

## **PLANNING COMMITTEE**

**Monday, 14th October, 2019**

Present:-

Councillor Callan (Chair)

Councillors Barr  
Bingham  
Brady  
Catt

Councillors Caulfield  
T Gilby  
Miles  
Simmons

The following site visits took place on Friday 11 October, 2019 and were attended by the following Members:

**CHE/19/00357/FUL** - Proposed erection of a detached dwelling (revised drawings received 23.08.2019 and 16.09.2019) at land adjacent to 11 Bridle Road, Woodthorpe, Derbyshire S43 3BY for Mr Joshua Greaveson.

Councillors Barr, Bingham, Brady, Callan, Catt, G Falconer, T Gilby and Miles.

**CHE/17/00469/OUT** - Residential development of up to 650 dwelling (inc. elderly care and specialist accommodation), a local centre (inc. local retail, health facilities and services), open space, community garden extension (inc. community building and parking) and associated infrastructure - revised information received (flood risk assessment April 2018, viability assessment July 2018, archaeological assessment November 2018, design & access statement/ masterplan February 2019, revised masterplan June 2019 and overarching wsi for archaeology September 2019) at land south of Worksop Road, Mastin Moor, Chesterfield, Derbyshire for Chatsworth Settlement Trustees.

Councillors Barr, Bingham, Brady, Callan, Catt, L Collins (ward member), G Falconer, T Gilby and Miles.

**CHE/19/00242/FUL** - Use of land as open storage (use class b8), retention of fill material and associated landscaping works. (flood risk statement received 26.06.2019, ex and proposed sections received on 16.07.2019 and landscape master plan received on 12.08.2019), on land at land at Whittington Industrial Estate, Station Lane, New Whittington.

Derbyshire S43 2BP.

Councillors Barr, Brady, Callan, Catt, G Falconer, T Gilby and Miles.

**CHE/19/00394/REM** – Approval of reserved matters following CHE/0389/0210 and CHE/0892/0496 as varied by CHE/16/00219/NMA; CHE/16/00317/REM1, CHE/16/00318/REM1, CHE/16/00319/REM1 AND CHE/16/00320/REM1 at land at The Brushes, Sheffield Road, Chesterfield for David Lloyd Developments Ltd.  
and

**CHE/19/00456/REM1** - Variation of condition 52 on application CHE/0892/0496 as varied by CHE/16/00219/NMA; CHE/16/00317/REM1, CHE/16/00318/REM1, CHE/16/00319/REM1 and CHE/16/00320/REM1 to substitute drawings to enable relocation of approved phase 1 components within the consented development areas and facilitate revised phasing at land at The Brushes, Sheffield Road, Chesterfield for Birchall Properties Ltd.

Councillors Barr, Bingham, Brady, Callan, Catt, G Falconer, T Gilby and Miles.

**CHE/19/00469/REM1** - Variation of condition 3 in relation to CHE/18/00816/FUL (which restricts the occupation of the premises to 8 residents) to allow occupation by 10 residents and associated works

Councillors Barr, Bingham, Brady, Callan, Catt, G Falconer, T Gilby and Miles.

**CHE/19/00401/FUL** - Change of use from storage to provide fitness facilities at A-Rock House, 133 Baden Powell Road, Chesterfield, S40 2RL.

Councillors Barr, Bingham, Callan, Catt, G Falconer, T Gilby and Miles.

\*Matters dealt with under the Delegation Scheme

## 56 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Borrell, Davenport, Kelly and G Falconer.

## 57 **DECLARATIONS OF MEMBERS' AND OFFICERS' INTERESTS**

## **RELATING TO ITEMS ON THE AGENDA**

Councillor Bingham declared an interest in agenda item 4(3) (CHE/19/00242/FUL - Use of land as open storage (use class b8), retention of fill material and associated landscaping works. (flood risk statement received 26.06.2019, ex and proposed sections received on 16.07.2019 and landscape master plan received on 12.08.2019), on land at land at Whittington Industrial Estate, Station Lane, New Whittington. Derbyshire S43 2BP) as he had taken a neutral role on the matter in liaising between the applicant and local residents and wished to retain this position.

Councillor Brady declared an interest in agenda item 4(5) (CHE/19/00401/FUL - Change of use from storage to provide fitness facilities at A-Rock House, 133 Baden Powell Road, Chesterfield, S40 2RL) as he was related to the applicant through marriage.

The Development Management and Conservation Manager declared an interest in agenda item 4(2) (CHE/17/00469/OUT - Residential development of up to 650 dwelling (inc. elderly care and specialist accommodation), a local centre (inc. local retail, health facilities and services), open space, community garden extension (inc. community building and parking) and associated infrastructure - revised information received (flood risk assessment April 2018, viability assessment July 2018, archaeological assessment November 2018, design & access statement/ masterplan February 2019, revised masterplan June 2019 and overarching wsi for archaeology September 2019) at land south of Worksop Road, Mastin Moor, Chesterfield, Derbyshire for Chatsworth Settlement Trustees) as his parents live near to the site.

The Principal Planner declared an interest in agenda item 4(6) (CHE/19/00394/REM – Approval of reserved matters following CHE/0389/0210 and CHE/0892/0496 as varied by CHE/16/00219/NMA; CHE/16/00317/REM1, CHE/16/00318/REM1, CHE/16/00319/REM1 and CHE/16/00320/REM1 at land at The Brushes, Sheffield Road, Chesterfield for David Lloyd Developments LTD and CHE/19/00456/REM1 - Variation of condition 52 on application CHE/0892/0496 as varied by CHE/16/00219/NMA; CHE/16/00317/REM1, CHE/16/00318/REM1, CHE/16/00319/REM1 and CHE/16/00320/REM1 to substitute drawings to enable relocation of approved phase 1 components within the consented development areas and facilitate revised phasing at land at The Brushes, Sheffield Road, Chesterfield for Birchall Properties

LTD.) as some objectors were known to her socially.

Councillors Simmons and Caulfield declared an interest in item 4(6) (CHE/19/00394/REM AND CHE/19/00456/REM1 -

(A) CHE/19/00394/REM – approval of reserved matters following CHE/0389/0210 AND CHE/0892/0496 as varied by CHE/16/00219/NMA; CHE/16/00317/REM1, CHE/16/00318/REM1, CHE/16/00319/REM1 AND CHE/16/00320/REM1 at land At The Brushes, Sheffield Road, Chesterfield For David Lloyd Developments Ltd.

(B) CHE/19/00456/REM1 - variation of condition 52 on application CHE/0892/0496 as varied by CHE/16/00219/NMA; CHE/16/00317/REM1, CHE/16/00318/REM1, CHE/16/00319/REM1 and CHE/16/00320/REM1 to substitute drawings to enable relocation of approved phase 1 components within the consented development areas and facilitate revised phasing at land at The Brushes, Sheffield Road, Chesterfield for Birchall Properties Ltd.) as they knew the applicant socially in their respective roles as Mayor and Mayoress.

## **58 MINUTES OF PLANNING COMMITTEE**

### **RESOLVED -**

That the Minutes of the meeting of the Planning Committee held on 23 September, 2019 be signed by the Chair as a true record.

## **59 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:-

Councillors Caulfield and Simmons left the meeting at this point as they had not attended the site visits so were precluded from participating in the debate and making decisions on the applications to be determined by Committee.

The Principal Planner had declared an interest in the following item and left the meeting at this point.

CHE/19/00394/REM AND CHE/19/00456/REM1 -

(A) CHE/19/00394/REM – APPROVAL OF RESERVED MATTERS FOLLOWING CHE/0389/0210 AND CHE/0892/0496 AS VARIED BY CHE/16/00219/NMA; CHE/16/00317/REM1, CHE/16/00318/REM1, CHE/16/00319/REM1 AND CHE/16/00320/REM1 AT LAND AT THE BRUSHES, SHEFFIELD ROAD, CHESTERFIELD FOR DAVID LLOYD DEVELOPMENTS LTD.

(B) CHE/19/00456/REM1 - VARIATION OF CONDITION 52 ON APPLICATION CHE/0892/0496 AS VARIED BY CHE/16/00219/NMA; CHE/16/00317/REM1, CHE/16/00318/REM1, CHE/16/00319/REM1 AND CHE/16/00320/REM1 TO SUBSTITUTE DRAWINGS TO ENABLE RELOCATION OF APPROVED PHASE 1 COMPONENTS WITHIN THE CONSENTED DEVELOPMENT AREAS AND FACILITATE REVISED PHASING AT LAND AT THE BRUSHES, SHEFFIELD ROAD, CHESTERFIELD FOR BIRCHALL PROPERTIES LTD.

In accordance with Minute No. 299 (2001/2002) Geoff Musgrove (objector), Jim Allsop (objector), Alex Dale on behalf of Unstone Parish Council (objector) and Rupert Carr (applicant's agent) addressed the meeting.

(A) CHE/19/00394/REM

Approve subject to the conditions of the outline planning permission CHE/0389/0210 and CHE/0892/0496 as varied by CHE/16/00219/NMA; CHE/16/00317/REM1, CHE/16/00318/REM1, CHE/16/00319/REM1 and CHE/16/00320/REM1 and subject to the following additional conditions:

1. Prior to commencement of development on the site a full ecological survey of the application site shall be undertaken by a suitably qualified ecologist and which shall be submitted to the local planning authority for consideration with the Derbyshire Wildlife Trust. The submission shall include any necessary mitigation measures and the use of an Ecological Clerk of Works to oversee the site works. The details subsequently agreed in writing shall be carried out as part of the development hereby agreed.
2. Only the proposed phase 1 car parking area shown on drawing 2018-02-PL-100B is approved by this permission subject to the submission of the further following details being submitted to the local planning authority for consideration:

- Screen bunding;
- Soft landscaping;
- Drainage;
- Hard surfacing and mitigation of potential gas migration;
- Lighting.

The car parking area shall thereafter be implemented on site in accord with the details, or any amendment to those details which may be required, which are agreed in writing by the local planning authority and which shall thereafter be retained.

3. There shall be no vehicular or pedestrian access to the proposed car parking area from the golf course access from Sheffield Road to the north of the site.

4. The karting track facility shall not be used by petrol or diesel motorised vehicles.

5. No payment shall be made to park in the proposed car park. A Management Plan setting out how the car park is to operate shall be submitted to the local planning authority for consideration. The agreed details shall be implemented as part of the development and the parking area shall be made available for use in accordance with the agreed Management Plan concurrent with the first occupation of the buildings on site.

6. Full details of security measures to be installed at the site shall be submitted to the local planning authority for consideration. The agreed details shall be implemented as part of the development and shall be installed and made available concurrent with the first occupation of the buildings on site.

7. Within 2 months of commencement of development full details of hard landscape works for the approved development shall be submitted to the Local Planning Authority for consideration. Hard landscaping includes proposed finished land levels or contours, means of enclosure and minor structures such as furniture, refuse or other storage units, signs and lighting. The details agreed in writing by the local planning authority shall be carried out as approved prior to the occupation of the development.

8. Within 2 months of commencement of development details of a full soft landscaping scheme for the approved development shall be submitted to

the Local Planning Authority for consideration. The required soft landscape scheme shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers; densities where appropriate, an implementation programme and a schedule of landscape maintenance for a minimum period of five years. Those details, or any approved amendments to those details shall be carried out in accordance with the implementation programme

9. If, within a period of five years from the date of the planting of any tree or plant, that tree or plant, or any tree or plant planted as a replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

10. Prior to commencement of the development of the e-karting and adventure golf facility full details of the layout of the track shall be submitted to the local planning authority for consideration. The agreed details shall be implemented as part of the development and shall be installed and retained thereafter.

11. Prior to commencement of the development of the e-karting facility a background noise survey shall be undertaken, measured at the boundaries of the Peak Resort site to the east and north. The submission shall include a fully detailed scheme of noise mitigation measures to be installed and future monitoring for the consideration by the local planning authority. The agreed details shall be implemented as part of the development and which shall be installed and retained thereafter.

12. There shall be no use of external tannoys, claxons or piped music at the site.

13. The external karting and adventure golf facility shall not operate beyond 22:00 hours on any day.

14. Full details of a lighting scheme for the site including design and hours of operation shall be submitted to the local planning authority for consideration. The scheme shall include lighting generally across the site and for each component. The details agreed in writing shall be

implemented as part of the development and shall be retained thereafter.

15. Full details of the cycle lockers to be installed on site shall be submitted to the local planning authority for consideration. The details agreed in writing shall be implemented as part of the development and shall be provided prior to first occupation of the site and retained thereafter.

16. A scheme showing 12 additional Sheffield style cycle racks to be provided on the site shall be submitted to the local planning authority for consideration. The details agreed in writing shall be implemented as part of the development and shall be provided prior to first occupation of the site and retained thereafter.

17. A scheme showing 10% of the parking spaces to be provided on site with Electric Vehicle charging points shall be submitted to the local planning authority for consideration. The details agreed in writing shall be implemented as part of the development and shall be provided prior to first occupation of the site and retained thereafter.

(B) CHE/19/00456/REM1

That the condition variation be GRANTED subject to the following replacement condition:

52. All external dimensions and elevational treatments shall be as shown on drawings 496\_003P1; 007P1; 007aP1; 008P1; 008aP1; 009P1; 012P1; 013P1; 014P1; 016P1; 021P1; 022P1; 023P1; 024P1; 025P1; 026P1; 026aP1; 026bP1; 026cP12; 026dP1; 027P1; 028P1; 029P1; 029aP1; 029bP1; 030P0 and 046P1 with the exception of any approved none material amendment.

The Principal Planner returned to the meeting.

The Development Management and Conservation Manager had declared an interest in the following item and left the meeting at this point.

CHE/17/00469/OUT - RESIDENTIAL DEVELOPMENT OF UP TO 650 DWELLING (INC. ELDERLY CARE AND SPECIALIST ACCOMMODATION), A LOCAL CENTRE (INC. LOCAL RETAIL, HEALTH FACILITIES AND SERVICES), OPEN SPACE, COMMUNITY GARDEN EXTENSION (INC. COMMUNITY BUILDING AND PARKING)



AND ASSOCIATED INFRASTRUCTURE - REVISED INFORMATION RECEIVED (FLOOD RISK ASSESSMENT APRIL 2018, VIABILITY ASSESSMENT JULY 2018, ARCHAEOLOGICAL ASSESSMENT NOVEMBER 2018, DESIGN & ACCESS STATEMENT/ MASTERPLAN FEBRUARY 2019, REVISED MASTERPLAN JUNE 2019 AND OVERARCHING WSI FOR ARCHAEOLOGY SEPTEMBER 2019) AT LAND SOUTH OF WORKSOP ROAD, MASTIN MOOR, CHESTERFIELD, DERBYSHIRE FOR CHATSWORTH SETTLEMENT TRUSTEES

In accordance with Minute No. 299 (2001/2002) Vanessa Wright (objector), Nyree Clark (objector), Councillor Lisa Collins (objector), Will Kemp (applicant) and David Peck (applicant's agent) addressed the meeting.

That the officer recommendation not be upheld and the application be refused for the following reason:-

The site is greenfield development and Policy CS10 of the Chesterfield Local Plan: Core Strategy 2011 - 2031 states that residential development on greenfield sites that are not in an adopted Local Plan will not normally be permitted whilst the Council is able to demonstrate a supply of housing sites sufficient for five years.

Given that the Council is currently able to demonstrate a five year supply of housing, the scale of development proposed is considered to be in excess of that which is allowed for under the provisions of policy CS1 of the Chesterfield Local Plan: Core Strategy 2011 - 2031 at Mastin Moor. As a result the development proposals will impose an adverse and detrimental impact upon the communities of Woodthorpe and Mastin Moor, to the detriment of their amenity and upon local services.

The Development Management and Conservation Manager returned to the meeting.

Councillor Bingham had declared an interest in the following item and left the meeting at this point.

Councillor T Gilby left the meeting at this point and did not return.

CHE/19/00242/FUL - USE OF LAND AS OPEN STORAGE (USE CLASS B8), RETENTION OF FILL MATERIAL AND ASSOCIATED

LANDSCAPING WORKS. (FLOOD RISK STATEMENT RECEIVED 26.06.2019, EX AND PROPOSED SECTIONS RECEIVED ON 16.07.2019 AND LANDSCAPE MASTER PLAN RECEIVED ON 12.08.2019), ON LAND AT WHITTINGTON INDUSTRIAL ESTATE, STATION LANE, NEW WHITTINGTON. DERBYSHIRE S43 2BP

That the officer recommendation be upheld and the application be approved subject to completion of the Section 106 Obligation referred to in (B) below and subject the following conditions:-

(A) 1. 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.

- Drawing Number - 881-CC02 Rev A - Landscape Master-Plan - received on 12.08.2019;
- Drawing Number - 881-CC03 Rev A - Existing and Proposed
- Section A - received on 16.07.2019;
- Drawing Number - 881-CC04 Rev A - Existing and Proposed
- Section B - received on 16.07.2019;
- Drawing Number - 881-CC05 Rev A - Existing and Proposed
- Section C - received on 16.07.2019;
- Drawing Number - D5161 - D01 - Location Plan;
- Drawing Number - Un-numbered - Landscape and Ecological Management Plan – By Weddle Landscape Design dated July 2019, and
- Drawing Number - MP.05161 - Flood Risk statement - Received 26.06.2019.

2. Works involved in the removal or movement of fill material and any ground-works or construction work to implement the permission hereby granted shall only be carried out on site between 8:00am and 6:00pm in any one day on Monday to Friday, 9:00am to 3:30pm on a Saturday and at no time on a Sunday or Public Holiday. The term "work" will also apply to the operation of plant, machinery and equipment.

3. The hard-standing area hereby approved shall only be used for open storage falling within use-class B8 to the Schedule to the Town and Country Planning (Use Classes) Order 1987) or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that order, and for no other purpose.

4. There shall be no storage of items in excess of 15m in height above ground level on the part of the site that falls between the proposed habitat planting and the edge of the Local Plan Employment Designation, the extent of which is shown as a dotted pink line on the submitted Landscape Master-Plan.

5. Prior to the installation of the lighting column shown on the Landscape Master-Plan, full details of the column including height, strength of illumination, and manner in which its impact on the habitat area would be controlled (by cowl and/or imitation on time of illumination), shall be submitted to and approved in writing by the Local Planning Authority. The lighting column shall be installed in accordance with the agreed specification, and thereafter retained in the agreed form. No other lighting shall be installed that would illuminate the storage area or adjacent habitat/ecology area.

(B) That a Section 106 Obligation be negotiated covering:

- A programme for delivery of the new wildlife habitat area together with the required funding and maintenance.

Councillor Bingham returned to the meeting.

CHE/19/00469/REM1 - VARIATION OF CONDITION 3 IN RELATION TO CHE/18/00816/FUL (WHICH RESTRICTS THE OCCUPATION OF THE PREMISES TO 8 RESIDENTS) TO ALLOW OCCUPATION BY 10 RESIDENTS AND ASSOCIATED WORKS

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

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

Drawing Number - h/19/01 - Location Plan, and  
Drawing Number - h/19/03 - Floor Plans as Proposed.

2. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (As Amended), the site shall only be used as a

managed hostel for young people at risk of homelessness (aged between 18 and 24 years of age) with ancillary staff office and shall not be used as a direct access homeless person's hostel, or for any other use.

3. There shall be no more than 10 residents residing at the property at any one time.

CHE/19/00357/FUL - PROPOSED ERECTION OF A DETACHED DWELLING (REVISED DRAWINGS RECEIVED 23.08.2019 AND 16.09.2019) AT LAND ADJACENT TO 11 BRIDLE ROAD, WOODTHORPE, DERBYSHIRE S43 3BY FOR MR JOSHUA GREAVESON

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. 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.

- Proposed site plan, drawing un-numbered (received 16.09.2019)
- Site section and street scene view, drawing un-numbered (received 16.09.2019)
- Proposed elevations and floor plans, drawing numbered (received 16.09.2019)

3. No development above floor-slab/D.P.C level shall be carried out until the precise specifications or samples of the walling and roofing materials to be used shall be submitted to and approved in writing by the Local Planning Authority. Only those materials approved in writing by the Local Planning Authority shall be used as part of the development.

4. Demolition, remediation or construction work to implement the permission hereby granted shall only be carried out on site between 8:00am and 6:00pm in any one day on Monday to Friday, 9:00am to 17:00pm on a Saturday and at no time on a Sunday or Public Holiday. The term "work" will also apply to the operation of plant, machinery and equipment.

5. Before any other operations are commenced, a revised plan detailing the vehicular access to Bridle Road with optimum visibility splays in both directions shall be submitted to the Local Planning Authority for written approval. The revised plan shall include the retention of the stone wall where possible. Only the approved access to Bridle Road shall be implemented on site, created in accordance with the application drawings, laid out, constructed and provided with optimum visibility splays in both directions, the area in advance of the sightlines being maintained in perpetuity clear of any object greater than 1m in height (0.6m in the case of vegetation) relative to the adjoining nearside carriageway channel level.
6. The proposed dwelling shall not be occupied until space has been laid out within the site in accordance with the application drawing for the parking of three vehicles for the proposed dwelling including two spaces in the integral garage. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any Order revoking or re-enacting that Order with or without modification) the garage accommodation and parking/turning space shall not be used other than for the above stated purpose.
7. Before any other operations are commenced (excluding demolition/site clearance), space shall be provided within the site curtilage for the storage or plant and materials, site accommodation and parking and manoeuvring of site operatives 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.
8. There shall be no gates or other barriers within 5m of the nearside highway boundary at the vehicular access and all gates shall open inwards only.
9. No development above floor-slab/D.P.C level 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. These details shall conform to the Chesterfield Borough Council Minimum Development Control Standards for Flood Risk.
10. The site shall be developed with separate systems of drainage for foul

and surface water on and off site.

11. There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to 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 3.5 litres per second until proper provision has been made for its disposal.

12. No development above floor-slab/D.P.C level shall take place until details for the 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 or first occupation of the development, whichever is the sooner. Details shall include: a) a scaled plan showing trees and plants to be planted: b) proposed hardstanding and boundary treatment: c) a schedule detailing sizes and numbers of all proposed trees/plants d) Sufficient specification to ensure successful establishment and survival of new planting. Any new tree(s) that die(s), are/is removed, become(s) severely damaged or diseased shall be replaced and any new planting (other than trees) which dies, is removed, becomes severely damaged or diseased within five years of planting shall be replaced. Replacement planting shall be in accordance with the approved details.

13. As part of the landscaping condition referred to above, suitable habitat shall be created that enhances the ecological interest of the site, in line with guidance within Paragraph 175d of the NPPF. This could include native landscaping, retention of existing features of ecological value (such as the hedgerow) and incorporation of bat and bird boxes into the new dwellings.

14. A residential charging point shall be provided for the proposed dwelling with an IP65 rated domestic 13amp socket, directly wired to the consumer unit with 32 amp cable to an appropriate RCD. The socket shall be located where it can later be changed to a 32amp EVCP. Alternative provision to this specification must be approved in writing, by the local planning authority. The electric vehicle charging points shall be provided in accordance with the stated criteria prior to occupation and shall be

maintained for the life of the approved development.

15. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) (England) Order 2015 (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) shall be erected, and no additional windows shall be installed at or in the dwelling hereby approved without the prior written agreement of the Local Planning Authority.

16. 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.

17. 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.

18. Notwithstanding the details shown on the approved plans the first floor bathroom window proposed in the side elevation facing No 15 Bridle Road to the west shall be only be fitted with an opening above 1.7m high (measured internally) and shall be installed obscurely glazed with a minimum level 4 obscurity and shall thereafter be retained as such in perpetuity.

(B) That a CIL Liability notice be served for £6,950 as detailed in section 5.12 of the officer's report.

Councillor Brady had declared an interest in the following item and left the meeting at this point.

CHE/19/00401/FUL - CHANGE OF USE FROM STORAGE TO PROVIDE FITNESS FACILITIES AT A-ROCK HOUSE, 133 BADEN POWELL ROAD, CHESTERFIELD, S40 2RL

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

1. The use hereby permitted shall cease within 24 months of the approval of the planning application, unless another planning permission has been granted for a further period.

2. All external dimensions and elevational treatments shall be as shown on the approved plans/ documents (listed below) with the exception of any approved non material amendment.

- Clarifications document (received 05/09/19)
- Proposed Site Block Plan (car parking and cycle parking received 20/08/19).
- Existing Ground and First floor plan
- Site location plan



- Planning Statement

3. The proposed car parking and cycle parking within the site shall be available for the use of the boxing facility during their hours of operation and maintained as such for the life of the development. The parking facilities shall be marked out clearly on site to show the individual parking spaces.

4. Obscure glazing to a minimum Pilkington Scale level 4 shall be installed on the west front first floor windows of the proposed fitness facility. The obscure glazing shall be installed within 28 days of this consent and shall be retained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

5. The hours of operation for the boxing club shall be restricted to 16.30 hours to 20.30 hours Monday to Friday, 9.15 hours to 12.00 hours on a Saturday, Sunday and Bank Holidays. The 1 to 1 boxing training shall only be open on site between 9.00 hours to 16.30 hours Monday to Friday. The windows and external doors on the 1<sup>st</sup> floor of the northern and western elevations (not including the shutter) shall not be open during the above opening hours.

6. The boxing/fitness classes shall operate with a minimum of 10 minutes between class times to avoid overlapping of users and parking demand.

7. The boxing/fitness classes (club) shall operate with no more than 20 persons. The 1 to 1 boxing training shall operate with no more than 4 persons in the fitness facility.

8. During the hours of operation, no amplified music shall be played and no public address systems shall be used.

Councillor Brady returned to the meeting.

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**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/18/00559/RET	Change of use from A1 (Retail) use to A3 (Restaurants and Cafes) and ancillary takeaway at 11 Beetwell Street Chesterfield S40 1SH for Mr Ricky Marples
CHE/19/00174/FUL	Erection of single storey rear extension. Revised plans received 30.05.2019 at 16 Booker Close Inkersall S43 3WA for Samantha Townsend
CHE/19/00244/COU	Change of use from office to flat. New information received 25.07.2019 at Flat 3 77 South Street North New Whittington Derbyshire S43 2AA for Mrs Marietta Thacker
CHE/19/00284/LBC	Listed Building Consent for installation of temporary internal ply security screens to the ground floor and easily accessible first floor windows at Tapton House Brimington Road Tapton Derbyshire S41 0TD for Chesterfield Borough Council
CHE/19/00353/FUL	Sub-division of the former Bristol Street Motors building, to provide 3 separate units for use as car-sales (Unit A, Sui-generis use); a storage facility/trade-counter (Unit B, B8 use) and a car-repair workshop including MOT testing (Unit C, B2 Use); and with associated alterations to the elevations and revisions to the car-parking layout at Bristol Street Motors Sheffield Road Whittington Moor Derbyshire S41 8LF for Peppermint Grove
CHE/19/00355/NMA	Non material amendment to retain some of the existing load bearing masonry, bi-fold doors to incorporate fixed glazing and pedestrian door of application of CHE/16/00818/FUL (Proposed restaurant on the building 3rd floor (opening times in

accordance with existing licence). Alteration and widening of ground floor opening to accommodate new bi-fold doors. Installation of retractable awning canopy to building entrance (minimum 2.3m high) at The Loft 21 Holywell Street Chesterfield Derbyshire S41 7SA for G Livoti

CHE/19/00369/ADV

Installation of full width fascia signage with face and halo illuminated letters. Installation of 2no. internally illuminated projecting signs, face and halo illuminated ATM tablet, entrance illuminated accent strip and vinyl sign and window graphics (revised drawings received 20.08.2019, 11.09.2019 and 20.09.2019) at 2 Stephenson Place and 1 Cavendish Street Chesterfield S40 1XP for The Royal Bank of Scotland

CHE/19/00371/LBC

Removal of existing external ATM and signage, removal of 3 sections of high level fascia and logo signage, removal of existing projecting sign. Removal of illuminated window posters. Installation of new external ATM (to adapted aperture) with internally illuminated tablet. Installation of new fascia signage with internally illuminated letters and logo. Installation of 2 internally illuminated projecting signs. Installation of new entrance vinyl signage and illuminated accent strip. Installation of new vinyl graphic to selected windows. Internal: Removal of existing cashier counter and associated partitions to front of Banking Hall and installation of part height automation wall with automation items. Boarding up 1no. existing cashier counter position to back of Banking Hall and installation of new recessed digital screen. General refurbishment and installation of new furniture and lighting to match existing (revised drawings received 20.08.2019, 11.09.2019 and 20.09.2019) at 2 Stephenson

Place and 1 Cavendish Street Chesterfield  
S40 1XP for The Royal Bank of Scotland

CHE/19/00373/MA	Material amendment to CHE/18/00806/FUL in relation to condition 2. In relation to amended drawings :- PL_07B, PL_08A, PL_09C, PL_10B and PL_12A at Precision Products Ltd 1 Cobnar Wood Close Chesterfield Trading Estate Chesterfield S41 9RQ for Precision Products Ltd
CHE/19/00379/LBC	Replacement of the signage on the building due to the acquisition of the business and building at Little Lions Day Nursery Elder Court Saltergate Chesterfield S40 1UT for Kids Planet Day Nurseries
CHE/19/00388/FUL	Conversion and extension to existing detached garage to form granny annexe (revised plans received 10.09.2019) at 29 Ormsby Road Newbold Chesterfield S41 8SA for Eyre
CHE/19/00408/FUL	Two storey side extension at 1 Linden Drive Hasland Chesterfield S41 0NQ for Mr Scott Thompson
CHE/19/00425/FUL	Conversion of existing lounge and guest room to provide two additional flats at Harehill Court Harehill Road Grangewood Derbyshire S40 2NZ for Chesterfield Churches Housing Association
CHE/19/00430/FUL	Single storey rear extension at 1 Spencer Avenue Woodthorpe Derbyshire S43 3BX for Jane Cameron
CHE/19/00431/FUL	Single storey extension to the front elevation at 72 Paxton Road Tapton S41 0TN for Mr Michael Levin
CHE/19/00433/FUL	Demolition of existing garage and erection of

	a detached ancillary annexe. Revised drawings received 03.09.2019 at 3 Eliot Close Brimington Derbyshire S43 1PF
CHE/19/00438/FUL	New entrance and stairs in the rear side instead of front side for property - revised drawings received 28/8/2019 at 33 West Bars Chesterfield S40 1AG for Mr Rajib Paul
CHE/19/00441/FUL	Front porch extension at 11 Norton Avenue Somersall S40 3NG for Mr Joshua Botham
CHE/19/00443/FUL	Single storey side extension at 165 Somersall Lane Somersall Derbyshire S40 3LZ for Mrs Rosemary Smith
CHE/19/00445/FUL	Single storey extension to the rear (with revised drawings provided 17.09.19) at 10 Swaddale Avenue Tapton S41 0SU for Mr S Bates
CHE/19/00452/NMA	Revised porch layouts and elevations to previously approved application (CHE/17/00751/FUL - single/two storey side extension and porch) at 97 Foljambe Avenue Walton S40 3EY for Miss Louise Wood
CHE/19/00455/FUL	To put metal storage container on car park for general storage at car park at rear of 1 - 3 Old Road Chesterfield Derbyshire S40 2RE for Mr Garry Hodgson
CHE/19/00461/COU	Change of use from hotel (C1) to residential care home for persons with learning disabilities (C2) - Amended plans received on 14 and 27.08.2019 at The Acorns 56 Sheffield Road Stonegravels Chesterfield S41 7LS for Mr Shakti Patel
CHE/19/00462/RET	Erection of garden shed at 19 Lindale Road Newbold Chesterfield S41 8JH for Mr Alan Sanderson

CHE/19/00467/FUL	Proposed side extension at 48 Langhurst Road Brockwell Chesterfield S40 4BD for Mr Andrew Ingham
CHE/19/00470/FUL	Demolition of existing single storey side extension and construction of new larger 1.5 storey extension at 46 Cobden Road Chesterfield S40 4TD for Mr and Mrs Felix Mendelsohn
CHE/19/00486/TPO	Ash Tree min 3 mtr reduction from crown, crown lift over neighbours, cutting off deadwood at 46 Hedley Drive Brimington Chesterfield S43 1BF for Mrs Debra Millington
CHE/19/00488/TPO	G2 X 2 ( Yew) Poor amenity value x 2 (Yew) crown lift to 2.5m at 96 Mansfield Road Hasland Chesterfield S41 0JF for Mr Christopher Kirby
CHE/19/00493/TPO	Fell and replace T55 (dead Birch), remove and replace T56 (damaged Birch), crown thin G3 (Pine) removing two lowest branches overhanging roadway and any other trees within G1 to be crown cleaned to remove deadwood over roadway and replace dead trees like for like at Grounds Walton Hospital Whitecotes Lane Walton Chesterfield for Derbyshire Community Health Services Foundation Trust
CHE/19/00494/TPO	T4 River Birch - formative prune to remove lower branches, T5 Maple - remove or crown lift, T6 Sycamore - crown lift and thin and remove ivy and T7 Lime - crown lift and thin at 6 Rye Flatt Lane Chesterfield S40 3RU for Mr Kevin Langham
CHE/19/00497/TPO	Cut back hedgerow (G9 and G10) on either side of road to height of 3-4m and back to the kerb way at St Marys R C High School

Newbold Road Newbold Chesterfield S41  
8AG for St Marys Catholic High School

CHE/19/00502/NMA Proposed changes to materials on approved application CHE/19/00283/FUL at 267 Hasland Road Hasland Chesterfield S41 0AA

CHE/19/00510/TPO (T2) Ash - Pollard to main branches (as previously). T3- Oak - Raise crown to lower main branches. (See copy of original order and sketch plan attached) at 34 Hillside Drive Walton Chesterfield S40 2DB for Mr Stuart Haslam

CHE/19/00545/CA One Willow tree previously pollarded; requesting to repollard as it is now rubbing the neighbours garage at 63 Rutland Road Chesterfield S40 1ND for Mrs Catherine Clinton

CHE/19/00592/CA Cut conifer tree down. The tree will be removed and replaced by fruit trees at 12 Devonshire Street Brimington Chesterfield S43 1JQ for Mrs Anne Hardy

(b) Discharge of Planning Condition

CHE/19/00449/DOC Discharge of conditions 6 (archaeological works), 9 (badgers), 10 (badger protection), 12 (Root Protection), 14 (Open Space scheme), 16 (Infrastructure), 18 (materials), 20 (construction management plan), 21 (site layout), 27 (landscaping) 28 (pedestrian/cycle link), 29 (noise assessment) and 30 (Concept Master Plan) of CHE/16/00016/OUT - Residential development along with associated access, public open space, landscaping and surface water balancing (all matters reserved save for means of access into the site) at land to the west of Dunston Lane Newbold Chesterfield for William Davis Ltd

- CHE/19/00450/DOC Discharge of conditions 3 (storage of plant and materials) and 5 (street layout) of CHE/18/00805/REM - (Residential development along with associated access, public open space, landscaping and surface water balancing (all matters reserved save for means of access into the site) at land to the west of Dunston Lane Newbold Chesterfield for William Davis Ltd
- CHE/19/00476/DOC Discharge of conditions 3 (Drainage) and 4 and 5 (site investigations) of CHE/18/00842/FUL - Erection of 4 bed detached bungalow with garage at 203 Keswick Drive Newbold Chesterfield S41 8HQ for Woodall Homes
- CHE/19/00479/DOC Discharge of planning conditions 4 (Remedial Method Statement), 5 (Compound Plan), 9 (Skills and Employment Plans) and 10 (External Lighting Plan) of CHE/18/00605/FUL - Refurbish and extend existing property and change use to residential care home facility and demolition of existing ancillary building to the rear and erection of three storey building to create assisted living facility at 6 Ashgate Road Chesterfield S40 4AA for Aspire Health and Care
- CHE/19/00484/TPO Crown lift T12-13 balancing with T14. Crown thin 11-13 balancing with T14. Fraxinus excelsior common Ash . All works agreed with Mr Steve Perry at Public Open Space at Meadows Holme Hall Chesterfield for Taylor Wimpey Yorkshire



\*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/19/00420/TPO	Consent is refused to the pruning of one Oak tree reference T2 on the Order map for Mrs Riley of 10 Dorothy Vale, Ashgate.  Consent is granted to the crown lifting of the tree by 4 metres and the crown thinning by 25%.
CHE/19/00454/TPO	Consent is granted to the pruning of one Oak tree reference T1 on the Order map for Mrs Marper of 14 Dorothy Vale, Ashgate.
CHE/19/00463/TPO	Consent is refused to the crown reduction of two Lawson Cypress trees reference T9 & T10 on the Order map for Mrs Wagstaffe of 11 Westfield Close, Brampton.
CHE/19/00522/TPO	Consent is granted to the coppicing of 5 Willow trees within W1 on the Order map for Miss Ward on land adjacent to 7 Marine Drive, Piccadilly.
CHE/19/00480/TPO	Consent is refused to the felling of two Ash trees and the crown reduction of four Ash trees within G1 on the Order map for Mr Walters of Oldfield Farm, Wetlands Lane, Brimington.  Consent is granted to the reduction of branches around the telephone wires and the removal of major dead wood.
CHE/19/00499/TPO	Consent is granted to the pruning of one Poplar tree reference T1 on the Order map for Gary McCarthy on behalf of Chesterfield Borough Council on land to the rear of 36 Bellhouse Lane, Lowgates.

CHE/19/00516/TPO	Consent is granted to the pruning of one Oak tree reference T2 on the Order map for Ted Firth on behalf of Chesterfield Borough Council at 21 Spring Wood Close, Dunston.
CHE/19/00500/TPO	Consent is granted to the pruning of three Ash trees reference T13, T14 and T15 on the Order map for Gary McCarthy on behalf of Chesterfield Borough Council at Staveley War Memorial Gardens.
CHE/19/00488/TPO	Consent is granted to the felling of two Yew trees and the pruning of two Yew trees within G2 on the Order map for Mr Kirby of 96 Mansfield Road, Hasland.
CHE/19/00484/TPO	Consent is granted to the pruning of 3 tree reference T11, T12 and T13 Ash on the Order Map and which are situated to the rear of 42 The Meadows and 2 Foxbrook Close, Ashgate for Taylor Wimpey Yorkshire.

## 62 **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.

## 63 **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.

