

## **PLANNING COMMITTEE**

**Monday, 15th February, 2021**

Present:-

Councillor Callan (Chair)

Councillors D Collins  
Barr  
Bingham  
Brady  
Catt  
Caulfield  
Davenport

Councillors T Gilby  
Miles  
Simmons  
Marriott  
Borrell  
G Falconer  
Mann

### 35 **APOLOGIES FOR ABSENCE**

No apologies for absence were received.

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

Councillor P Mann declared an interest in item 4(1) (CHE/20/00700/OUT - Outline application for residential development of up to 650 dwellings, a residential care facility with extra care, a local centre (including local retail, health facilities, leisure facilities, other local facilities and services, offices), open space, community garden extension, community building, parking and associated infrastructure and earthworks on land south of Worksop Road, Mastin Moor for Devonshire Property (MM) Ltd.) as he is leader of Staveley Town Council who might benefit as a result of Community Infrastructure Levy contributions if the application is ultimately approved on appeal.

The Development Management and Conservation Manager declared an interest in agenda item 4(1) (CHE/20/00700/OUT - Outline application for residential development of up to 650 dwellings, a residential care facility with extra care, a local centre (including local retail, health facilities, leisure facilities, other local facilities and services, offices), open space, community garden extension, community building, parking and associated infrastructure and earthworks on land south of Worksop Road, Mastin Moor for Devonshire Property (MM) Ltd.) as his parents live near to the

site.

37 **MINUTES OF PLANNING COMMITTEE**

**RESOLVED -**

That the Minutes of the meeting of the Planning Committee held on 4 February, 2021 be signed by the Chair as a true record.

38 **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:-

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

CHE/20/00700/OUT - OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT OF UP TO 650 DWELLINGS, A RESIDENTIAL CARE FACILITY WITH EXTRA CARE, A LOCAL CENTRE (INCLUDING LOCAL RETAIL, HEALTH FACILITIES, LEISURE FACILITIES, OTHER LOCAL FACILITIES AND SERVICES, OFFICES), OPEN SPACE, COMMUNITY GARDEN EXTENSION, COMMUNITY BUILDING, PARKING AND ASSOCIATED INFRASTRUCTURE AND EARTHWORKS ON LAND SOUTH OF WORKSOP ROAD, MASTIN MOOR FOR DEVONSHIRE PROPERTY (MM) LTD.

In accordance with Minute No. 299 (2001/2002) David Peck (applicant's agent) addressed the meeting.

That the officer recommendation be upheld and the application be approved subject to the signing of a Section 106 agreement and subject to the following conditions:-

Time Limits

1. The development for which permission is hereby granted shall not begin before detailed plans for the relevant part/phase of the development showing the layout, scale, external appearance and landscaping and the

remaining access details beyond the 4 key entry points at Worksop Road, Bolsover Road and Woodthorpe Road already approved (hereinafter called "the reserved matters") have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details for each corresponding phase.

2. Applications for approval of all the reserved matters shall be made to the local planning authority not later than 10 years from the date of this permission and the first such application, relating to one of the phases, shall be made within 3 years of the date of this permission.

3. The development hereby approved shall be begun either before the expiration of 5 years from the date of this permission or before the expiration of 2 years from the date of approval of the last of the reserved matters whichever is the later.

4. This planning permission shall relate to the following plans unless otherwise required by a condition of this permission or unless otherwise agreed with the local planning authority: Location Plan M5328-003 D05 dated 22.04.16 received 12.10.20; Access Plans (the 4 key entry points referenced in condition 1 above as demonstrated on plan no's. 276927-00 Rev 01; SK-200, SK-100, SK-101, SK-102 received 12.10.2020), Indicative Masterplan P20181-00-001-100 Rev 02 dated 06.08.20 received 12.10.2020.

### Phasing

5. The first reserved matters submission required by condition 1 shall include a phasing scheme for the whole of the outline permission site area.

6. The first reserved matters submission required by condition 1 shall include a programme for the delivery of the Local Centre and supporting facilities no later than the first occupation of the third phase of operational/physical development.

7. The first reserved matters submission required by condition 1 shall include an overarching delivery strategy including broad locations for 25% of units within the whole of the outline development to be constructed to the optional requirement for Adaptable and Accessible dwellings in Part M4(2) of the Building Regulations.

8. The phasing scheme required by condition 5 shall include details of the

proposed sequence of development across the whole site, including strategic drainage and SuDS infrastructure, green infrastructure, cycle routes and footpaths, the extent and location of individual development phases and the associated access arrangements and timescales for implementation of the off-site highway improvements.

9. The development shall be carried out in accordance with the details approved by conditions 5, 6, 7 and 8 or any subsequent amended details submitted to and approved in writing by the local planning authority in compliance with those conditions.

10. No development shall commence until the site wide phasing programme required by condition 5 has been approved in writing by the local planning authority. Thereafter each subsequent reserved matters application for any phase (or part thereof) shall be accompanied by an updated programme or statement of compliance for approval by the local planning authority. Thereafter the development shall be carried out in accordance with the phasing programme as approved and/or updated.

#### Design/Masterplan

11. Prior to or no later than concurrent with the first reserved matters application, a Design Code/Framework shall be submitted to the local planning authority for approval in writing. The Design Code/Framework shall set out the overarching design approach for the whole site and set a site wide open space, green infrastructure and accessibility framework to inform any phased reserved matters proposals. The Design Code/Framework should be compatible with, and expand upon, the principles set in the Design and Access Statement (DAS) dated October 2020 no. P20181-00-001-GIL-0703-03 received 12.10.2020. All reserved matters applications shall accord with the approved site wide Design Code/Framework.

12. The submission of the reserved matters applications shall be broadly in accordance with the details shown in the Design and Access Statement (DAS) dated October 2020 no. P20181-00-001-GIL-0703-03 received 12.10.2020; and the Indicative Masterplan P20181-00-001-100 Rev 02 dated 06.08.20 received 12.10.2020.

13. Prior to or concurrent with the submission of the first reserved matters application for the 'layout' of any phase of the development hereby permitted, an Adaptable and Accessible Homes Scheme for that phase

shall be submitted in writing to the local planning authority and shall include details of how the phase of development will accord with the overarching strategy for delivery of Adaptable and Accessible Homes approved under condition 5 identifying on a 'layout' plan the individual dwellings to be constructed to the M4(2) standard within that phase. The construction of any dwellings in a phase shall not commence until the Accessible and Adaptable Homes Scheme for that phase has been approved in writing by the local planning authority. Development for a phase shall be carried out in accordance with the associated approved Accessible and Adaptable Homes Scheme and the accessible and adaptable homes shall be maintained as such thereafter.

## Highways

14. Before any other operational development is commenced within any phase (or sub-phase as may be agreed in writing by the local planning authority under the terms of conditions 5 and 10 above), detailed designs for any proposed temporary accesses for construction purposes and the approved new accesses with the A619 Worksop Road, B6419 Bolsover Road (including a new footway link and pedestrian refuge crossing points) and CIII Woodthorpe Road (including multi-user route link to Seymour Link Road) [whichever is needed to serve that particular phase], together with a programme for the implementation and completion of the works, shall be submitted to and approved in writing by the local planning authority. No part of the development within each phase (identified in accordance with conditions 5 and 10 above) shall be brought into use until the required highway improvement works have been constructed in accordance with the approved details.

15. The temporary accesses for construction purposes, the subject of condition 14 above, shall be retained in accordance with the approved scheme and development phase throughout the construction period, or such other period of time as may be approved in writing by the local planning authority, free from any impediment to its designated use.

16. No development shall take place within any phase (or subphase as may be approved in writing by the local planning authority under the terms of condition 5 and 10 above), including any works of demolition until a Construction Management Plan or Construction Method Statement has been submitted to and been approved in writing by the local planning authority. The approved plan/statement shall be adhered to throughout the construction period of that associated phase of development. The

statement shall provide for:

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

17. No development shall take place within any phase (or subphase as may be agreed in writing by the local planning authority under the terms of condition 5 and 10 above), until construction details of the residential estate roads and footways (including layout, levels, gradients, surfacing and means of surface water drainage) have been submitted to and approved in writing by the local planning authority.

18. The carriageways of the proposed estate roads shall be constructed in accordance with condition 17 above up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access from that road. The carriageways and footways shall be constructed up to and including base course surfacing to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway, between the dwelling and the existing highway. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or abutting the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surface course within 12 months (or 3 months in the case of a shared surface road) from the occupation of such dwelling, unless otherwise agreed in writing by the local planning authority.

19. Before any other operations are commenced within any phase (or sub-phase as may be approved in writing by the local planning authority under the terms of condition 5 and 10 above), (excluding creation of the proposed temporary accesses for construction purposes), all existing vehicular and pedestrian accesses to the public highway made redundant as a result of the development shall be permanently closed with a physical barrier and the existing vehicle crossovers reinstated as footway or verge in accordance with a scheme and programme first submitted to and approved in writing by the local planning authority.

20. Any dwelling and/or premises, the subject of the outline or reserved matters approval, shall not be occupied or brought into use until space has been provided within the site curtilage for the parking or loading and unloading/picking up and setting down passengers; manoeuvring of

residents, visitors, staff, customers, service and delivery vehicles (including secure/covered cycle parking and also disabled parking spaces), located, designed, laid out and constructed in accordance with written details (including plans) submitted to and approved in writing by the local planning authority. The approved details shall be maintained throughout the life of the development free from any impediment to its designated use.

21. Prior to the commencement of the development within any phase (or sub-phase as may be approved in writing by the local planning authority under the terms of condition 5 and 10 above), details shall be submitted to and approved in writing by the local planning authority showing the means to prevent the discharge of water from the development onto the highway. The approved scheme shall be undertaken and completed prior to the first use of the access and retained as such thereafter.

22. The approved Travel Plan dated 8th October 2020 and received 12.10.2020, shall be implemented in accordance with the timescales specified therein, to include those parts identified as being implemented prior to occupation and following occupation, unless alternative timescales are agreed in writing with the local planning authority. The approved Travel Plan shall be monitored and reviewed in accordance with the agreed Travel Plan targets.

23. No development shall be commenced within any phase (or sub-phase as may be approved in writing by the local planning authority under the terms of condition 5 and 10 above), until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an Agreement has been entered into under S38 of the Highways Act 1980 or a private management and maintenance company has been established.

24. As part of the reserved matters for any phase (or sub-phase as may be approved in writing by the local planning authority under the terms of condition 5 and 10 above), details shall be submitted showing the arrangements for storage of bins and collection of waste. Those details shall include for the provision of refuse bin stores within private land in close proximity to the street to avoid prolonged obstruction of the streets by refuse vehicles. The development shall be carried out in accordance with the agreed details prior to the first occupation or use of the dwelling or

development to which they relate and shall be retained free from any impediment to their designated use thereafter.

### Flood Risk and Drainage

25. No individual dwelling approved as part of the reserved matters for any phase (or sub-phase as may be approved in writing by the local planning authority under the terms of condition 5 and 10 above) shall be occupied until the 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.

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

27. No piped discharge of surface water within any phase (or sub-phase as may be agreed in writing by the local planning authority under the terms of conditions 5 and 10 above), shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the local planning authority.

28. Development shall not commence within any phase (or subphase as may be agreed in writing by the local planning authority under the terms of conditions 5 and 10 above), until a scheme to ensure that on-site and off-site foul and/or surface water sewerage, designed to serve the whole development, of adequate capacity to ensure proper disposal to the receiving public sewer network has been submitted to and approved in writing by the local planning authority. The approved scheme shall be fully implemented and subsequently maintained, in accordance with the timing and phasing arrangements embodied within the scheme and the number of properties to be constructed within that phase, or within any other period or number of properties as may subsequently be approved in writing by the local planning authority. Furthermore, occupation of the development shall not commence until the approved drainage works have been constructed in accordance with the approved plans.

29. No development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for each phase of the development (or subphase as may be agreed in writing by the local planning authority under the terms of condition 5 and 10 above), in accordance with the principles outlined within:



a. Flood Risk Assessment Land Off Worksop Road, Mastin Moor, Chesterfield, Chatsworth Settlement Trustees – FRA- 19412-17-31 R7 (October 2020 by Idom Merebrook Ltd);

b. Surface Water Drainage Strategy (As submitted in Appendix 5 of the submitted Flood Risk Assessment Sheet 1 – Drawing No 200-002 Rev A, Surface Water Drainage Strategy Sheet 2 – Drawing No 200-003 Rev A, Surface Water Drainage Strategy Sheet 3– Drawing No 200-004 Rev A; and

c. DEFRA Non-statutory technical standards for sustainable drainage systems (March 2015), have been submitted to and approved in writing by the local planning authority. The approved drainage system shall be implemented in accordance with the approved detailed design prior to the use of the buildings commencing.

30. No reserved matters application to confirm the layout of any respective phase (or sub-phase as may be approved in writing by the local planning authority under the terms of condition 5 and 10 above), shall be approved until information confirming the viability and location of SuDS techniques as outlined within the Flood Risk Assessment has been provided to and approved in writing by the local planning authority.

31. All phases of development approved by this planning permission shall be designed and carried out in accordance with the principles contained within the Flood Risk Assessment Land Off Worksop Road, Mastin Moor, Chesterfield, Chatsworth Settlement Trustees – FRA- 19412-17-31 R7 (October 2020 by Idom Merebrook Ltd).

#### Land Condition and Contamination

32. In respect of each individual phase of development (or subphase as may be agreed in writing by the local planning authority under the terms of condition 5 and 10 above), prior to the submission of reserved matters approval for each phase, a scheme of intrusive site investigations for the opencast high walls and shallow coal workings shall be submitted to the local planning authority for written approval. Thereafter those intrusive investigations shall be carried out as approved to inform any subsequent reserved matters application.

33. Concurrent with each reserved matter submission (including any

phased development) in accordance with the provisions of condition 32 detailed above there shall be a report detailing the following: findings arising from the intrusive site investigations, including the results of any gas monitoring undertaken; the submission of a layout plan which identifies the opencast high walls and appropriate zones of influence for the recorded mine entries within the site, and the definition of suitable 'no-build' zones; - the submission of a scheme of treatment for the recorded mine entries for approval; and the submission of a scheme of remedial works for the shallow coal workings for approval. Only those remedial details that receive detailed written approval alongside any reserved matters consent, or separate approval under the provisions of this condition shall be implemented on site.

34. A. Development shall not commence within any phase (or sub-phase as may be agreed in writing by the local planning authority under the terms of condition 5 and 10 above), until details as specified in this condition have been submitted to the local planning authority for consideration and those details, or any amendments to those details as may be required, have received the written approval of the local planning authority.

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

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

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

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

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

### Ecology and Biodiversity

35. Prior to or no later than concurrent with the first reserved matters application submitted for the site, a scheme to deliver a measurable net gain in biodiversity shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved scheme.

36. No vegetation clearance works shall take place within any phase (or sub-phase as may be agreed in writing by the local planning authority under the terms of condition 5 and 10 above), between 1st March and 31st August inclusive, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period, and details of measures to protect the nesting bird interest on the site have first been submitted to and approved in writing by the local planning authority and then implemented as approved.

37. Prior to building works commencing above foundation level within any phase (or sub-phase as may be agreed in writing by the local planning authority under the terms of condition 5 and 10 above), 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 and any mitigating features such as dimmers, PIR sensors and timers. A lux contour plan shall be provided to demonstrate acceptable levels of light spill to any sensitive ecological zones/features. Guidelines can be found in Guidance Note 08/18 - Bats and Artificial Lighting in the UK (BCT and ILP, 2018). The approved measures will be implemented in full.

38. Prior to development commencing on any phase or sub phase, a detailed badger survey shall be carried out for any recently excavated badger setts on the site or within 30m of the site boundary and the survey, along with any necessary mitigation measures, shall be submitted to and be approved in writing by the local planning authority. Development will be carried out in accordance with the approved mitigation measures.

39. No development shall take place (including demolition, ground works, vegetation clearance) within any phase (or sub-phase as may be approved in writing by the local planning authority under the terms of condition 5 and 10 above), until a Construction Environmental Management Plan – Biodiversity (CEMP - Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP - Biodiversity shall be informed by the existing ecological survey work and include the following:

- a) risk assessment of potentially damaging construction activities;
- b) identification of “biodiversity protection zones”;
- c) practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- d) the location and timing of sensitive works to avoid harm to biodiversity features;
- e) the times during construction when specialist ecologists need to be present on site to oversee works;
- f) responsible persons and lines of communication;
- g) the role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
- h) use of protective fences, exclusion barriers and warning signs.

40. No works which include the creation of trenches or culverts or the presence of pipes shall commence within any phase (or sub-phase as may be agreed in writing by the local planning authority under the terms of condition 5 and 10 above), until measures to protect badgers from being trapped in open excavations and/or pipe and culverts are submitted to and approved in writing by the local planning authority. The measures may include the creation of sloping escape ramps (mammal ladders) for badgers (and other mammals potentially using the site), which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day; and open pipework greater than 200mm outside diameter being blanked (capped) off at the end of each working day.

41. Prior to the commencement of the development within any phase (or sub-phase as may be agreed in writing by the local planning authority under the terms of condition 5 and 10 above), a Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority. The LEMP will set out how the phase (or sub phase) will deliver the requirement for a net measurable gain in biodiversity (as set out in condition 35) and should combine both the ecology and landscape disciplines and 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 in perpetuity, with reviews);
- g) details of the body or organisation responsible for implementation of the plan;
- h) ongoing monitoring visits, targets and remedial measures when conservation aims and objectives of the LEMP are not being met;
- i) locations of bat boxes, bird boxes, hedgehog holes and habitat piles (including specifications/installation guidance/numbers).

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

### Landscaping

42. Concurrent with any reserved matters application concerning landscaping within any phase (or sub-phase as may be agreed in writing by the local planning authority under the terms of condition 5 and 10 above),

details of treatment of all parts on the site not covered by buildings shall be submitted to and approved in writing by the local planning authority. The site shall be landscaped strictly in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. 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) location, type and materials to be used for hard landscaping including specifications, where applicable for:
  - a) permeable paving;
  - b) tree pit design;
  - c) underground modular systems;
  - d) sustainable urban drainage integration;
  - e) use within Tree Root Protection Areas (TRPAs);
- 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. Unless required by a separate landscape management condition, all soft landscaping shall have a written 5-year maintenance programme following planting. Any new tree(s) that die(s), are/is removed or become(s) severely damaged or diseased shall be replaced and any new planting (other than trees) which dies, is removed, becomes severely damaged or diseased within 5 years of planting shall be replaced. Unless further specific permission has been given by the local planning authority, replacement planting shall be in accordance with the approved details.

43. Prior to the commencement of the development within any phase (or sub-phase as may be agreed in writing by the local planning authority under the terms of condition 5 and 10 above), a scheme for the protection of the retained trees, hedgerows and habitats in accordance with BS 5837:2012, including a Tree Protection Plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the local planning authority. Specific issues to be dealt with in the TPP and AMS:

- a) location and installation of services/utilities/drainage;
- b) details of construction or landscaping works within the RPA that may impact on the retained trees and habitats;
- c) a full specification for the installation of boundary treatment works;
- d) a full specification for the construction of any roads, parking areas and driveways, including details of the no-dig specification and extent of the areas of the roads, parking areas and driveways to be constructed using a no-dig specification. Details shall include relevant sections through them;
- e) detailed levels and cross-sections to show that the raised levels of surfacing, where the installation of no-dig surfacing within Root Protection Areas is proposed, demonstrating that they can be accommodated where they meet with any adjacent building damp proof courses;
- f) a specification for protective fencing to safeguard trees, hedgerows and habitats during both land clearance and construction phases and a plan indicating the alignment of the protective fencing;
- g) a specification for scaffolding and ground protection within protection zones;
- h) tree, hedgerow and habitat protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area;
- i) details of site access, temporary parking, on-site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well as concrete mixing and use of fires;
- j) boundary treatments within the RPA;

k) methods to improve the rooting environment for retained and proposed trees, hedgerow and landscaping. The development thereafter shall be implemented in strict accordance with the approved details.

44. Prior to the commencement of the development within any phase (or sub-phase as may be agreed in writing by the local planning authority under the terms of condition 5 and 10 above), details of all proposed Access Facilitation Pruning (see BS5837:2012 for definition) shall be submitted to and approved in writing by the local planning authority. The approved tree pruning works shall be carried out in accordance with BS3998:2010. The development thereafter shall be implemented in accordance with the approved details.

45. The landscaping details submitted to accompany any reserved matters application for any phase (or sub-phase as may be agreed in writing by the local planning authority under the terms of condition 5 and 10 above), shall be accompanied by details for the proposed means of permanent management and maintenance for all public areas (any areas not proposed to be contained within the curtilage of any individual properties/dwellings) at all times following completion of that phase or sub-phase of development, including timescales for implementation. The agreed details shall thereafter be implemented and maintained in a manner as approved in perpetuity.

#### Heritage and Archaeology

46. a) No development shall take place within any phase (or sub-phase as may be agreed in writing by the local planning authority under the terms of conditions 5 and 10 above), until a Written Scheme of Investigation for archaeological work for that phase has been submitted to and approved by the local planning authority in writing, and until the fieldwork elements of the scheme for that phase are complete to the written satisfaction of the local planning authority. The Written Scheme of Investigation for each phase will comprise a detailed statement of methodology in line with Land at Mastin Moor, Derbyshire. Overarching Written Scheme of Investigation for Archaeological Programme (Wessex Archaeology Document Ref: 104084.01, August 2019), and will include on a phased basis:

1. an assessment of significance and research questions;
2. the programme and methodology for archaeological evaluation, to take place before the consideration of reserved matters with details of layout for



that phase;

3. the programme and methodology for further archaeological work following evaluation, comprising preservation in situ or mitigation excavation as appropriate;
4. the programme of post-investigation assessment;
5. provision to be made for analysis of the site investigation and recording;
6. provision to be made for publication and dissemination of the analysis and records of the site investigation;
7. provision to be made for archive deposition of the analysis and records of the site investigation; and
- 8 nomination of a competent person or person/organisation to undertake the works set out within the Written Scheme of Investigation.

b) No development in any phase shall take place other than in accordance with the archaeological Written Scheme of Investigation approved for that phase under this condition part (a) and in accordance with Land at Mastin Moor, Derbyshire. Overarching Written Scheme of Investigation for Archaeological Programme (Wessex Archaeology Document Ref: 104084.01, September 2020).

c) No phase of the development shall be occupied until the site investigation and post investigation assessment for that phase has been completed in accordance with the programme set out in the Written Scheme of Investigation approved for that phase under this condition part (a), and in accordance with Land at Mastin Moor, Derbyshire Overarching Written Scheme of Investigation for Archaeological Programme (Wessex Archaeology Document Ref: 104084.01, September 2020), and until the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

#### Other Conditions

47. Prior to development commencing within any phase (or subphase as may be agreed in writing by the local planning authority under the terms of conditions 5 and 10 above), an Employment and Training Scheme shall be submitted to and be approved in writing by the local planning authority. The

Scheme shall include a strategy to promote local supply chain, employment and training opportunities throughout the construction of the development and the scheme. Development shall be carried out in accordance with the approved scheme.

48. For each new dwelling provided with dedicated parking provision, a residential charging point shall be provided with an IP65 rated domestic 13amp socket, directly wired to the consumer unit with 32amp cable to an appropriate RCD. The socket shall be located where it can later be changed to a 32amp EVCP. Alternative provision to this specification must be approved in writing, by the local planning authority. The electric vehicle charging points shall be provided in accordance with the stated criteria prior to first occupation and shall be retained and maintained as useable for the life of the development.

49. Construction work shall only be carried out on site between 0800 hours and 1800 hours Monday to Friday, 0900 hours to 1700 hours 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.

50. Before construction works commence or ordering of external materials takes place within any phase (or sub-phase as may be agreed in writing by the local planning authority under the terms of condition 5 and 10 above), precise specifications or samples of the walling and roofing materials to be used shall be submitted to the local planning authority for consideration. Development shall be carried out in accordance with the approved details.

51. Prior to the commencement of the development within any phase (or sub-phase as may be agreed in writing by the local planning authority under the terms of condition 5 and 10 above), details of the existing and proposed land levels and the proposed floor levels of the dwellings hereby approved shall be submitted to the local planning authority for consideration. The details submitted shall include sufficient cross sections to fully assess the relationship between the proposed levels and immediately adjacent land/dwellings. The dwelling shall be constructed at the levels approved under this condition unless otherwise agreed, in writing, by the local planning authority.

52. The submission of reserved matters applications shall be made in accordance with the recommendations of the Noise and Vibration Assessment by Waterman Infrastructure & Environment Ltd dated October 2020 and each phase (or sub-phase as may be agreed in writing by the

local planning authority under the terms of condition 5 and 10 above), shall be accompanied by a statement or report of compliance for approval by the local planning authority. The agreed details shall thereafter be implemented and maintained in a manner as approved in perpetuity.

Councillor Mann and the Development Management and Conservation Manager returned to the meeting.

CHE/20/00833/REM1 - VARIATION OF CONDITION 2 OF CHE/17/00359/FUL (ALTERATIONS AND CHANGE OF USE FROM PUBLIC HOUSE TO RESIDENTIAL USE COMPRISED OF 9 FLATS AND A SEPARATE 4 BED DWELLING) IN ORDER TO CONVERT DWELLING TO 5 BEDROOM HOUSE IN MULTIPLE OCCUPATION AT VICTORIA HOTEL, LOWGATES, STAVELEY S43 3TR

In accordance with Minute No. 299 (2001/2002) Jamie Windle (objector on behalf of the Lowgates Residents Association), Sarah Kelly (objector) and Danny Simmonds (applicant's agent) addressed the meeting.

That the officer recommendation not be upheld and the application be refused.

In the opinion of the local planning authority the proposal will add to the demand on limited parking facilities compared with the agreed use and which will add generally to the highway congestion and issues in the local vicinity. As a result of the inadequate on site parking facilities the proposal is likely to result in the parking of vehicles on the pavement to the A619 Lowgates frontage to the detriment of highway safety. The proposal is thereby considered to be contrary to policy CLP20 and CLP22 of the Chesterfield Local Plan 2018 – 2035 and the advice contained within the wider National Planning Policy Guidance.

Councillor Collins left the meeting at this point and did not participate in the following item.

Councillor Mann left the meeting at this point and did not return

CHE/20/00760/FUL CONVERSION AND EXTENSION OF EXISTING GARAGE TO FORM NEW DWELLING AT LAND ADJACENT TO 72 WALTON ROAD, WALTON, CHESTERFIELD S40 3BY

That the officer recommendation be upheld and the application be

approved subject to the following conditions:-

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

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

- P02 Rev C – Proposed site plan – 1:200 – Nov 2020
- P04 – Proposed floor plans 1:100 @ A4 – Nov 2020
- P05 Rev B – Proposed elevations 1:100 @ A4 – Nov 2020
- P07 – Proposed site sections 1:200 @ A4 – Nov 2020
- P08 – Delves Close Street View 1:200 @ A4 – Nov 2020

3. No development shall commence until:

a. a scheme of intrusive site investigations has been carried out on site to establish the risks posed to the development by part 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.

4. Prior to the occupation of the development 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.

5. Prior to the ordering of external materials to be used at the application site, precise specifications or samples of the proposed materials shall be submitted to the Local Planning Authority for consideration. Only the

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

6. No development shall take place until details of the proposed means of disposal of surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved in writing by the Local Planning Authority. The site shall be developed with separate systems of drainage for foul and surface water on and off site.

7. Within 2 months of commencement of development, unless otherwise agreed in writing by the Local Planning Authority, full details of the proposed soft landscaping works for the approved development shall be submitted to the Local Planning Authority for consideration. The submitted landscaping scheme shall take account of retained hedges on site and shall provide details regarding biodiversity net gain measures to be incorporated at the application site. The approved landscaping scheme shall be carried out and implemented as approved prior to the occupation of the dwelling.

8. 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.

9. The development hereby approved shall not be occupied until the optional requirement for water consumption (110 litres water use per person per day) in Part G of the Building Regulations have been complied with.

10. Notwithstanding the provision of the Town and Country Planning (General Permitted) Development Order 1995 (as amended) there shall be no extensions, outbuildings or garages constructed (other than garden sheds or greenhouses of a volume less than 10 cubic metre) or additional windows erected or installed at or in the dwelling hereby approved without the prior written agreement of the Local Planning Authority.

11. The window located in the north east facing elevation serving the rear bedroom shall be obscurely glazed to a minimum obscurity of Pilkington Level 4 prior to the occupation of the dwelling hereby approved and be retained in perpetuity thereafter.

12. The window located in the north west facing elevation serving the

bathroom shall be obscurely glazed to a minimum obscurity of Pilkington Level 4 prior to the occupation of the dwelling hereby approved and be retained in perpetuity thereafter.

13. There shall be no gates or other barriers to the driveway of the approved dwelling.

14. A residential charging point shall be provided for the new dwelling as shown on site plan no. JJ00298/3A received 13.12.2020 with an IP65 rated domestic 13amp socket, directly wired to the consumer unit with 32 amp cable to an appropriate RCD. The socket shall be located where it can later be changed to a 32amp EVCP. Alternative provision to this specification must be approved in writing, by the local planning authority. The electric vehicle charging point shall be provided in accordance with the stated criteria prior to occupation and shall be maintained for the life of the approved development.

(B) That a CIL Liability notice be served for £3,087 as detailed in section 6.9 of the officer's report.

Councillor Collins returned to the meeting.

### 39 **BUILDING REGULATIONS (P880D)**

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

#### Approvals

20/05882/DEXFP	Conversion of detached garage into bedroom with en-suite and storeroom at 10 Rothery Grove Holme Hall Chesterfield Derbyshire S40 4XN
20/05702/DEXFP	Internal alterations and adaptations including a reconfigured kitchen/dining space, bathroom alterations and removal of chimney breast and stack at 15 Boythorpe Crescent Boythorpe Chesterfield Derbyshire S40 2NX
20/05801/DEXFP	Single storey rear extension at 35 Holme Park Avenue Upper Newbold Chesterfield Derbyshire

## S41 8XB

- 20/06166/DEXFP Single storey rear extension at 4 Highbury Grove  
Chesterfield Derbyshire S41 7HX
- 20/05930/DEXPI Conversion of part of garage into utility/wc and  
conversion of loft space into guest  
bedroom/shower/wc area at The Stables Hady Hill  
Farm track from Hady Hill Farm to Hady Crescent  
Hady Chesterfield Derbyshire S41 0DZ
- 20/05833/OTHFP Internal refurbishment of Chesterfield Escape  
Rooms at 19-25 Soresby Street Chesterfield  
Derbyshire S40 1JW
- 21/00188/DEXFP Two storey front, side extension and single storey  
rear extension at 8 Selby Close Walton  
Chesterfield Derbyshire S40 3HA

40 **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/20/00001/RET Retrospective change of use of the first floor to a  
1-1 personal training studio including sports  
massage therapy, rehab from injury and illness  
clinic, limited weekly group training sessions and  
occasional events at 5 Lordsmill Street  
Chesterfield S41 7RW for Ms Lucy Shakespeare
- CHE/20/00236/FUL New dwelling over two floors (revised drawing and  
streetscene received 17.09.2020) at land to the  
east of 34 Queen Street Brimington Derbyshire for  
Mr David Bannister
- CHE/20/00344/FUL Installation of new wheelchair platform lift with

- new foundation to the front of the property at 42 Highfield Lane Newbold S41 8AU for Mr Fantom
- CHE/20/00518/FUL Two storey side and rear extension at 678 Chatsworth Road Chesterfield S40 3NU for Mr J Haag
- CHE/20/00524/FUL Single storey side extension at 75 Highland Road New Whittington S43 2EZ for Mr Keith Herrington
- CHE/20/00546/FUL Two storey side extension and erection of fence (amended description and plan received 20.12.20) at 2 Dalvey Way New Whittington S43 2QD for Alex Sykes
- CHE/20/00606/FUL Installation of 3 air source heat pumps in rear courtyard at Former Social Club at land adj 123 Saltergate Chesterfield Derbyshire for A-Rock Construction
- CHE/20/00607/FUL Construction of a driveway. Revised drawings received 13.01.2021 at 14 Laburnum Street Hollingwood S43 2JL for Mr Daniel Whileman
- CHE/20/00619/FUL Erection of a 4 bed dwelling at land adj 37 Whittington Hill Old Whittington Derbyshire S41 9HJ for Mr Andrew Bayliss
- CHE/20/00626/FUL Two storey side extension (revised drawings received 11.01.2021) at 128 Boythorpe Road Boythorpe S40 2LR for G Pheasant
- CHE/20/00638/FUL Demolition of existing extension and erection of single storey rear extension. Revised drawings received 02.11.2020, 01.12.2020, 11.12.2020 and 14.01.2021 at 51 Brockwell Lane Brockwell Chesterfield S40 4EA for Mr and Mrs A Young
- CHE/20/00649/FUL Laying of drainage to playing fields for the discharge of surface water. Information received 06.01.2021 at Playing Field Chantry YC Inkersall Road Staveley Derbyshire for Staveley Miners



## Welfare FC Ltd

- CHE/20/00653/REM Approval of reserved matters of CHE/13/00675/OUT - Redevelopment of land for employment uses (Use Classes B1, B2 and B8) at land accessed from Farndale Road Staveley Derbyshire for Devonshire Property (B2D) Limited
- CHE/20/00674/FUL Erection of single storey side extension at Ashgate Dental Practice 138 Ashgate Road Chesterfield S40 4AQ for Mr Kiran Hanji
- CHE/20/00695/FUL New warehouse unit with trade counter, staff facilities, external materials yard, surface car parking for staff and customers, new vehicular entrances onto highway and the provision of a substation with associated works at development land opposite Hazlehurst Avenue Sheffield Road Stonegravels Chesterfield for Derbys CC and C/field BC and Saint-Gobain Building Ltd
- CHE/20/00705/FUL Single storey rear extension to form garden room (amended plans received 09.11.2020) at 73 Highland Road New Whittington S43 2EZ for Mrs Louise Lowery
- CHE/20/00706/FUL Erection of a timber garden office/studio to the rear of the existing garage at 18 St Philips Drive Hasland S41 0RG for Currie
- CHE/20/00707/FUL Change of use from travel agent to sui generis (betting office) with associated works at 57 Low Pavement Chesterfield S40 1PA for Bet Extra
- CHE/20/00708/LBC Listed Building Consent for change of use from travel agent to sui generis (betting office) with associated works at 57 Low Pavement Chesterfield S40 1PA for Bet Extra
- CHE/20/00709/ADV 4 new non illuminated fascia signs and 1 externally illuminated hanging sign at 57 Low Pavement Chesterfield S40 1PA for Bet Extra

- CHE/20/00710/FUL New 10-classroom block with ancillary spaces and associated landscaping, on site of existing unused tarmac hardstanding. Revised drawings received 15.12.2020 at St Marys R C High School Newbold Road Derbyshire S41 8AG for St. Marys RC High School
- CHE/20/00717/FUL Demolition of existing conservatory and erection of new ground floor side extension at 23 Paxton Road Tapton Derbyshire S41 0TL for Mr Richard O'Connor
- CHE/20/00718/FUL Rear extension at 16 Alexandra Road West Chesterfield Derbyshire S40 1NP for Mr Wayne Fallon
- CHE/20/00728/FUL Single storey rear/side extension and alterations at 7 Fairfield Road Brockwell Chesterfield S40 4TR for Mrs Catherine Evans
- CHE/20/00729/FUL Two storey rear extension. Revised drawings received 08.01.2021 at 23 Selhurst Road Newbold Derbyshire S41 7HR for Mr and Mrs Pickering
- CHE/20/00734/RET Retrospective consent for conversion of attached garage, to include bedroom and ensuite and erection of single storey extension to link house and garage at 22 Purbeck Avenue Brockwell Chesterfield S40 4NP for Mr Richard Pearce
- CHE/20/00736/RET Construction of a winter igloo village at Brampton Manor 107 Old Road Chesterfield S40 3QR for Pudding Pie Catering Ltd
- CHE/20/00737/FUL Erection of a front porch at 72 Foljambe Avenue Walton Derbyshire S40 3EX for Mrs Thelma Reddish
- CHE/20/00740/FUL Single storey rear extension at 7 Meadow Rise Holme Hall Chesterfield S42 7PX for Mr Peter Lander

- CHE/20/00743/FUL Two storey side extension and garage conversion at 5 Lutyens Court Chesterfield Derbyshire S40 3BF for Mr James Blackburn
- CHE/20/00750/FUL Single storey extension and conversion of outer building at 28 Hill Grove Barrow Hill S43 2NW for Phoebe Cain
- CHE/20/00758/FUL Ground floor rear extension to kitchen at 4 Wheathill Close Brimington Derbyshire S43 1PU for Mr and Mrs S Wood
- CHE/20/00763/FUL Two storey front and side extension and single storey rear extension and rendering the dwelling. Revised drawings received 03.12.2020 at 8 Selby Close Walton Derbyshire S40 3HA for Mr Jason Kimberley
- CHE/20/00765/FUL Two-storey extension to front and addition of glass veranda to rear at 281 Old Hall Road Chesterfield S40 1HJ for Mr and Mrs S Gillis
- CHE/20/00766/TPO Sycamore (*Acer pseudoplatanus*) T1 - 20% crown thin, to allow more light to pass through, reduce wind resistance, and to slow root growth. Note - this tree is located next to a retaining wall at Brampton Primary School School Board Lane Chesterfield S40 1DD for Brampton Primary School
- CHE/20/00767/FUL Proposed Single Storey Rear and Side Extension. Rear Patio/Terrace at 9 Westbourne Grove Ashgate Chesterfield S40 3QD for Mr Daniel Markham
- CHE/20/00768/REM Variation of condition 2 (approved plans) of CHE/16/00222/FUL - Refurbishment and extension to the existing Bank Close House with provision of new vehicular access off Hasland Road CHE/16/00222/FUL to facilitate omission of the lower ground floor and suit levels at Bank

Close House Residential Home Hasland Road  
Hasland Derbyshire S41 0RZ for Vital Balance Ltd

- CHE/20/00773/ADV Large aluminium composite letters with orange vinyl applied to faces at Xbite Ltd Markham Lane Duckmanton Derbyshire S44 5HS for Xbite Ltd
- CHE/20/00777/FUL Re-submission of CHE/20/00479/FUL - single storey rear extension and porch to frontage and associated works at 26 Hazel Drive Walton Derbyshire S40 3EN for Mrs Maureen Holder
- CHE/20/00789/FUL Single storey rear extension at 97 Coronation Road Brimington Derbyshire S43 1EU for Miss A Phillips
- CHE/20/00793/FUL Erection of orangery extension to side of property, formation of a new road access point with drop kerb and other associated landscaping works at 22 Gladstone Road Chesterfield S40 4TE for Mr and Mrs Needham
- CHE/20/00794/FUL Proposed extension to front of house to create porch/wc at 83 Smithfield Avenue Hasland Derbyshire S41 0PR for Mr N Holehouse
- CHE/20/00798/REM Variation of condition 2 (approved drawings) of CHE/18/00765/PNCOU to allow for changes to positions of windows and doors.

Conditions(s) Removal:

Following changes to the configuration of the ground floor, the Client requires changes to the existing position, number and sizes of some of the windows and doors shown on the elevations of the approved drawing 18/272-102. Please note the footprint and building envelope remains the same at Oldfield Farm Wetlands Lane Brimington S43 1QG for Messrs Paul and Richard Walters

- CHE/20/00803/TPO I have included the tree survey map and have

numbered the trees accordingly. 14 and 15 - Common Beech - prune back branches overhanging neighbour's property. 21 - Common Cherry - fell due to growth lean causing main trunk to split. 31 - English Oak - crown thin by 10%. 32 - Copper Beech - crown lift branches from over the road. 36 - Copper Beech - crown lift branches from over the road. 40 - Common Ash - fell due to signs of disease at Norbriggs Primary School Norbriggs Road Woodthorpe Derbyshire S43 3BW for Mr Paul Scragg

- CHE/20/00804/FUL New porch and bay window to front elevation and new carport and gates to side of house at 8 Delph Bank Chesterfield S40 3RN for Mr and Mrs Smith
- CHE/20/00813/FUL Extension of dropped kerb to front of property for improved access to existing driveway at 247 Walton Road Walton S40 3BT for Mr and Mrs K Bradley
- CHE/20/00814/FUL Single storey side extension at 12 Ravenswood Road Holme Hall Chesterfield S40 4XS for Mrs Claire Miller
- CHE/20/00816/FUL Single storey front extension at 4 Parkside View Upper Newbold Derbyshire S41 8WE for Mr S Mullins
- CHE/20/00818/FUL Re-submission of existing approved application CHE/20/00560/FUL with the addition of a basement at 376 Ashgate Road Chesterfield S40 4DD for Mrs Georgina Spedding
- CHE/20/00822/FUL Demolition of existing conservatory and erection of a single storey rear extension. Revised drawing received 19.01.2021 at 22 Langhurst Road Brockwell Chesterfield S40 4BD for Mr Paul Welsh-Harding
- CHE/20/00842/TPO T1 - Oak - Crown lift to approx 5m above ground level, not removing any branches above 75mm at

- 7 Newhaven Close Walton S40 3DX for Mr Newton
- CHE/20/00843/FUL Demolition of existing garage and erection of a two storey side extension to existing dwelling and single storey rear at 122 Spital Lane Spital Chesterfield S41 0HN for Mr Matt Spencer
- CHE/20/00849/TPO Group of Oak trees between bungalows. 5 x Oak trees - crown cleanse and lifts. Full description on quotation BR1 - 1880. Trees are numbered 25, 26, 27, 30 and 34. Trees have not been maintained for a number of years and need cleaning of any dead wood and also lifting away from properties, Clarion Housing have received numerous complaints from elderly residents about condition of trees at 4 and 6 Ballidon Close Holme Hall Chesterfield S40 4UA for Mr Chris Johnson
- CHE/20/00852/TPO Work to both trees T2 and T3. Crown thinning to remove dead and diseased branches 15%. Crown lifting - 5m. Crown reduction - 2 branches overhanging neighbour's outbuilding in line with the rest of the crown at 20 Aspley Close Chesterfield Derbyshire S40 4HG for Mr Stuart Woodhouse
- CHE/20/00854/TPO Reduce Lime tree by between 2-3m at 1 Upland Rise Walton S40 2DD for Mr and Mrs Wright
- CHE/20/00857/TPO Poplar 0012 0018 and 0020. Pollard x 3 back to just above old cuts. Chestnuts 0007 0008 and 6000 remove dead wood. Ash 0014 Pollard just above old cuts at 11 Netherleigh Road Ashgate Chesterfield S40 3QJ
- CHE/20/00865/TPD Single storey rear extension at 39 Holme Park Avenue Upper Newbold Derbyshire S41 8XB for Dr T Bendinger
- CHE/20/00871/TPO The felling of one dead/dangerous tree adjacent to 73 Hady Hill located on the Council's recreation

ground as shown reference T" Poplar on the submitted plan at Trevilla 73 Hady Hill Hady Derbyshire S41 0EE for Mr Gary McCarthy

- CHE/20/00875/TPO Lime tree is a mature healthy tree but request a crown raise of 4m and a 5% thin, the picea requesting the reduction of one branch by 1m to give a balanced look. The branch is one of the lower and going over the garden. The work is all maintenance and keeping the trees safe at 1 Pine View Ashgate Chesterfield S40 4DN for Mr Jack Churn
- CHE/20/00876/TPO The mature cedar tree is healthy with a small amount of dead. Requesting to remove any dead with a 5% thin and a small reduction of 1m in places to maintain the shape of a cedar. The reason for the work is maintenance and keeping safe plus allowing light into the garden for the rest of the plants at 3 Pine View Ashgate Chesterfield S40 4DN for Mr Spencer Hoskin
- CHE/21/00006/TPO To prune two small branches on Sycamore T17. The two branches are pulling on the BT telephone wire at 398 Old Road Chesterfield Derbyshire S40 3QF for Mr Richard Crampton
- CHE/21/00015/TPO Oak - removal of deadwood, crown Bakewell Treecare Limited have provided the quote for this work, having spoken to Steve Perry about the acceptable work at 23 Aviemore Close New Whittington S43 2AY for Mrs Laura Birch
- CHE/21/00025/TPO Poplar T3. Pruned severely in the past which has led to deterioration of its condition and increased the likelihood of failure. Fell and replant with one standard Oak in close proximity to Poplar at Trevilla 73 Hady Hill Hady S41 0EE for Mr Gary McCarthy
- CHE/21/00037/TPO T11, Lime tree is in poor condition with a very limited long-term prospects of its health. The tree

in question is close to both my property as well as my neighbour and we are concerned both in terms of human safety and to the properties themselves. The tree has significant disease/rot. I wish to fell the tree and re-plant a new tree elsewhere on my property at 75 Moorland View Road Walton Derbyshire S40 3DD for Mr Ben Chambers

(b) Refusals

- CHE/20/00454/PNC Conversion of the existing hair salon into an ice cream parlour at 53 Heaton Street Chesterfield Derbyshire S40 3AF for Mr James Mills
- CHE/20/00594/FUL Two-storey rear extension providing a new kitchen/living area on the ground floor with 2 bedrooms on the first floor by moving the existing bathroom at 38 Brooklyn Drive Brockwell Chesterfield S40 4BB for Mr Ashley Winter
- CHE/20/00735/TPO Fell and treat Indian Bean Tree (T1) due to differential foundation movement and to ensure the long-term stability of the building at 509 Newbold Road Newbold Derbyshire S41 8AE for Francesca Whitbread
- CHE/20/00815/TPO Fell and Treat Stump (Approx 50mm) to T1, T2, T3 and T4 Pine Trees at 392 Ashgate Road Chesterfield S40 4DD.

1. The above tree works are proposed as a remedy to the differential foundation movement at the insured property and to ensure the long-term stability of the building.

2. The above tree works are proposed to limit the extent and need for expensive and disruptive engineering repair works at the insured property. In this instance the estimated repair costs are likely to vary between £100,000 and £150,000, depending upon whether the tree/s can be removed or must remain.



3. The above tree works are proposed to limit the duration of any claim period and therefore allow the landowner their right to the peaceful enjoyment of their property.

4. It is the case that an alternative to felling such as pruning or significant 'pollarding' of the tree would not provide a reliable or sustainable remedy to the subsidence in this case. We do not consider that any other potential means of mitigation, including root barriers, would be effective or appropriate in the circumstances.

5. We are satisfied that the evidence obtained following completion of our Arboricultural Implication Assessment report completed 13th January 2020, clearly links the T1, T2, T3 and T4 Pine Trees as the cause of damage to the risk address.

6. Insurers understanding the requirement to offer replacement planting in the event consent to fell is granted.

at 392 Ashgate Road Chesterfield Derbyshire S40 4DD for Property Risk Inspection

CHE/20/00817/TPO

Fell close to ground level multiple Pine trees (TG1, T1, T2, and T3 on the attached site plan) at: 406 Old Road Chesterfield Derbyshire S40 3QF TPO: 172 1996

1. The above tree works are proposed as a remedy to the differential foundation movement at the insured property and to ensure the long-term stability of the building.

2. The above tree works are proposed to limit the extent and need for expensive and disruptive engineering repair works at the insured property. In this instance the estimated repair costs are likely to

vary between £25,000 and £75,000, depending upon whether the tree/s can be removed or must remain.

3. The above tree works are proposed to limit the duration of any claim period and therefore allow the landowner their right to the peaceful enjoyment of their property.

4. It is the case that an alternative to felling such as pruning or significant 'pollarding' of the tree would not provide a reliable or sustainable remedy to the subsidence in this case. We do not consider that any other potential means of mitigation, including root barriers, would be effective or appropriate in the circumstances.

5. We are satisfied that the evidence obtained following completion of our Arboricultural Implication Assessment report completed 18th July 2019, clearly links the Pine trees as the cause of damage to the risk address.

6. Insurers understanding the requirement to offer replacement planting in the event consent to fell is granted

At 406 Old Road Chesterfield Derbyshire S40 3QF  
for Property Risk Inspection

CHE/20/00836/TPO      Reduce trees by 30% marked green on plan at Ashton Lodge 28 Abercrombie Street Chesterfield S41 7LW for Mr Andrew Bird

(c) Discharge of planning condition

CHE/19/00614/DOC      Discharge of conditions 5 (materials), 9 (surface water), 13 (site investigation) and 14 (mining) of HE/18/00012/OUT - (Outline application for redevelopment of the existing site for residential use) and condition 7 (materials) of CHE/18/00867/REM - Reserved matters for

- application CHE/18/00012/OUT (Outline application for one residential unit) at land at Middlecroft Road Staveley Derbyshire for TGN Construction Ltd
- CHE/20/00422/DOC Discharge of condition 4 (drainage details) of CHE/19/00593 - Erection of 4 No semi-detached 2/3 bedroomed dwellings with associated car parking and external works served from widened access drive at land to the side and rear of 102 Highfield Lane Newbold Derbyshire for J and K Project Services
- CHE/20/00726/DOC Discharge of planning conditions 8 (landscaping), 13 (Vehicular cross over), 18 (bin storage) and 22 (biodiversity) of CHE/18/00432/FUL - erection of 10 dwellings at Trinity Court Newbold Road Derbyshire S41 7PS for Genus Design Homes Ltd
- CHE/20/00779/DOC Discharge of condition 4 (roof material) of CHE/16/00222/FUL - Refurbishment and extension of the existing Bank Close House with provision for new vehicular access off Hasland Road at Bank Close House Residential Home Hasland Road Derbyshire S41 0RZ for Vital Balance Ltd
- CHE/20/00791/DOC Discharge of planning conditions 9 (highway access) and 12 (vehicle and pedestrian access) of CHE/20/00250/FUL. Re-submission of CHE/19/00199/FUL - Erection of a freestanding two storey restaurant with drive-thru (A3/A5), car parking, landscaping and associated works. Installation of 2 No. COD (Customer Order Display) with associated canopies) at site next to Royal Mail Depot (Former West Bars MSCP) West Bars Chesterfield for McDonald's Restaurants Ltd
- CHE/20/00855/DOC Discharge of condition 25 (materials) of CHE/15/00116/OUT - Outline planning application for the development of up to 146 residential dwellings with approval of access from Dunston Road at land at Dunston Road Chesterfield

## Derbyshire for Strata

## (d) Finally disposed of

- CHE/14/00432/DOC Discharge of condition 14 of CHE/14/00098/FUL - proposed demolition of existing Council depot and construction of residential development for 10 new dwellings at East Lodge Boythorpe Crescent Chesterfield S40 2NX for Ace Developments (Chesterfield) Ltd
- CHE/20/00005/LBC Removal of existing windows and frames, doors and frames and installation of new identical style pvc double glazed windows and doors in keeping with Court Yard neighbours at 3 Devonshire Park Devonshire Street Brimington Derbyshire S43 1GA for Mrs Katie Littler (nee Lamb)
- CHE/20/00328/MA Change of materials to be used in relation to condition no 5:6:3 for CHE/19/00226/FUL at 11 Paxton Road Tapton Derbyshire S41 0TL for Mr Ewan Towse

## (e) Invalid application returned

- CHE/18/00791/TPD Dining room extension at 129 Spital Lane Spital Chesterfield S41 0HL for Mrs Sharron Sutton

## (f) Partial discharge of conditions

- CHE/20/00130/DOC Discharge of condition 10 (site investigation) of CHE/16/00171/OUT - Outline application for the residential development and creation of new site access at 955 Sheffield Road Sheepbridge S41 9EJ for Vistry Partnerships
- CHE/20/00589/DOC Discharge of conditions 5 (Site Investigation), 6 (Archaeological report), 7 (access), 8 (Construction management plan), 13 (Landscape and ecological management), 19 (Employment and training scheme), 20 (Revised elevations), 21 (Levels) and 23 (Materials) of CHE/20/00159/FUL - Erection of

a 64 bed, 2 storey, residential care home for the elderly with roofspace ancillary accommodation and associated external works at land at former 59 St Augustines Road Birdholme S40 2SA for Crown Care Developments

CHE/20/00873/DOC Discharge of condition 9 (Coal Mining Investigation) and 12 (materials) in relation to planning application CHE/20/00305/FUL - Erection of new residential dwellings at the sites off Whitecotes Lane and Harehill Road with associated access, parking and open space at land south of Walton Hospital Harehill Road Grangewood Derbyshire for Vistry Partnerships

(g) Withdrawn

CHE/20/00274/REM Variation of condition numbers 8 and 9, for the condition be varied to allow works to commence without the initial formation of the new site/ vehicular access or replacement parking and instead be prior to the occupation of the dwellings at land adjacent 31 Manor Drive Brimington Derbyshire for Mrs L Cook

CHE/20/00542/FUL Rebuilding of 1.8m boundary wall at 330 Derby Road Birdholme S40 2ET for Martin

(h) Split decision with conditions

CHE/20/00716/TPO Tree 1 - Poplar, request to fell. Tree 2 - Copper Beech, request to fell. Proposal for planting replacement trees at 96 The Green Hasland Derbyshire S41 0JU for Mr Stephen Hollingworth

CHE/20/00809/TPO T1 Oak - Heavy reduction/thin by up to 40% with the majority of material removed to reduce overhang and to allow more light through into Mr Adcock.s property at 12 Harvest Way Holme Hall Chesterfield S42 7JX for Mr Dale Adcock

CHE/20/00819/TPO Tree works required following from neighbouring

- complaint. 3 no trees due to neighbour complaint. 1 no Willow to be pollarded. 1 no Birch to be felled to ground to level. 1 no Sycamore to be selective pruned to remove limbs overhanging shed at Chesterfield Express Newbold Road Newbold S41 7AL for Tesco 454543
- CHE/20/00821/TPO      Morrisons Chatsworth Road Chesterfield S40 3BQ for Master Ground Services
- CHE/20/00829/TPO      Oak (T2) - 30% crown reduction and deadwood. This is to control the spread of the trees canopy and ensure it safe as it is in proximity to residential buildings at 23 Gladstone Road Chesterfield S40 4TE for Darren James Tree Services
- CHE/20/00845/TPO      Shortening of branch overhanging garages, removal of dead and diseased wood along with the year's growth at 55 Ardsley Road Ashgate Chesterfield S40 4DG for Mrs Hilary Cox
- CHE/20/00866/TPO      T41 Oak - Crown reduction height 4m side 2.5-3m and crown thin 30%. T42 Sycamore - crown thin 30% and crown reduction in height 4m and sides 1m at 36 Lakeside Close Old Whittington Derbyshire S41 9TD for Mr Andrew Bellamy
- (i) CLOPUD granted
- CHE/20/00725/CLO      Certificate of lawful use for the erection of a single storey rear extension at 62 Ashgate Avenue Ashgate Chesterfield S40 1JD for Mr M Danford
- (j) Other Council no objection with comments
- CHE/20/00776/CPO      Change of use to include an asbestos waste transfer station comprising a fenced compound with a container (enclosed, lockable asbestos skip) sited on an impermeable concrete base to accept and store asbestos waste prior to onward consignment to a licensed waste landfill site (Derbyshire County Council Reference:

CW2/1020/35) at Riverside Works Storforth Lane  
Chesterfield S40 2TU for Derbyshire Property  
Trading

(k) CLUD granted

CHE/20/00785/CLU Certificate of Lawful Use for Class E (proposed  
dance and fitness studio) at Spital Mills Showroom  
Spital Lane Chesterfield S41 0EX for Spital Lane  
Studios

(l) Conditional Consent for Non-material Amendment

CHE/20/00806/NMA New position of downpipe and drain at 36  
Springfield Avenue Chesterfield Derbyshire S40  
1DJ for Mrs Lindsey Buxton

(m) Prior notification approval

CHE/20/00823/PNC Prior notification change of use of hairdressers to  
dwelling at 7 Marsden Street Chesterfield S40 1JY  
for Ms Caroline Redihough

(n) Prior approval not required

CHE/20/00824/TEL Telecommunications installation - proposed MBNL  
20.00m high climbable temp mast on steel frame  
C/W concrete ballast blocks, 6 MBNL antennas  
mounted on headframe and 1 300 dish at Winding  
Wheel 13 Holywell Street Chesterfield S41 7SA for  
MBNL

CHE/20/00834/TPD Proposed single storey rear extension at 46 Amber  
Crescent Walton Derbyshire S40 3DH for I  
Timmins

CHE/20/00847/TPD Erection of a rear orangery at 52 Meadowhill Road  
Hasland Derbyshire S41 0BG for Mr Turner

CHE/20/00877/TPD Single storey extension at 11 Franklyn Road  
Brockwell Chesterfield S40 4AY for Mr A Shaw

CHE/21/00003/TPD Single storey rear extension at 179 Boythorpe Road Boythorpe Derbyshire S40 2NB for Mr Tony Quinn

(o) Discharge of conditions refused

CHE/20/00868/DOC Discharge of condition 2 (soft landscaping) of CHE/18/00190/REM - Reserved matters application for appearance, landscaping, layout and scale of CHE/14/00872/OUT - Outline application for residential development on 3.66 hectares of land up to 75 dwellings including means of access at land at Cranleigh Road Woodthorpe Derbyshire for Avant Homes

#### 41 **APPLICATIONS TO FELL OR PRUNE TREES (P620D)**

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

CHE/20/00821/TPO Consent is refused to the pruning of 14 London Plane trees reference T1-T14 on the Order map for Master Ground Services on behalf of Morrisons, Chatsworth Road, Brampton.

CHE/20/00803/TPO Consent is granted to the felling of one diseased and dangerous Ash tree within G1 on the Order map for Mr Paul Scragg on behalf of Norbriggs Primary School, Worksop Road, Mastin Moor.

The duty to plant a new tree has been dispensed with on this occasion due to no loss of amenity within the group of trees.

CHE/20/00747/TPO Consent is granted to the felling of one Silver Birch tree within G2 and the pruning of one Beech reference T18 on the order map for Ascent Tree Solutions for 668 Chatsworth Road, with a condition to plant a new Birch



tree in the next available planting season after felling.

- CHE/20/00871/TPOEXP Consent is granted to the felling of one dead/dangerous Poplar tree reference T2 on the Order map for Gary McCarthy on behalf of Chesterfield Borough Council Leisure Services at Land adjacent to 73 Hady Hill, Hady, with a condition to plant one new Oak tree as near as is reasonably possible to the original tree.
- CHE/20/00766/TPO Consent is granted to the pruning of one Sycamore tree reference T1 on the order map for Valleyside Landscapes Ltd on behalf of Brampton Primary School, Brampton.
- CHE/20/00817/TPO Consent is refused to the felling of 4 Pine trees reference T12, T14, T15 and T16 on the Order map for PRI Ltd on behalf of 406 Old Road, Ashgate.
- CHE/20/00842/TPO Consent is granted to the pruning of one Oak tree reference T3 on the order map for Derwent treescapes Ltd on behalf of 7 Newhaven Close, Walton.
- CHE/20/00716/TPO Consent is refused to the felling of two trees reference T59 Copper Beech and T60 Lombardy Poplar on the Order map for Mr Hollingworth of 96 The Green, Hasland.
- CHE/20/00809/TPO Consent is refused to the heavy pruning and crown thinning by 40% of one Oak tree reference T1 on the Order map for Acme Arb Ltd on behalf of 12 Harvest Way, Holme Hall.
- CHE/20/00854/TPO Consent is granted to the pruning of one Lime tree reference T12 on the Order map for Precision tree services on behalf of 1 Upland Rise, Walton.

CHE/20/00815/TPO	Consent is refused to the felling of 4 Pine trees within G2 on the Order map for PRI Ltd on behalf of 392 Ashgate Road, Ashgate.
CHE/20/00819/TPO	Consent is refused to the felling of one Silver Birch and the pruning of one Willow and one Sycamore within G1 on the Order map for Ground Control Ltd on behalf of Tesco at Tesco's Express, Newbold Road.
CHE/20/00845/TPO	Consent is refused to the pruning of one Oak tree reference T2 on the Order map for Mrs Cox of 55 Ardsley Road, Ashgate.
CHE/21/00025/TPO	Consent is granted to the felling of one Poplar tree which is in poor condition reference T3 on the Order map and plant a new Oak at Trevilla 73 Hady Hill Hady S41 0EE for Gary McCarthy on behalf of Chesterfield Borough Council.
CHE/20/00849/TPO	Consent is granted to the pruning of five Oak trees within G1 on the Order map for Clarion Housing at 4 and 6 Ballidon Close Loundsley Green.
CHE/20/00857/TPO	Consent is granted to the pruning of one Poplar tree reference T58, three Chestnut trees within G5 and two Poplars and one Ash within G6 on the Order map for Westside Landscapes on behalf of 11 Netherleigh Road.
CHE/21/00006/TPO	Consent is granted to the pruning of one Sycamore reference T17 on the Order map for Mr Crampton of 398 Old Road.
CHE/20/00836/TPO	Consent is refused to the pruning of 10 trees consisting of 3 Sycamore trees and 1 Ash tree within G7 and 1 Ash, 1 Beech, 1 Sycamore, 2 Lime and 1 Oak within G9 on the Order Map for Mr Andrew Bird of 28

Abercrombie Street.

- CHE/20/00852/TPO Consent is granted to the pruning of two Sycamore trees reference T2 and T3 on the Order map for Mr Woodhouse of 20 Aspley Close Brockwell.
- CHE/20/00875/TPO Consent is granted to the pruning of one Lime tree reference T21 and one Picea conifer within A2 on the Order map for Heathscapes on behalf of 1 Pine View Ashgate.
- CHE/20/00876/TPO Consent is granted to the pruning of one Cedar tree reference T20 on the Order map for Heathscapes on behalf of 3 Pine View Ashgate.
- CHE/21/00015/TPO Consent is granted to the pruning of one Oak tree within W1 on the Order map for Mrs Birch of 23 Aviemore Close, New Whittington.
- CHE/21/00037/TPO Consent is granted to the felling of one Lime tree reference T11 on the Order map for Mr Ben Chambers of 75 Moorland View Road, Walton, with a condition to plant a new Small Leaved Lime tree in the first available planting season.

#### 42 **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.

#### 43 **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.

**44 LOCAL GOVERNMENT ACT 1972 - EXCLUSION OF THE PUBLIC**

**RESOLVED –**

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

**45 CONDITION OF LAND AT 80 HIGHFIELD ROAD, CHESTERFIELD, DERBYSHIRE**

The Development Management and Conservation Manager presented a report on the poor condition of land at 80 Highfield Road, Chesterfield which warranted Section 215 intervention.

**\*RESOLVED –**

1. That authority be granted for the service of Section 215 Notices, allowing for a 6 month compliance period, requiring removal of all debris, waste including engineering components, slab, timber and metal from side and rear.

2. In the event of default in compliance with the notice, that the Council proceeds on the basis of direct action with the Council undertaking the works themselves.

**46 CONDITION OF LAND AT 26 TAPTON TERRACE, CHESTERFIELD, DERBYSHIRE**

The Development Management and Conservation Manager presented a report on the poor condition of land at 26 Tapton Terrace, Chesterfield which warranted Section 215 intervention.

**\*RESOLVED –**

1. That authority be granted for the service of Section 215 Notices, allowing for a 6 month compliance period, requiring removal of the Harris fencing and the erection of new fencing to form a boundary, to remove all vans from front and side garden areas and all debris and waste including engineering components, slabs, timber and metal from 26 Tapton Terrace, Chesterfield.
2. In the event of default in compliance with the notice, that the Council proceeds on the basis of direct action with the Council undertaking the works themselves.