

PLANNING COMMITTEE

Monday, 12th March, 2018

Present:-

Councillor Brittain (Chair)

<p>Councillors Hill T Gilby Callan Elliott Simmons Catt</p>	<p>Councillors Caulfield P Barr Brady Wall Sarvent</p>
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CHE/16/00567/OUT - Outline application for the development of three new town houses, updated coal mining risk assessment received 10.01.18, at land adjacent to 46 Flintson Avenue, New Whittington, Chesterfield, Derbyshire for Stonewall Developments Ltd.

Councillors P Barr, Bellamy (ward member), Brady, Brittain, Callan, Catt, Caulfield, Elliott, T Gilby, Hill, Sarvent, Simmons and Wall.

CHE/17/00189/FUL - Proposed erection of one 3 no. bedroom bungalow and three 2 no. bedroom dwellings on land adjacent to 31 Manor Drive, Brimington, Chesterfield, Derbyshire for Chesterfield Borough Council.

Councillors P Barr, Bellamy (ward member), Brady, Brittain, Callan, Catt, Caulfield, Elliott, T Gilby, Hill, Sarvent, Simmons and Wall.

*Matters dealt with under the Delegation Scheme

129 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Bingham, Davenport and Miles.

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

No declarations of interest were received.

131 MINUTES OF PLANNING COMMITTEE**RESOLVED -**

That the Minutes of the meeting of the Planning Committee held on 19 February, 2018 be signed by the Chair as a true record.

132 APPLICATIONS FOR PLANNING PERMISSION - PLANS DETERMINED BY THE COMMITTEE

*The Committee considered the under-mentioned applications in light of reports by the Development Management and Conservation Manager and resolved as follows:-

CHE/16/00567/OUT - OUTLINE APPLICATION FOR THE DEVELOPMENT OF THREE NEW TOWN HOUSES, UPDATED COAL MINING RISK ASSESSMENT RECEIVED 10.01.18, AT ADJACENT TO 46 FLINTSON AVENUE, NEW WHITTINGTON, CHESTERFIELD, DERBYSHIRE FOR STONEWALL DEVELOPMENTS LTD

In accordance with Minute No.299 (2001/2002) Mr Timms (objector), addressed the meeting.

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

1. Approval of the details of the access, scale, layout, external appearance and landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
2. Application for approval of all the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
3. The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
4. Details of the existing and proposed land levels and the proposed floor levels of the dwellings hereby approved shall be submitted in writing

concurrently with any application for the reserved matters being submitted to the Local Planning Authority for consideration. The details submitted shall include sufficient cross sections to fully assess the relationship between the proposed levels and immediately adjacent land/dwellings. The dwellings shall be constructed at the levels approved under this condition unless otherwise agreed, in writing, by the Local Planning Authority.

5. Before construction works commence or ordering of external materials takes place, precise specifications or samples of the walling and roofing materials to be used shall be submitted to the Local Planning Authority for consideration. Only those materials approved in writing by the Local Planning Authority shall be used as part of the development unless otherwise agreed by the Local Planning Authority in writing.
6. Demolition, remediation or construction work to implement the permission hereby granted shall only be carried out on site between 8:00am and 6:00pm Monday to Friday, 9:00am to 5:00pm on a Saturday and no work on a Sunday or Public Holiday. The term "work" will also apply to the operation of plant, machinery and equipment.
7. Before any other operations are commenced, a new vehicular and pedestrian access shall be formed to Flintson Avenue, located, designed, laid out, constructed and provided with visibility splays of 2.4m x maximum achievable over land the subject of the application and/or highway in both directions, all as agreed in writing with the Local Planning Authority, the area in advance of the sightlines being maintained throughout the life of the development clear of any object greater than 1m in height (0.6m in the case of vegetation) relative to adjoining nearside carriageway channel level.
8. The premises, the subject of the application, shall not be occupied until space has been provided within the site curtilage for the parking of vehicles, located, designed, laid out and constructed all as agreed in writing with the Local Planning Authority and maintained throughout the life of the development free from any impediment to its designated use.
9. No development shall take place until details of the proposed means of disposal of foul and surface water drainage, including details of any

balancing works and off-site works, have been submitted to and approved in writing by The Local Planning Authority.

10. Prior to the submission of the reserved matters, site investigation works shall be undertaken in order to establish the exact situation regarding coal mining legacy issues on the site. Details of the site investigation works shall be submitted to and approved in writing by The Local Planning Authority. The details shall include;
- The submission of a scheme of intrusive site investigations for the mine entries (adits) and shallow coal workings for approval;
 - The undertaking of both of these schemes of intrusive site investigations;
 - As part of the reserved matters application the submission of a report of findings arising from both of the intrusive site investigations;
 - As part of the reserved matters application the submission of a layout plan which identifies the location of the adits, if found to be present on the site, and how these relate to the development layout;
 - As part of the reserved matters application the submission of a scheme of treatment for the mine entries on site for approval;
 - As part of the reserved matters the submission of a scheme of remedial works for approval; and
 - Implementation of those remedial works prior to the commencement of development.
11. Electric vehicle charging points shall be installed as part of the build phase and which shall be retained available for use for the life of the development.

CHE/17/00189/FUL - PROPOSED ERECTION OF ONE 3 NO. BEDROOM BUNGALOW AND THREE 2 NO. BEDROOM DWELLINGS ON LAND ADJACENT TO 31 MANOR DRIVE, BRIMINGTON, CHESTERFIELD, DERBYSHIRE FOR CHESTERFIELD BOROUGH COUNCIL

In accordance with Minute No.299 (2001/2002) Councillor P Gilby

(ward member), addressed the meeting.

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

(A)

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
02. All external dimensions and elevational treatments shall be as shown on the approved plans (listed below) with the exception of any approved non material amendment.
7477 05 - Site Location Plan, Proposed Block Plan and Bungalow Elevations / Floorplans
7477 06 - Proposed Town House Elevations / Floorplans
03. The site shall be developed with separate systems of drainage for foul and surface water on and off site.
04. No development shall take place until details of the proposed means of disposal of surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved by the local planning authority. Furthermore, unless otherwise approved in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works.
05. Construction work shall only be carried out on site between 8:00am and 6:00pm Monday to Friday, 9:00am to 5:00pm on a Saturday and no work on a Sunday or Public Holiday. The term "work" will also apply to the operation of plant, machinery and equipment.
06. Before construction works commence or ordering of external materials takes place, precise specifications or samples of the walling and roofing materials to be used shall be submitted to the Local Planning Authority for consideration. Only those materials approved in writing by the Local Planning Authority shall be used as part of the development unless otherwise agreed by the Local Planning Authority in writing.

07. No development shall take place until space is provided within the site curtilage, for site accommodation, storage of plant and materials, parking and manoeuvring of site operative's and visitor's vehicles together with the loading/unloading and manoeuvring of goods vehicles. The space shall be constructed and laid out to enable vehicles to enter and leave the site in a forward gear, in surface materials suitable for use in inclement weather and maintained free from impediment throughout the duration of construction works.
08. Before any other operations are commenced a new access and replacement off-street parking for 31 Manor Drive shall be laid out and constructed in accordance with the approved drawings, the parking area maintained clear from any obstruction to its designated use for the life of the development.
09. Before any other operations are commenced, excluding Conditions 8 and 9 above, the existing vehicular and pedestrian access to Manor Drive shall be modified in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority.
10. The premises, the subject of the application, shall not be occupied until space has been provided within the application site in accordance with the approved application drawings for the parking/ loading and unloading/ manoeuvring of residents/ visitors/ service and delivery vehicles, laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.
11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and/or re-enacting that Order) the car parking spaces hereby permitted shall be retained as such and shall not be used for any purpose other than the parking of private motor vehicles associated with the residential occupation of the property without the grant of further specific planning permission from the Local Planning Authority.
12. There shall be no gates or other barriers within 6.0m of the nearside highway boundary and any gates shall open inwards only, unless otherwise agreed in writing by the Local Planning Authority.

13. No part of the development shall be occupied until details of arrangements for storage of bins and collection of waste have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and the facilities retained for the designated purposes at all times thereafter.
14. Notwithstanding the provision of the Town and Country Planning (General Permitted) Development Order 1995 (as amended) there shall be no extensions outbuildings or garages constructed (other than garden sheds or greenhouses of a volume less than 10 cubic metre) or additional windows erected or installed at or in the dwelling hereby approved without the prior written agreement of the Local Planning Authority.
15. The entire length of the shared driveway and turning area located in advance of the 3 no. new dwellings and adjacent to No 31 Manor Drive shall not be used for the parking of vehicles and shall in perpetuity be kept clear at all times free from any impediment to its designated use as access to the designated parking spaces provided at each dwelling and associated turning area.
16. If during development contamination not previously identified is found to be present at the site then not further development (unless otherwise agreed in writing by the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implanted as approved.
17. Electric vehicle charging points shall be installed as part of the build phase and which shall be retained available for use for the life of the development.

(B) That a CIL Liability Notice be served for £15,550, as per section 5.7.2 of the officer's report.

133 VARIATION OF S106 AGREEMENT FOR DEVELOPMENT ON LAND AT WHEELDON MILL, CHESTERFIELD

The Development Management and Conservation Manager submitted a report for Members to consider a variation to the Section 106 Agreement relating to development at Wheeldon Mill, Chesterfield.

Mr Chris Dwan (agent for Harron Homes) and Councillor P Gilby (ward member), addressed the meeting.

***RESOLVED –**

That the proposed variation to the existing Section 106 Agreement be approved to reflect:

- a) Reduced width of the required section of the Chesterfield-Staveley Regeneration Route of 14.3 metres
- b) Payment of a commuted sum of £95,000 to the Council (on behalf of the County Council) for design and construction of the bridge link
- c) The Council to work with the County Council to procure design and construction of the bridge link prior to occupation of the 80th dwelling of the development
- d) Repayment of any unexpended part of the contribution should the bridge link not be reasonably feasible

134 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/17/00541/FUL	Detached single garage, detached double garage with associated access, detached garden room, raising in height of existing boundary wall and erection of a fence along highway boundary - Revised drawing received At 137 Station Road Hollingwood S43 2HW For Mr Ian Dunkley
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- CHE/17/00777/FUL Proposed rear extension over existing single storey extension At 91 Coronation Road Brimington, Chesterfield Derbyshire S43 1EU For Mr Dolphin
- CHE/17/00837/FUL Two storey extension to side of property - revised drawings received 09.01.2018 At 140 Ashgate Road, Chesterfield Derbyshire S40 4AQ For Mr Derek Goodwin
- CHE/17/00844/FUL Two storey side extensions with single storey extension At 1 Rosedale Avenue Chesterfield S40 2UY For Mr M Rogers
- CHE/17/00853/FUL Side and rear single storey extension - revised drawing received 24.01.2018 and 06.02.2018 At 2 Summerfield Crescent Brimington Chesterfield S43 1HA For Mr and Mrs Bradley
- CHE/17/00862/FUL First floor bedroom extension At 7 Pearson Croft Upper Newbold Derbyshire S41 8WX For J Cook
- CHE/17/00872/FUL Extensions and alterations to bungalow – At 309 Ashgate Road Chesterfield Derbyshire S40 4DB For Mr Stuart Haslam
- CHE/17/00873/FUL First floor front extension to create large bedroom with mezzanine gallery and office/ utility room and new front door and canopy set at front face of elevation - revised drawings received 29.01.2018 At 8 Greengate Close Chesterfield Derbyshire S40 3SJ For Mr Chris Pell
- CHE/17/00879/COU Change of use from A1 shop to D1Podiatry/Chiropody Surgery At Shop 2 Market Hall Market Place Chesterfield Derbyshire S40 1AR For Mr Christopher Maggs
- CHE/17/00881/FUL Alterations including rerouting of fire escape, introduction of bi-fold doors to the rear and roof

- lanterns to flat roof at rear, new extraction flue
New air inlet New timber fencing and gate to rear
courtyard At Crafty Dog 261 Chatsworth Road
Chesterfield Derbyshire S40 2BL For Inspired
Venues Ltd
- CHE/17/00887/FUL Re-submission of CHE/17/00198/FUL – two
storey side extension At 9 Purbeck Avenue
Brockwell Chesterfield S40 4NP For Mr Chris
Armstrong
- CHE/17/00894/FUL Demolition of existing single storey kitchen and
erection of single storey kitchen/dining room
extension and first floor bathroom extension At
255 Walton Road Walton Chesterfield S40 3BT
For Mr John Fox
- CHE/18/00001/FUL Front bay window extension and alterations to first
floor window At 21 Kent Street Hasland S41 0PJ
For Mr Matthew Youd
- CHE/18/00002/FUL Side extension and extension garage At 6 Spital
Brook Close Spital Chesterfield Derbyshire S41
0GD For R Stevens
- CHE/18/00006/NMA Additional roof light on west elevation.
Repositioning of first floor window on North
elevation. (Refer to drawing GR-PL-001:1 Rev H)
and as amended by revised plans received
14.02.2018. Proposed new detached dwelling on
land adjacent to No 21 Clarence Road,
Chesterfield - CHE/16/00831/FUL At Land
Adjacent To 21 Clarence Road Chesterfield For
Mr Graham Reynolds
- CHE/18/00013/CA Removal of one oak tree At The Pightle 19C
Somersall Lane Somersall Derbyshire S40 3LA
For J Salway
- CHE/18/00034/TPO Crown lift and reduce branches growing towards
the property of T195 – oak At The Pightle 19C
Somersall Lane Somersall Derbyshire S40 3LA

For J Salway

CHE/18/00081/TPO Fell dangerous Poplar tree in G1 of And New TPO 72 Whittington At The Lodge Whittington Road Barrow Hill Derbyshire S43 For P Heath

CHE/18/00084/TPO Crown lift, clear structure and rectify poor pruning cuts to T2 Lime and T3 - T4 Sycamore At Avenue House Surgery 109 Saltergate Chesterfield Derbyshire S40 1LE For Avenue House and Hasland Partnership

CHE/18/00094/CA 1 Hornbeam - Crown Lift, prune poor pruning cuts and reduce away from structure At Avenue House Surgery 109 Saltergate Chesterfield Derbyshire S40 1LE For Avenue House and Hasland Partnership

(b) Refusal

CHE/17/00768/OUT Erection of a dwelling - Coal Mining Risk Assessment received 19.12.17, revised drawings submitted 23.01.18 At 73 Hady Hill, Hady Derbyshire S41 0EE For Mr Glyn Pocock

CHE/17/00838/TPO (T43) Ash - To fell. Excessive shading to house and continual falling At The Hawthornes 8 Lancaster Road Newbold Chesterfield Derbyshire S41 8TR For Mr Gary Fearnough

CHE/17/00863/DOC Discharge of condition 33 – Design Framework for Markham Vale in relation to CHE/13/00781/EOT At Markham Employment Growth Zone Markham Lane Duckmanton Derbyshire S44 5HS For Derbyshire County Council

CHE/17/00880/DOC Discharge of condition 3 (planting) of CHE/17/00351/REM At Land To The West Of Dunston Lane Newbold Derbyshire For William Davis Ltd

(c) Discharge of Planning Condition

CHE/17/00878/DOC Discharge of conditions 4 (exact position of container), 6 (details of how container is to be off loaded on site) and 7 (landscaping)of
CHE/17/00186/FUL - Siting of steel storage container for kayaking and canoeing equipment At Tapton Lock Lockoford Lane Chesterfield Derbyshire S41 7JB For Pleaseley Canoe Club

CHE/18/00003/DOC Discharge of planning conditions 5 (hard and soft landscaping) and 7 (external lighting) of
CHE/17/00182/REM - Construction of a Use Class B2/B8 unit with Use Class B1(a) office space plus sub-station, cycle shelter, smoking shelter, associated drainage, landscaping, engineering and access works, parking arrangements and provision of pump house and sprinkler tanks At Markham Employment Growth Zone Markham Lane Duckmanton Derbyshire S44 5HS For Henry Boot Developments Limited

(d) Prior Approval was Not Required

CHE/18/00033/TPO Single storey rear extension At 126 Old Hall Road Chesterfield Derbyshire S40 1HG For Mr Richard Bellfield

135 **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/18/00889/TPO Consent is granted to the crown lifting and a crown clean of one Lime tree referred to as T1 in the MWA tree report.

Consent is also granted to the removal of dead wood to one Sweet Chestnut tree referred to as T3 in the MWA tree report.

Consent is refused to the felling of one Lime tree because the recommendations in the tree report are considering a development on the piece of land and no planning application has yet been received for consideration and there is no justification on arboricultural reasons for the trees removal.

Consent is also refused to the removal of one lower branch on T3 Sweet Chestnut for the same reasons.

CHE/18/00034/TPO

Consent is granted to the crown lifting of one Oak tree by 3.5 metres from ground level and the reduction of branches growing towards the property to give a 2.5 metre clearance from the structure.

CHE/18/00084/TPO

Consent is granted to the removal of 3 lower branches on T4 and two branches on T3 to clear construction site cabins. Consent is also granted to the reduction of branches on T2 Lime which are growing towards the property to give a 2 metre clearance from the structure to allow the erection of scaffolding.

CHE/18/00026/TPO

Consent is granted the crown thinning of one Lime tree by 20%. General maintenance.

CHE/18/00039/TPO

Consent is granted to the crown lifting of one Cedar tree by 5.2 metres to clear the highway and driveway and the reduction of branches growing towards the property to give a 1.5 metre clearance from the structure.

CHE/18/00042/TPO

Consent is granted to the crown lifting of the tree by 3.5 metre, clearing the main stem of growth to the same height to leave a clear stem and the selective pruning of branches growing towards the highway to reshape the crown.

- CHE/18/00007/TPO Consent is granted to the crown lifting of T1-T4 to clear the highway, site entrance and grassed area. Consent is also granted to the 4 trees to crown clean to remove dead wood. Consent is also granted to the selective pruning of one Birch T5 by pruning back branches growing towards the site entrance.
- CHE/18/00055/TPO Consent is granted to the removal of dead wood within the crown and the reshaping of the tree if required where dead wood removal leaves branches prone to wind damage. Application granted permission with conditions regarding the reshaping of the trees.
- CHE/18/00064/TPO Consent is granted to the crown thinning of one Oak tree to rebalance the crown after the removal of large sections of dead wood over the neighbouring property of 30 Foxbrook Drive (application CHE/18/00055/TPO). Consent is also granted to the reduction of branches growing towards 7 Sandstone Avenue to clear the property and conservatory.
- CHE/18/00067/TPO Consent is granted to the crown reduction of 8 Poplar trees pruning back to previous reduction points which is approximately a 50% crown reduction in height.

136 **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.

137 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.