

## **PLANNING COMMITTEE**

**Tuesday, 28th August, 2018**

Present:-

Councillor Brittain (Chair)

Councillors	P Barr	Councillors	T Gilby
	Bingham		Sarvent
	Brady		Simmons
	Catt		Wall
	Caulfield		

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

**CHE/18/00411/FUL** - Proposed artificial turf pitch and associated landscaping, boundary treatments, footpaths, fencing and lighting on the site of the former leisure centre within queens park (revised plans received on the 03/08/2018 and 07/08/2018) at Former Queens Park Sports Centre, Boythorpe Road, Boythorpe, Chesterfield, Derbyshire for Chesterfield Borough Council.

Councillors Bingham, Brady, Brittain, Dickinson (ward member), Gilby, Sarvent and Wall.

**CHE/18/00225/FUL** - Erection of 5 detached dwellings and demolition of redundant dutch barn (coal mining risk assessment rec'd 11/05/2018 and preliminary ecological appraisal rec'd 08/07/2018) at Chesterfield Cattery, Crow Lane, Chesterfield, Derbyshire S41 0EQ for D Thomas and K Hearn.

Councillors Barr, Bingham, Brady, Brittain, Catt, Caulfield, Gilby, Sarvent, Simmons and Wall.

**CHE/18/00127/FUL** - Proposed conversion and extension of existing garage to domestic living accommodation at 140 Church Street North, Old Whittington S41 9QP for Mr R Gascoyne.

Councillors Barr, Bingham, Brady, Brittain, Catt, Caulfield, Gilby, Innes (ward member), Sarvent, Simmons and Wall.

**CHE/18/00307/FUL** - Demolition of existing dwelling and erection of a replacement dwelling at Broomhill Farm, Broomhill Road, Old Whittington S41 9EA

Councillors Barr, Bingham, Brady, Brittain, Catt, Caulfield, Gilby, Innes (ward member), Sarvent, Simmons and Wall.

**CHE/17/00496/FUL** - Conversion of the travellers rest into 12 residential apartments including conversion of the attached retail unit linked to the original building, together with a new three storey rear extension and new roof over the existing building to incorporate additional rooms within the roof space – amended noise, odour and air quality assessment received 29.05.2018, amended plans received 29.05.2018 and 10.07.2018 at the Travellers Rest, 425 Sheffield Road, Whittington moor S41 8LT for Mr Shrimpton

Councillors Barr, Bingham, Brady, Brittain, Catt, Caulfield, Gilby, Sarvent, Simmons and Wall.

CHE/17/00722/OUT - Outline application to construct 10 dwellings and associated parking and access arrangements at land to the rear of 79 Sheffield Road, Stonegravels, Chesterfield

Councillors Barr, Bingham, Brady, Brittain, Catt, Caulfield, Gilby, Sarvent, Simmons and Wall.

\*Matters dealt with under the Delegation Scheme

### 39 **APOLOGIES FOR ABSENCE**

Apologies were received from Councillors Callan, Davenport, Elliot, Hill and Miles.

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

Councillors Barr, Catt, Caulfield and Simmons declared an interest in agenda item 4(2) (CHE/18/00411/FUL - Proposed artificial turf pitch and associated landscaping, boundary treatments, footpaths, fencing and lighting on the site of the former leisure centre within Queens Park (revised plans received on the 03/08/2018 and 07/08/2018) at Former

Queens Park Sports Centre, Boythorpe Road, Boythorpe, Chesterfield, Derbyshire for Chesterfield Borough Council as they were members of the scrutiny project group which had contributed to the development of the project business case.

**41 MINUTES OF PLANNING COMMITTEE**

**RESOLVED -**

That the Minutes of the meeting of the Planning Committee held on 6 August, 2018 be signed by the Chair as a true record.

**42 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/18/00225/FUL - ERECTION OF 5 DETACHED DWELLINGS AND DEMOLITION OF REDUNDANT DUTCH BARN (COAL MINING RISK ASSESSMENT REC'D 11/05/2018 AND PRELIMINARY ECOLOGICAL APPRAISAL REC'D 08/07/2018) AT CHESTERFIELD CATTERY, CROW LANE, CHESTERFIELD, DERBYSHIRE S41 0EQ FOR D THOMAS AND K HEARN

In accordance with Minute No. 299 (2001/2002) Mr Kevin Hearn (applicant) and Ms Debbie Thomas (applicant) addressed the meeting.

That the officer recommendation be upheld and the application be refused subject to the following reasons:-

1. The site the subject of the application is on land allocated under policy EVR2 of the 2006 Local Plan (a saved designation of the Chesterfield Local Plan: Core Strategy 2011 – 2031) as open countryside. Policy CS10 of the Chesterfield Local Plan: Core Strategy 2011 – 2031 states that greenfield led housing development will not be accepted where the Local Planning Authority is able to demonstrate a 5 year housing land supply.

On the basis that the Local Planning Authority is currently able to demonstrate a 5 year housing land supply the development would be contrary to the provisions of policy CS10 and EVR2 and the wider provisions of the National Planning Policy Framework 2018.

2. The site is situated in a rural location and having regard to its specific characteristics, under the provisions of Policy CS1, the new dwellings would not be within walking distance of a centre (the nearest being Chesterfield Town Centre, approximately 1.5km away, with a significant proportion via unlit roads without pavements). On this basis the proposals fail to meet the provisions of Policy CS1 of the Chesterfield Local Plan: Core Strategy 2011 – 2031 and the wider provisions of the 2018 National Planning Policy Framework.

CHE/17/00496/FUL - CONVERSION OF THE TRAVELLERS REST INTO 12 RESIDENTIAL APARTMENTS INCLUDING CONVERSION OF THE ATTACHED RETAIL UNIT LINKED TO THE ORIGINAL BUILDING, TOGETHER WITH A NEW THREE STOREY REAR EXTENSION AND NEW ROOF OVER THE EXISTING BUILDING TO INCORPORATE ADDITIONAL ROOMS WITHIN THE ROOF SPACE – AMENDED NOISE, ODOUR AND AIR QUALITY ASSESSMENT RECEIVED 29.05.2018, AMENDED PLANS RECEIVED 29.05.2018 AND 10.07.2018 AT THE TRAVELLERS REST , 425 SHEFFIELD ROAD, WHITTINGTON MOOR S41 8LT FOR MR SHRIMPTON

In accordance with Minute No. 299 (2001/2002) Mr Andrew Green of Spire Environmental Consultants (on behalf of applicants) addressed the meeting.

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

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

2. All external dimensions and elevational treatments shall be as shown on the approved plans with the exception of any approved non material amendment.

3. Before construction works commence or ordering of external materials takes place, precise specifications or samples of the materials to be used shall be submitted to the Local Planning Authority for consideration. Only

those materials approved in writing by the Local Planning Authority shall be used as part of the development.

4. No development shall take place until full details of both hard and soft landscape works and boundary treatments have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved.

5. 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.

6. Prior to development commencing an Employment and Training Scheme shall be submitted to the Local Planning Authority for consideration and written approval. The Scheme shall include a strategy to promote local supply chain, employment and training opportunities throughout the construction of the development.

7. Development shall take place in complete accordance with the amended noise, air quality and odour assessment dated 17<sup>th</sup> May 2018.

8. No development shall take place until site investigation works have been 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 approval;
- The undertaking of that scheme of intrusive site investigations;
- The submission of a report of findings arising from the intrusive site investigations;
- The submission of a scheme of remedial works for approval; and
- Implementation of those remedial works

9. Prior to commencement, a day time building assessment for bats and birds shall be submitted to the local authority for approval in writing. The assessment shall be undertaken by a suitably qualified ecologist (<http://www.cieem.net/members-directory/search>). The format and content of the ecology report should follow current guidelines - such as CIEEM Ecological Report Writing, British Standards BS:42020 and Bat

Conservation Guidelines (Collins, 2016). In addition the reports, where possible, should include mitigation and enhancement measures that may be required, to secure as a condition of any permission. Where appropriate this should include a detailed method statement for undertaking works that would avoid harm to protected species and appropriate mitigation and compensation. It should be noted if the building are found to have potential for bats, further surveys will be required.

10. Development shall not commence until a revised layout for the land to the rear of the site showing the optimum provision for car parking on site has been submitted to the local planning authority for consideration. The development shall only proceed on the basis of those details which receive the written approval of the local planning authority and the parking and manoeuvring area shall be available for its designated use prior to first occupation of the development and which shall be retained available for the designated use thereafter.

11. An Electric Vehicle Charging Point 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 £27,132 detailed in section 18.2 of the officer's report.

Councillors Barr, Catt, Caulfield and Simmons had declared an interest in the following item and left the meeting at this point.

CHE/18/00411/FUL - PROPOSED ARTIFICIAL TURF PITCH AND ASSOCIATED LANDSCAPING, BOUNDARY TREATMENTS, FOOTPATHS, FENCING AND LIGHTING ON THE SITE OF THE FORMER LEISURE CENTRE WITHIN QUEENS PARK (REVISED PLANS RECEIVED ON THE 03/08/2018 AND 07/08/2018) AT FORMER QUEENS PARK SPORTS CENTRE, BOYTHORPE ROAD, BOYTHORPE, CHESTERFIELD, DERBYSHIRE FOR CHESTERFIELD BOROUGH COUNCIL

In accordance with Minute No. 299 (2001/2002) Councillor Dickinson (assistant cabinet member) and Mr Ian Waller (on behalf of applicant) addressed the meeting.

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

## Time limits etc

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. 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.

- Topographical Survey
- Site Location Plan - 12321-DB3-S01-ZZ-DR-A-90001
- Existing Site Plan - 12321-DB3-S01-ZZ-DR-A-90002
- Existing Site Sections - 12321-DB3-S01-ZZ-DR-A-90003
- Existing Site Elevations - 12321-DB3-S01-ZZ-DR-A-90004
- Illustrative Sections and Elevations - 122564-PG-8003
- Illustrative Sections and Elevations - 122564-PG-8004
- Details Sheet 1 - 12321-DB3-S01-ZZ-DR-A-20102
- Details Sheet 2 - 12321-DB3-S01-ZZ-DR-A-20103
- Proposed Site Sections - 12321-DB3-S01-ZZ-DR-A-90105
- Proposed Site Elevations - 12321-DB3-S01-ZZ-DR-A-90106
- Proposed Elevations - 12321-DB3-S01-ZZ-DR-A-90107
- Proposed Site Plan - 12321-DB3-S01-ZZ-DR-A-90101 P3
- Proposed Pitch Setting Out – 12321-DB3-S01-ZZ-DR-A-2 0101 P2
- Landscape Proposals Plan – 122564-PG-8002 Rev B
- Lighting Plan – UKS16068-2 and Lighting Details
- Design and Access Statement
- Flood Risk and Drainage Strategy
- Geo-Environmental Desk Study
- Heritage Statement
- Extended Phase I Report
- Arboricultural Implications Assessment and Tree Survey Report
- Supplementary Statement to accompany Revisions (Aug 2018)

## Drainage

3. 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.

#### Site Investigations

4. Development shall not commence until intrusive site investigations have been carried out by the developer to establish the exact situation regarding coal mining legacy issues on the site and approval for commencement of development given in writing by the Local Planning Authority. The investigation and conclusions shall include any remedial works and mitigation measures required/proposed for the remediation/stability of the site. Only those details which receive the written approval of the Local Planning Authority shall be carried out on site.

#### Ecology/Trees

5. No removal of trees or shrubs shall take place between 1st March and 31st August inclusive, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and details of measures to protect the nesting bird interest on the site have first been submitted to and approved in writing by the Local Planning Authority and then implemented as approved.

6. Prior to commencement of development a further survey for recently excavated badger setts on the site or within 30 metres of the site boundary should be undertaken. Only once those survey findings have been submitted to and approved in writing by the Local Planning Authority shall ground works on the site be permitted to commence.

7. The lighting design proposed by Abacus Lighting Ltd (Ref: UKS16068-2 / 20.03.18) shall be implemented in full to ensure that lightspill to surrounding habitats is minimised and the functionality for nocturnal wildlife is maintained.

#### Heritage - Boundary Treatments and Planting

8. Prior to commencement of development, further details of the proposed boundary wall, gates, gate piers, railings and fencing (including



materials, finishes, profiles and any renovation works to existing connecting features) shall be submitted to the Local Planning Authority for further consideration. Only those details which are agreed in writing by the Local Planning Authority shall be implemented on site and maintained thereafter as per the agreed scheme.

9. Upon commencement of development and prior to the facility being brought into first use, further details of the proposed soft landscaping shall be submitted to the Local Planning Authority for further consideration. Only those details which are agreed in writing by the Local Planning Authority shall be implemented on site and maintained thereafter as per the agreed scheme in accordance with an accompanying implementation programme.

10. The premises, the subject of this application, shall not be brought into use until space has been provided within the site curtilage for the cycle storage as per the application drawings. Thereafter the facility shall be maintained available for use throughout the life of the development.

#### Lighting/Amenity

11. The floodlighting hereby agreed shall not be used between the hours of 22:00 and 07:00 on any day.

12. Prior to their installation a revised lighting scheme which takes account of the revised site layout (submitted 03/08/2018 and 07/08/2018) shall be submitted to the Local Planning Authority for consideration. All the lighting columns shall be shrouded to prevent glare to adjoining properties and/or the highway. Only those details which are subsequently agreed in writing shall be implemented on site and retained thereafter as approved.

13. If within a period of 12 months from the lighting installation being implemented, any complaints are received about glare/overspill, the lights causing the effect shall be immediately turned off. Before the installation is allowed to be switched back on a lighting survey shall be undertaken to assess the full impact of the installation and remedial measures shall be submitted to the Local Planning Authority for consideration and written approval. Thereafter those remedial measures shall be implemented with immediate effect and retained thereafter as approved.

14. Prior to its installation the final design of the facilities enclosure fencing shall be submitted to the Local Planning Authority for consideration and approval in writing. The details shall include measures to mitigate any adverse noise/nuisance impacts from balls striking the fencing. Only those details which receive approval in writing shall be implemented on site and maintained thereafter throughout the life of the development.

## Highways

15. Prior to the commencement of the development full structural details for the proposed boundary/retaining walls positioned on land adjacent to the public highway shall be submitted to and approved in writing by the Local Planning Authority, the structure being constructed in accordance with the approved scheme prior to the retained areas being brought into use

16. No development shall take place including any works of demolition until a construction management plan or construction method statement has been submitted to and been approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The statement shall provide for:

- Parking of vehicles of site operatives and visitors
- routes for construction traffic
- hours of operation
- method of prevention of debris being carried onto highway
- pedestrian and cyclist protection
- proposed temporary traffic restrictions
- arrangements for turning vehicles

17. For a period of 12 months following the development being first brought into use, the functionality of the 4.5m high fencing enclosure shall be monitored to ensure it serves as an effective barrier to prevent balls straying onto the adjacent public highway. If any such incidents are reported where balls have strayed onto the public highway to the detriment of public safety, a mitigation strategy to retain balls within the playing arena shall be submitted to Local Planning Authority for consideration. Only those details which receive written approval shall be implemented on site in accordance with a timeframe agreed under the terms of this condition and which shall be retained thereafter.

## Landscaping

18. Prior to commencement of development the Arboricultural Implications Assessment shall be reviewed and updated to reflect the revisions to the site layout plan hereby agreed (submitted on 03/08/2018 and 07/08/2018). The tree protection measures and tree protection plan shall be updated and submitted to the Local Planning Authority for consideration and written approval. Only those details which receive written approval shall be implemented on site (in accordance with condition 18 below) and shall be maintained thereafter throughout the construction phase.

19. Prior to completion of the development hereby approved, details of treatment of all parts on the site not covered by buildings shall be submitted to and approved in writing by the Local Planning Authority. The site shall be landscaped strictly in accordance with the approved details in the first planting season after completion of the development. Details shall include:

- 1) a scaled plan showing all existing vegetation and landscape features to be retained and trees and plants to be planted;
- 2) location, type and materials to be used for hard landscaping including specifications, where applicable for:
  - a) permeable paving
  - b) tree pit design
  - c) underground modular systems
- 3) a schedule detailing sizes and numbers/densities of all proposed trees/plants;
- 4) specifications for operations associated with plant establishment and maintenance that are compliant with best practise; and
- 5) types and dimensions of all boundary treatments

20. Before any development or construction work begins, a pre-commencement meeting shall be held on site and attended by the developers appointed arboricultural consultant, the site manager/foreman and a representative from the Local Planning Authority (LPA) to discuss details of the working procedures and agree either the precise position of

the approved tree protection measures to be installed OR that all tree protection measures have been installed in accordance with the approved tree protection plan. The development shall thereafter be carried out in accordance with the approved details or any variation as may subsequently be agreed in writing by the Local Planning Authority.

Councillors Barr, Catt, Caulfield and Simmons returned to the meeting.

CHE/18/00307/FUL - DEMOLITION OF EXISTING DWELLING AND ERECTION OF A REPLACEMENT DWELLING AT BROOMHILL FARM, BROOMHILL ROAD, OLD WHITTINGTON S41 9EA

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

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

2. All external dimensions and elevational treatments shall be as shown on the approved plans:

- Proposed Floor plans (Drawing 2)
- Proposed Elevations (Drawing 1)
- Existing Elevations (Drawing 1)
- Existing Floorplan (Drawing 2)
- Site Location Plan
- Block Plan
- Email regarding materials sent on 05/06/18

3. Development shall not commence until intrusive site investigations have been carried out by the developer to establish the exact situation regarding coal mining legacy issues on the site and approval for commencement of development given in writing by the Local Planning Authority. The investigation and conclusions shall include any remedial works and mitigation measures required/proposed for the stability of the site. Only those details which receive the written approval of the Local Planning Authority shall be carried out on site.

4. An Electric Vehicle Charging Point shall be installed as part of the build phase and which shall be retained available for use for the life of the development.

5. 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. This shall include percolation tests if soakaways are proposed.

(B) That a CIL Liability Notice be served for £5,888 detailed in section 5.7 of the officer's report.

CHE/18/00127/FUL - PROPOSED CONVERSION AND EXTENSION OF EXISTING GARAGE TO DOMESTIC LIVING ACCOMMODATION AT 140 CHURCH STREET NORTH, OLD WHITTINGTON S41 9QP FOR MR R GASCOYNE

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

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. All external dimensions and elevational treatments shall be as shown on the approved plans 'Planning Drawing' Drawing No 17:071-01A (dated 28.03.2018), with the exception on any approved non material amendment
3. 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.
4. 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 and associated turning circle 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.

5. An Electric Vehicle Charging Point shall be installed as part of the build phase and which shall be retained available for use for the life of the development.

6. A. Development shall not commence until details as specified in this condition have been submitted to the Local Planning Authority for consideration and those details, or any amendments to those details as may be required, have received the written approval of the Local Planning Authority.

I. A desktop study/Phase 1 report documenting the previous land use history of the site.

II. A site investigation/phase 2 report where the previous use of the site indicates contaminative use(s). The site investigation/phase 2 report shall document the ground conditions of the site. The site investigation shall establish the full extent, depth and cross-section, nature and composition of contamination. Ground gas, ground water and chemical analysis, identified as being appropriate desktop study, shall be carried out in accordance with current guidance using UKAS accredited methods. All technical data must be submitted to the Local Planning Authority.

III. A detailed scheme of remedial works should the investigation reveal the presence of ground gas or other contamination. The scheme shall include a Remediation Method Statement and Risk Assessment Strategy to avoid any risk arising when the site is developed or occupied.

B. If, during remediation works any contamination is identified that has not been considered in the Remediation Method Statement, then additional remediation proposals for this material shall be submitted to the Local Planning Authority for written approval. Any approved proposals shall thereafter form part of the Remediation Method Statement.

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

7. No development approved by this permission shall be commenced until a scheme for the provision and implementation of surface water run-

off limitation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall incorporate sustainable drainage principles and shall be implemented in accordance with the approved programme and details

(B) That a CIL Liability Notice be served for £8,145 detailed in section 5.11 of the officer's report.

CHE/17/00722/OUT - OUTLINE APPLICATION TO CONSTRUCT 10 DWELLINGS AND ASSOCIATED PARKING AND ACCESS ARRANGEMENTS AT LAND TO THE REAR OF 79 SHEFFIELD ROAD, STONEGRAVELS, CHESTERFIELD

Councillors Brady and Gilby left the meeting at this point and did not return.

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

1. Approval of the details of the 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. Concurrent with the submission of a reserved matters application, 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. Unless otherwise approved in writing by the Local Planning Authority 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 1:00pm 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. 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. If discharge to public sewer is proposed, the information shall include:

i) evidence that other means of surface water drainage have been properly considered and why they have been discounted; and

ii) the means by which the discharge rate shall be restricted to a maximum rate of 3 (three) litres per second.

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 .

8. 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.

9. The reserved matters submission shall include a woodland management scheme (LEMP) for the retained woodlands as shown on drawing PA2 03 Rev H and drawing SRC2 06 by Weddle Landscapes dated May 2018. The scheme shall demonstrate the following:



- a) A long term woodland management plan for the wooded area providing management priorities along with short and long term management proposals
- b) to show the works required immediately to facilitate the development along with a plan of the areas affected
- c) the proposed restocking of the area with native species to enhance the biodiversity of the wooded area.
- d) Description and evaluation of features to be managed.
- e) Ecological trends and constraints on site that might influence management.
- f) Aims and objectives of management.
- g) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- h) Details of the body or organization responsible for implementation of the plan.
- i) Ongoing monitoring and remedial measures, including monitoring visits and targets.
- j) Locations of bat boxes, bird boxes and habitat piles (include specifications/installation guidance/numbers)

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.

The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the scheme agreed in writing by the local planning authority.

10. The retained trees within the woodland area shown within the blue hatched line on drawing SRC2 06 by Weddle Landscapes dated May 2018 shall be retained and protected in line with a tree protection plan which has previously been agreed in writing by the local planning authority. The tree protection measures shall be retained in place throughout the land clearance and development phases unless otherwise agreed in writing by the local planning authority.

11. Further details of the proposed accesses through the boundary wall to the block of flats off Sheffield Road shall be submitted. Where the access affects the retained trees further details should be provided showing any change in levels, trees to be removed and cross sectional drawing to demonstrate how this can be achieved. Only those details agreed in writing shall be implemented.

12. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. The details shall include proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units; signs, lighting etc); proposed and existing functional services above and below ground (e.g. drainage power, communication cables, pipelines etc, indicating lines, manholes, supports etc); retain historic landscape features and proposals for restoration where relevant.

13. Along with the details already provided in drawing SRC2 05 Landscape masterplan further details of the proposed footpath (woodland walk) through the wooded area shall be submitted and which shall include the width of the path including any addition working/construction area, the construction materials and final surface finish and any proposed changes in levels (cross sectional drawings will be required).

14. Before any other operations are commenced, the existing access to Sheffield Road shall be modified in accordance with details to be submitted and approved, in writing, by the Local Planning Authority in consultation with the Highway Authority demonstrating a kerbed radii junction, laid out, constructed and provided with visibility splays of 2.4m x 47m in both directions, the area in advance of the sightlines being maintained clear of any object greater than 1m in height (0.6m in the case

of vegetation) relative to the adjoining nearside carriageway channel level.

15. The premises, the subject of the application, shall not be occupied until space has been provided within the site curtilage for the parking and manoeuvring 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.

16. Before any other operations are commenced (excluding demolition/site clearance), space shall be provided within the site curtilage for storage of plant and materials, site accommodation, loading and unloading of goods vehicles, parking and manoeuvring of site operatives and visitors vehicles, laid out and constructed in accordance with detailed designs to be submitted in advance to the Local Planning Authority for written approval and maintained throughout the contract period in accordance with the approved designs free from any impediment to its designated use.

17. There shall be no gates or other barriers on the access.

18. The proposed access to Sheffield Road shall be no steeper than 1:14 for the first 5m from the nearside highway boundary and 1:10 thereafter.

19. Development shall not commence until intrusive site investigations have been carried out by the developer to establish the exact situation regarding coal mining legacy issues on the site and approval for commencement of development given in writing by the Local Planning Authority. The investigation and conclusions shall include any remedial works and mitigation measures required/proposed for the stability of the site. Only those details which receive the written approval of the Local Planning Authority shall be carried out on site.

20. A. Development shall not commence until details as specified in this condition have been submitted to the Local Planning Authority for consideration and those details, or any amendments to those details as may be required, have received the written approval of the Local Planning Authority.

I. A desktop study/Phase 1 report documenting the previous land use history of the site.

II. A site investigation/Phase 2 report where the previous use of the site indicates contaminative use(s). The site investigation/Phase 2 report shall document the ground conditions of the site. The site investigation shall establish the full extent, depth and cross-section, nature and composition of the contamination. Ground gas, groundwater and chemical analysis, identified as being appropriate by the desktop study, shall be carried out in accordance with current guidance using UKAS accredited methods. All technical data must be submitted to the Local Planning Authority.

III. A detailed scheme of remedial works should the investigation reveal the presence of ground gas or other contamination. The scheme shall include a Remediation Method Statement and Risk Assessment Strategy to avoid any risk arising when the site is developed or occupied.

B. If, during remediation works any contamination is identified that has not been considered in the Remediation Method Statement, then additional remediation proposals for this material shall be submitted to the Local Planning Authority for written approval. Any approved proposals shall thereafter form part of the Remediation Method Statement.

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

21. No site clearance or ground works should take place until a period of monitoring has been undertaken to determine if the 2 x hole badger sett located on site is active. This should be undertaken by an experienced ecologist. If the sett is considered active, a licence must be obtained from Natural England to close the holes. If the sett is considered disused, the holes should be dug out under the supervision of an ecologist

22. Trees with low bat roost potential should be felled by an Arboriculturalist experienced in working on trees with bat roost potential. The Arboriculturalist should be alerted to the possibility of bats being present and the need for vigilance during pruning/felling activities, possibly with precautionary measures such as careful cutting and lowering of limbs.

23. No development shall commence until a detailed lighting strategy has been submitted to and approved in writing by the LPA to safeguard bats. This should clearly show lux levels of lightspill around the proposed buildings and provide details of the type of lighting and any mitigating features such as shields, hoods, timers etc. Guidelines can be found in Bats and Lighting in the UK (BCT, 2009). Such approved measures will be implemented in full.

(B) That a S106 legal agreement be negotiated to secure:

- An opportunity to explore and secure offsite compensation using biodiversity metrics, providing a quantifiable way of assessing the biodiversity impact.

(A) CHE/17/00569/FUL PROPOSED EARTHWORKS ON DEVELOPMENT LAND (FURTHER INFORMATION REGARDING LANDSCAPING, DRAINAGE AND BIODIVERSITY RECEIVED 11.07.2018)

(B) CHE/17/00645/FUL PROPOSED BODYSHOP, WASH AND VALET BUILDINGS (FURTHER INFORMATION REGARDING LANDSCAPING, DRAINAGE, LIGHTING AND BIODIVERSITY RECEIVED 11.07.2018)

(C) CHE/17/00647/FUL PROPOSED VEHICLE SALES AND SERVICE CENTRES FOR THE SALE, SERVICE AND M.O.T. OF MOTOR VEHICLES (REVISED DRAWING RECEIVED 14.05.2018, AMENDED PLANS FOR SALES BUILDING RECEIVED 11.07.2018 AND 24.07.2018, FURTHER INFORMATION REGARDING LANDSCAPING, DRAINAGE AND BIODIVERSITY RECEIVED 11.07.2018 AND 25.07.2018)

AT LAND OFF EASTSIDE PARK, EASTSIDE ROAD, CHESTERFIELD S41 9BU FOR PENDRAGON PLC

That the officer recommendation be upheld and the corrections to the condition numbers, as detailed in the officer's report, be accepted by Members and the revisions be incorporated into the decisions issued subject to the satisfactory completion of the S106 agreement.

\*The Chief Building Control Officer reported that pursuant to the authority delegated to him he had determined the under-mentioned plans under the Building Regulations:-

### Approvals

18/03563/DEXBN	Kitchen extension to include downstairs toilet at 107 Hucknall Avenue Loundsley Green Chesterfield S40 4BZ
18/03708/DEXBN	Removal of internal wall at 48 St Thomas Street Chesterfield S40 3AH
18/03724/DEXBN	Single storey conservatory to the rear at 131A Station Road Brimington Chesterfield S43 1LJ
18/03746/DEXBN	Conversion of existing garage, store room and WC to bedroom and wet room for disabled persons use at 1 Peak View Road Loundsley Green Chesterfield S40 4NW
18/03749/DEXBN	Upgrade of thermal element (reroof) at Grove Hill 136 St Johns Road Newbold Chesterfield S41 8TW
18/03781/DEXBN	Removing internal wall and chimney stack at 6 New Queen Street Chesterfield S41 7EU
18/03709/DEXFP	Two storey side extension at 35 Purbeck Avenue Brockwell Chesterfield S40 4NP
18/03699/DEXRG	Removal of internal wall and creation of side window opening at 596A Chatsworth Road Chesterfield S40 3JX
18/03784/DEXRG	Replacement windows and doors at 633 Chatsworth Road Chesterfield S40 3NT
18/03594/IND	Two storey and single storey rear extension at 36 Springfield Avenue Chesterfield Derbyshire S40 1DJ
18/03602/IND	Side single storey extension at 7 Spital Brook

## Close Spital Chesterfield S41 0GD

- 18/03635/IND Removal of internal walls, chimney and new beams at 22 Norwood Avenue Hasland Chesterfield S41 0NW
- 18/03649/IND Conversion of an existing conservatory into a habitable space, with a small extension forming a utility room, single storey at 59 Yew Tree Drive Somersall Chesterfield S40 3NB
- 18/03693/IND Industrial building at land adjacent to IMI SSF Ltd Broombank Road Sheepbridge Industrial Estate Chesterfield Derbyshire
- 18/03688/IND Ground floor extension and conversion of outhouse to utility room at 42 Blandford Drive Newbold Chesterfield S41 8QT
- 18/03704/IND Conservatory roof replacement with Supa-Lite roof system at 31 Springfield Avenue Chesterfield S40 1HL
- 18/03717/IND Single storey rear extension at 147 Langer Lane Birdholme Chesterfield S40 2JP
- 18/03718/IND Rear detached garage block (single storey) at 135 High Street Old Whittington Chesterfield S41 9LQ
- 18/03750/IND Single storey rear extension at 3 Pine Street Hollingwood Chesterfield S43 2LG
- 18/03795/IND Proposed mezzanine to rear of property at 178 Handley Road New Whittington Chesterfield S43 2ER
- 18/03803/IND Two storey side extension and single storey rear extension at 8 Newbold Drive Newbold Chesterfield S41 7AP

## **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/18/00306/RET	Change of use from accountants to beauty salon including bar for use by guests/clients and bona fide guests of customers. Sequential assessment received 17.07.2018 at 42 Sheffield Road Stonegravels Chesterfield Derbyshire S41 7LL for Faceit Aesthetics
CHE/18/00332/FUL	Rear/side ground floor extension to form rear open plan living space (Revised Drawing received 08.07.18) at 14 Manor Road Brampton S40 1HX for Mr James Slater
CHE/18/00338/MA	Material amendment to CHE/17/00830/FUL and CHE/18/00080/REM1 - various external changes including, installation of external lighting, reduction in chimney height, raise eaves on proposed extension, barrier along car park at Crispin Inn Ashgate Road Chesterfield S40 4AW for Co-op Group
CHE/18/00354/FUL	Single storey rear extension at 21 Westmoor Road Brimington S43 1PT for Mr Robert Walker
CHE/18/00365/FUL	Single storey outbuilding to replace existing garage at 71 Manor Road Brimington S43 1NN for Mr and Mrs Ward
CHE/18/00379/FUL	Erection of a pallet storage structure - additional information received at Inspirepac Markham Vale Markham Lane Chesterfield S44 5HS for Inspirepac Markham Vale
CHE/18/00388/FUL	Two storey side extension to replace existing single storey garage, single storey rear



- extension and external wall insulation and render to elevations and re-roofing at 62 Vincent Crescent Chesterfield S40 3NP for Mr and Mrs Walsh
- CHE/18/00390/ADV Two building mounted fascia signs and one ground level totem style at Plot 13A Markham Lane Duckmanton Derbyshire for Sterigenics UK Limited
- CHE/18/00395/ADV 1 hanging swing sign - black wrought iron swing brackets with a 700 x 580 x 20mm double sided swing panel, vinyl window decals and lettering on arch at front at 86 Saltergate Chesterfield S40 1LG for Mr Stephen Jenkins
- CHE/18/00399/NMA Non material amendment to CHE/17/00613/FUL (rear extension and removal of existing garage) to fit small obscurely glazed window to side left elevation at 1 Poplar Avenue Somersall Derbyshire S40 3JT for Mrs S Gretton
- CHE/18/00401/FUL Replacement of an existing effluent tank with a silo at Tannery and Premises at Clayton Street Spital Chesterfield Derbyshire S41 0DU for Joseph Clayton & Sons (Chesterfield) Ltd
- CHE/18/00406/FUL Orangery style extension to rear of house at Hady House 75 Hady Hill Hady S41 0EE for Mr Fletcher
- CHE/18/00407/LB Orangery style extension to rear of house at Hady House 75 Hady Hill Hady S41 0EE for Mr Fletcher
- CHE/18/00412/FUL Two storey front extension at 1 Rodsley Close Holme Hall Chesterfield Derbyshire for Mr Timothy Booker
- CHE/18/00416/FU Single storey rear extension at 26 Oakley Avenue Brockwell Chesterfield Derbyshire for Mr Rocco Guerriero

- CHE/18/00440/TPO Fell T1 (ash) and T2 (ash) due to extensive damage to driveway at Lansdowne 18 Lancaster Road Newbold Derbyshire S41 for Mrs Maureen Ashton
- CHE/18/00459/TPO Fell one prunus tree at 39 Vincent Crescent Chesterfield Derbyshire S40 3NW for Mr David Jefferies
- CHE/18/00460/TPO To trim overhanging branches of a Turkey Oak (T23) and sycamore (T24). Fell elm tree that is strangled by Ivy at Brambling House Hady Hill Hady Derbyshire S41 0EF for Mr Peter Stokes
- CHE/18/00488/NMA Plots 80 and 81 updated to semi-detached. Brick type 1 updated from Terca Oakwood to Terca Blended Red for application CHE/17/00351/REM for the erection of 99 dwellings and associated public open space, landscaping and surface water balancing (Phase at land to the west of Dunston Lane Newbold Derbyshire for William Davis Ltd
- CHE/18/00490/LBC Internal alterations to the property comprise the part removal of the existing separating wall between the kitchen and lounge area at ground floor level to provide open plan living accommodation and importantly improve means of escape from first floor level. Create natural stone patio in front garden area to the property at 12 Church Street North Old Whittington Derbyshire for Mr Gary Fletcher
- CHE/18/00521/TPO Ash Tree - Crown lift to 5.2m: clean crown; remove ivy at 1 Meadow View Worksop Road Mastin Moor Derbyshire S43 3DN for Miss Rita Packwood
- CHE/18/00524/TPO Tree is to be felled due to damage to the main stem at land to rear of 264 - 272 Hady Hill Hady Derbyshire for Trueman Tree Services

## (b) Refusal

CHE/18/00433/DOC Discharge of conditions 6 (Construction Method Statement), 7(Scheme of Investigation) and 15 (Employment and Training Scheme) of CHE/18/00136/FUL - New multi-storey car park providing 530 no. spaces over five storeys at former Saltergate Multi Storey Car Park Saltergate Chesterfield Derbyshire for Chesterfield Borough Council

## (c) Discharge of Planning Condition

CHE/18/00353/DOC Discharge of conditions 3 (traffic calming), 5 (closing vehicular and pedestrian access), 8 (storage of plant and machinery), 12 (site investigations),13 (hard and soft landscaping), 14 (foul and surface water drainage), 15 (materials) and 16 (fencing and walling) of CHE/17/00437/FUL - Erection of 3 bungalows on land at the green, in place of the existing Methodist church which has been granted demolition at Q House The Green Hasland S41 0LJ for Mr Richard Palfreyman

CHE/18/00396/DOC Discharge of condition numbers, 4 (drainage), 5 (coal mining investigation), 6 (archaeological survey), 7 (grass snake mitigation), 11 (wheel cleaning facilities),12 (details of estate roads), 15 (access drives),16 (discharge of water from highway), 17 (surface water drainage), 18 (Travel Plan) and 22 (employment and Training Scheme) of CHE/14/00872/OUT - Outline residential development on 3.66 hectares of land for up to 75 dwellings including means of access at land at Cranleigh Road Woodthorpe Derbyshire for Avant Homes (England) Limited

CHE/18/00418/DOC Discharge of Condition Nos. 8 (Construction Management Plan),13 (Drainage) and 16 (Materials) - Planning Application No.

- CHE/17/00893/FUL at RSPCA 137 Spital Lane Spital Chesterfield Derbyshire S41 0HL for RSPCA Chesterfield and North Derbyshire
- CHE/18/00420/DOC Discharge of planning condition 8 (sprinkler tank and pump house) of CHE/17/00182/REM at Plot 13A Markham Lane Duckmanton Derbyshire for Sterigenics UK Limited
- CHE/18/00425/DOC Discharge of condition 9 (Service Management Plan) of CHE/17/00830/FUL and CHE/18/00080/REM1 - Change of use from Public House (Class A4) to retail use (Class A1), alterations to site including demolition of extension, construction of new extension, alterations to entrance and shopfront, service yard and new plant area and associated parking spaces at land at former Crispin Inn 240 Ashgate Road Chesterfield S40 4AW for Croft Transport Planning and Design
- CHE/18/00426/DOC Discharge of conditions 8 and 9 (Biodiversity Enhancement Strategy), Condition 10 (Arboricultural Method Statement, Arboricultural Survey Plan 01, Tree Protection Plan 01 - RJ) and Condition 13 (materials) of CHE/18/00136/FUL - New multi-storey car park providing 530 no. spaces over five storeys, including 2 no. late pay spaces, 32 no. disabled parking spaces, 15 no. parent and child spaces, 6 no. active electric vehicle charging spaces and 10 no. passive (for future activation) electric vehicle charging spaces, with staff office and welfare facilities on the ground floor, and associated landscaping and public realm works to the immediate surroundings at former Saltergate Multi Storey Car Park Saltergate Chesterfield Derbyshire for Chesterfield Borough Council
- CHE/18/00447/DOC Discharge of planning conditions 3 (surface water), 8 (lighting strategy), 9 (ecological

strategy), 11 (vehicular and pedestrian access), 12 (construction management plan), 16 (cycle parking facilities), 18 (bin storage), 19 (prevention of water on to highway), 23 (materials), 26 (hard landscaping) and 27 (Employment and Training scheme) of CHE/17/00209/FUL - Demolition of existing buildings and structures apart from the retention of the former Sunday School building, erection of foodstore and creation of new/alterations to existing accesses, with associated parking, servicing and landscaping at Perrys Ford Garage Chatsworth Road Chesterfield Derbyshire S40 2BJ for Lidl UK GmbH

CHE/18/00456/DOC Discharge of conditions 3 (drainage), 4 (surface water) and 5 (surface water drainage) of CHE/18/00136/FUL - New multi-storey car park providing 530 at former Saltergate Multi Storey Car Park Saltergate Chesterfield Derbyshire for Chesterfield Borough Council

(d) Prior notification approval not required

CHE/18/00363/DEM Demolition of existing unit in order to build 6 new units as per planning application CHE/17/00721/FUL at 1 Burley Close Chesterfield Derbyshire S40 2UB for Mr Roger Whittaker

(e) CLOPUD Granted

CHE/18/00398/CLOPUD Single storey side extension, single storey rear extension, dormer to rear and velux to front elevation at 26 Orchard View Road Loundsley Green Chesterfield Derbyshire S40 4BU for Mr James Boot

CHE/18/00402/CLOPUD Lawful development certificate for rear single storey extension to existing dwelling at 29 Errington Road Chesterfield Derbyshire S40 3ER for Mr Andrew Peppitt

CHE/18/00404/CLOPUD Certificate of proposed development for construction of new single storey rear extension and demolition of existing garage at 21 Manor Avenue Brimington S43 1NQ for Mr Matthew Cluer

#### 45 **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 the felling and pruning of trees:-

CHE/18/00460/TPO Consent is granted to the pruning of 2 trees reference T23 Oak and T24 Sycamore on the Order map for Mr Stokes of 100 Hady Crescent, Hady.

CHE/18/00524/TPOEXP Consent is granted to the felling of one Oak tree reference T2 on the Order map for Trueman Tree Services Ltd on behalf of The Royal Hospital NHS Trust, Calow, with a duty to plant a new Oak in the first available planting season 2018-2019.

CHE/18/00521/TPO Consent is granted to the pruning of one Ash tree reference T4 on the Order map for Underwood Tree Surgeons on behalf of Miss Packwood of 1 Meadow View, Worksop Road, Mastin Moor.

CHE/18/00453/TPO Consent is refused to the felling of one Sycamore tree reference T29 on the Order map for Mr James Allsop of 44 Netherleigh Road.

#### 46 **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.

**47 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.

**48 LOCAL GOVERNMENT ACT 1972 - EXCLUSION OF PUBLIC**

**RESOLVED –**

That under Section 100(A)(4) of the Local Government Act 1972 the public be excluded from the meeting for the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 6 of Part 1 of Schedule 12A of the Act.

**49 UNAUTHORISED ENGINEERING OPERATION AT 10 POTTERY LANE WEST**

The Development Management and Conservation Manager submitted a report to provide an update on progress in relation to compliance with an Enforcement Notice concerning the unauthorised excavation of earth from the rear garden area of the residential dwelling at 10 Pottery Lane West, Chesterfield and to consider the need for any further action.

**\*RESOLVED –**

1. That the reinstatement of the land to former levels on the section of garden closest to the dwelling be accepted as the Enforcement Notice being complied with.
2. That on the basis of the works undertaken to date on the rear section of the garden area further enforcement requiring the reinstatement of the land to former levels not be pursued.

