



Please ask for Liz Athorn
Direct Line: 01246 959612
Email democratic.services@chesterfield.gov.uk

The Chair and Members of Planning
Committee

2 May 2024

Councillors Ogle and Wheeldon -
Site Visit 1

Councillor Jacobs – Site Visit 2

Dear Councillor,

Please attend a meeting of the PLANNING COMMITTEE to be held on MONDAY, 13 MAY 2024 at 1.00 pm in Committee Room 1, the agenda for which is set out below.

AGENDA

Part 1(Public Information)

PLEASE NOTE THAT THE MEETING WILL BE PRECEDED BY THE FOLLOWING SITE VISITS.

Planning Committee Members should assemble in Reception at 11.15am. Ward members wishing to be present should attend on site as indicated below:-

- | | | |
|----|---------|--|
| 1. | 11.30am | 2 Worksop Road, Mastin Moor,
Chesterfield, CHE/21/00139/RET |
| 2. | 12.10pm | 93 Sycamore Road, Hollingwood,
Chesterfield, CHE/23/00498/FUL |

Members are reminded that only those attending on site will be eligible to take part in the debate and make a decision on these items, unless a reasonable adjustment is in place by prior arrangement. Members intending to declare a Disclosable Pecuniary Interest, or any other matter which would prevent them taking part in discussions on an item, should not attend the site visit for it.

A reasonable adjustment meeting will take place at 10.45 am in Committee Room 1 for those not able to attend the site visits.

Ward members are invited to attend on site and should confirm their attendance by contacting Liz Athorn on tel. 01246 959612 or via e-mail: liz.athorn@chesterfield.gov.uk by 9.00 a.m. on Monday 13th May 2024. If you do not confirm your attendance, it will be assumed that you will not be attending on site.

Please ensure that all mobile phones are switched off during site visits and at the meeting at the Town Hall.

1. Apologies for Absence
2. Declarations of Members' and Officers' Interests Relating to Items on the Agenda
3. Minutes of Planning Committee (Pages 5 - 16)
4. Applications for Planning Permission - Plans Determined by the Committee (Pages 17 - 58)
5. Applications for Planning Permission - Plans Determined by the Development Management and Conservation Manager (P140D) (Pages 59 - 76)
6. Applications to Fell or Prune Trees (P620D) (Pages 77 - 82)
7. Appeals Report (P000) (Pages 83 - 94)
8. Planning Agreement Report (Pages 95 - 104)

9. Enforcement Report (P410) (Pages 105 - 108)
10. Local Government Act 1972 - Exclusion of Public

To move "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 of Part I of Schedule 12A of the Act."

Part 2 (Non Public Information)

11. Unauthorised Development at Dunston Hall Barns, Dunston, Chesterfield (Pages 109 - 118)

Yours sincerely,

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

Head of Regulatory Law and Monitoring Officer

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PLANNING COMMITTEE

Monday, 15th April, 2024

Present:-

Councillor Callan (Chair)

Councillors	Brittain	Councillors	Miles
	Caulfield		Ridgway
	Davenport		Stone
	Falconer		Yates

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

CHE/23/00794/FUL - Change of Use from Health Centre to Residential Assessment Centre and Children’s Home including Ground Floor and First Floor Extensions and other alterations at 82 St Philips Drive, Hasland, Chesterfield for Dr Catherine Kemp.

Councillors Brittain, Callan, Caulfield, Davenport, Falconer, Miles, Ridgway, Stone and Yates.

*Matters dealt with under the Delegation Scheme

137 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors B Bingham, J Bingham and Brady.

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

No declarations of interest were received.

139 MINUTES OF PLANNING COMMITTEE

RESOLVED - That the Minutes of the meeting of the Planning Committee held on 25th March, 2024 be signed by the Chair as a true record.

140 **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/23/00794/FUL - CHANGE OF USE FROM HEALTH CENTRE TO RESIDENTIAL ASSESSMENT CENTRE AND CHILDREN'S HOME INCLUDING GROUND FLOOR AND FIRST FLOOR EXTENSIONS AND OTHER ALTERATIONS AT 82 ST PHILIPS DRIVE, HASLAND, CHESTERFIELD FOR DR CATHERINE KEMP.

In accordance with Minute No. 299 (2001/2002) Claire Scarborough (objector) addressed the meeting.

In accordance with Minute No. 299 (2001/2002) Paul Hills (objector) addressed the meeting.

In accordance with Minute No. 299 (2001/2002) Amanda Serjeant (Ward Member / objector) addressed the meeting.

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

***RESOLVED**

That the officer recommendation be REFUSED for the following reasons:

1. The proposed development would in the opinion of the Local Planning Authority result in an over development of the plot to the detriment of local residential amenity and highway safety having regard to the following matters:

- a) An over dominant form of development overlooking the adjacent dwelling at 4 Swanbourne Close to the detriment of residential amenity;
- b) The proposed hipped roof design of the first floor extension would not be in keeping with the predominant character of the area to the detriment of visual amenity;
- c) The elongated form of the single storey extension would result in parking spaces forward of the building resulting in a negative impact to the street scene of St Philips Drive;

- d) The number of parking spaces proposed is inadequate to serve the needs of the proposed development resulting in parking on the highway close to a junction and bend in the road which would not be in the best interests of highway safety;
- e) Satisfying the highway authority requirement for pedestrian intervisibility splays would further reduce parking numbers available on site.

As such the proposal is considered to be an unacceptable form of development which would conflict with policies CLP14, CLP20 and CLP22 of the adopted Chesterfield Borough Local Plan 2018-2035 and with part 12 of the NPPF 2023.

141 **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/23/00471/FUL	Single storey rear extension at 10 Staunton Close, Chesterfield, S40 2FE for Mr A Such
CHE/23/00765/FUL	Installation of 22 no. additional air conditioning units with associated fencing and a gas cylinder cage at Ravenside Retail Park, Unit 5, Park Road, Chesterfield S40 1TB for Pets at Home Limited
CHE/23/00782/FUL	Erection of a single-storey building with link corridor and associated plant and canopy, to form a new main entrance and community diagnostic centre at Walton Hospital, Whitecotes Lane, Walton, Chesterfield S40 3HW for Derbyshire Community Health Services NHS Foundation Trust
CHE/24/00001/LBC	Listed Building consent to replace windows and

- doors and replace roof timbers. Current stone roof tiles to be refitted once work is done at Farriers Croft, 110 The Green, Hasland, Chesterfield S41 0JU for Mr Paul Hancox
- CHE/24/00005/FUL Alterations to the front elevation to remove one existing window and double door, and provide a new double door access and a new single door access with a ramp at Markham House, Markham Road, Chesterfield S40 1TG for Department For Work and Pensions - DWP Estates
- CHE/24/00015/FUL Two storey and single storey rear extension with internal alterations at 87 Somersall Park Road, Chesterfield S40 3LD for Mr and Mrs Cordin
- CHE/24/00030/FUL Two storey rear extension, dormer loft conversion and bay window to front elevation at 15 Kent Street, Hasland, Chesterfield S41 0PJ for Mr Kapar
- CHE/24/00034/FUL Garage conversion. New door and canopy to side elevation and new window to rear elevation at 9 School House Way, Newbold, Chesterfield S41 7QU for Mr & Mrs Tidbury
- CHE/24/00042/FUL Timber-framed garden room at 29 Springbank Road, Chesterfield S40 1NL for J Bamford
- CHE/24/00045/FUL Side and rear single storey extension at 81 Manor Road, Brampton, Chesterfield S40 1HZ for Mr Robin Rees
- CHE/24/00051/ADV 2 Internally Illuminated Wordmarks at Markham Vale Services, Starbucks Coffee, Enterprise Way, Duckmanton, Chesterfield S44 5FD for Euro Garages
- CHE/24/00052/FUL Change of use from C4 house in multiple occupation to Suis Generis larger house in multiple occupation at 26 Fairfield Road,

Brockwell, Chesterfield S40 4TP for Dovedale Property Ltd

- CHE/24/00055/FUL Conversion of office/staff kitchen into self-contained residential units (linked to existing hostel); conversion of laundry into office at Parkhouse Lodge, 30 Highfield Road, Newbold, Chesterfield S41 7EY for Action Housing
- CHE/24/00117/REM Removal of Condition 4 (Provision of additional car parking spaces) of application
CHE/23/00497/FUL- Erection of a sub station 12 ultra rapid electric vehicle charge points and associated electrical equipment at SMH Group Stadium, 1866 Sheffield Road, Whittington Moor, Chesterfield S41 8NZ for Osprey Charging Network
- CHE/24/00185/TPO Two trees close to no. 1 Ash Lodge - 25% crown thin on both trees at Poplar Motors, Old Road, Chesterfield S40 2QZ for Mr David Lister
- (b) Refusals
- CHE/23/00521/RET Concrete and wood panelled fencing at 10 Birchen Close, Brockwell, Chesterfield S40 4JT for Mr Andrew Collins
- CHE/24/00008/FUL Erection of porch infill, window to front elevation and erection of a garage at the front of the property at 91 Whitecotes Lane, Walton S40 3HJ for Dr Harris
- CHE/24/00032/LBC Replacement of all windows including bay window, one bay door and front door in heritage style at The Old Rectory, 408 Chatsworth Road, Chesterfield S40 3BQ for Mrs Rebecca Bidwell
- CHE/24/00152/NMA Non-material amendment to an existing planning permission CHE/20/00314/FUL, for change of use from 133no. room hotel to 40no. apartments with commercial space below at land at Basil

Close, Chesterfield for Belmont Projects

(c) Discharge of Planning Condition

- CHE/24/00058/DOC Discharge of conditions 6 (Construction Environment Plan) and 19 (Construction Method Statement) of application CHE/23/00606/REM1- Variation of condition wording of conditions 12, 14 and 15 of CHE/20/00420/FUL - Restoration of the Chesterfield Canal between Eckington Road and Hague Lane, including lifting level of existing earth embankment, installation of aqueduct over river Doe Lea, construction of two vehicular access bridges, two pedestrian/cycle bridges, a new lock and associated infrastructure at Eckington Road to Hague Lane, Eckington Road, Staveley, Chesterfield for Chesterfield Canal Trust Ltd
- CHE/24/00083/DOC Discharge of condition 3 (Construction method statement) of CHE/23/00034 - Creation of a vehicular entranceway from Porter Street, with adjustments to the street facing brick boundary wall to accommodate a new timber gateway and erection of a bin store and shed. Revised drawings showing revised entranceway position with steel gate and half height side railings at 25 Porter Street, Staveley, Chesterfield S43 3UY for Mr & Mrs Hilary & David Mateer
- CHE/24/00100/DOC Discharge of conditions 6b (Remediation works) and 7 (Declaration of site safety) of application CHE/23/00220/FUL- Replacement of existing canopy, fuel tanks, fills, pipework, forecourt and alterations to existing parking arrangement at Petrol Filling Station, Newbold Road, Newbold, Chesterfield S41 7AL for Esso Petroleum Company Limited
- CHE/24/00153/DOC Discharge of conditions 4 (Landscaping plan) and 5 (Bird and bat boxes) of 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 Ash Young

(d) Partial Discharge of Conditions

CHE/23/00066/DOC Discharge of conditions 4 (Surface water drainage scheme),5 (Restriction of peak flow of surface water),6 (Sustainable drainage scheme details) and 17 (Disposal of surface water details) of application CHE/15/00085/OUT- Outline residential development on 1.38 hectares of land for up to 35 dwellings including means of access at land to South of Poplar Farm, Rectory Road, Duckmanton, Chesterfield for Woodall Homes Ltd

CHE/23/00721/DOC Discharge of conditions 25 (protected species survey) and 26 (ecological survey) of CHE/13/00781/EOT - Extension of time to CHE/0502/0312 for 'Commercial (not major retail) office, industrial and warehouse development new and altered roads (including a motorway junction) land reclamation, ground re-modelling, drainage landscaping and re-use of railheads on 360 hectares of land in Bolsover, Staveley and Sutton-cum-Duckmanton on both sides of the M1 in the vicinity of the former Markham Colliery A632 (Chesterfield Road) Erin Road, Lowgates, Eckington Road, Hall Lane and the A619 south of Staveley and land off, Chesterfield Road, Erin Road, Lowgates, Eckington Road' at Markham Employment Growth Zone, Markham Lane, Duckmanton S44 5HS for Peter Storey

(e) Split Decision with Conditions

CHE/24/00160/TPO Oak tree to north west elevation (side) of

property. Location of tree and photos shown on accompanying images. Works as described below. All works to be undertaken for safety purposes to protect the property and / or neighbour properties, esp. in inclement / adverse weather conditions where a sail effect is being created. Removal of lowest limb over green house and shed - Pruning back from the property by the removal of 2m - Pruning back the higher parts of the extended branches towards the property and neighbouring property to reduce sail effect in storms - Pruning back the lower branches that overhang neighbours garden to the rear - Removal of dead wood where necessary - General crown reduction to focus on extending limbs to reduce sail effects in storms at 23 Coupland Close, Old Whittington, Chesterfield S41 9TB for Mrs Jenny Toothill

(f) Conditional Consent for Non-Material Amendment

CHE/24/00194/NMA Non-material amendment to CHE/23/00356/FUL (Demolition of conservatory and erection of single storey side/rear extension and provision of a raised decking area) to replace raised decking with patio level with the garden lawn. Steps to lead down from the dining area to access the patio at 2 The Knoll, Brookside, Chesterfield S40 3PS for Mr and Mrs Bentley

142 **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/24/00103/TPO Consent is granted to the pruning of one Pine tree within G2 on the Order Map and which is situated on land adjacent to 392 Ashgate Road, Ashgate.

- CHE/24/00108/TPO Consent is granted to the felling of two Scots Pines and the pruning of two Scots Pines within G7 on the Order Map and which are situated to the frontage of 188 Somersall Lane, Somersall, with a condition to plant one new Pine trees in the first available planting season after felling.
- CHE/24/00127/TPO Consent is granted to the felling of one Cedar tree within A1 on the Order Map and which is situated in the rear garden of 15 The Dell, Ashgate, with a condition attached to plant one purple Maple tree in the first available planting season.
- CHE/24/00131/TPO Consent is granted to the pruning of two Beech trees reference T1 & T2 on the Order Map and which are situated on land to the west of Poplar Motors, Old Road, Brampton.
- CHE/24/00086/TPO Consent is granted to the felling of one dead Elm tree and one Beech tree within W1 and one pruning of three Holly trees within G4 on the Order Map and which are situated to the north of 33 Coupland Close, Old Whittington. A condition is attached for a replacement Oak tree for the Beech. Consent is also granted to the selective pruning of one Holly tree to give a clearance away from the adjacent protected Oak tree.
- CHE/24/00004/TPOEXP Consent is granted to the removal of one storm damaged Lombardy Poplar reference T34 on the Order map, with a condition to plant one Lime tree as a replacement in the first available planting season.
- CHE/24/00098/TPO Consent is granted to the pruning of one Alder tree reference T1 on the Order Map and which is situated in the garden of 2 Bowness Road, Newbold.

- CHE/24/00148/TPO Consent is granted to the pruning of four trees reference T1, Sycamore, T23 & T24 Horsechestnut and T27 Lime on the Order Map and which are situated at The Rectory, Church Street, Staveley.
- CHE/24/00099/TPO Consent is refused to the felling of one Sycamore tree reference T1 on the Order Map and which is situated in the grounds of 15 High Street, Brimington.
- CHE/24/00160/TPO Split decision – consent refused to the pruning of T64 Oak tree at 23 Coupland Close, Old Whittington but minor crown lift and reduction of branches growing toward 23 Coupland Close granted.
- CHE/24/00185/TPO Consent is granted to the pruning of 2 Beech trees T1 and T2 at Poplar Motors, Old Road.

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

- CHE/24/00149/CA The Agreement to the pruning of trees. The crown lifting of one pruning of the trees will have no adverse Rowan tree and reduce effect on the character and amenity of the the sides of Sycamore, area.
Horse Chestnut, Ash
and Laurel to the fence The trees are within the Staveley
line as shown in the Conservation Area.
submitted tree report at
The Rectory, Church
Street, Staveley.

143 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.

144 ENFORCEMENT REPORT (P410)

The Local Government and Regulatory Law Manager and the Development Management and Conservation Manager submitted a joint report on the current position regarding enforcement action which had been authorised by the Council.

***RESOLVED -**

That the report be noted.

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Agenda Item 4

COMMITTEE/SUB	Planning Committee
DATE OF MEETING	13 th May 2024
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 13th MAY 2024**

ITEM 1	CHE/23/00498/FUL - ALTERATIONS TO FRONT ELEVATION, FRONT PORCH CANOPY, TWO STOREY REAR EXTENSION, RAISED PATIO AND PRIVACY SCREEN AND NEW VEHICULAR ACCESS (REVISED DRAWINGS RECEIVED 03.04.2024) AT 93 SYCAMORE ROAD, HOLLINGWOOD, CHESTERFIELD FOR MR D UNWIN AND MISS R SMYTH
ITEM 2	CHE/21/00139/RET - ERECTION OF WORKSHOPS, GARAGE AND OFFICES TO REPLACE ORIGINAL FIRE DAMAGED BUILDING ON LAND AT 2A WORKSOP ROAD, MASTIN MOOR, CHESTERFIELD FOR J P GRAPHICS

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ITEM 1

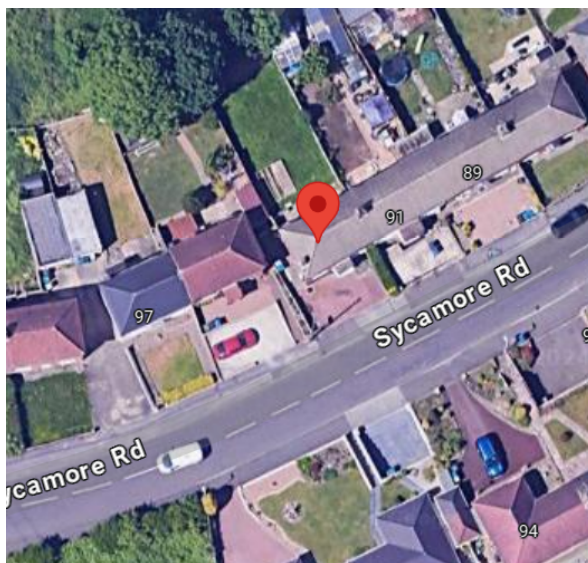
ALTERATIONS TO FRONT ELEVATION, FRONT PORCH CANOPY, TWO STOREY REAR EXTENSION, RAISED PATIO AND PRIVACY SCREEN AND NEW VEHICULAR ACCESS (REVISED DRAWINGS RECEIVED 03.04.2024) AT 93 SYCAMORE ROAD, HOLLINGWOOD, CHESTERFIELD FOR MR D UNWIN AND MISS R SMYTH

1.0 CONSULTATION RESPONSES

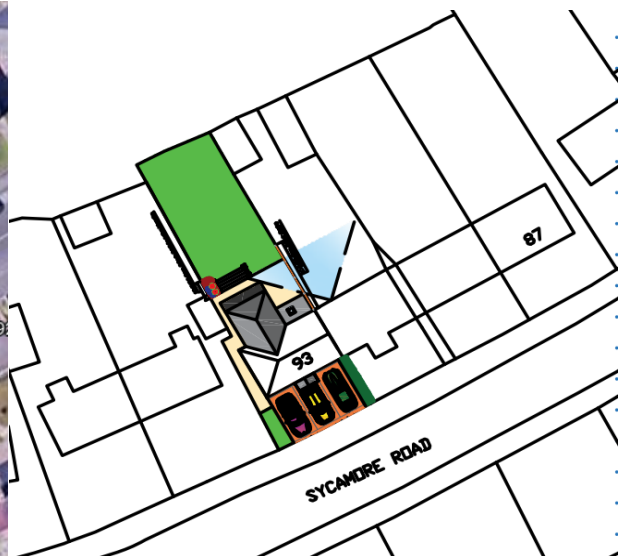
Ward Members:	No representations received
Local Highway Authority	no highway implications – comments regarding parking layout – see report.
CBC Estates Team	No comments received
Representations	7 letters of representation received from 3 residential properties – see section 6.0 of report

2.0 THE SITE

2.1 The site subject of this application is situated on the north side of Sycamore Road. The host dwelling is a two storey end of terrace. The surrounding streetscene is residential, characterised by properties of the same age and architectural style. The host dwelling is faced in brick and render with a hipped roof form. The property is served by existing dropped kerb and off-street parking for two vehicles.



Aerial photograph of site from Google ©



Extract of location plan ©



Site photographs

3.0 SITE HISTORY

3.0 No planning history for application site

4.0 THE PROPOSAL

4.1 The application proposes alterations to front elevation, front porch canopy, 2 storey rear extension and raised patio.

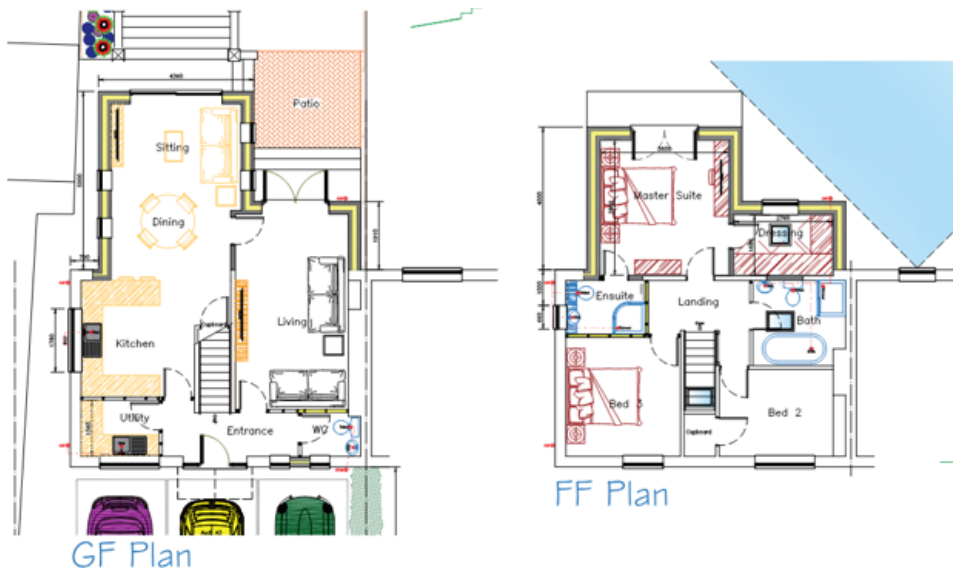
4.2 The Local Planning Authority raised concerns regarding the initial submission and the overall projection of the two storey extension and introduction of a dual pitched roof form with gable end. It was also highlighted that the plans appeared to suggest a level site with direct access to the garden level, however it is clear from the site that the ground slopes away and a raised platform or steps would be required to access the garden from the patio doors within the extension. Revised plans were subsequently submitted including a raised patio with privacy screens to the eastern and western boundaries.

4.3 The submitted revised plans reduced the rearward projection of the two storey extension to 4m at first floor with a hipped roof form to reduce the overall massing of the proposal. In addition the application description was amended in the interests of clarity with revised plans detailing a lower level patio, amended privacy screening and sections. In response to the comments made by the Local Highways Authority the entrance porch has been amended to be a cantilever canopy with supporting posts removed.

4.3 The application is therefore assessed on the basis of the revised plans. The revised plans propose a two storey rear extension formed of an 'L-shape' design with maximum rearwards projection of 5m at ground floor and 4m at first floor. The proposed extension will be

formed of a hipped roof form and flat roof component. The flat roof structure is situated adjacent to the adjoining property (No 91) and has a rearwards projection of 1.9m overall. The proposal will enable the internal re-configuration of the dwelling and will create a sitting/dining room to the rear with main bedroom and dressing room at first floor. The proposal will retain the current number of bedrooms (3 overall). The existing porch will be replaced with an open timber structure. Alterations to the existing window arrangement are also proposed as indicated on the submitted plans.

Proposed Ground and First Floor Plans



Proposed Elevations



5.0 PLANNING POLICY

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

5.4 Chesterfield Borough Local Plan 2018 – 2035

CLP1 Spatial Strategy (Strategic Policy)

CLP2 Principles for Location of Development (Strategic Policy)

CLP14 A Healthy Environment

CLP16 Biodiversity, Geodiversity and the Ecological Network

CLP20 Design

CLP22 Influencing the demand for travel

5.5 National Planning Policy Framework 2021

Part 2. Achieving sustainable development

Part 4. Decision-making

Part 9. Promoting sustainable transport

Part 12. Achieving well-designed places

Part 15. Conserving and enhancing the natural environment

5.6 Supplementary Planning Documents

Successful Places' Residential Design Guide

6.0 CONSIDERATION

6.1 Principle of Development

6.1.1 The application site is within a residential area where works to a domestic property are considered to be generally acceptable in accordance with policies CLP1 and CLP2, subject to consideration under policies CLP14, CLP16, CLP20 and CLP22 of the Local Plan, as well as the wider objectives of the NPPF.

6.2 Design and Appearance of the Proposal

Relevant Policies

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.

Considerations

- 6.2.2 The revised plans propose a two storey rear extension, new open timber front porch and alterations to the front elevation of the dwelling and raised patio. The proposed two storey extension is L-shaped in character comprises of a hipped roof and flat roof structure. The hipped roof design reflects the host dwelling and the flat roof element has a modest rearwards projection of 1.9m and will not be visible from the public highway. The host dwelling is faced in render and brick, the rear extension is indicated to be render which reflects the existing material palette.
- 6.2.3 The proposal works are considered to be appropriately designed and would not cause adverse impacts on the visual amenity and character of the area. The proposal will therefore accord with the design provisions of policy Local Plan policy CLP20.

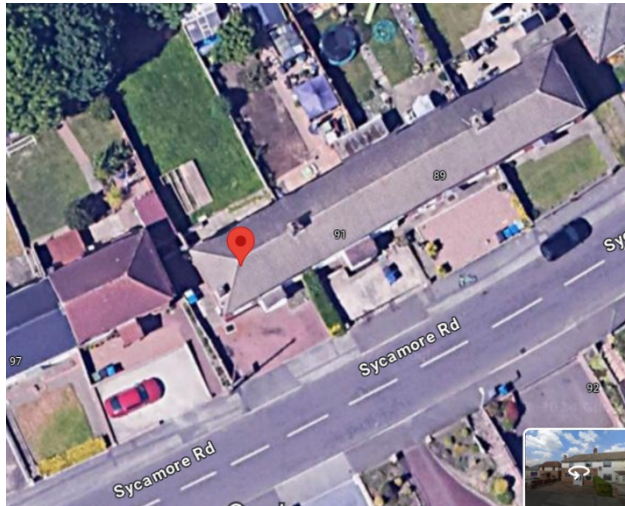
6.3 Impact on Neighbouring Residential Amenity

Relevant policies

- 6.3.1 Local Plan policies CLP14 and CLP20 require development to have an acceptable impact on the amenity of users.

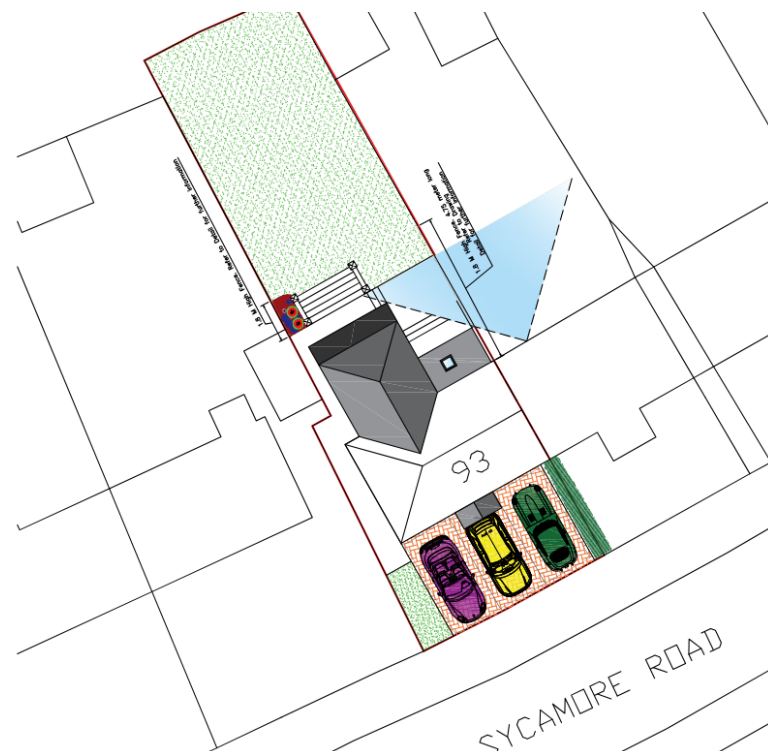
Considerations

- 6.3.2 The application seeks consent for a two storey rear extension which has a maximum rearwards projection of 5m at ground floor. Potential impacts arising from the proposal are considered to be directed towards the immediate neighbours, of which letters of objections have been received from the three closest properties.
- 6.3.3 No 93 is the end property in a terrace of four two storey dwellings (No's 87 to 93 Sycamore Road). The terrace is uniform in character with consistent building line. To the west/north west of the site is No 95 Sycamore Road, a semi-detached two storey dwelling which is set back further north, creating a stepped building line. (see aerial photo below)

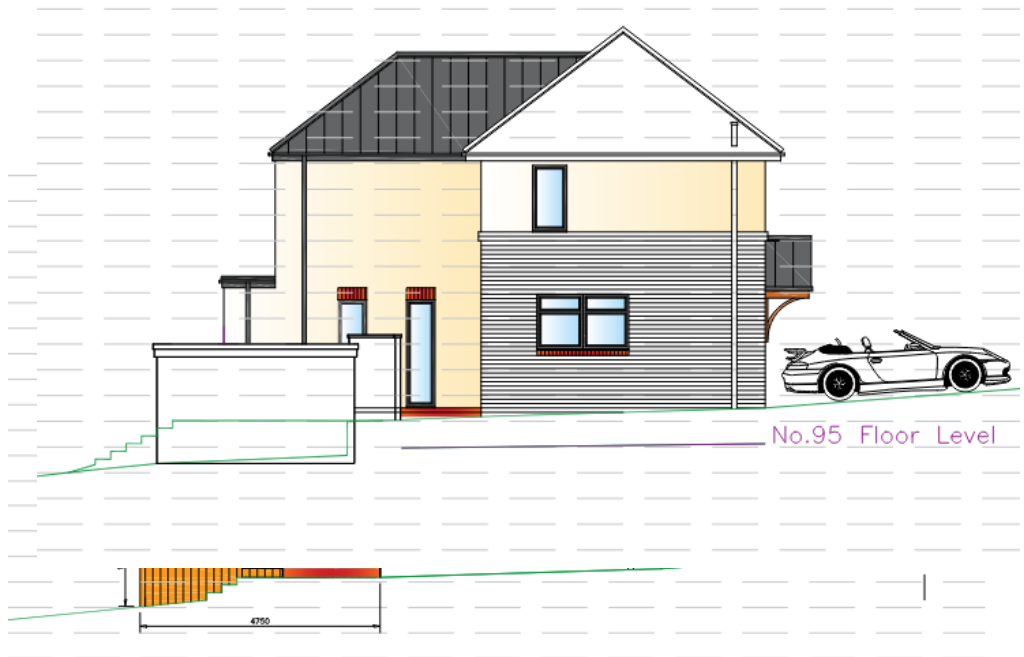
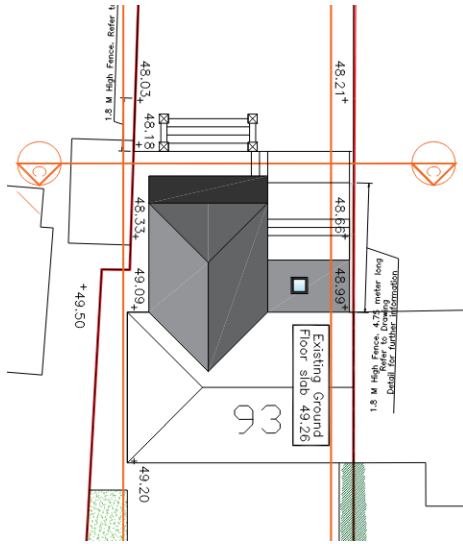


- 6.3.4 No 93 is elevated above No 95 which sits at a comparatively lower level. Additional separation is evident between No 93 and 95 with an existing detached flat roof outbuilding serving No 95, situated adjacent to the western boundary of the application site. The site also slopes away towards the northern boundary and as such the host dwelling is elevated above the garden level.
- 6.3.5 The application has been revised in response to concerns raised by the Local Planning Authority regarding the scale of the extension. The roof form of the extension was amended to a hipped design to reduce the massing and scale of the proposal and the first floor footprint was set back by 1m to limit adverse impacts of overshadowing.

Amended Site Plan



- 6.3.6 The first floor of the two storey extension will extend approximately 1.3m beyond the rear elevation of No 95 (taken from the original rear elevation of No 95) and with a separation distance of approximately 3.5m between the existing side wall of No 95 and the proposed side wall of No 93. It is acknowledged that the proposal will have an impact on No 95 in terms of light with a degree of overshadowing to the east as the sun rises until it passes the extension. The projection of the extension of 1.3m at first floor beyond the rear of No 95 is considered to be an improvement on the original submission, combined with the introduction of a hipped roof form to reduce the overall height and massing of the proposal. Whilst the scheme is considered to be on the upper limits of acceptability, on balance the revised plans are considered to be acceptable.
- 6.3.7 The proposal will also impact on the adjoining dwelling No 91. No 91 is situated to the east of the application site, therefore the existing dwelling is considered to limit direct sunlight by virtue of the orientation. It is acknowledged that the proposal will have an impact on No 91 in terms of light with a degree of overshadowing to the west as the sun passes the extension and sets. The two storey extension immediately adjacent to the boundary with No 91 has a modest rearwards projection 1.9m and is formed of a flat roof.
- 6.3.8 In response to concerns raised by the Local Planning Authority the propose raised patio has been reduced considerably with steps down from the house to a lower level as illustrated on the submitted sections. To protect the amenity of the adjoining neighbours a 1.8m high privacy fence is proposed to prevent overlooking from the patio and new extension. The introduction of a fence will have a visual impact for the neighbours given that the existing boundary is currently approximately 1m high. The fencing will also be elevated due to the additional height created by the raised patio see submitted elevational drawings below;



- 6.3.9 The application proposes alteration to the existing property and installation of new windows. A new window is proposed to the side (west) elevation of the original property at ground floor level, at ground floor windows can be installed under permitted development therefore this aspect of the scheme is not controlled as part of the application. A first floor window is also proposed in the side elevation for an en-suite bathroom, this window will need to be installed with obscure glazing and it is recommended that a condition be imposed controlling this matter in the interests of clarity. Two new windows are also proposed at ground floor in each side elevation of the extension, the windows to the east will be partially screened by existing built form. It was highlighted that the windows were missing from the elevational drawing, this has been amended as part of the revised drawings. The view from the ground floor windows in the extension to the west are considered to be restricted by the staggered building line, in this context the site potential impacts of direct overlooking and loss of privacy are not considered to be sufficient to warrant a refusal.
- 6.3.10 On balance the proposal will not result in a loss of light or privacy such that refusal of the case is warranted. The proposal will therefore accord with the provisions of policies CLP14 and CLP20 of the Local Plan.

6.4 Impact on Biodiversity

- 6.4.1 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 174 requires decisions to ‘minimising impacts on and providing net gains for biodiversity’.
- 6.4.2 The proposal is considered to be a minor householder development and does not result in the loss of an existing species rich habitat area. It is recommended a condition be imposed requiring an enhancement be installed prior to the occupation of the development such as; landscaping or a bird or bat box to be addressed by the applicant.
- 6.4.3 Subject to conditions as set out above the proposal is considered to accord with the provisions of policy CLP16 of the Local Plan.

6.5 Highway safety and parking provision

- 6.5.1 Local Plan policies CLP20 and CLP22 require consideration of parking provision and highway safety.

- 6.5.2 The existing dwelling is served by a dropped kerb and hardstanding to the site frontage. The dropped kerb is positioned towards the western boundary of the site. Sycamore Road is a classified road the application does not specifically state that they wish to extend the dropped kerb across the entire site frontage. In addition the proposal will not result in an increase in the number of bedrooms overall (retain 3 bedrooms) therefore there is no requirement for the applicant to provide additional parking.
- 6.5.3 The Local Highways Authority were consulted on the scheme and raised no objections to the extension or front porch noting that the porch appears to have been in situ for some years. The Highways Officer continued to say whilst the application does not indicate that any alterations are proposed to the parking or access arrangements, the parking layout to the front of the site, as shown on the submitted plans, does suggest that the whole site frontage is to be used for parking. The site has one vehicular access adjacent to the neighbouring property, no. 95. If, as shown on the submitted plans, the whole site frontage is to be used for parking 3 cars at 90 degrees to the carriageway, there is insufficient space between the porch and the highway boundary to accommodate a car without encroaching across the public highway and obstructing the footway. The applicant will be required to apply to Derbyshire County Council to extend the dropped kerb across the whole site frontage under S184 of the Highways Act 1980; however, the applicant should be aware that this may not be approved due to the potential for a parked vehicle to obstruct the fronting footway
- 6.5.4 The revised plans submitted have amended the design of the porch by removing the supporting posts and introducing a cantilevered canopy to increase the size of the parking space directly in front of the entrance door. The dwelling is already served by a dropped kerb with hardstanding on the site frontage. There is scope to provide an adequately sized parking space in front of the new w.c at 5.3m in length, however it is noted that the space directly in front of the entrance is smaller at approximately 4.7m. As the application site is located on a classified road the applicant will be required to apply to Derbyshire County Council under the S184. The proposal is considered to accord with the provisions of policies CLP20 and CLP22 of the Local Plan.

7.0 REPRESENTATIONS

- 7.1 At the time of writing this report 9 letters of representation have been received from 3 residential properties. Neighbour were re-consulted on

the revised plans, however letters received so far state that their objections to the scheme remain. The main concerns raised in the letters are summarised below;

- loss of natural light/overshadowing
 - scheme will result in loss of light to garden and rear of property as sun rises from the front and passes over the back gardens. Extension will block light to garden during morning hours whilst the sun rises and remain blocked until midday
 - At the moment the properties have sunlight for a reasonable duration of the day however if approved even during the summer months most of the garden will be in shade and rear rooms will be poorly lit.
 - Result in a adverse impact on use of garden including drying clothes, issues with moss/algae and impact on plants and enjoyment of garden
 - Development will impact recently laid patio and will encourage moss to grow on it
 - it is clear that a triangle has been placed on the documentation to try and justify the light that will still have access to our neighbours at number 91 Sycamore road. The triangles do not actually show anything, no figures or understanding of the light that will restrict our garden either. This is a double storey extension. The overshadowing that the extension would make could create issues for our allotment and where our children play in the mornings, meaning we would only gain late afternoon sunshine and no longer in the morning.
 - Even with the 1.8m high fencing we are still having issues with how overshadowed our property is going to be. The extension goes to the end of our shed. The patio will then be directly next to our multipurpose area. The length of the extension alongside the patio impacts our property negatively through this layout.
 - Projections of light/view on the plans is not accurate which is shown from the centre of my French doors when in fact it goes to the right side and misses the door completely, there is a legal right of light and this does not comply with it. Will impact how much light comes on and into my property and doesn't take into account the seasonal variations in daylight. The diagrams clearly show how much loss of light there would be if the extension is approved, a big part of my garden will never see sunlight again impact plants and allowing moss to grow causing slippery dangerous surfaces.
- Extension will impact privacy and enjoyment of home.
 - With the double story extension and patio in the planning we are now going to have no privacy. We are going to be over

looked and overshadowed, from both the side of their property with the kitchen windows as well as the back of our property with the double extension. As we have mentioned previously, we could understand a single story extension in keeping with other properties along Sycamore road, but not to this extent

- Size of extension
 - Extension is not proportionate to size of property and would be a dominant feature.
 - Dimensions are not in proportion to the size of the terraced house to comply with permitted development rights.
 - Size and scale of extension is imposing and will limit enjoyment of property
- Disruption arising as a result on building works – concerns regarding working hours, parking during build period/construction activity
- Impact on property prices
- Shared drains on the site
- Approving the scheme would set a precedent
 - Precedent would be set allowing other neighbours the opportunity to do the same resulting in others living in permeant shade.
 - There have been no ground and first floor extensions on this side of the road on Sycamore, extension have been ground floor level which allows sunlight to neighbouring properties. Rear extensions on neighbouring streets are around 3m projections with flat roof design reducing the impact on their neighbours.
- Highways and parking
 - the plans haven't been altered to identify the front of the property where the highways agency have identified that 3 cars are unable to park on the property and amendments to the plans need to be made.
 - the highways comment on the vehicles at the front of the house represent the true size of the front of the building. Nor does it support the new front porch that is being created. At present it is evident that only 2 vehicles can use it.
 - there cannot be 3 cars parked on the front of this property. It is not wide enough. The drawings do not reflect the true size of the property and the impacts that the terrace property extension would have on its neighbours. This was picked up by the highways team in the original documentation and doesn't seem to have been addressed in the drawings
- Location of windows
 - when looking at the location of the window on the side elevation, this alters our privacy on our property and would

require us to suffer financially having to create a plant border or additional fencing to block the view our neighbours would have directly onto our property

- Plans do not address concerns/objections
- Access for development and proximity to neighbouring properties
 - the side of the house with the access to the rear of the property is not reflected in the ratio to size of the actual access route. The brick boundary that exists is a lot closer to the rear of the original building which we believe will bring issues when the building is being created.
 - Alongside this is how the materials, steel joists, plant etc will gain access to the rear of the property, given the small entrance into their rear garden without damage to our outbuilding and boundary wall. The plans do not truly reflect the size of the extension on any of plans created
- Proposed fencing
 - the 1.8m fencing is of no concern when there is going to be a 2 storey building overseeing and overshadowing our property. Although it makes a huge difference to the light that will already block our neighbours at number 91
 - The proposed 6ft fence will take more light away from my garden and patio area
- Accuracy of drawings
 - concerned about the length of the extension and the bordering wall we have, which does not seem to be reflected in the drawings. The length of the gap into the garden is still not accurate, alongside the gap next to the extension. The wall on our border runs at the length of the original house. The gap is around 1m, if that. The extension looks to run at around a quarter of the width of the gate gap, which would again, mean we are going from having space, to a double story building creating further overshadowing. We do not feel that the measurements are accurate enough to reflect the true size of the extension.
- Proposal exceeds permitted development rights – in length, width, height of apex of roof, is close to the boundary on both sides and should only go to the height of the original house eaves, again not within permitted development rights
- Loss of privacy from raised patio - would allow a birds eye view over gardens which would be intimidating and not considerate or neighbourly given young children play in the garden. Neighbours privacy should be respected.

7.2

Officer comments

- ***The above comments have been noted***

- ***Loss of natural light/overshadowing, impact on residents – see section 6.3***
- ***Size of extension – see section 6.2 and 6.3***
- ***Disruption from building works – is a non-material planning consideration and therefore cannot be given weight in the determination of the application***
- ***Impact on property prices - is a non-material planning consideration and therefore cannot be given weight in the determination of the application***
- ***Shared drains – building over or in proximity to drains will be dealt with by the building control process***
- ***Approving scheme would set a precedent – each application is considered and judged on its own merits and based on the specific site context***
- ***Highways and parking – see section 6.5***
- ***Location of side elevation windows – see section 6.3***
- ***Access for building works and proximity to boundary – this would be a private matter between the relevant properties. The Party Wall Act will be of consideration for the parties.***
- ***Fencing and loss of privacy from raised patio – concerns regarding height and scale of fencing noted. The revised scheme includes an amended patio design to reduced the length of privacy screening required. It is necessary to note that under permitted development rights householders can install fencing up to 2m in height on the boundary without requiring planning permission. The patio will be required to have privacy screening up to 1.8m in height to protect the privacy and amenity of the neighbours.***
- ***Development not in accordance with permitted development rights – the application is for full planning permission as the works proposed exceed permitted development rights.***

8.0 HUMAN RIGHTS ACT 1998

- 8.1 Under the Human Rights Act 1998, which came into force on 2nd October 2000, an Authority must be in a position to show:
- Its action is in accordance with clearly established law
 - The objective is sufficiently important to justify the action taken
 - The decisions taken are objective and not irrational or arbitrary
 - The methods used are no more than are necessary to accomplish the legitimate objective
 - The interference impairs as little as possible the right or freedom
- 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 2015 and the National Planning Policy Framework (NPPF, 2023) 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 have during the consideration of this application engaged in a positive and proactive dialogue with the applicant 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 the above mentioned policies of the Local Plan.

11.0 RECOMMENDATION

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

11.2 Conditions

Timeframe for implementation

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

Approved plans

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 discharge of condition application. All external dimensions and elevational treatments shall be as shown on the approved plan/s (listed below).

- Site and Location Plan, drawing number 01 Revision f
- Plans As Proposed, drawing number 03 Revision F

- Boundary visibility screen, drawing number 04 Revision B
- Site Level Survey, drawing number 05 Revision A
- Site Section AA and BB, drawing number 06 Revision A
- Site Section CC, drawing number 07 Revision A
- Site Level Survey, drawing number 05 Revision A

Reason - In order to clarify the extent of the planning permission for the avoidance of doubt.

Biodiversity enhancement

3. 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/planted on 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 186 of the National Planning Policy Framework. See informative note 3 below.

Obscure glazing to en-suite window

4. Prior to the development hereby permitted being occupied/brought into use the first floor en-suite window in the west elevation shall be installed with obscure glazing and with no opening part being less than 1.7 metres above the floor level immediately below the centre of the opening part. The obscure glazing shall be obscured to a minimum of Pilkington - Privacy Level 3 or an equivalent product. Once installed the glazing shall be retained as such thereafter.

Reason - To safeguard the privacy and amenities of the occupiers of adjoining properties in accordance with Local Plan policies CLP14 and CLP20.

Privacy screen to patio

5. Prior to the development hereby permitted being occupied/brought into use the privacy screens as detailed on drawing Boundary visibility screen, drawing number 04 Revision B shall be installed and shall thereafter be retained as such for the life of the development

Reason - To safeguard the privacy and amenities of the occupiers of adjoining properties in accordance with Local Plan policies CLP14 and CLP20.

11.3 Informative Notes

01. 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.
02. 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

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 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

03. In accordance with condition 4 above appropriate ecological/biodiversity enhancement measures shall include but shall not be limited to:
- bird/owl/bat boxes
 - (Locating your nest box: 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 nest boxes 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 nest box close to a bird table 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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ITEM 2

Case Officer: CW

Application No: CHE/21/00139/RET

PROPOSAL: ERECTION OF WORKSHOPS, GARAGE AND OFFICES TO REPLACE ORIGINAL FIRE DAMAGED BUILDING

LOCATION: 2A WORKSOP ROAD, MASTIN MOOR, CHESTERFIELD FOR J P GRAPHICS

Planning Committee Date: 13/05/2024

1.0 CONSULTATION RESPONSES

Ward Members:	No comments received.
Design Services Drainage	No objections, subject to further details submitted in regards soakaways.
Environment Agency	In flood zone 2 and therefore the LPA can apply National Flood Risk Standing Advice.
Strategic Planning	In conflict with policy CLP6 of the Local Plan. Plus further detailed comments.
Local Highways Authority	Issues related to previous 2012 application, such as conditions related to visibility splays that haven't been complied with.
Environmental Health	No objection
Representations	3 representations received – see report

2.0 THE SITE

2.1 The red line for the application relates to land at 2A Worksop Road, which is to the south of Worksop Road. It is the last westernmost property in the line of residential dwellings fronting the south side of the A619. There are dwellings to the east, open fields to the north and undeveloped land to the west and south. The site includes the dwelling to the frontage (2a Worksop Road) and the J P Graphics business to the rear.

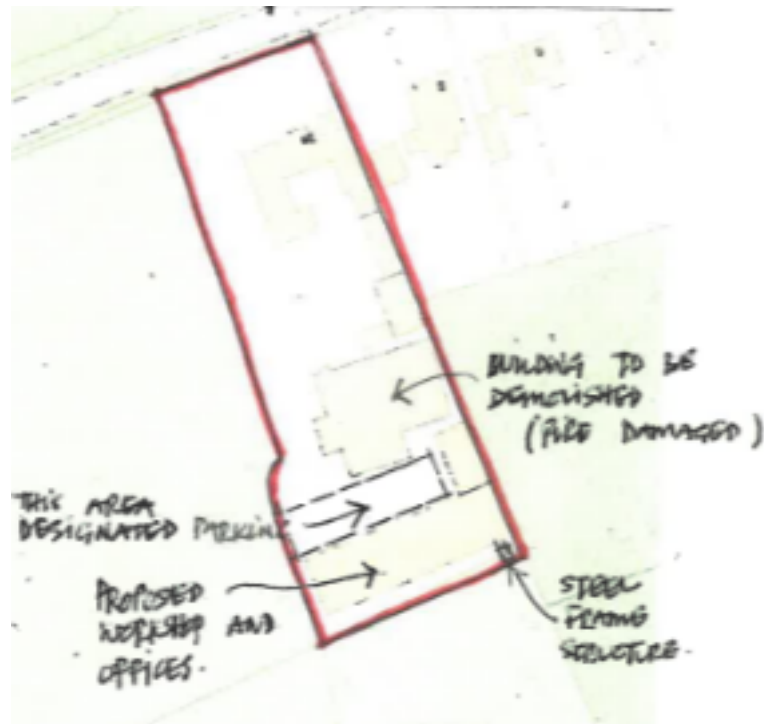


Image 1

- 2.2 The site has a derelict building in the middle, which was the previous business premises prior to a fire on site. The site also includes a driveway and some land alterations such as a bridge and raising the land levels on the land surrounding the new building.
- 2.3 The red line area includes a strip of land from front to rear, which doesn't include the field to the west; this land includes a driveway to facilitate access to the new business premises.
- 2.4 There was an existing business functioning on the rear of the site, which included parking for staff, deliveries and customers.
- 2.5 There are components of the site and business which haven't been subject to planning applications.

3.0 SITE HISTORY

- 3.1 CHE/0798/0384 – Change of Use from domestic garage to graphic design office - Conditional Permission – 20/08/98
- 3.2 CHE/11/00617/FUL – Proposed two storey side extension with rooms in roof void - Conditional Permission – 22/12/11
- 3.3 CHE/12/00166/FUL – Create Improved Vehicular Access and close off existing access – Refused – 23/05/12
- 3.4 CHE/12/00437/FUL – Re-submission of CHE/12/00166/FUL – Create Improved Vehicular Access and close off existing access - Conditional Permission – 05/09/12

- 3.5 CHE/12/00554/DOC – Discharge of Planning conditions re materials samples for CHE/11/00617/FUL - Discharge of Planning conditions – 25/09/12
- 3.6 CHE/13/00189/TPO - Felling of Sycamore Tree - Conditional Permission - 18/04/13

4.0 THE PROPOSAL

- 4.1 The proposal seeks retrospective permission to retain the building constructed to the rear south of the site which includes a workshop, offices and garages related to the printing business, which can be classified as a light industrial use.
- 4.2 The building has been constructed with a pitched roof and it has a projecting subservient section from the eastern end of the building forming an L shape. The main section includes roof space and an elevated roof section above the garage. The main section is 42m long, 12m wide and 6m in height for the majority, with a 7m height at the garage. The eastern leg of the building projects 13m from the main building, is 7m wide and has a 4.8m height.
- 4.3 The land levels have been altered by an increase of approximately 2m on the land surrounding the building, but no clear details have been provided to indicate precisely by how much or to what extent. A spot levels drawing has been submitted based on a topographic survey of the site post change in levels. This part of the site is 38m deep and 50m wide area at the rear of the site, including the land surrounding the new building for parking.
- 4.4 The building has been constructed out of brick to the front and breeze block to the rear, with no render added to the structure at this point. It has 2 large garage doors each to the front and rear of the main building and 3 standard garage doors to the western side of the smaller section.
- 4.5 The application does not deal with the additional parts of the wider development of the site. This includes the change of use of the land to the west of the site (extended curtilage), the works to the dwelling, signs to the front or the pillars to the front of the site. A separate consideration of enforcement action may be required in this respect and the Councils position is reserved in this respect.
- 4.6 The demolition of the previous fire damaged business premises on the site is also required and the related alterations to the land levels, which would facilitate the use of the garages to the east of the building and provide space for parking provision.

5.0 PLANNING POLICY

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

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

- CLP1 Spatial Strategy (Strategic Policy)
- CLP2 Principles for Location of Development (Strategic Policy)
- CLP6 Economic Growth (Strategic Policy)
- CLP11 Infrastructure Delivery
- CLP13 Managing the Water Cycle
- CLP14 A Healthy Environment
- CLP15 Green Infrastructure
- CLP16 Biodiversity, Geodiversity and the Ecological Network
- CLP19 River Corridors
- CLP20 Design
- CLP22 Influencing the demand for travel

5.5 **National Planning Policy Framework 2021**

- Part 1. Achieving sustainable development
- Part 4. Decision-making
- Part 6. Building a strong, competitive economy
- Part 8. Promoting healthy and safe communities
- Part 9. Promoting sustainable transport
- 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

6.0 **CONSIDERATION**

6.1 **Principle of Development**

6.1.1 The Council's Strategic Planning team was consulted on the scheme and they have provided the following comments:

"The proposed use is in conflict with policy CLP6 of the Local Plan. The tests of CLP2 should be applied to determine if an exception is relevant in this case. The application will need to be considered using the tests set out in policy CLP15, CLP19, CLP14 and CLP20.

If permission is granted, it may be necessary to advertise as a departure.

There appears to be a discrepancy between the EA advice and the published Flood Map which should be resolved – and may require submission of an FRA.

If permission is granted, a condition should be applied to restrict the use of the development, otherwise retail and leisure sequential and impact assessments should be submitted prior to the application determined. Subject to such a condition, the proposed development would not be liable for the Community Infrastructure Levy (CIL)."

6.1.2 The 1998 and 2012 approvals show that there is a record of an approval for the principle of the business to the rear of the site and an improved access to the site, but not for any redevelopment or alterations to buildings on site or the land surrounding it.

6.1.3 The site is partially outside the 'Built Up Area' as defined on the adopted Local Plan Policies Map, although this part of the map appears to be incorrectly

delineated; the dwelling and the previous building on site have been present for over 20 years and are definitely part of established built up area in the locality. The site is affected by the designation of the Lowgates / Netherthorpe and Woodthorpe / Mastin Moor Strategic Gap (policy SG3) and the Doe Lee River Corridor (policy CLP19) which passes diagonally through the frontage dwelling (See below):



Image 2

6.1.4 The issue of the built up area boundary is not of particular relevance in this case as the policy (CLP3) defines the boundary as one relating to the consideration of new housing proposals which this is not.

6.1.5 Strategic Gap

Policy CLP15 ('Green Infrastructure') requires that "Development proposals should, where relevant:... b) not harm the character and function of the Green Wedges and Strategic Gaps;"

The purpose of the Strategic Gaps are to:

- maintain open land between neighbouring settlements to prevent merging (perceptual and physical) and protect the setting and separate identity of settlements;
- support the appreciation and wider perceptual benefits of open countryside;
- maintain existing or influence form and direction of settlements.

It should be noted however that the proposed development is relatively small and the intrusion into the Strategic Gap very minor and .

6.1.6 Below is a timeline of Google Earth images which show the development of the site over the last 25 years. These images show a clearly defined boundary to the western side of the site which included a hedgerow and a driveway related to the previous business premises. These images show the loss of the boundary hedge feature and the incursion into the adjoining land, which is into the strategic gap area and is not part of this application.

1999

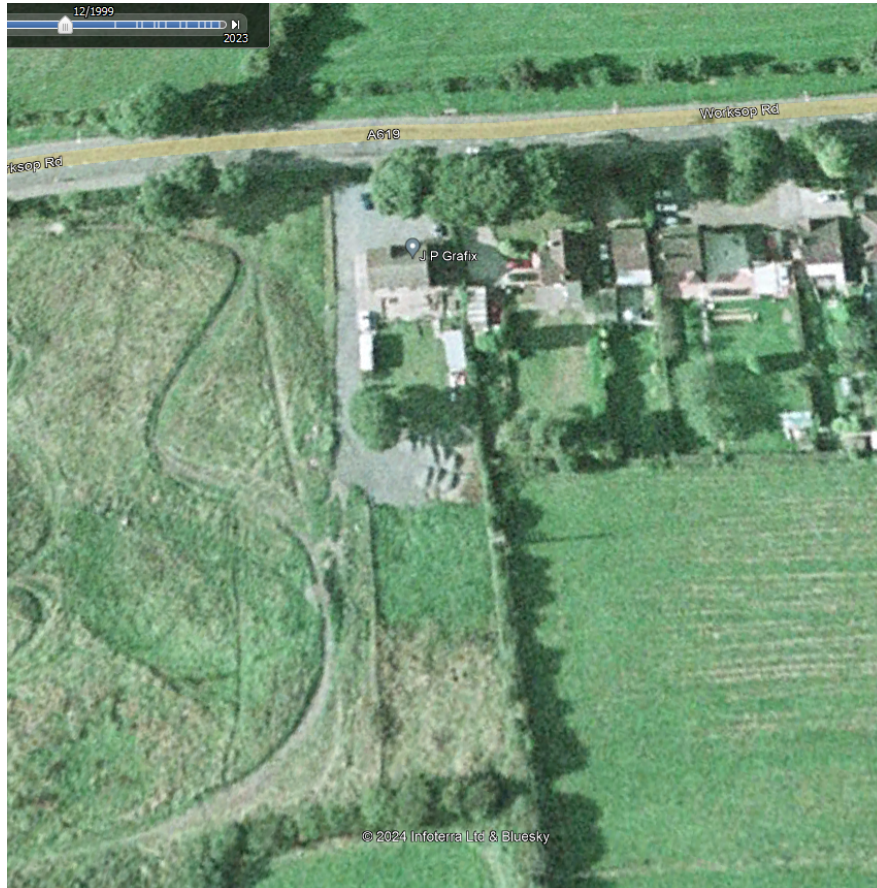


Image 3

2007



Image 4

2010



Image 5

2017



Image 6

2020



Image 7

2023



Image 8

6.1.7

The proposed use appears to be best classified as 'light industry', which would formerly have fallen into use class B1(b) but would now be covered by use class 'E'. As the permission for the business on site was previously agreed in

1998, and this has been present for over 20 years, the general principle of a business in this location is considered to have been previously agreed.

- 6.1.8 The existing situation on site is that the owners of the business live in the dwelling to the front of the site, and that the building serves a mixed personal/business role, as it includes garages for the applicant's vehicles. The previous buildings on site were commercial in design and smaller and subservient to the dwelling, with clear overlap between the dwelling and business functions. The constructed building is much larger than the original footprint of the outbuildings on site and is separated from the residential dwelling. It is considered that with further land works the two parts of the site could be separated completely in the future. The existing situation where there is overlap between residential dwelling and business impacts how the site functions, but if this was separated off in the future the business could have a more severe impact on the residential amenity of local residents.
- 6.1.9 The new class E covers a much wider range of uses than the previous class B1. Many of these uses (which a permission would benefit from without the need for planning permission) would be classified as Main Town Centre Uses for the purposes of applying the requirement for a sequential and impact assessment under paragraph 87 of the NPPF 2021. Development for the wider use class can also be CIL liable (as it would allow for the use to change to the former A1 to A5 use classes). These requirements can be overcome, by the inclusion of a condition restricting the use to the proposed use of 'workshop, garage and office'.
- 6.1.10 As the scheme is to replace existing buildings on site and provide a larger business premises it is not considered that it is a departure from the local plan, as the established link between the dwelling and business has been previously accepted in a previous application. The principle of a business use in the red line area does not need to be considered again in this application. The new building, and the alterations to the site related to it, are considered further below.

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 The constructed building is to the rear of the site and is constructed out of brick (to the front) and tile. It has a 6m to 7m height and is 42m long, which ensures that is a large building for the site and is clearly visible from the streetscene. The previous building on site was subservient to the main dwelling and behind it, ensuring it was not a dominant feature on site visually. The proposed building is of a comparable height to the main dwelling and is much longer, ensuring that it is a dominant feature on site. The building has been finished in red brick and black/grey tile, and could appear residential in design when viewed from the street.

6.2.3 The application site includes the land from the front pillars to the rear of the site, including a small section to the west side of the new building. The field to west of this is owned by the applicant but it is not part of the residential curtilage of the dwelling. As part of the works to the building and alterations to the land levels, a new driveway and hardstanding area around the building has been created (as shown in images 3 to 8); the driveway and area to the west of the building are not considered to be in the red line application site area. Since 2020 there has been a significant encroachment into the neighbouring field, which appears to include a driveway and bridge to the new unit. The land to the west is in the strategic gap and image 8 shows the spread of the urban character of the site westwards including building materials, vehicles and mixed detritus either side of the new driveway. This is considered to be an extremely negative aspect of the development, as this part of the site was previously countryside in character, is now in poor condition and an eyesore for local residents. It is unclear what the long-term proposal is for hard and soft landscaping related to the site, as this is not included as part of this application. It is considered that the land should be tidied up and the previous boundary for the site should be reinstated with a hedge or fence to delineate the site boundary and the strategic gap extent. This could be conditioned to be completed within 6 months of any decision taken and which will provide an appropriate edge to the site in visual terms.

6.2.4 It is therefore considered that the proposal 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, subject to conditions.

6.3 Residential Amenity

6.3.1 Local Plan policies CLP14 and CLP20 require development to have an acceptable impact on the amenity of users and neighbours.

6.3.2 The previous situation on site included a business use in the rear garden, which included staff and customer parking, although the owners/employees live in the dwelling to the front of the site.

6.3.3 The building is more than 50m away from the residential dwellings to the front of Worksop Road and it is not considered to lead to significant levels of overlooking or overshadowing to the houses. In terms of massing/outlook, the scheme positions a large building in an area of the site which was fairly open in character. This has had a negative impact to the outlook for the residents of the dwellings on Worksop Road, but when assessing outlook in this regard this in reference to the ability of residents to see out of windows and receive natural light into them, not a right to have a view into the countryside.

6.3.4 No objections have been received from neighbours specifically on this issue. The proposal is acceptable in terms of residential amenity and is in line with policy CLP14, as well as the revised NPPF.

6.4 Flood Risk and Drainage

- 6.4.1 Policy CLP19 (River Corridors) states that “Development which prejudices the existing biodiversity, ecological value and character of and/or the future potential for the improvement and enhancement of the environment and character of the river corridors as shown on the Policies Map, including biodiversity, habitat connectivity, public access and recreation, will not be permitted”. Given the scale and location of the development, it is unlikely that the proposal will prejudice any of these matters.
- 6.4.2 The site has had its land levels raised to facilitate the development, with a platform of land created to the rear of the site. The creation of the bridge and driveway on higher land than the previous driveway would also facilitate the travel of vehicles to and from the business premises. It is unclear how these alterations to the land levels will impact flood storage for the river corridor to the west of the site and flooding on flood zones 2 and 3 on site.
- 6.4.3 **Flood Risk**
The Environment Agency’s Flood Map for Planning appears to show significant parts of this site as being within Flood Zones 2 and 3. It is noted that the response from the EA says the site is ‘wholly within flood zone 2’, but this does not appear to be borne out by their online flood map. As a result it is necessary for the council to be satisfied that the sequential approach has been applied to the development as required by paragraphs 162 and 167 of the NPPF (2021), and any exceptions test also applied. The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding (flood zone 1).
- 6.4.4 The proposed development would be classified as ‘Less Vulnerable’. Although the Flood Compatibility table published as part of the NPPG indicates that the proposal is an ‘appropriate’ use (Table_3_-_Flood_risk_vulnerability_and_flood_zone_compatibility_.pdf (publishing.service.gov.uk)). The NPPG is also clear that the table does not account for application of the sequential test. The PPG advises that a pragmatic approach on the availability of alternatives should be taken. In this case the application description indicates that the proposed development is to replace a previous building in the same use. In this case it wouldn’t be reasonable to ask the applicant to assess alternative sites. However, it would be appropriate to consider whether the proposed building could be located in another part of the site that is at lower risk of flooding. It is important to note that the flood risk sequential assessment does not address whether the principle of the proposed use is appropriate in this location – it relates only to whether or not the use should be located elsewhere in terms of flood risk.
- 6.4.5 **Environment Agency Comments:**
*The site lies fully within flood zone 2 and therefore the LPA can apply National Flood Risk Standing Advice (FRSA) in this instance.
There are no other environmental constraints associated with the site which we wish to formally comment upon. No objection has been raised regarding the potential impact of the development on flood storage capacity elsewhere.*
- 6.4.6 **Council Design Services Team Comments:**
In reference to the above planning application; the site is located in Flood Zone 2 and partially in Flood Zone 3. It is also partially within the area of risk

from surface water flooding according to the current Environment Agency Flood Maps.

It is noted from the application form that the developer intends to dispose of the surface water using soakaways. Percolations tests should be carried in accordance with BRE Digest 365 and the results submitted with suitable soakaway sizing calculations.

It is also noted within the submitted Flood Risk Assessment Section 4 that the developer accepts that there is a risk of the site being flooded by both fluvial and pluvial flooding, and also accepts the potential consequences of any flooding affecting the property and environs.

- 6.4.7 A Flood Risk Assessment has been submitted for the scheme, and its conclusion included the following comments:
“Although the site is located in Flood Zone 2, any fluvial floodwater affecting the site would be very shallow and therefore not present a significant hazard to personnel. According to the NPPF and associated PPG, the proposed ‘less vulnerable’ usage is ‘appropriate’ in these flood zones.
Although the site is located in an area of medium surface water flood risk on the EA Flood Risk from Surface Water map, surface water flooding is not considered to be a significant issue. As there will be no changes made to the drainage system, Worksop Road will continue to drain as it does at present. As a minimum, FFLs (Finished Floor Levels) will be set at +50.0m AOD to allow 600mm freeboard construction above the derived flood level of +49.4m AOD (Above Ordnance Datum) ascertained by the process set out in 4.1.3. In order to provide assurance to personnel, the office management will register with the EA’s Floodline Warnings Direct service so as to be able to evacuate in good time to nearby dry ground.
The Sequential Test is satisfied.
Although the NPPF does not require consideration of the Exception Test for ‘less vulnerable’ uses such as this, in order to ensure the safety of the occupants, warning and evacuation procedures will be implemented.
With regard to flood risk, therefore, the site is suitable for the proposed development and, subject to appropriate warning and evacuation procedures, may be occupied safely.

- 6.4.8 The development is within flood zones 2 and 3, but it is raised up above the previous land levels on site and the use is considered to be less vulnerable. The Environment Agency also has not objected to the development, such that the scheme is considered to be acceptable in regard policy CLP13.

6.5 Highways Safety

- 6.5.1 The Highways Authority has been consulted on the scheme and has stated that conditions related to application CHE/12/00437/FUL have not been completed. This application and application CHE/12/00166/FUL considered the issue of highway visibility and the potential impact of creating visibility splays to the trees and hedge on site. The proposal was approved and the decision included conditions to provide the visibility splays, root protection areas and gates. It is not considered by the highways authority that the required visibility splays have been provided however this is a separate matter and one which the local planning authority can consider the expediency of enforcement action.

- 6.5.2 Officers have visited the site and the previously submitted driveway has been provided, with the removal of some of hedge and w is maintained between 1-2m in height. As there is an existing use on site and the previously approved application is 12 years old it is not considered that bringing enforcement action is likely or practical in regard to the outstanding condition. The existing access on site is considered to be safe, as the pavement, grass verge and layout of the driveway would allow existing drivers good visibility of vehicles approaching the site from both directions.



Photograph 1

- 6.5.3 The site has parking to the rear and side of the building, which is considered to be sufficient for the business use. Having regard to policies CLP20 and CLP22 of the Local Plan, in respect of highway safety it is considered that the development proposals do not pose an adverse risk to highway safety.

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 No details have been submitted with the application regarding biodiversity on site. The previous situation on this site was hardstanding, parking and buildings related to the business and dwelling. The works to the site have included the removal of a hedge to the western boundary of the site post 2020. It is considered that this should be re-instated as part of the re-introduction of a meaningful boundary to the west of the site. It is considered that this could be dealt with via condition post-decision. xx It is therefore considered reasonable and necessary to impose a condition for measures to

secure biodiversity features on site. On this basis the proposal is considered to accord with the provisions of policy CLP16 of the Local Plan.

6.7 Environmental Health - Land Condition / Contamination

- 6.7.1 Land condition and contamination need to be considered having regard to policy CLP14 of the Core Strategy.
- 6.7.2 The Council's Environmental Health Officer has reviewed the proposals and commented that they have no objections to the plans.
- 6.7.3 In respect of potential Coal Mining Risk, the site lies within the Low Risk Area and The Coal Authority's standing advice is applicable in this case.

6.8 Community Infrastructure Levy

- 6.8.1 Use Class E includes uses that are liable for the Levy under the council's Charging Schedule (uses formerly falling in to the A1 to A5 use classes) Community Infrastructure Levy (CIL) (chesterfield.gov.uk). The use described in the application would not have been liable under the previous use classes. If planning permission is granted, a condition limiting the use would mean that the development would not be liable for the Levy.

7.0 REPRESENTATIONS

- 7.1 3 representations received. 2 comments objecting on the grounds of policy, residential amenity, highways, flooding, biodiversity and visual amenity.
- 7.2 25 Netherthorpe asked/stated :
- Why has planning permission been submitted when the building has already been built?
 - Was the ground tested for coal mining issues pre-development?
 - Were the Highways Authority informed?
 - The area is subject to flooding.
 - New building is very large and next to a nature reserve in open green space.
 - The building is much larger than the existing building it's meant to be replacing.
 - It seems that you can build anything without planning constraints.
- 7.3 5 The Paddocks stated that:
- HS2 has now been scrapped,
 - This is not in-keeping with the area,
 - There are no industrial estates within 2 miles,
 - Nature Reserves surround it and it has been built prior to submitting a planning application,
 - The previous site had a few small sheds and garages on it.
- 7.4 2 Worksop Road stated they had concerns about potential flooding issues from the development, but after visiting the site their concerns were addressed and they were happy with the proposal, with no objections.
- 7.5 **Officer comments –**

- Consideration of retrospective applications falls within the regulations and which need to be considered on their individual planning merits as if the development had not commenced. This brings with it risks for the applicant/developer.
- Coal mining – There are no records of the testing of the ground on site – presumably this would have been considered under the Building Regulations.
- The Highways Authority were consulted on this scheme.
- Other issues dealt with within the report.

8.0 HUMAN RIGHTS ACT 1998

8.1 Under the Human Rights Act 1998, which came into force on 2nd October 2000, an Authority must be in a position to show:

- Its action is in accordance with clearly established law
- The objective is sufficiently important to justify the action taken
- The decisions taken are objective and not irrational or arbitrary
- The methods used are no more than are necessary to accomplish the legitimate objective
- The interference impairs as little as possible the right or freedom

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. The applicant has a right of appeal against any conditions imposed.

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 the 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.

9.2 The Local Planning Authority have during the consideration of this application engaged in a positive and proactive dialogue with the applicant in order to achieve a positive outcome for the application.

10.0 CONCLUSION

10.1 Overall subject to conditions the proposal is considered to be acceptable in accordance with policies CLP1, CLP2, CLP6, CLP13, CLP14, CLP16, CLP20 and CLP22 of the Local Plan, subject to relevant conditions.

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 approved shall only be carried out in full accordance with the approved plans and documents (listed below) with the exception of any approved non-material amendment. All external dimensions and elevational treatments shall be as shown on the approved plan/s (listed below).
 - Site Location Plan
 - Proposed Floor plans
 - Proposed Elevations
 - Land levels drawing
 - Flood Risk Assessment

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.

2. Within 6 months of the date of this permission a scheme (including a programme of implementation and maintenance) to provide a new hedge to the length of the western boundary of the application site as shown on the attached plan, shall have been submitted to the Local Planning Authority for consideration. The scheme which is agreed in writing by the Council shall thereafter be implemented during the 2024/25 planting season and thereafter retained and maintained in accord with agreed programme.

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.

3. Notwithstanding the provisions of the Town and Country Planning (Uses Classes) Order 1987, and The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting these Orders with or without modifications), the premises shall be used as a workshop, garages and offices only and for no other purpose, including any other activity within the same class of the schedule to that Order.

Reason - In the interests of residential amenity and the potential of the change of the site for other uses that may be CIL liable and/or have an increased impact on the site or wider area, in regards policies CLP11, CLP14 and CLP20.

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

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

5. Within 6 months of this decision the derelict former business buildings on site shall be demolished and all materials removed from the site. A demolition method statement shall have been submitted to and been approved in writing by the Local Planning Authority prior to the demolition works. The approved plan/statement shall be adhered to throughout the demolition and construction periods. The statement shall include how the site shall be re-instatement pre-demolition, work hours, noise suppressions and other issues related to the safe demolition of the building.

Reason – In the interests of visual amenity, residential amenity and environmental health and policies CLP14 and CLP20.

11.3

Informative Notes

1. In accordance with condition 3, appropriate ecological/biodiversity enhancement measures shall include but shall not be limited to:
 - bird/owl/bat boxes
(Locating your nest box: 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 nest boxes 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 nest box close to a bird table 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

Agenda Item 5

COMMITTEE/SUB	Planning Committee
DATE OF MEETING	13 th May 2024
TITLE	DELEGATION
PUBLICITY	For Publication
CONTENTS	Items approved by Development Management and Conservation Manager under the following Delegation references:- Planning Applications P020D, P200D to P250D, P270D to P320D, P350D to P370D, P390D, P420D to P440D Agricultural and Telecommunications P330D and P340D
RECOMMENDATIONS	Not applicable
LIST OF BACKGROUND PAPERS	Relevant applications

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

Planning Applications	Paul Staniforth	345781
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Delegated List *Planning Applications*

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/23/00515/FUL	Dunston	Change of use of existing outbuildings to create additional indoor retail space, and the surfacing of the former farmyard to provide additional outdoor retail space for Dunston Hall Garden Centre At Dunston Hall Garden Centre Dunston Road Chesterfield S41 9RL For Dunston Hall Garden Centre	CP	29/04/2024
CHE/23/00625/COU	Brampton East & Boythorpe	Change of use of premises to taxi booking office At 11 Chatsworth Road Chesterfield S40 2AH For Galaxy Travel and Cars Ltd	CP	29/04/2024
CHE/23/00665/FUL	Staveley North	Proposed single storey rear extension At 57 Norbriggs Road Woodthorpe Chesterfield S43 3BT For Miss Cheryl Smith	CP	09/04/2024
CHE/23/00766/FUL	Spire	Installation of mezzanine floor to be used for a pet care, treatment and grooming facility within Use Class E At Ravenside Retail Park, Unit 5 Park Road Chesterfield S40 1TB For Pets At Home Limited C/o Savills (UK) Limited	CP	22/04/2024

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/23/00771/FUL	Brimington North	Alterations and change of use from public house (Sui Generis) to 5 flats and shared facilities (Class C3b). Revised drawings and documents received 18.01.24 At Markham Arms Dorset Drive Brimington Chesterfield S43 1DN For Godfrey Barnes Healthcare LLP	CP	10/04/2024
CHE/23/00789/DOC	Spire	Discharge of conditions 9 (External lighting) and 10 (Landscaping) of application CHE/22/00540/FUL- Construction of a new mental health facility and associated landscaping, groundworks, parking, and access arrangements - re-submission of CHE/21/00887/FUL At Chesterfield and North Derbyshire Royal Hospital Chesterfield Road Calow Chesterfield S44 5BL For Derbyshire Healthcare NHS Foundation Trust C/o WSP	DPC	23/04/2024
CHE/24/00024/FUL	Brampton West & Loundsley	Front porch At 62 Storrs Road Chesterfield S40 3PZ For Mr Tim Vice	CP	04/04/2024
CHE/24/00029/PRE	Walton	Extensions to north and east ends of existing church building to increase capacity At Walton Evangelical Church Moorland View Road Walton S40 3DD For Dan Nichols	PRASUP	09/04/2024

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/24/00037/RET	Staveley Central	Retrospective consent for car standing at the side of the existing garage At 15 Longshaw Close Staveley Chesterfield S43 3NE For Mr Jim Minkley	CP	04/04/2024
CHE/24/00041/FUL	Dunston	Two storey side extension At 62 Thirlmere Road Newbold Chesterfield S41 8EL For Mr Salah Kanabi	CP	16/04/2024
CHE/24/00044/FUL	Hasland	Two storey side extension, two storey rear extension, single storey rear extension, demolition of existing rear outbuildings and erection of granny annex and alterations to front bay window At 73 The Green Hasland Chesterfield S41 0LW For Mr Arnold	CP	12/04/2024
CHE/24/00047/FUL	Brimington South	First floor side extension At 307 Brimington Road Tapton Chesterfield S41 0TE For Mr & Mrs Preston	CP	09/04/2024
CHE/24/00050/FUL	Whittington	Demolition of offices and erection of a two storey reception and office extension to the existing workshop building At 49 Brimington Road North Chesterfield S41 9BE For GH Preston	CP	16/04/2024

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/24/00061/LBC	Brampton West & Loundsley	Listed building consent for security alarm and internal wooden shutters At 170 Old Hall Road Chesterfield S40 1HQ For Trudi Barber	CP	17/04/2024
CHE/24/00070/DOC	Brimington South	Discharge of conditions 6 (landscaping), 8 (surface water),10 (vehicle parking) 11 (bin storage) and 17 (materials) of CHE/22/00852/FUL - Erection of a detached dwelling with integral garage At 366 Brimington Road Tapton Chesterfield S41 0TF For Mr Peter Lythgoe	DPC	08/04/2024
CHE/24/00084/RET	Brampton West & Loundsley	Retrospective consent for the creation of slate blue block paving driveway with space for 3 cars At 168 Ashgate Road Chesterfield S40 4AL For Mr Andrew Petty	CP	09/04/2024
CHE/24/00085/FUL	Walton	Replacement of large single storey conservatory with new rear extension and minor existing facade alterations. At 4 Park Hall Avenue Walton Chesterfield S42 7LR For Mr Rollin	CP	11/04/2024

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/24/00088/DOC	Whittington	<p>Discharge of Condition 4 (Ecological mitigation for Barn Owls) of application CHE/22/00413/REM1- Variation of condition 30 (external dimensions and elevational treatments) of application CHE/12/00028/FUL- Redevelopment of Manor Syck Farm, including conversion of three barns, refurbishment of existing farmhouse and new build detached farmhouse garage and detached property</p> <p>At Manor Syck Farm 132 Church Street North Old Whittington Chesterfield S41 9QP</p> <p>For D J Atkinson Construction Ltd</p>	DPC	22/04/2024
CHE/24/00089/FUL	Brampton West & Loundsley	<p>Remove existing pergola top and install a plain tile roof and enclose the sides to make a potting shed and garden workroom</p> <p>At 659 Chatsworth Road Chesterfield S40 3PA</p> <p>For Mr Paul Deakin</p>	CP	09/04/2024
CHE/24/00097/DOC	Brimington South	<p>Discharge of Condition 7 (Materials) of application CHE/23/00106/FUL- Two storey rear extension and erection of a single storey detached garage</p> <p>At 366 Brimington Road Tapton Chesterfield S41 0TF</p> <p>For Mr Matthew Lythgoe</p>	DPC	08/04/2024

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/24/00104/LBC	Whittington	<p>Listed Building Consent for demolition of a lean-to glazed porch; conversion of the existing garage to habitable accommodation (utility and shower room) and stores; erection of a single-storey side extension; erection of a single storey extension to rear of the garage (providing a garden room) and alterations to the existing front wall.</p> <p>At Long Cottage 79 High Street Old Whittington Chesterfield S41 9LA For Mr John Carr</p>	CP	16/04/2024
CHE/24/00106/NMA	Whittington	<p>Non material amendment to CHE/21/00338/FUL (Demolition of garage and porch; erection of side extension containing; glazed link and double garage; erection of a single-storey extension attached to the rear of the garage (providing utility, WC and garden room), and alterations to front wall) to change pedestrian doors (D04 & D05) into stores from sliding doors to internally opening swing doors with metal hinges and ironmongery.</p> <p>At Long Cottage 79 High Street Old Whittington Chesterfield S41 9LA For Mr John Carr</p>	CPNMAZ	16/04/2024

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/24/00109/DOC	Staveley Central	<p>Discharge of condition 3 (site levels), 7 (Construction Management Plan), 11 (Coal mining intrusive investigation work), 15 (Method statement for site clearance) and 21 (scheme of investigation for archaeological work) of CHE/23/00536/FUL- Detached house with detached garage and associated landscaping work</p> <p>At 25 Porter Street Staveley Chesterfield S43 3UY For Mr & Mrs Hilary & David Mateer</p>	DPC	05/04/2024
CHE/24/00111/FUL	Staveley South	<p>Demolition of out building and attached conservatory, construction of single storey side extension</p> <p>At 40 Middleton Drive Inkersall Chesterfield S43 3HS For Ms Nicola Riley</p>	CP	12/04/2024
CHE/24/00118/DOC	Staveley North	<p>Discharge of conditions 3 (Details of planting and management plan), 4 (Geological source of stone for dry stone wall) and 7 (Site sections) of application CHE/23/00194/REM- Approval of reserved matters of CHE/20/00700/OUT for the enabling works and infrastructure across Phases 1 and 2 including details of layout, scale, external appearance, landscaping and access</p> <p>At Land South Of Worksop Road Mastin Moor Chesterfield</p> <p>For Devonshire Property (MM) Limited</p>	DPC	25/04/2024

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/24/00119/ADV	Brampton West & Loundsley	'Coming Soon' advertisement for the proposed new development consisting of 3no. flags and 2no. board signs At Former Manor Offices Old Road Chesterfield S40 3QT For Balfour Beatty Homes	CP	04/04/2024
CHE/24/00125/CLO	Brampton West & Loundsley	Conversion of the existing garage and WC, into a shower room, utility room and bedrooms, new front door, with level threshold and ramp approach to replace existing rood and step, handrail to side of drive to aide walking up and down the slope. At 4 The Knoll Brookside Chesterfield S40 3PS For Mr Michael O'Keeffe	GR	12/04/2024
CHE/24/00128/FUL	Linacre	Removal of existing conservatory and erection of a single storey rear extension At 32 Spring House Close Holme Hall Chesterfield S42 7PD For Mr Charles Staton	CP	23/04/2024
CHE/24/00129/PRE	Spire	(LBC pre-app, letter and meeting + 2hr of subsequent meetings). Structural repairs and conversion to wellbeing facility for 9 businesses At Clintons 10 High Street Chesterfield S40 1PS For Joseph Elder		12/04/2024

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/24/00137/DOC	Whittington	<p>Discharge of condition 5 (contamination) of CHE/12/00028/FUL- Redevelopment of Manor Syck Farm, including conversion of three barns, refurbishment of existing farmhouse and new build detached farmhouse garage and detached property</p> <p>At Manor Syck Farm 132 Church Street North Old Whittington Chesterfield S41 9QP</p> <p>For Mr William Atkinson</p>	DPC	22/04/2024
CHE/24/00143/FUL	Hasland	<p>Provision of off street car parking space, re-submission of CHE/23/00382/FUL</p> <p>At 130 Spital Lane Spital Chesterfield S41 0HN</p> <p>For Mrs Gill Carter</p>	CP	16/04/2024
CHE/24/00169/DOC	Whittington	<p>Discharge of Condition 20 (Materials) of application 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</p> <p>At Former Adjacent 929 Sheffield Road Sheepbridge Chesterfield S41 9EJ</p> <p>For Vistry Partnership Yorkshire</p>	DPC	25/04/2024

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/24/00173/TPO	Brampton East & Boythorpe	TPO 356 - Root pruning and pollarding due to damage to paths and blocked light At 57 Walton Drive Boythorpe S40 2PP For Mrs Emma Yeomans	CP	10/04/2024
CHE/24/00176/TPO	Brampton West & Loundsley	T2 Lime situated at 198 Ashgate Road, Chesterfield, S40 4AL - Remove (fell) to near ground level. T3 Lime situated at 200 Ashgate Road, Chesterfield, S40 4AL - Reduce to previous pruning points (pollard) and repeat on a biennial cycle. At 198 Ashgate Road Chesterfield S40 4AL For 360 Globalnet Ltd	REF	23/04/2024

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/24/00177/DOC	Brampton West & Loundsley	Discharge of condition 7 (Archaeology) of CHE/22/00109/OUT At Manor Offices Old Road Chesterfield S40 3QT For Balfour Beatty Homes	PDOC	25/04/2024
CHE/24/00181/PRE	Brimington South	Re-development of disused care facility to 24 3-bedroom semi-detached properties At The Spinney Woodlands Brimington Chesterfield S43 1BE For Peak Surveying & Engineering Ltd	PRASUP	25/04/2024
CHE/24/00182/CLO	Whittington Moor	Single storey rear extension to provide utility and wc At 36 Gloucester Road Stonegravels Chesterfield S41 7EG For Christine Coulson	GR	04/04/2024
CHE/24/00189/DOC	Spire	Discharge of conditions 3 (Water consumption) and 12 (Post construction Accessible Housing Certification Table) of CHE/22/00194/FUL- Change of use of existing building to create 42 residential apartments (Use Class C3) and associated external alterations At Burlington House Burlington Street Chesterfield S40 1RX For Swish Architecture	DPC	22/04/2024

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/24/00190/DOC	Spire	<p>Discharge of condition 3 (Water consumption) of CHE/22/00195/FUL- Erection of third storey to create 13 no. residential apartments (Use Class C3)</p> <p>At Burlington House Burlington Street Chesterfield S40 1RX</p> <p>For Swish Architecture</p>	DPC	22/04/2024
CHE/24/00193/DOC	Whittington	<p>Discharge of Condition 9 (Lighting strategy) of application 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</p> <p>At Former Adjacent 929 Sheffield Road Sheepbridge Chesterfield S41 9EJ</p> <p>For Vistry Partnership Yorkshire</p>	DPC	22/04/2024
CHE/24/00200/TPO	Spire	<p>TPO 261 -T2, T5, T6, T7, T8, T19, T32 and T33: To clean crowns of dead, damaged and diseased branches along with removal of any epicormic growth to major branch junctions. Removal of ivy as necessary to maintain health and safety of trees. T1, tree of heaven: removal of dead, diseased, weak and crossing branches ensuring canopy is reduced to statutory 5.5 metres over highway</p> <p>At Hunters Walk Chesterfield</p> <p>For Mrs Rosa-Lynn Vann</p>	CP	17/04/2024

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/24/00202/TPO	Brampton East & Boythorpe	<p>T2- Copper beech- works as detailed in attached Tree Report from Underwood Tree Services (removal of dead, diseased, weak and crossing branches. Also raising the canopy over the causeway/footpath to statutory height (3.5m) and pruning away from property and services to give minimum 2 metres clearance. Reduction of Crown By 2-3m back to suitable growth points and reduce longer lateral branches to the north and south to leave a balanced canopy).</p> <p>At East Lodge Boythorpe Crescent Boythorpe Chesterfield S40 2NX</p> <p>For David Tabner</p>	CP	26/04/2024
CHE/24/00219/DOC	Brimington South	<p>Discharge of Condition 18 (Drainage) of CHE/22/00852/FUL- Erection of a detached dwelling with integral garage</p> <p>At 366 Brimington Road Tapton Chesterfield S41 0TF</p> <p>For Mr Peter Lythgoe</p>	DPC	29/04/2024

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/24/00222/DOC	Staveley South	<p>Discharge of Condition 9 (Compliance with ecological measures) of application CHE/22/00272/FUL- Erection of electric vehicle charging station with ancillary uses including retail and food and drink with associated electrical infrastructure, car parking and landscaping</p> <p>At Land At Enterprise Way Enterprise Way Duckmanton Chesterfield</p> <p>For Gridserve Sustainable Energy Ltd</p>	DPC	19/04/2024
CHE/24/00227/EIA	Spire	<p>EIA screening opinion for multi-Storey Car Park for up to 750no. parking spaces, Landmark 69no. bedroom hotel, residential apartments, including ground floor retail space, landscaping and public open space</p> <p>At Former Rear Of Peel House Brimington Road Tapton Chesterfield S41 7UG</p> <p>For Inspire Design and Development</p>	EIANR	25/04/2024
CHE/24/00235/CPO	Staveley North	<p>Variation of Condition 2 of permission reference CM2/0911/81 to be amended to "Except for aftercare of the restored land the winning and working of minerals and the restoration of the site shall be completed no later than 1 April 2025"</p> <p>At Staveley Landfill Site Hall Lane Staveley Chesterfield</p> <p>For Derbyshire County Council</p>	OW	23/04/2024

Delegated List - Planning Applications

Key to Decisions

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

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COMMITTEE/SUB	Planning Committee
DATE OF MEETING	13 th May 2024
TITLE	DELEGATION
PUBLICITY	For Publication
CONTENTS	Items approved by the Development Management and Conservation Manager under the following Delegation references:- Felling and Pruning of Trees P100D, P120D, P130D
RECOMMENDATIONS	Not applicable
LIST OF BACKGROUND PAPERS	Relevant applications

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

Applications to Fell or Prune Trees Paul Staniforth

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SECTION 1**APPLICATION TO FELL OR PRUNE TREES**

<u>CODE NO</u>	<u>DESCRIPTION OF PROPOSAL</u>	<u>TERMS OF DECISION</u>
CHE/24/00173/TPO TPO 4901.356 10/04/24	The pruning of one London Plane tree reference T1 on the Order Map and which is situated to the frontage of 57 Walton Drive and on the boundary with 55 Walton Drive	Consent is granted to Re-pollard the tree pruning back to just above previous pollarding points to leave a well-balanced and structured crown. The root pruning of the trees surface roots to the east of the main stem only. Please note condition (i & ii) before any root pruning works are carried out.
CHE/24/00200/TPO TPO 4901.162 17/04/24	The pruning of five Lime, two Beech, a Copper Beech and a Tree of Heaven reference T1, T2, T5, T6, T7, T8, T32 and T33 on the Order Map and which are situated on land off Hunters Walk	Consent is granted to Crown Lift of Tree of Heaven over the public Highway to a maximum of 5.5 metres from ground level pruning back to suitable replacement branches leaving a well-balanced crown. Removal of Epicormic Growth. Crown clean to include the removal of dead and damaged branches and those which are crossing and weak and to rectify poor pruning stubs within the crown. Removal of the Ivy growing up the stem.

		<p>Crown clean T2, T5-T8 5 x Lime to include the removal of dead and damaged branches and those which are crossing and weak pruning back to suitable replacement branches leaving a well-balanced crown. Removal of Epicormic Growth.</p> <p>Crown clean T32 and T33 Beech to include the removal of dead and damaged branches and those which are crossing and weak pruning back to suitable replacement branches leaving a well-balanced crown.</p>
<p>CHE/24/00176/TPO</p> <p>TPO 4901.271</p> <p>23/04/24</p>	<p>The felling of one Lime tree reference T1 on the Order Map and the Pollard of one Lime tree reference T2 which are situated to the frontage of Nos 198 and 200 Ashgate Road</p>	<p>Refused because considered to be neither necessary nor justified and the impacts of the trees are not considered unreasonably burdensome.</p> <p>The proposed tree works would reduce, and be to the serious detriment of, the visual amenity of the area. On balance the proposed works are considered to be an excessive action at this time as a means to overcome perceived problems especially as the trees are in good health and with no major defects or evidence of instability and other likely causes of subsidence to the property exist which first need to be investigated and ruled out.</p>

		<p>The contribution of the protected trees to the character and appearance of the area outweighs the limited evidence which suggests that the damage caused is as a result of the protected trees and that other measures such as repair of the damaged drainage and removal of the none protected Sycamore and Weeping Willow should first be implemented to mitigate the risk of continued damage to the property followed by a further period of monitoring movement.</p>
<p>CHE/24/00202/TPO TPO 4901.332 26/04/24</p>	<p>The pruning of Copper Beech tree reference T2 on the Order Map and which are situated on land at East Lodge, Boythorpe Crescent.</p>	<p>Crown Lift over the public footpath to the east of the tree to 3.5 metres from ground level pruning back to suitable replacement branches. Crown clean to include the removal of dead, diseased, damaged branches and those which are crossing and weak back to suitable replacement branches. Crown reduction by 2-3 metres back to suitable replacement branches to secure minimum clearance from the property of 2 metres and to reduce longer lateral branches to the north and south back to suitable replacement branches to achieve a well-balanced canopy and crown shape as shown</p>

		generally in the photograph below.
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APPEALS REPORT

MEETING: PLANNING COMMITTEE

DATE: 13th May 2024

REPORT BY: DEVELOPMENT MANAGEMENT AND
CONSERVATION MANAGER

FOR PUBLICATION

BACKGROUND PAPERS FOR PUBLIC REPORTS

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

1.0 PURPOSE OF REPORT

- 1.1 To inform Members regarding the current status of appeals being dealt with by the Council.

PAUL STANIFORTH
DEVELOPMENT MANAGEMENT AND CONSERVATION
MANAGER

These are reported to Planning Committee for information only. Anyone requiring further information on any of the matters contained in this report should contact Paul Staniforth on 01246 345781.

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APPEALS

<u>FILE NO.</u>	<u>WARD</u>	<u>APPELLANT</u>	<u>CASE</u>	<u>MEMBER OFFICER</u>	<u>DATE REC</u>	<u>TYPE AND DATE</u>	<u>DECISION AND DATE</u>
2/1257	Middlecroft & Poolsbrook ward	Mrs V Zheng	CHE/21/00778/FUL Change of Use and new build to create 20 apartments at Elm Tree Inn, High Street, Staveley – Refusal	Planning Committee against officer advice	28/04/23	Written Reps	Dismissed 15/4/24 see appendix A
2/	Whittington ward	Mr G Wolstenholme	CHE/22/00568/HH – Remedial Notice served in respect of hedges at 279 Handley Road	Officer delegation	8/11/23	Written Reps	
2/4071	Whittington Moor ward	Mr D A Revitt	Enforcement Notice at 10 Pottery Lane West – Vehicle Storage	Planning Committee	28/02/24	Written Reps	
2/717	Brimington North	BOPB Ltd – James Bell	CHE/24/00099/TPO – felling of a Sycamore Tree at 15 High Street, Brimington - Refusal	Officer delegation	27/03/24	Written Reps (fast track)	

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Appeal Decision

Site visit made on 27 February 2024

by R Morgan BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th April 2024

Appeal Ref: APP/A1015/W/23/3321196

The Elm Tree Inn, 25 High Street, Staveley, Chesterfield, S43 3UU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mrs V Zheng against the decision of Chesterfield Borough Council.
 - The application Ref is CHE/21/00778/FUL.
 - The development proposed is change of use of existing drinking establishment to residential with two storey extension (Block A) and phased construction of two new build units (Block B and Block C) forming 20 self-contained apartments with associated landscaping, bin store and cycle stands and partial demolition of low brick wall with picket fencing on east boundary of site to facilitate new access to site.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. A similar scheme on the appeal site was granted planning permission in 2017 (ref CHE/16/00835/FUL). I appreciate that a considerable amount of work and costs went into preparing that application, and the subsequent discharge of conditions. However, the Council has advised that the 2017 permission has now lapsed. Whilst the previous grant of planning permission is a material consideration, I am not bound by past decisions of the Council and have assessed the appeal scheme on its own merits, and in accordance with current local and national planning policy.
3. Since the Council issued its decision in November 2022, a revised version of the National Planning Policy Framework (the Framework) has been published. As it applies from the date of publication, I have assessed the appeal proposal in light of the updated national guidance.
4. The appeal site is within the Staveley Conservation Area (SCA). Although not a reason for refusal, I am required by section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) to give special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.
5. At my request, the Council provided a copy of the Staveley Conservation Area Appraisal 2010. This identifies a number of 'Buildings of Townscape Merit', including 23 High Street (No. 23), immediately adjacent to the appeal site. I agree that the style, detailing and building materials of No. 23 provide interest and variety to the street, and that it makes a positive contribution to the

townscape and special interest of the SCA. I have therefore treated No. 23 as a non-designated heritage asset (NDHA) within this appeal.

6. Having reviewed the evidence, I have concluded that the effect of the development on the character and appearance of the SCA, and on No. 23 as an NDHA, should be included as a main issue. During the appeal, I invited the parties to submit further comments in this regard, and have taken those into account.

Main Issues

7. The main issues are:

- The effect of the proposed car free housing on highway safety, taking into account the particular circumstances of the scheme and the surrounding area,
- Whether the proposal would preserve or enhance the character or appearance of the Staveley Conservation Area (SCA), including the effect on 23 High Street as a non-designated heritage asset, and
- Whether the proposal complies with policy requirements for affordable housing.

Reasons

Access and parking

8. Policy CLP22 of the Chesterfield Borough Local Plan 2020 is concerned with influencing the demand for travel. To reduce congestion, improve environmental quality and encourage healthy lifestyles, the policy seeks to maximise walking cycling and the use of public transport though the location and design of development and parking provision.
9. In this case, the appeal site is located within the town centre, so future residents of the proposed apartments would have easy access to a range of local shops and services within Staveley. Bus services to destinations further away, including Chesterfield and other surrounding settlements, can be accessed from the interchange, which is within easy walking distance of the site.
10. In relation to parking, Policy CLP22 advises that the level of vehicle and cycle parking appropriate to any individual proposal will take into account the circumstances of the particular scheme, including the size and type of dwellings, the proximity of local facilities and availability of public transport, as well as the availability and capacity for safe on-street and public parking in the area.
11. The proposed development would provide 20 flats, comprising one, two and three bed units. On-site provision would be made for bicycle parking at an appropriate level for the scale of development proposed, but no car parking spaces would be provided.
12. In an accessible, town centre location such as this, car ownership would not be essential for future residents of the proposed dwellings to meet their day-to-day needs. Even so, in a development of this scale and nature, which could

- accommodate couples and families, it is very likely that a proportion of future occupiers would choose to have a car.
13. As well as any parking by residents of the scheme, the development would also generate additional demand for temporary parking, associated with visitors and deliveries. As there would be no vehicular access into the site, any parking would need to be accommodated within the surrounding area.
 14. At time of my visit, spaces were available in the car park at Porter Street, which is free to use and close to the appeal site. Future residents of the proposed accommodation could park there, although for security reasons may prefer to park on street, close to their home and in a visible location, rather than leaving the car in a car park. Delivery drivers may also be disinclined to use the nearby car parks, preferring to park as close as possible on street.
 15. Parking spaces within the pedestrian zone, which starts immediately outside the site, are restricted between 10.00 and 16.00 hours on Monday-Saturday. There are several parking spaces immediately outside the former Elm Tree Inn which are unrestricted, and a limited number of spaces further along High Street. However, the majority of these spaces were occupied when I visited the area. From my observations and the comments of interested parties, it is evident that there is existing demand for on-street parking in the vicinity from local businesses and residents.
 16. The Council has not provided any evidence of problems associated with parking pressure in the area. However, I see no reason to disagree with the comments of local residents concerning existing parking and access problems in the area, which have reportedly become more pronounced since the closure of the pub car park, and would likely be exacerbated by the proposed development.
 17. The proximity of the site to a junction, and the narrow width of the surrounding roads, means that additional demand for on-street parking close to the site could result in vehicles being parked in an inconsiderate manner. Given its proximity to Porter Street, additional on-street parking here could well cause difficulties in entering or exiting the junction. This in turn could present safety risks for vehicles, pedestrians and other road users.
 18. In order to address potential issues arising from a new car free development here, the 2017 permission for 24 dwellings on the site was subject to a section 106 agreement. This made provision for a sum of £4,000 towards post development monitoring, and, if found to be necessary, the introduction of parking restrictions in the area through a Traffic Regulation Order (TRO).
 19. Similar mitigation is now proposed, and I note the appellant's agreement to such a solution. However, I have been provided with no signed legal agreement which would link the £4,000 monitoring sum, which I understand has already been paid, to the appeal proposal. In the absence of such an agreement, I am unable to give weight to the suggested mitigation.
 20. In any case, even if a signed legal agreement had been provided, I have concerns about the proposed approach of addressing any parking problems in future, rather than addressing the likely demand for parking upfront, through the appeal proposal. The imposition of new parking restrictions in future through a TRO, in response to any parking problems which might arise from

the appeal scheme, could have a detrimental impact on local businesses and existing residents.

21. Taking account of the particular circumstances of the scheme, including the factors listed in parts i-v) of Local Plan Policy CLP22, I conclude that the proposed lack of any car parking could cause harm to the safety of road users in the vicinity of the appeal site. In the absence of any effective mitigation measures to address this, the proposal fails to comply with the policy.
22. The lack of vehicle parking would compromise the ability of the scheme to provide a safe environment for pedestrians and cyclists. As such, the proposal would be inconsistent with the design requirements set out in Local Plan Policy CLP20.

Character and appearance

Staveley Conservation Area, including 23 High Street

23. The SCA covers a large part of the historic core of the town. Focal buildings, including the thirteenth century Church of St John the Baptist, along with areas of open space and mature planting, provide an attractive character to the SCA. Buildings in the SCA reflect periods of the town's growth and development, with many dating to the late nineteenth and early twentieth centuries when the town was a centre for coal and iron mining.
24. The section of High Street between the appeal site and the Church contains a number of historic buildings, some of which are listed. Buildings in this part of the SCA vary in age, style and design, but the common use of local materials, together with the generally attractive appearance of the buildings, means that the overall effect is one of harmony. The narrow and tree-lined High Street and Church Street curve gently as they rise towards the Church, providing a sense of enclosure which contributes positively to the character and appearance of the SCA.
25. The significance of this part of the SCA derives from its historic street pattern and attractive buildings, which provide historic, aesthetic and architectural value.
26. The Character Appraisal identifies a number of buildings which make a positive contribution to the SCA. These include the attractive Grade II Listed terrace of workers cottages, known as Ebenezer Row, close to the appeal site on Porter Street. Adjacent to the appeal site is No. 23, which appears to date from the first half of the twentieth century. This double fronted brick and slate building, with timber-panelled twin gables and bays on the front elevation and a tall chimney, is an attractive and distinctive building. The style and appearance of No. 23 is quite different from other buildings in this part of the SCA, and adds interest and variety to the street. As such, No. 23 makes a positive contribution to the character and significance of this part of the SCA.

The appeal site

27. The appeal site occupies a prominent position on High Street, opposite the junction with Porter Street. It is located close to the southern boundary of the SCA, close to the modern development of the pedestrianised shopping street, but is also viewed in the context of the historic buildings nearby on Porter Street, and those along High Street to the north.

28. The former Elm Tree Inn is a two storey painted brick building with slate roof. The building, which likely dates to the late nineteenth century, has the appearance of a traditional pub, with various extensions and outbuildings to the rear. Attached to the northern side of the pub, but not included within the development site, is a group of earlier stone buildings which include 27 High Street.
29. The pub closed several years ago, and the windows are now boarded up and the site fenced off. In its current condition, the appeal site has an unattractive and unkempt appearance, which detracts from the SCA and the character and appearance of the surrounding area. Having said that, the former pub is an important building in this part of the SCA. The form, scale and prominent position of the pub, together with its role in the social history of Staveley, mean that the building makes a positive contribution to the features that underpin the significance of the CA.

The effect of the proposals on heritage assets

30. The proposal would bring the vacant pub building back into active use through its conversion to residential use (Block A). The proposed additional opening on the front elevation would detract somewhat from the existing symmetry of the pub's façade, but aside from that, the appearance of the front elevation would be largely unaltered, with additional minor alterations at the side of the building. Proposed rear extensions would be subservient to the original building, and would reflect its character.
31. Demolition of a rear outbuilding may result in the loss of part of an earlier stone boundary wall, but little information about this has been provided. As such, I am unable to conclude that there would be no harm resulting from any loss of historic fabric at the rear of the building.
32. Block B has been designed to reflect the appearance and general form of No. 23, with twin front gables and timber panelling between the bay windows and gables. However, there would be distinct differences in the form and proportions of the buildings, which would undermine the success of this proposed addition to the streetscape.
33. The appellant's Design and Access Statement includes an illustration of the three proposed buildings and shows an outline of No. 23, but that is diagrammatic only and the roof of No. 23 is shown incorrectly. From the elevational drawings provided, it appears that Block B would have a larger roof than No. 23, enabling living space to be incorporated at second floor level. This, combined with the wider bays, would give the impression of a building which was bulkier than its immediate neighbour, which has a light and elegant appearance.
34. Rather than providing a 'harmonious bridge' between No. 23 and the pub, as suggested by the appellant, Block B would compete with No. 23, and would fail to complement the simplicity of the former pub. Block B would detract from the character of No. 23 as an NDHA and, given No. 23's positive contribution to the SCA, would also cause harm to the character and appearance of the designated heritage asset.
35. Proposed Block C would be sited at the rear of the site, and like Block B, would be a three-storey building, with accommodation in the roof space. The design

of Block C would combine the gabled form of Block B with a contemporary appearance, with central flat roofed stairwells, balconies and large amounts of glazing.

36. I note the planning officer's comment that Block C warrants a simple design, with the appearance of an old workshop/outbuilding that may have typically been found at the back of a pub. However, an outbuilding would generally be clearly subservient, whereas Block C would be a large building in relation to both the pub and the site as a whole. No clear drawings showing the relative heights of the buildings have been provided, but it seems likely that the three-storey form of Block C would exceed the height of the pub, particularly since there is a slight rise in levels towards the rear of the site.
37. Block C would be visible from the street through the gap between Block B and the pub. Although it would screen the large, blank supermarket wall to the rear, the scale and mass of the building across the whole of the rear of the site would appear disproportionately large, and I am not persuaded that Block C would read as an ancillary building to the pub.
38. The SCA is characterised by buildings which differ in appearance and style. Even so, the proposed design of Blocks B and C, in such close proximity both to each other and the pub building, would present an incoherent and inharmonious appearance to the site, which would fail to respect either the typology/appearance of the former pub, or the NDHA at No. 23.
39. I note the Council's comments that the design success would depend to a large part on the details such as the sensitive use of materials and appropriate boundary treatments. However, I have found that the overall scale, appearance and form of the proposed buildings would cause harm to the SCA and diminish its significance. The details mentioned would not be sufficient to overcome this harm.
40. In relation to Paragraph 205 of the Framework, the proposal would result in less than substantial harm to the significance of the SCA. There would also be harm to character and appearance of No. 23, as an NDHA.
41. Taking into account all the above factors, I conclude that the proposed development would fail to preserve or enhance the character or appearance of the SCA. This is contrary to the requirements of sections 72(1) of the Act.

Affordable housing

42. For a development of this scale, one unit of affordable housing would be required by Local Plan Policy CLP4. The Council has advised that this requirement could be most appropriately met through a financial contribution towards off-site provision. However, no signed legal agreement securing the necessary contribution of £65,191 has been provided. Without any viability evidence to explain why the contribution should not be made in relation to the appeal proposal, I am unable to conclude that it complies with the affordable housing requirements contained in Policy CLP4.

Other Matters

43. I acknowledge that planning permission has previously been granted for a similar development, but the scale of Block C, and its proximity to the adjacent

built form, both existing and proposed, raises a number of concerns about the quality of the residential accommodation which would be provided.

44. Habitable rooms at the front of Block C would receive a good amount of natural light, and would have a reasonable outlook. However, the rear bedroom windows of that building would look out towards the high wall of Morrisons supermarket, just 4.5m away. As a result, the outlook from these windows would be poor, and the lack of direct natural light would mean the rooms would be gloomy.
45. Outdoor amenity space would be provided on site through a central communal area, with balconies for the upper floor flats of Block C. The ground floor flats within Blocks B and C would have private rear gardens. I note the comments in the committee report that the provision of outdoor amenity space would be a reasonable compromise in this case, but the rear amenity spaces for Block C would be enclosed by very high walls on two sides. Owing to their limited depth, these spaces have little direct sunlight and would not provide attractive or particularly useable areas of open space for future residents. Furthermore, in the absence of a signed legal agreement, the appeal scheme fails to provide for the management and maintenance of the communal amenity areas.
46. These matters add to my overall concerns about the scale and form of the proposed development and resultant living conditions, particularly for Block C. However, as I have found harm in relation to the main issues and have dismissed the appeal anyway, I have not factored these concerns into the final planning balance.

Planning and Heritage Balance

47. Framework paragraph 208 requires that the harm to the significance of the designated heritage assets must be weighed against the public benefits of the proposal, including, where appropriate, securing its optimal use.
48. The appeal scheme would bring a prominent town centre site back into active use. The site has been vacant for several years, and I note the appellant's comments that the site has attracted vandalism and antisocial behaviour. Its redevelopment would benefit the immediate site and the surrounding area, with benefits to the local economy through construction work. Future occupiers of the houses would support the vitality of the town centre through their use of local services and facilities.
49. The provision of twenty additional dwellings on the site would represent efficient use of land, and would contribute towards meeting housing need in a sustainable and accessible location. The flats would be of a range of sizes to meet different needs, and would meet the Nationally Described Space Standards.
50. I give significant weight to these benefits of the scheme. However, Framework paragraph 205 requires that great weight should be given to the conservation of a designated heritage asset, irrespective of the level of harm. In this case, I have found that the scale and appearance of Blocks B and C would be unsympathetic additions which would fail to respect the character and appearance of the adjacent buildings, including the NDHA at No. 23. In addition, the incorporation of an additional window in the front elevation would

result in minor harm to the appearance of the pub, and there are uncertainties about the loss of historic fabric to the rear.

51. I acknowledge the efforts by both parties to come to a satisfactory scheme which would enable this important town centre site to be brought back into active use, and the costs already incurred by the appellant. However, I find that the harm to the SCA and its significance would not be outweighed by the public benefits. As a result, the scheme would fail to comply with the Act. There would be also be conflict with Local Plan Policy CLP 21, which is concerned with protection of the historic environment, and with the provisions within section 16 of the Framework.
52. In addition, there would also be harm to highway safety resulting from the lack of on-site car parking. Furthermore, in the absence of any viability evidence to explain the lack of a financial contribution, the scheme would fail to meet policy requirements for affordable housing.

Conclusion

53. For the reasons set out above, the scheme would fail to comply with the Act, the Framework and the development plan. Other material considerations do not outweigh these harms, so the appeal is dismissed.

R Morgan

INSPECTOR

PLANNING AGREEMENT REPORT

MEETING: PLANNING COMMITTEE
DATE: 13TH MAY 2024
REPORT BY: HEAD OF REGULATORY LAW
DEVELOPMENT MANAGEMENT AND
CONSERVATION MANAGER
WARD: As listed in the report

FOR PUBLICATION

BACKGROUND PAPERS

Copy planning agreements (Non-exempt information) on Planning Register (Regeneration Directorate) on planning/legal files

1.0 PURPOSE OF REPORT

1.1 For information only. To list authorised planning agreements and to note completed agreements.

2.0 BACKGROUND

2.1 A planning agreement is sometimes needed before planning permission can be granted, because of local plan policies or to resolve particular issues. The obligations bind the land and can be enforced in court.

2.2 Planning agreements are authorised by this committee (Delegation Reference P340), or officers following an application determined by an officer (P345D). Drafting can begin prior to the decision on the application, but is subject to the outcome of the application. Details are negotiated by officers (P355D and P360D). Negotiations can be ended if no progress (P350D).

2.3 While negotiations on draft deeds are confidential, completed deeds are public.

3.0 RECOMMENDATION

3.1 That the report be noted.

GERARD ROGERS
HEAD OF REGULATORY LAW

PAUL STANIFORTH
DEVELOPMENT MANAGEMENT
AND CONSERVATION MANAGER

Further information on this report from Gerard Rogers, Head of Regulatory Law, 01246 936471 or gerard.rogers@chesterfield.gov.uk

Agreements currently Authorised: 33

PLANNING AGREEMENT REPORT

01 May 2024

Address	Developer	Authorised	CHE/	note update	Wd last update
<i>Date Completed</i>	Other terms/notes	<i>days from</i>			
<i>Days Authorised to Completed</i>					

Planning Obligation

Total currently authorised: 27 Authorised to Completed Average: 273.2days

Abercrombie 20	Scavelli	27/06/22 675	21/00648/FUL	<input checked="" type="checkbox"/>	SH
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Cost of amendment to residents parking TRO. Revised application to be submitted. Amended draft prepared.

Adelphi Way	Richardson Machine Tool Services Ltd	09/03/23 420	22/00650/FUL	<input checked="" type="checkbox"/>	SC
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15/02/24

343

Officer delegation. BNG contribution £30,600. COMPLETED

Basildon Close	Anon (Chesterfield) Ltd	05/10/20 1,305	20/00314/FUL	<input checked="" type="checkbox"/>	SH
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29/09/21

359

TRO contribution. Affordable Housing contribution. COMPLETED

Address	Developer	Authorised	CHE/	note	Wd
Date Completed	Other terms/notes	days from		update	last update
<i>Days Authorised to Completed</i>					
Brimington Road - Tapton Business Park 10/10/23 97	Woodall Homes	05/07/23 302	22/00604/FUL	<input checked="" type="checkbox"/>	Sp
	Contribution to infrastructure, river bridge contribution, junction improvements, footpath improvement and contribution, bus stop improvements, off-site affordable housing, on-site POS, title to area of land. COMPLETED				
Burton Street Burton House 12/10/22 127	G.A.P.E Limited	07/06/22 695	22/00195/FUL and CHE/22/00194/FUL	<input checked="" type="checkbox"/>	Sp
	CCG contribution £26,496 and Affordable Housing contribution, cessation of basement nightclub use, entrance and lift, occupation restriction. COMPLETED				
Carpenter Avenue - Land West of 28/03/22 2058	Norbriggs Partnership	08/08/16 2,824	16/00114/OUT	<input checked="" type="checkbox"/>	LW 02/09/20
	Affordable housing, percent for art, open space, SuDS management. Further reports to committee on 17/02/20 and revised scheme approved 16/11/20. COMPLETED.				
Cottage Close Poolsbrook School, South of	ADC Properties	06/12/21 878	20/00801/FUL	<input checked="" type="checkbox"/>	MP
	£56.628 AH contribution. No progress from developer.				

Address	Developer	Authorised	CHE/	note update	Wd
<i>Date Completed</i>	<i>Other terms/notes</i>	<i>days from</i>			<i>last update</i>
<i>Days Authorised to Completed</i>					
Enterprise Way	Gridserve Sustainable Energy Ltd	30/08/22 611	22/00272/FUL	<input checked="" type="checkbox"/>	HI
24/07/23 328	Biodiversity net gain of 1 habitat unit at £20,000 per unit. COMPLETED CBC = £20,000				
Factory Street / Walton Works and Boythorpe Works	Robinsons PLC	09/01/17 2,670	15/0832/FUL and CHE/15/0843/LB C	<input checked="" type="checkbox"/>	Wa
Developer no longer pursuing development. Agreement unlikely to complete. NOT PROCEEDING					
Linacre Road	Tilia Homes and CBC	22/07/22 650	21/00707/FUL	<input checked="" type="checkbox"/>	LG
30/09/22 70	Unilateral Undertaking. Affordable housing, CCG Contribution, highways contributions, bus stop improvements, Wardgate Way link contribution, Travel plan monitoring, BNG. COMPLETED				
Linacre Road	Tilia Homes Limited	22/07/22 650	21/00707/FUL	<input checked="" type="checkbox"/>	LG
22/12/22 153	Confirmatory deed on transfer to purchaser. COMPLETED				

Address	Developer	Authorised	CHE/	note	Wd
Date Completed	Other terms/notes	<i>days from</i>		update	<i>last update</i>
<i>Days Authorised to Completed</i>					
Loundsley Green Road	Strata Homes Yorkshire Ltd	20/02/23	21/00879/FUL	<input checked="" type="checkbox"/>	LG
14/06/23		437			
114					
	Footpath, AH and BNG contributions. COMPLETED				
Marham Vale	MVNE LLP and Devonshire Property (M Vale) Ltd	12/12/22	21/00554/OUT	<input checked="" type="checkbox"/>	SS
14/12/23		507			
367					
	BNG and highways/transport contributions. Employment and skills strategy. COMPLETED				
Old Road Manor Offices	CSC Computer Sciences Ltd	12/12/22	22/00109/OUT	<input checked="" type="checkbox"/>	Wa
30/03/23		507			
108					
	Affordable Housing, CCG contribution £27,840. COMPLETED				

Address	Developer	Authorised	CHE/	note update	Wd
<i>Date Completed</i> <i>Days Authorised to Completed</i>	<i>Other terms/notes</i>	<i>days from</i>			<i>last update</i>
Saltergate Former NEDDC Offices	Your Life Managemen t Services Ltd	29/01/18 2,285	17/00769	<input checked="" type="checkbox"/>	B 02/09/20
Application withdrawn 21/07/21. DISCONTINUED					
Sheffield Road - adjacent to 929 16/01/23 73	Lister and Camm	04/11/22 545	CHE/21/00800/F UL	<input checked="" type="checkbox"/>	W
affordable housing and CCG. COMPLETED					
Sheffield Road The Brushes Page 100	Peak Gateway Properties Ltd	11/03/24 52	23/00579/REM CHE/23/00583/R EM1 CHE/23/00584/R EM	<input checked="" type="checkbox"/>	WH
to tie current applications to existing Section 106. Deed circulated for signature.					
Swaddale Avenue 11/11/22 116	MYPad2020	18/07/22 654	21/00609/FUL	<input checked="" type="checkbox"/>	BS
3 units Affordable Housing, 90/10 split rent/shared ownership. BNG contribution of 2 habitat units at £20,000. COMPLETED					

Address	Developer	Authorised	CHE/	note update	Wd last update
<i>Date Completed</i> <i>Days Authorised to Completed</i>	Other terms/notes	<i>days from</i>			
Tom Lane (South of) / Rectory Road (West of) 10/01/24 142	Elliot	21/08/23 255	16/00340/OUT	<input checked="" type="checkbox"/>	SS
CCG, AH, Highways contributions, BNG or contribution etc. COMPLETED					
Troughbrook 2, Pondhouse Farm Page 101	Chatsworth Settlement Trustees	08/01/24 115	18/00688/OUT	<input checked="" type="checkbox"/>	SS
10% AH: 90/10 social rented and shared ownership (including off-site contribution). Linked with 18/00491/OUT. Deed being negotiated					
Troughbrook Land East of	Chatsworth Settlement Trustees	08/01/24 115	18/00491/OUT	<input checked="" type="checkbox"/>	SS
10% AH: split 90:10 social rented and shared ownership joined with CHE/18/00688/OUT. Deed being negotiated					
Wetlands Lane 10/12/21 m 262		23/03/21 1,136	21/00035/DOC	<input checked="" type="checkbox"/>	BS
Unilateral Obligation - bat and wildlife mitigation measures. COMPLETED					

Address	Developer	Authorised <i>days from</i>	CHE/	note update	Wd <i>last update</i>
Date Completed <i>Days Authorised to Completed</i>	Other terms/notes				
Whitecotes Lane Walton Hospital	Vistry Partnerships and Homes Englandf	14/12/20 1,235	20/00305/FUL	<input checked="" type="checkbox"/>	Wa
14/12/20 0	Delivery of Affordable Housing. COMPLETED				
Wilder Whittington Habitat Site	Derbyshire Wildlife Trust	04/12/23 150		<input type="checkbox"/>	W
Worksop Road	Devonshire Property (MM) Limited	18/05/20 1,445	17/00469/OUT	<input checked="" type="checkbox"/>	LW
25/09/20 130	Application refused and appeal. Council reconsidered position in light of new local plan. COMPLETED subject to grant of planning permission on appeal				
Worksop Road	Devonshire Property (MM) Limited	15/02/21 1,172	20/00700/OUT	<input checked="" type="checkbox"/>	LW 19/02/21

Address	Developer	Authorised	CHE/	note update	Wd last update
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Worksop Road	Devonshire Properties (MM) Ltd	12/12/22 507	20/00700/OUT	<input type="checkbox"/>	LW
20/02/23 70	CCG, highways and transport related contributions. 5% AH. Open space etc management.				

Unilateral Undertaking Total currently authorised: 1 Authorised to Completed Average: days

Westbourne 19	Andrew Barnes	24/06/20 1,408	17/00416/FUL	<input checked="" type="checkbox"/>	We 02/09/20
Unilateral Undertaking to pay £28,580 CIL by 31/06/21. Payment received without Section 106. DISCONTINUED					

Variation of Planning Obligation Total currently authorised: 5 Authorised to Completed Average: 136.8days

Bevan Drive	Hibbert, Sanderson, Bage and Wildgoose Homers Ltd	30/03/20 1,494	20/00110/FUL and 15/00755/OUT	<input checked="" type="checkbox"/>	HI 02/09/20
13/11/20 228	Phasing of Education Contribution with phased development. COMPLETED				

Dunston Road	Strata Homes Ltd	26/10/20 1,284	20/00543/REM1	<input checked="" type="checkbox"/>	D
19/11/20 24	removal of affordable housing provision				

Address <i>Date Completed</i> <i>Days Authorised to Completed</i>	Developer <i>Other terms/notes</i>	Authorised <i>days from</i>	CHE/	note update	Wd <i>last update</i>
Inkersall Road (West of) 08/09/23 228	BDW Trading Ltd	23/01/23 465	19/00131/OUT	<input checked="" type="checkbox"/>	SS
Modification of affordable housing definitions. COMPLETED					
Northmoor View 04/04/22 61	Sage Housing Limited	02/02/22 820	18/00532/CHE/1 8/00229/FULOU T	<input checked="" type="checkbox"/>	BS
Modifcation of mortgage clauses. COMPLETED					
Sheffield Road (Peak Gateway) 04/02/21 143	Birchall Properties Limited	14/09/20 1,326	20/00188/REM1	<input checked="" type="checkbox"/>	OW
to tie Section 106 dated 10th August 2005 to current application(s). COMPLETED					

Agreements: Planning Obligation: under S.106 of the Town and Country Planning Act 1990 • Variation of Planning Obligation: modifies a planning obligation. • Variation of Section 52 Agreement: modifies an older planning agreement • Unilateral Obligation: a legal undertaking made by a landowner at appeal or otherwise

Abbreviations: % Percent for Art • AH Affordable Housing OS Open space/Play area TH Turning Head • OP Off-Site Play • ED Education Contrib • P Parking, Walking etc • GT Green Travel Scheme • H Highway Improvements • FP Footpath Other Other requirements • HS Health Service Contribution • MCS Management Company - SuDS MCO Managerment company - Open Spaces) • BNG Biodiversity New Gain. TRO -Traffic Regulation Order. CCG Clinical Commissioning Group Other Other requirements

Key to old and new Ward abbreviations : BE Brampton East and Boythorpe. BW Brampton West and Loundsley Green. 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 • Sp Spire. SC Staveley Central. SN Staveley North. SS Staveley South. Wa Walton • We West W Whittington. WM Whittington Moor

Information in the report and summary sheets compiled from records available at time report prepared and may not be complete.

FOR PUBLICATION Agenda Item 9

ENFORCEMENT REPORT

MEETING: PLANNING COMMITTEE
DATE: 13TH MAY 2024
REPORT BY: HEAD OF REGULATORY LAW
DEVELOPMENT MANAGEMENT & CONSERVATION MANAGER
WARD: As listed in the report

FOR PUBLICATION

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

BACKGROUND PAPERS

LOCATION: LEGAL SERVICES

1.0 PURPOSE OF REPORT

1.1 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). Information about informal enforcement is available from the planning 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 Regulatory Law.

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

ENFORCEMENT REPORT

Enforcements currently Authorised: 11

26 April 2024

Address	Authorised <small>days from</small>	Breach	CHE/	Issued <small>days to issue</small>	Effective <small>days to (-) /from</small>	Comply <small>days to (-) /from</small>	Notes	<small>update last update</small>	Ward
Breach of Condition Notice		<i>Total currently Authorised: 1</i>		<i>Authorised to Issue Average: 540 days</i>					
York Street	2 <small>1,677</small>	23/09/19 <small>1,677</small> balcony, canopy and french door	17/00800/FUL	16/03/21 <small>540</small>	16/03/21 <small>1137</small>	16/04/21 <small>1106</small>	Issued. One month to submit details. Then 6 months after approval to carry out works. Not complied. Prosecution being prepared.	<input type="checkbox"/> <small>18/03/21</small>	Ha
Enforcement Notice		<i>Total currently Authorised: 6</i>		<i>Authorised to Issue Average: 44.33 days</i>					
Chester Street	94 <small>431</small>	20/02/23 <small>431</small> wooden play structure		30/05/23 <small>99</small>	29/06/23 <small>302</small>	29/07/23 <small>272</small>	removal within 28 days. Issued 30/05/23. No appeal. Not complied. Prosecute.	<input type="checkbox"/> <small>12/12/23</small>	B
Markham Road	Markham House <small>5,912</small>	18/02/08 <small>5,912</small> storage of commercial vehicles		20/03/08 <small>31</small>	18/04/08 <small>5852</small>	20/10/08 <small>5667</small>	Complied by 2009. Unauthorised use has started again. Prosecute - awaiting instructions.	<input type="checkbox"/> <small>14/11/19</small>	HI
McMahon Avenue	28 <small>32</small>	25/03/24 <small>32</small> shipping container					Awaiting instructions	<input type="checkbox"/>	
Park Hall Avenue	2 <small>501</small>	12/12/22 <small>501</small> timber fencing and stone columns on frontage					Awaiting instructions	<input type="checkbox"/> <small>21/12/22</small>	Wa

Address		Authorised <i>days from</i>	Breach	CHE/	Issued <i>days to issue</i>	Effective <i>days to (-) /from</i>	Comply <i>days to (-) /from</i>	Notes	update <i>last update</i>	Ward
Pottery Lane West	10	29/01/24 88	storage of vehicles		01/02/24 3			Substitute and clarified enforcement notice. Written representation appeal.	<input type="checkbox"/> 11/03/24	Mo

York Street	2	09/10/17 2,391	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"/> 19/12/18	Ha
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Enforcement Notice (Listed Building) *Total currently Authorised: 1 Authorised to Issue Average: days*

Old Hall Road	Brampton House	02/10/23 207						Various unauthorised alterations. Instructed, notice to be issued.	<input type="checkbox"/> 03/11/23	Bro
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Section 215 Amenity Notice *Total currently Authorised: 3 Authorised to Issue Average: days*

Address		Authorised <i>days from</i>	Breach	CHE/	Issued <i>days to issue</i>	Effective <i>days to (-) /from</i>	Comply <i>days to (-) /from</i>	Notes	update <i>last update</i>	Ward
Edinburgh Road	12	10/10/22 <i>564</i>	unroadworthy vehicle, trailer and miscellaneous building materials etc.					Did not comply within 3 months given. Instructed.	<input type="checkbox"/> <i>28/10/22</i>	SH
Highfield Road	80	05/10/20 <i>1,299</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>1,299</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

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

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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

By virtue of paragraph(s) 6a, 6b of Part 1 of Schedule 12A of the Local Government Act 1972.

Document is Restricted

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