

PLANNING COMMITTEE

Monday, 30th January, 2023

Present:-

Councillor Callan (Chair)

<p>Councillors Bingham Brittain Catt Caulfield</p>	<p>Councillors D Collins G Falconer Marriott Miles</p>
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The following site visits took place immediately before the meeting and were attended by the following Members:

CHE/22/00796/FUL – Conversion of existing bar/former chapel to form 9 residential flats. Resubmission of CHE/22/00463/FUL, at the Sports Bar, adjacent 37 Holywell Street for Urbana Town Planning.

Councillors Brittain, Callan, Caulfield, G Falconer and Marriott.

CHE/22/00743/COU – Change of use of residential dwelling from small shared house (C4 use class) to a house of multiple occupation (use class sui generis) at 16 Albion Road, Chesterfield for Dovedale Property Lettings LTD.

Councillors Brittain, Callan, Caulfield, G Falconer and Marriott.

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

Councillor D Collins was unable to attend the site visits or receive relevant site information by other means and therefore did not take part in determining applications CHE/22/00796/FUL or CHE/22/00743/COU.

*Matters dealt with under the Delegation Scheme

Apologies for absence were received from Councillors Barr, Borrell, Brady, Davenport, and T Gilby.

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

Agenda Item 2 - CHE/22/00796/FUL – Conversion of existing bar/former chapel to form 9 residential flats. Resubmission of CHE/22/00463/FUL, at the Sports Bar, adjacent 37 Holywell Street for Urbana Town Planning.

Councillor Caulfield declared an interest in this application.

98 **MINUTES OF PLANNING COMMITTEE**

RESOLVED -

That the Minutes of the meeting of the Planning Committee held on 9 January, 2023 be signed by the Chair as a true record.

99 **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/22/00743/COU - CHANGE OF USE OF RESIDENTIAL DWELLING FROM SMALL SHARED HOUSE (C4 USE CLASS) TO A HOUSE OF MULTIPLE OCCUPATION (USE CLASS SUI GENERIS) AT 16 ALBION ROAD, CHESTERFIELD FOR DOVEDALE PROPERTY LETTINGS LTD.

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

***RESOLVED –**

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

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

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

- Site location plan
- Block Plan
- Existing Floor plans
- Proposed Floor plans

CHE/22/00796/FUL - CONVERSION OF EXISTING BAR/ FORMER CHAPEL TO FORM 9 RESIDENTIAL FLATS. RESUBMISSION OF CHE/22/00463/FUL, AT THE SPORTS BAR, ADJACENT 37 HOLYWELL STREET FOR URBANA TOWN PLANNING.

Councillor Caulfield declared an interest in this item and left the meeting at this point.

In accordance with Minute No. 299 (2001/2002) Mr Tom Crooks (Objector) addressed the meeting.

In accordance with Minute No. 299 (2001/2002) Mrs Rebecca Noble (Objector) addressed the meeting.

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

In accordance with Minute No. 299 (2001/2002) Mr Charles Dunn (Agent) addressed the meeting.

***RESOLVED –**

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

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

2. The development hereby approved shall only be carried out in full accordance with the approved plans (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).

Location plan 200 received 23.11.2022

Ground floor plan as proposed no. 301 received
23.11.2022

First floor and roof plan as proposed no. 302 received

Proposed elevations sheet 1 of 2 303 received
23.11.2022

Proposed elevations sheet 2 of 2 304 received
23.11.2022

Design and access statement received 23.11.2022

Noise assessment received 23.11.2022

3. A - Notwithstanding the elevational detail of the garden store openings shown on plan no 304 to the south east facing elevation; prior to works commencing on this element of the build, and following demolition of the single storey extension; photographs of this elevation of the building and any remaining features (such as windowsills) shall be incorporated into a revised design detail of the elevation showing the opening and treatment of these, all details to be submitted to and agreed in writing by the Local Planning Authority. Works shall be completed in accordance with the agreed details.

B – Notwithstanding the elevational detail of the bin and cycle store openings shown on plan no 303 to the south west facing elevation; prior to works commencing on this element of the build, and following demolition of the single storey extension; photographs of this elevation of the building and any remaining features (such as windowsills) shall be incorporated into a revised design detail of the elevation showing the opening and treatment of these all to be submitted to and agreed in writing by the Local Planning Authority. Works shall be completed in accordance with the agreed details.

C - The agreed design of the garden, bin and cycle stores shall be installed and ready for use prior to first occupation of the accommodation.

4. The windows to the upper floor corridor area shall be fixed and non-opening and shall remain so throughout the life of the development.
5. The ground floor windows to unit 5 and upper floor windows to unit 9 as identified on plans 302 and 301 shall be fully blocked, in accordance with details to be submitted to and agreed in writing by the Local Planning Authority, the agreed works shall be fully installed prior to first occupation.
6. Prior to any works commencing on the installation of new windows a detailed schedule of window and door details, including those to be retained and /or repaired, 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 details contained within the Noise Assessment.
 - 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.
7. Prior to first occupation the building shall be insulated in accordance with a detailed scheme which shall include a testing regime, to be submitted to and agreed in writing by the Local Planning Authority, works shall be completed in accordance with the agreed details and shall be retained thereafter throughout occupation.
8. Prior to any works taking place to the ground 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.

9. 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.

10. 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.

11. A scheme of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development, with planting to be carried out within the first planting seasons following first occupation. The details of which shall include :-

- a) all plant species, planting sizes, planting densities, the number of each species to be planted in order to aid biodiversity;
- b) means of enclosure;
- c) hard surfacing materials;
- d) external lighting details;

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

13. Prior to the commencement of development details as to how the remaining internal historic features of the building (e.g. beams

and arched detail above the stairway) will be treated and ideally left exposed within the conversion scheme shall be submitted to and agreed in writing by the local planning authority. Work shall be completed in accordance with the agreed details.

B. That a CIL Liability Notice be issued for £52,633 as per Section 5.11 of the Officer's Report.

Councillor Caulfield returned to the meeting at this point.

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

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

(a) Approvals

CHE/21/00800/FUL	Demolition of 1 no. existing dwellinghouse and outbuildings, and construction of 33 no. 2, 3 & 4 bed dwellinghouses and associated access, parking and gardens at adjacent 929 Sheffield Road, Sheepbridge S41 9EJ for Vistry Partnerships Yorkshire
CHE/21/00932/FUL	Re-submission and amendment to approved scheme CHE/19/00383/FUL for Detached House with Annex and Raised Patio at Brimington House, Heywood Street, Brimington S43 1DB for Mr Paul Spencer
CHE/22/00424/FUL	Conversion of garage and summer room to bedroom shower room and dining room including level access though out house at 5 Salcey Square, Walton, Chesterfield S40 2DX for Mr Howitt
CHE/22/00447/FUL	Erection of a detached split level dormer bungalow with garage attached to the side at 1A

Whitebank Close, Hasland, Chesterfield S41
OTS for Arncliffe Homes Ltd.

- CHE/22/00484/REM Approval of reserved matters for the erection of 7 dwellings in relation to Outline permission CHE/19/00214/OUT - (Demolition of factory buildings and erection of 8 dwellings) at Ryro Engineering, Shaw Street, Whittington Moor S41 9AY for Mr Darrell J. Rynott
- CHE/22/00535/RET Retrospective application for a large shed to be used as a sensory room for additional needs at 19 Badger Croft, Chesterfield S40 4PJ for Chesterfield Borough Council
- CHE/22/00553/FUL Single storey/two storey rear extension at 47 Highbury Road, Newbold, Chesterfield S41 7HL for Mr Jason Briggs
- CHE/22/00561/FUL Attached garage on the side elevation at 40 Westmoor Road, Brimington S43 1PT for Mrs Jane Conneely
- CHE/22/00562/FUL Demolition of the existing conservatory and erection of a replacement single storey side extension and a single storey east front/side extension. Timber fencing, raised terracing and associated landscaping works at Upper Close, 17 Somersall Lane, Somersall, Chesterfield S40 3LA for Mr and Mrs Young
- CHE/22/00602/FUL Two storey rear extension at 77 Whitecotes Lane, Walton, Chesterfield S40 3HJ for Mr Bobby Singh
- CHE/22/00618/LBC Repair of Listed (former) farm outbuildings associated with Dunston Hall, including repairs to external and internal walls, roofs, floors, windows and doors. The insertion of a contemporary steel framework to provide necessary structural support at Dunston Farm Buildings To North East Of Farmhouse, Dunston

	Hall, Dunston Road, Chesterfield S41 9RL for Mr David Harrison
CHE/22/00633/FUL	Erection of a single storey rear extension at 42 Salisbury Crescent, Newbold, Chesterfield S41 8PP for Mr Sam Lovie
CHE/22/00635/FUL	Ground floor single storey extension to front elevation of dwelling to form kitchen with pantry and installation of ornate canopy to front door at 12 Cranborne Road, Newbold, Chesterfield S41 8PG for Mr and Mrs Roberts
CHE/22/00640/FUL	Demolition of existing boiler house, bay window and porch and erection of new kitchen and lounge extension at Hartington House, Eckington Road, Staveley, Chesterfield S43 3YG for Mr and Mrs Browne
CHE/22/00657/FUL	Side and rear extensions and extended dropped kerb with front car hardstanding at 6 Woodleigh Close, Holme Hall, Chesterfield S40 4XW for Mrs Wolstenholme
CHE/22/00668/FUL	Conversion of barn to one dwelling including associated alterations, air source heat pump, amenity space and parking - revised drawings received 12.12.2022 at Woodthorpe Grange Farm, 27 Bridle Road, Woodthorpe, Chesterfield S43 3BY for Sally and Graeme Crowder & Reddish
CHE/22/00672/FUL	Alterations to the front boundary wall and associated works at 78 Sycamore Road, Hollingwood, Chesterfield S43 2HH for Mr and Mrs Pickering
CHE/22/00690/FUL	Two storey side extension, single storey rear extension and Loft conversion including rear dormer at 4A Littlemoor, Newbold, Chesterfield S41 8QN for Mr Jack Rodgers

- CHE/22/00698/LBC Full refurbishment including internal demolitions at Old Birdholme House, Derby Road, Birdholme, Chesterfield S40 2EX for CCS Media Ltd
- CHE/22/00699/FUL Replacement windows, additional of external fire exit door and alterations to existing external fixed heating plant, at Old Birdholme House, Derby Road, Birdholme, Chesterfield S40 2EX for CCS Media Ltd
- CHE/22/00721/FUL Proposed upgrade to existing telecommunications equipment located at Chesterfield Telephone Exchange at BT Cellnet Telephone Exchange, Saltergate, Chesterfield S40 1UH for Cellnex
- CHE/22/00738/FUL Replace the existing concrete sectional garage with a new steel construction, single storey olive green garage at 3 Inkersall Farm Cottages, Inkersall Road, Staveley S43 3YJ for Mr Peter Ravey
- CHE/22/00757/FUL Detached garage with store above at 7 Fairfield Court, Holme Hall, Chesterfield S42 7PT for Adam Wilkins
- CHE/22/00773/FUL Demolition of existing conservatory and erection of single storey side extension (Resubmission of CHE/22/00076/FUL) at 2 Tansley Way, Inkersall, Chesterfield S43 3DT for Georgia and Ella Smart
- CHE/22/00775/PA Change of use of barn to residential dwelling under Class Q of Part 3, Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 at St John's Farm, Bridle Road, Woodthorpe, Chesterfield S43 3BY for Mr Mick Hobson
- CHE/22/00780/FUL Demolition of existing rear conservatory and erection of a single storey side and rear extension and erection of canopy over front door

at 48 Yew Tree Drive, Somersall, Chesterfield S40 3NB for Mr and Mrs Stanford

- CHE/22/00853/TPO Routine maintenance works to T1 to T95 for up to ten years as per the attached report ref:SBS34141601 at Langer Lane, Birdholme for Derbyshire County Council
- CHE/23/00002/TPO Fell one Beech tree which has fungus Meripilus at the base at Penmore House, Penmore Business Centre, Hasland Road, Hasland, Chesterfield S41 0SJ for Salt and Pritchard Properties
- CHE/23/00003/TPO Fell 1 Horsechestnut tree and crown lift 3 Beech trees at Willersley Court, Newbold Road, Newbold S41 8AR for Derbyshire County Council
- CHE/23/00006/TPO Tree Species - Silver Birch (identified as T9 to T13 on sketch plan). Proposed work: 1. Felling of Tree T10 as it is diseased and 1 branch has already fallen into highway. 2. Crown lift to 5 metres over highway of remaining silver birch (T9 & T11 to T13) as they are causing potential obstruction of public pavement and highway. 3. Request to dispense with requirement to replant due to proximity of remaining trees in group at 146 St Johns Road, Newbold, Chesterfield S41 8PE for Ms Sue Atkin
- CHE/23/00011/TPO 34T1- Horse Chestnut- Remove deadwood and epicormic growth throughout the crown, shorten lower laterals by 1-1.5m. T2- Lime- Thin crown by up to 15%, remove deadwood and epicormic growth throughout the crown, shorten laterals encroaching on property by up to 2m. T3- Horse Chestnut- Remove deadwood and Ivy throughout the crown and on stem, crown thin by approx 10% at 50 Netherleigh Road, Ashgate, Chesterfield S40 3QJ for Mrs Karreen Pinder

CHE/23/00018/TPO Planning is already in place to include removal of trees identified for the build. To facilitate further with the build G2 Pine trees, T1 and T2 within the boundary of the building will need to be crown lifted to 4.5m. T4 Horse chestnut tree which is not included in the TPO to be raised by 4.5m as this is located within the turning area for vehicles. Any major deadwood 60mm in diameter to be removed so construction workers can work safely at Land West of Wash House Lane, Wash House Lane, Chesterfield for Mr Chris Allenby

(b) Refusals

CHE/22/00621/FUL Additional storey first floor extension over existing garage and change existing flat roof over garage/porch to pitched roof. Timber cladding to porch and garage front/side elevations at 40 Newbold Back Lane, Chesterfield S40 4HQ for Mr and Mrs Sargeson

CHE/22/00742/FUL Two storey extension to the side of the house for ground floor garage and first floor bedroom at 26 Netherthorpe Close, Staveley S43 3PX for Miss Stephanie Mcmanus

(c) Discharge of Planning Condition

CHE/21/00391/DOC Discharge of planning conditions 4 (desk top study). 10 (materials), 12, 14 (drainage) and 15 (landscaping) of CHE/19/00383 - Demolition of workshop and erection of a new dwelling with attached granny annexe at Brimington House, Heywood Street, Brimington S43 1DB for Mr Paul Spencer

CHE/22/00730/DOC Discharge of condition 2 (Design and materials of the site infrastructure) of application CHE/20/00432/FUL- Construction of a solar photovoltaic farm, with battery storage and other associated infrastructure, including inverters,

security cameras, fencing, access tracks and landscaping at Land to West of Inkersall Road, Staveley for Low Carbon UK Solar Investment Company Limited

(d) Other Council no objection with comments

CHE/22/00665/CPO Construction of the initial approximately 160 m stretch of link road from the junction of Hollis Lane and Spa Lane, the works will include; the realignment of the Spa Lane/Hollis Lane junction, new pedestrian crossings and a shared foot/cycleway along the eastern boundary of the carriageway and a new cycleway adjacent to the A61 off-slip at Hollis Lane and Spa Lane, Chesterfield for Derbyshire County Council

(e) CLOPUD granted

CHE/22/00833/CLO Certificate of Lawfulness for the proposed change of use from C3(a) to C3(b) at 89 Troughbrook Road, Hollingwood, Chesterfield S43 2JW for Safe Haven ACG Ltd

(f) Other Council no objection without comments

CHE/22/00578/CPO Reserved Matters approval for Plot 6 of Markham Vale development relating to outline application 15/00497/OL for four no. proposed buildings, site layout, scale and appearance plus site access and landscaping proposals at Land At Enterprise Way, Enterprise Way, Duckmanton for Mr Hinds.

101 **APPLICATIONS TO FELL OR PRUNE TREES (P620D)**

The Development Management and Conservation Manager reported that pursuant to the powers delegated to him he had determined the under-mentioned applications in respect of:-

(a) The felling and pruning of trees:-

- CHE/23/00002/TPOEXP Consent is granted to the felling of one Beech tree infected with Meripilus fungus reference T3 on the Order Map and which is situated to the frontage of Penmore House, Hasland Road, Hasland with a condition to plant one new small leaved Lime Tree in the same location this planting season.
- CHE/23/00003/TPOEXP Consent is granted to the felling of one Horsechestnut tree reference T54 and the pruning of three Beech trees reference T53, T56 & T57 and one Horsechestnut T55 on the Order Map and which are situated to the frontage of the former Derwent House residential home, Newbold Road, with a condition that one new Hornbeam tree is planted as a replacement in the same location.
- CHE/22/00853/TPO Consent is granted to the pruning of 93 Lime trees reference T1 to T95 (excluding replacement trees T4 & T49) on the Order map for Derbyshire County Council Highway at Langer Lane, Birdholme. Decision has been extended for 10 years to avoid repeat applications.
- CHE/23/00006/TPO Consent is granted to the felling of one dying Silver Birch and pruning of 3 Birch trees within G1 on the Order map at 146 St John's Road, Newbold.
- CHE/23/00011/TPO Consent is granted to the pruning of two Horsechestnut trees reference T35 & T38 and one Lime tree reference T37 on the Order Map and which are situated in the grounds of 50 Netherleigh Road, Brampton
- CHE/23/00018/TPO Consent is granted to the pruning of 1 Maple tree reference T1, 3 Ash trees reference T3, T4 & T5 along with Birch trees within G1 and

Pine trees within G2 on the Order Map and which are situated on land to the north of Orchards Cottage, Wash House Lane, Brampton.

102 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.

103 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.

104 LOCAL GOVERNMENT ACT 1972 - EXCLUSION OF PUBLIC

***RESOLVED –**

That under Section 100(A)(4) of the Local Government Act, 1972 the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 6 of Part I of Schedule 12A of the Act.

105 FORMER HARDYS SITE, 194-196 NEWBOLD ROAD, CHESTERFIELD, DERBYSHIRE

The Development Management and Conservation Manager submitted a report to inform members of unauthorised development at the former Hardys Builders Merchants site on Newbold Road.

***RESOLVED –**

That an enforcement notice be served requiring the removal of the frontage fencing and the forecourt retail sales at the former Hardys site at 194-196 Newbold Road with a compliance period of 28 days beyond the 10th April 2023 (10th May 2023 to ensure no appeal received by PINs) in the event of no appeal being lodged or in the event of an appeal being lodged, 28 days after a dismissal for the appeal.