

PLANNING COMMITTEE

Monday, 29th January, 2024

Present:-

Councillor Callan (Chair)

Councillors B Bingham
Brittain
Caulfield
Miles

Councillors Ridgway
Stone
Yates

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

CHE/23/00650/FUL - Erection of a Rail-Related Research, Development, Innovation and Training Centre including Associated Infrastructure, Ancillary Works and Electricity Sub Station at Barrow Hill Railway Centre, Campbell Drive, Barrow Hill for Chesterfield Borough Council.

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

Councillor B Bingham 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

101 **APOLOGIES FOR ABSENCE**

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

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

No declarations of interest were received.

103 **MINUTES OF PLANNING COMMITTEE**

RESOLVED - That the Minutes of the meeting of the Planning Committee held on 8th January, 2024 be signed by the Chair as a true record.

104 **APPLICATIONS FOR PLANNING PERMISSION - PLANS DETERMINED BY THE COMMITTEE**

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

CHE/23/00650/FUL - ERECTION OF A RAIL-RELATED RESEARCH, DEVELOPMENT, INNOVATION AND TRAINING CENTRE INCLUDING ASSOCIATED INFRASTRUCTURE, ANCILLARY WORKS AND ELECTRICITY SUB STATION AT BARROW HILL RAILWAY CENTRE, CAMPBELL DRIVE, BARROW HILL FOR CHESTERFIELD BOROUGH COUNCIL.

In accordance with Minute No. 299 (2001/2002) Mr Peck (applicant's agent) 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. All external dimensions and elevational treatments shall be as shown on the approved plan/s (listed below).

Proposed roof plan 22048-FSA-XX-00-DR-A-1802 received 24.10.2023
Existing location plan 22048-FSA-XX-XX-DR-A-0800 received 24.10.2023
Existing site plan 22048-FSA-XX-XX-DR-A-0801 received 24.10.2023
Proposed location plan 22048-FSA-XX-XX-DR-A-0802 received 24.10.2023
Proposed site plan 22048-FSA-XX-XX-DR-A-0803 received 24.10.2023
Existing elevations 22048-FSA-XX-XX-DR-A-2800 received 24.10.2023

Proposed elevations 22048-FSA-XX-XX-DR-A-2801 received 24.10.2023

Proposed typical sections 22048-FSA-XX-XX-DR-A-3800 received
24.10.2023

Proposed site isometric 22048-FSA-XX-XX-DR-A-7800 received
24.10.2023

Finished levels plan 22214-RLL-23-XX-DR-C-2001 REV P02 received
24.10.2023

Proposed ground floor plan 22048-FSA-XX-00-DR-A-1800-P01 received
26.10.2023

Proposed first floor plan 22048-FSA-XX-01-DR-A-1801-P01 received
26.10.2023

3. a) No development shall take place until a Written Scheme of Investigation for archaeological work has been submitted to and approved by the local planning authority in writing, and until any pre-start element of the approved scheme has been completed to the written satisfaction of the local planning authority. The scheme shall include an assessment of significance and research questions; and

1. The programme and methodology of site investigation and recording

2. The programme for post investigation assessment

3. Provision to be made for analysis of the site investigation and recording

4. Provision to be made for publication and dissemination of the analysis and records of the site investigation;

5. Provision to be made for archive deposition of the analysis and records of the site investigation; and

6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

b) No development shall take place other than in accordance with the archaeological Written Scheme of Investigation approved under part (a).

c) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological Written Scheme of Investigation approved under part (a) and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

4. No development shall commence until:

a) a scheme of further intrusive investigations has been carried out on the site to establish the risks posed to the development by past 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 safe and stable for the development proposed.

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

5. 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.

6. Prior to the development commencing above slab level, details of the proposed cycle parking facilities shall be submitted to and agreed in writing by the local planning authority. The agreed cycle parking shall be installed on site prior to the building being brought into use.

7. The proposed development work shall be undertaken in accordance with good working practice for ecology, including the covering overnight of any holes or trenches during construction works to prevent mammals, such as hedgehogs, from falling in and being unable to escape.

8. Prior to first occupation of the development hereby approved; details of treatment of soft landscaping within the red and blue edged area, which will achieve a net gain (ideally as close to 10% as is possible) in biodiversity 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:

- 1) an updated metric to align with the proposed soft landscaping and/or enhancement measures.
- 2) a scheme of biodiversity enhancement measures (other than soft landscaping)
- 3) a scaled plan showing all soft landscaping proposed; detailing sizes and numbers/densities of all planting, all with the aim of enhancing biodiversity;

9. A Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development. The LEMP shall cover all retained and created habitats within the red and blue edged land, based on the updated Biodiversity metric calculation and landscaping of the site to be agreed under condition 8 above.

The content of the LEMP shall include the following;

- a) Description and evaluation of features to be managed;
- b) Ecological trends and constraints on site that might influence management;
- c) Aims and objectives of management;
- d) Appropriate management options for achieving aims and objectives;
- e) Prescriptions for management actions;
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a thirty-year period);
- g) Details of the body or organization responsible for implementation of the plan;
- h) Ongoing monitoring and remedial measures,
- i) Details of the company to be set up to manage the any private highways areas and the landscaped areas of the site in perpetuity,

The LEMP 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 LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan shall be implemented in accordance with the approved details.

10. Prior to the commencement of development potential ground condition matters shall be further investigated in line with the recommendations of the Phase II Interpretive Ground Investigation report dated May 2023 ref: P22-214 Rev P_02 22214-RL-23-00-RP-O-4002, which recommended:

- submission of an Earthworks Specification
- a bore hole shall be drilled in the south eastern most site extents for confirmation that the Second Ell coal seam is absent in this locality, the results of which shall be submitted
- A CL:AIRE approved Materials Management Plan (MMP) shall be submitted for the re-use of soils on Site

All to be submitted to and agreed in writing by the Local Planning Authority and any further mitigations measures implemented in full.

11. Prior to the external cladding being affixed to the building details of the cladding material and its junctions to openings and eaves shall be submitted to and approved in writing. The agreed details shall be installed on the building prior to it being brought into use.

12. The development shall be carried out in accordance with the details shown on the submitted report, "'Drainage Strategy' 22214-RLL-23-XX-RP-C-0001 (rev P02) prepared by RLRE, dated 14/09/2023", unless otherwise agreed in writing with the Local Planning Authority.

13. Prior to the installation of services and lighting fixtures, a detailed lighting strategy shall be submitted to and approved in writing by the Local Planning Authority to safeguard bats, badgers and other nocturnal wildlife. The Strategy should provide details of the chosen luminaires, their locations and any mitigating features such as dimmers, PIR sensors and timers. A lux contour plan will be required to demonstrate acceptable levels of lightspill to sensitive ecological zones/features. Guidelines can be found in Guidance Note 08/18 - Bats and Artificial Lighting in the UK (BCT and ILP, 2018). Such approved measures will be implemented in full.

14. 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.

15. Prior to the development being brought into use details of the Electric Vehicle Charging to be provided on site shall be submitted to and agreed in writing by the Local Planning Authority and installed as agreed.

16. Prior to works commencing on the proposed substation details of this structure shall be submitted to and agreed in writing by the Local Planning Authority, the substation shall be installed as agreed.

17. Prior to the commencement of development a statement to set out how the development will mitigate climate change and seek to reduce emissions both through construction and post occupation shall be submitted to and agreed in writing by the Local Planning Authority. Works shall be completed in accordance with the agreed details.

105 **APPLICATIONS FOR PLANNING PERMISSION - PLANS DETERMINED BY THE DEVELOPMENT MANAGEMENT AND CONSERVATION MANAGER (P140D)**

*The Development Management and Conservation Manager reported that pursuant to the authority delegated to him, he had determined the under-mentioned applications subject to the necessary conditions:

(a) Approvals

CHE/23/00326/FUL	1 three storey apartment block containing 9 one bedroom flats and associated communal areas, and 3 one bedroom bungalows plus car parking, pedestrian and cycle access and landscaped garden areas at former Site of Avenue House, Avenue Road, Whittington Moor, Chesterfield for Dignus Healthcare
CHE/23/00327/FUL	Installation of 2.4m fencing/gating and replacement of external steps and doors as amended by drawings received 6th December 2023 at Ks2 Support Centre, Station Road, Barrow Hill, Chesterfield S43 2PG for Esteem Multi-Academy Trust
CHE/23/00500/ADV	2 no. projecting signs and 2 no. fascia signs at Unit 25 Vicar Lane, Chesterfield S40 1PY for Coffee#1 Limited
CHE/23/00571/RET	Retrospective change of use of un-used agricultural land into caravan storage at Middle Farm, Rectory Road, Duckmanton S44 5JW for

Mr John Cantrill

- CHE/23/00574/FUL Demolition of existing outbuilding and provision of new generator and transformer and relocation of the electrical connection point for the mobile CT and MRI vehicles at Walton Hospital, Whitecotes Lane, Walton, Chesterfield, Derbyshire S40 3HW
For Derbyshire Community Health Services NHS Foundation Trust
- CHE/23/00580/FUL Two storey rear and side extension, two storey front extension and garden remodelling, including alterations to levels and extension of existing garage to form garden room
at 189 Handley Road
New Whittington, Chesterfield S43 2ES for Mr Mark Rogers
- CHE/23/00605/FUL Demolition of existing rear conservatory, erection of a single storey rear extension and first floor side extension at 8 Welwyn Close, Chesterfield S40 1HH for Mr Darren Bradshaw
- CHE/23/00609/ADV Replacement illuminated and non-illuminated signage at 32-38 Rose Hill, Chesterfield S40 1LR
for Nationwide Building Society
- CHE/23/00616/FUL Installation of a steel container for the use of MMGA members and the provision of a part time café at Mastin Moor Gardens and Allotments, Bolsover Road, Mastin Moor, Chesterfield for Mr John Hempshall
- CHE/23/00631/FUL Erection of a garage - re-submission of CHE/23/00319/FUL at 6 Hartside Close, Loundsley Green, Chesterfield S40 4LB for Mr Paul Wilson
- CHE/23/00640/FUL Residential development of 3 detached bungalows

	At 3 Water Meadow Lane, Upper Newbold, Chesterfield S41 8XP for Mr J L Wilson
CHE/23/00655/FUL	Installation of new bin store, AC plant equipment and general plant equipment at Spire House, Spire Walk, Chesterfield S40 2WG for Fisher German
CHE/23/00656/FUL	Garage conversion and replacing flat roof with a pitched roof at 10 Spencer Avenue, Woodthorpe, Chesterfield S43 3BX for Mr Jamie Metcalfe
CHE/23/00664/FUL	Single storey rear extension at 43 Broomfield Avenue, Hasland, Chesterfield S41 0LU for Mr Stephen Turner
CHE/23/00667/FUL	Single storey front extension at 26A Victoria Street North, Old Whittington, Chesterfield S41 9DW for Audrey Maris
CHE/23/00673/ADV	1 externally illuminated fascia, 1 non-illuminated projecting sign and 2 non-illuminated wall mounted signs at 276 Newbold Road, Newbold, Chesterfield S41 7AJ for Co-op Funeralcare.
CHE/23/00678/FUL	Single storey rear extension and front entrance porch at 33 Miriam Avenue, Somersall, Chesterfield S40 3NF for Mr Ian Ridley
CHE/23/00695/FUL	Detached garage at Woodward, Eckington Road, Staveley, Chesterfield S43 3XZ for Mr Christian Greaves
CHE/23/00713/FUL	Two storey side extension and hardstanding at 6 Delves Close, Walton, Chesterfield S40 2BU for Mr and Mrs Nash
CHE/23/00716/FUL	Warehouse extension to the south east at P A R Insulations and Wires Ltd, Foxwood Close, Sheepbridge, Chesterfield S41 9RB for P A R Insulations and Wires Ltd

- CHE/23/00774/TPO 4 London Plane Trees - crown raise all up to 6m, remove ivy from trunks, light prune any branches that are encroaching on the building. Crown raise and shape weeping ash at Durrant House, 47 Holywell Street, Chesterfield S41 7SJ for Mr Scott Booker
- CHE/23/00779/TPO Crown lifting of one lime tree to the rear at 2 Hazlehurst Avenue, Stonegravels, Chesterfield S41 7LZ for Mr Andrew Shore
- CHE/23/00785/TPO Removal of one windblown Lombardy Poplar tree within G1 of TPO 281 at Rear Of 23 Pomegranate Road, Newbold S41 7BL for property owner/occupier
- CHE/23/00790/TPO Removal of T175 Beech and T205 Sycamore and removal of hanging branches of T206 Ash at St Peter and St Paul School, Hady Hill, Hady, Chesterfield S41 0EF for Sally Moorwood
- CHE/24/00009/TPO TPO 112, T66 Monkey Puzzle - Tree has died and requires felling in stages due to size and position, replacement tree to be planted at 92 Littlemoor, Newbold, Chesterfield S41 8QQ for Mrs Cheryl Mee

(b) Refusals

- CHE/23/00509/FUL Erection of wall and gate to front boundary - revised drawing received 27.10.23 at 37 Walton Road, Walton, Chesterfield S40 3DN for Mr S Keca

(c) Discharge of Planning Condition

- CHE/21/00846/DOC Discharge of condition 5 (surface and foul drainage proposals) of planning application CHE/18/00532/OUT at Land To The North Of Northmoor View, Brimington for Vistry (Yorkshire) Ltd

CHE/23/00337/DOC Discharge of conditions 3 (Land contamination), 4 (Coal mining), 5 (Declaration of site safety), 7(Surface water drainage), 8 (Compliance with separate systems for foul and surface water on site) ,9 (Biodiversity Enhancement Plan), 10 (Landscaping), 12 (Boundary treatment to northern boundary) and 13 (Compliance with closing off of access from Sheffield Road) of application CHE/21/00926/FUL- Erection of a new care home facility with separate detached day units and creation of new access and auxiliary car parking areas at former Site of Avenue Villa, Avenue Road, Whittington Moor, Chesterfield for Dignus

(d) Prior notification is required

CHE/23/00680/SOL Installation of photovoltaic array consisting of 366 panels across two split level roof surfaces in four arrays at The Surgery At Wheatbridge, 30 Wheatbridge Road, Chesterfield S40 2AB for Assura plc

(e) Unconditional permission

CHE/23/00775/CA Remove self set and mature Ash trees, prune and shape Rowan and smaller Birch at Durrant House, 47 Holywell Street, Chesterfield S41 7SJ for Mr Scott Booker

CHE/23/00784/TPO Tree Preservation Order 90 Alder tree within G1 Storm damaged and removed at Morrisons, Chatsworth Road, Chesterfield S40 3BQ for Ground Control LTD

(f) Conditional consent for non-material amendment

CHE/23/00781/NMA Non-material amendment to CHE/22/00068/FUL - Temporary car park on former chesterfield hotel site at Former Chesterfield Hotel, Malkin

Street, Chesterfield S41 7UA for Chesterfield
Borough Council

(g) Withdrawn

CHE/23/00626/FUL Extension, alterations and change of use to existing garage from B8 - storage/ garage to Class E - beauty studio - revised drawings received 31.10.23 and 01.11.23 at 9 Woodthorpe Road, Woodthorpe, Chesterfield S43 3BZ for Green

CHE/23/00627/ADV Non-illuminated signage to the front elevation on 2 external walls at 9 Woodthorpe Road, Woodthorpe, Chesterfield S43 3BZ for Green

106 **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/23/00774/TPO Consent is granted to the pruning of one Weeping Ash tree reference T1 and four London Plane trees reference T2 -T5 on the Order Map and which are situated in the grounds of Durrant House, Holywell Street, Chesterfield.

CHE/23/00779/TPO Consent is granted to the pruning of one Lime tree within G1 on the Order Map and which is situated in the grounds of 2 Hazelhurst Avenue, Stonegravel

CHE/23/00784/TPOEXP Consent is granted to the removal of one storm damaged Alder tree within G1 on the Order map at land adjacent to Morrisons, Bobbin Mill Lane, Brampton

CHE/23/00785/TPOEXP Consent is granted to the removal of one

storm damaged Lombardy Poplar tree within G1 on the Order map to the rear of 23 Pomegranate Road, Pomegranate Park off Newbold Road with a condition attached to plant a Field Maple as a replacement in the first available planting season 2023-2024

CHE/23/00790/TPOEXP Consent is granted to the felling of two storm damaged trees reference T175 Beech and T205 Sycamore on the Order map at St Peter St Paul School, Hady Hill, Hady with a duty to plant two Oak trees in the first available planting season.

CHE/24/00009/TPO Consent is granted to the felling of one dead Monkey Puzzle tree reference T66 on the Order Map and which is situated to the frontage of 92 Littlemoor with a condition to plant a replacement tree in the first available planting season after felling

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

CHE/23/00775/CA The felling of one individual Ash tree to allow a more significant tree to grow without restrictions and the removal of small self-set Ash trees. Also, the crown lifting of all trees throughout the car park which are located in the rear car park at Durrant House, Holywell Street, Chesterfield.

Agreement to the felling and pruning of trees. The felling and pruning of the trees will have no adverse effect on the character and amenity of the area.

The trees are within the Town Centre Conservation Area and the applicant wishes to fell and prune the trees as part of a general maintenance schedule.

107 **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.

108 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.

109 LOCAL GOVERNMENT ACT 1972 - EXCLUSION OF PUBLIC***RESOLVED –**

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

110 ENFORCEMENT NOTICE REGARDING UNAUTHORISED DEVELOPMENT AT 10 POTTERY LANE WEST, CHESTERFIELD

The Development Management and Conservation Manager gave an update on the enforcement notice served in respect of vehicle storage use at 10 Pottery Lane West, the appropriateness of withdrawing the notice and issuing a slightly amended enforcement notice.

***RESOLVED -**

That the existing Enforcement Notice be withdrawn.

That an updated and amended Enforcement Notice be served requiring removal of stored vehicles not incidental to the residential use and to require the mixed use of residential and vehicle storage to cease at 10 Pottery Lane West. The Enforcement Notice should include a compliance period of 28 days.

