

PLANNING COMMITTEE

Monday, 4th December, 2023

Present:-

Councillor Brittain (Chair)

Councillors Caulfield
Falconer

Councillors Miles
Stone
Yates

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

CHE/23/00455/FUL - Construction of a two storey further education facility, including the demolition of the existing north block 1 building, new steel fire escape stair to the north block 4 building and landscaping at Chesterfield College, Infirmary Road for the Chesterfield College Group.

Councillors Brittain, Falconer, Miles, Stone and Yates.

CHE/23/00561/FUL - New single track agricultural access point off Troughbrook Road into paddock at land to the East of Troughbrook Road, Hollingwood, Chesterfield, Derbyshire for Chatsworth Settlement Trustees.

Councillors Brittain, Falconer, Miles, Stone and Yates.

CHE/22/00290/REM - Re-submission of CHE/21/00798/REM - proposed detached dwellinghouse, drainage plans submitted proposing connection to private drainage system serving Poplar Heights at land adjacent Four Poplars, Rectory Road, Duckmanton, Derbyshire, S44 5JS for Mrs M Wheelwright.

Councillors Brittain, Falconer, Miles, Stone and Yates.

CHE/23/00084/FUL - Erection of a pair of semi-detached dwellings with associated works and access from Central Avenue on land to rear of 5-6 Walton Walk, Boythorpe, Chesterfield for Mr Reece Smedley.

Councillors Brittain, Falconer, Miles, Stone and Yates.

Councillor Caulfield was unable to attend on site and received relevant site information by other means as a reasonable adjustment.

*Matters dealt with under the Delegation Scheme

83 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors B Bingham, J Bingham, Callen, Davenport and Ridgway.

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

CHE/23/00455/FUL - Construction of a two storey further education facility, including the demolition of the existing north block 1 building, new steel fire escape stair to the north block 4 building and landscaping at Chesterfield College, Infirmary Road for the Chesterfield College Group.

Paul Staniforth, Development Management and Conservation Manager, declared an interest in this item due to a member of his family being employed by Chesterfield College.

85 **MINUTES OF PLANNING COMMITTEE**

RESOLVED - That the Minutes of the meeting of the Planning Committee held on 13th November, 2023 be signed by the Chair as a true record.

86 **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:

Paul Staniforth declared an interest in this item and left the meeting at this point.

CHE/23/00455/FUL - CONSTRUCTION OF A TWO STOREY FURTHER EDUCATION FACILITY, INCLUDING THE DEMOLITION OF THE EXISTING NORTH BLOCK 1 BUILDING, NEW STEEL FIRE ESCAPE STAIR TO THE NORTH BLOCK 4 BUILDING AND LANDSCAPING AT CHESTERFIELD COLLEGE, INFIRMARY ROAD FOR THE CHESTERFIELD COLLEGE GROUP.

In accordance with Minute No. 299 (2001/2002) the Deputy Principal of Chesterfield Colleague (applicant) addressed the meeting.

***RESOLVED**

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

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby approved shall only be carried out in full accordance with the approved plans (listed below) with the exception of any approved non-material amendment or conditional requirement below.

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

Site location plan 1001 REV P03 received 02.08.23

Existing site plan 1003 REV P08 received 28.07.23

Proposed GA building sections 4501 REV P07 received 02.08.23

Proposed GA building sections 4501 REV P07 received 02.08.23

Proposed GA building sections 4501 REV P06 received 28.07.23

Proposed GA elevations 3201 REV P08 received 28.07.23

Sectional elevation 3201 REV P02 received 28.07.23

Landscape softworks layout 1012 REV P02 received 28.07.23

Proposed GA landscape layout 1010 REV P03 received 28.07.23

Demolition site plan 10005 REV P03 received 28.07.23

Proposed roof plan 2201 REV P14 received 28.07.23

Substation enclosure plans and elevations NC1V-004 REV 1.0 received 28.07.23

Proposed first floor GA floor plan 2201 REV P14 received 24.07.23
Proposed ground floor GA floor plan 2201 REV P14 received 24.07.23
Swept path analysis 0001 REV A01 received 24.07.23
General arrangement pavement and kerb details 9502 REV P01 received 24.07.23
General arrangement site levels 9501 REV P01 received 24.07.23
Drainage general arrangement 9201 REV P01 received 24.07.23
Revised Proposed landscape layout plan CCEL-BBA-A2-XX-DR-L-1010 Rev P04 received 19.09.23.

3. Prior to installation details of the proposed metal stair shall be submitted to and agreed in writing by the Local Planning Authority. Works shall be completed in accordance with the agreed details.
4. Prior to installation details of all external facing materials, including samples where necessary, shall be submitted to and agreed in writing by the Local Planning Authority. Works shall be completed in accordance with the agreed details.
5. Prior to the commencement of development a sustainability statement on how emissions will be reduced through the construction process, along with details of the energy efficiency and renewable energy use of the proposed building, shall be submitted to and agreed in writing by the Local Planning Authority. Works shall be completed in accordance with the agreed statement.
6. The development shall operate in accordance with the detail of the submitted noise impact assessment 100956-R01v02.
7. For the construction period, there shall be no construction or demolition works, movement of construction traffic, or deliveries to and from the premises, shall occur other than between 0800 and 1800 hours weekdays, and 0800 and 1300 hours on Saturdays, and at no time on Sundays or Public Holidays.
8. 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.

9. Prior to works commencing on the existing ramp to be amended detailed plans of the proposed works shall be submitted to and agreed in writing by the Local Planning Authority. Works shall be completed in accordance with the agreed details.
10. No development shall take place until space is provided within the site curtilage, for site accommodation, storage of plant and materials, parking and manoeuvring of site operative's and visitor's vehicles together with the loading/unloading and manoeuvring of goods vehicles. The space shall be constructed and laid out to enable vehicles to enter and leave the site in a forward gear, in surface materials suitable for use in inclement weather and maintained free from impediment throughout the duration of construction works.
11. The Development hereby approved shall not be brought into use until the access, parking and turning facilities have been provided as shown on drawing CCEL-BBA-A2-XX-DR-L-1010_Proposed GA Landscape Layout.
12. The amended Employment Travel Plan hereby approved shall be implemented and monitored in accordance with the regime contained within the Plan. In the event of failing to meet the targets within the Plan a revised Plan shall be submitted to and approved in writing by the Local Planning Authority to address any shortfalls, and where necessary make provision for and promote improved sustainable forms of travel to and from the site. The submitted details shall use Modeshift STARS Business to carry out this process and include mechanisms for monitoring and review over the life of the development and timescales for implementation. The approved Travel Plan shall be implemented, monitored and reviewed in accordance with the approved details
13. The tree protection measures as detailed in the Arboricultural Survey, Impact Assessment (AIA) and Arboricultural Method Statement (AMS) at Appendix 3, Figure 5 by ECUS dated July 2023 in accordance with BS5837:2012 Trees in relation to design, demolition and construction – Recommendations, shall be implemented in full before any demolition and land clearance, and remain in situ until the development is completed unless otherwise agreed in writing by the Local Planning Authority.
14. The tree protection measures once installed shall be inspected by the project's Arboriculturalist. It should be confirmed by the project arboriculturist to the Local Planning Authority that the fencing has been

correctly set out on site, prior to the commencement of any development operations.

15. Any works that are proposed beneath the canopy or within the Root Protection Area of retained trees must be carried out as specified in the Arboricultural Method Statement. These works shall be supervised by the project arboriculturist so that any tree related issues that occur can be suitably dealt with.

16. The approved tree pruning works to T018 Ash and T028 Rowan as described at Table 3: Tree Survey Schedule of the Arboricultural Impact Assessment shall be carried out to BS3998 Tree Works 2010 standard.

17. The development shall be carried out in accordance with the details shown on the submitted plan, "Flood Risk Assessment and Drainage Strategy' WIE19853-100-R-1-1- 3_FRA prepared by Waterman, dated 24/04/2023", unless otherwise agreed in writing with the Local Planning Authority.

18. Prior to first occupation details of a security barrier to the access shall be submitted to and agreed in writing by the Local Planning Authority, the barrier shall be installed in accordance with the agreed details.

19. Prior to the installation of lighting fixtures, a detailed lighting strategy shall be submitted to and approved in writing by the Local Planning Authority to safeguard bats and other nocturnal wildlife. This should provide details of the chosen luminaires, their locations and any mitigating features such as dimmers, PIR sensors and timers. Dependent on the scale of proposed lighting, a lux contour plan may be required to demonstrate acceptable levels of light spill to any sensitive ecological zones/features. Guidelines can be found in Guidance Note 08/23 - Bats and Artificial Lighting at Night (BCT and ILP, 2023). Such approved measures will be implemented in full. Any lighting scheme on site should avoid the introduction of light to the site boundaries including retained boundary trees, hedgerows and other adjacent offsite habitats. No light should be introduced within the vicinity of proposed bat and bird boxes which will be provided as biodiversity enhancement including the flight paths to these features.

20. The timing of demolition and vegetation clearance should avoid the bird breeding season. Therefore, no demolition or vegetation clearance work should be undertaken between 1st March and 31st August inclusive,

unless a competent ecologist has undertaken a careful, detailed check for active birds' nests immediately before the work is commenced. If any active nests are discovered, then the nest should be left undisturbed until the birds have fledged with an appropriate buffer surrounding the nest.

21. A scheme of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development hereby approved, the details of which shall include:

- a) indications of all existing trees, hedgerows and other vegetation on the land;
- b) all vegetation to be retained including details of the canopy spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;
- c) measures for the protection of retained vegetation during the course of development;
- d) soil preparation, cultivation and improvement;
- e) all plant species, planting sizes, planting densities, the number of each species to be planted and plant protection;
- f) grass seed mixes and sowing rates;
- g) finished site levels and contours;
- h) means of enclosure;
- i) car park layouts;
- j) other vehicle and pedestrian access and circulation areas;
- k) hard surfacing materials;
- l) minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);
- m) proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);
- n) retained historic landscape features and proposed restoration, where relevant.

22. A Landscape and Biodiversity Enhancement and Management Plan (LBEMP) shall be submitted to, and be approved in writing by, the LPA prior to the commencement of the development. The aim of the LBEMP is to provide details for the creation, enhancement and management of habitats as set out in the Bond Bryan 'Proposed GA Landscape Layout' drawing (Reference CCEL-BBA-A2- XX-DR-L-1010 S1 DRAFT), dated 25.05.2023. It should also provide details and locations of biodiversity enhancement features provided post development and retained and

created habitats in line with the submitted Biodiversity Net Gain Assessment – Feasibility Stage document dated September 2023 V2.0. The LBEMP should combine both the ecology and landscape disciplines and shall be suitable to provide to the management body responsible for the site. It shall include the following:

- a) Description and location of features to be retained, created, enhanced and managed.
- b) Aims and objectives of management.
- c) Appropriate management methods and practices to achieve aims and objectives.
- d) Prescriptions for management actions
- e) Preparation of a work schedule (including a work plan capable of being rolled forward in perpetuity).
- f) Details of the body or organization responsible for implementation of the plan.
- g) A monitoring schedule to assess the success of the habitat creation and enhancement measures.
- h) Monitoring reports to be sent to the Council at each of the intervals above
- i) A set of remedial measures to be applied if conservation aims and objectives of the plan are not being met.
- j) Detailed habitat enhancements for wildlife, including universal swift nest boxes in line with British Standard 42021:2022 on new structures, bird nest boxes, integrated or external bat boxes, fencing gaps 130 mm x 130 mm to maintain connectivity for hedgehogs and insect bricks / towers.
- k) Requirement for a statement of compliance upon completion of planting and enhancement works.
- l) Submission of an updated metric based on the landscaping scheme as approved under condition 21.

The LBEMP shall also include details of the legal and funding mechanism(s) by which the long-term (30 Years +) 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 LBEMP 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 shall be implemented in accordance with the approved details.

23. No development shall take place until a detailed design and associated management and maintenance plan of the surface water drainage for the site, in accordance with the principles outlined within: a. Flood Risk Assessment and Drainage Strategy, Reference: Wie19853-100-R-1-1-3- FRA, prepared by Waterman Dated 24th April 2023 and response from Waterman, reference: CC-LLFA Response, Dated 20th September 2023 and “including any subsequent amendments or updates to those documents as approved by the Flood Risk Management Team” b. And DEFRA’s Non-statutory technical standards for sustainable drainage systems (March 2015), have been submitted to and approved in writing by the Local Planning Authority.

24. Prior to commencement of the development, the applicant shall submit for approval to the LPA details indicating how additional surface water run-off from the site will be avoided during the construction phase. The applicant may be required to provide collection, balancing and/or settlement systems for these flows. The approved system shall be operating to the satisfaction of the LPA, before the commencement of any works, which would lead to increased surface water run-off from site during the construction phase.

25. Prior to the first occupation of the development, a verification report carried out by a suitably qualified independent drainage engineer must be submitted to and approved by the Local Planning Authority. This must demonstrate that the drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls). Reason: To ensure that the drainage system is constructed to the national Non-statutory technical standards for sustainable drainage and CIRIA standards C753.

26. a) Prior to works commencing on site, detailed proposals in line with current best practice for the removal, containment or otherwise rendering harmless such contamination (the 'Contamination Proposals') as identified in the Geo-Environmental Assessment Report (Issue 01) dated August 2023, shall be submitted to and approved in writing by the Local Planning Authority;

b) For each part of the development, 'Contamination Proposals' relevant to that part shall be carried out either before or during such development as appropriate;

- c) If during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the 'Contamination Proposals' then the revised 'Contamination Proposals' shall be submitted to and approved in writing by the Local Planning Authority;
- d) If during development work site contaminants are found in areas previously expected to be clean then their remediation shall be carried out in line with the agreed 'Contamination Proposals';
- e) Prior to the commencement of any construction works in any area that has been subject to remediation, a verification report shall be submitted to and approved in writing by the Local Planning Authority.

27. Prior to works progressing on site above slab level, details of cycle parking for no less than 10 cycles shall be submitted to and agreed in writing by the Local Planning Authority. The agreed details shall be fully installed on site prior to first occupation of the premises hereby approved and retained as such thereafter.

Paul Staniforth rejoined the meeting at this point.

CHE/23/00084/FUL - ERECTION OF A PAIR OF SEMI-DETACHED DWELLINGS WITH ASSOCIATED WORKS AND ACCESS FROM CENTRAL AVENUE ON LAND TO REAR OF 5-6 WALTON WALK, BOYTHORPE, CHESTERFIELD FOR MR REECE SMEDLEY.

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

In accordance with Minute No. 299 (2001/2002) Linda Trollope (on behalf of applicant) addressed the meeting.

A. That the officer recommendation be upheld and the application be approved subject to the following conditions and a CIL Liability Notice issued as per section 6.8 of the Officer's Report:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby approved shall only be carried out in full accordance with the approved plans and documents (listed below) with the exception of any approved non-material amendment. All external

dimensions and elevational treatments shall be as shown on the approved plan/s (listed below).

- Site Location Plan and Layout Plan (drawing no. A1.1 Rev B submitted 24/03/23)
- Proposed Ground Floor plans (drawing no. A2.1 Rev A submitted 21/03/23)
- Roof Plan (drawing no. A2.3 Rev A submitted 21/03/23)
- Architectural Site Plan (drawing no. A1.2 Rev B submitted 24/03/23)
- Proposed First Floor Plan (drawing no. A2.2 Rev B submitted 18/05/23)
- Proposed elevations (drawings no's A3.1 Rev C, A3.2 Rev C, submitted 18/05/23)
- Landscape plan (drawing no. L2, submitted 20/04/23)
- Arboricultural Method Statement submitted 31/10/23.

3. No development above floor-slab/D.P.C level shall take place until a scheme (including a programme of implementation and maintenance) to demonstrate a net measurable gain in biodiversity through the development, shall have been submitted to and approved in writing by the Local Planning Authority. (The agent for the scheme stated that 1 bat box and 2 bird boxes; this is not considered satisfactory for the scheme, with replacement tree and shrub planting required on site, additional details shall include:

- a) a scaled plan showing the trees and plants to be planted:
- b) a scaled plan showing the trees and plants to be removed:
- c) proposed hardstanding and boundary treatment (including details of variations to levels on site):
- d) a schedule detailing species (to encourage wildlife), sizes and numbers of all proposed trees/plants
- e) Sufficient specification to ensure successful establishment and survival of new planting.
- f) Details of the types of bird boxes, bat boxes and bee bricks that are proposed.

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 shall be replaced. Replacement planting shall be in accordance with the approved details (unless the Local Planning Authority gives its written consent to any variation).

The net measurable gain shall be implemented, retained and maintained thereafter in accordance with the scheme and programme so approved.

4. 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.

5. No individual dwelling hereby approved shall be occupied until the optional requirement for water consumption (110 litres use per person per day) in Part G of the Building Regulations has been complied with for that dwelling.

6. Before ordering of external materials takes place, precise specifications or samples of the walling and roofing materials to be used shall be submitted to the Local Planning Authority for consideration. Only those materials approved in writing by the Local Planning Authority shall be used as part of the development.

7. At the commencement of operations on site (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.

8. The premises, the subject of the application, shall not be occupied until space has been provided within the site curtilage for the parking of resident's vehicles (each space measuring a minimum of 2.4m x 5.5m), located, designed, laid out and constructed all as agreed in writing with the Local Planning Authority and maintained throughout the life of the development free from any impediment to its designated use.

9. Notwithstanding the provision of the Town and Country Planning (General Permitted) Development Order 2015 (as amended) there shall be no extensions, outbuildings or garages constructed, or additional windows erected or installed at or in the dwellings hereby approved without the prior written agreement of the Local Planning Authority.

10. The site shall be developed with separate systems of drainage for foul and surface water on and off site.

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

12. No development shall take place 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 but not necessarily be restricted to the following as appropriate.

- Parking of vehicles of site operatives and visitors
- Routes for construction traffic, including abnormal loads/cranes etc
- Hours of operation
- Method of prevention of debris being carried onto highway
- Pedestrian and cyclist protection
- Proposed temporary traffic restrictions
- Arrangements for turning vehicles

13. The proposed dwellings shall not be occupied until space has been laid out within the site for the parking of two vehicles per dwelling to the front of the premises, such space to measure a minimum of 5.0m width and 5.5m length per dwelling. Once provided, such spaces shall be maintained free from any impediment to their designated use for the life of the development.

14. Notwithstanding the provision of the Town and Country Planning (General Permitted) Development Order 2015 (as amended) there shall be no gates or other barriers on the access/driveway at or in the dwellings hereby approved without the prior written agreement of the Local Planning Authority.

15. Prior to occupation of the development hereby approved, details of any floodlighting and uplighting shall be submitted to and approved by the Local Planning Authority. Such details shall include siting, angles, levels of illumination and any shields. The details shall be implemented in accordance with those approved and should ensure that the light falls wholly within the curtilage of the site and does not significantly impact upon wildlife in the area.

16. 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.

17. No development shall commence until;

a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past shallow coal mining activity; and

b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

18. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

19. The development shall not commence above floor-slab/D.P.C level until details of a sustainable drainage scheme 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. This shall any include the calculations of soakaway rates on site, which shall be completed in accordance with BRE Digest 365, to ensure no flooding for a 1 in 30 year rainfall event and no flooding of properties for a 1 in 100 year event.

20. The development shall be completed in accordance with the conclusions of the submitted Arboricultural Method Statement (submitted 31/10/23) including the tree protection measures.

B. That a CIL liability notice be issued for £13,682 as per section 6.8 of the officer's report.

CHE/23/00561/FUL - NEW SINGLE TRACK AGRICULTURAL ACCESS POINT OFF TROUGH BROOK ROAD INTO Paddock AT LAND TO THE EAST OF TROUGH BROOK ROAD, HOLLINGWOOD, CHESTERFIELD, DERBYSHIRE FOR CHATSWORTH SETTLEMENT TRUSTEES.

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

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

That formation of the proposed agricultural access as an addition to the existing access through Pond House Farm is considered premature pending a redevelopment of Pond House Farm. The loss of part of the hedgerow, implicit in the scheme, results in a negative impact on biodiversity which is not necessary at this point in time or compensated for in the scheme which is considered to be contrary to the requirements of policy CLP16 of the Adopted Local Plan.

CHE/22/00290/REM - RE-SUBMISSION OF CHE/21/00798/REM - PROPOSED DETACHED DWELLINGHOUSE, DRAINAGE PLANS SUBMITTED PROPOSING CONNECTION TO PRIVATE DRAINAGE SYSTEM SERVING POPLAR HEIGHTS AT LAND ADJACENT FOUR POPLARS, RECTORY ROAD, DUCKMANTON, DERBYSHIRE, S44 5JS FOR MRS M WHEELWRIGHT.

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

In accordance with Minute No. 299 (2001/2002) Mr Stephen Haslam (agent on behalf of applicant) addressed the meeting.

A. That the officer recommendation be upheld and the application be approved subject to the following conditions and a CIL Liability Notice issued as per section 5.11 of the Officer's Report:

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

- Plans as Proposed, drawing number 22-875-01 Revision A

2. Prior to commencement of the development hereby permitted details of a construction management plan shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the demolition/construction period. The plan/statement shall include but not be restricted to:

- Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- Locations for loading/unloading and storage of plant, waste and construction materials;
- Arrangements for turning vehicles;
- Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

3. Prior to the development hereby permitted commencing above foundation level a landscaping scheme shall be submitted to the Local Planning Authority for the treatment of all parts on the site not covered by buildings to be 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. Details shall include:

- a) a scaled plan showing trees and plants to be planted including species and planting density. The plan shall include details of ecologically beneficial landscaping to provide a biodiversity enhancement.
- b) a schedule detailing sizes and numbers of all proposed trees/plants, sufficient specification to ensure successful establishment and survival of new planting.

4. Prior to the occupation of the development the bird and bat boxes shown on the approved plans set out in condition 1 shall be installed on site, in addition with a scheme of ecologically beneficial landscaping to provide a biodiversity enhancement as required in condition 3. The enhancements shall be implemented, retained and maintained thereafter in accordance with the scheme and programme so approved.

5. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by

vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority.

6. The development hereby approved shall only be undertaken in accordance with the submitted drainage details shown on the attached drawings

- DRAINAGE GENERAL ARRANGEMENT, drawing number MP-1693-01-DR-001
- CATCHMENT AREAS, drawing number MP-1693-01-DR-002
- PIPE CONSTRUCTION DETAILS, drawing number MP-1693-01-DR-003
- INSPECTION CHAMBER CONSTRUCTION DETAILS, drawing number MP-1693-01-DR-004

7. The dwelling hereby approved shall be occupied until the optional requirement for water consumption (110 litres use per person per day) in Part G of the Building Regulations has been complied with for that dwelling.

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

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or in any Statutory Instrument revoking or reenacting that Order with or without modification) no buildings, structures, extensions or new window shall be installed or erected to the dwelling subject of this application without the prior written approval of the Local Planning Authority upon an application submitted to it

B. That a CIL liability notice be issued for £7,087 as per section 5.11 of the officer's report.

87 **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/22/00222/FUL	Removal of existing communal annexe to Aston Court revised plans for the erection of three dwellings at Aston Court, Hassop Road, Staveley, Chesterfield S43 3YW for Chesterfield Borough Council
CHE/23/00211/FUL	Erection of Detached Garage at Poppy Barn, Bridle Road, Woodthorpe S43 3BY for Mrs Amanda Linaker
CHE/23/00275/FUL	Demolish existing sunroom and rebuild new single-storey rear/side extension. Re-submission of CHE/22/00719/FUL at 16 Chestnut Drive, Hollingwood, Chesterfield S43 2LZ for Mr Lee Miller
CHE/23/00307/FUL	Single storey extension to provide welfare facilities at Scout Hut, Brookfield Avenue, Chesterfield S40 3NX for 2nd Brampton Scouts
CHE/23/00338/FUL	Single storey side/rear extension with first floor roof terrace, rear raised patio with swimming pool, provision of Juliet balcony on loft floor side elevation and side extension to existing garage - revised drawing showing proposed tree planting received 17.08.2023 - revised drawings showing raised balustrade on both sides of the terrace and taller planting received 18.10.2023 at 28 Gladstone Road, Chesterfield S40 4TE for Mr Brammer
CHE/23/00387/FUL	Single storey front porch extension, single storey rear extension, hip to gable attic conversion with new dormer extension to rear and demolition of existing garage and erection of new garage at 181 Whitecotes Lane, Walton, Chesterfield S40 3HJ for Mr and Mrs

Holland

- CHE/23/00407/RET Retrospective planning for open porch structure and decking at 170 Old Road, Chesterfield S40 3QP for Mr Geoff Parker
- CHE/23/00409/FUL Erection of 2 detached dwellings at St. Josephs RC Church, Chesterfield Road, Staveley, Chesterfield S43 3QF for Bellfield Construction Ltd
- CHE/23/00452/FUL Erection of front porch, conversion of existing garage, erection of new garage and relocation of entrance door (revised drawings received 25.10.23) at 26 Park Hall Gardens, Walton, Chesterfield S42 7NQ for Mr and Mrs Byfield
- CHE/23/00454/FUL Two storey rear extension at 179 Whitecotes Lane, Walton, Chesterfield S40 3HJ for Ms D Brewin
- CHE/23/00472/FUL Single storey side extension to replace existing conservatory at Beech Trees, 1 Westfield Close, Chesterfield S40 3RS for Mr T Vickerman
- CHE/23/00480/FUL Single storey front and rear extensions with two storey side extension at 8 The Grange, Holme Hall, Chesterfield S42 7PS for Mr S Higham
- CHE/23/00487/FUL Double hip-to-gable conversion, second floor rear balcony, alteration to front projecting hipped roof and single storey rear extension - revised drawings received 25.10.2023 showing the dormer cheeks stepped back from the gable walls and removal of balcony screen with door opening adjusted to form a Juliet balcony at 12 Bridle Road, Woodthorpe, Chesterfield S43 3BY for Mrs Jacqueline Hollinshead
- CHE/23/00541/FUL Extension to existing single garage to create new double garage at 58 Langer Lane, Birdholme, Chesterfield S40 2JG for Mr Alex Davies
- CHE/23/00555/FUL Single storey rear/side and single storey front/side extensions with cladding at 81 Langer Lane,

Birdholme, Chesterfield S40 2JP for Ms Lisa Walton

- CHE/23/00557/FUL Single storey front and side porch with front steps at 15 Thorndene Close, Newbold, Chesterfield S41 8SE for Mr Ian Green
- CHE/23/00573/FUL Single storey front extension at 6 Penmore Close, Hasland, Chesterfield S41 0SH for Mr John Lawty
- CHE/23/00657/TPO 1. Ash tree - Reduce tree by 30% + removing dead wood leaving well balanced crown throughout the tree. Crown Lift to three metres. Shading, keep the tree in proportion so not encroaching too close to the house at 29 Foxbrook Drive, Walton, Chesterfield S40 3JR for John Salway
- CHE/23/00660/TPO T3 and T4 - Cherry trees to SW of site - Crown lift to clear 4m over road. Prune to clear streetlight splay and road sign at Attlee Medical Centre, Attlee Road, Inkersall, Chesterfield S43 3ST for Derbyshire Support and Facilities Services Limited
- CHE/23/00668/TPO Oak tree- Reduce / remove the lower branches to a height (maybe to the start of the roof) that reduces the risk of branches hitting our house during high winds. Lifting the crown, the amount of acorns & leaves will reduce and so reduce the risk of falling at 1 School House Way, Newbold, Chesterfield S41 7QU for Suresh Panchal
- CHE/23/00681/TPO American Oak - Crown lift, crown reduction to 2-3 metres spread at 7 Wolfe Close, Walton, Chesterfield S40 2DF for Mrs Heather Shore
- CHE/23/00688/TPO T2- Oak- Prune or remove dead or overhanging branches and crown thin at West Lawn, 47 Newbold Road, Newbold, Chesterfield S41 7PG for Mr Martin Millott
- CHE/23/00689/TPO T3- London Plane- Prune and remove dead or overhanging branches and crown thin at 1 Abercrombie Street, Chesterfield S41 7LW for Mr

Lawrence Tighe

- CHE/23/00698/TPO G1 - x3 Maples - Crown lift to 6m roadside & 4m carpark side. Prune trees away from streetlights/furniture to give a 1m clearance pruned to suitable growth points). G2 - x4 Maples - Crown lift to 4m. T1 - Horse Chestnut - Reduce back from the driveway and ensure site sign is clear, to give a 1m clearance (pruned to suitable growth points) at Malthouse Court, Sheffield Road, Stonegravels, Chesterfield S41 7LL for Mr Matthew Watson
- CHE/23/00699/TPO Lime Tree Ref T1. To prune existing roots from Lime tree Ref T1 outside of the court area as detailed in the preapplication advice given so that the tennis court can be reinstated to a playable condition with less risk from future root ingress disturbing the surface at Chesterfield Lawn Tennis Club, Hawksley Avenue, Chesterfield S40 4TW for Oates
- (b) Refusals
- CHE/23/00325/OUT Outline application for the erection of residential flats with landscaping reserved at Car Park To The Rear Of Council House, Saltergate, Chesterfield for Mr James Holmes
- CHE/23/00528/NMA Non-material amendment to CHE/21/00636/FUL (Hip to gable conversion and rear dormer loft conversion) for masonry gable as opposed to the dormer cheek at 24 Ling Road, Walton, Chesterfield S40 3HS for Mrs Meg Fisher
- CHE/23/00590/NMA Non-material amendment to CHE/22/00511/FUL (Erection of a new 3 bedroom bungalow with attached garage and associated landscaping works) - To amend picture window on the western end of the living room to sliding doors at Land West Of Wash House Lane, Wash House Lane, Chesterfield for Mr Christopher Allenby

(c) Discharge of Planning Condition

CHE/23/00601/DOC Discharge of conditions 3 (Site Investigation), 4 (remediation works), 5 (site investigation/Phase 2 report) and 16 (archaeological report) of CHE/20/00420 - Restoration of the Chesterfield Canal between Eckington Road and Hague Lane, including lifting level of existing earth embankment, installation of aqueduct over river Doe Lea, construction of two vehicular access bridges, two pedestrian/cycle bridges, a new lock and associated infrastructure at Eckington Road To Hague Lane, Eckington Road, Staveley for Chesterfield Canal Trust Ltd

(d) Partial Discharge of Conditions

CHE/23/00414/DOC Discharge of conditions 3 (Construction management plan), 6 (Site investigations) and 7 (Declaration of site safety) of application CHE/23/00220/FUL- Replacement of existing canopy, fuel tanks, fills, pipework, forecourt and alterations to existing parking arrangement at Chesterfield Express, Newbold Road, Newbold, Chesterfield S41 7AL for Esso Petroleum Company Limited

(e) Unconditional Permission

CHE/23/00671/CA T1- Sycamore, T2- Sycamore, T3- Oak, T15- Oak, T16- Chestnut, T17- Lime - Crown clean, crown lift up to 5m and prune back from war memorial streetlights, public footpath and roadside, to give 1-2m clearance, whilst maintaining a balanced crown at St Thomas' Church, Chatsworth Road, Chesterfield S40 3AW for Mr Liam Walker

CHE/23/00675/CA Tree works to 2 ash and 2 sycamore trees - crown lift to 5.2m and reduce branches overhanging above 5.2m by 2-3m, only pruning branches which overhang the car park. This work is required due to homeless gathering in the car park at 5 Market Place, Chesterfield S40 1TW for Outco Ltd

(f) Prior approval not required

CHE/23/00629/DEM Demolition of buildings on land to the north of Malkin Street and to the east of Brimington Road, Chesterfield at Rear Of Peel House, Brimington Road, Tapton, Chesterfield S41 7UG for Brimington Developments No.1 Ltd.

(g) Prior approval

CHE/23/00607/TPD Single storey rear extension with "flat warm roof" and glazed atrium roof light at 142 Hasland Road, Hasland S41 0AB for Ms Abi Stanley

88 APPLICATIONS TO FELL OR PRUNE TREES (P620D)

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

(a) The felling and pruning of trees:

CHE/23/00660/TPO	Consent is granted to the pruning of two Cherry trees reference T3 & T4 on the Order Map and which are situated at the Attlee Medical Centre, Attlee Road, Inkersall
CHE/23/00699/TPO	Consent is granted to the pruning of one Lime tree reference T1 on the Order Map and which is situated in the grounds of the Chesterfield Lawn Tennis Club, Hawksley Avenue
CHE/23/00681/TPO	Consent is granted to the pruning of one Oak tree reference T17 on the Order Map and which is situated to the frontage of 7 Wolfe Close, Walton
CHE/23/00668/TPO	Consent is granted to the pruning of one Oak tree reference T33 on the Order Map and which is situated on land off Newbold

Back Lane adjacent to 1 School House Way,
Newbold

CHE/23/00688/TPO	Consent is granted to the pruning of one Oak tree reference T2 on the Order Map and which is situated at 47 Newbold Road
CHE/23/00689/TPO	Consent is granted to the pruning of one London Plane tree reference T3 on the Order map at 1 Abercrombie Street
CHE/23/00698/TPO	Consent is granted to the pruning of seven Maple trees reference T4–T10 and one Horsechestnut tree reference T12 on the Order Map and which are situated to the south of The Riverdale Care Home, Sheffield Road
CHE/23/00657/TPO	Consent is granted to the pruning of one Ash tree reference T18 on the Order Map and which is situated in the rear garden of 29 Foxbrook Drive, Walton

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

CHE/23/00671/CA The pruning of trees at St Thomas Church, Chatsworth Road.	Agreement to the pruning of trees. The pruning of the trees will not result in any loss of amenity or be detrimental to the character of the conservation area
	The trees are within the Chatsworth Road Conservation Area and the applicant wishes to prune 6 trees to remove the lower branches, dead wood and to clear the war memorial and footpaths for the Remembrance Service
CHE/23/00675/CA The pruning of trees at the Natwest overflow car park, Rose Hill to the west of	Agreement to the pruning of trees. The pruning of the trees will not result in any loss of amenity or be

the Hidden Knight Public House

detrimental to the character of the conservation area

The trees are within the Town Centre Conservation Area and the applicant wishes to prune the trees due to homeless people gathering in the car park

CHE/23/00686/CA

The pruning of one hedgerow and one Ash tree located at 408 Chatsworth Road.

Agreement to the pruning of trees. The pruning of the trees will not result in any loss of amenity or be detrimental to the character of the conservation area

The trees are within the Chatsworth Road Conservation Area and the applicant wishes to prune the trees back to the boundary by 3 metres to clear the building structures at the neighbouring Orchard Nursing Home 410 Chatsworth Road

89 **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.

90 **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.

91 **PLANNING OBLIGATION RELATING TO THE WILD WHITTINGTON HABITAT SITE AT OLD WHITTINGTON, CHESTERFIELD**

Councillor Brittain abstained from this item as he holds a membership of Derbyshire Wildlife Trust.

Laura Kinley on behalf of the Development Management and Conservation Manager presented this item to seek authority for Chesterfield Borough Council to enter into a planning obligation by deed of agreement with Derbyshire Wildlife Trust (DWT) and the site leaseholder in relation to the Wild Whittington Habitat Site. The agreement would require DWT/the leaseholder to provide, manage and maintain biodiversity units on the Wild Whittington Habitat Site, having regard to the provisions of the Council's development plan, the NPPF and the Environment Act 2021. As part of the agreement, DWT/the leaseholder would commit to giving the Council fees to cover monitoring of delivery of biodiversity units and the Council would in turn commit to using the monitoring fees to ensure that biodiversity units are being created and maintained in line with the Habitat Management and Monitoring Plan submitted by DWT.

The report also informed the Committee of the wider context around Biodiversity Net Gain and highlighted the importance of securing off-site net gain opportunities within the borough.

***RESOLVED -**

That the report be approved and that the Council enters into a Section 106 agreement with DWT/the leaseholder of the relevant land to ensure the delivery of biodiversity units on the Wild Whittington site.