of massing, overlooking or overshadowing. They are also considered to have reasonable size gardens for bungalows and no objections have been received from surrounding residents.
- 5.5.3 On this basis the proposal is considered to accord with the provisions of policy CLP14 of the Local Plan.

5.6 **Design and Visual Impact**

- 5.6.1 Local Plan policy CLP20 states in part that all development should identify and respond positively to the character of the site and surroundings and which respect the local distinctiveness of its context, respecting the character, form and setting of the site and surrounding area by virtue of its function, appearance and architectural style, landscaping, scale, massing, detailing, height and materials.
- 5.6.2 The previous dwellings on the site were very similar to the surrounding bungalows, with the same scale, design and materials to each other. The proposed dwellings are comparable to the surrounding bungalows, but they are several metres wider than existing bungalows on the street. They propose to use similar materials and a very similar style, with the use of the hipped roofs and projecting gable to the side. The differences are the canopy area in front of the front doors and the inclusion of two parking spaces and some turning space otherwise these dwellings are of a very similar style and appearance to the surrounding dwellings.
- 5.6.3 It is therefore considered that the proposal is an acceptable addition to the streetscene and would not cause significant adverse impacts on the visual amenity and character of the area. The proposal therefore accords with the provisions of policy Local Plan policy CLP20.

5.7 **Highways Issues**

- 5.7.1 Local Plan policy CLP20 and CLP22 require consideration of parking provision and highway safety.
- 5.7.2 The proposal includes 2 parking spaces and some room for manoeuvring on each site, which is considered to be an acceptable level of parking for a 2 bedroom dwelling. The former dwellings had 1 parking space each but at least 1 other dwelling on the cul de sac has increased this to 2 spaces. There is very little capacity for additional parking on the cul-de-sac.
- 5.7.3 On this basis the proposal is considered to accord with the provisions of policies CLP20 and CLP22 of the Local Plan.

5.8 **Coal Mining/Land contamination**

- 5.8.1 The two dwellings on site were previously demolished due to subsidence issues and which had resulted in damage.
- 5.8.2 The Council's Environmental Health team have commented that:
"The site investigation identified hotspots of contamination within the made ground. The proposed remediation measures in the report suggest importation of 600mm clean top soil. Should this be the chosen method, the topsoil will need to be tested at source. The results of this must be submitted, in writing to Chesterfield Borough Council for approval prior to importation onto site. The applicant will need to provide a validation/verification report that this has remediated the hotspot issues. Should there be a deviation from this proposed remediation method, this will have to be submitted, in writing to Chesterfield Borough Council for approval prior to implementation on site."
- A suitable worded condition will need to be included to ensure this issue is dealt with appropriately.
- 5.8.3 The Coal Authority requested further information should be submitted in relation to the proposal received resulting in the Coal Authority withdrawing their concerns regarding the proposal, subject to condition.
- 5.8.4 In respect of air pollution a condition is included in relation to the inclusion of an electric charging point.
- 5.8.5 Subject to the above requested conditions the proposal is considered to be in line with policy CLP14.
- 5.9 **Drainage and flooding**
- 5.9.1 Yorkshire Water has confirmed no objection to the proposal subject to conditions to provide an acceptable drainage connection.
- 5.9.2 Chesterfield Council's Design Services Team commented that the proposal is not in a high-risk flooding area. They have requested conditions in relation to the proposed drainage systems and commented that it should be possible to re-use previous drainage systems in the area.
- 5.9.3 Policy CLP13 requires that; "Development proposals will be expected to demonstrate that water is available to support the

development proposed and that they will meet the optional Building Regulation water efficiency standard of 110 litres per occupier per day.” This requirement applies to the erection of any new dwelling or any material change of use that results in forming a new dwelling (see Part G of Schedule 1 and regulation 36 to the Building Regulations 2010, as amended). As no information has been submitted to support this policy requirement it is considered necessary to impose a condition to ensure compliance with this.

5.10 **Biodiversity**

- 5.10.1 Local Plan policy CLP16 states that all development will “protect, enhance, and contribute to the management of the boroughs ecological network of habitats, protected and priority species ... and avoid or minimise adverse impacts on biodiversity and geodiversity and provide a net measurable gain in biodiversity.” The NPPF in paragraph 170 requires decisions to protect and enhance sites of biodiversity and paragraph 174 also requires plans to “pursue opportunities for securing measurable net gains for biodiversity”.
- 5.10.2 During consideration of the application the agent was asked to provide additional information in relation to biodiversity measures on site. The agent supplied a response stating that they will include trees, hedges, other planting, 7 bird and 6 bat boxes and hedgehog holes in boundary treatments. No additional details or information has been provided regarding locations and planting etc, so this will be sought via a condition.
- 5.10.3 The proposed development is considered to be a minor development and does not result in the loss of an existing species rich habitat area. Some level of biodiversity net gain is considered to be necessary to accord with policy CLP16 of the Local Plan and the NPPF, therefore a planning condition will be necessary on any decision issued to ensure the application provides the agreed biodiversity net gain measures, as a result of the proposed development. On this basis the proposal is considered to accord with the provisions of policy CLP16 of the Local Plan.

5.11 **Noise and nuisance**

- 5.11.1 The council’s Environmental Health Team has requested that a condition is included to limit the working hours on site to the

standard working hours for building sites in residential areas. This condition is included.

5.12 **Developer Contributions**

5.12.1 Having regards to the nature of the application proposals for new residential accommodation the development is therefore CIL Liable.

5.12.2 The CIL forms have been provided as part of the proposal in relation to size of the floorspace and that the applicants propose to use the units for affordable housing, which is likely to be exempt for CIL. The site the subject of the application is situated within the low CIL zone and therefore the CIL Liability has been calculated by the officer and the agent (using calculations of gross internal floor space [GIF]) as follows:

		A	B	C	D	E
Development Type	Proposed Floor space (GIA in Sq.m)	Net Area (GIA in Sq.m)	CIL Rate	Index permission	Index charging schedule	CIL Charge
Residential	65 x 2	130	£20	334	288	£3,015.27

Net Area (A) x CIL Rate (B) x BCIS Tender Price Index (at date of

BCIS Tender Price Index (at date of Charging Schedule) (D)

= CIL Charge (E)

6.0 **REPRESENTATIONS**

6.1 1 comment received in support of scheme.

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

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

8.1 In accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 and paragraph 38 of 2019 National Planning Policy Framework (NPPF) as the proposed development does not conflict with the NPPF or with 'up-to-date' policies of the Local Plan, it is considered to be 'sustainable development' to which the presumption in favour of the development applies.

9.0 **CONCLUSION**

9.1 The proposals are considered to be appropriately designed such that they are considered in keeping with the character of the surrounding area and would not have an unacceptable detrimental impact on the amenities of neighbouring residents or highway safety. The location of the proposed development site is appropriate, is well served by public transport, and is in close proximity to amenities. As such, this application is considered to comply with the requirements of policies CLP2, CLP14, CLP20 and CLP22 of the Local Plan 2018-2035 and Chapters 8, 9, 12 and 16 of the revised National Planning Policy Framework. Further information is required in relation to biodiversity net gain, drainage, as well as compliance with air pollution, noise pollution and highway safety.

10.0 **RECOMMENDATION**

10.1 That a CIL Liability Notice be issued in line with paragraph 5.12 above.

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 Compulsory Purchase Act 2004

2. The development hereby approved shall only be carried out in full accordance with the approved plans (listed below) with the exception of any approved non-material amendment. All external dimensions and elevational treatments shall be as shown on the approved drawing 7533-001 dated Aug 2019.

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.

3. 1 Residential charging point shall be provided per dwelling with an IP65 rated domestic socket 13amp socket, directly wired to the consumer unit with 32 amp cable to an appropriate RCD. This socket should 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 vehicle charging points shall be provided in accordance with the stated criteria prior to occupation and shall be maintained for the life of the approved development.

Reason – In the interests of air pollution and policy CLP14.

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

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

5. The 2 car parking spaces shall be provided on site as shown on the submitted drawing prior to the occupation of the dwelling to which they relate hereby approved and which shall be retained thereafter for domestic car parking unless otherwise agreed in writing by the Local Planning Authority.

Reason – In the interests of highway safety and policy CLP22.

6. Work 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.

Reason - In the interests of residential amenity and policy CLP14.

7. Notwithstanding the provision of the Town and Country Planning (General Permitted) Development Order 1995 2015 (as amended) there shall be no gates within 5m of the nearside highway boundary and any gates shall open inwards only.

Reason – In the interests of highway safety and policy CLP22.

8. Before any other operations are commenced, space shall be provided within the site for storage of plant and materials, site accommodation, loading, unloading and manoeuvring of goods, vehicles, parking and manoeuvring of employees and visitors' vehicles, laid out and constructed in accordance with detailed designs first submitted to and approved in writing by the Local Planning Authority. Once implemented the facilities shall be retained free from any impediment to their designed use throughout the construction period.

Reason – in the interests of highway safety and policy CLP22.

9. 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.

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

10. 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 that other means of surface water drainage have been properly considered and why they have been discounted; and
 - ii) the means of discharging to the public sewer network at a rate to be agreed by the Local Planning Authority in consultation with the statutory sewerage undertaker.

Reason - To ensure that no surface water discharges take place until proper provision has been made for its disposal

11. No development above floor-slab/D.P.C level shall take place until a scheme (including a programme of implementation and maintenance) to demonstrate a net measurable gain in biodiversity through the development, shall have been submitted to and approved in writing by the Local Planning Authority, in line with the email from the agent dated 18.11.2020. The scheme shall include: a) a scaled plan and schedule showing retained and proposed planting, b) proposed hardstanding and boundary treatments, c) Sufficient specification to ensure successful establishment and survival of new planting. Any new tree(s) that die(s), are/is removed, become(s) severely damaged or diseased shall be replaced and any new planting (other than trees) which dies, is removed, becomes severely damaged or diseased shall be replaced. Replacement planting shall be in accordance with the approved details (unless the Local

Planning Authority gives its written consent to any variation). The net measurable gain shall be implemented, retained and maintained thereafter in accordance with the scheme and programme so approved.

Reason - In the interests of achieving a net measurable gain in biodiversity in accordance with policy CLP16 of the adopted Chesterfield Borough Local Plan and to accord with paragraph 170 of the National Planning Policy Framework.

12. 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 unless otherwise agreed by the Local Planning Authority in writing.

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

13. The development shall include a scheme for the provision of surface water run-off on site, either via the use of a SUDs channel or permeable block paving/tarmac. If this is not possible the applicant is required to contact the Local Planning Authority to discuss alternative options; and then not complete works until an alternative solution has been agreed in writing by the LPA. The scheme shall incorporate sustainable drainage principles and shall be implemented in full.

Reason - To prevent the increased risk of flooding, in relation to policy CLP13.

14. Land contamination
 - If, during remediation works any contamination is identified that has not been considered in the Remediation Method Statement, then additional remediation proposals for this material shall be submitted to the Local Planning Authority for

written approval. Any approved proposals shall thereafter form part of a Remediation Method Statement.

- The development hereby approved shall not be occupied until a written Validation Report has been submitted to and approved in writing by the Local Planning Authority. A Validation Report is required to confirm that all remedial works have been completed and validated in accordance with the agreed Remediation Method Statement (Ground Investigation Report).

- Should there be a deviation from this proposed remediation method, this will have to be submitted, in writing to Chesterfield Borough Council for approval prior to implementation on site.

Reason - To protect the environment and ensure that the redeveloped site is reclaimed to an appropriate standard, in relation to policy CLP14.

15. Prior to occupation of the dwelling a new vehicular access shall be formed to Court Place in accordance with the application drawing and provided with visibility sightlines extending from a point 2.4m back from the carriageway edge, measured along the centre line of the access, to the extremities of the site frontage abutting the highway in both directions i.e. across the frontage of the area the subject of the application. The land 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.

Reason – In the interests of highway safety and policy CLP20.

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

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

10.3

Informative Notes

1. If work is carried out other than in complete accordance with the approved plans, the whole development may be rendered unauthorised, as it will not have the benefit of the original planning permission. Any proposed amendments to that which is approved will require the submission of a further application.
2. The proposed development lies within an area that has been defined by The Coal Authority as containing potential hazards arising from coal mining. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological fissures; mine gas and previous surface mining sites. Although such hazards are often not readily visible, they can often be present and problems can occur as a result of development taking place, or can occur at some time in the future.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required, be submitted alongside any subsequent application for Building Regulations approval.

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action.

Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com

3. When you carry out the work, you must avoid taking, damaging or destroying the nest of any wild bird while it is being built or used, and avoid taking or destroying the egg of

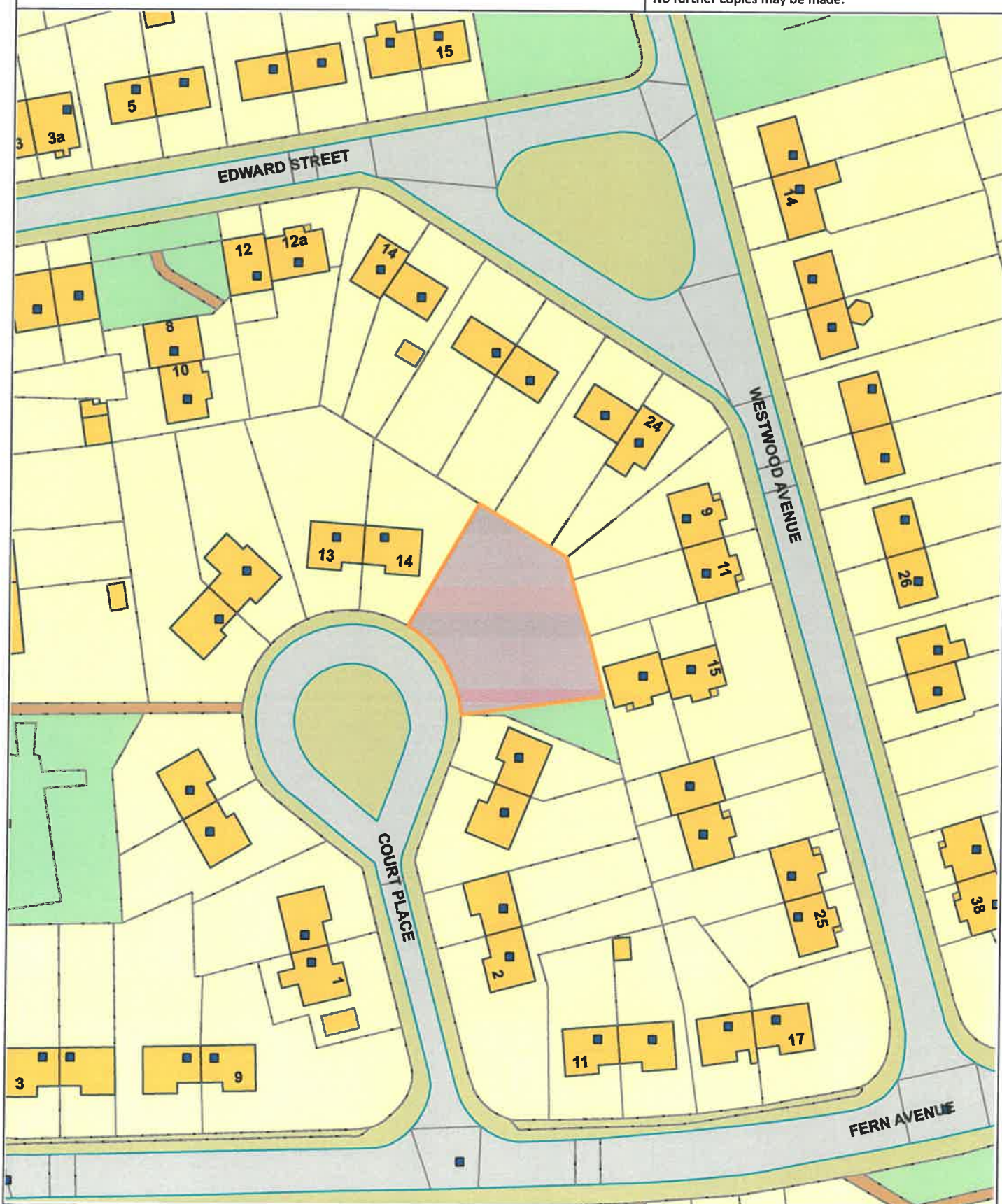
any wild bird. These would be offences (with certain exceptions) under the Wildlife and Countryside Act 1981, the Habitats Regulations 1994 and the Countryside and Rights of Way Act 2000.

4. When you carry out the work, you must not intentionally kill, injure or take a bat, or intentionally or recklessly damage, destroy or block access to any structure or place that a bat uses for shelter. These would be offences under the Wildlife and Countryside Act 1981, the Habitats Regulations 1994 and the Countryside and Rights of Way Act 2000.
5. Pursuant to Sections 149 and 151 of the Highways Act 1980, the applicant must take all necessary steps to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (eg; street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.
6. Construction works are likely to require Traffic Management and advice regarding procedures should be sought from Dave Bailey, Traffic Management, 01629 538686. All road closure and temporary traffic signal applications will have to be submitted via the County Councils web-site; relevant forms are available via the following link - http://www.derbyshire.gov.uk/transport_roads/roads_traffic/roadworks/default.asp
7. Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1991 prior notification shall be given to the Department of Economy, Transport & Communities at County Hall, Matlock regarding access works within the highway. Information, and relevant application forms, regarding the undertaking of access works within highway limits is available via the County Council's website http://www.derbyshire.gov.uk/transport_roads/roads_traffic/development_control/vehicular_access/default.asp, e-mail highways.hub@derbyshire.gov.uk or telephone Call Derbyshire on 01629 533190.

8. You are notified that you will be liable to pay the Community Infrastructure Levy (CIL) to Chesterfield Borough Council as CIL collecting authority on commencement of development. This charge will be levied under the Chesterfield Borough Council CIL charging schedule and s211 of the Planning Act 2008. A CIL Liability Notice will be issued at the time of a detailed planning permission which first permits development, in accordance with the Community Infrastructure Levy Regulations 2010 (as amended). The extent of liability will be dependent on the permitted Gross Internal Area. This will be calculated on the basis of information contained within a subsequent detailed planning permission. Certain types of development may eligible for relief from CIL, such as self-build or social housing, or development by charities. Further information on the CIL is available on the Borough Council's website.
9. On the Statutory Sewer Map, there is a 225 mm diameter public foul sewer and a 150 mm diameter public surface water sewer recorded to cross the site. It is essential that the presence of this infrastructure is taken into account in the design of the scheme.
 - i) In this instance, Yorkshire Water would look for this matter to be controlled (by Requirement H4 of the Building Regulations 2000).
10. The developer is proposing to discharge surface water to soakaway /public sewer however, sustainable development requires appropriate surface water disposal. Yorkshire Water promote the surface water disposal hierarchy and the developer must provide evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical before considering disposal to public sewer. The developer and LPA are strongly advised to seek comments on surface water disposal from other drainage bodies as further restrictions may be imposed.

CHE/19/00518/FUL

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BOROUGH COUNCIL

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ITEM 2

INSTALLATION OF NEW LOW LEVEL FLOODLIGHTING TO FIVE EXISTING OUTDOOR FLOODLIT TENNIS COURTS 4 TO 8 INCLUSIVE AT CHESTERFIELD LAWN TENNIS CLUB, HAWKSLEY AVENUE, CHESTERFIELD FOR CHESTERFIELD LAWN TENNIS CLUB.

Local Plan: Sports Pitches and Playing Fields

Ward: Brockwell

Plot No: 2/182

Committee Date: 07.12.2020

1.0 **CONSULTATIONS**

Ward Members	No comments received
Planning Policy	Comments received – see report
Environmental Services	Comments received – see report
Leisure Services	No comments received
Highways Authority	Comments received – see report
Sport England	Comments received – see report
Neighbours and Site Notice	2 representations received – see report

2.0 **THE SITE**

- 2.1 The site is the established Chesterfield Lawn Tennis Club on Hawksley Avenue which has been operating since the early 1960s. It comprises the main tennis centre building which includes indoor courts and all the associated facilities together with 7 No external courts.
- 2.2 As can be seen for the aerial Google extract below the main building is positioned to the north west of the site to the rear of Malvern Road property and which is set back behind the car park area on the Hawksley Avenue frontage. The external courts are positioned to the south and east sides of the site.
- 2.3 The site is surrounded by residential property on all sides. To the west is Malvern Road, to the south and south east is Oakley Avenue and

the east and north east are properties on Hawksley Avenue. A footpath connection links Oakley Avenue to Hawksley Avenue along the east boundary of the site.

- 2.4 Five of the external tennis courts are floodlit with only the court on the Hawksley Avenue frontage and the one to the south west corner of the site which remains without lighting.



3.0 **SITE HISTORY**

- 3.1 CHE/361/2 – Change of Use of Nursery Garden to Tennis club
Approved 18.04.61
- 3.2 CHE/168/2 – Erection of Floodlighting at Court 5 (immediately north of 34 Oakley Avenue with 1 column on the boundary) – Approved 23.1.68 (Condition 2 required details of precise positioning and shading to prevent annoyance to the occupants of the adjoining residential property.
- 3.3 CHE/683/356 – Pavilion extension for members lounge – Approved 28.6.83

- 3.4 CHE/1190/779 – 8 No floodlights to replace existing floodlights on 3 No courts to the south east side of the site – Approved 17.1.91
Condition 2 required that the lights should not be illuminated after 10:00 on any day and condition 3 required agreement to the positions of the columns and light units and the associated light spread. (The columns were shown to be 8 metres high with 400watt lamps and 350 lux illumination)
- 3.5 CHE/697/296 – Outline for new Indoor Tennis Centre – Approved 23.9.97
- 3.6 CHE/900/538 – Renewal of Outline for new Indoor Tennis Centre – Approved 8.11.00
- 3.7 CHE/04/00026/FUL – 3 Court Indoor Tennis Hall with Changing and Bar facilities – Approved 17.3.04
- 3.8 CHE/04/00614/FUL – Part demolition of clubhouse and 3 Court Indoor Tennis Hall with Changing and Bar facilities and 2 No portakabins – Approved 10.9.
- 3.9 CHE/05/00007/FUL – Floodlighting to 2 No courts (centre of east boundary) – Approved 1.3.05 – Condition 3 limits illumination to not before 08:00 or after 22:00 on any day.
- 3.10 CHE/05/00040/FUL – Extension of Clubhouse to form changing room in lieu of portacabin – Approved 22.3.05
- 3.11 CHE/07/00225/FUL – Groundsman store – Approved 16.5.07

4.0 THE PROPOSAL

- 4.1 The application proposes replacement of the existing floodlighting columns and units on courts 4 to 8 which are situated to the south and east side of the site.
- Courts 4-6
- 4.2 The 8 No existing columns are 8.0 metre high and positioned in a mid side lighting arrangement and accommodate 24 No 400 watt metal halide projector fittings.

- 4.3 The proposal is to replace with 12 no 6.5 metre high columns with 14 No LED lamps arranged in a corner and centre line arrangement.

Courts 7/8

- 4.4 The 9 No existing columns are 6.7 metre high and positioned in a side and corner lighting arrangement and accommodate 12 No 1kw metal halide box fittings.
- 4.5 The proposal is to replace with 9 no 6.5 metre high columns with 10 No LED lamps arranged in a side and corner positioning similar to the existing positioning.
- 4.6 The proposal is designed to meet LTA minimum standards at the same time as reducing power consumption, maintenance and the extent of light spillage and sky glow. The LED lamps are proposed to be Phillips Optivision which are compact and have 2000 hour life expectancy.
- 4.7 The applicant is seeking to benefit from a DCC Sustainability Grant for £20,000 which was awarded in May 2020





Existing column positions



Proposed column positions

5.0 CONSIDERATIONS

5.1 Planning Policy

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

5.2 Chesterfield Borough Local Plan 2018 – 2035

- CLP1 Spatial Strategy (Strategic Policy)
- CLP2 Principles for Location of Development
- CLP14 A Healthy Environment
- CLP16 Biodiversity, Geodiversity and the Ecological Network
- CLP17 Play Provision and Sports Facilities
- CLP20 Design
- CLP22 Influencing the Demand for Travel

5.3 Other Relevant Policy and Documents

- National Planning Policy Framework (NPPF)

5.4 Key Issues

- Principle of development;
- Design and appearance of the proposal;
- Impact on neighbouring residential amenity;
- Highways safety;
- Biodiversity and impact on protected species;

5.5 Principle of Development

- 5.5.1 The application site is an established sporting facility which is reflected in the allocation in the new Chesterfield Local Plan. The sporting venue provides positive health and wellbeing benefits which are to be encouraged as a golden thread which runs through the local plan and which are supported in the National Planning Policy Framework. The applicants intention is to enhance the facilities to encourage an increase in the number of participants in the sport activity.

- 5.5.2 The site is sustainably located within the urban area close to facilities and accords with the principles of location of development as advocated in the local plan. Sport England has confirmed that no objections arise to the proposal on the basis of the energy efficiency of the scheme and from a sustainability point of view. They comment that the proposal supports the continued use of the facility beyond daylight hours in line with the current hours of operation.
- 5.5.2 Paragraph 17 of the NPPF requires the local planning authority to take account of and support strategies to improve health, cultural and social wellbeing for all and deliver sufficient community and cultural facilities and service to meet local need. Paragraph 69 goes on to say that the planning system can play an important role in facilitating social interaction and creating healthy inclusive communities and paragraph 70 seeks to ensure that facilities and services are able to develop and modernise in a way that is sustainable and allows them to continue to provide those services. Paragraph 180 states that 'Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:
- c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.'
- 5.5.3 The National Planning Practice Guidance on Light Pollution (Paragraph: 002 Reference ID: 31-002-20191101) also sets out a series of questions:
- ☐ Will a new development, or a proposed change to an existing site, be likely to materially alter light levels in the environment around the site and/or have the potential to adversely affect the use or enjoyment of nearby buildings or open spaces?
 - ☐ Is a proposal likely to have a significant impact on a protected site or species? This could be a particular concern where forms of artificial light with a potentially high impact on wildlife and ecosystems (e.g. white or ultraviolet light) are being proposed close to protected sites, sensitive wildlife receptors or areas, including where the light is likely to shine on water where bats feed.
 - ☐ Does the proposed development include smooth, reflective building materials, including large horizontal expanses of glass, particularly near water bodies? (As it may change natural light, creating

polarised light pollution that can affect wildlife behaviour.)

- 5.5.3 Policy CLP 20 of the adopted local plan also promotes development which reduces emissions.
- 5.5.4 It is clear that the principle of upgrading the lighting units is supported by local and national policy in that it utilises the latest technologies and reduces the requirement for maintenance, energy costs (50% lower power use) and potential light pollution. The proposal will also enhance the facilities such as removing column positions which are a safety hazard to players but also brings with it an opportunity to promote the site as a quality facility and which will increase participation in sport with the obvious health and wellbeing benefits and overall accords with the provisions of the NPPF and local plan policies CLP17 and CLP17.

5.6 Design and Appearance of the Proposal

- 5.6.1 Local Plan policy CLP20 states *all development should identify and respond positively to the character of the site and surroundings and respect the local distinctiveness of its context respect the character, form and setting of the site and surrounding area by virtue of its function, appearance and architectural style, landscaping, scale, massing, detailing, height and materials.*
The policy includes criteria as follows:
....m) minimise the impact of light pollution;
....n) be able to withstand any long-term impacts of climate change.
- 5.6.2 In design and appearance terms the impact of the proposal is limited since the site is already a well established facility and the courts already include floodlighting. The proposal will result in a less significant impact as a result of the overall reduction in the number and height of columns and the less bulky lamp units. In appearance terms the differences will be small but will be positive.
- 5.6.3 In design terms the incorporation of updated technology represents a sustainable approach. The columns are to be coloured dark green (RAL6005) and will have an acceptable appearance. The new lamp units are compact, compared to the existing box units and are designed with integral louvres in the casing to ensure the light sources are screened and directed to the areas which require illumination. The existing units do not incorporate shielding or louvres and the new units will therefore reduce stray light and concentrate the illumination where

required giving an overall more efficient performance. The new lamp units will certainly achieve the policy requirements to minimise the impact of light pollution and counter the long-term impacts of climate change

- 5.6.4 Having consideration for the observations above the proposal is considered to be appropriately designed and would not cause adverse impacts on the visual amenity and character of the area. The proposal will therefore accord with the design provisions of policy Local Plan policy CLP20.

5.7 Impact on Neighbouring Residential Amenity

- 5.7.1 Local Plan policy CLP14 states that development will be expected to have an acceptable impact on the amenity of users and neighbours. Furthermore Policy CLP20 refers to criteria which include:
....k) have an acceptable impact on the amenity of users and neighbours;
- 5.7.2 The Tennis Club site is surrounded on all sides by residential properties and which have co-existed for the past 50-60 years since the early 1960s. The properties most closely affected by the current proposals are those on Oakley Avenue to the south and east and in particular No 34 and 39 Oakley Avenue and 12 Hawksley Avenue to the east.
- 5.7.3 The use of the floodlighting on all 5 courts is already restricted to no later than 10:00 pm on any day and it would be necessary to continue with the same hours restriction in the event of an approval in this case. The main issue with the current proposal is the possible impact of the changes in so far as the illumination of the neighbouring properties and the consequential impact on their amenity.
- 5.7.4 Currently, as evidenced in conversations with a neighbour, reference has been made to the existing lighting units illuminating their garden areas. It is clear that the existing lamp units are not provided with any louvres and it is the case that light strays beyond the tennis court site. Furthermore the existing lighting is all linked to a single switch and it is not possible to operate the lighting units independent of each other. The existing units also take time to warm up.
The new LED technology provides instant on and off operation and the individual light units will be capable of being operated independently of the others. This ensures there is a higher level of control over their

use. Furthermore the new light units have built in louvres such that the light sources can be screened and the light pool can be manipulated such that it is only directed towards the areas which need illuminating. The scheme also proposes to include bespoke rear deflectors to the 3 No columns closest to the southern boundary and the 2 columns closest to the east boundary. The new column positions around courts 4 – 6 will assist in reducing stray light notwithstanding the fact that they will be positioned closer to the site boundary.

- 5.7.5 No 34 Oakley Avenue sits parallel to the existing courts at close range. The existing columns are positioned mid way down the side lines of the courts and therefore inevitably result in stray lighting into the garden and dwelling. The proposal moves the side columns to the centre court line further away from the boundary but puts new columns along the base line. Whilst these columns are closer to the neighbour they will be directed away from the neighbour and so would provide a beneficial impact compared with the existing arrangement. There is no doubt that the relationship between the tennis courts and this property are very close and it is not possible to screen and the residents of this property will have taken that into account when acquiring the property. The key consideration in this case is that the proposal does not make the impacts on the neighbour any worse and it is considered that the impacts will actually be reduced.
- 5.7.6 No 39 Oakley Avenue and 12 Hawksley Avenue are positioned with their side gable facing towards the tennis courts and which is also separated by a public thoroughfare and a landscaped edge to the site. The impact on these neighbours is not considered to be significant.



Photo from west garden side of 34 Oakley Avenue



5.7.7

Photo taken looking south along public footpath connection
The Council's Environmental Health Officer comments that the proposed lighting has a high colour temperature (ie will provide a bright white light), and the specification for the lights indicates a broad spread. The EHO comments that whilst he is satisfied that the

proposed installation will not adversely illuminate the surrounding premises, he expresses a concern that there is the potential for glare and with this in mind he asks that any permission granted specify that the lights shall be mounted in such a way as to prevent glare to neighbouring residential properties and road traffic. He comments that this may involve fitting shrouds to the light fittings themselves.

5.7.8 The proposal brings with it the opportunity for significant improvements to the amenity of the surrounding residential properties though a more controlled and efficient system. The applicant has provided a Lighting Impact Assessment by Sport Facility Planning & Design Ltd which provides a modelling of the obtrusive light stray for the site with a maximum limit of 10 lux. The value predicted for 34 Oakley Avenue is a max of 0.3 lux and for 12 Hawksley Avenue is 0.5 lux with confirmation this is acceptable. It is accepted however that the light sources will need to be fitted with shrouds/deflectors to ensure that the light pool is contained within the site and this can be secured by condition of any permission.

5.7.9 Having consideration for the observations above the proposal is considered to be appropriately designed and is not considered to cause significant adverse impacts on residential amenity of the adjoining neighbours. Indeed the prospect will be that the impacts will be less significant than those arising from the existing light units. Two letters of representation have been received, see section 6.0 below. The proposal will accord with the provisions of Local Plan policy CLP14 and CLP20.

5.8 Highways Safety

5.8.1 Local Plan policy CLP20 and CLP22 require consideration of impact on highway safety. The Local Highways Authority reviewed the proposal and has raised no objections to the development subject to a condition requiring a survey to be carried out by an independent, suitably qualified person post commissioning of the floodlighting to ensure that no light source is directly visible to drivers approaching Hawksley Avenue from Cromwell Road (i.e. to reduce the likelihood of glare adversely impacting on safe operation of the highway) with any lantern in breach of this being switched off until such time that revisions are made to address the issue to the satisfaction of the Local Planning Authority.

- 5.8.2 The impact on highway safety is a material planning consideration however the lighting columns are positioned to the rear part of the site away from the highway frontage. Nevertheless it will be necessary to ensure that the light units are appropriately angled towards the court playing surface so the light sources are not dazzling drivers of vehicles emerging from Cromwell Road opposite the site. It is reasonable to impose a condition which safeguards such a highway safety matter. This will ensure that the proposal is not contrary to policy CLP 20 and CLP22

5.9 Biodiversity and Impact on Protected Species

- 5.9.1 Local Plan policy CLP16 Biodiversity, Geodiversity and Ecological Network states;

‘The council will expect development proposals to:

- protect, enhance and contribute to the management of the borough’s ecological network of habitats, protected and priority species and sites of international, national and local importance (statutory and non-statutory), including sites that meet the criteria for selection as a local wildlife site or priority habitat; and*
- avoid or minimise adverse impacts on biodiversity and geodiversity; and*
- provide a net measurable gain in biodiversity’*

- 5.9.2 In addition to this protected species such as Bats are European Protected Species protected under the Conservation of Habitats and Species Regulations (2017) (as amended) and the Wildlife and Countryside Act (1981) (as amended).

- 5.9.3 The proposal is a minor scheme in so far as any impact on biodiversity is concerned and the need to provide a net gain does not arise in the circumstances. It is accepted however that lighting can affect bat foraging however the existing courts are already illuminated and the proposal does not extend this so the impact on any protected species is unlikely to be any different compared with the existing impacts.

6.0 REPRESENTATIONS

- 6.1 The application has been publicised by neighbour notification letters and site notice and 2 representations have been received.

- 6.2 34 Oakley Avenue

Concerns regarding:

- position of new lights close to house especially near 2 bedrooms and kitchen;
- the extra number of lights;
- Confirmation of hours outside courts are used, on the website it's mon to fri 10am to 8pm and sat/sun 10am - 4pm but they are being used recently from 8am to 10 pm 7 days a week which has created a lot of noise to the point we cannot hear tv in room – have asked to not extend these hours but still happening.
- Question whether it would be possible for them to put hedges or shrubbery along fencing to quiet the noise from players down which may impact on where the lights are suppose to be going

6.3

17 Oakley Avenue

Confirm no objection subject to 22:00 switch off and no excess light spillage.

6.4

Officer comments – See paragraph 5.7 for consideration of impacts on then neighbours. The hours of operation of the floodlights was established in the permissions issued for the existing floodlights in 1991 and 2005 and which was that they should not be used after 10:00 pm. The clubs website may have different hours however the planning restriction on their use is up to 22:00 and it will be appropriate therefore to repeat the hours restriction on any permission issued for replacement lighting units.

The impact on light spillage is a material consideration however the application brings the prospect of use of up to date technology to achieve an improvement compared with the existing arrangement, which is acknowledged to be an issue. The scheme has been assessed in so far as obtrusive light impacts and the positioning of the columns and design of light units can achieve the improvements required. It is accepted that this will involve the use of deflectors and shrouds to ensure light sources and light spillage is not an adverse problem.

The suggestion of planting shrubs to help address a noise issue is not of relevance to the proposal for replacement light units.

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.

7.3 The recommended conditions are considered to be no more than necessary to control details of the development in the interests of amenity and public safety and which interfere 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 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 LPA has used conditions to deal with outstanding issues with the development and has been sufficiently proactive and positive in proportion to the nature and scale of the development applied for.

8.3 The applicant /agent and any objectors/supporter will be notified of the Committee date and invited to speak, and this report informing them of the application considerations and recommendation /conclusion is available on the website.

9.0 CONCLUSION

9.1 The application for the replacement lighting units for 5 courts is acceptable given the sustainable benefits which can be achieved in so far as energy use (and climate change benefits), energy bills, reduced maintenance and the benefits to local neighbours through enhanced

technology to give a greater degree of control and a targeted lit area which minimises pollution and light spillage. Appropriate safeguards can be added to any permission through the use of conditions and, on this basis, the proposal therefore accords with the requirements of policy CLP17 and CLP20 of the adopted Local Plan 2018 – 35 and the requirements of the wider NPPF.

10.0 RECOMMENDATION

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

Conditions

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

***Reason** - The condition is imposed in accordance with section 51 of the Planning and Compulsory Purchase Act 2004*

2. The development hereby approved shall only be carried out in full accordance with the approved plans (listed below) with the exception of any approved non material amendment. All external dimensions and elevational treatments shall be as shown on the approved plan/s (listed below).

- Location Plan 2020-CAS-025-OD-010
- Block Plan 2020-CAS-025-OD-011
- Existing Layout 2020-CAS-025-OD-012
- Proposed Layout 2020-CAS-025-OD-013
- Existing Elevations 2020-CAS-025-OD-014
- Proposed Elevations 2020-CAS-025-OD-015
- Existing 3d View 1 2020-CAS-025-OD-016
- Existing 3d View 2 2020-CAS-025-OD-017
- Proposed 3d View 1 2020-CAS-025-OD-018
- Proposed 3d View 2 2020-CAS-025-OD-019

***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.*

3. The floodlights hereby approved shall not be used between the hours of 22:00 and 08:00 on any day.

Reason: *In the interests of the amenity of neighbouring residential properties in accordance with policy CLP20 of the adopted Chesterfield Borough Local Plan*

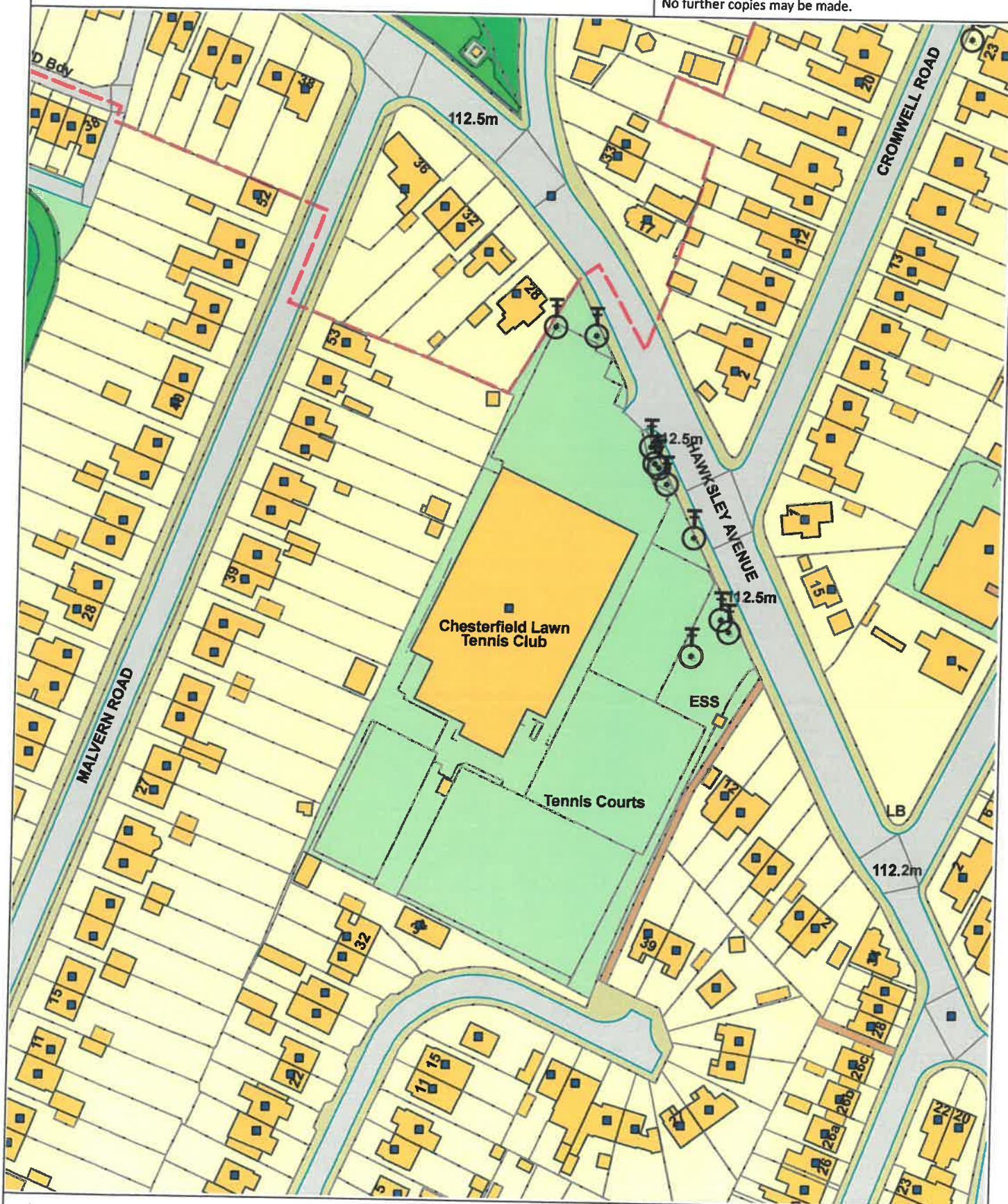
4. The light units shall be positioned and provided where necessary with reflectors and shrouds to ensure that the light sources are screened to prevent obtrusive light stray beyond the application site boundary in accordance with the Lighting Impact Assessment by Sports Facility Planning & Design Ltd dated 3rd July 2020. The light units shall also be screened to ensure the light sources do not dazzle vehicle drivers emerging from the Cromwell Road junction onto Hawksley Avenue. In the event that the light sources are a source of nuisance to vehicles emerging from Cromwell Road, those lights shall be turned off until appropriate mitigating shrouding/screening has been provided.

Reason – *In the interests of the amenity of neighbouring residential properties and highway safety in accordance with policy CLP20 of the adopted Chesterfield Borough Local Plan*

Informative 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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COMMITTEE/SUB	Planning Committee
DATE OF MEETING	7 DECEMBER 2020
TITLE	DELEGATION
PUBLICITY	For Publication
CONTENTS	<p>Items approved by Development Management and Conservation Manager under the following Delegation references:-</p> <p>Planning Applications P020D, P200D to P250D, P270D to P320D, P350D to P370D, P390D, P420D to P440D</p> <p>Agricultural and Telecommunications P330D and P340D</p>
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/19/00603/COU	Hasland	Continued use of former car sales yard/car repair workshop, as a pottery painting studio and storage/office in connection with electrical contracting and security businesses; retention of 1.25m high front fence/gate, and continued siting of shipping container. At Garage To The Rear Of 349 Hasland Road Hasland S41 0AQ For Mr Leigh Merry	CP	06/11/2020
CHE/20/00126/DOC	Old Whittington	Discharge of planning conditions 12 (railway excavation and earthworks) and 13 (vibro compaction machinery) of CHE/16/00171/OUT - Outline application for the residential development and creation of new site access At 955 Sheffield Road Sheepbridge S41 9EJ For Vistry Partnerships	DPC	20/11/2020
CHE/20/00225/RET	Brimington South	Retrospective planning permission for drive to front of property At 56 Swaddale Avenue Tapton Derbyshire S41 0SU For Mr Taylor	CP	13/11/2020
CHE/20/00362/COU	Hollingwood And Inkersall	Erection of a summer house in the rear garden for use in connection with a dog grooming business (statement of use provided 18.10.2020) At 6 Blue Lodge Close Inkersall S43 3GF For Mrs Tracy Cartwright	CP	13/11/2020

CHE/20/00463/REM St Leonards	Variation of condition 1 of CHE/11/00837/REM2 dated 30.04.2012, to allow the sale of food and drink At The Range Unit 1 Lordsmill Street Chesterfield S41 7RS For CDS (Superstores International) Ltd	CP	06/11/2020
CHE/20/00501/FUL Moor	Single storey front porch extension At 73 Dukes Drive Newbold Derbyshire S41 8QE For Mr Ray Hallam	CP	19/11/2020
CHE/20/00533/FUL Hollingwood And 1702 Inkersall 1702	Ground floor rear extension. At 18 Booker Close Inkersall Derbyshire S43 3WA For Mr Simon Collins	CP	10/11/2020
CHE/20/00537/FUL West	Re-submission of CHE/20/00282/FUL for two storey side extension and associated works and change of external brick to render. Revised drawings received 26.10.2020. At 22A Brookside Bar Chesterfield S40 3PJ For Mr and Mrs Barrie and Claire Taylor	CP	10/11/2020
CHE/20/00539/COU St Leonards	Change of use from Class A1 to Class A1 / A3. At Land At Ravenside Retail Park Markham Road Chesterfield For LS Retail Warehousing Limited	CP	18/11/2020

CHE/20/00540/FUL	Walton	Single storey side extension, front porch CP and rear decking At 149 Hunloke Avenue Boythorpe S40 3EA For Mr Gareth Simmonds		03/11/2020
CHE/20/00549/FUL	St Leonards	Rear single storey extension At 2 Foyers Way Chesterfield S41 0FN For Mr and Mrs Collis	CP	11/11/2020
CHE/20/00553/REM	St Leonards	Modification of S106 planning obligation UP At The Range Unit 1 Lordsmill Street Chesterfield S41 7RS For CDS (Superstores Int) Ltd		06/11/2020
CHE/20/00571/FUL	Brockwell	Construction of vehicular access At 9 Wallsend Cottages Newbold Road Newbold S41 7AE For Ms Megan Carroll	CP	04/11/2020
CHE/20/00572/RET	St Leonards	Retrospective application for disabled access ramp and level access raised platform to the rear elevation with fixed screening. At 18 Hady Crescent Hady S41 0EA For Julie Barnes	CP	10/11/2020
CHE/20/00595/FUL	Holmebrook	Demolition of rear entrance porch and erection of 3 dormers - 2 on the front elevation and one to the rear and new front entrance porch. Revised drawings received 09.11.2020. At 21 Springfield Avenue Chesterfield S40 1DJ Page 79 For Mr Bright	CP	18/11/2020

CHE/20/00597/FUL	Hasland	Proposed front WC Porch extension At 70 Smithfield Avenue Hasland Derbyshire S41 0PS For Mr and Mrs Ward	CP	06/11/2020
CHE/20/00598/FUL	Brimington North	Proposed single storey extension to front and side of property to enlarge kitchen and entrance. At 7 Summerfield Crescent Brimington Derbyshire S43 1EZ For Mr and Mrs Steve and Deborah Liszka	CP	04/11/2020
CHE/20/00600/FUL	Dunston	Two storey extension to side of building. Revised drawings received 01.10.2020. At Proposed Rillatech Unit Dunston Way Chesterfield S41 9RD For Rillatech Ltd	CP	04/11/2020
CHE/20/00605/FUL	St Leonards	Conversion of vacant first, second and third floors of the building into 8 separate dwelling units including 1 bedroom studios, 1 and 2 bedroom apartments. and a third floor extension on the existing flat roof section of the building to allow space for two 1- bedroom apartments. Revised information received 27.10.2020. At 9A - 11 High Street Chesterfield S40 1PS For Tarncourt Group	CP	10/11/2020
CHE/20/00608/FUL	Moor	Internal alterations, erection of single storey garage to side elevation, front entrance porch and, dropped kerb access to highway and creation of on site parking area. Revised drawings received 28.10.2020. At 30 Ringwood Avenue Newbold S41 8RB For Mr and Mrs Evans	CP	23/11/2020

CHE/20/00629/FUL Moor	Single storey rear extension and garage conversion At 24 Dukes Drive Newbold S41 8QG For D Matthews	CP	10/11/2020
CHE/20/00636/FUL Linacre	Re-siting / rebuilding of boundary wall/fence. At 2 Meadow Rise Holme Hall Chesterfield S42 7PX For Richard Palfreyman	CP	19/11/2020
CHE/20/00652/DOC Brimington North	Discharge of condition 3 (Arboricultural Method Statement) of CHE/20/0046/REM1 - Variation of condition 1 (Approved Drawings) of CHE/15/00838/REM - Redevelopment of training centre for residential purposes (37 Dwellings) - Approval for Access, Appearance, Landscaping, Layout and Scale) - to allow for a new site plan showing minor amendments to house types on Phase 3 At Land To The North Of Victoria Street Brimington Derbyshire For Rockliffe Homes Ltd	DPC	09/11/2020
CHE/20/00654/FUL Brockwell	Single storey side and rear extension At 72A Hawksley Avenue Chesterfield S40 4TL For Mr Daniel Power	CP	18/11/2020
CHE/20/00660/TPO West	Due to subsidence please consider removal of T42 - a non mature sycamore tree to reduce further damage to our property after repair. T41 was refused removal recently. We would like to reduce the risk to our house and 400 Old Road in the future and allow the oaks T41 and T43 to flourish. Please consider crown thinning	SC	10/11/2020

on T41, T43 and T1 and T39. T40 also thinning.

At 402 Old Road
Chesterfield
S40 3QF

For Mr Thomas Upfold

CHE/20/00662/CLO Hasland	Single storey extension to side of dwelling At 39 Norwood Avenue Hasland S41 0NN For Mr D Lockie	GR	06/11/2020
CHE/20/00669/TPO Linacre	Various tree work as shown on schedule and remove all debris. At Longcliff Walk To Ballidon Close Holme Hall Chesterfield S40 4FE For Clarion Housing	SC	16/11/2020
CHE/20/00678/DOC Dunston	Discharge of condition 4 (bat and bird boxes) of CHE/20/00325/FUL - Construction of a two storey rear extension At Dunston Hole Cottage Dunston Hole Farm Dunston Road Chesterfield S41 9RL For Mr Mark Bates	DPC	13/11/2020
CHE/20/00680/DOC Brockwell	Discharge of planning conditions 3 (biodiversity) and 4 (tree protection) of CHE/20/00480/FUL - Rear glazed extension and first floor side extension At 46 Cobden Road Chesterfield S40 4TD For Mr and Mrs Mendelsohn	DPC	19/11/2020

CHE/20/00682/TPO West	<p>G2 Yew Trees - the reduction of growth CP extension to side branches growing towards 402A Old Road area. 2 Yew Trees within G2 - Reduce vertical growth by max. 1 metre to achieve increase in sunlight to garden and dwelling. Yew Trees T25, T27, T28, T29, T33, T37 and T39 Trim to remove extension growth and to clear garden edges, footpath and highway. Holly Trees T32, T34 and T36 Trim to remove extension growth and to clear garden edges, footpath and highway. T30 Pine - Crown lift by max 3 metres from ground level pruning back to suitable replacement branches or main stem leaving a well balanced crown.</p> <p>At 402A Old Road Chesterfield Derbyshire S40 3QF</p> <p>For Mr David Wm Wheatcroft</p>	11/11/2020
CHE/20/00699/TPO Dunston	<p>Oak, pruning of lower branch over 144 St Johns Rd. Very low overhang onto garden.</p> <p>At 144 St Johns Road Newbold Derbyshire S41 8PE</p> <p>For Mrs Sheila Gill</p>	11/11/2020
CHE/20/00714/TPO Walton	<p>T1 Beech. Crown lift to clear the adjacent building by 4 metres.</p> <p>At Verge Outside 12 Upland Rise Walton Derbyshire S40 2DD</p> <p>For Derbyshire County Council</p>	20/11/2020

CHE/20/00719/NMA West	Non-material amendments to CHE/19/00202/FUL (Single storey rear and front extension) - chimney omitted, two windows facing boundary of 24 Netherleigh Road omitted and rear/side extension to be finished in white render (K-Rend style).	CPNMAZ	17/11/2020
	At 26 Netherleigh Road Ashgate Chesterfield S40 3QJ For Mr Andrew Wilson		
CHE/20/00724/TPO West	Walnut Tree T11 - Crown lift to approx 5 Metres from ground level thinning to 25%. Reshape tree by removal of extended branches. At 17 South Lodge Court Ashgate Chesterfield S40 3QG For Mr Bryan Langley	CP	13/11/2020
CHE/20/00727/DOC St Leonards	Discharge of condition 3 (materials) and 4 (details of lime mortar) of CHE/20/00520/LBC - Listed Building Consent for removal of existing windows and doors from large opening on the west facing elevation of the main house and partial infill of opening with brickwork to create two new windows and a doorset with new lintels and cills. At Hady House 75 Hady Hill Hady S41 0EE For Mr Fletcher	DPC	06/11/2020
CHE/20/00745/DOC St Helens	Discharge of planning conditions 2 (Materials) 7 and 8 (Tree Report), 10 and 15 (Landscaping) 18 and 19 (report for town Houses) of CHE/12/00121/FUL - residential development of 5 houses with associated landscaping and parking At Site Of Former Old Farm Inn Highfield Road Newbold S41 7HS For Primesite UK Ltd	DPC	20/11/2020

CHE/20/00754/TPO Rother	The removal of one dead Alder tree reference T50 at Greenacres. At Green Acres 14 Florence Close Birdholme Derbyshire S40 2JL For	CP	06/11/2020
CHE/20/00769/CA West	19A, B, C Private Drive - Row of Beech Trees adjacent to drive, removal of 2 small dead beech trees At The Pightle 19 C Somersall Lane Somersall Derbyshire S40 3LA For	UP	13/11/2020
wood from	CHE/20/00787/TPO Linacre CP 16/11/2020 T14 Oak of TPO 4901.153 which is located adjacent to 9 Fieldhead Way at St Mary's Catholic High School, Newbold, Chesterfield At St Marys R C High School Newbold Road Newbold Derbyshire S41 8AG For Mrs Simone Smith	Intention to remove dead	

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Delegated List - Planning Applications

Key to Decisions

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

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COMMITTEE/SUB	Planning Committee
DATE OF MEETING	7 DECEMBER 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/20/00754/TPOEXP TPO 4901.280 05/11/20	The felling of one Alder tree reference T50 on the order map for Mr Holden of Greenacres, Florence Close off Langer Lane. The tree has been inspected and found to be dead.	Consent is granted to the felling of one Alder tree with a condition to plant one new tree in the first available planting season after felling. Consent is also granted to lightly trim back on conifer T6 next to the property entrance to allow free movement of traffic through the gateway.
CHE/20/00660/TPO TPO 4901.172 & 240 10/11/20	The felling of one Sycamore tree reference T42 and the pruning of five trees reference T39 Yew, T40 Hawthorn, T41 & T43 Oak and T1 Copper Beech on the order maps for Mr Upfold of 402 Old Road, Brampton.	<p>Consent is refused to the felling of T42 Sycamore because no information was submitted to support the application and no evidence provided to show that the tree would or is causing structural damage. Repair works have been carried out by the applicant's insurance company to the property and the Sycamore was not implicated as the tree causing the damage.</p> <p>Consent is also refused to the crown thinning of one Yew tree reference T39 because this pruning operation is not suitable for an evergreen tree and there</p>

		<p>would be no advantage gained but would leave the tree prone to damage by wind and snow.</p> <p>Consent is granted to the crown thinning by 20% to T40 Hawthorn, T41 & T43 Oak and T1 Copper Beech.</p>
<p>CHE/20/00682/TPO</p> <p>TPO 4901.172</p> <p>10/11/20</p>	<p>The pruning of nine Yew trees within G2, seven Yews trees reference T25, T27-T29, T33, T37 & T39, three Holly trees reference T32, T34 & T36 and one Pine reference T30 on the Order Map for Mr David Wheatcroft at 402a Old Road, Brampton.</p>	<p>Consent is granted to pruning the trees by trimming back away from the garden edges, footpaths and highway. Consent is also granted to crown reduce 2 Yews trees within G2 by 1 metre and crown lift one Pine by 3 metres.</p>
<p>CHE/20/00699/TPO</p> <p>TPO 4901.34</p> <p>11/11/20</p>	<p>The pruning of one Oak tree reference T11 on the Order map for Mrs Gill of 144 St John's Road. The tree is allegedly low over the garden.</p>	<p>Consent is granted to remove one low branch over the garden pruning back to the main stem and crown lift the remainder of the lower crown to a maximum height clearance of 3 metres by pruning the lower secondary branch framework back to suitable replacement branches.</p>
<p>CHE/20/00724/TPO</p> <p>TPO 4901.12</p> <p>13/11/20</p>	<p>The pruning of one Walnut tree reference T11 on the Order map for Mr Langley of 17 South Lodge Court, Brampton.</p>	<p>Consent is granted to the crown lifting of the tree by 3.5 metres and the crown thinning by 15% with a slight reduction of protruding branches growing towards the property.</p>
<p>CHE/20/00787/TPOEXP</p>	<p>The removal of dead wood from one</p>	<p>Consent is granted to the removal of dead</p>

TPO 4901.153 13/11/20	Oak tree reference T14 on the Order map for St Mary's Catholic High School, Newbold.	wood from one Oak tree.
CHE/20/00669/TPO TPO 4901.153 14 /11/20	The pruning of various trees within G1 on the Order Map for Clarion Housing at Green Farm Close and Longcliffe Walk, Loundsley Green.	Consent is refused to the felling of 3 Hazel trees because this would reduce the visual amenity and leave gaps in the group of trees. It has been recommended that a new application is submitted to reduce side branches which are growing towards the properties. Consent is granted to crown clean, crown lift by 3 metres and clear properties by 2 metres to 1 Ash tree and 5 Oak trees within the group.
CHE/20/00713/TPO TPO 4901.10 19/11/20	The pruning of 5 trees reference x3 Limes within G1, x1 Lime within G2 and x1 Pine within G3 on the Order map for Mark Wilson on behalf of Derbyshire County Council at Netherleigh Court, Netherleigh Road, Brampton.	Consent is granted to the re-pollarding of 4 Lime trees and the reduction of one branch on the Pine tree to remove dead wood and prune back to a suitable live point.
CHE/20/00714/TPO TPO 4901.29 19/11/20	The pruning of one Beech tree reference T1 on the Order map for Mark Wilson on behalf of Derbyshire County Council in the grass verge adjacent 12 Upland Rise, Walton.	Consent is granted to prune the lower branches of the tree to give a maximum clearance of 4 metres from the property and re-balance the remainder of the lower crown if required.

<p>CHE/20/00744/TPO</p> <p>TPO 4901.72</p> <p>25/11/20</p>	<p>The pruning of 8 Poplar trees within G2 on the Order map for Ground Control on behalf of Western Power on land off Whittington Road and adjacent to the west of Barrow Hill Roundhouse Railway Centre. The crown reduction of the trees is to remove any risk of the trees hitting the power lines.</p>	<p>Consent is granted to the reduction in height of the trees by 4-6 metres pruning back to suitable growing points and leaving a well-balanced crown.</p>
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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/20/00769/CA The felling of two Beech trees along the driveway to 19C Somersall Lane, Somersall. Page 95	The trees are within the Somersall Conservation Area and the applicant wishes to remove the trees as they are dead.	Agreement to the felling of two Beech trees. The trees are part of an old hedge which have grown into trees and their removal will have no adverse effect on the amenity value of the area as other Beech trees will cover any gaps.	13/11/20

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APPEALS REPORT

MEETING: PLANNING COMMITTEE

DATE: 7 DECEMBER 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>
2/1272	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	
2/3768	St Leonards ward	Alight Media	CHE/20/00460/ADV 64 sheet digital sign on Lordsmill Street roundabout Refusal	Officer delegation	26/8/20	Written Reps (CAS)	
2/1388	West ward	Mr J Allsop	CHE/20/00322/TPO Felling of Sycamore at 44 Netherleigh Road Refusal	Officer delegation	14/8/20	Written Reps Hearing	

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FOR PUBLICATION Agenda Item 8

ENFORCEMENT REPORT

MEETING: PLANNING COMMITTEE

DATE: 7TH DECEMBER 2020

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

WARD: As listed in the report

FOR PUBLICATION

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

BACKGROUND PAPERS

LOCATION: LEGAL SERVICES

1.0 PURPOSE OF REPORT

1.1 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 Enforcement team.

4.0 MORE INFORMATION ABOUT THE TABLE

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

5.0 RECOMMENDATION

5.1 That the report be noted.

GERARD ROGERS
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: 7

ENFORCEMENT REPORT

27 November 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	update <small>last update</small>	Ward
Breach of Condition Notice			Total currently Authorised: 1 Authorised to Issue Average: days							
York Street	2	23/09/19 431	balcony, canopy and french door	17/00800/FUL				Instructed. About to be issued.	<input type="checkbox"/> 03/12/19	Ha
Enforcement Notice			Total currently Authorised: 4 Authorised to Issue Average: 281 days							
Markham Road	Markham House	18/02/08 4,666	storage of commercial vehicles		20/03/08 31	18/04/08 4606	20/10/08 4421	Complied by 2009. Unauthorised use has started again. Prosecute - awaiting instructions.	<input type="checkbox"/> 14/11/19	HI
Pottery Lane West	10	06/01/20 326	two unauthorised metal structures.		06/02/20 31	15/10/20 43	12/11/20 15	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 dismissed.	<input type="checkbox"/> 02/11/20	Mo

Details at 27 November 2020

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
Tapton View Road	47	24/04/17 <i>1,313</i>	unauthorised extension	16/00648	14/06/19 <i>781</i>	22/07/19 <i>494</i>	22/01/20 <i>310</i>	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
York Street	2	09/10/17 <i>1,145</i>	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

Section 215 Amenity Notice

Total currently Authorised: 2 Authorised to Issue Average: days

Address		Authorised <i>days from</i>	Breach	CHE/	Issued <i>days to issue</i>	Effective <i>days to (-) /from</i>	Comply <i>days to (-) /from</i>	Notes	update <i>last update</i>	Ward
Highfield Road	80	05/10/20 53	Removal of debris and waste					Awaiting instructions. Some tidying.	<input type="checkbox"/> 23/11/20	SH
Tapton Terrace	26	05/10/20 53	removal of Heras fencing and erection of new boundary fence, removal of vans, debris and waste					Awaiting instructions. Some tidying.	<input type="checkbox"/> 23/11/20	SL

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

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

SJ - 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