

PLANNING COMMITTEE

Monday, 25th March, 2024

Present:-

Councillor Brittain (Chair)

Councillors B Bingham
Davenport
Falconer

Councillors Miles
Ridgway
Stone
Yates

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

CHE/24/00019/REM1 - Variation of Condition 1 (Approved Plans) of CHE/21/00131/REM - Erection of Detached Dwelling including Access at Land between 34 and 38 Lake View Avenue, Walton, Chesterfield, S40 3DR for Mr Long.

Councillors Brittain, Falconer, Miles, Ridgway, Stone and Yates.

CHE/23/00370/REM - Reserved Matters Application for CHE/20/00700/OUT - Erection of 143 Residential Units, Associated Parking, Secondary Roads and Landscaping, Phase 1 on Land South of Worksop Road, Mastin Moor, Chesterfield for Harron Homes.

Councillors Brittain, Falconer, Miles, Ridgway, Stone and Yates were unable to attend the site visit at Land South of Workshop Road, Mastin Moor, due to vehicle breakdown and received relevant site information by other means as a reasonable adjustment.

Councillors B Bingham and Davenport were unable to attend on site and received relevant site information by other means as a reasonable adjustment.

*Matters dealt with under the Delegation Scheme

Apologies for absence were received from Councillors J Bingham, Brady, Callan and Caulfield.

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

CHE/23/00370/REM - Reserved Matters Application for CHE/20/00700/OUT - Erection of 143 Residential Units, Associated Parking, Secondary Roads and Landscaping, Phase 1 on Land South of Worksop Road, Mastin Moor, Chesterfield for Harron Homes.

Paul Staniforth, Development Management and Conservation Manager, declared an interest in this item due to a member of his family objecting and being neighbours to the outline application site.

129 **MINUTES OF PLANNING COMMITTEE**

RESOLVED - That the Minutes of the meeting of the Planning Committee held on 11th March, 2024 be signed by the Chair as a true record.

130 **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/23/00370/REM - RESERVED MATTERS APPLICATION FOR CHE/20/00700/OUT - ERECTION OF 143 RESIDENTIAL UNITS, ASSOCIATED PARKING, SECONDARY ROADS AND LANDSCAPING, PHASE 1 ON LAND SOUTH OF WORKSOP ROAD, MASTIN MOOR, CHESTERFIELD FOR HARRON HOMES.

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

In accordance with Minute No. 299 (2001/2002) Mr Andrew Bryne (applicant's agent) addressed the meeting.

In accordance with Minute No. 299 (2001/2002) Mr Steve Lewis Roberts (applicant's agent) addressed the meeting.

***RESOLVED**

A. That the officer recommendation be upheld and the application be approved subject to the following conditions and a CIL Liability Notice issued.

1. The development hereby approved shall only be carried out in full accordance with the approved plans (listed below) with the exception of any conditional requirement below or of the Outline permission (CHE/20/00700/OUT) or 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 593-003 received 15.06.2023
- Site layout 593-001 Rev Q received 08.03.2024
- External materials and boundary treatments layout 593-006 Rev D received 08.03.2024
- Materials layout 593-005 Rev E received 08.03.2024
- House type bundle Rev C received 05.03.2024
- Coal mining overlay 593 received 29.01.2024
- Adoptable highway geometry principles 1163-001 received 29.01.2024
- Street scenes 593-021 received 29.01.2024 (notwithstanding the updated house type bundle Rev C)
- Site sections 593-009 received 29.01.2024
- Fire swept path analysis 593-012 received 15.06.2023
- Refuse swept path analysis 593-011 received 15.06.2023
- Deliveries swept path analysis 593-013 received 15.06.2023
- Drainage strategy 1163-SK04 received 15.06.2023
- Levels Strategy 1163-SK03 received 15.06.2023
- Noise impact assessment received 15.06.2023
- Design and Access Statement received 21.06.2023
- JSP Ltd Sustainability statement Bolsover Road Mastin Moor Phase 1 dated October 2022 received 15.06.2023
- Phase 1 planning statement received 15.06.2023
- Eastwood Remediation implementation plan dated 9th November 2022 received 15.06.2023
- Construction Environmental management plan received 15.06.2023
- Eastwood Geotechnical and Geo-environmental Site Investigation dated 12th September 2022 Part 1 to 6 received 15.06.2023
- Sales area plan 593-201 Rev B received 15.06.2023

2. Notwithstanding submitted plan 593-201 Rev B received 15.06.2023, this permission does not grant advertisement consent for the sales signage or flags.
3. Prior to works commencing beyond slab level on the first plot, details of all retaining features; including any walls, structures or banking shall be submitted to and approved in writing by the Local Planning Authority. Works shall be completed in accordance with the agreed details.
4. Prior to works commencing beyond slab level on the first plot, details of boundary treatments to clearly define the separation of public and private spaces to the housing across the site, shall be submitted to and approved in writing by the Local Planning Authority. Works shall be completed in accordance with the agreed details.
5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or in any Statutory Instrument revoking or re-enacting that Order with or without modification) no buildings, structures, extensions, fences, gates, walls or other means of enclosure shall be erected within the area of the curtilage between the dwelling and the highway or open space edge as defined by the agreed boundary locations set out on the external materials and boundary treatments layout plan 593-006 Rev D received 08.03.2024, in respect of the following plots; 1, 5, 9, 11, 20, 23, 26, 27, 28, 31, 33, 44, 45, 53, 56, 57, 61, 67, 70, 76, 79, 80, 81, 82, 86, 87, 96, 97, 99, 100, 101, 109, 110, 112, 115, 116, 117, 120, 123, 128, 131, 135, 138, 143, without the prior written approval of the Local Planning Authority upon an application submitted to it.
6. Notwithstanding the external materials and boundary treatments layout plan 593-006 Rev D received 08.03.20, the northern boundary to plot 57 where it is adjacent the footpath and shown as a dotted blue line, there shall be a 1.8m high screen fence with brick dwarf wall and piers as demonstrated by the purple line on the same plan.
7. Notwithstanding the details shown on plan External materials and boundary treatments layout plan no. 593-006 Rev D received 08.03.20, the rear garden boundaries to the affordable housing shall be the 1.8m high feather edge timber fence, not the 1.2m high post and rail fence.
8. In accordance with conditions 3 to 7 above the agreed boundary treatments defined as agreed or shown on the external materials and

boundary treatments layout plan no. 593-006 Rev D received 08.03.2024, shall be installed on site in accordance with the agreed details prior to the occupation of each unit.

Reason – In order to ensure an appropriate finished form of development in accordance with policy CLP20 of the Adopted Local Plan.

9. Notwithstanding the external materials shown on Materials layout plan 593-005 Rev E received 08.03.2024, the external facing materials of the housing hereby approved shall be agreed in writing with the Local Planning Authority in accordance with condition 55 of the outline permission CHE/20/00700/OUT.

10. The development shall be completed in accordance with the recommendations of the Noise Impact Assessment for Harron Homes dated 19th September 2022 NIA-10539-22-10680-v1 Mastin Moor, Phase 1.

11. The bat and bird boxes to be integrated into the fabric of the external walls as shown on materials layout plan 593-005 Rev E shall be installed prior to the occupation of each unit where the boxes are to be provided.

12. Further to the requirements of condition 48 of the outline permission CHE/20/00700/OUT, and prior to the development progressing above the slab level of the first dwelling in the phase to which this permission relates, details of 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.

The details shall include:

- 1) a scaled plan showing all existing vegetation and landscape/habitat features to be retained and trees/plants to be planted and new habitats created;
- 2) details of;
 - a) tree pit design;
 - b) underground modular systems;
 - c) sustainable urban drainage integration;
- 3) a schedule detailing sizes and numbers/densities of all proposed trees/plants;
- 4) specifications for operations associated with plant establishment and maintenance that are compliant with best practise; and

5) types and dimensions of all boundary treatments.

There shall be no excavation or raising or lowering of levels within the prescribed root protection area of retained trees, hedgerows and habitats unless agreed in writing by the Local Planning Authority.

13. The development hereby approved shall not be occupied until the access, parking and turning facilities have been provided as shown on the submitted drawing(s).

14. The development hereby approved shall not be occupied until visibility splays are provided from a point 0.6m above carriageway level at the centre of the access to the application site and 2.4 metres back from the near side edge of the adjoining carriageway, (measured perpendicularly), for a distance of 25m metres in each direction measured along the nearside edge of the adjoining carriageway and offset a distance of 0.6 metres from the edge of the carriageway. These splays shall thereafter be permanently kept free of all obstructions to visibility over 0.6m in height above carriageway level.

15. The development hereby approved shall not be occupied until sheltered, secure and accessible bicycle parking has been provided for each plot in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority. The agreed cycle parking storage area shall be maintained for this purpose thereafter.

16. Notwithstanding House type bundle Rev C received 05.03.2024, to house type The Empingham there shall be no blocked window detail to the upper floor side elevation, which shall instead have plain bricked walling.

B. That a CIL liability notice be issued.

Paul Staniforth rejoined the meeting at this point.

CHE/24/00019/REM1 - VARIATION OF CONDITION 1 (APPROVED PLANS) OF CHE/21/00131/REM - ERECTION OF DETACHED DWELLING INCLUDING ACCESS AT LAND BETWEEN 34 AND 38 LAKE VIEW AVENUE, WALTON, CHESTERFIELD, S40 3DR FOR MR LONG

***RESOLVED**

A. That the officer recommendation be upheld and the application be approved subject to the following conditions and that a CIL Liability be 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.

- Site and Location plan, drawing number 3274-CDA-00-ZZ-DR-A-0400
- Proposed site levels and site sections, drawing number 3274-CDA-00-ZZ-DR-A-0401
- Proposed plans, drawing number 3274-CDA-00-ZZ-DR-A-0402
- Proposed Elevations, drawing number 3274-CDA-00-ZZ-DR-A-0403

2. This consent shall not extend to the use of render as shown on drawing Proposed Elevations, drawing number 3274-CDA-00-ZZ-DR-A-0403 and drawing. Proposed site levels and site sections, drawing number 3274-CDA-00-ZZ-DR-A-0401. Precise specifications or samples of all materials to be used in the construction of the external surfaces of the proposed development shall be submitted to and approved in writing by the local Planning Authority before any work to any external surface is carried out. The development shall thereafter be constructed in accordance with the approved details.

3. 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.

4. A scheme for biodiversity enhancement shall be submitted to the Local Planning Authority for consideration within two months of the commencement of the development. The approved biodiversity enhancement scheme shall be installed on site in full prior to the occupation of the development, maintained and retained thereafter.

B. That a CIL liability notice be issued for £25,505.83 as per section 5.11 of the officer's report.

*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/22/00083/ADV	New Illuminated signage at The Golden Fleece, High Street, Chesterfield for Star Pubs and Bars
CHE/23/00013/FUL	Single storey side extension to house. Rear extension and construction of a lower ground floor to garage to convert it into an annexe and render to the lower ground floor elevation. Retaining wall and steps/balustrade to lower ground floor level at 19 Cranleigh Road Woodthorpe, Chesterfield S43 3BH for Mr and Mrs Guerreiro
CHE/23/00383/FUL	Reorganisation of lower ground and ground floors of existing pub to form 2 self-contained units under class E (b), new glazed orangery and upgraded beer garden and formation of 3 flats within existing building at Marthas Vineyard, 3 Corporation Street, Chesterfield S41 7TU for Triward Holdings LTD
CHE/23/00617/FUL	External alterations to dining block at Outwood Academy Hasland Hall, Broomfield Avenue, Hasland, Chesterfield S41 0LP for Outwood Grange Academies Trust
CHE/23/00666/FUL	Front extension and single storey rear extension with roof terrace above and dormer at 127 Manor Road, Brimington, Chesterfield S43 1NP for Mrs T Lowe and Mr S Fawcett*
CHE/23/00773/FUL	Demolition of existing conservatory and erection of a single storey and two storey rear extension At 17 Troughbrook Road, Hollingwood, Chesterfield S43 2JN for Mr Paul Longstaffe.

- CHE/23/00792/FUL Erection of a double garage incorporating a hobby workshop at 78 Broomfield Avenue, Hasland, Chesterfield S41 0ND for Mr Chris Strawbridge
- CHE/24/00002/REM Variation to condition 2 (Approved plans) of CHE/23/00406/FUL (Demolition of existing lean to & erection of single storey rear extension) to amend window sizes and placements at 133 Station Road, Brimington, Chesterfield S43 1LJ for Mr and Mrs Gascoyne
- CHE/24/00003/FUL Demolition of existing garage and erection of single storey side and rear extension and increase of roof height to existing front gable end and cladding/render to it at 9 Amesbury Close, Chesterfield S41 8PJ for Ms Lena Babajan
- CHE/24/00004/TPO Removal of T34- Lombardy Poplar at 134 St Johns Road, Newbold, Chesterfield S41 8TW for Innovation Group
- CHE/24/00026/SOL Installation of 218 roof mounted solar building and ancillary development at Units 1 – 4, Highlands Place, Foxwood Road, Sheepbridge, Chesterfield S41 9RN for Custom Solar
- CHE/24/00027/FUL Demolition of existing rear ground floor flat roof extension and erection of new rear two storey flat roof extension with associated external works at 64 Broomfield Avenue, Hasland, Chesterfield S41 0ND for Mr & Mrs Clay
- CHE/24/00040/TPO Horsechestnut (T1)- Crown reduction due to excessive shading and to prevent branches contacting roof/guttering at 24 Gratton Place, Chesterfield S41 7FF for Mr Paul Burton
- CHE/24/00086/TPO Fell one Beech tree and one Elm tree within W1 and crown reduce 3 Holly tree within G4

- (description amended 05.03.24) at 33 Coupland Close, Old Whittington, Chesterfield S41 9TB for Mrs June MacDonald
- CHE/24/00098/TPO T1 Alder- Crown lift by 4m from ground level, pruning back leaving a balanced crown at 2 Bowness Road, Newbold, Chesterfield S41 8AH for Mrs Janet Holt
- CHE/24/00103/TPO T01 - Scot's Pine- Proposed pruning works as illustrated on photo 1 and photo 3 at land adjacent to 392 Ashgate Road, Chesterfield S40 4DD for Mr James Wright
- CHE/24/00108/TPO Scots pine T1 - crown lift 5m over highway to statutory height. Scots pine T2 - Crown lift to allowed over driveway height. Scots pine T6 - Request removal, crown lift to highway height would leave no branches, no foliage left. Scots Pine T7 Request removal, tree suppressed by T6, T9, T10. Happy to plant replacements at 188 Somersall Lane, Somersall S40 3NA for Mr Benjamin Coop
- CHE/24/00127/TPO Deodar cedar in the back garden, most northernly nearest to number 13, which becomes multi stemmed. Request to fell, during winter the limbs have been weakened resulting in one falling. New tree to be replanted at 15 The Dell, Ashgate, Chesterfield S40 4DL for Mr Bob Mckittrick
- CHE/24/00131/TPO Tree next to gate, next to no 1 Ash lodge court, brocklehurst piece and large tree, prune away from neighbouring property as branches are almost touching house at land adj. Poplar Motors, Old Road, Chesterfield S40 2QZ for Mr David Lister
- CHE/24/00148/TPO T1 Sycamore- Sever ivy around the lower bole. Prune out deadwood in excess of 25mm diameter T2 Horse Chestnut- Crown-reduce in

height by 4-5m and side-reduce lateral branch extending over the Hall drive by 4m to appropriate side branch. T3 Horse Chestnut- Crown-reduce by 6m in height and 4m in spread to previous reduction points T4 Lime- Crown lift to 3m at The Rectory, Church Street, Staveley, Chesterfield S43 3TN for Diocese Of Derby

(b) Refusals

- CHE/24/00082/DOC Discharge of condition 14 (Employment and Training scheme) of CHE/22/00109/OUT - Outline application for the demolition of existing office premises and erection of residential dwellings, with all matters reserved except access at Manor Offices, Old Road, Chesterfield S40 3QR for Balfour Beatty Homes
- CHE/24/00099/TPO Removal of sycamore tree at 15 High Street, Brimington, Chesterfield S43 1DE for Mr James Bell

(c) Discharge of Planning Condition

- CHE/23/00635/DOC Discharge of conditions 3 (Hard surfacing and bollard details), 5 (Petrol interceptor details), 6 (Drainage details) of CHE/22/00068/FUL- Temporary car park at former Chesterfield Hotel, Malkin Street, Chesterfield S41 7UA for Chesterfield Borough Council
- CHE/23/00730/DOC Discharge of conditions 4 (Landscape and Ecological Management Plan) and 5 (Soft landscaping) of applications CHE/20/00432/FUL- The construction and operation of a solar photovoltaic farm, with battery storage and other associated infrastructure, including inverters, security cameras, fencing, access tracks and landscaping at land to West of Inkersall Road, Staveley, Chesterfield for Inkersall Solar Farm

Limited

- CHE/23/00777/DOC Discharge of conditions 10 (drainage discharge) and 11 (surface water drainage) of CHE/22/00607/FUL - Demolition of 20 and 22 Somersall Lane and erection of three replacement dwellings with associated parking and turning areas (existing accesses retained) at 20 Somersall Lane, Somersall, Chesterfield S40 3LA for Merlin Design and Survey Partnership
- CHE/23/00787/DOC Discharge of conditions 7 (Landscape and Ecological Management Plan), 8 (Soft Landscaping Plan), 10 (Hard Landscaping Scheme) and 13 (Sewage Protection Measures) of application CHE/23/00606/REM1- Variation of condition wording of conditions 12, 14 and 15 of CHE/20/00420/FUL 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, Chesterfield
- CHE/24/00016/DOC Discharge of planning condition 7 (schedule of fixtures and fittings) of CHE/23/00227/LBC - Internal and external alterations at 39, 39A and 41 Holywell Street, Chesterfield S41 7SH for Voeberg Hospitality Ltd

(d) Partial Discharge of Conditions

- CHE/22/00557/DOC Discharge of conditions 2 (Details of geomembrane), 3 (Details of woodland fencing), 4 (Foundation design of plot 137), 6 (Retaining walls and materials), 7 (Boundary treatments), 9 (Bin collection areas), 13 (Arboricultural impact

statement) and 16 (On plot landscaping) of application CHE/21/00567/REM- Approval of reserved matters of CHE/19/00131/OUT - residential development of 400 dwellings, public open space and associated infrastructure at Land To West Of Inkersall Road, Staveley, Chesterfield for Barratt David Wilson Homes

(e) Conditional Consent for non-material Amendment

CHE/24/00090/NMA Non-material amendment to CHE/22/00540/FUL (Construction of a new mental health facility and associated landscaping, groundworks, parking, and access arrangements - re-submission of CHE/21/00887/FUL)- to change retaining wall structure, remove fences and gates to police/ambulance vehicular entrance and addition of stairs at Chesterfield and North Derbyshire Royal Hospital, Chesterfield Road, Calow, Chesterfield S44 5BL for Derbyshire Healthcare NHS Foundation Trust C/o WSP

(f) Prior approval not required

CHE/24/00046/CLO Side extension and rear dormer loft conversion, change of use from C3 to C4 house in multiple occupation for 6 residents at 1 New Beetwell Street, Chesterfield S40 1QR for Kith Living Limited

CHE/24/00079/CLO Internal refurbishment and change of use to a 6 bed house in multiple occupation at 39 Park Road, Chesterfield S40 2LP for Miss Georgina Smith

(h) Unconditional Permission

CHE/24/00149/CA T6 Rowan- Crown lift to 3m G1 (Ash, Laurel, Sycamore, Horse Chestnut)- Side reduce to boundary fence line at The Rectory, Church Street, Staveley, Chesterfield S43 3TN for

Diocese Of Derby

132 APPLICATIONS TO FELL OR PRUNE TREES (P620D)

The Development Management and Conservation Manager reported that a full report will be provided at the next committee meeting.

133 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.

134 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.

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

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

136 UNAUTHORISED DEVELOPMENT AT 28 MCMAHON AVENUE, INKERSALL, CHESTERFIELD, S43 3HN

The Development Management and Conservation Manager presented a report to inform members of the breach of planning legislation. This relates to the siting of a shipping container on the frontage of 28

McMahon Avenue, Inkersall, Chesterfield which is being used for business purposes. Authorisation is being sought for enforcement action to facilitate the cessation of the use and removal of the shipping container from the site.

***RESOLVED –**

That approval is granted for the issue of an enforcement notice, in relation to the unauthorised business use of the unit requiring it to cease with a compliance period of 28 days.