



Please ask for Amanda Clayton  
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The Chair and Members of Planning  
Committee

4 March 2022

Dear Councillor,

Please attend a meeting of the PLANNING COMMITTEE to be held on  
MONDAY, 14 MARCH 2022 at 1.00 pm in Committee Room 1, the agenda for  
which is set out below.

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)

Planning Committee	21 February, 2022
Planning Committee	28 February, 2022
4. Applications for Planning Permission - Plans Determined by the Committee (Pages 31 - 124)
5. Applications for Planning Permission - Plans Determined by the Development Management and Conservation Manager (P140D) (Pages 125 - 138)
6. Applications to Fell or Prune Trees (P620D) (Pages 139 - 146)

7. Appeals Report (P000) (Pages 147 - 150)
8. Enforcement Report (P410) (Pages 151 - 154)

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Randy', with a stylized flourish at the end.

Local Government and Regulatory Law Manager and Monitoring Officer

## **PLANNING COMMITTEE**

**Monday, 21st February, 2022**

Present:-

Councillor (Chair)

Councillors D Collins  
Barr  
Bingham  
Brady  
Catt  
Caulfield  
Davenport

Councillors T Gilby  
Miles  
Simmons  
Marriott  
Borrell  
G Falconer  
Mann

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

\*Matters dealt with under the Delegation Scheme

### **83 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Callan.

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

Councillor Mann declared an interest in CHE/21/00567 as he had previously been consulted on the application as a ward councillor and expressed his views on the matter.

### **85 MINUTES OF PLANNING COMMITTEE**

**RESOLVED -**

That the Minutes of the meeting of the Planning Committee held on 31 January, 2022 be signed by the Chair as a true record.

### **86 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/21/00567/REM - APPROVAL OF RESERVED MATTERS OF  
CHE/19/00131/OUT - RESIDENTIAL DEVELOPMENT OF 400  
DWELLINGS, PUBLIC OPEN SPACE AND ASSOCIATED  
INFRASTRUCTURE ON LAND TO THE WEST OF INKERSALL ROAD,  
STAVELEY FOR BARRATT HOMES.

Councillor Paul Mann left the meeting.

In accordance with Minute No. 299 (2001/2002) Mr Robert Galij  
(applicant) addressed the meeting.

That the officer recommendation be upheld and the application be  
approved subject to the following conditions and that a CIL liability notice  
be issued as per section 5.13 of the officer's report:-

1. The development hereby approved shall only be carried out in full  
accordance with the approved plans (listed below) with the exception of  
any condition requirements within this decision or approved non-material  
amendment. All external dimensions and elevational treatments shall be  
as shown on the approved plan/s (listed below):

Site location plan ADC2600/DR/050 Rev P01 received 28.07.2021

Cycle Provision layout H8427/CYCR Rev B received 16.02.2022

Planning Layout - composite (coloured) H8427/P102 e Rev F received  
16.02.2022

House type Abbeydale: H349-H7 received 17.12.2021

House type Alfreton: BAFT 00CD received 17.12.2021

House type Archford: P382-EH7 received 17.12.2021

House type Ashington: H457 -H7 received 17.12.2021

House type Avondale: H456-X7 received 17.12.2021

House type Brentford and Haversham: 2016/BH/P/02

House type Cannington: T321 EH7 received 17.12.2021

House type Denby: BDBY 00HD received 17.12.2021

House type Denford: BDNF 00HE received 17.12.2021

House type Ellerton: BLLE 00HE received 17.12.2021

House type Greenwood: T322 E-7 received 17.12.2021

House type Hadley: P341-E-7 and D-7 received 17.12.2021  
 House type Hale: BHAL 00HD received 17.12.2021  
 House type Haversham: BHVR 00HE received 17.12.2021  
 House type Hemsworth: BHSW 00HD received 17.12.2021  
 House type Henley: H588 -7 received 17.12.2021  
 House type Holden: H469 - H7 received 17.12.2021  
 House type Ingleby: H403 -F7 received 17.12.2021  
 House type Kenley BKNL 00CI and 00HE received 17.12.2021  
 House type Kennford: BKNR 00HD received 17.12.2021  
 House type Kingsley BKEY 00HD received 17.12.2021  
 House type Kingsville BKIS 00CE received 17.12.2021  
 House type Kirkdale H442 - H7 received 17.12.2021  
 House type Lamberton: BLBM 00HD received 17.12.2021  
 House type Lutterworth: BLUT 00CD received 17.12.2021  
 House type Maidstone: BMAI 00HE and 00CE received 17.12.2021  
 House type Meriden: H429 - H7 received 17.12.2021  
 House type Moresby: BMMS 00CE and 00CD received 17.12.2021  
 House type Radleigh: BRAD 00HD received 17.12.2021  
 House type: Type 38 and 39 2010/38-39/C/01 received 17.12.2021  
 House type: Type 65 B65F 00CI and 00CE received 17.12.2021  
 House type: Type 67 B67F 00CI and 00HE received 17.12.2021  
 House type: Type 69 B69F 00HE received 17.12.2021  
 House type: SH69-EG7 and SH69-I-7 received 17.12.2021  
 House type Wilford: P204-EG7 and P204-I-7 received 17.12.2021  
 House type Winstone: H421.H7 received 17.12.2021

LDG1H8 - 6 x 3 Double Garage received 28.07.2021  
 LDG2H8 - 6 x 3 Twin garage received 28.07.2021  
 LSG1H8 - 6 x 3 Single garage received 28.07.2021  
 SDG1H8 - Double garage received 28.07.2021  
 SDG2H8 - Twin garage received 28.07.2021  
 SSG1H8 - Single garage received 28.07.2021

Boundary Treatment Layout H8427/22 received 17.12.2021  
 Boundary Wall Type 3 NM - SD13 -013 received 28.07.2021  
 Dwarf natural stone wall (mortared) plan 2016/DET/239 received 17.12.2021  
 Dwarf dry natural stone wall 2016/DET/238 received 17.12.2021  
 Estate railings 201/DET/250 received 28.07.2021  
 Timber knee rail 2010/DET/216 received 28.07.2021  
 Close boarded fence 2010/DET/207 received 28.07.2021  
 Green infrastructure landscape plans GL1575 04B, 05B, 06B, 07B, 08B,

09B, 10B, 11B, 12B, 13B received 16.02.2022

Ecological enhancement plan North and south received 17.12.2021

Hedgehog Highway guidance DB-SD11-004 received 21.12.2021

02. Prior to works commencing on the construction of the highway within the site, details of the geomembrane to be provided within the zone of influence shall be submitted to and agreed in writing by the Local Planning Authority. Works shall be completed in accordance with the agreed details.

03. Prior to first occupation details of the fencing to be located in association with the TPO woodland to prevent public access shall be submitted to and agreed in writing by the Local Planning Authority. Works shall be completed in accordance with the agreed details.

04. Prior to works commencing on phase PH2 details of the foundation design of plot 137 and any adjacent plots as deemed necessary to address the below ground conditions from the opencast highwall, shall be submitted to and agreed in writing by the Local Planning Authority. Works shall be completed in accordance with the agreed details.

05. The development hereby approved shall be completed in accordance with the recommendations of the Noise assessment dated July 2021 ref: 25739-04-NA-01 Rev A.

06. Notwithstanding the details on Boundary Treatment Layout H8427/22 received 17.12.2021, details of all retaining features and retaining boundaries including sections and facing materials across the development shall be submitted to and agreed in writing by the Local Planning Authority before the commencement of in each phase. Works shall be completed in accordance with the agreed details.

07. Notwithstanding plan H8427/22 (boundary treatments) and prior to work commencing on each of these plots, the rear boundary detail to plots 1, 106, 145, 173, 212 and 213 shall be submitted to and agreed in writing by the Local Planning Authority. The agreed boundary treatment shall be installed prior to occupation of the specified units.

08. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or in any Statutory Instrument revoking or reenacting that Order with or without modification) there shall be no change to the height or detail of the rear boundaries to plots 1, 106, 145, 173, 212 and 213 from that agreed

under condition 7 above without the prior written permission of the Local Planning Authority.

09. Prior to works commencing within each agreed phase details of the bin dwell areas to be provided at the end of each private drive immediately adjacent to the publicly adopted highway shall be submitted to and agreed in writing by the Local Planning Authority. Works shall be completed in accordance with the agreed details.

10. Works shall be completed in accordance with the Ecological enhancement plan North and South received 17.12.2021 and the Hedgehog Highway guidance DB-SD11-004.

11. Prior to construction work commencing on the pumping station details of the structure/s shall be submitted to and agreed in writing by the Local Planning Authority. Works shall be completed in accordance with the agreed details.

12. Notwithstanding any details to be agreed regarding tree protection the proposed landscaping of the site shall be in accordance with the Green infrastructure landscape plans GL1575 04B, 05B, 06B, 07B, 08B, 09B, 10B, 11B, 12B, 13B received 16.02.2022.

13. Prior to the commencement of development in line with condition 30 of CHE/19/00131/OUT and notwithstanding the Green infrastructure landscape plans GL1575 04B, 05B, 06B, 07B, 08B, 09B, 10B, 11B, 12B, 13B received 16.02.2022 a detailed Arboricultural Impact Assessment shall be submitted to and agreed in writing by the Local Planning Authority. Works shall be completed in accordance with the agreed details.

14. 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.

15. Notwithstanding the Culvert details shown on plan 043 Rev P1 and 044 Rev P1 and the Green infrastructure landscape plans GL1575 04B, 05B, 06B, 07B, 08B, 09B, 10B, 11B, 12B, 13B received 16.02.2022, details of proposed works to the central stream corridor, including taking into account the design details of the highway route through the site,

along with an assessment of any impacts from this on water courses and habitats within and beyond the boundaries of the site, and any mitigation measures required, shall be submitted to and agreed in writing by the Local Planning Authority. Works shall be completed in accordance with the agreed details.

16. A scheme of hard and soft landscaping within each plot shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing above slab level for that plot detailing:-

- a) all plant species, planting sizes, planting densities, the number of each species to be planted and plant protection;
- b) finished site levels and contours within each plot;
- c) hard surfacing materials;

Works shall be completed prior to the occupation of each plot. The planting shall take place within the first available planting season prior to the occupation of each plot.

Councillor Paul Mann returned to the meeting.

87 **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/19/00775/FUL	Erection of coffee shop drive-thru restaurant and associated works at Arnold Clark Motorstore, Meltham Lane, Chesterfield S41 7LG for Arnold Clark Automobiles Ltd
CHE/21/00190/FUL	Erection of four 2 bedroomed bungalows at former 9 and 9A Wensley Way, Staveley for Chesterfield Borough Council
CHE/21/00331/REM	Approval of all Reserved Matters for 7 dwellings (following approval of outline planning permission CHE/19/00043/OUT) at



	Moorlea, Ashgate Road, Chesterfield S42 7JE for Bestwick Estates Limited
CHE/21/00495/FUL	Factory extension at Power Systems Ltd, Carrwood Road, Chesterfield Trading Estate, Chesterfield S41 9QB for Power Systems Services Ltd
CHE/21/00553/FUL	Construction of a new bridge crossing the River Doe Lea and construction of a greenway linking to former Markham colliery site from land east of the river at Site of Former Markham Gauging Station, Markham Vale, Markham Lane, Duckmanton for Derbyshire County Council
CHE/21/00588/FUL	Installation of concrete batching plant to support existing manufacturing facility (revised information received 16.12.2021) at Sheepbridge Works, Units 3 and 4 Sheepbridge Lane, Sheepbridge, Chesterfield S41 9RX for Green Piling Limited
CHE/21/00629/FUL	Erection of a steel clad storage building and siting of 2 shipping containers at 22 The Green, Hasland S41 0LJ for Talking Balloons Ltd
CHE/21/00633/FUL	Erection of a two bedroom detached dwelling - Revised drawings received at 41 Cobnar Drive, Newbold, Chesterfield S41 8DB for Mr John Ford
CHE/21/00700/FUL	Proposed new engineer store, bailer room and wall to canopy at Smurfit Kappa Land at M1 Commerce Park, Markham Lane, Duckmanton S44 5HS for Smurfit Kappa
CHE/21/00738/FUL	Single storey front extension at 11 Edwin Avenue, Walton S40 3JD for Mr Brian Harding
CHE/21/00740/FUL	Extension over existing garage and two storey side extension at 4 Glencoe Way, Loundsley

	Green, Chesterfield S40 4PN for Ms Jessica Taylor
CHE/21/00741/FUL	Single story side extension (revised drawings received 21.12.2021) at 18 Branksome Chine Avenue, Hasland, Chesterfield S41 0PX for Mr Stephen Rodd
CHE/21/00753/FUL	First floor side and rear extension (revised Drawing Received 08.12.2021) at 12 Pear Tree Close, Hollingwood, Chesterfield S43 2LU for Mr and Mrs Tracey Payne
CHE/21/00782/FUL	Siting of a portacabin (revised plan received 28.01.2022 showing amended location of portacabin) at Sports Ground, Whitebank Close, Hasland for Bowmen of Chesterfield
CHE/21/00797/COU	Change of use from offices to beauty salon at 187A Sheffield Road, Stonegravels, Chesterfield S41 7JQ for Miss Sandra Attenborough
CHE/21/00816/FUL	Demolition of existing garage and erection of two storey side extension and single storey rear extension at 2 Beechdale Close, Brockwell, Chesterfield S40 4EQ for Mr and Mrs Bower
CHE/21/00856/FUL	Proposed rear and side extension at 16 Miriam Avenue, Somersall, S40 3NF for Mr Bell and Ms Arthurs
CHE/21/00885/FUL	Removal of existing signage, external ATM and night safe and making good where removals affect the building at 2 Stephenson Place, Chesterfield S40 1XP for The NatWest Group plc
CHE/21/00893/FUL	Re-submission of CHE/21/00305/FUL for erection of a single storey extension with mono pitched roof to front of property.at 48 Brushfield

	Road, Holme Hall, Chesterfield S40 4XE for Mr. and Mrs. Jackie Weston
CHE/21/00908/FUL	Two storey rear extension and single storey side extension - re-submission of CHE/21/00350/FUL at 8 Easedale Close, Holme Hall, Chesterfield S40 4XP for Mr Martyn Watkin
CHE/21/00934/TPO	T35 Pine - Prune back to suitable replacement branches to clear the adjacent streetlight at 303 Ashgate Road, Chesterfield S40 4DB for Derbyshire County Council
CHE/22/00050/TPO	Removal of one storm damaged branch off of T18 Sycamore at 134A St Johns Road, Newbold S41 8TW for Arnison Equipment Maintenance Ltd T/A NM Services
CHE/22/00063/TPO	T1 Sycamore fell to near ground level, by sections if necessary, T2 Sycamore fell to near ground level, by sections if necessary, TG3 3 Sycamore remove major deadwood, raise crown over highway where necessary. Monitor for further signs of decline. TG4 3 Sycamore remove major deadwood, raise crown over highway where necessary. Monitor for further signs of decline. T5 Ash fell to ground level. T6 Ash remove Major deadwood, raise crown over highway where necessary. Monitor for further signs of decline. T7 Ash remove major deadwood, raise crown over highway where necessary. Monitor for further signs of decline. TG8 5 Ash Fell 4 trees to near ground level, reduce 1 tree to 1metre above the woodpecker hole and leave as a habitat at Ryecroft Farm, unnamed road from Station Road to Ryecroft Farm, Chesterfield S43 1LR for Mr Simon Parker
CHE/22/00070/TPO	Horse Chestnut (Tree T2) recommendation to fell tree due to significant decay by arborist.

Replacement tree would be planted on site at Chesterfield Lawn Tennis Club, Hawksley Avenue, Chesterfield S40 4TW for Chesterfield Lawn Tennis Club

(b) Refusals

CHE/21/00143/OUT	Outline permission for residential development of two dwellings at the rear of 66 South Street North, New Whittington S43 2AB for Rawsons Residential Renovations Ltd
CHE/21/00287/FUL	Demolition of existing single storey extension and replacement with larger single storey rear extension (description amended 17/05/21 and 09/06/21) at 37 Wharf Lane, Chesterfield Derbyshire S41 7NE for Mr Michael Hill
CHE/21/00604/RET	Erection of a single pole for a short wave antenna at 6 Boulton Close, Holme Hall, Chesterfield S40 4XJ for Mr John Daramy
CHE/21/00761/OUT	Outline planning for up to 3 eco single storey dwellings (amended description 22/11/21) at The Dumbles, Inkersall Green Road, Inkersall S43 3HA for Mrs Blankley
CHE/21/00798/REM	Reserved matters for the erection of a detached house at Four Poplars, Rectory Road, Duckmanton S44 5JS for Mrs M Wheelwright
CHE/21/00900/TEL	5G telecommunications installation including 20m high street pole, wrap around cabinet, commscape bowler cabinet, ac transmission cabinet and equipment cabinet at Site Adj. St Columba's Church, Inkersall Green Road, Inkersall S43 3SE for CK Hutchison Networks (UK) Ltd
CHE/21/00909/FUL	Erection of a detached garage - resubmission

of CHE/21/00531/FUL at 1 Oakfield Avenue,  
Chesterfield S40 3LE for Mr Ian Hooper

(c) Conditional Consent for Non-material Amendment

CHE/22/00017/NMA Non-material amendment to  
CHE/17/00530/FUL to change the roof design  
and remove stone quoin detailing to entrance  
door of approved extension to lounge and  
porch at front of property at 196 Ashgate Road,  
Chesterfield S40 4AL for Mr M Lees

(d) CLOPUD granted

CHE/21/00890/CLO Single storey side extension at 24 Handley  
Road, New Whittington, Chesterfield S43 2EE  
for Mrs Emma Alderton

CHE/21/00916/CLO Constructing a single storey rear extension to  
provide a larger kitchen area at 186 Hady  
Lane, Hady, Chesterfield S41 0DE for Mr Ian  
Reddish

CHE/21/00927/CLO Single story side extension at 331 Manor Road,  
Brimington S43 1NU for Mr and Mrs  
Pemberton

(e) Withdrawn

CHE/22/00042/FUL Creation of vehicular access and driveway at  
29 Rockley Close, Grangewood S40 2NW for  
Mr Andrew White

**88 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/22/00050/TPOEXP Consent is granted to the pruning of one

Sycamore tree reference T18 on the Order map for Mr Miller of 134a St Johns Road, Newbold

CHE/21/00934/TPO

Consent is granted to the pruning of one Pine tree reference T35 on the Order map for Derbyshire County Council and located to the frontage of 303 Ashgate Road, Ashgate.

CHE/21/00063/TPO

Consent is granted to the felling of 5 Ash trees within A1 leaving one as a standing habitat for woodpeckers and 2 Sycamore trees reference T1 & T2 on the Order Map.

Consent is also granted to the pruning of 6 Sycamore trees within G1 and 2 Ash trees within G3 on the Order map for Underwood Tree Care at the gateway entrance to the derelict Brookside Farm off Chesterfield Road, north of the exit of Brimington Crematorium.

CHE/22/00070/TPO

Consent is granted to the felling of one Horsechestnut tree reference T2 on the Order map at the Chesterfield Lawn Tennis Club.

## 89 **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.

## 90 **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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## **PLANNING COMMITTEE**

**Monday, 28th February, 2022**

Present:-

Councillor Simmons (Vice-Chair in the Chair)

Councillors D Collins  
Barr  
Bingham  
Brady  
Catt

Councillors Davenport  
Miles  
Borrell  
G Falconer

\*Matters dealt with under the Delegation Scheme

### 91 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Callan, Gilby and Marriott.

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

No declarations of interest were received.

### 93 **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/21/00801/FUL & CHE/21/00802/LBC - REFURBISHMENT, ALTERATION AND EXTENSION OF THE GRADE II LISTED STEPHENSON MEMORIAL HALL – POMEGRANATE THEATRE, MUSEUM & ART GALLERY – TO CREATE AN INTEGRATED CULTURAL CENTRE THROUGH THE INTERGRATION OF THE EXISTING THEATRE AUDITORIUM AND MUSEUM SPACES AT

CORPORATION STREET, CHESTERFIELD FOR BAUMAN LYONS  
ARCHITECTS obo CHESTERFIELD BOROUGH COUNCIL.

In accordance with Minute No. 299 (2001/2002) Mrs Janet Murphy (objector), Mr John Dickinson (representations on the proposals), and Councillor Sarvent (Cabinet Member for Town Centres and Visitor Economy) addressed the meeting. Mr Simon Maddy (applicant's architect) and Mr Anthony Radford (applicant Cultural Services Manager) answered questions from the committee.

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

CHE/21/00801/FUL

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

SMH-BLA-A-DR-ZZ-ZZ-001-P01-1:1250 Location Plan  
 SMH-BLA-A-DR-ZZ-ZZ-002-P01-1:200 Existing Site Plan  
 SMH-BLA-A-DR-ZZ-ZZ-100-P01-1:200 Proposed Site Plan  
 SMH-BLA-A-DR-NA-LG-015-P02-Lower Ground GA Existing  
 SMH-BLA-A-DR-NA-UG-016-P02-Upper Ground GA Existing  
 SMH-BLA-A-DR-NA-01-017-P02-First Floor Mezzanine GA Existing  
 SMH-BLA-A-DR-NA-02-018-P02-Second Floor GA Existing  
 SMH-BLA-A-DR-NA-RF-020-P01-Roof Plan Existing  
 SMH-BLA-A-DR-NA-03-019-P02-Grid Floor GA Existing  
 SMH-BLA-A-DR-NA-RF-025-P02-Lower Ground Interventions  
 SMH-BLA-A-DR-NA-RF-026-P02-Upper Ground Interventions  
 SMH-BLA-A-DR-NA-01-027-P02-First Floor Mezzanine Interventions  
 SMH-BLA-A-DR-NA-01-028-P02-Second Floor Interventions

SMH-BLA-A-DR-NA-01-030-P02-Roof Floor Interventions  
 SMH-BLA-A-DR-ZZ-ZZ-035-P01-Existing North Elevation  
 SMH-BLA-A-DR-ZZ-ZZ-036-P01-Existing East and West Elevations  
 SMH-BLA-A-DR-ZZ-ZZ-037-P01-Existing South Elevation  
 SMH-BLA-A-DR-ZZ-ZZ-040-P01-North Elevation - Fabric Repairs  
 SMH-BLA-A-DR-ZZ-ZZ-041-P01-East and West Elevations - Fabric Repairs  
 SMH-BLA-A-DR-ZZ-ZZ-042-P01-South Elevation - Fabric Repairs  
 SMH-BLA-A-DR-ZZ-ZZ-050-P01-S-01 Corporation Street Section  
 SMH-BLA-A-DR-ZZ-ZZ-051-P01-S-02 Auditorium Long Section  
 SMH-BLA-A-DR-SMG-ZZ-053-P01-S-A-St Mary's Gate Section  
 SMH-BLA-A-DR-ZZ-ZZ-055-P01- S-C-Auditorium Short Section  
 SMH-BLA-A-DR-NA-LG-110-P08-Lower Ground GA Proposed  
 SMH-BLA-A-DR-NA-UG-111-P09-Upper Ground GA Proposed  
 SMH-BLA-A-DR-NA-01-112-P09-First Floor Mezzanine GA Proposed  
 SMH-BLA-A-DR-NA-02-113-P08-Second Floor GA Proposed  
 SMH-BLA-A-DR-NA-03-114-P03-Grid Floor GA Proposed  
 SMH-BLA-A-DR-NA-RF-115-P03-Roof GA Proposed  
 SMH-BLA-A-DR-ZZ-ZZ-220-P01-Proposed North Elevation  
 SMH-BLA-A-DR-ZZ-ZZ-221-P01-Proposed East and West Elevations  
 SMH-BLA-A-DR-ZZ-ZZ-222-P01-Proposed South Elevation  
 SMH-BLA-A-DR-NA-ZZ-250-P03-S-01 Corporation Street Section  
 SMH-BLA-A-DR-NA-ZZ-251-P03-S-02 Auditorium Long Section  
 SMH-BLA-A-DR-SMG-ZZ-253-P02-S-A-St Mary's Gate Section  
 SMH-BLA-A-DR-SBL-ZZ-255-P02- S-C-Auditorium Short Section  
 1620009278-RAM-ZZ-XX-DR-S-00015 – PO1  
 1620009278-RAM-ZZ-XX-DR-S-00016 – PO1  
 1620009278-RAM-ZZ-LG-DR-S-00100 – PO2  
 1620009278-RAM-ZZ-00-DR-S-00101 – PO2  
 1620009278-RAM-ZZ-01-DR-S-00102 – PO2  
 1620009278-RAM-ZZ-02-DR-S-00103 – PO2  
 1620009278-RAM-ZZ-03-DR-S-00104 – PO2  
 1620009278-RAM-ZZ-ZZ-DR-S-00110 – PO2  
 1620009278-RAM-ZZ-XX-DR-S-00200 – PO2  
 1620009278-RAM-ZZ-ZZ-DR-S-00201- PO2  
 4038-0001-topographical survey

3. No construction works on the Station Back Lane extension to the building shall commence until:

a) a scheme of intrusive site investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and;

b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

4. Prior to the new Station Back Lane extension to the building being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

5. Development shall not commence on the Station Back Lane extension to the building until a site investigation / phase 2 report for that area of the site has been submitted to the Local Planning Authority for consideration and those details, or any amendments to those details as may be required, have received the written approval of the Local Planning Authority.

The site investigation / Phase 2 report shall document the ground conditions of the site and establish the full extent, depth and cross-section, nature and composition of any contamination. Chemical analysis, identified as being appropriate by the phase 1 desktop study, shall be carried out in accordance with current guidance using UKAS accredited methods and all technical data shall be submitted to the Local Planning Authority.

A detailed scheme of remedial works shall be submitted if the investigation reveals the presence of contamination and the scheme shall

include a Remediation Method Statement and Risk Assessment Strategy to avoid any risk arising when the site is developed.

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 the Remediation Method Statement.

The extension hereby approved shall not be brought into use until a written Validation Report confirming that all remedial works have been completed and validated in accordance with the agreed Remediation Method Statement has been submitted to and approved in writing by the Local Planning Authority.

6. Development shall not commence on the Station Back Lane extension to the building until investigations to confirm the location and depth of the tunnel in relation to the site together with any mitigating implications for the extension proposed has been submitted to the Local Planning Authority for consideration and those details, or any amendments to those details as may be required, have received the written approval of the Local Planning Authority. The development shall only proceed in accordance with the details which have been agreed.

7. 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. The development shall proceed in accordance with the agreed Employment and Training Scheme.

8. Before the ordering of any 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.

9. Within 2 months of the commencement of the development hereby approved, a scheme for biodiversity and ecological enhancement measures to be installed/integrated into the development site shall be submitted to the local planning authority for consideration. The agreed ecological enhancement measures shall thereafter be carried out as part of the development and which shall thereafter be retained and maintained throughout the life of the development.

10. Prior to the use of the mechanical ventilation system to be installed in the building full details of the proposed means of mitigating noise shall be submitted to the Local Planning Authority for consideration. The details subsequently agreed in writing by the local planning authority shall be carried out as approved as part of the approved development and which shall be retained as such thereafter.

11. Prior to any works to reinstate the pavements in connection with the removal of the ramps and steps to the existing theatre and museum entrances, full details shall be submitted to the local planning authority for consideration. The works shall then be carried out in accordance with those details which have been agreed in writing.

12. Prior to the commencement of the development on the extensions to Station Back Lane and Corporation Street, details shall be submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of water from the development onto the highway. The approved scheme shall be carried out in accordance with those details which have been agreed in writing and which shall be retained as such thereafter.

13. The development hereby approved shall not take place until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period on any particular phase or area of the site. The Statement shall provide for:

- a. the parking of vehicles of site operatives and visitors;
- b. transportation of materials to the site;
- c. loading and unloading of plant and materials;

- d. storage of plant and materials used in constructing the development;
- e. the erection and maintenance of security fencing including and decorative displays and facilities for public viewing, where appropriate;
- f. measures to control the emission of dust and dirt during construction and
- g. a scheme for recycling/disposing of any waste resulting from demolition and construction works.

14. Prior to the installation of the highway pavement changes at the new main entrance to the building full details including materials of construction shall be submitted to the Local Planning Authority for consideration. Only those details which receive the written approval of the Local Planning Authority shall be carried out on site prior to the opening of the new museum/theatre building and which shall be retained thereafter unless otherwise approved in writing by the Local Planning Authority.

15. Prior to any works being undertaken to install solar panels on the south facing roof slope, full details and specifications including cross sections to show how the panels will sit on the new roof shall be submitted to the Local Planning Authority for consideration. Only those details which receive the written approval of the Local Planning Authority shall be carried out on site as part of the scheme.

16. Prior to the installation of any external lighting scheme, full details and specifications of the lighting units and their positioning shall be submitted to the Local Planning Authority for consideration. Only those details which receive the written approval of the Local Planning Authority shall be carried out on site as part of the scheme and which shall be retained as such thereafter.

17. Prior to the works commencing associated with the Corporation Street extension, full details and specifications of the means of surface water disposal from the roof of the extension shall be submitted to the Local Planning Authority for consideration. Only those details which receive the written approval of the Local Planning Authority shall be carried out on site as part of the scheme and which shall be retained as such thereafter.

18. Prior to the works commencing associated with the Corporation Street extension, full details including cross sectional information showing the relationship between the new extension and the retained four gables shall be submitted to the Local Planning Authority for consideration. Only those details which receive the written approval of the Local Planning Authority shall be carried out on site as part of the scheme.

19. Prior to the works commencing associated with the infilling of external voids, full details and specifications of the means of bricking up shall be submitted to the Local Planning Authority for consideration. Only those details which receive the written approval of the Local Planning Authority shall be carried out on site as part of the scheme and which shall be retained as such thereafter.

#### CHE/21/00802/LBC

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

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

SMH-BLA-A-DR-ZZ-ZZ-001-P01-1:1250 Location Plan  
 SMH-BLA-A-DR-ZZ-ZZ-002-P01-1:200 Existing Site Plan  
 SMH-BLA-A-DR-ZZ-ZZ-100-P01-1:200 Proposed Site Plan  
 SMH-BLA-A-DR-NA-LG-015-P02-Lower Ground GA Existing  
 SMH-BLA-A-DR-NA-UG-016-P02-Upper Ground GA Existing  
 SMH-BLA-A-DR-NA-01-017-P02-First Floor Mezzanine GA Existing  
 SMH-BLA-A-DR-NA-02-018-P02-Second Floor GA Existing  
 SMH-BLA-A-DR-NA-RF-020-P01-Roof Plan Existing  
 SMH-BLA-A-DR-NA-03-019-P02-Grid Floor GA Existing  
 SMH-BLA-A-DR-NA-RF-025-P02-Lower Ground Interventions  
 SMH-BLA-A-DR-NA-RF-026-P02-Upper Ground Interventions



SMH-BLA-A-DR-NA-01-027-P02-First Floor Mezzanine Interventions  
SMH-BLA-A-DR-NA-01-028-P02-Second Floor Interventions  
SMH-BLA-A-DR-NA-01-030-P02-Roof Floor Interventions  
SMH-BLA-A-DR-ZZ-ZZ-035-P01-Existing North Elevation  
SMH-BLA-A-DR-ZZ-ZZ-036-P01-Existing East and West Elevations  
SMH-BLA-A-DR-ZZ-ZZ-037-P01-Existing South Elevation  
SMH-BLA-A-DR-ZZ-ZZ-040-P01-North Elevation - Fabric Repairs  
SMH-BLA-A-DR-ZZ-ZZ-041-P01-East and West Elevations - Fabric Repairs  
SMH-BLA-A-DR-ZZ-ZZ-042-P01-South Elevation - Fabric Repairs  
SMH-BLA-A-DR-ZZ-ZZ-050-P01-S-01 Corporation Street Section  
SMH-BLA-A-DR-ZZ-ZZ-051-P01-S-02 Auditorium Long Section  
SMH-BLA-A-DR-SMG-ZZ-053-P01-S-A-St Mary's Gate Section  
SMH-BLA-A-DR-ZZ-ZZ-055-P01- S-C-Auditorium Short Section  
SMH-BLA-A-DR-NA-LG-110-P08-Lower Ground GA Proposed  
SMH-BLA-A-DR-NA-UG-111-P09-Upper Ground GA Proposed  
SMH-BLA-A-DR-NA-01-112-P09-First Floor Mezzanine GA Proposed  
SMH-BLA-A-DR-NA-02-113-P08-Second Floor GA Proposed  
SMH-BLA-A-DR-NA-03-114-P03-Grid Floor GA Proposed  
SMH-BLA-A-DR-NA-RF-115-P03-Roof GA Proposed  
SMH-BLA-A-DR-ZZ-ZZ-220-P01-Proposed North Elevation  
SMH-BLA-A-DR-ZZ-ZZ-221-P01-Proposed East and West Elevations  
SMH-BLA-A-DR-ZZ-ZZ-222-P01-Proposed South Elevation  
SMH-BLA-A-DR-NA-ZZ-250-P03-S-01 Corporation Street Section  
SMH-BLA-A-DR-NA-ZZ-251-P03-S-02 Auditorium Long Section  
SMH-BLA-A-DR-SMG-ZZ-253-P02-S-A-St Mary's Gate Section  
SMH-BLA-A-DR-SBL-ZZ-255-P02- S-C-Auditorium Short Section  
1620009278-RAM-ZZ-XX-DR-S-00015 – PO1  
1620009278-RAM-ZZ-XX-DR-S-00016 – PO1  
1620009278-RAM-ZZ-LG-DR-S-00100 – PO2  
1620009278-RAM-ZZ-00-DR-S-00101 – PO2  
1620009278-RAM-ZZ-01-DR-S-00102 – PO2  
1620009278-RAM-ZZ-02-DR-S-00103 – PO2  
1620009278-RAM-ZZ-03-DR-S-00104 – PO2  
1620009278-RAM-ZZ-ZZ-DR-S-00110 – PO2  
1620009278-RAM-ZZ-XX-DR-S-00200 – PO2  
1620009278-RAM-ZZ-ZZ-DR-S-00201- PO2

#### 4038-0001-topographical survey

3. Before the ordering of any 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.

4. Prior to any alteration of the new main entrance to the building and the associated lift installation a fully detailed scheme showing how the alterations impact on the Victorian wall tiles and how they are to be altered in the new scheme shall be submitted to the Local Planning Authority for consideration. Only those details which receive the written approval of the Local Planning Authority shall be carried out on site and which shall be retained thereafter unless otherwise approved in writing by the Local Planning Authority.

5. Prior to the installation of the highway pavement changes at the new main entrance to the building full details including materials of construction shall be submitted to the Local Planning Authority for consideration. Only those details which receive the written approval of the Local Planning Authority shall be carried out on site prior to the opening of the new museum/theatre building and which shall be retained thereafter unless otherwise approved in writing by the Local Planning Authority.

6. Prior to any works being undertaken to alter the existing museum entrance door into a window full details, including cross sections of the new window re-instated walling beneath, shall be submitted to the Local Planning Authority for consideration. Only those details which receive the written approval of the Local Planning Authority shall be carried out on site as part of the scheme.

7. Prior to any works being undertaken to install the new double glazed metal framed window units to replace the polycarbonate cladding to the exterior of the former Council Chamber room window fronting Station Back Lane, including cross sections of the new units in relation to the

existing windows, shall be submitted to the Local Planning Authority for consideration. Only those details which receive the written approval of the Local Planning Authority shall be carried out on site as part of the scheme.

8. Prior to any works being undertaken to clean the exterior of the building, full details of the cleaning methodology proposed to be used shall be submitted to the Local Planning Authority for consideration. Only those details which receive the written approval of the Local Planning Authority shall be carried out on site as part of the scheme.

9. Prior to any repointing works being undertaken to the building a full specification including means of raking out, mortar mix and pointing finish including a small test control panel to be provided, shall be submitted to the Local Planning Authority for consideration. Only those details which receive the written approval of the Local Planning Authority shall be carried out on site as part of the scheme and repointing works should only progress in accord with the agreed test panel on site.

10. Prior to any works being undertaken to install solar panels on the south facing roof slope, full details and specifications including cross sections to show how the panels will sit on the new roof shall be submitted to the Local Planning Authority for consideration. Only those details which receive the written approval of the Local Planning Authority shall be carried out on site as part of the scheme.

11. Prior to the installation of any external lighting scheme, full details and specifications of the lighting units and their positioning shall be submitted to the Local Planning Authority for consideration. Only those details which receive the written approval of the Local Planning Authority shall be carried out on site as part of the scheme and which shall be retained as such thereafter.

12. Prior to the works commencing associated with the Corporation Street extension, full details and specifications of the means of surface water disposal from the roof of the extension shall be submitted to the Local Planning Authority for consideration. Only those details which receive the

written approval of the Local Planning Authority shall be carried out on site as part of the scheme and which shall be retained as such thereafter.

13. Prior to the works commencing associated with the Corporation Street extension, full details including cross sectional information showing the relationship between the new extension and the retained four gables shall be submitted to the Local Planning Authority for consideration. Only those details which receive the written approval of the Local Planning Authority shall be carried out on site as part of the scheme.

14. Prior to the works commencing associated with the infilling of external voids, full details and specifications of the means of bricking up shall be submitted to the Local Planning Authority for consideration. Only those details which receive the written approval of the Local Planning Authority shall be carried out on site as part of the scheme and which shall be retained as such thereafter.

15. Prior to any works being undertaken to install backlighting to the auditorium windows, full details and specifications including cross sections to show how the units will provided and accessed for maintenance shall be submitted to the Local Planning Authority for consideration. Only those details which receive the written approval of the Local Planning Authority shall be carried out on site as part of the scheme.

16. Prior to any works being undertaken to alter or remove the roof tie rod within the auditorium, full details, specifications and structural calculations, including any mitigating alteration to the structural roof timbers shall be submitted to the Local Planning Authority for consideration. Only those details which receive the written approval of the Local Planning Authority shall be carried out on site as part of the scheme.

17. Prior to any works being undertaken to alter the arched heads to the blocked windows in the west wall of the Auditorium, full details shall be submitted to the Local Planning Authority for consideration. Only those

details which receive the written approval of the Local Planning Authority shall be carried out on site as part of the scheme.

18. Prior to any works being undertaken to alter the circle balcony within the auditorium, full details, specifications and structural calculations, including detail of the soffit, supporting columns and precisely how the decorative edge frieze will be reused as part of the new scheme shall be submitted to the Local Planning Authority for consideration. Only those details which receive the written approval of the Local Planning Authority shall be carried out on site as part of the scheme.

19. Prior to any works being undertaken within the auditorium stalls, full details shall be provided showing how the proposed works impact on the original hall floor and where any of the original floor can be retained as part of the scheme shall be submitted to the Local Planning Authority for consideration. Only those details which receive the written approval of the Local Planning Authority shall be carried out on site as part of the scheme.

20. Prior to any works being undertaken to create new openings through existing masonry for new doorways and openings, full details including specifications and cross section information shall be submitted to the Local Planning Authority for consideration. Only those details which receive the written approval of the Local Planning Authority shall be carried out on site as part of the scheme.

21. Prior to the installation of any new doors or screens in the building, full details, including specifications and cross sectional information of the new doors and screens shall be submitted to the Local Planning Authority for consideration. Only those details which receive the written approval of the Local Planning Authority shall be installed in the building as part of the scheme and which shall be retained as such thereafter.

22. Prior to any works to remove the original library racks from within the upper floor of the existing museum store, a scheme for their potential reuse within the building shall be submitted to the Local Planning Authority for consideration. Only those details which receive the written

approval of the Local Planning Authority shall be carried out on site as part of the scheme.

COMMITTEE/SUB	Planning Committee
DATE OF MEETING	14 <sup>th</sup> March 2022
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 14<sup>th</sup> MARCH 2022**

<b>ITEM 1</b>	CHE/21/00448/FUL - CONVERSION OF EXISTING PUB/ CLUB (FORMER CHURCH) TO FORM 9 RESIDENTIAL UNITS AND EXTERNAL LANDSCAPING AT THE SPORTS BAR, ADJACENT 37 HOLYWELL STREET, CHESTERFIELD FOR CITY REALTY LTD.
<b>ITEM 2</b>	CHE/21/00703/FUL - EXTENSION, ALTERATIONS AND CHANGE OF USE OF EXISTING MIXED USE RESIDENTIAL/COMMERCIAL PROPERTY (SUI GENERIS) TO SEPARATE RESIDENTIAL UNIT AND CLASS E HAIR SALON AT 53 HEATON STREET, CHESTERFIELD, DERBYSHIRE, S40 3AF FOR MR MILLS
<b>ITEM 3</b>	CHE/20/00098/RET - RELOCATION AND RETENTION OF EXISTING NO. 3 STORAGE CONTAINERS AND ADDITION OF A FURTHER 1NO. STORAGE CONTAINER IN A REVISED LOCATION ON THE APPLICATION SITE (REVISED DESCRIPTION 03/03/2022) AT NORTHERN TEA MERCHANTS, 193 CHATSWORTH ROAD, CHESTERFIELD, DERBYSHIRE, S40 2BA FOR NORTHERN TEA MERCHANTS.



**ITEM 1****Conversion of existing pub/ club (former church) to form 9 residential units and external landscaping at the sports bar, adjacent 37 Holywell Street for City Realty Ltd.**

Local Plan: Town centre secondary shopping area CLP8

Ward: St Leonards

Plot No: 2/1250

Committee Date: 14<sup>th</sup> March 2022**CONSULTATIONS**

CBC Environmental Health	Concerns raised regarding noise impacts and air quality issues
CBC Economic Development	Supportive of the application. There will be employment, training and supply chain opportunities during the construction phase which should be conditions to bring opportunities to local people, to be conditioned.
CBC Conservation Officer	The building is of Local Interest (no. 145) within the Conservation Area and adjacent to Listed buildings. No objection but would like to see details of windows and an assessment of the existing, with rooflights evenly spaced. See comments within report.
CBC Forward Planning	The site is located within Chesterfield Town Centre's Secondary Shopping Area, the Town Centre Conservation Area and Historic Core (Chesterfield's Area of Archaeological Interest). The proposal accords with Local Plan policies. See comments within report.
DCC Archaeology	There needs to be submitted a historic building appraisal and heritage impact assessment of the structure. See comments within report.

Highway Authority	No highway safety objections in principle to the conversion proposals given the previous use, town centre location and availability of public parking. Consideration should be given to securing appropriate cycle parking facilities for residents in line with your Authority's Local Plan requirements.
Representations	Comments received from 13 parties – see section 6.0 below. The concerns are addressed throughout the report.

## 2.0 **THE SITE**

- 2.1 The application site is a vacant former Primitive Methodist Chapel which has previously been used as a nightclub/venue. The existing structure is a fine red brick building prominently sited on Holywell Street opposite the car park. To the rear of the site is a further car park, the land then slopes away towards Durrant Road.
- 2.2 The site is within the Conservation area and the building itself is a noted local heritage asset No 145 and is described as:  
*Large former Methodist Chapel in a prominent location on Holywell Street. It was also used as a YMCA until becoming a nightclub. The frontage is rich in typical gothic detailing of the period, primarily stone dressed lancet arch windows and doors. The main central bay is framed by buttress style pilasters and entrance doorway with quatrefoil window, colonnettes and pitched hood with kneelers & finials. The large upper story mullioned window has four lights with gothic stone tracery above. Immediately in front of the building are two brick pillars with stone banding and finials. A key feature of the building is the octagonal tower with steeple roof with stone arcade cornicing and octagonal windows. The side elevation has smaller pitched bays and the rear of the building is much plainer with window openings bricked up. Oversized and inappropriate signage is currently attached to the frontage.*  
The reason for local listing is that the building is a prominent and distinctive Methodist Chapel which acts as a reminder of the town's ecclesiastical history and makes a positive contribution to the wider street scene and Conservation Area.
- 2.3 The building due to its vacant state is in need of repair and renovation along with a long term use to secure its future.

- 2.4 To the north west of the building is a row of listed buildings, the 19<sup>th</sup> century red brick 39 to 41 Holywell Street and the Holywell Cross Post office dating from the 17<sup>th</sup> century or earlier as a timber framed building and the garden wall associated with this.

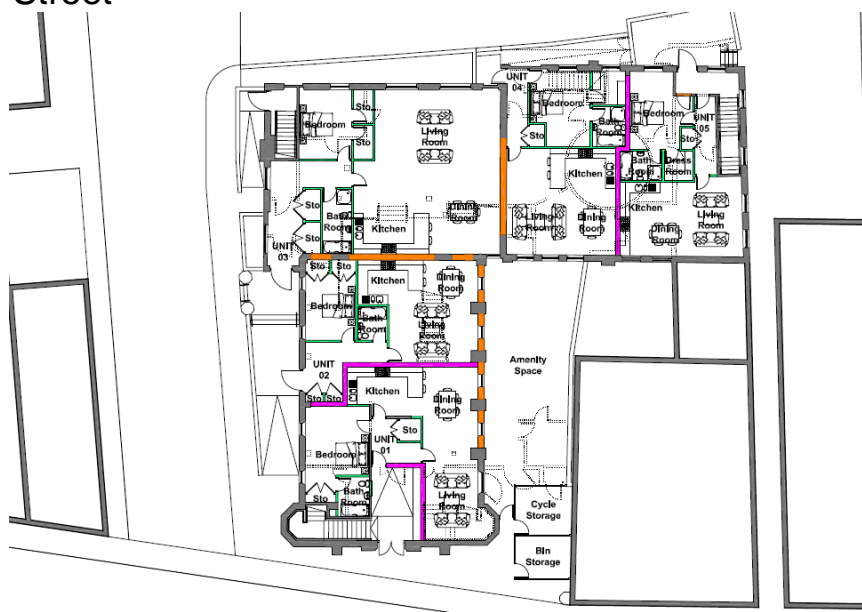
### 3.0 **SITE HISTORY**

- 3.1 CHE/0902/0551 Change of use of premises to licensed bar - Conditional Permission 27.11.2002
- 3.2 Numerous older applications relating to former YMCA use.

### 4.0 **THE PROPOSAL**

- 4.1 Planning permission is sought to convert the existing vacant building, which is in a neglected state internally, into 9 flats and to erect an external bin and cycle store and demolish a small extension to create an outdoor amenity area.

- 4.2 To the ground floor:  
Unit 1 – 1 bed accessed from Holywell Street  
Unit 2 – 1 bed accessed from Devonshire Street  
Unit 3 – 1 bed accessed from Devonshire Street  
Unit 4 – 1 bed accessed from the rear of the building on Devonshire Street  
Unit 5 – 1 bed accessed from the rear of the building on Devonshire Street  
External amenity space and bins and cycle storage fronting Holywell Street



4.3

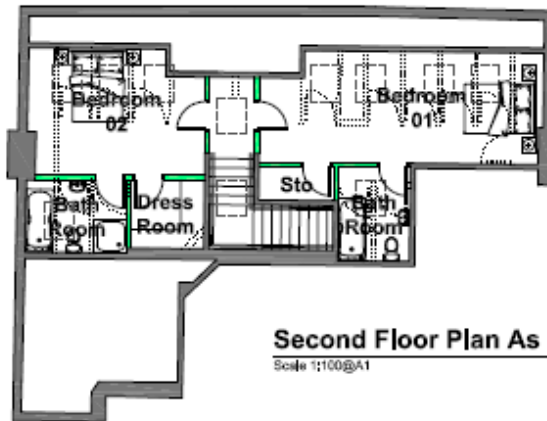
To the first and second floor:

Unit 6 – 2 bed accessed from Holywell Street

Unit 7 – 1 bed accessed from Devonshire Street

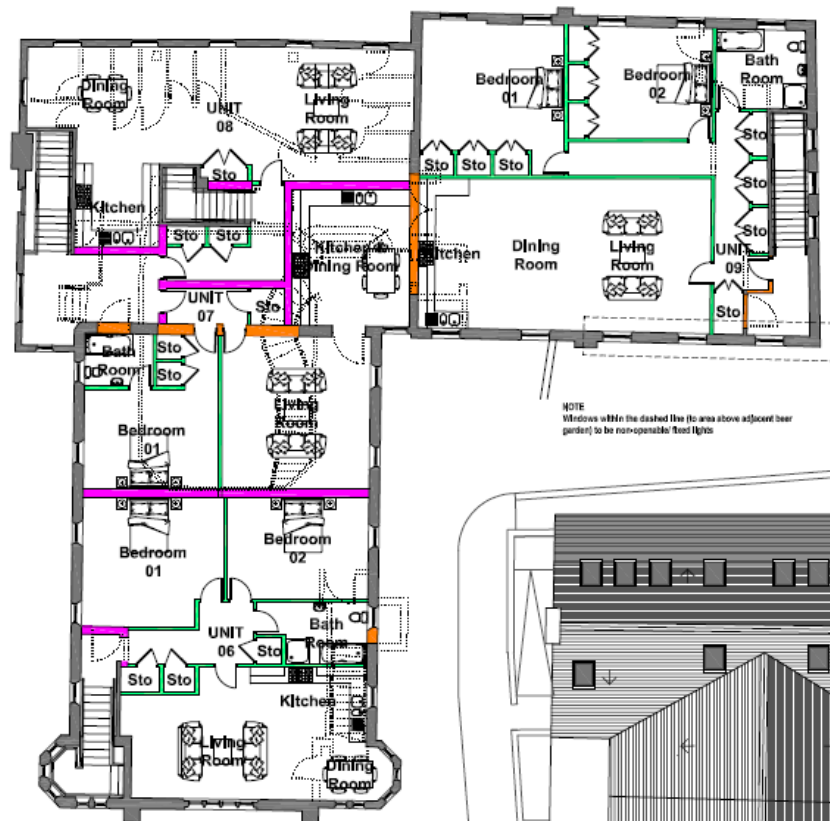
Unit 8 – two level 2 bed accessed from Devonshire Street

Unit 9 – 2 bed accessed from the rear of the building on Devonshire Street



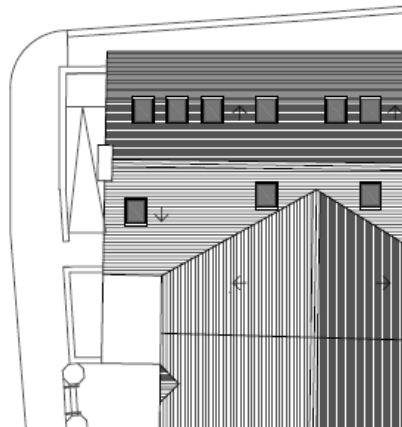
**Second Floor Plan As Proposed**

Scale 1:100@A1



**First Floor Plan As Proposed**

Scale 1:100@A1



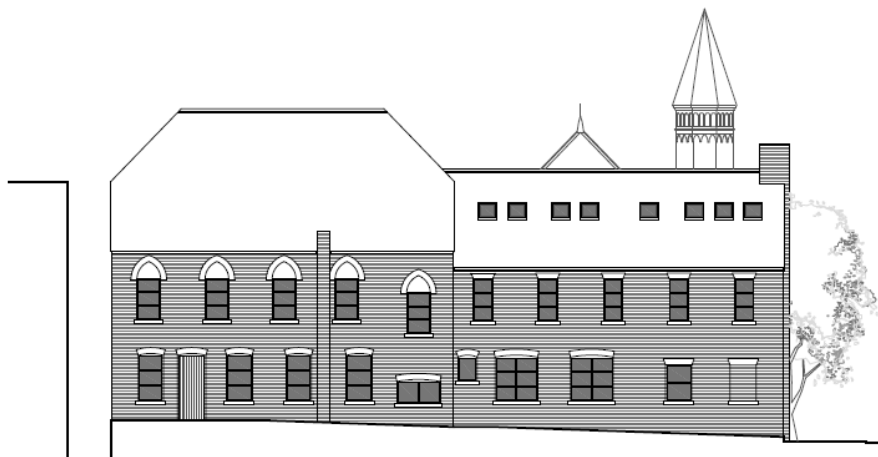
Elevations as proposed from Holywell Street:



Elevation from Devonshire Street:



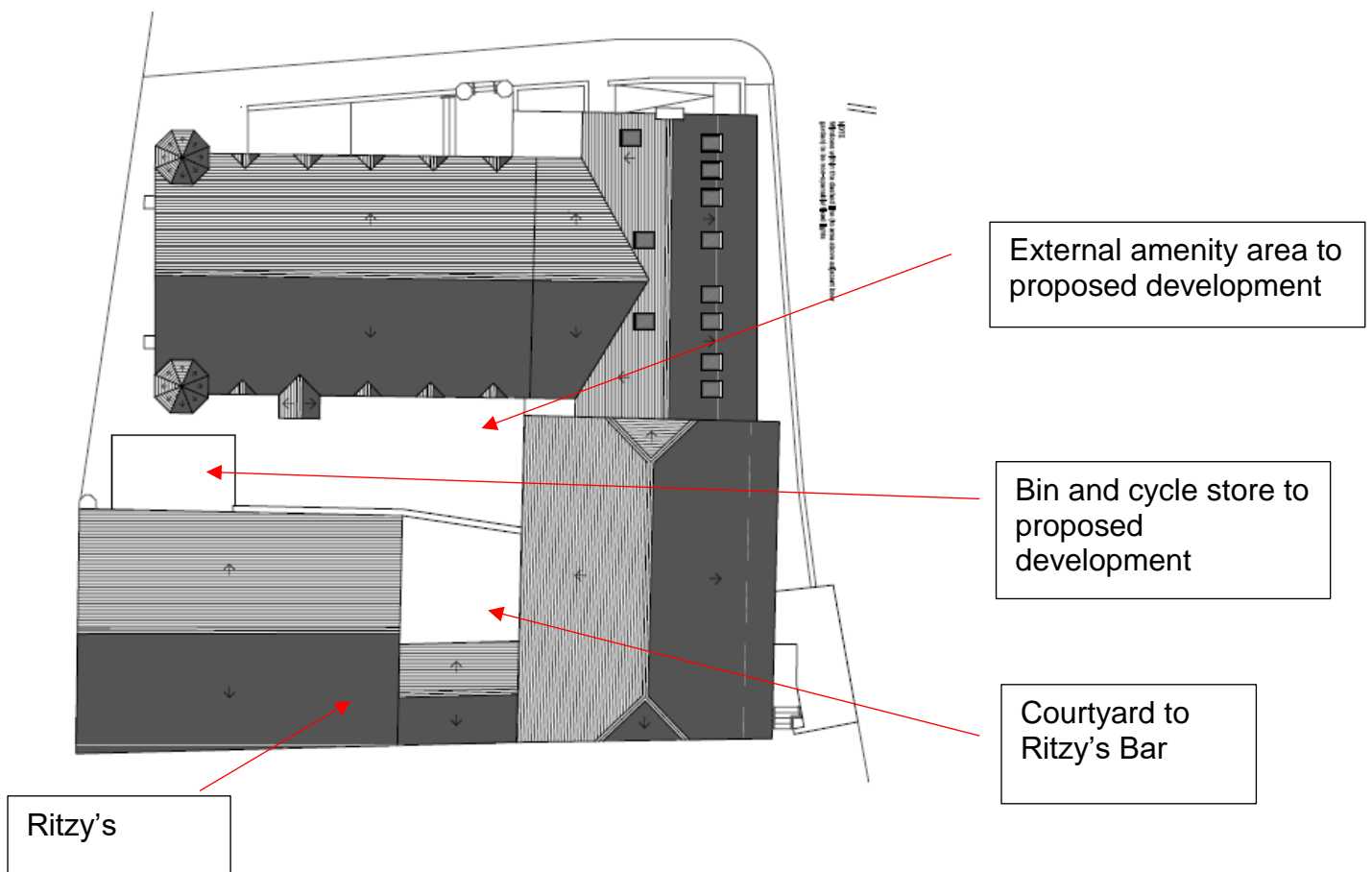
Elevation from rear on Devonshire Street



Elevation from Cowley Close:



4.4 Layout of the site and neighbouring courtyard and business premises:



4.5 The submitted noise report makes a number of pertinent points:  
*With reference to the proposed layout plans, it can be seen that a ground floor extension adjacent to the original south eastern façade is to be removed and the majority of window apertures, which were bricked up*



*when the building operated as a bar, will be reinstated. The internal layout has been designed such that there are no bedrooms fronting onto the south eastern elevations facing the entertainment venues or the south western elevation fronting onto Holywell Street (these are living spaces, bathrooms and stairwells). Furthermore, the window apertures at ground floor level directly onto Ritzy's courtyard will remain bricked up.*

- 4.6 Baseline noise surveys were undertaken between 10:35 and 13:35 on Thursday 26th August 2021 (short term measurements at a number of locations) and between 15:35 on Friday 3<sup>rd</sup> September and 10:40 on Sunday 5th September 2021 (long term measurement at a single location).*
- 4.7 During the daytime period, traffic related noise was noted to be the main noise source, with Holywell Street and the wider town centre traffic network dominant on the south western façade (MP1).*
- 4.8 Holywell Street traffic was also dominant on the north western façade (MP2), albeit at a lower noise level due to the reduced angle of view to the road. On the north eastern and south eastern façades (MP3 & MP4) the main noise source was the more distant A61, with occasional contributions from car park activity and pedestrians.*
- 4.9 During the evening and night time periods (based on audio recordings and a 'walkover survey' undertaken at circa 23:00 hours on Friday 3<sup>rd</sup> September 2021), entertainment noise (music and customer noise) is audible across the south eastern elevations of the building and to a lesser extent the north eastern façade. Road traffic remained the main noise source on the south western façade.*
- 4.10 No significant noise sources were audible on the north western façade. The entertainment noise level at MP5 showed a similar trend on both the Friday and Saturday evening/night. This was typified by (i) a steady rise from the residual level from circa 20:00 hours to 21:30 hours (23:00 hours on the Saturday night), (ii) a first period of relatively constant level to circa 02:30 hours (associated with the opening times of Ritzy's), (iii) a second period of (lower) relatively constant level to circa 05:00 to 05:30 hours (associated with the closing of Ritzy's but the more distant venues still operating) and (iv) a return to residual levels at circa 05:00 to 05:30 hours (associated with the closing of the other venues). The worst case fifteen minute LAeq level was recorded at 23:45 hours on Saturday 4th September 2021.*

- 4.11 *The internal layout has been designed such that there are no bedrooms on the south eastern façades. As such, the glazing and ventilation specification is governed by the requirement to achieve NR25 for the worst case 15 minute period.*
- 4.12 *On this basis, habitable rooms on the south eastern façades should be fitted with a secondary glazing system with the following specification (typical section shown in Figure 5.1):*  
*i. Primary (external) unit consisting of 4-20-4 double glazing (note: this unit does not need to be fixed and can have an opening light with a good quality seal).*  
*ii. Cavity between frames of 150 mm. Top and side reveals to be lined with acoustically absorbent tile.*  
*iii. Secondary (internal) unit consisting of horizontal or vertical sliding frame fitted with 6 mm glazing.*
- 4.13 *Roof constructions are commonly weak acoustically. It is recommended that ceilings to the upper floor habitable rooms on the south eastern façades are lined with two layers of dense 15 mm plasterboard with staggered joints (e.g. British Gypsum SoundBloc or Fireline board or equivalent).*
- 4.14 *Habitable rooms on the north eastern façade consist of a combination of living spaces and bedrooms. Based on the 'walkover survey' undertaken during the long term noise monitoring, robustly, it is recommended that the glazing and ventilation specification for the south eastern façades is extended to include the north eastern façade (see Section 5.2).*
- 4.15 *The internal layout has been designed such that there are no bedrooms on the south western façade. As such, the glazing and ventilation specification is governed by the daytime average noise level (road traffic). Habitable rooms on the south western façade should be fitted with glazing rated at  $\geq 32 \text{ dB Rw} + \text{Ctr}$ , such as a generic 10 mm float glass (16-20 mm air gap) 6 mm float glass double glazing configuration. Acoustic trickle vents should be provided that have a vent open  $\text{Dn,e,w} + \text{Ctr}$  of  $\geq 40 \text{ dB}$  per 2500 mm<sup>2</sup> EA (e.g. Greenwood 2500EAW.AC1, or equivalent).*
- 4.16 *The glazing and ventilation specification on the north western façade is governed by the daytime average noise level and night time discrete event maxima. Habitable rooms on the north western façade should be*

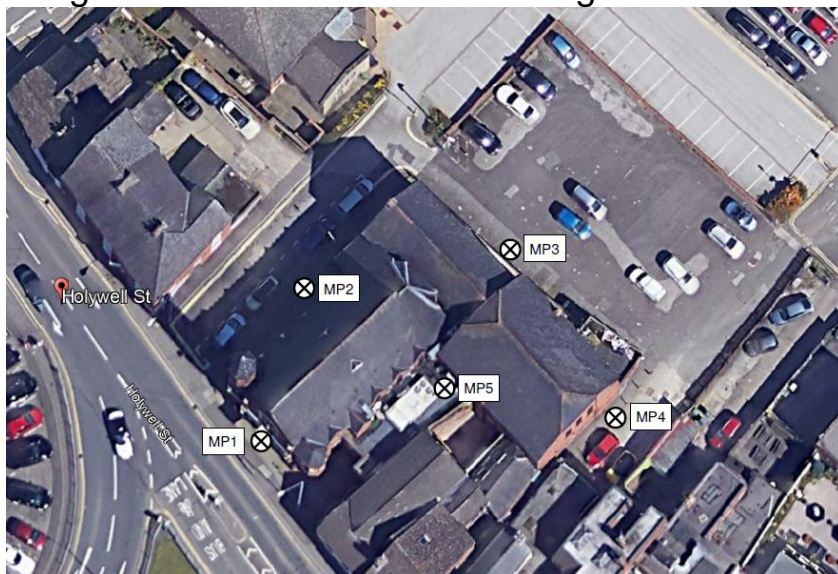
*fitted with glazing rated at  $\geq 28$  dB Rw + Ctr, such as a generic 6 mm float glass (16-20 mm air gap) 4 mm float glass double glazing configuration. Acoustic trickle vents should be provided that have a vent open  $D_{n,e,w} + C_{tr}$  of  $\geq 40$  dB per 2500 mm<sup>2</sup> EA (e.g. Greenwood 2500EAW.AC1, or equivalent).*

4.17 *A single apartment is located at 2nd floor level (the 2nd floor level is a small footprint and is located in the northern area of the development) and is a 'room-in-roof' construction. Glazing at 2nd floor level is to be provided as 'Velux' type roof lights. The roof lights should be provided with Velux 'Glazing 60' (or equivalent), which has a quoted sound reduction index of 37 dB Rw.*

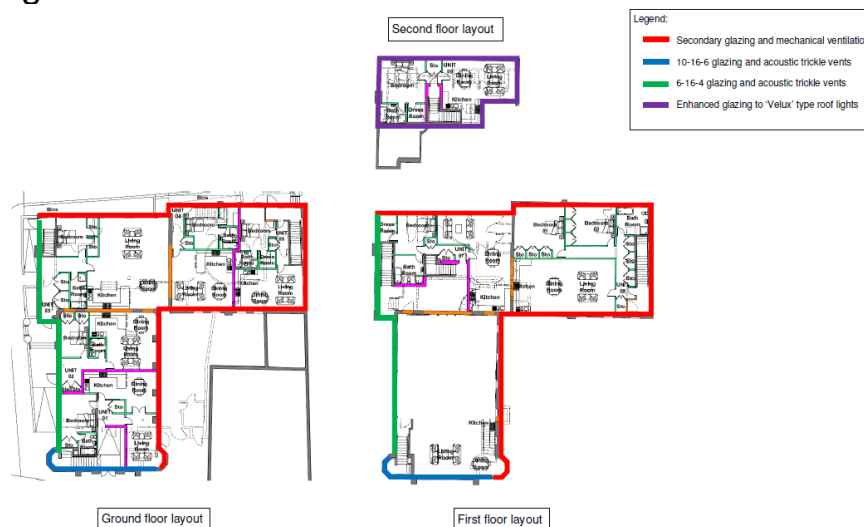
4.18 *The opening of windows would be significantly detrimental to the integrity of the noise attenuation measures. Therefore, in order to provide both background and rapid ventilation (above background) to all habitable rooms on the south eastern and north eastern façades, the use of some form of assisted (mechanical) ventilation is required.*

4.19 The report concludes that:  
*The main noise sources at the application site were noted to be road traffic and entertainment noise. A scheme of sound attenuation works has been developed to protect the residential development from the existing noise climate. On this basis, with the sound attenuation scheme in place, environmental noise is not considered to represent a constraint to residential development of the site.*

4.20 Image to show the noise monitoring locations:



4.21 Image to show recommendations for window details:



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 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that; In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

5.3 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that; In the exercise, with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

5.2 **Chesterfield Borough Local Plan 2018 – 2035**

CLP1 Spatial Strategy (Strategic Policy)

CLP2 Principles for Location of Development (Strategic Policy)

CLP3 Flexibility in Delivery of Housing (Strategic Policy)

CLP4 Range of Housing

CLP8 Vitality and Viability of Centres (Strategic Policy)  
CLP10 Social Infrastructure  
CLP13 Managing the Water Cycle  
CLP14 A Healthy Environment  
CLP16 Biodiversity, Geodiversity and the Ecological Network  
CLP20 Design  
CLP21 Historic Environment  
CLP22 Influencing the Demand for Travel  
SS1 Chesterfield Town Centre (Strategic Policy)

### **5.3 Other Relevant Policy and Documents**

- National Planning Policy Framework (NPPF)

### **5.4 Key Issues**

- Principle of development
- Heritage and design matters
- Neighbouring uses and amenity impacts
- Air quality
- Highways
- Biodiversity

### **5.5 Principle of Development**

5.5.1 The principle of development is assessed through application of policies CLP1 (Spatial Strategy) CLP2 (Principles for Location of Development), CLP8 (Vitality and Viability of Centres) and SS1 (Chesterfield Town Centre) as presented within the adopted Local Plan.

5.5.2 The proposal accords with Policy CLP1 which seeks to concentrate new development to within walking distance of a range of Key Services and regeneration areas. The dwellings would be well served by a range of facilities and services given their proximity to town centre transport links and the high concentration of facilities within the town centre itself. The proposal would also accord with criteria a-b and d-h of CLP2 owing to the proposal's compliance with the spatial strategy, utilisation of previously developed land and accessibility to active transit routes / public transport. It is expected that utilisation of a vacant building on the Local List will provide regeneration benefits (CLP2 c).

5.5.3 Policy SS1 (Chesterfield Town Centre) seeks to enhance the range and quality of residential uses within Chesterfield town centre (SS1 i) and

the proposed conversion would contribute towards this objective. Policy CLP8 (Vitality and Viability of Town Centres) states that “Residential uses (C3) will be permitted at first floor level and above (with the exception of suitable provision for access) and on appropriate redevelopment sites where it would not undermine the vitality of the centre”. The proposal would not retain any main town centre uses within the building. However, as the application site is not located within the Primary Shopping Area the proposal is not expected to negatively impact on the vitality of the centre itself (CLP8). Furthermore, paragraph 86 of the NPPF advocates a flexible approach to growth and diversification of centres and references housing as part of the suitable mix of uses to be encouraged.

- 5.5.4 In terms of the loss of a Facility - Public houses are listed as an example of a community facility in Paragraph 93 of the NPPF and in the description of policy CLP10, however, having been previously used as a nightclub the bar is considered to be a ‘drinking establishment’ rather than a ‘public house’ and therefore does not need to be assessed against the loss criteria presented in CLP10. Furthermore there are numerous other such drinking facilities within the immediate vicinity of the site.
- 5.5.5 Therefore in line with Adopted Local Plan policy the principle of the development as a conversion of a vacant building within the town centre is accepted. Consideration needs to be given to matters of heritage, neighbouring uses and amenity, highway safety and biodiversity.

## **5.6 Heritage and design matters**

- 5.6.1 Policy CLP21 requires that in assessing the impact of a proposed development on the significance of a designated heritage asset, the council will give great weight to the conservation of designated heritage assets and their setting and seek to enhance them wherever possible. In this case the designated assets are the adjacent listed buildings and conservation area.
- b) goes on to state: the Council will; the significance of designated heritage assets and their settings including Conservation Areas, Listed Buildings, Scheduled Monuments and Registered Parks and Gardens,
- e) goes on to state: the council will; identify and, where appropriate, protect non-designated heritage assets of local significance, set out in and referred to as the Local List;
- In regard to other non-designated assets such as potential below ground archaeology; the exceptional circumstances where loss or

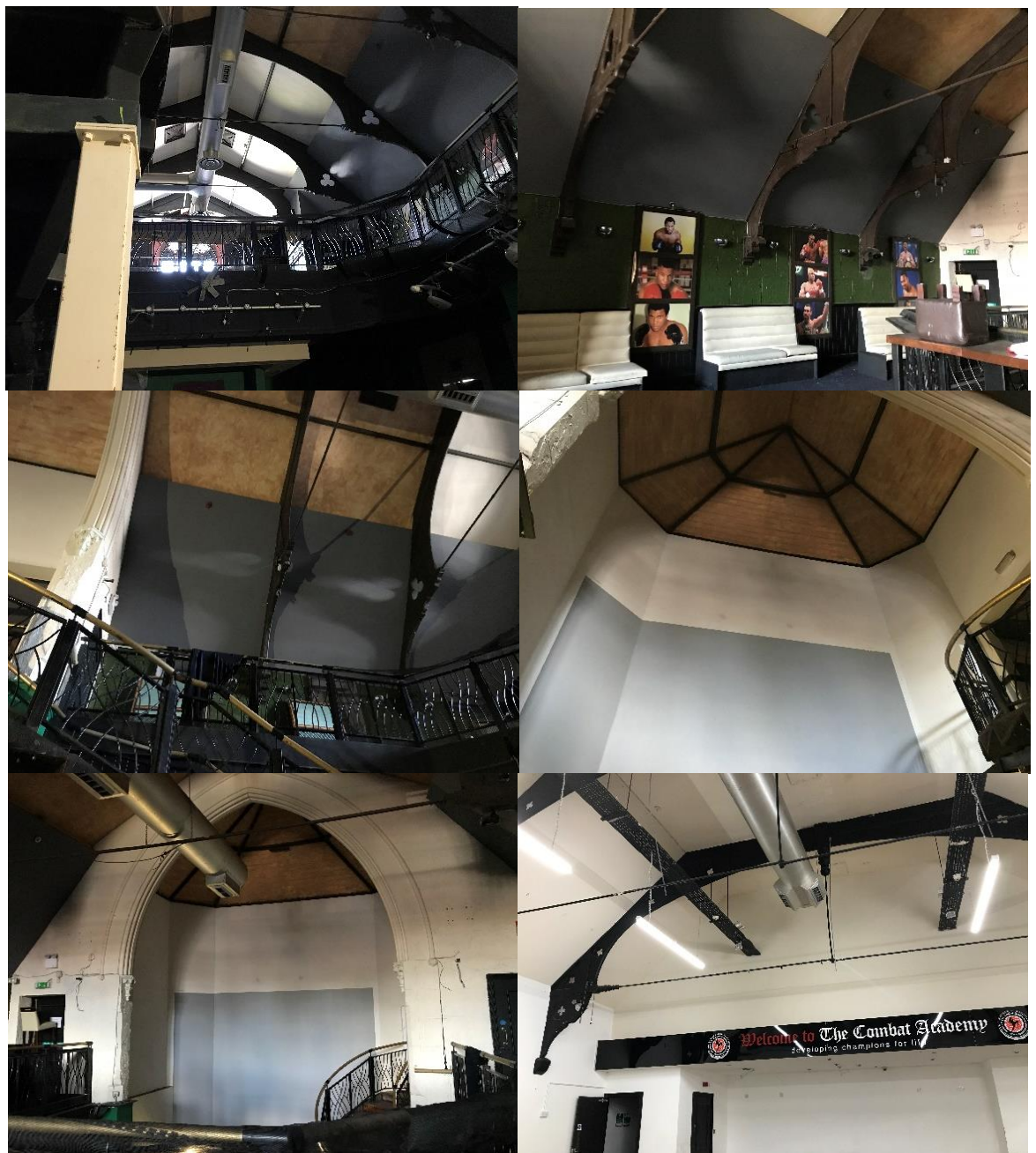
partial loss of designated or non-designated heritage asset is considered to be justified, the council will require the developer to have the asset surveyed and recorded by a suitably qualified professional in advance of any alterations, demolition or groundwork.

- 5.6.2 The NPPF in para 206 requires that: Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.
- 5.6.3 The NPPF in para 205 requires that: Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.
- 5.6.4 Given the heritage sensitivity of the case the Council's Conservation Officer was consulted and commented that: *My initial assessment is no objection to the principle. I would like to see details of materials, particularly windows, doors and rooflights please. I would like to see the explanation and assessment of existing windows and doors, rather than an assumed extensive replacement. I note that DCC has asked for a Heritage Assessment/Appraisal of the building. It would be useful in the plans were annotated to show new work, plus any replacement work, rather than generals detailed. Comparing existing with proposed it is unclear where new work will take place. Velux windows should be the Conservation style, and fitted flush with the roofline. An additional fixing pack needs to be purchased alongside the Conservation rooflight, and this is not necessarily clear at the point of sale. I would like to see rooflights evenly spaced.*
- 5.6.5 The County Archaeologist was also consulted and noted: *This building is included in the Derbyshire Historic Environment Record (DHER no 13492). Originally built as a Primitive Methodist Chapel and Sunday school, it was erected in 1881 on the former site of a school/chapel. Brick built in a Gothic style, whilst this is not a listed building it is considered a non-designated heritage asset on the basis of its antiquity, architectural design and communal values associated with the historical*

development of the town. The building is also within the Chesterfield Town Centre Historic Core (see local plan core strategies), an area corresponding to the medieval/Roman core of Chesterfield and with potential for below-ground archaeological remains of these periods. In relation to this application, whilst we recognise that the building has seen structural changes as a result of changes of use since it ceased to function as a place of worship, the current proposals will involve further alteration to its fabric. This will occur through the division of existing spaces, demolitions, changes in fenestration and new openings being established in existing elevations. The proposed works will impact on the surviving historic fabric of the structure, its setting, and potentially on any below ground archaeological remains associated with it. Such remains are part of the historical and evidential significance of the building, and as yet the applicants have not fully assessed the impact of their proposals on this significance. In order to address this we would recommend that the applicants commission a historic building appraisal and heritage impact assessment of the structure. This should include a desk-based study of the site (including map regression and other archival searches). The report should assess the significance of the heritage asset and the impact of the proposed works upon it. The report should be produced by a suitably qualified heritage professional (Chartered Institute of Archaeologists registered) we can give guidance on specialists who might undertake this work if necessary. The results of this assessment should then inform any required changes to the scheme to conserve its significance or to mitigate for the loss of any significance. NPPF para 194 requires that applicants establish the significance of heritage assets, and the level of proposed impact to that significance through their development proposals. The requested building appraisal and desk-based assessment will inform this with regard to the heritage asset involved. We would recommend that the application is not determined until the results of these studies are available to inform sensitive works to the building.

- 5.6.6 The above comments are noted and whilst ideally a historic building appraisal would be sought prior to determination it is clear in this case and from an inspection of the interior of the building that limited historic fabric remains other than the decorative windows to the façade of the building and internal beams and an arch detail which would be within the flats on the first floor of the building.





5.6.7 It is considered that subject to detail regarding the internal design of the partitions that these remaining features can be retained. All other internal elements of the building appear to have been changed likely at the point of the nightclub use. Therefore, in terms of a heritage assessment for the building itself it is considered that to request a detailed document for a building which is so clearly substantially altered would be unreasonable for consideration of works to a non-designated asset.

5.6.8 It is considered that prior to any works on the building commencing details of how the remaining features will be retained is provided and

agreed in consultation with the Council's Conservation Officer. It will also be necessary to ensure any changes to windows are carefully considered with details of any repairs needed to the retained feature windows, again a condition will appropriately consider such matters.

- 5.6.9 At this stage it is unknown as to whether the conversion works will impact on any below ground archaeology through the insertion of utilities and services. In view of this it is reasonable to impose a further condition in relation to works below the existing floor of the building and prior to any works on any exterior hardstanding detailing necessary and appropriate archaeological investigations and mitigation measures. This is considered to be a proportionate response to archaeological potential in line with para 205 of the NPPF.
- 5.6.10 Details of the proposed exterior bin and cycle store have been provided, however as this structure is on the frontage of the site within the conservation area a more robust and attractive bin store than the timber one proposed is required e.g. a brick built store, and therefore a condition will also ensure this detail is appropriately conditioned.
- 5.6.11 The repair and re-use of this locally important building which contributes positively to the significance of the conservation area is considered to be a substantial benefit of the development in line with para 206 of the NPPF.

## **5.7 Neighbouring uses and amenity impacts**

- 5.7.1 Policy CLP14 requires that: All developments will be required to have an acceptable impact on the amenity of users and adjoining occupiers, taking into account noise and disturbance, dust, odour, air quality, traffic, outlook, overlooking, shading, daylight and sunlight and glare and other environmental impacts.
- 5.7.2 In this case considerable concern has been raised by adjacent business owners and other interested parties as to the impacts of creating new residential units immediately adjacent to existing businesses which operate until the early hours of the morning. The concern is that residential uses in such close proximity to these existing businesses will lead to complaints about noise which could lead to restrictions being imposed on those businesses and therefore impacting on their economic viability.

### 5.7.3

Given the concerns in this regard the applicant was requested to carry out a noise survey the conclusions of which are detailed above. In response to this noise report the Council's Environmental Health Officer has made comment:

*Further to my previous emails regarding the noise report, I wish to update my comments. On Thursday 17th February 2022 I visited Ritzy's Bar. The proprietor of this business has expressed concerns about noise from their venue potentially impacting on the future residents of the adjacent building (should planning consent be granted).*

*I have attached two photos (court yard 1 and court yard 2) which show the view from the rear of Ritzy's to the building for the proposed development. The court yard at Ritzy's is flanked by the walls of the former church.*



*Also seen in the images (seen in the noise report section above), the monitoring locations taken from the noise report supporting this application. You will see that monitoring point 5 (MP5) is the closest monitoring location to Ritzy's.*

*Long term noise monitoring was carried out at MP5 between 15:35 on Friday 3rd September and 10:40 on Sunday 5th September 2021 (long term measurement at a single location). The results of this monitoring is available on Page 4 of the noise report at table 3.2.*

*The noise monitoring results show an overall/average for a period of time and do not appear to specify a frequency analysis.*

*A sound is made up of different frequencies ranging from low/bass notes to higher pitched tones.*

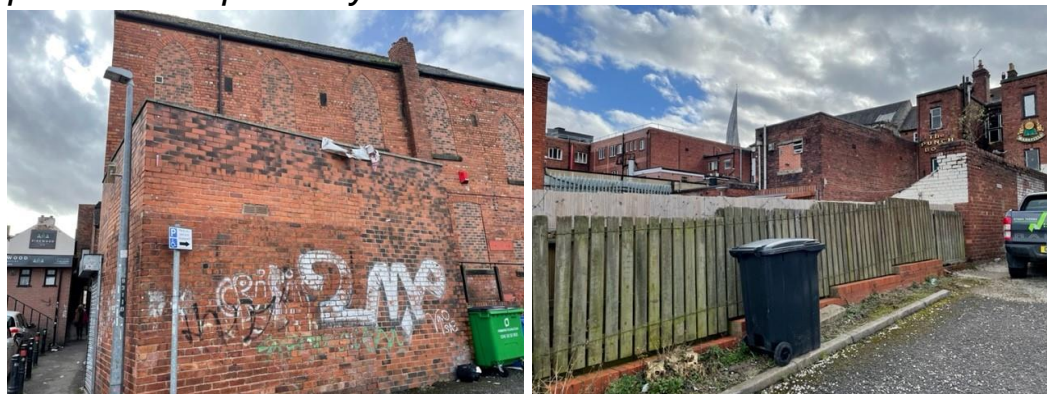
*The sound waves for lower frequency noises (such as a deep bass from dance music), will travel at a different speed when compared to higher pitch tones of the same song. Bass tones are much more difficult to*



*attenuate and can penetrate thick brick walls causing the receiver to notice a vibrational noise/tone.*

*From plan 202 submitted with the application (proposed basement, first and second floor), it does appear as though all the windows on the facades facing towards Ritzy's court yard will be openable windows. If windows are opened this will allow for music to enter into the properties and potentially impact on the proposed occupants.*

*I have also attached a couple of photos taken at the rear of the proposed building (rear of building 1 and rear of building 2), showing the rear façade of the former church building and the rear of adjacent licensed premises respectively.*



*Noise monitoring was carried out near to these locations as shown as MP3 and MP4 on the attached 'monitoring location' plan.*

*Locations MP3 and MP4 would be impacted on by music noise from adjacent businesses; one of which plays music until 5am during summer months.*

*If I have interpreted the noise report correctly, there is no data supporting long term/overnight monitoring at locations MP3 and MP4.*

*As you will see from the attached screen shot showing floor plans, the developer has proposed bedrooms near to locations MP3 and MP4.*

*For information, during the summer months, the Council has received complaints about music noise from the licensed premises on Holywell Street – on nights/early mornings when there is very little air movement, the music can be heard over 1 mile away.*

*In the current format, the noise assessment (reference: NA/1039/21/050 V1.0) does not appear to be as detailed as is necessary to calculate the potential impact on residential occupiers of the proposed development. The report does not appear to consider bass/low frequencies which can easily penetrate through closed windows and brick walls. Furthermore, the report does not specify the height that the microphone was placed. If the microphone was placed at 1.5m above ground level, some of the existing buildings would shield the audible noises at those monitoring locations. The bedrooms in the proposal are at first and second floor*

*and the monitoring position needs to be more representative of these locations.*

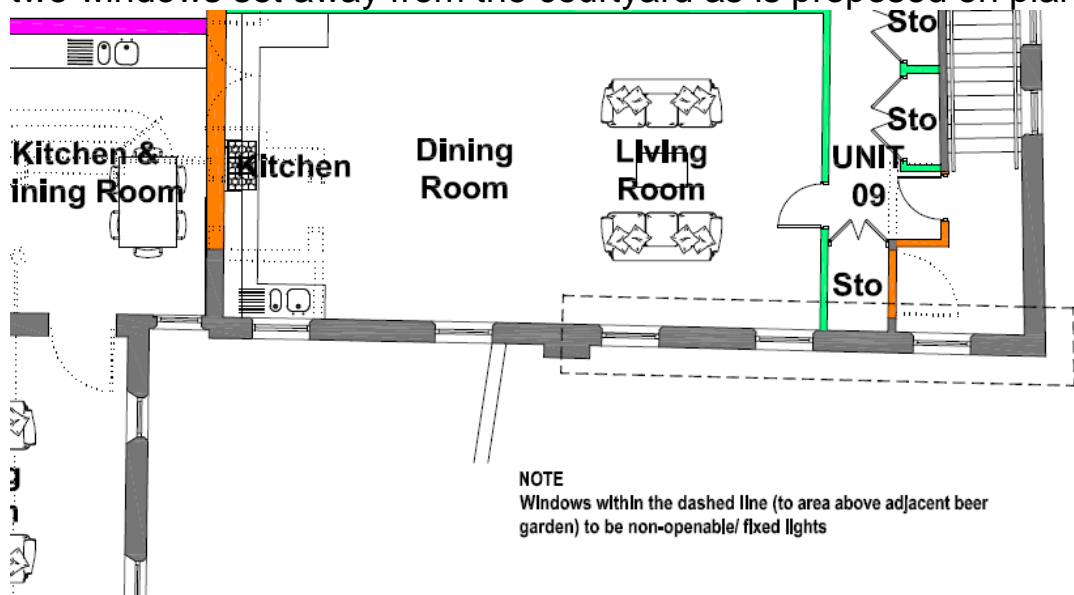
*The applicant will need to provide an updated noise assessment, which takes into account long term/overnight monitoring at locations MP3 and MP4 at times when entertainment noise (music and people) are at their loudest. The updated assessment must also take into account frequency analysis at all monitoring locations near to where the residential accommodation is planned. The noise consultant must agree the methodology with environmental health prior to undertaking on site measurements.*

*Also queried was the potential for noise internally via chimney routes.*

- 5.7.4 It is clear from these comments and the complaints already received by Environmental Health that the commercial uses associated with the town's night time economy do result in noise which will impact on the development. Whilst a further report on the noise issues has been requested it appears that further surveys will demonstrate albeit in more detail the noise issues in the area. It is therefore questioned whether it is reasonable to require a further noise report to be carried out at this stage when the result of this is largely already known. The question therefore is whether the measures proposed in the noise report and as appears to be suggested by the Environmental Health Officer that the design of the windows and the openable nature of the windows as well as internal insulation are reasonable and will result in appropriate living accommodation for future residents.
- 5.7.5 The application site is a town centre location and therefore it is reasonable to assume that anyone proposing to occupy a flat in such an area is accepting of the associated impacts of living in the centre which includes noise from neighbouring premises. Future occupants will be aware of the immediate neighbours before deciding to move top the building. It also needs to be noted that the Local Plan seeks to promote appropriate town centre living to ensure activity within the centre and its associated economic benefits for the long term future of the town.
- 5.7.6 The noise report recommends appropriate window design including secondary glazing to ensure any noise impacts are minimised for future occupiers. Appropriate window design to ensure noise mitigation when closed is considered to be reasonable and can be secured via condition, bearing in mind the heritage implications of the window design which means that any window details will need to be carefully considered.

5.7.7

Both the noise report and the Environmental Health Officer recommend non-openable windows for much of the building. This would mean that the majority of the flats within the building would be reliant on mechanical ventilation only which is not considered to result in an appropriate quality of living accommodation. It is therefore considered reasonable to allow any future occupiers the choice as to when their windows are open or closed. Within the town centre area there will be times within the day when its quieter and windows may wish to be opened. The method of opening can be secured and agreed via condition as part of the window design considerations. The opening of windows to the upper floor above Ritzy's courtyard will be limited to the two windows set away from the courtyard as is proposed on plan:



5.7.8

To minimise the potential for conflict between the occupiers and customers within the courtyard, the extent of the opening to the dining room window of flat 9 will need to be limited or angled away from the courtyard area. It is noted that the ground floor windows within Ritzy's courtyard will remain blocked.

5.7.9

To further ensure appropriate mitigation for external noise a detailed scheme for the insulation of the building and roof space as recommended in the noise report can be secured by condition. Mitigation from potential internal noise transmission arising from the route of chimneys within the building can also be provided.

5.7.10

Subject to the conditions noted above appropriate consideration of the noise issues likely to occur at the site has been undertaken and will be suitably mitigated to enable the re-use of this vacant non-designated

heritage asset which is in need of investment and re-use located within the town centre where appropriate residential uses are encouraged.

- 5.7.11 Concern has also been raised about the location of the bin store and impacts on nearby windows. The location of the bin store has now been moved to the frontage of the site against the gable end of the adjacent building. As noted above due to appearance concerns this will need to be a robust and visually attractive feature being located to the frontage of the site.
- 5.7.13 In terms of the internal space standards and access to light there are no concerns in relation to the details submitted, although some are only 1 bedroom the spaces of the flats internally are generous. External amenity space although limited is provided communally through the removal of the flat roofed extension adjacent to the Ritzy's courtyard.
- 5.7.12 As set out above it is considered that in terms of noise, nuisance and amenity issues the proposal is considered on balance to meet the requirements of policy CLP14 of the Adopted Local Plan.

## **5.8 Air quality**

- 5.8.1 Policy CLP14 requires that; Where appropriate, development proposals will include an assessment of impact on air quality and incorporate measures to avoid or mitigate increases in air pollution and minimise the exposure of people to poor air quality. Development that would make the air quality in a declared Air Quality Management Area (AQMA) materially worse either in isolation or cumulatively when considered in combination with other planned development, will not be permitted.
- 5.8.2 The Council's Environmental Health Officer has raised concern in relation to residential accommodation in this area due to the air quality issues in the locality. The comments made are as follows:  
*The proposed location is in an area of Chesterfield that is frequently congested with traffic. The applicant will need to provide further details for noise and air quality.*
- 5.8.3 The applicant's initial response: *None of the windows to the South-Western façade will be openable which will prevent any issues with noise and air pollution to this area – the natural ventilation to the flat to this area will be provided from the side elevations*

- 5.8.4 The Environmental Health Officer responded: *Side elevations can still be a route of entry for air pollution. When the applicant has considered air quality I will be able to reconsider this.*
- 5.8.5 The applicant then had a formal letter submitted from enzygo environmental consultants relation to air quality matters which states: *Following our recent email correspondence with Chesterfield Borough Council (CBC) regarding the requirement of a detailed air quality assessment for the proposed development at 39 Holywell Street, Chesterfield, I am writing to query the necessity of this.*  
*The following response has been received from Environmental Health (via email on 20/12/21 from CBC Planning Department):*  
*“I have no concerns about the consultant using the data from the nearby diffusion tube. Please also be aware that the Environment Act is undergoing a ‘refresh’ and there will likely be additional requirements placed on local authorities to monitor particulates. Please convey to the applicant that particulates as well as vehicle exhaust gases need to be considered as part of the air quality report.”*  
*As such it is understood that concentrations of nitrogen dioxide (NO<sub>2</sub>) at the proposed development site can be represented by the monitored levels at the nearby diffusion tube location (CBC monitor ref. 29). This monitor shows that roadside concentrations are consistently below the annual mean air quality objective (AQO) for NO<sub>2</sub> and it can be considered that concentrations at the site, which is set further back from the roadside than the monitoring location would also be below the AQOs. Following the agreement from CBC above, it is proposed that this can be reported with the planning application by means of an Air Quality Screening Assessment. Following a telephone conversation with the environmental health department it has been requested by CBC that an Air Quality Dispersion Modelling Assessment is carried out to assess particulate matter (PM<sub>10</sub> and PM<sub>2.5</sub>) concentrations at the proposed development site and assess these against the AQOs. Given that roadside PM concentrations are below the relevant AQO at locations where the NO<sub>2</sub> AQO levels are achieved across the UK, it is considered reasonable to assume that that PM concentrations at the proposed development site would also be below the AQO and that a modelling assessment would not be required. In addition, CBCs review and assessment of local air quality in their area of administration has highlighted no exceedances of PM concentrations across the whole borough.*  
*We are aware that the National Planning Policy Framework (NPPF) requires assessments to be proportional to the impacts or as in this case the potential risk of unacceptable exposure to pollution. We consider*



*that the risk to unacceptable exposure to PM pollution is low and therefore that PM risks would be best represented by submission of an Air Quality Screening Assessment to state the above case rather than an Air Quality Dispersion Modelling Assessment as requested by CBC Environmental Health.*

*In addition, I wish to request if there are any further examples of developments within the CBC area of administration where similar assessments were required and carried out?*

*As a further mitigation measure there are no direct openings to the sensitive uses (i.e. residential units) on the building south west facade in the scheme design. The nearest proposed windows to Holywell Street are located c. 7m from the roadside at the locations indicated below by the blue arrows.*



*This allows for further assurance that PM concentrations at sensitive locations are unlikely to be above the air quality objectives.*

5.8.6 No further response has been received from the Environmental Health Officer to this information.

5.8.7 The NPPF in para 186 states: Planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. So far as possible these opportunities should be considered at the plan-making stage, to ensure a strategic approach and limit the need for issues to be reconsidered when determining individual applications. Planning decisions should ensure that any new

development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan.

- 5.8.8 Planning policy in terms of air quality seeks to consider the impacts of development on Air Quality Management Areas and any cumulative impacts that development may have upon air quality in a specific area. In this case it is not considered that the development will cause any additional impacts in terms of air quality as it is a car free scheme with good access to a range of public transport.
- 5.8.9 The remaining issue is then the principle of residential development in areas where there are concerns about air quality. In this case there is no air quality management area near the site and therefore the weight that can be given to the consideration of restricting residential development in this area has to be considered. There is also the consideration of sustainable development which seeks to reduce all emissions over time through less reliance on private motor vehicles. In this regard the provision of residential accommodation in town centre areas is trying to seek the reduction of emissions and in this respect the development could be seen as a benefit to air quality in the longer term.
- 5.8.10 The letter received from the applicant's expert on air quality matters advises that the risks from air quality in this location are low and that occupiers would be largely protected as the windows to the front of the building are the decorative feature windows which would be non-opening.
- 5.8.11 Whilst the concerns of the Environmental Health Officer are acknowledged, based on the information above and the lack of an AQMA in this area it is not considered reasonable to refuse residential development in this sustainable location due to the low risk air quality concerns. It is acknowledged that even with further investigation there is little more that can be done by the applicant to mitigate against air quality impacts given the restrictions of the site. It is therefore considered on balance that the proposal meets the requirements of policy CLP14 of the Adopted Local Plan in terms of air quality.

## **5.9 Highways Safety and Parking Provision**

- 5.9.1 Local Plan policy CLP20 and CLP22 require consideration of parking provision and highway safety.

- 5.9.2 In this case there is no parking provision at the property which is sustainably located in the town centre with access to a range of public transport.
- 5.9.3 The Highway Authority has been consulted on the matter and have commented: *No highway safety objections in principle to the conversion proposals given the previous use, town centre location and availability of public parking. Consideration should be given to securing appropriate cycle parking facilities for residents in line with your Authority's Local Plan requirements.*
- 5.9.4 As a result of the proposals a cycle store has now been included in the proposed scheme to the frontage of the site. Again, as this is a structure to the site frontage the design and security of this needs to be robust and a condition will be added for a revised scheme for the cycle store to be submitted and available for use prior to occupation of the units. On this basis the proposal is considered to be acceptable in terms of highway safety matters in line with policies CLP20 and 22 of the Adopted Local Plan.

## **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 Given the internal space of the building is vaulted into the roof space there is minimal opportunity for bats. As the site is otherwise devoid of any potential habitat there has been no ecological survey work submitted as part of this application. However, there remains a need to provide biodiversity net gain. In this case it is possible to install bird boxes to the exterior of the building. The Derbyshire Swift Conservation Project have requested swift boxes be attached/integrated into the building, this is considered to be a reasonable way to encourage biodiversity at the site and is to be secured by condition. On this basis the biodiversity requirements of Policy CLP16 are met.

## **5.11 Developer contributions**

- 5.11.1 The proposed development is liable for the Community Infrastructure Levy (CIL), subject to any exemptions that may be applied for. The site is located within the medium £50, CIL charging Zone as set out in the Council's Charging Schedule ([Community Infrastructure Levy \(CIL\) \(chesterfield.gov.uk\)](http://chesterfield.gov.uk)). The CIL charge is calculated as follows:

$$\frac{\text{Net Area (A)} \times \text{CIL Rate (B)} \times \text{BCIS Tender Price Index (at date of permission) (C)}}{\text{BCIS Tender Price Index (at date of Charging Schedule) (D)}} = \text{CIL Charge (E)}$$

Development Type	Proposed Floorspace (GIA in Sq.m)	Less Existing (Demolition or change of use) (GIA in Sq.m)	A Net Area (GIA in Sq.m)	B CIL Rate	C Index (permi-ssion)	D Index (char-ging sche-dule)	E CIL Charge
Residential (C3)	1121 (Existing floorspace 1195)	-74 (Demolition from existing 1195)	1121	£50	332	288	<b>£64,613</b>

## 6.0 REPRESENTATIONS

- 6.1 Ritzy's is an established Karaoke bar located next door to the proposed development open until 2.30am several nights per week. There are blocked up windows directly onto the courtyard to which we object to these being reopened. The courtyard would be flanked by most of the flats. Any building work should not disrupt our business. It will be off putting for customers to be overlooked by residents. There are often 30 people in the courtyard chatting and laughing. There is a further late night bar Punch Bowl who play loud music outdoors for around 100 people.
- There is also C2 which have an outside area until 3 am and Vibe has outdoor music until 6am. The creation of flats in this area will lead to noise complaints. This is not a suitable area for flats due to being in the heart of the town's nightlife.
- 6.2 The building has been neglected for years and is now looking shabby so redevelopment is welcomed. However, we are concerned about the impact on adjoining properties and our tenants, particularly the adjacent

bar. The business has struggled through covid and does not need more restrictions. A previous extension at the premises blocked our windows, this will be removed, and we trust the windows will not be blocked in future. The location of the bin area will cause smells and vermin, further consideration of this is needed.

- 6.3 If the development goes ahead will the council enforce that any contracts with tenants or buyers include a warning about noise from the bars and nightclubs in the surrounding area, perhaps use of acoustic glass. Can we be reassured that if this goes ahead we will not be adversely effected for example our courtyard made to close earlier, as this would close us down.
- 6.4 This may lead to job losses and the demise of part of Chesterfields night life. Unblocking the windows to the courtyard seems unbelievable.
- 6.5 Will future occupiers be made aware of the local noise from bars and clubs in the area. The area is busy with traffic and pollution and the windows a the back open directly onto a busy courtyard area.
- 6.6 The area is of archaeological importance and the original building was designated for religious purposes – are there remains of burials there? Are the church commissioners aware of the application? I agree that something needs to be done with this fine old building and we need more housing I just hope these points are set out to occupiers.
- 6.7 Worrying that if this goes ahead it will be within a stones throw of a lot of late night venues which will lead to complaints.
- 6.8 Feel for the residents of this development with loud music until 6am in this part of chesterfield. It shouldn't be allowed.
- 6.9 Ritzy's is an established, popular and prosperous high-end bar which has increasingly successfully served the hospitality market of Chesterfield for almost four years. Our clients have grave concerns about the planning application. The Lease demise of Ritzy's includes a rear courtyard area, which is operated as a seating/smoking/patio area that is ancillary to the fundamental beneficial us of Ritzy's as a licensed bar. The demise also includes a long passageway to the rear of the property, which connects to the alleyway adjacent to Ritzy's and serves as the fire escape. Whilst our clients have instructed us that they have received a suggestion from Chesterfield Borough Council that a site inspection has taken place in respect of the Application, our clients fail

to see how any such site inspection can have fully taken into account the extent and location of our clients' courtyard. The courtyard can only be accessed via the rear door of Ritzy's, or via the external fire escape gateway, both of which are ordinarily locked outside of the bar's opening hours and access through which would need to be by prior arrangement. No such visit has been requested from our clients. The courtyard is accessed from the main bar at Ritzy's, by way of an external door and wooden decking stairs.

At the time of writing, our clients have not been contacted for a suitable site assessment to be carried out. Without the same, the Application cannot possibly be regarded as having been given all diligent and lawful consideration. Our clients understand from their assessment of the Application and the supporting documents thus far published to the website of Chesterfield Borough Council that there is a general intention to open-up the windows of the Application Property, which have historically been bricked or boarded-up. It would appear from the plans exhibited herewith at Annexure E and Annexure F that it is intended that the windows comprising part of the Kitchen/Dining Room and Living Area of Unit 04 (ground floor) and the Kitchen/Dining Room and Living Area of Unit 08 (first floor) will be opened-up and directly overlook the courtyard. Part of our clients' operation is a "late licence", to remain open until 02:30am. As our clients very astutely highlight, who on earth will wish to purchase a residential flat that immediately looks out upon an active, busy, noisy and contained licensed bar courtyard as their only material view! Our clients have requested we raise the following objections:

**1. Overshadowing, overlooking and loss of privacy** – the opening-up of the windows of the Application Property which directly face Ritzy's (particularly those on the ground floor elevation) would not only directly impair the privacy of the bar and its patrons, but would also render it almost impossible to preserve any element of privacy for the owners and occupiers of the residential flats themselves. Given the height and proximity of the locations of the ground floor windows (Annexure D – Photo 1), it would represent both a potential nuisance for our clients and its patrons and the owners/occupiers alike. There is no safe manner in which to protect or preserve the location of the windows.

On the basis that all windows – both ground floor and first floor – directly overlook the courtyard, the residential flats would be exposed to noise-levels from the courtyard. Whilst our clients do not play entertainment and music from external speakers within the courtyard, the rear door of the bar remains open during opening hours, for each of access to the

courtyard, fire escape purposes and ventilation. Whilst Ritzy's promotes a responsible patronage and has a zero tolerance approach to any failure to comply by its entry and behaviour requirements, the noise emanating from the property caused by both acceptable decibel output from the internal entertainment and music, combined with the natural volume of 30 or so external guests chatting, singing and occasionally shouting would likely emanate to the windows in question. Our clients are gravely concerned that this will expose them to prolonged complaints from the owners and occupiers of the flats in relation to – what is at present – an acceptable level of noise. It is not, in our clients' logical opinion, fair that an established business which both employs nine local people (who rely upon that employment as their main source of income) and serves a wide-spectrum of Chesterfield's hospitality clientele should be subjected to ongoing and relentless complaints from one or two owners of residential flats within the Application Property.

**2. Design and appearance that is inconsistent with existing property, combined with layout and density of buildings** – the Application Property lies in the heart of an established area of Chesterfield which is synonymous with Chesterfield's vibrant and historic hospitality and nightlife. Not only is the Application Property in immediate proximity to Ritzy's, but it is also indirectly abutted by the Punch Bowl public house, which also harbours a large external area, capable of holding between 50 – 100 people in our clients' estimate. Our clients have also noted that falling adjacent to the Punch Bowl, the C2 bar operates, which has an external area and which remains open until 03:00 some mornings. Directly adjacent to this is the Vibe nightclub, which remains open until 06:00. The Application Property is simply not suitable for residential development, given its immediate surroundings and any residential development at all is, in the opinion of our clients, utterly inconsistent with this part of Chesterfield.

**3. Access, safety and security** – Our clients highlight the vital importance of the fire escape route from Ritzy's, the entrance passageway of which can be regarded at Annexure D – Photo 5. Our clients make the express point (as detailed above) that is a necessary requirement that the rear door of the Ritzy's bar remains open during opening hours, to facilitate access to the rear fire escape passage way in the event of a fire or other emergency. As can be noted from the physical confines of the property (Annexure A) the rear fire escape passageway is defined by the manner in which the physical walls of our clients' landlord's property is arranged. There is no manner in which the physical confines of the fire escape passageway could be interfered

with, in order to re-site it. In addition, our clients highlight the ongoing importance (and increasing prevalence in the light of Covid-19) of ventilation at Ritzy's bar. The rear door of the bar will also undoubtedly be required to remain open for this additional reason during the course of the bar's operation. Our clients also harbour significant concern as to the increased security risk to the courtyard. At present, the courtyard can only be accessed via Ritzy's bar internally, or via the external fire escape passage, which remains securely locked outside of operational hours. Ground floor windows would present unauthorised means of access from within the residential flats themselves.

**4. Noise and disturbance from the proposed development** – given the layout and proximity of the courtyard to the Application Property, our clients fail to see the basis upon which any development at all could be carried out without having an ongoing and material interference on their right to quiet enjoyment of the property under the Lease. It would be impossible for the Application Property to be developed without access to the courtyard – something which our clients have been very clear in stating that they would not facilitate or permit.

**5. Legal right to light or air** – On our clients' request, we have examined the legal title to our client's landlord's freehold reversion, out of which the Lease is granted. The same is registered at HM Land Registry under title number DY187729. A cursory review has not revealed the existence of any reservations or subjections for the benefit of the Application Property which would seem to permit any right to light or associated overlooking. Our clients are, therefore, concerned as to what legal basis upon which the developers of the Application Property would expect to gain such an opening-up of the windows.

- 6.10 Would you give consent to build busy bars/nightclubs underneath a block of flats, definitely not. The tenants would end up with mental problems because of the noise. The vibe nightclubs outside disco area is directly opposite the right flank of the proposed development. With two large speakers outside playing music until 6am. It's going to be horrendous for the tenants. The vibes disco area is approx. 35 metres away. There's also c2 and punch bowl outside areas which also play music. It's not suitable as a residential project.
- 6.11 It would not be fair to any residents or the pub as it is a late license bar and this would also pose a security risk to Ritzys bar as the bar is too close to the development and there are also other venues too close and



all the residents could make noise complaints which I believe would be unfair to the established businesses in the area.

6.12 I've worked in the construction industry for over 30 years. On returning to new builds for the 6 months snags, speaking to new tenants or buyers - many have said that they wish they had known about an issue before they moved in, for example noisy gennel or nightlife. This proposed project will definitely result in unhappy residents, due the bars and clubs v nearby. The property developer should have a duty of care to inform residents of the noise. In my opinion this building is not suitable to be turned into flats

6.13 Amazed it's not listed it is a wonderful building with some stunning architectural features it has been neglected on the outside not sure on the inside. With a restoration grant it could become a valuable asset to the town once again. To turn this building into any form of living accommodation would potentially jeopardize its interior and historical features would be hidden from public sight which as an entertainment venue was visible to the patrons some features would have been hidden by false roof cladding etc. I seriously believe that in the seemingly unlikely event of it being an entertainment venue again it could be put to use as a community venue there are various groups which I'm sure would be interested in the ability to host meetings and events and could be hired out for special events. As Covid as swallowed up 18 months of our lives the ability to market it would surely have been compromised greatly. The proposal to convert it to nine residential units seems to be flawed and somewhat a cop out as I'm sure your aware the building sits right next to a late bar on a street with a high proportion of entertainment venues and takeaways with heavy footfall and constant traffic which would surely compromise any tenants safety and standard of living. There are various opportunities in the immediate vicinity for residential accommodation. Which would surely be better built from scratch or a sympathetic conversion. The loss of this wonderful building for use as a public amenity would be sacrilege given its long history fascinating architecture and being of historic significance a former Sunday school and Presbyterian Chapel. It is a landmark building in the town and deserves protection and preservation for future generations to enjoy I presume English Heritage and Historic England would want to see it retained as a building of historical interest and significant value. So I sincerely hope and wish it can again be used for public use and restored fully to it's former glory. I don't know when the application will be debated and decided but would like to attend in the public gallery if Covid rules permit. Though I realise you should write to object within three weeks of

the application to object I would like to formally object which I have by email previously. I don't want to see this fantastic part of the town's history languish and remain disused but don't believe enough opportunity has been given to market the building more widely they're maybe a demand and a shift to town centre living but they're are buildings of much lesser historical interest which could cater for those needs this building is a prized asset and one of the few of its style still in existence. Sorry if this is exhaustive but I feel passionately that this building should not be lost or closed off as a private venue. I really hope it has a viable future as perhaps a mixed use publicly accessible venue

6.14 The proposed area of the bins is a major cause of concern. It is right next to our beer garden. I am very concerned about flies, smell and vermin. Which would lead to environmental health issues.

6.15 I notice the proposed bin area has been moved forward towards the main road. Bin areas are not attractive structures and given time, they can become very shabby. I've seen bin areas with rubbish, old cookers and old mattresses lent up outside bin areas and in full view. Given that Holywell St is a busy main road through our historic town, it's not a good look and would leave a bad impression on anyone walking or driving past a bin area is in full view. Is it possible to locate the bin are to the rear of the property where it would be out of general view. It would also make bin collections easier because a bin lorry parking on the main road would disrupt traffic flow. Independent noise test have concluded that noise levels are acceptable. I have to query the results, for instance, were the tests conducted on rainy or cold evenings when customer numbers would be lower than usual or perhaps Covid kept customers away. I was there one busy evening recently and the high noise level from Ritzys and surrounding pubs seemed very inappropriate for a residential area. My concern is, if this development goes ahead and tenants move in and complain about the noise, what repercussions will there be for Ritzs and the surrounding pubs? It wouldn't be fair to impose restrictions on existing businesses. Please note. Historically, this proposed development was a noisy late night disco and has therefore set a precedence.

The proposed plan has several 1st floor windows overlooking our beer garden on two sides. To retain our privacy these should be non-opening frosted glass. Temporary trellis is the only thing stopping the windows adjacent to Ritzy's beer garden having full sight to our beer garden. From our observations and the noise report it is very clear that noise is a major issue. And most of the loud noise is late at night. We don't think

the plans go far enough to prevent noise being a problem for future tenants. Sound proofing for the windows (argon is an insular not a noise insular, roof and walls etc. Has anyone taken a reading from inside the building when the outside noise is at its loudest?

Just to reiterate the noise at night comes from many venues, especially Vibe. 89 decibel, as recorded on the noise report and is consistent with the noise recordings we have done, is the equivalent to a jack hammer ( the equipment used for digging up roads). At 3am when Ritzy's is shut it is in the late 80 decibels in the car park directly under the proposed bedrooms, with the noise mainly coming from Vibe's outside disco.

As far as we can tell there is no residential properties within a 500m radius. This proposal is in the heart of a commercial area of Chesterfield. If these flats had already been built would you have let us open a bar which is surrounded on 2 sides by flats, with a noisy beer garden overlooked by living room windows?

Ritzy's operates 7 days a week. Any building work could be very disruptive to our business. How would the work be completed without entry to our beer garden?

We are concerned that there may be a security issue whereby unscrupulous persons could access Ritzy's via the wall next to the amenity space.

If the project goes ahead we would like some assurances that the amenity area, bin and cycle storage area would be kept clean and no food split for rats. We were wondering when the archaeology report is to be posted on the portal? We were wondering where the tenants would park their cars. Also is there any issue from exhaust fumes from the busy car park underneath the proposed bedroom windows?

- 6.16 If planning permission is granted. Please could a deed of easement be put in place which allows our venue to continue making noise at the current level and would require the developers to make residents aware of the potential noise.
- 6.17 Is this really a suitable place for these apartments? They are going to be very close to several commercial businesses. What impact is this going to have on the bar that will be directly at the side of it? There will be noise complaints from the start which will then impact on the bar. If planning does go ahead will the specifications be upgraded in the apartments? Sound insulation? Triple glazed glass? I believe the complaints will be aimed at one specific bar although there are several bars very close which will all add to the noise levels late at night.

6.18 It wouldn't be a true representation of the reality of the situation doing another noise report until summer. I know from experience of working in town for over 10 years that the noise literally trebles in summer, due to firstly more people being outside in provided beer gardens. Punch bowl beer garden which is directly underneath the proposed development plays outdoor music (speaker on the outside of the rear part of their building) and about 20 yards from the proposed bedroom windows, vibe nightclub has their outside disco area with a live DJ plying loud music and drum and bass till 6am, I don't think it would be fair on any tenants as surly they would not be able to sleep through this

6.19 Swift Conservation Project: request that planning consent for the above-mentioned development includes a requirement for multiple internal nest sites for Swifts as a biodiversity enhancement. Swifts have experienced a catastrophic decline of over 60% in the last 20 years caused mainly by the loss of nesting sites on existing buildings due to re-roofing and replacement of soffits and fascias. Swifts are expected to be red listed in 2022 and should be designated a priority species when the Biodiversity Action Plan is replaced. Swifts breed in small numbers in Chesterfield, their numbers constrained only by the lack of nest sites. Integration of Swift bricks is very easy to include into routine building practices and results in a permanent, discrete, inexpensive, maintenance-free biodiversity enhancer which will provide much-needed breeding spaces for Swifts.

## **7.0 HUMAN RIGHTS ACT 1998**

7.1 Under the Human Rights Act 1998, which came into force on 2<sup>nd</sup> 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 principle of residential development within a sustainable town centre location is supported by policies CLP1, 2 and SS1. In such locations there are more likely to be noise concerns from the night time economy, but it is considered subject to suitable mitigation through insulation and window design that these impacts can be mitigated to an acceptable degree. In addition, anyone moving into such a location will be aware of the surrounding commercial uses and their impacts. Whilst there are concerns in terms of air quality there is no AQMA in this location and the development will not lead to further air quality impacts, therefore on balance the low risk from air quality considered along with providing a sustainable residential use within a vacant local non designated heritage asset and the regeneration benefits associated with this is acceptable in line with local plan policy as set out above.

## **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 or conditional requirements below. All external dimensions and elevational treatments shall be as shown on the approved plan/s (listed below).

Site location plan no. 100 received 11.06.2021

Elevations as proposed sheet 1 of 2 no. 203 Rev C received 24.11.2021

Elevations as proposed sheet 2 of 2 no. 204 received 11.06.2021

Basement, first and second floor plan and roof plan no. 202 Rev D received 24.11.2021

Ground floor plan no. 201 Rev C received 24.11.2021

Noise assessment V1.0 dated 20 Sept 2021 by RP Acoustics Ltd received 20.09.2021

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 bedrooms of the units hereby approved shall be as specified on plans Basement, first and second floor plan and roof plan no. 202 Rev D received 24.11.2021, Ground floor plan no. 201 Rev C received 24.11.2021 only.

Reason – To minimise the noise impacts on the occupants in accordance with policy CLP14 of the Adopted Local Plan.

4. Notwithstanding the elevational detail of the bin and cycle store shown on plan no 205, prior to the occupation of the accommodation hereby approved, a revised detail of the elevation and roof design of the bin and cycle store shall be submitted to and agreed in writing by the Local Planning Authority. The agreed design of the bin and cycle

store shall be installed prior and ready for use prior to any occupation of the accommodation.

Reason – To ensure an appropriate design of the bin store in the interests of the character and appearance of the Conservation Area in accordance with policies CLP20 and 21 of the Adopted Local Plan.

5. The ground floor windows to unit 5 serving the kitchen and living area as shown on Ground floor plan no. 201 Rev C received 24.11.2021 shall remain so throughout the life of the development.

Reason – In the interests of amenity given the neighbouring relationship in accordance with policy CLP14 of the Adopted Local Plan.

6. The windows to the living area of unit 9 shall be fixed non-openable windows as shown on the Basement, first and second floor plan and roof plan no. 202 Rev D received 24.11.2021 and shall remain so throughout the life of the development.

Reason – In the interests of amenity given the neighbouring relationship in accordance with policy CLP14 of the Adopted Local Plan.

7. In accordance with condition 6 above and prior to the commencement of development a detailed schedule of window and door details as proposed and to be retained shall be submitted to and agreed in writing by the Local Planning Authority. Works shall be completed in accordance with the agreed details. The schedule shall include:

- a. Elevational design of all windows and doors including sections to align with an elevational plan of the building.
- b. Window design to accord with the recommendations of the submitted noise report received 20.09.2021.
- c. A detailed assessment of the existing windows and schedule of those to be retained and repaired along with full justification and method of repair.
- d. Details of secondary glazing to the retained windows

- e. Details of non-openable windows to the frontage of the building on Holywell Street to address air quality concerns and in accordance with condition 6 above.
- f. Details of the method of opening to all windows including to the dining room window of flat 9 as shown on the Basement, first and second floor plan and roof plan no. 202 Rev D received 24.11.2021 which will need to be limited or angled away from the courtyard area of Ritzy's Bar.
- g. Details of all roof lights to be conservation type with roof profile section included and to accord with the recommendations of the noise report received 20.09.2021

Reason – To ensure appropriate design due to the character of the building and to minimise potential noise issues in accordance with policies CLP14, 20 and 21 of the Adopted Local Plan.

- 8. Prior to the commencement of development a detailed scheme for the insulation of the building and roof space to address the recommendations of the submitted noise report received 20.09.2021 shall be submitted to and agreed in writing by the Local Planning Authority, work shall be completed in accordance with the agreed details.

Reason – In the interests of amenity given the neighbouring commercial operations and likely noise impacts, in accordance with policy CLP14 of the Adopted Local Plan.

- 9. Prior to the commencement of development details of the insulation of the chimneys in line with Part E of the Building Regulations to prevent noise transmission within the building shall be submitted to and agreed with the Local Planning Authority. Works shall be completed in accordance with the agreed details.

Reason – In the interests of residential amenity in accordance with policy CLP14 of the Adopted Local Plan.

- 10. Prior to any works taking place to the floor of the existing building, below the existing floor level or to any exterior hardstanding; a detailed heritage assessment to inform the need for and where necessary details of a Written Statement of Investigation (WSI) all to be submitted to, and approved in writing by, the Local Planning



Authority. The scheme shall include where necessary an assessment of the significance and research questions; and

- a. The programme and methodology of site investigation and recording.
- b. The programme for post investigation assessment.
- c. Provision to be made for analysis of the site investigation and recording.
- d. Provision to be made for the publication and dissemination of the analysis and records of the site investigation.
- e. Provision to be made for archive deposition of the analysis and records of the site investigation.
- f. Nomination of a suitably qualified, competent and experienced archaeological contractor or organisation to undertake the works set out within the Written Statement of Investigation.

The building shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out within the approved Written Scheme of Investigation and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

Any historic or archaeological features not previously identified which are revealed when carrying out the works hereby permitted shall be retained in-situ and reported to the Local Planning Authority in writing within 2 working days. Works shall cease in the area/part of the building affected until provision has been made for the retention and/or recording in accordance with details submitted to and approved in writing by, the Local Planning Authority.

Works shall be completed in full accord with the agreed details.

Reason - To safeguard the identification and recording of features of historic and/or archaeological interest associated with the site in accordance with Policy CLP21 of the Adopted Local Plan.

11. Prior to the occupation of the accommodation hereby approved details of swift boxes to be installed/integrated into the building shall be submitted to and agreed in writing by the Local Planning Authority. The agreed details shall be installed on site prior to first occupation and retained and maintained throughout the life of the development.

Reason – To enhance biodiversity in accordance with policy CLP16 of the Adopted Local Plan.

## **Informative Notes**

1. The Local Planning Authority have during and prior to the consideration of this application engaged in a positive and proactive dialogue with the applicant with regard to parking and manoeuvring space on the site in order to achieve a positive outcome for the application.
2. 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.
3. The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant).

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should wherever possible be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

[www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries](http://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries)

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. 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 a Coal Authority Permit for such activities is trespass, with the potential for court action.

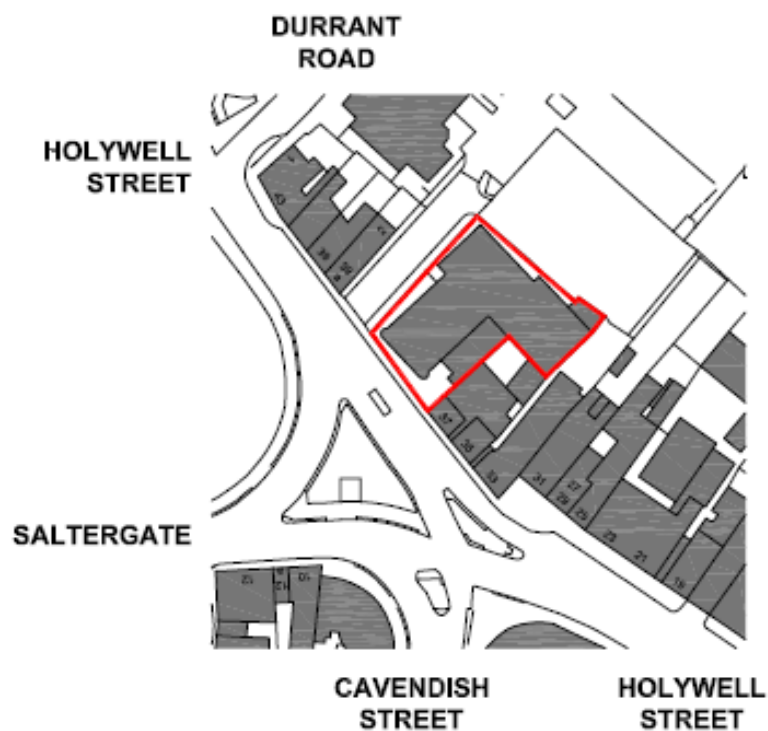
Property-specific summary information on past, current and future coal mining activity can be obtained from: [www.groundstability.com](http://www.groundstability.com) or a similar service provider.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at:

[www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

4. The buildings have potential to support nesting birds. The active nests of all wild birds are protected under the Wildlife & Countryside Act 1981 (as amended). An active nest is one being built, containing eggs or chicks, or on which fledged chicks are still dependent. No building demolition work should be undertaken between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds' nests immediately before the work is commenced. If any active nests are discovered then the nest should be left undisturbed until the birds have fledged with an appropriate buffer surrounding the nest.
5. 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. Planning consent for a development does not provide a defence against prosecution under European and UK wildlife protection legislation.

6. Lighting installed on site shall be designed to ensure no glare or overspill occurs to nearby residential properties or the public highway.



**NORTH**

**ISSUED FOR PLANNING**

DATE	NAME	REVISION	DATE	DATE
01/04/2021	QTY REALTY LTD		1/12/2020	APR 2021
20 HOLYWELL STREET, CHESTERFIELD	UL			
LOCATION PLAN	2082	100		

**TIME**ARCHITECTS

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## ITEM 2

**EXTENSION, ALTERATIONS AND CHANGE OF USE OF EXISTING MIXED  
USE RESIDENTIAL/COMMERCIAL PROPERTY (SUI GENERIS) TO  
SEPARATE RESIDENTIAL UNIT AND CLASS E HAIR SALON AT 53  
HEATON STREET, CHESTERFIELD, DERBYSHIRE, S40 3AF FOR MR MILLS**

Local Plan: Unallocated  
Ward: West

### 1.0 **CONSULTATIONS**

Ward Members      No comments received

Design Services      The site is shown to be at low risk of surface  
Drainage              water flooding according to the Environment  
Agency Flood Maps. However, this should not  
impact on the  
proposed development. There are two public  
sewers running to the side and back of the  
existing property. The developer should be aware  
of these and liaise with Yorkshire Water as to  
their proximity. Any new connections to the public  
sewerage system will require prior approval from  
Yorkshire Water. Any amendments to existing  
drainage on site may require consent from  
Building Control.

Coal Authority      Do not consider that requiring a Coal Mining Risk  
Assessment would be proportionate to the nature  
of the development proposed in this particular  
case and do not object to this planning  
application.

Environmental      Providing that the applicant can demonstrate that  
Health                their activities will not impact on the neighbours  
there are no objections. i.e. the applicant must  
have a due regard to how their business may  
impact on nearby residents with regards to  
potential noise issues (from customers,

mechanical equipment, increased footfall/vehicular movements etc.)

Yorkshire Water No comments received

Strategic Planning would require the applicant to submit a sequential assessment considering other location within and on the edge of existing centres where the use would be located. Policy CLP9 of the Local Plan makes an exception to the sequential approach for “Individual small shops designed to serve local day to day needs”. A Hair Salon would not normally be considered a ‘small shop designed to serve local day to day needs’ but, as the use is existing and there would be no physical changes to the unit, it would not be appropriate to ask for a sequential assessment for this use. However the wider range of uses within use class E would still require application of the sequential approach set out in paragraph 87 of the NPPF. In the absence of such an assessment it may be appropriate to apply a condition limiting the use of the commercial unit to a ‘small shop designed to serve local day to day needs’ (on the basis of the exception set out in policy CLP9) and a ‘hair salon’ (on the basis of the established use).

Local Highways Authority The Highway Authority does not consider that a recommendation of refusal would be sustainable and therefore the following conditions should be included in any consent – conditions covering the submission of a construction management plan/construction method statement, retention of existing parking space, provision of cycle parking, height of fence and bin store

Representations One representation received – see report

## **2.0 THE SITE**

2.1 The site subject of this application is situated at the junction of Heaton Street and Rhodesia Road. The building is semi-detached and the ground floor room at the front of the building was previously operated as a hairdressers. The remaining building is a residential



dwelling occupied by the residents of No 53. The main access to the residential dwelling is currently taken through the commercial unit creating a mixed use Sui Generis planning unit.

2.2

The surrounding streetscene is predominately residential in character, comprising of semi-detached and terraced properties with on-street parking. The site is approximately 130m from the Chatsworth Road District Centre which features a mix of commercial and retail premises. The application site is not allocated for a specific use on the Chesterfield Borough Council adopted local plan policies map 2018-2035.



Extract of submitted location plan ©



Aerial photograph taken from Google maps ©



Site photographs of existing commercial unit and proposed new front entrance to residential unit

3.0

### SITE HISTORY

3.1

CHE/21/00089/FUL - Change of use from hair salon to ice-cream parlour and single storey side extension to provide a toilet for customers and colleagues – **REFUSED (13.07.2021)** by committee against advice of officers. *Reason - The proposed change of use*

*would intensify the use of the premises resulting in additional demand for parking in the locality to the detriment of highway safety contrary to policies CLP20 and 22 of the Local Plan and para 109 of the NPPF.*

- 3.2 CHE/20/00454/PNCOU - Conversion of the existing hair salon into an ice cream parlour – **REFUSED, FULL PLANNING PERMISSION REQUIRED (12.01.2021)** *Reason - It was determined that the former hairdressers and residential dwelling form a mixed use premises which are directly linked and are not considered to be separate planning units. This means that you cannot apply under Schedule 2 Part 3 Class C for the change of use from shop (A1 use) to a café (A3 use) as the legislation does not apply to mixed used premises of this type. Application CHE/20/00454/PNCOU therefore does not meet the requirements of the legislation and was **refused**.*

- 3.3 CHE/0998/0493 - Construction of a conservatory – **CONDITIONAL PERMISSION (04.11.1998)**

#### 4.0 **THE PROPOSAL**

- 4.1 The application proposes the formal separation of the existing hairdressing unit from the dwelling (No 53). Currently access to No 53 is gained from the front door of the hair dressing salon, the application seeks to re-instate a separate access to the residential dwelling by installing a new entrance door to the dwelling to the north elevation fronting Rhodesia Road and blocking up access from the residential dwelling to the unit internally. This would create a separate class E unit with its own facilities and a separate residential unit. Based on the nature of the property the supporting statement concludes that the applicant would maintain ownership of the unit.

- 4.2 The application also includes a small extension to the west elevation fronting Heaton Street. The proposed extension measures 1.6m x 1.7m in footprint and includes works to raise the eaves height of the structure to 2.4m with a mono-pitch roof measuring 3m in height overall. The extension will be faced in matching brick with rosemary roof tiles.

#### 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 (Strategic Policy)
- CLP6 Economic Growth (Strategic Policy)
- CLP8 Vitality and Viability of Centres (Strategic Policy)
- CLP9 Retail
- CLP14 A Healthy Environment
- CLP16 Biodiversity, Geodiversity and the Ecological Network
- CLP20 Design
- CLP22 Influencing the Demand for Travel

## **5.3 National Planning Policy Framework**

- Part 2. Achieving sustainable development
- Part 4. Decision-making
- Part 6. Building a strong, competitive economy
- Part 7. Ensuring the vitality of town centres
- Part 8. Promoting healthy and safe communities
- Part 12. Achieving well-designed places
- Part 14. Meeting the challenge of climate change, flooding and coastal change
- Part 15. Conserving and enhancing the natural environment

## **5.4 Principle of Development**

### **Relevant Policies**

- 5.4.1 The application site is unallocated therefore policies CLP1, CLP2, CLP9 are of relevance.
- 5.4.2 Policy CLP1 states that *‘The overall approach to growth will be to concentrate new development within walking distance of a range of Key Services as set out in policy CLP2, and to focus on areas that need regenerating, including the ‘place shaping’ areas set out in policies SS1 to SS6 and Regeneration Priority Areas.’*

- 5.4.3 Policy CLP2 states that when *‘Planning applications for developments that are not allocated the Local Plan, will be supported according to the extent to which the proposals meet the following requirements which are set out in order of priority:*
- a) deliver the council’s Spatial Strategy (policy CLP1);*
  - b) are on previously developed land that is not of high environmental value;*
  - c) deliver wider regeneration and sustainability benefits to the area;*
  - d) maximise opportunities through their location for walking access to a range of key services via safe, lit, convenient walking routes;*
  - e) maximise opportunities through their location for cycling and the use of public transport to access a range of key services;*
  - f) utilise existing capacity in social infrastructure (Policy CLP10) or are of sufficient scale to provide additional capacity, either on site or through contributions to off-site improvements;*
  - g) ensure the long term protection of safeguarded Minerals Related Infrastructure as identified in the Derbyshire and Derby Minerals Local Plan and shown on the Policies Map;*
  - h) are not on the best and most versatile agricultural land;’*

- 5.4.4 Policy CLP9 states that *‘Across the borough, a sequential approach will be used to assess sites for retail and other town centre uses, to focus such development on town, district, local service centres and local centres to meet the requirements of national planning policy’* and *‘Individual small shops designed to serve local day to day needs will normally be permitted outside defined centres (as shown on the Policies Map) subject to consideration of the impact test thresholds set out above.’*

### **Considerations**

- 5.4.5 The proposal is within walking distance of the Chatsworth Road District Centre and is considered to broadly accord with the principles of CLP1 and CLP2 subject to further consideration of the specific retail impacts and sequential testing requirements.
- 5.4.6 The Strategic Planning Team reviewed the application and provided the following comments;
- 5.4.7 *‘The application would create two separate uses, to which different planning policies would apply. The comments below therefore address each use in turn.*

### **Residential Unit**

*The application would separate the residential unit from the ground floor use. The upper floor is already used as a residence, and the location would be suitable for residential use regardless, meeting the criteria of policies CLP1 and CLP2.*

*New dwellings would normally be required to meet the higher water efficiency standard, secured by condition, but it is recognised that in this case the dwelling already exists so such a condition would not be appropriate.*

*The creation of a new dwelling would be liable for CIL. It is important the details of existing and proposed floorspace are confirmed so that the existing floorspace can be accounted for and any liability correctly accounted for. As the dwelling is in use it is anticipated that this will result in no liability, but it will need to be confirmed.*

### ***Hair Salon (Use Class E)***

*Hair Salons previously fell into Use Class A1 ('Shops') but are now covered by Use Class E, which covers a much wider range of uses, some of which may not be appropriate in this location.*

*The updated Use Classes Order does not specifically refer to Hair Salons in its description of the uses covered by Use Class E – and the translation of previous uses to class E is not automatic; some uses previously covered by one class have been split into two or more of the new classes. However in absence of any specific evidence to the contrary; the previous use falling into A1; and Use Class E including provision for 'any other services which it is appropriate to provide in a commercial, business or service locality', I am assuming that the description of the proposed use as Class E is correct.*

*Most (but not all) of the uses within Use Class E would be considered 'Main Town Centre Uses' under the definitions set out in the NPPF, and therefore subject to the sequential approach, which would require the applicant to submit a sequential assessment considering other locations within and on the edge of existing centres where the use would be located.*

*Policy CLP9 of the Local Plan makes an exception to the sequential approach for "Individual small shops designed to serve local day to day needs". A Hair Salon would not normally be considered a 'small shop designed to serve local day to day needs' but, as the use is*

*existing and there would be no physical changes to the unit, it would not be appropriate to ask for a sequential assessment for this use.*

*However the wider range of uses within use class E would still require application of the sequential approach set out in paragraph 87 of the NPPF. I would note that the NPPF has been updated since the introduction of use class E, and continues to refer to 'Main Town Centre Uses' rather than specific Use Classes, so the application of the sequential assessment continues to apply when the principle of development for uses within the new Use Class E.*

*In the absence of such an assessment it may be appropriate to apply a condition limiting the use of the commercial unit to a 'small shop designed to serve local day to day needs' (on the basis of the exception set out in policy CLP9) and a 'hair salon' (on the basis of the established use). This would prevent a conflict with the sequential requirement of the NPPF and accord with Local Planning Policy CLP9, whilst allowing future expansion into other 'E' class used to be properly considered through an application to vary the condition accompanied by a suitable sequential assessment.*

*The floorspace of the unit is too small to trigger the need for an impact assessment, being under the thresholds set out in policy CLP9 (it would be unreasonable to request one regardless, given that the use is already established). As a use formerly with Use Class A1, the commercial unit would also be also be CIL liable.*

*As for the residential unit above, clear information should be sought about when the unit was last used for it's lawful purpose, so that the existing floorspace can be accounted for in calculating whether there is any potential liability.'*

- 5.4.8 The consultee comments above have been noted. The residential use will remain as existing, the only change to this element of the site is the access arrangements, by closing off internal access to the unit and creating a new front entrance door solely serving the residential occupants of No 53.
- 5.4.9 The commercial unit previously operated as a hairdressers and has been in operation for a number of years. The application seeks to create a separate self-contained class E commercial unit at ground floor only. As noted above, the application refers to Class E which relates to the new use class order published in September 2020 which created a 'commercial, business and service' class to make it

easier for businesses to change uses within commercial premises. The Strategic Planning team highlighted that some of the uses within Class E are considered to be 'Main Town Centre Uses' under the definitions of the NPPF and therefore subject to sequential testing requirements.

- 5.4.10 As noted in section 5.4.7 Policy CLP9 of the Local Plan makes an exception to the sequential approach for "Individual small shops designed to serve local day to day needs". A Hair Salon would not necessarily fall into this category, however, as the use is existing and there would be no physical changes to the unit, it would not be appropriate to ask for a sequential assessment for this specific use in this case.

However the potential for alternative E uses should be considered notwithstanding the scale of the unit (30.6sqm) and the existing commercial operation which suggest that it would be unreasonable and not proportionate to request further sequential testing.

As suggested by the policy officer the opportunity to restrict a permission to the type of use which can be accepted as an exception use (together with a hair salon on the basis the premises is already used for that purpose) could overcome the policy concern. This would accord with the advice in the NPPF.

- 5.4.11 Consideration of amenity impacts on surrounding occupiers (CLP14 and CLP20) and influence on highway safety (CLP20 and CLP22) will be considered in the following sections

## **5.5 Design and Appearance of the Proposal**

### **Relevant Policies**

- 5.5.1 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.*' For full wording of policy see the Chesterfield Borough Local Plan 2018 – 2035.

### **Considerations**

- 5.5.2 The application seeks consent for the installation of a new front entrance door to the north elevation to be accommodated within the existing window opening. Based on the configuration of the site frontage it appears that historically there was a separate access with small gate in the boundary wall.
- 5.5.3 The application also includes alterations to the existing single storey projection to the side (south east) elevation of the building, raising the height of the structure and erecting a small extension to the south. The proposed alterations and extension to the building are modest and are considered to be proportionate in scale with the host building. The design of the extension reflects the character of the building with matching materials.
- 5.5.4 It is recommended that a condition be imposed restricting permitted development rights for further expansion on the site without submission of a full application to allow for consideration of potential impacts on the constrained site frontage including parking arrangements, accessibility and visibility requirements.
- 5.5.5 The application is supported by details of proposed commercial waste storage on the site frontage with a solid timber fence measuring 1.8m in height and configured in a triangular arrangement. The Local Highways Authority has requested a condition requiring the fence around the bin store to be less than 1m in height above the nearside carriageway level. It is therefore necessary to consider the height of the structure to provide sufficient visual screening to protect the visual amenity of the area without adversely impacting visibility.
- 5.5.6 It is therefore recommended that a condition be imposed requiring further details of proposed waste storage. The size of the bin store will be impacted by the number of bins required however there is potential for an amended arrangement set back from the highway and adjacent to the projecting store/customer w.c
- 5.5.7 Subject to conditions covering the 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 Local Plan policy CLP20.

**5.6 Impact on Residential Amenity of Surrounding Occupiers including noise and nuisance**

**Relevant Policies**



- 5.6.1 Local Plan policy CLP14 states that *'All developments will be required to have an acceptable impact on the amenity of users and adjoining occupiers, taking into account noise and disturbance, dust, odour, air quality, traffic, outlook, overlooking, shading (daylight and sunlight and glare and other environmental impacts'*. For full wording of policy see the Chesterfield Borough Local Plan 2018 – 2035.
- 5.6.2 Local Plan policy CLP20 expects development to *'k) have an acceptable impact on the amenity of users and neighbours;'* For full wording of policy see the Chesterfield Borough Local Plan 2018 – 2035.

### **Considerations**

- 5.6.3 The application site has a historic use as a hairdressers and therefore a turnover and frequency of visitors is established. The existing hairdressers could be re-opened with no restrictions on opening hours or numbers of customers and this a legitimate fall-back position.
- 5.6.4 The Council's Environmental Health Officer raised no objection subject to the applicant demonstrating that the activities will not impact on the neighbours with regards to potential noise issues from customers, mechanical equipment, increased footfall/vehicular movements.
- 5.6.5 It is acknowledged that the proposal for a class E use will open up opportunities for a wider range of occupants to the unit. It is considered that a condition restricting the E class uses to those which meet the exception test in policy terms (Individual small shops designed to serve local day to day need) will overcome this concern.
- 5.6.6 Subject to such a condition, the proposal is considered to accord with the provisions of Local Plan policies CLP14 and CLP20.

## **5.7 Highways Safety, Cycle Provision and Parking**

### **Relevant Policies**

- 5.7.1 Local Plan policy CLP20 expects development to *'g) provide adequate and safe vehicle access and parking;'* and *'h) provide safe, convenient and attractive environment for pedestrians and cyclists'*.

For full wording of policy see the Chesterfield Borough Local Plan 2018 – 2035.

- 5.7.2 Local Plan policy CLP22 details the requires *‘To reduce congestion, improve environmental quality and encourage more active and healthy lifestyles, the Council will seek to maximise walking, cycling and the use of public transport through the location and design of development and parking provision’* and seeks *‘e) provision of opportunities for charging electric vehicles where appropriate.’* For full wording of policy see the Chesterfield Borough Local Plan 2018 – 2035.

### **Considerations**

- 5.7.3 The application site is not served by any off-street parking for customers with the exception of one existing space to serve the residential occupants of No 53 Heaton Street.
- 5.7.4 The Local Highway Authority were consulted on the scheme and provided the following comments;
- 5.7.5 *‘It is understood that the part of the premises to be a hair salon has previously operated as such but does not do so at the present time. Comments are given on the assumption that such a use could recommence without the need for planning permission but that planning permission is required for other aspects of the proposal. It is also assumed that a hair dressing salon / barbers shop come under the same use class as far as planning is concerned.*

*On the basis of the above, the Highway Authority does not consider that a recommendation of refusal would be sustainable and therefore the following conditions should be included in any consent.*

*1.No development shall take place including any works of demolition until a construction management plan or construction method statement has been submitted to and been approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The statement shall provide for but not necessarily be restricted to the following as appropriate.*

- *Parking of vehicles of site operatives and visitors*
- *Routes for construction traffic, including abnormal loads/cranes etc*

- *Hours of operation*
- *Method of prevention of debris being carried onto highway*
- *Pedestrian and cyclist protection*
- *Proposed temporary traffic restrictions*
- *Arrangements for turning vehicles*

*2.The existing off-street parking space shall be retained for use solely by the residential dwelling.*

*3.The hair salon hereby permitted shall not be occupied until the cycle parking facilities shown on the approved drawings have been implemented and made available for use. The cycle parking facilities shall thereafter be retained for use by the occupants of, and visitors to, the development at all times.*

*4.Notwithstanding the submitted details, the fence around the bin store area shall not exceed a maximum height of 1m above nearside carriageway channel level.'*

#### 5.7.6

The Local Highway Authority have not raised an objection to the scheme as submitted subject to conditions. The recommended conditions are addressed below;

Condition 1 – construction management plan/construction method statement. The works proposed include a very small extension and internal alterations to the existing structure to the eastern elevation of the building to separate the residential and commercial uses. The works proposed are modest and small scale and therefore the imposition of this condition is considered to be unreasonable and disproportionate.

Condition 2 – retention of existing off-street parking space for residential occupants of No 53. It is recommended that this condition be imposed on the decision.

Condition 3 – cycle parking provision condition. It is recommended that this condition be imposed on the decision.

Condition 4 – details of bin store. It is recommended that further details of the proposed bin store should be submitted and controlled by condition.

#### 5.7.7

The existing use as a hairdressers provide a legitimate fall back position and could re-open without restrictions on opening hours or customer numbers. Whilst it is possible for the proposed use to increase the number of visitors to the premises, it is not considered that the proposal will result in a substantial demand for parking over and above the existing authorised use of the premises. On the basis

that the use can be restricted within class E to uses which meet a local day to day need or hairdressers the restriction on opening hours or delivery times would be regarded as unreasonable and excessive. It is considered that there is opportunity for secure cycle storage on the site frontage which can be controlled by condition. The premises are also accessible on foot, cycle and by public transport connections thereby a reason for refusal based on these grounds is warranted.

- 5.7.8 Paragraph 109 of the NPPF states that '*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe*'. As set out above, on the basis of the existing use it is considered that the proposal will not result in a severe residual cumulative impact on the road network or an unacceptable impact on highway safety sufficient to warrant either a temporary permission or refusal. Subject to conditions as discussed above the proposal is considered to accord with the requirements of CLP20 and CLP22.

## 5.8 **Flood risk and Drainage**

### **Relevant Policies**

- 5.8.1 Local Plan policy CLP13 states that '*The council will require flood risk to be managed for all development commensurate with the scale and impact of the proposed development so that developments are made safe for their lifetime without increasing flood risk elsewhere. Development proposals and site allocations will:*
- a) be directed to locations with the lowest probability of flooding as required by the flood risk sequential test;*
  - b) be directed to locations with the lowest impact on water resources;*
  - c) be assessed for their contribution to reducing overall flood risk, taking into account climate change.*
- For full wording of policy see the Chesterfield Borough Local Plan 2018 – 2035.

### **Considerations**

- 5.8.2 The application site is located in 'Flood Zone 1' as defined by the Environment Agency and is therefore considered to be at low risk of flooding. Having regards to the provisions of CLP13 and the wider NPPF the application was referred to the Council's Design Services (Drainage) Team and Yorkshire Water for comments in respect of flood risk and drainage/waste water

- 5.8.3 The Design Services (Drainage) Team reviewed the application and highlighted that *'a small area of the site is at low risk of surface water flooding according to the Environment Agency Flood Maps. However, this should not impact on the proposed development. There are two public sewers running to the side and back of the existing property. The developer should be aware of these and liaise with Yorkshire Water as to their proximity. Any new connections to the public sewerage system will require prior approval from Yorkshire Water. Any amendments to existing drainage on site may require consent from Building Control.'*
- 5.8.4 Yorkshire Water were consulted on the proposal and no comments were received. Any issues of sewage connections or Building Over Agreements are appropriately controlled by the Water Authority. It is recommended that an informative note be attached to the decision covering the requirements.
- 5.8.5 The proposal is considered to accord with the provisions of CLP13 and the wider NPPF.

## **5.9 Ground Conditions, Land contamination and Land Stability**

### **Relevant Policies**

- 5.9.1 Local Plan Policy CLP14 states that *'Unstable and Contaminated Land Proposals for development on land that is, or is suspected of being, contaminated or unstable will only be permitted if mitigation and/or remediation are feasible to make the land fit for the proposed use and shall include:*
- a) a phase I land contamination report, including where necessary a land stability risk assessment with the planning application; and*
  - b) a phase II land contamination report where the phase I report (a) indicates it is necessary, and*
  - c) a strategy for any necessary mitigation and/or remediation and final validation.*
- A programme of mitigation, remediation and validation must be agreed before the implementation of any planning permission on contaminated and/or unstable land. The requirement to undertake this programme will be secured using planning conditions. For full wording of policy see the Chesterfield Borough Local Plan 2018 – 2035.*

- 5.9.2 Paragraph 178 of the NPPF states that *‘Planning policies and decisions should ensure that:*  
*a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);*  
*b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and*  
*c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.’*

### **Considerations**

- 5.9.3 The application site is located in an area considered to be at ‘high risk’ of former Coal Mining Legacy. Having regards to the provisions of CLP14 and the NPPF the application was referred to The Coal Authority.
- 5.9.4 The Coal Authority reviewed the scheme and provided the following comments; *‘when considering the nature of this particular development proposal, it does not appear that the single storey side extension to provide a toilet/storage area will require substantial foundations or earthworks. On this basis we do not consider that requiring a Coal Mining Risk Assessment would be proportionate to the scale and nature of the development proposed in this particular case and do not object to this planning application’*. The Coal Authority requested that an informative note be included on the decision should permission be granted.
- 5.9.5 Subject to the imposition of an informative note the proposal is considered to accord with the requirements of Local Plan policy CLP14 and the NPPF.

## **5.10 Biodiversity**

### **Relevant Policies**

- 5.10.1 Local Plan policy CLP16 states that *‘The council will expect development proposals to:*  
*• avoid or minimise adverse impacts on biodiversity and geodiversity;*  
*and*

- *provide a net measurable gain in biodiversity'*

5.10.2 The NPPF also requires net gains in biodiversity (paragraph 170 d).

### **Considerations**

5.10.3 The application seeks consent for a small extension to the existing building which is considered to have minimal impacts on biodiversity. It is therefore recommended that a condition be imposed on the decision to secure a net gain by condition such as a bird box in the rear garden, with explanatory details and potential enhancements contained in a footnote to be addressed by the applicant

5.10.4 On this basis the proposal is considered to accord with the provisions of policy CLP16 of the Local Plan and the NPPF.

### **5.11 Developer Contributions and Community Infrastructure Levy**

5.11.1 The use of the property is currently a Sui Generis use however it would become technically new separate residential and commercial units which would be regarded as CIL liable development. In terms of the CIL charge, it is the case that if direct evidence of existing or recent use can be provided in line with the regulations then there is the prospect that the CIL charge would be £0.

## **6.0 REPRESENTATIONS**

6.1 The application has been publicised by neighbour notification letters site notice and one letter of objection has been received from 4 Rhodesia Road (main points copied below);

- The plans indicate the intended use of the premises to be a Barbers' Shop. This will potentially increase the amount of custom from approximately one per hour (for a hairdressing appointment as indicated in the clients' previous planning submissions) to around three per hour per stylist.
- Bearing in mind the concerns and grounds for refusal of previous applications - traffic increase, parking, and particularly road safety - I should like to ask that the Planning Committee consider imposing a condition of a maximum of 2 'chairs' within the business – even this could substantially increase traffic from the previous salon.
- I note that there are plans to erect a fence for bin storage to a height of 6' at the front of the property, and have some concern

that this would further obscure vision for drivers exiting Rhodesia Road onto Heaton Street; already limited.

- That the opening hours are restricted to those of the previous hairdressing business, which I believe were Monday, Tuesday, Thursday and Friday 9 – 5, half days Wednesday and Saturday.

## **7.0 HUMAN RIGHTS ACT 1998**

- 7.1 Under the Human Rights Act 1998, which came into force on 2<sup>nd</sup> 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 In accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 and paragraph 38 of 2021 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.
- 8.2 The Local Planning Authority have during consideration of this application engaged in a positive and proactive dialogue with the applicant with regard to the roof design in order to achieve a positive outcome for the application.

## **9.0 CONCLUSION**



- 9.1 The proposal is within walking distance of the Chatsworth Road District Centre and is considered to broadly accord with the principles of CLP1 and CLP2 as a sustainable location for a commercial operation. The existing use as a hairdressers which could be re-opened with no restrictions regarding the opening hours and number of customers. It is therefore considered that the proposal will not result in a severe residual cumulative impact on the road network or an unacceptable impact on highway safety sufficient to warrant a refusal. On the basis of the previous use as a hairdressers it is considered that the proposal will not result in significant adverse impacts on residential amenity such that a refusal is warranted. Subject to conditions limiting the range of E class uses to Individual small shops designed to serve local day to day needs and covering commercial waste storage, cycle parking, biodiversity net gain, parking for residential dwelling, the proposal is considered to accord with CLP14, CLP16, CLP20 and CLP22

## **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 - This is a statutory period which is specified in Section 91 of the Town and Country Planning Act 1990.

2. The development hereby approved shall only be carried out in full accordance with the approved plans (listed below) with the exception of any approved non-material amendment. All external dimensions and elevational treatments shall be as shown on the approved plan/s (listed below).
  - Site Plan, drawing unnumbered (received 27.10.2021)
  - Proposed ground floor (received 23.09.2021)
  - Proposed front elevation 1 (received 19.10.2021)
  - Proposed side elevation 2 (received 23.09.2021)
  - Proposed rear elevation 3 (received 23.09.2021)

**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. Notwithstanding the provisions of the Town and Country Planning (Uses Classes) Order 1987, (or any Order revoking or re-enacting that Order with or without modifications), the E class uses hereby permitted by this permission shall be limited to hair dressers or individual small shops designed to serve local day to day needs as referred to in the 2021 NPPF.

Reason – To limit the range of uses within use class E having regard to the absence of a sequential approach set out in paragraph 87 of the NPPF but which takes account of the exception test set out in policy CLP9 of the Chesterfield Local.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or in any Statutory Instrument revoking or re-enacting that Order with or without modification) no non-domestic extensions, alterations etc as set out in Schedule 2 Part 7 Class A shall be erected without the prior written approval of the Local Planning Authority upon an application submitted to it.

Reason - To safeguard the visual amenities of the in accordance with Local Plan policy CLP20.

5. Details of proposed waste storage including location of bins and appropriate screening shall be submitted to the local planning authority for consideration prior to the opening of the business. The details agreed in writing shall be implemented on site prior to the opening of the business and shall thereafter be maintained throughout the life of the development free from any impediment to their designated use.

Reason - To preserve the amenity of the nearby residential properties and visual character of the area in accordance with policy CLP14 and CLP20

6. A minimum of 3 cycle parking stands shall be installed on site in accordance with submitted drawing 'Site Plan, drawing unnumbered (received 27.10.2021)'. The cycle stands shall have been installed prior to occupation of the new separated commercial unit and shall thereafter be maintained throughout the life of the development free from any impediment to their designated use.

Reason- To provide cycle parking in accordance with CLP20 and CLP22.

7. One parking space, measuring a minimum of 2.4 metres by 4.8 metres, shall be retained to serve the residential occupants of No 53 Heaton Street. The parking space shall be retained permanently for domestic car parking unless otherwise agreed in writing by the Local Planning Authority.

Reason - To ensure adequate off- street parking provision is provided in the interests of highway safety in accordance with CLP20 and CLP22 of the adopted Chesterfield Borough Local Plan

8. Within 2 months of the commencement of the development hereby approved, a scheme for biodiversity and ecological enhancement measures shall be installed/integrated into the development site. The ecological enhancement measures shall thereafter be retained and maintained throughout the life of the development.

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 175 of the National Planning Policy Framework

### **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. Please note that this planning permission for shop front alterations does not give any permission for the display of advertisements. Advertisements are dealt with under separate legislation and any advertisements could require separate consent under the Town and Country Planning (Control of Advertisements) (England) regulations 2007. You would be advised to contact the Council prior to erecting any signage.
3. The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries

(shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant).

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. 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 a Coal Authority Permit for such activities is trespass, with the potential for court action.

Property specific summary information on past, current and future coal mining activity can be obtained from: [www.groundstability.com](http://www.groundstability.com) or a similar service provider.

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at: [www.gov.uk/coalauthority](http://www.gov.uk/coalauthority)

4. A combined public sewer runs to the back and side of the proposed extension. The developer should contact Yorkshire Water regarding its proximity, as a Building Over Agreement or easement may be required. Any connections to this sewer, would also require their approval. Any amendments to existing drainage on site may require approval from Building Control.
5. Pursuant to Sections 149 and 151 of the Highways Act 1980, steps shall be taken 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 (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness

6. In accordance with the biodiversity net gain condition above appropriate ecological/biodiversity enhancement measures shall include but shall not be limited to:
- Bird/owl/bat boxes
    - (Locating your nestbox: Whether fixed to a tree or a wall, the height above ground is not critical to most species of bird as long as the box is clear of inquisitive humans and prowling cats. If there is no natural shelter, it is best to mount a box facing somewhere between south-east and north to avoid strong direct sunlight and the heaviest rain. The box should be tilted slightly forwards so that the roof may deflect the rain from the entrance.
    - You can use nails to attach the box directly to a tree trunk or branch; or you can use rope or wire wrapped right around the box and trunk (remembering to protect the trunk from the wire cutting into it by using a piece of rubber underneath it). Both methods are satisfactory, but annual maintenance is easier if the box is wired and can be taken down easily for cleaning.
    - The number of nestboxes which can be placed in a garden depends on the species you wish to attract. Many species are fiercely territorial, such as blue tits, and will not tolerate another pair close by; about 2 to 3 pairs per acre is the normal density for blue tits. Other species, such as the tree sparrow, which is a colonial nester, will happily nest side-by-side.
    - Do not place your nestbox close to a birdtable or feeding area, as the regular comings and goings of other birds are likely to prevent breeding in the box.)
    - (Locating your bat box: Bat boxes should be positioned at least 3 metres above the ground (5 metres for noctules) in a position that receives some direct sun for part of the day, with a clear flight path to the box, but preferably also with some tree cover nearby as protection from the wind. In the roof eaves, on a wall or fixed to a tree are all suitable sites.)
  - Biodiversity enhancing planting and landscaping including trees, hedges and native species, wildflower planting and nectar rich planting for bees and night scented flowers for bats.

- Measures to enhance opportunities for invertebrates including bug hotels/log piles, stone walls including a programme of implementation and maintenance.
- Holes in fences and boundary treatment to allow species such as hedgehog to move across the site.
- Bee bricks.



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**PROPOSAL: RELOCATION AND RETENTION OF EXISTING NO. 3  
STORAGE CONTAINERS AND ADDITION OF A FURTHER 1NO.  
STORAGE CONTAINER IN A REVISED LOCATION ON THE  
APPLICATION SITE (REVISED DESCRIPTION 03/03/2022)**

**LOCATION: NORTHERN TEA MERCHANTS, 193 CHATSWORTH ROAD,  
CHESTERFIELD, DERBYSHIRE, S40 2BA**

Committee Date: 14<sup>th</sup> March 2021

Ward: Holmebrook

**1.0 CONSULTATION RESPONSES**

Ward Members	No 1 x representations received – Cllr has no objection to the proposed development
Strategic Planning	<p>Comments received in respect of the original consultation process in March 2020 and prior to adopting new Local Plan:</p> <p>The storage containers are ancillary to the primary existing retail use which is located within Chatsworth Road District Centre.</p> <p>The proposed development is considered to be in accordance in principle with the current and emerging development plan.</p> <p>Given the proximity of adjoining premises, attention should be paid to the impact of the proposed use on adjoining occupiers in accordance with policy CS18 (d), which states that “Development will be expected to...have an acceptable impact on the amenity of users and Neighbours”. Given the nature of the proposal, it may be appropriate to impose a condition limiting the permission to a temporary consent. (<i>Local Plan policy 2020: CLP20</i>)</p>
Environmental Health	No representation received
Coal Authority	Application site is located within Defined High Risk Area. The Coal Authority records indicate that within the application site and surrounding area there are coal mining

features and hazards, specifically both actual and probable shallow coalmine workings. There is no requirement under the risk-based approach that has been agreed with the LPA for a Coal Mining Risk Assessment to be submitted with any planning application or for the Coal Authority to be consulted on this proposal.

Local Highway Authority	No objection subject to adequate manoeuvring space being demonstrated and maintained clear of any obstruction to its designated use in order that the largest vehicles likely to visit the site can enter and exit in a forward gear.
Yorkshire Water Services	Objected to the original layout of the site as a result of the containers being sited over an access point to the public sewer which is below the application site however no comments have been received in respect of the revised layout to date.
Design Services	No objection to the proposed development
Conservation Officer	The Northern Tea Merchants is located within the Chatsworth Road Conservation Area. No objections to a further temporary consent.
Urban Design Officer	No representations received
Representations	No representations received

## 2.0 **THE SITE**

- 2.1 The premises, the subject of the application is currently the location of the business known at Northern Tea Merchants. The business has operated here since 1978, according to the company's website. The premises is finished in a red brick and presents as a three storey building to the public highway with a tea rooms at ground floor level. This is also a shop for the purchasing of the goods made on site.

- 2.2 The application site is located within the Chatsworth Conservation Area however this only extends to the rear elevation of the frontage of the premises and does not include the yard area located to the rear of the premises which is where the proposed containers are to be sited.
- 2.3 The area surrounding the application site is predominantly characterised by a mix of residential properties and commercial premises.

### **3.0 SITE HISTORY**

- 3.1 CHE/0487/0218 – Permission for erection of office with fire escape route at 193 Chatsworth Road, Chesterfield for Northern Tea Merchants.  
Conditional permission granted 19/06/1987
- 3.2 CHE/0289/0115 – Permission for extension to coffee roasting building for storage purposes at 193 Chatsworth Road, Chesterfield for Northern Tea Merchants  
Conditional permission granted 20/04/1989
- 3.3 CHE/0991/0580 – Extension to coffee roasting building for storage purposes  
Conditional permission granted 18/10/1991

### **4.0 THE PROPOSAL**

- 4.1 The application proposes the retention of no. 2 existing storage containers at the application site however these are to be in a revised location from the existing siting. The existing containers are sited to the north east corner of the application site however the application seeks to move the containers to the north of the rear workshop building and to the south of the existing outbuilding.
- 4.2 The proposal seeks planning consent for no. 4 containers. One of the containers in the existing location is exempt from planning consent due to the number of years it has been sited at the application site. The application form indicates a second container was sited at the application site in October 2016 and a further container was added in June 2017 however these latest two additions are not immune from planning control due to the limited time they have been at the application site. In the revised location however, all three of these containers will need planning permission and the applicant is using this application to add an additional container to the service yard area which will result in 4no. units in total. It

should be noted however that if the containers were to be considered in the location that they are in now, one of them would not be able to be considered due to the years it has been sited at the application site and consideration would only be extended to the additional two containers since October 2016 and the proposed additional container.

- 4.3 In the revised location, the proposed containers will be double stacked; each container will have a footprint of 6.1 metres x 2.43 metres with a height of 2.6 metres. Therefore when stacked on top of each other, the overall height will be 5.2 metres. The overall footprint of the proposed containers will be 6.1 metres x 4.86 metres as the plan submitted indicates the containers will be abutting each other. The units were originally proposed to be grey in colour as a result of the location however owing to the revised location for the containers to be sited at, the applicant has indicated a preference for the containers to be green in accordance with the corporate colours of the retail business.
- 4.4 In addition to the relocation of the storage containers, the application proposes a 3 metre security palisade fenced to replace the existing chain link fencing. This fencing will extend the around the north, east and west boundaries of the application site. Security gates are also proposed to be added at the entrance to the yard area. This will reuse the existing gates from the compound area (where the containers are proposed to be located) and will create a secure service yard area for the premises.

## **5.0 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.
- 5.1.2 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that; In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

## **5.2 Chesterfield Borough Local Plan 2018 – 2035**

CLP1 Spatial Strategy (Strategic Policy)  
CLP2 Principles for Location of Development (Strategic Policy)  
CLP6 Economic Growth (Strategic Policy)  
CLP8 Vitality and Viability of Centres (Strategic Policy)  
CLP9 Retail  
CLP11 Infrastructure Delivery  
CLP14 A Healthy Environment  
CLP16 Biodiversity, Geodiversity and the Ecological Network  
CLP20 Design  
CLP21 Historic Environment  
CLP22 Influencing the Demand for Travel  
SS2 Chatsworth Road Corridor (Strategic Policy)

### **5.3 National Planning Policy Framework**

Part 2. Achieving sustainable development  
Part 4. Decision-making  
Part 6. Building a strong, competitive economy  
Part 7. Ensuring the vitality of town centres  
Part 8. Promoting healthy and safe communities  
Part 10. Supporting high quality communications  
Part 11. Making effective use of land  
Part 12. Achieving well-designed places  
Part 13. Protecting Green Belt land  
Part 14. Meeting the challenge of climate change, flooding and coastal change  
Part 15. Conserving and enhancing the natural environment  
Part 16. Conserving and enhancing the historic environment

## **6.0 CONSIDERATION**

### **6.1 Principle of Development**

6.1.1 The application site is within the defined Strategic Site 2 (Chatsworth Road) as well as being in a defined Small Town Centre and District Centre as defined by CLP8. In principle, SS2 indicates that “development proposals will be supported where they contribute towards a) the vitality and viability of Chatsworth Road district centre” and Local Plan policy CLP8 states that the “Council will support the role of the town, district, local services centres and local centres in providing shops and local services in safe accessible and sustainable locations”.

6.1.2 Having regard to the above noted policies, it is therefore considered the principle of the development is acceptable as the proposed development seeks to support an existing business within the defined district centre. This is subject to the proposed development according with other relevant policies of the Local Plan – namely CLP14, CLP20 and CLP21.

## **6.2 Design and Appearance of the Proposal**

6.2.1 Local Plan policy CLP20 states in part; all development should identify and respond positively to the character of the site and surroundings and respect the local distinctiveness of its context respect the character, form and setting of the site and surrounding area by virtue of its function, appearance and architectural style, landscaping, scale, massing, detailing, height and materials.

6.2.2 Overall, it is considered the proposed siting of the containers is acceptable and the containers are proposed to be green in colour. The yard area to the rear of the retail premises already has existing outbuildings that are commercial / industrial in nature. This is supported through the appearance and use of the existing buildings; the buildings are used in association with the business and are finished in grey breeze blocks with grey cladding. On this basis, it is considered the industrial appearance of the proposed storage containers is acceptable for the area. Whilst grey was originally proposed as the colour of the units, this was based on the original siting of them and as the applicant has amended the location, has revised the colour to be green. This is considered to be acceptable as the amended location will mean the containers are not visible from any public vantage point and therefore have limited impact on the visual amenity of the area. The applicant has requested green so that the containers are in-keeping with the corporate branding colour. The shade of green has not been specified however given the proposed containers are limited from public view, it is not considered appropriate to require the proposed RAL colour to be submitted.

6.2.3 Typically, the LPA would seek to support storage containers on a temporary basis as a short term (3 year) solution to bridge a gap for business storage / space solutions pending a more appropriate permanent re-development however the applicant has requested a 5 year temporary consent in this case. This typically would not be favoured however the applicant has discussed the reasoning for storage containers as they are secure, weather tight and rodent proof units that allow for a quick increase in storage space. As the nature of the business requires hygienic storage

solutions in order to fulfil the orders received, the appropriateness of the containers is understood. When asked if a purpose built brick storage unit would be appropriate, the agent indicated that a further secure storage solution would be required within any purpose built unit and therefore the storage containers are the most appropriate solution in this case. It is therefore considered a 5 year temporary consent will enable the applicant to address the storage solutions at the application site and / or find alternative solutions off site in the future. The five year temporary consent is therefore considered to support the business located in the district centre – in accordance with CLP6.

6.2.4 It is therefore considered that the proposal is appropriate to the existing building and its surroundings 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.

### **6.3 Residential Amenity**

6.3.1 Local Plan policy CLP14 states that development will be expected to have an acceptable impact on the amenity of users and neighbours.

6.3.2 It is considered, on the basis of the revised location of the proposed containers, the proposal will have a limited impact on residential amenity for the neighbouring residential properties. The siting of the containers between the two existing buildings at the application site assists to mitigate the overall visual impact – especially for residential properties located to the north east and east of the application site. It is noted however there is a residential dwelling located to the south west of the application site. The height of the existing building adjacent to the north boundary of this property (No. 197 Chatsworth Road) is detailed to be 6.47 metres and therefore this will obscure the proposed double height containers (5.2 metres in height) from view. The impact to no. 197 Chatsworth Road is therefore considered to be limited.

6.3.3 It is noted that to the south west / west of the application site, there is a vacant parcel of land that is currently unallocated on the Local Plan Allocation Map. This land was formerly occupied by a chapel for which consent was granted in 2013 (under application code CHE/13/00763/DEM) to be demolished. The land appears, according to Google Street Maps, to have been used as opportunity car parking since. No planning applications have been submitted since the above referenced demolition application. Having regard to any potential future development of the site, it is

considered a permanent consent for the proposed containers is not appropriate at this stage. The site is currently unallocated and therefore could potentially be redeveloped for housing or commercial uses. On this basis, it is not considered appropriate to have a permanent consent for the siting of these storage containers; hence the reason a temporary consent is recommended.

- 6.3.4 On this basis and subject to the development according with a temporary consent, the proposal is considered to accord with the provisions of policy CLP14 of the Local Plan.

## **6.4 Noise and nuisance**

- 6.4.1 Local Plan policy CLP14 indicates that the “quality of the environment will be recognised at all levels of the planning and development process with the aim of protecting and enhancing environmental quality. Local Plan policy CLP20 also indicates that developments will have “an acceptable impact on the amenity of users and neighbours”. Whilst the Environmental Health department were consulted with in respect of this application, the EHO returned no comments.
- 6.4.2 It is considered however that as the proposed containers will be used for storage purposes only, there will be limited noise impacts as a result of the proposal. Furthermore, the proposed siting of the containers is a greater distance from the existing residential properties located to the north east / east.
- 6.4.3 On this basis, it is considered the proposed development accords with the provisions of CLP14 and CLP20.

## **6.5 Highway Safety**

- 6.5.1 Local Plan policy CLP20 and CLP22 require consideration of parking provision and highway safety.
- 6.5.2 The LHA were consulted in respect of this application and the following comments were received;  
*“No objection subject to adequate manoeuvring space being demonstrated and maintained clear of any obstruction to its designated use in order that the largest vehicles likely to visit the site can enter and exit in a forward gear.”*



- 6.5.3 Whilst the comments received from the LHA are noted, it should be noted that the comments are received in respect of the originally proposed scheme which resulted in the containers being sited in the far north east corner of the application site. The LHA were invited to make comments in respect of the revised scheme (revised siting proposed 08/02/2022) however at the time of writing this report, comments had not been received.
- 6.5.4 The revised location of the containers (in between the two buildings on site, as shown in the proposed site plan PL03 Rev B). The proposed revised siting is not considered to impact the manoeuvrability within the application site owing to the proposed siting being restricted between two existing buildings and in fact the revised location of the containers would increase the turning space within in the application site and therefore this is considered to be more favourable in respect of the comments received from the LHA.
- 6.5.5 On this basis the proposal is considered to accord with the provisions of policies CLP20 and CLP22 of the Local Plan.

## **6.6 Biodiversity including trees and landscaping**

- 6.6.1 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”.
- 6.6.2 The application has not been accompanied by details regarding how the development will result in a biodiversity enhancement at the application site. It is noted however that the proposed development is to be located on an area of the application site that is already hard surfaced and therefore the proposal will have a limited impact on biodiversity at the application site. It is therefore considered the development site will be able to demonstrate a biodiversity net gain as a result of the proposed

development.

This gain may be in the form of a bat or bird roosting box located on an appropriate elevation of the dwellinghouse. On this basis, it is considered appropriate to include a planning condition which requires a biodiversity net gain at the application site.

- 6.6.3 On this basis the proposal is considered to accord with the provisions of policy CLP16 of the Local Plan.

## **6.7 Heritage**

- 6.7.1 Local Plan policy CLP21 requires that the LPA give great weight to the significance of a designated heritage asset and the conservation of designated heritage assets and their setting. Criterion b) of Local Plan policy CLP21 also requires the LPA to protect the significance of Conservation Areas through the use of Conservation Area appraisals.

- 6.7.2 As a result of the application site, the application was consulted with the **Conservation Officer** who responded with the following comments;  
*“The Northern Tea Merchants is located within the Chatsworth Road Conservation Area. Development proposals in conservation areas should seek to respect or enhance their character and appearance.*

*Clearly large industrial metal container units are not conducive to improving or enhancing the character or appearance of local conservation areas; however the storage units are located outside the conservation area boundary at the rear of a service yard away from public view, hence they have no visual impact on the surrounding street scene. On that basis I have no objections to a further temporary consent.”*

- 6.7.3 It should be noted the comments from the Conservation Officer are based on the previous proposed location of the containers and whilst the Conservation Officer was invited to make comments on the revised location, the Officer indicated previous comments remained valid. This is accepted however the revised location of the proposed containers is considered to be more obscured from public vantage points. Furthermore, the rear yard of the application site and therefore the proposed siting of the containers does not fall within the defined Chatsworth Road Conservation Area and therefore the development proposed does not impact on the

Conservation Area. Furthermore, the proposed relocating of the containers to the rear of the main building at the application site does mitigate their impact from the public vantage point of the Conservation Area.

- 6.7.4 On the basis of the comments above and the consideration that the proposed container units will not be within the conservation area, or visible from public vantage points within the conservation area, the proposed units are considered to address a need which seeks to support a business located within Strategic Site 2 and a defined centre as noted in CLP6 and CLP8. On this basis, any potential harm to the defined Conservation Area is considered to be minimal and the proposal therefore accords with the provisions of CLP21.

## **6.8 Ground conditions and contamination**

- 6.8.1 Having regard to the requirements of Local Plan policy CLP14, the **Coal Authority** were consulted with in respect of ground conditions at the application site. The **Environmental Health** department were consult with in respect of contamination however no comments were received in respect of this development. The comments received from the **Coal Authority** are detailed below;

- 6.8.2 *"The Coal Authority records indicate that within the application site and surrounding area there are coal mining features and hazards, specifically both actual and probable shallow coalmine workings. However, having considered the proposals in detail, I can confirm that the nature of development is listed as exempt from Version 6, January 2021 of the Coal Authority's Guidance for Local Planning Authorities.*

*Accordingly, there is no requirement under the risk-based approach that has been agreed with the LPA for a Coal Mining Risk Assessment to be submitted with any planning application or for the Coal Authority to be consulted on this proposal.*

### *The Coal Authority Recommendation to the LPA*

*Notwithstanding the above, and the interests of public safety the Coal Authority would recommend that, should planning permission be granted for this proposal, the following wording is included as an Informative Note within the Decision Notice:*

*The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity at the surface or shallow depth. These hazards can include:*

*mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of new development taking place.*

*It is recommended that information outlining how former mining activities may affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), is submitted alongside any subsequent application for Building Regulations approval (if relevant).*

*Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design which takes into account all the relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:*

*[www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries](http://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries)*

*Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, excavations for 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 a Coal Authority Permit for such activities is trespass, with the potential for court action.*

*If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at: [www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)*

- 6.8.3 On the basis of the comments received from the Coal Authority it is considered appropriate to impose the recommended informative on any decision granted however as the proposed development is exempt from development requiring a risk based approach and therefore no planning

conditions are recommended. It is therefore considered the proposed development satisfies the requirements of CLP14 when having regard to ground conditions and contamination.

## **6.9 Developer contributions**

6.9.1 This LPA adopted the Community Infrastructure Levy in April 2016 for residential and retail premises that proposed extensions that increase the floor space by 100 square metres or more. As such, the comments received from the Strategic Planning Officer who made comment on the application are provided below'

6.9.2 *"In the apparent absence of clear guidance on the application of the CIL Regulations in circumstances such as those arising from the current proposal, my interpretation of the CIL position is that, given that the proposed floorspace is ancillary storage space to the primary existing retail use, the proposal would not be CIL-liable and therefore there would be no CIL charge associated with this development."*

6.9.3 On the basis of the comments received therefore, the LPA will not be seeking a CIL contribution in respect of the development proposed.

## **6.10 Flooding and drainage**

6.10.1 Local Plan policy CLP13 requires all development proposed to mitigate the flood risk, commensurate with the scale and impact of the proposed development so that developments are made safe for their lifetime without increasing flood risk elsewhere. In accordance with the requirements of CLP13, the application was consulted with the Council's **Design Services** team and **Yorkshire Water Services**.

6.10.2 The **Design Services** team returned no objection to the proposed development in respect of the revised layout as well as the initially proposed location for the containers. In respect of the comments received from **Yorkshire Water Services** on 20/03/2020, YWS objected to the proposed scheme as a result of the containers being sited over access points of a public sewer which crosses the application site. Owing to the siting of the containers impacting the access to the public sewer, YWS objected to the scheme put forward. YWS have been reconsulted in respect of the revised layout of the site and to date, no comments have been received. Should any correspondence be received between this

report being published and the planning committee being held, comments will be read out at the planning committee.

- 6.10.3 The revised layout of the site is proposed as a result of a site study however and it therefore believed the agent for this application will have been mindful of the access to the sewer when proposing a revised location. For this reason, it is considered the application is in accordance with the requirements of CLP13.

## **7.0 REPRESENTATIONS**

- 7.1 The standard period of consultation has been carried out for this application and where as the presence of the containers was initially drawn to the Councils attention by a local resident, no representations have been received as a result.

## **8.0 HUMAN RIGHTS ACT 1998**

- 8.1 Under the Human Rights Act 1998, which came into force on 2<sup>nd</sup> October 2000, an Authority must be in a position to show:
- Its action is in accordance with clearly established law
  - The objective is sufficiently important to justify the action taken
  - The decisions taken are objective and not irrational or arbitrary
  - The methods used are no more than are necessary to accomplish the legitimate objective
  - The interference impairs as little as possible the right or freedom
- 8.2 The action in considering the application is in accordance with clearly established Planning law and the Council's Delegation scheme. It is considered that the recommendation accords with the above requirements in all respects.

## **9.0 STATEMENT OF POSITIVE AND PROACTIVE WORKING WITH APPLICANT**

- 9.1 In accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 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.

- 9.2 The Local Planning Authority has during and prior to the consideration of this application engaged in a positive and proactive dialogue with the applicant with regard to siting of the proposed containers in order to achieve a positive outcome for the application.

## **10.0 CONCLUSION**

- 10.1 Overall the proposal is considered to be acceptable in accordance with policies CLP6, CLP14, CLP20 and CLP21 of the Local Plan. The proposed development, in its revised location, is considered to be located so as to minimise visibility from public vantage points and will not impact on the maneuverability within the application site. The issuing of a temporary 5 year consent is considered to be appropriate to protect any future development on the vacant parcel of land to the south west / west of the application site as well as permitting the applicant time to source alternative solutions that are more suited to the business for a long term scale.

## **11.0 RECOMMENDATION**

- 11.1 It is therefore recommended that the application be **GRANTED** subject to the following conditions:

### **11.2 Conditions**

1. The development hereby permitted shall be removed and the land restored to its former condition on or before 14<sup>th</sup> March 2027.

**Reason –** A permanent consent is considered inappropriate for the area as a result of the vacant land to the south west / west of the application site and the containers are to provide a storage solution whilst alternative solutions are sought.

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).

- Proposed site location – drawing no. PL03 Rev B – 1:200 @ A3 – dated 02/22

**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. Within 3 months of the date of this decision, a scheme for biodiversity and ecological enhancement measures shall be installed/ integrated into the development site. The ecological enhancement measures shall thereafter be retained and maintained throughout the life of the development.

**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 175 of the National Planning Policy Framework.

### **11.3 Informative Notes**

1. The Local Planning Authority have during and prior to the consideration of this application engaged in a positive and proactive dialogue with the applicant with regard to siting of the proposed containers in order to achieve a positive outcome for the application.
2. 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.
3. The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity at the surface or shallow depth. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of new development taking place.

It is recommended that information outlining how former mining activities may affect the proposed development, along with any mitigation measures



required (for example the need for gas protection measures within the foundations), is submitted alongside any subsequent application for Building Regulations approval (if relevant).

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design which takes into account all the relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at: [www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries](http://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries)

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, excavations for 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 a Coal Authority Permit for such activities is trespass, with the potential for court action.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at: [www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

4. 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.
5. 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.

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<b>COMMITTEE/SUB</b>	Planning Committee
<b>DATE OF MEETING</b>	14 <sup>th</sup> March 2022
<b>TITLE</b>	DELEGATION
<b>PUBLICITY</b>	For Publication
<b>CONTENTS</b>	<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>
<b>RECOMMENDATIONS</b>	Not applicable
<b>LIST OF BACKGROUND PAPERS</b>	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**

<b>Code No FileNo</b>	<b>Ward</b>	<b>Proposal</b>	<b>Decision</b>	<b>Decision Date</b>
CHE/20/00788/FUL	Old Whittington	<p>Construction of a new entrance pod, creation of a new second floor within the existing building volume, alterations to existing wall cladding / window fenestration's, creation of new off street car parking with new access onto Carrwood Road and enlargement of the existing car park to create a commercial vehicle turning area within the site curtilage. Revised drawings received 02/02/21, 23/02/21, 05/05/21, 24/05/21, 09/06/21 and 30/11/2021</p> <p>At A Cottam And Co Carrwood Road Chesterfield Trading Estate Chesterfield S41 9QB For Atlantic Pumps</p>	CP	28/02/2022
CHE/21/00342/FUL	Old Whittington	<p>Rear two storey extension, two storey side extension, two dormer windows to front, rendering of existing dwelling and new canopy to the front, raising of the existing roof, hard surfacing and creation of additional parking to front and new terrace area to the rear. (revised drawings received 16/08/21 and 22/12/21 and description amended 22/12/21)</p> <p>At 157 Church Street North Old Whittington Chesterfield S41 9QR For Mr Galligan</p>	CP	11/02/2022

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/21/00460/NMA	Rother	Non material amendment to CHE/20/00441/FUL ( Single storey rear extension and detached annex for dependant relative ) to amend the size of the rear extension  At 171 Boythorpe Road Boythorpe Chesterfield S40 2NB  For Mr & Mrs Dowson	REF	22/02/2022
CHE/21/00642/FUL	Hollingwood And Inkersall	Proposed new spa with outdoor pools within disused garden area At Ringwood Hall Ringwood Road Brimington S43 1DQ  For Charan Chauhan	REF	16/02/2022
CHE/21/00698/DOC	St Helens	Discharge of conditions 9 (bin storage) 11 (lighting), 13 (retaining wall), 21 (sub station details), 23 (hard and soft landscaping) and 24 (kerbs and levels) of CHE/21/00424/DOC of CHE/20/00695/FUL - New warehouse unit with trade counter, staff facilities, external materials yard, surface car parking for staff and customers, new vehicular entrances onto highway and the provision of a substation with associated works. (Amended information received 18.11.2021)  At Development Land Opposite Hazlehurst Avenue Sheffield Road Stonegravels Chesterfield For Pick Everard	DPC	28/02/2022
CHE/21/00712/FUL	Middlecroft And Poolsbrook	Continuation of use of two rooms as dog daycare for 12 dogs originally approved under CHE/19/00435/COU  At The Chantry 39 High Street Staveley S43 3UU  For Mrs Nadia Rogers	CP	22/02/2022



Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/21/00722/NMA	Lowgates And Woodthorpe	Non material amendment to CHE/13/00675/OUT ( Redevelopment of land for employment uses (Use Classes B1, B2 and B8) to amend highway drainage as part of the discharge of condition 13 (phase 1 access road)  At Land Accessed From Farndale Road Staveley  For Mr Roger Caisley	CPNMAZ	21/02/2022
CHE/21/00725/FUL	Brockwell	Removal of existing shed and greenhouse and erect new greenhouse  At 49 Newbold Back Lane Chesterfield S40 4HF  For Mrs Elaine Smith	CP	22/02/2022
CHE/21/00759/FUL	Dunston	Two storey side extension and single storey rear extension At 107 Windermere Road Newbold S41 8DS  For Mr Schofield	REF	22/02/2022
CHE/21/00822/FUL	Old Whittington	Increase existing roof height by 0.9m for proposed loft conversion, incorporating dormer windows to the front and rear and balcony window to the rear and alter flat roof to pitch roof on existing porch  At 82 Church Street North Old Whittington S41 9QP  For Mr Carl Rayner	CP	11/02/2022

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/21/00825/FUL	Dunston	<p>Extension to garage and conversion to form study work space (revised drawings submitted 10/12/21)</p> <p>At 53 Windermere Road Newbold Chesterfield S41 8DT</p> <p>For Mr Anthony Cresswell</p>	CP	14/02/2022
CHE/21/00847/PA	Walton	<p>Prior approval for - Proposed 15.0m Phase 8 Monopole C/W wrapround Cabinet at base and associated ancillary works</p> <p>At Land At Foljambe Avenue Junction Matlock Road Chesterfield</p> <p>For CK Hutchison Networks (UK) Ltd</p>	PRTELZ	21/02/2022
CHE/21/00859/FUL	Loundsley Green	<p>Single storey extension to rear of property to replace conservatory, enlargement and conversion of existing garage and new garden access and garden store and provision of terrace area for the provision of disability adaptations (revised plans received 15.02.2022 showing privacy screen to northern boundary)</p> <p>At 18 Peak View Road Brockwell Chesterfield S40 4NW</p> <p>For Mr and Mrs Peace</p>	CP	24/02/2022
CHE/21/00863/OUT	Holmebrook	<p>Outline application for a single detached 1.5 storey dwelling, with access off Central Avenue</p> <p>At Land To The Rear 6 Walton Walk Boythorpe S40 2QQ</p> <p>For Mrs Vikki Hadfield</p>	CP	25/02/2022

<b>Code No FileNo</b>	<b>Ward</b>	<b>Proposal</b>	<b>Decision</b>	<b>Decision Date</b>
CHE/21/00864/FUL	Walton	Two storey front/side extension and bay window to front At 88 Moorland View Road Walton Chesterfield S40 3DF  For Mr P Cope	CP	14/02/2022
CHE/21/00869/DOC	Walton	Discharge of conditions 6 and 18 of approved planning consent CHE/20/00305/FUL to updated street lighting design to reflect arrangement amended during S38 process At Land South Of Walton Hospital Harehill Road Grangewood  For Vistry Partnerships	DPC	03/03/2022
CHE/21/00883/FUL	Lowgates And Woodthorpe	Re submission of CHE /21/00078/FUL for demolition of existing bungalow and detached garage and erection of a 2 bed bungalow.  At 4 Woodthorpe Road Woodthorpe Chesterfield S43 3BZ For Mr Kevin Hodgetts	CP	21/02/2022
CHE/21/00887/FUL	St Leonards	Construction of a new mental health facility and energy centre, associated landscaping, groundworks, parking, and access arrangements. At Chesterfield and North Derbyshire Royal Hospital Chesterfield Road Calow S44 5BL  For Derbyshire Healthcare NHS Foundation Trust	CP	18/02/2022
CHE/21/00888/FUL	Walton	Single storey side extension At 10 Stanford Way Walton S42 7NH  For Mr Anthony Frisby	CP	22/02/2022

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/21/00891/LBC	Dunston	<p>Listed Building Consent for alterations to convert existing two cottages into one dwelling including new doors and windows, chimney flue and air source heat pump to Coach House.</p> <p>At Newbold Fields House Dunston Road Chesterfield S41 9RW</p> <p>For Mr and Mrs Shorter</p>	CP	18/02/2022
CHE/21/00894/DOC	Walton	<p>Discharge of planning conditions 6 (hard and soft landscaping), 12 (external materials) and 28 (water calculations) of CHE/20/00305/FUL - Erection of new residential dwellings at the sites off Whitecotes Lane and Harehill Road with associated access, parking and open space</p> <p>At Land South Of Walton Hospital Harehill Road Grangewood</p> <p>For Modus Partnerships Limited</p>	PDOC	23/02/2022
CHE/21/00903/ADV	St Leonards	<p>1 illuminated fascia sign and 1 illuminated projecting sign</p> <p>At 35 Holywell Street Chesterfield S41 7SH</p> <p>For Mr Chris Smith</p>	CP	24/02/2022
CHE/21/00904/FUL	Barrow Hill And New Whittington	<p>Single storey side and rear extension</p> <p>At 175 Handley Road New Whittington Chesterfield S43 2EP</p> <p>For Julie Allen</p>	CP	16/02/2022

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/21/00905/ADV	Old Whittington	Illuminated fascia sign At Unit 2 Eastside Park Eastside Road Chesterfield S41 9BU  For C/O Technical Signs	CP	23/02/2022
CHE/21/00912/FUL	St Leonards	Replacement of five first floor and five second floor windows on Rose Hill elevation. At 32 - 36 Rose Hill Chesterfield S40 1LR  For Lloyds Banking Group	CP	02/03/2022
CHE/21/00923/CLO	West	Completion of garden room outbuilding  At 6 Netherfield Road Somersall Chesterfield S40 3LS  For Mr and Mrs Wood	GR	15/02/2022
CHE/21/00928/PNC	Barrow Hill And New Whittington	Prior notification for change of use to dwelling At 1A - 1B South Street North New Whittington S43 2AA  For Baxters Retail Stores Ltd	REF	17/02/2022
CHE/21/00929/FUL	Walton	Demolition of existing double garage and erection of triple garage with side store At 19 Greenways Walton Chesterfield S40 3HF  For Mr and Mrs Paul Gadsby	CP	25/02/2022

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/21/00930/TPO	Walton	<p>Large Sycamore with split crown at ground level 6 trunks. Request crown pruning of 4m plus removal of horizontal stem obstructing street furniture. Crown pruning requested to remedy blocking of light to the gardens of 30 and 32 plus to aid growth of adjacent Ash (also TPO)</p> <p>At 30 Hillside Drive Walton S40 2DB</p> <p>For Ms Mary Senneck</p>	CP	23/02/2022
CHE/21/00931/FUL	Brimington South	<p>Modification of previous permission of lean to extension to the rear and proposed further ground floor extension - Amended description 28/02/22</p> <p>At 30 Manor Avenue Brimington S43 1NQ</p> <p>For Mrs Viv Swift</p>	CP	01/03/2022
CHE/22/00003/FUL	Brockwell	<p>Demolition of existing conservatory and erection of a ground floor rear extension</p> <p>At 22 Rhodes Avenue Newbold S41 7AY</p> <p>For Mr D Ward</p>	CP	01/03/2022
CHE/22/00012/TPO	Walton	<p>There is only one tree we are proposing to have work carried out on and it is an ash tree - Ash (T1). We propose the tree has a crown reduction because it is shading our garden and our neighbours gardens. We also want to ensure the continued health of the tree and that is safe, and any dead wood is removed.</p> <p>At 19 Foxbrook Court Walton S40 3SS</p> <p>For Mr Oliver Morison</p>	CP	22/02/2022

<b>Code No FileNo</b>	<b>Ward</b>	<b>Proposal</b>	<b>Decision</b>	<b>Decision Date</b>
CHE/22/00016/TPO	Old Whittington	T1 - beech tree - to be reduced in height and width by up to 3m creating a better balanced crown. T1 -- beech tree - crown clean and deadwood.  At 2 Ashleigh Close Old Whittington S41 9NA For DW Tree Services	CP	28/02/2022
CHE/22/00020/DOC	St Leonards	Discharge of condition 11 of CHE/18/00672/FUL  At Holywell Cross Car Park Holywell Street Chesterfield  For Robert Woodhead Ltd	DPC	14/02/2022
CHE/22/00022/DOC	Walton	Discharge of condition 18 (street lighting) of CHE/20/00305/FUL - Erection of new residential dwellings at the sites off Whitecotes Lane and Harehill Road with associated access, parking and open space  At Land South Of Walton Hospital Harehill Road Grangewood  For Modus Partnerships Limited	DPC	23/02/2022
CHE/22/00030/ADV	St Helens	New fascia signage At Unit 218 Sheffield Road Stonegravels Chesterfield S41 7JN  For Jewson	CP	01/03/2022

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/22/00035/TPO	Brockwell	<p>Large Lime Tree at front of property: Crown Lift to five metres. Thin crown by 20% cleaning out epicormic growth. Remove problem deadwood.</p> <p>Very Large Oak tree at the front of property: Reduce lower portion of south-east facing canopy to clear away from structures by 3 metres. Crown lift to 5 metres by removing lower branches up to 100mm in diameter. Reduce two large lower limbs over driveways by up to 3 metres to improve light into properties. Remove problem deadwood.</p> <p>At 23 Gladstone Road Chesterfield S40 4TE</p> <p>For Mr Ed Mollon</p>	CP	28/02/2022
CHE/22/00054/TPO	Rother	<p>Crown thinning by 25% of GRP 1 and 2 (hawthorne), T1, 2 and 3 (alder)</p> <p>At 10 Staunton Close Chesterfield S40 2FE</p> <p>For Mrs Lisa Such</p>	SC	01/03/2022
CHE/22/00055/DOC	Hollingwood And Inkersall	<p>Discharge of conditions 3 (external materials), 6 (Hard/soft landscaping), 8 (drainage details), 9 (site investigation reports), 13 (Bat Box Location) of CHE/18/00767/FUL - Proposed self build dormer bungalow with drive for on-site car parking</p> <p>At Land At Bamford Road Inkersall</p> <p>For Mr Simon Whittam</p>	REF	16/02/2022
CHE/22/00057/FUL	St Leonards	<p>Change of use of dwelling (C3) to a solo care home (C2)</p> <p>At 26 Trevorow Crescent Chesterfield S40 2GH</p> <p>For Esland Group</p>	WDN	28/02/2022



Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/22/00060/TPO	St Leonards	<p>Weeping Ash - Tree located within grounds of Children First Day Nursery. Currently exhibiting symptoms consistent with minor infection of ash dieback (approximately 10%): undersized leaves in upper crown &amp; discoloured shoots throughout. At time of inspection approximately half the crown has green leaves still attached, whilst the other half has completely shed leaves (i.e. abscised without colour change). No lesions evident, although clustered drooping form makes observation difficult. Large open cavity at approximately 3m at scaffold union. Deadwood removed (2020). - Reduce crown by approximately 1-2m, extent informed by aerial inspection. Remove deadwood 2 x Horse chestnuts - Two chestnuts immediately behind cabin both appear in reduced physiological condition, with evidence of historic ground works (smaller tree: historic failure of central leader; larger: stem exudation). - Fell to ground level</p> <p>At Chesterfield Road Calow S44 5BL For Emma Morten</p>	CP	28/02/2022
CHE/22/00064/TPO	West	<p>Crown Thin, crown lift 4 metres, pruning back to suitable replacement branches.</p> <p>At 17 Hucknall Avenue Loundsley Green Chesterfield S40 4BY</p> <p>For Mrs Linda Riley</p>	CP	21/02/2022

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/22/00075/TPO	West	<p>T1 - Sycamore (Acer Pseudoplatanus) to be Pollarded to the size dictated by it's previous pollard. T2 - Silver Birch (Betula Pendula) to be crown reduced in order to balance the weight in the crown as it is leaning heavily over a public footpath.</p> <p>At 8 Ash Tree Close Ashgate Chesterfield S40 1RZ</p> <p>For Mr Neil Hall</p>	SC	02/03/2022
CHE/22/00097/TPO	Barrow Hill And New Whittington	<p>LA notice due to trees blocking light column, cutback 1no sycamore to clear light column by 1.5m.</p> <p>At Tesco Express High Street Old Whittington Chesterfield S41 9LQ</p> <p>For Tesco Express</p>	CP	02/03/2022
CHE/22/00108/TPO	Old	<p>Application to fell tree T2 beech tree (Fagus sylvatica)</p> <p>at 3 Ashleigh Close Old Whittington Derbyshire S41 9NA</p> <p>For Mr Neil Smith</p>	CP	01/03/2022
CHE/22/00132/TPO	Brimington South	<p>Felling of ash tree</p> <p>At 44 Hedley Drive Brimington S43 1BF</p>	SC	01/03/2022

<b>COMMITTEE/SUB</b>	Planning Committee
<b>DATE OF MEETING</b>	14 <sup>th</sup> March 2022
<b>TITLE</b>	DELEGATION
<b>PUBLICITY</b>	For Publication
<b>CONTENTS</b>	Items approved by the Development Management and Conservation Manager under the following Delegation references:-  Felling and Pruning of Trees P100D, P120D, P130D
<b>RECOMMENDATIONS</b>	Not applicable
<b>LIST OF BACKGROUND PAPERS</b>	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**

<b><u>CODE NO</u></b>	<b><u>DESCRIPTION OF PROPOSAL</u></b>	<b><u>TERMS OF DECISION</u></b>
CHE/22/00064/TPO  TPO 4901.137  16/02/22	The pruning of one Oak tree reference T2 on the Order map for Mrs L Riley of 10 Dorothy Vale, Ashgate. The tree is located on the rear boundary with 17 Hucknall Avenue which is allegedly causing shade into the garden.	Consent is granted to the crown thinning of the tree by 20% and a crown lift by 4 metres leaving a well-balanced crown.
CHE/22/00012/TPO  TPO 4901.174  23/02/22	The pruning of one Ash tree reference T23 on the Order map for Mr Morison of 19 Foxbrook Court, Walton.	Consent is granted to the crown reduction of the tree by 50% due to fungus infection at the base and to reduce any future risk.
CHE/21/00930/TPO  TPO 4901.15  23/02/22	The pruning of one multi stemmed Sycamore tree reference T5 on the Order map for Ms Senneck at 30 Hillside Drive, Walton.	Consent is granted to the crown reduction by a maximum of 3m and a light crown thin by 10%. Consent is also granted to the removal of one small basal stem growing towards Walton Road.
CHE/22/00010/TPO  TPO 4901.281  24/02/22	The felling of 1 Lombardy Poplar tree and the pruning of 6 Lombardy Poplar trees within G1 on the Order Map for Mrs Plemper of 33 Pomegranate Road, Newbold.	Consent is granted to the felling of 1 Poplar tree with a condition to plant a replacement Hazel in the first planting season after removal and the pruning of 6 Poplar trees to reduce the height to previous pollarding points and the removal of dead wood.

<p>CHE/22/00016/TPO</p> <p>TPO 4901.85</p> <p>28/02/22</p>	<p>The pruning of one Beech tree reference T1 on the Order map for DW Tree Services at 2 Ashleigh Close, Old Whittington.</p>	<p>Consent is granted to a crown reduction by a maximum of 2 metres to reshape the tree creating a well-balanced crown.</p>
<p>CHE/22/00035/TPO</p> <p>TPO 4901.229</p> <p>28/02/22</p>	<p>The pruning of one Lime tree reference T3 and one Oak tree reference T4 on the Order map for Commonwealth Trees at 23 Gladstone Road.</p>	<p>Consent is granted to the crown lifting and crown thinning of both trees and the reduction of branches on T4 Oak growing towards 21 &amp; 23 Gladstone Road to give a 3 metre clearance.</p>
<p>CHE/22/00060/TPO</p> <p>TPO 4901.30</p> <p>28/02/22</p>	<p>The felling of two Horsechestnut trees within G1 and the pruning of one Weeping Ash tree reference T7 on the Order map for Thompson Tree Services at Dryhurst Nursery, Chesterfield Royal Hospital.</p>	<p>Consent is granted to the felling of two Horsechestnut trees due to their poor condition and form due to being suppressed by the adjacent trees.</p> <p>The duty to plant 2 new trees has been dispensed with on this occasion due to the existing tree cover in the nursery grounds which would make the trees difficult to establish and a group of trees in the grounds of the Royal Hospital which provide good visual amenity and a screen to the property.</p> <p>Consent is also granted to the crown reduction of one Weeping Ash due to Ash dieback and remove dead wood.</p>

CHE/22/00054/TPO TPO 4901.203 01/03/22	The crown thinning of 3 Alder trees and 2 groups of Hawthorns with W1 on the Order map for Mrs Such of 10 Staunton Close.	Consent is refused to the crown thinning of one group of Hawthorn trees which was previously refused on decision notice
CHE/22/00108/TPO TPO 4901.05 01/03/22	The felling of one Beech tree reference T2 on the Order map for Mr Smith of 2 Ashleigh Close, Old Whittington.	Consent is granted to the felling of one Beech tree which has a large cavity in the main stem which extends 600mm into the 850mm diameter stem compromising the safety of the tree with a potentially high risk of failure.
CHE/22/00132/TPOEXP TPO 4901.74 01/03/22	The felling of one allegedly dead Ash tree reference T26 on the Order map for Sharon Upton at 44 Hedley Drive, Brimington.	<p>Consent is refused to the felling of one Ash tree under the exemption for dead trees. The tree was inspected, and it is agreed that there is severe dieback and dead wood in the south side of the crown, however the remainder of the tree was alive.</p> <p>Consent is therefore granted under Part 3, section 14, 1(b) &amp; (c) of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 to remove dead wood from an otherwise live tree and remove any immediate risk but this would also leave the tree one-sided, so consent was also granted for a pollard at 6m high to retain and make safe the mature Ash tree.</p>

<p>CHE/22/00097/TPO</p> <p>TPO 4901.149</p> <p>02/03/22</p>	<p>The pruning of one Sycamore tree reference T118 on the Order map at Tesco Express, High Street, Old Whittington.</p>	<p>Consent is granted to crown reduce branches growing towards the highway street lighting head to give a 1.5m clearance.</p>
<p>CHE/22/00075/TPO</p> <p>TPO 4901.52</p> <p>02/03/22</p>	<p>The pruning of one Maple tree and one Birch tree within Area 1 on the Order map for Darren James Tree Services at 8 Ash Tree Close, Brampton.</p>	<p>Consent is refused to pollard on Maple tree as this would greatly reduce its amenity. It is recommended that the applicant submits a new application to crown thin and crown lift the tree to allow more light into the garden.</p> <p>Consent is also granted to crown reduce one stem by a maximum of 2m on the Birch tree to re-shape the crown which is growing one sided over into Inkersall Playing Fields.</p>
<p>CHE/22/00140/TPOEXP</p> <p>TPO 4901.02</p> <p>03/03/22</p>	<p>The felling of one storm damaged Oak tree within W1 on the Order map at Brierley Wood, Birchall Estate, Sheffield Road, Unstone and to the rear of 37 Cheetham Avenue.</p>	<p>Consent is granted to the felling of one Oak tree due to its dangerous condition.</p> <p>The duty to plant a replacement tree has been dispensed with on this occasion due to the natural regeneration within the woodland.</p>



CHE/22/00132/TPOEXP TPO 4901.147 04/03/22	The felling of one dangerous Horsechestnut tree reference T4 on the Order map for Dronfield Tree Services at Elmwood House, High Street, Old Whittington.	Consent is granted to the felling of one Horsechestnut tree which has severe decay at the base of the tree and is located directly adjacent to High Street, Old Whittington. A condition has been attached to plant a replacement Maple tree in the first available planting season after felling.
CHE/22/00102/TPO TPO 4901.281 /03/22	The felling of 2 Lombardy Poplar trees and the pruning of 7 Lombardy Poplar trees within G1 on the Order Map for Ms Gregory of 35 Pomegranate Road, Newbold.	Consent is granted to the felling of 2 Poplar trees with a condition to plant one Hawthorn replacement tree in the first planting season after removal and the pruning of 7 Poplar trees to reduce the height to previous pollarding points, the removal of dead wood and crown lifting to 3m.
CHE/22/00122/TPO TPO 4901.22 /03/22	The felling of 1 Sycamore tree within A2 on the Order Map for Underwood Tree Services at 220 Handley Road, New Whittington.	Consent is granted to the felling of one Sycamore tree. After an aerial inspection it was found that there was extensive decay in the upper main stem compromising the safety of the tree. Condition attached to plant a replacement Hawthorn tree in the first planting season after felling.
CHE/22/00131/TPO TPO 4901.138 /03/22	The pruning of five Lime trees reference T6-T9 & T11 on the Order map for Mr Brent at 38 Gladstone Road.	Consent is granted to the crown lifting of the trees by 5.2 metres to clear the public highway and to crown clean to remove epicormic growth and dead wood, and to clear telephone wires.

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## **APPEALS REPORT**

**MEETING:** PLANNING COMMITTEE

**DATE:** 14<sup>th</sup> March 2022

**REPORT BY:** DEVELOPMENT MANAGEMENT AND  
CONSERVATION MANAGER

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### **FOR PUBLICATION**

#### **BACKGROUND PAPERS FOR PUBLIC REPORTS**

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

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#### **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>
2/3905	Walton ward	Mr J Lyne	CHE/21/00079/OUT Dwelling to rear of 92 Foljambe Avenue Refusal	Planning Committee	19/8/21	Written Reps	
2/1675	West ward	Dr C J Martin	CHE/21/00527/TPO – Felling of Lime T1 at 2 Somersall Lane Refusal	Officer delegation	20/9/21	Written Reps (fast track)	
2/69	St Leonards ward	Mr F Casey	CHE/21/00314/PA Prior Approval for Raising roof to create an additional storey at 35 Spital Lane	Officer delegation	29/9/21	Written Reps	
2/2441	Brimington North ward	Mr Browett	CHE/21/00421/PA Prior Approval for an additional storey at 45 Rother Avenue	Officer delegation	27/10/21	Written Reps	
2/5885	Hasland ward	Mr J Toulson	CHE/21/00546/FUL driveway at 142 Mansfield Road Refusal	Officer delegation	25/1/22	Written Reps	
2/1698	Middlecroft and Poolsbrook ward	Mrs Sheila Blankley	CHE/21/00761/OUT 3 eco single storey dwellings at The Dumbles, Inkersall Green Road Refusal	Officer delegation	09/02/22	Written Reps	

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# FOR PUBLICATION Agenda Item 8

## ENFORCEMENT REPORT

**MEETING:** PLANNING COMMITTEE

**DATE:** 14<sup>TH</sup> MARCH 2022

**REPORT BY:** HEAD OF REGULATORY LAW  
DEVELOPMENT MANAGEMENT & CONSERVATION MANAGER

**WARD:** As listed in the report

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### **FOR PUBLICATION**

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

### **BACKGROUND PAPERS**

LOCATION: LEGAL SERVICES

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#### **1.0 PURPOSE OF REPORT**

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

#### **2.0 BACKGROUND**

2.1 The table summarises formal planning enforcement by the Council.

#### **3.0 INFORMAL ACTION**

3.1 Formal enforcement is a last resort, with most planning problems resolved without formal action (in accordance with government guidance). 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  
HEAD OF REGULATORY LAW

PAUL STANIFORTH  
DEVELOPMENT MANAGEMENT  
& CONSERVATION MANAGER

Further information on this report from Gerard Rogers, Regulatory Law  
Tel 01246 936471 or email [gerard.rogers@chesterfield.gov.uk](mailto:gerard.rogers@chesterfield.gov.uk)

Enforcements currently Authorised: 6

## ENFORCEMENT REPORT

04 March 2022

Address		Authorised days from	Breach	CHE/	Issued days to issue	Effective days to (-) /from	Comply days to (-) /from	Notes	update last update	Ward
<b>Breach of Condition Notice</b>			Total currently Authorised: 1 Authorised to Issue Average: 540 days							
York Street	2	23/09/19 893	balcony, canopy and french door	17/00800/FUL	16/03/21 540	16/03/21 353	16/04/21 322	Issued. One month to submit details. Then 6 months after approval to carry out works. Not complied. Prosecute - awaiting instructions.	<input type="checkbox"/> 18/03/21	Ha
<b>Enforcement Notice</b>			Total currently Authorised: 3 Authorised to Issue Average: 31 days							
Markham Road	Markham House	18/02/08 5,128	storage of commercial vehicles		20/03/08 31	18/04/08 5068	20/10/08 4883	Complied by 2009. Unauthorised use has started again. Prosecute - awaiting instructions.	<input type="checkbox"/> 14/11/19	HI
Pottery Lane West	10	06/01/20 788	two unauthorised metal structures.		06/02/20 31	15/10/20 505	12/11/20 477	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. Prosecute. Instructed. In court 07/04/22 (court changed date).	<input type="checkbox"/> 20/01/22	Mo

Details at 04 March 2022



Address		Authorised <i>days from</i>	Breach	CHE/	Issued <i>days to issue</i>	Effective <i>days to (-) /from</i>	Comply <i>days to (-) /from</i>	Notes	update <i>last update</i>	Ward
York Street	2	09/10/17 <i>1,607</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 served - see separate entry.	<input type="checkbox"/> <i>19/12/18</i>	Ha

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#### Section 215 Amenity Notice

Total currently Authorised: 2 Authorised to Issue Average: days

Highfield Road	80	05/10/20 <i>515</i>	Removal of debris and waste					Update report 15/02/21. Working with occupier and representative with view to progress without formal action.	<input type="checkbox"/> <i>15/02/21</i>	SH
Tapton Terrace	26	05/10/20 <i>515</i>	removal of Heras fencing and erection of new boundary fence, removal of vans, debris and waste					Update report 15/02/21. Progressing without formal action.	<input type="checkbox"/> <i>15/02/21</i>	SL

Address	Authorised days from	Breach	CHE/	Issued days to issue	Effective days to (-) /from	Comply days to (-) /from	Notes	update last update	Ward
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Action authorised by Committee except Breach of Condition, Planning Contravention, Section 215 Notices, Advertisement Discontinuance, prosecutions and urgent action which are authorised by officers

Key to 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

SJP - single justice procedure: prosecutions dealt with by the Magistrates Court on paper without a hearing in open court  
CV-19 - coronavirus implications for enforcement or compliance