

## **PLANNING COMMITTEE**

**Monday, 31st October, 2022**

Present:-

Councillor Callan (Chair)

Councillors Bingham  
Catt  
Caulfield  
Davenport  
T Gilby

Councillors Miles  
Borrell  
Mann  
Brittain

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

**CHE/22/00581/OUT** – Outline application for demolition of existing detached garage and erection of a 3/4 bedroom chalet bungalow (1.5) storey with separate detached garage with all matters reserved at 366 Brimington Road, Tapton, Chesterfield for Peter Lythgoe.

Councillors Bingham, Borrell, Brittain, Callan, Catt, Caulfield and Davenport.

**CHE/21/00778/FUL** – Change of use of existing drinking establishment to residential with two storey extension (Block A) and phased construction of two new build units (Block B and C) forming total of 20 self-contained apartments with associated landscaping, bin store and cycle stands and partial demolition of low brick wall with picket fencing on East boundary of site to facilitate new access to site – (Resubmission of CHE/16/00835/FUL) on site at The Elm Tree Inn, High Street, Staveley, Chesterfield, S43 3UU for Mrs V Zheng.

Councillors Bingham, Borrell, Brittain, Callan, Catt, Caulfield, Davenport and Mann.

**CHE/21/00585/FUL** – Demolition of detached two storey house and erection of detached dwelling (Revised description and plans 25.08.22), at 48 Newbold Back Lane, Chesterfield for Mr Dean Harper.

Councillors Bingham, Borrell, Brittain, Callan, Catt, Caulfield and

Davenport.

Councillors Gilby and Miles 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

**69     APOLOGIES FOR ABSENCE**

Apolgoies for absence were received from Councillors P Barr, M Brady, D Collins, G Falconer and J Marriott.

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

No declarations of interest were received.

**71     MINUTES OF PLANNING COMMITTEE**

**RESOLVED -**

That the Minutes of the meeting of the Planning Committee held on 10 October, 2022 be signed by the Chair as a true record.

**72     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/21/00585/FUL - DEMOLITION OF DETACHED TWO STOREY HOUSE AND ERECTION OF DETACHED DWELLING (REVISED DESCRIPTION AND PLANS 25.08.22), AT 48 NEWBOLD BACK LANE, CHESTERFIELD FOR MR DEAN HARPER

**\*RESOLVED –**

That the officer recommendation be upheld and the application be approved subject to the following conditions and that a CIL liability notice be issued as per section 5.12 of the officer's report:-

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).

Proposed plans and elevations PL-02 Rev C received 25.08.22

Proposed site and block plan PL-01 Rev B received 25.08.22

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 past coal mining activity, and;
  - b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is 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, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.
5.
  - a) No development including demolition shall take place until a Written Scheme of Investigation for historic building recording has been submitted to and approved by the local planning authority in writing, until all on-site elements of the approved

scheme have been completed to the written satisfaction of the local planning authority, and until the provision to be made for analysis, reporting, publication and dissemination of the results and archive deposition has been secured. The Written Scheme of Investigation shall include an assessment of significance and research questions; and

1. The programme and methodology of site investigation and recording
2. The programme and provision for post-investigation analysis and reporting
2. Provision to be made for publication and dissemination of the analysis and records of the site investigation
3. Provision to be made for archive deposition of the analysis and records of the site investigation

Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation b) No development shall take place other than in accordance with the Written Scheme of Investigation for historic building recording approved under condition (a).

6. A scheme of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation etc, the details of which shall include: -
  - a) all plant species, planting sizes, planting densities, the number of each species to be planted and plant protection, including two new in mitigation for the two trees lost to the development.
  - b) means of enclosure/boundary treatments.
  - c) hard surfacing materials.
7. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously

damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

8. Prior to installation, a scheme shall be submitted to and approved in writing by the Local Planning Authority detailing the proposed lighting scheme. All works shall be fully implemented in accordance with the approved scheme.
9.
  - a) Prior to work commencing on site, the application site shall be subjected to a detailed scheme for the investigation and recording of contamination and a report has been submitted to and approved in writing by the Local Planning Authority;
  - b) Prior to works commencing on site, detailed proposals in line with current best practice for the removal, containment or otherwise rendering harmless such contamination (the 'Contamination Proposals') shall be submitted to and approved in writing by the Local Planning Authority.
  - c) For each part of the development, 'Contamination Proposals' relevant to that part shall be carried out either before or during such development as appropriate.
  - d) If during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the 'Contamination Proposals' then the revised 'Contamination Proposals' shall be submitted to and approved in writing by the Local Planning Authority.
  - e) If during development work site contaminants are found in areas previously expected to be clean then their remediation shall be carried out in line with the agreed 'Contamination Proposals'.
  - f) Prior to the commencement of any construction works in any area that has been subject to remediation, a verification report

shall be submitted to and approved in writing by the Local Planning Authority.

10. Before any other operations are commenced, space shall be provided within the site for storage of plant and materials, site accommodation, loading, unloading and manoeuvring of goods vehicles, parking and manoeuvring of employees and visitors' vehicles. Once implemented the facilities shall be retained free from any impediment to their designated use throughout the construction period.
11. The proposed dwelling shall not be occupied until space has been laid out within the site in accordance with the application drawing for cars to be parked. Once provided, such spaces shall be maintained free from any impediment to their designated use for the life of the development.
12. The development shall be constructed in accordance with the recommendations contained within the submitted Bat emergence and Re-entry Surveys Report Issue 2 dated 27.06.2022.
13. Prior to the development hereby permitted progressing above slab level, a scheme (including a programme of implementation and maintenance) to demonstrate a net measurable gain in biodiversity through the development (in line with the recommendations contained within the Bat emergence and Re-entry surveys report Issue 2 dated 27.06.2022) shall have been submitted to and approved in writing by the Local Planning Authority. The net measurable gain shall be implemented, retained and maintained thereafter in accordance with the scheme and programme so approved.
14. 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.
15. A residential charging point shall be provided for each new dwelling with an IP65 rated domestic 13amp socket, directly wired to the consumer unit with 32-amp cable to an appropriate RCD. The socket shall be located where it can later be changed to a 32amp EVCP. Alternative provision to this specification must be approved in writing, by the local planning authority. The electric vehicle charging points

shall be provided in accordance with the stated criteria prior to occupation and shall be maintained for the life of the approved development.

16. Details, including samples where necessary, 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.
17. No construction or demolition works, movement of construction traffic, or deliveries to and from the premises, shall occur other than between 0800 and 1800 hours weekdays, and 0800 and 1300 hours on Saturdays, and at no time on Sundays or Public Holidays.

B. That a CIL liability notice be issued for £3,055 as per section 5.12 of the officer's report.

Councillor P Mann joined the meeting at this point.

CHE/21/00778/FUL - CHANGE OF USE OF EXISTING DRINKING ESTABLISHMENT TO RESIDENTIAL WITH TWO STOREY EXTENSION (BLOCK A) AND PHASED CONSTRUCTION OF TWO NEW BUILD UNITS (BLOCK B & C) FORMING TOTAL OF 20 SELF-CONTAINED APARTMENTS WITH ASSOCIATED LANDSCAPING, BIN STORE AND CYCLE STANDS AND PARTIAL DEMOLITION OF LOW BRICK WALL WITH PICKET FENCING ON EAST BOUNDARY OF SITE TO FACILITATE NEW ACCESS TO SITE – (RESUBMISSION OF CHE/16/00835/FUL) ON SITE AT THE ELM TREE INN, HIGH STREET, STAVELEY, CHESTERFIELD, S43 3UU FOR MRS V ZHENG

In accordance with Minute No. 299 (2001/2002) Mrs Sarah Kench (Objector) addressed the meeting.

**\*RESOLVED –**

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

The proposal with no on site parking provision is considered to be an over development of the site resulting in the likelihood of indiscriminate parking on the highway contrary to the best interests of vehicular and pedestrian safety and which conflicts with policy CLP20 and CLP22 of the Chesterfield Local Plan.

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

CHE/22/00581/OUT - PROPOSAL: OUTLINE APPLICATION FOR DEMOLITION OF EXISTING DETACHED GARAGE AND ERECTION OF A 3/4 BEDROOM CHALET BUNGALOW (1.5) STOREY WITH SEPARATE DETACHED GARAGE WITH ALL MATTERS RESERVED AT 366 BRIMINGTON ROAD, TAPTON, CHESTERFIELD FOR MR PETER LYTHGOE

**\*RESOLVED –**

That the officer recommendation be upheld and the application be approved subject to the following conditions and that a CIL liability notice be issued as per section 5.10 of the officer's report:-

A

1. Approval of the details of the access, appearance, landscaping, layout and scale of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
2. Application for approval of all the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
3. The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
4. Construction work shall only be carried out between the hours of 8:00 am to 6:00 pm Monday to Friday and 9:00 am to 5:00 pm on a Saturday. Construction work shall not be carried out on Sundays or Public Holidays. The term 'construction work' shall include mobile



and fixed plant/machinery, (e.g. generators) radios and the delivery of construction materials.

5. Prior to the commencement of operations on site (excluding demolition/ site clearance), space shall be provided within the site curtilage for storage of plant and materials, site accommodation, loading and unloading of goods vehicles, parking and manoeuvring of site operatives and visitors vehicles and maintained throughout the contract period in accordance with the approved designs free from any impediment to its designated use.
6. The reserved matters submission shall include parking provision for the existing dwelling (2-3 spaces dependent upon bedroom numbers). The premises, the subject of the application shall not be taken into use until space has been provided, laid out and constructed in accordance with the application drawings for the parking (and turning) of residents and visitors vehicles and thereafter maintained throughout the life of the development free from any impediment to its designated use
7. A residential charging point shall be provided for the proposed dwelling with an IP65 rated domestic 13amp socket, directly wired to the consumer unit with 32-amp cable to an appropriate RCD. The socket shall be located where it can later be changed to a 32amp EVCP. Alternative provision to this specification must be approved in writing, by the local planning authority. The electric vehicle charging points shall be provided in accordance with the stated criteria prior to occupation and shall be maintained for the life of the approved development.
8. Concurrent with the submission of landscaping details as part of a reserved matters application plans/drawings shall be submitted to the Local Planning Authority for written approval demonstrating a detailed biodiversity net gain plan for the development (or any phase of that development) and the creation of suitable habitat which enhances the ecological interest of the site with a maintenance plan, in line with guidance within Paragraph 175d of the NPPF. This shall include a comparison to the existing baseline situation on site and potential removal of mature hedgerows and trees.

9. The site shall be developed with separate systems of drainage for foul and surface water on and off site.
  10. There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to:
    - i) evidence that other means of surface water drainage have been properly considered and why they have been discounted; and
    - ii) the means of discharging to the public sewer network at a maximum rate of 3.5 litres per second.
  10. No individual dwelling approved as part of the reserved matters of the development 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.
  11. The premises, the subject of the application, shall not be occupied until space has been provided within the site curtilage for the parking and manoeuvring of residents and delivery vehicles, located, designed, laid out and constructed all as agreed in writing with the Local Planning Authority and maintained throughout the life of the development free from any impediment to its designated use. Existing off-street parking levels for No 366 Brimington Road shall be maintained, any displaced off-street parking shall be replaced accordingly.
  12. No part of the development shall be occupied until details of arrangements for storage of bins and collection of waste have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and the facilities retained for their designated purposes at all times thereafter.
- B. That a CIL liability notice be issued as per section 5.10 of the officer's report.

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

(a) The felling and pruning of trees:-

- |                     |  |
|---------------------|--|
| CHE/22/00697/TPOEXP | Consent is granted to the felling of one Sycamore tree reference T65 on the Order map and which is located to the frontage of the Co-op Food store, Newbold Village, with a duty to plant one new Oak tree in the same location.   |
| CHE/22/00642/TPO    | Consent is granted to the felling of one dead tree (species unknown) and the pruning of nine Sycamore trees, one Hawthorn, one Oak and one Ash within W1 on the Order Map situated to the rear of 4 Dalewood Close, Hady.<br>Consent is also granted to the pruning of 12 trees to crown lift over the highway and clear street lighting heads |
| CHE/22/00589/TPO    | Consent is granted to the pruning of one Ash tree reference T7 on the Order Map and which is situated in the grounds of 38 Foxbrook Drive, Walton  |
| CHE/22/00666/TPO    | Consent is granted to the pruning of one Oak tree reference T58 on the Order Map and which is situated in the frontage of 756 Chatsworth Road  |
| CHE/22/00628/TPO    | Consent is granted to the pruning of one Beech tree reference T1 on the Order Map and which is situated in the grounds of 15 Balmoak Lane, Tapton  |
| CHE/22/00679/TPO    | Consent is granted to the pruning of 46 trees reference T1-47 (excluding T33 Maple) on the Order Map and which are situated on the boundary of Chesterfield Town Hall Car Park,  |

Rose Hill, the junction of Rose Hill  
West/Saltergate and adjacent to the Masonic  
Hall, Saltergate

CHE/22/00639/TPO

Consent is granted to the felling of nineteen dead or dangerous trees referred to as T45 & T46 Ash, T50, T52, T56, T66 & T67 Sycamore T54, T58, T59, T60, T62 Elm and T65 Holly in the submitted AWA report and within W1 and T18, T32, T34 Ash, T22, T24 & T30 Sycamore within A1 on the Order map with a condition that 19 replacement trees are to be planted within the cleared open space woodland 1 to create a woodland edge in the first available planting season after felling.

Consent is also granted to the pruning of nineteen trees referred to as T57, T61, T63, T68 Sycamore, T47, T48, T49, T51, T64 Ash, T53 Elm and T55 Poplar (Please note this tree is shown as red to be felled on the submitted tree plan but confirmed to be reduced to a 4m stem) within W1 and T19, T20, T21 & T28 Ash, T23, T26, T27, T29 Sycamore within A1 on the Order Map and which are situated in the woodland off Hulford Street and Dunston Road. .

CHE/22/00733/TPOEXP

Consent is granted to the felling of one dangerous Beech tree reference T2 on the Order map for Mr Littlewood of 1 Quarry Lane, Brampton with a condition to plant a replacement cut leaved Beech tree in the first available planting season after felling.

## 74 **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.

**75      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.

**76      LOCAL GOVERNMENT ACT 1972 - EXCLUSION OF PUBLIC****\*RESOLVED –**

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

**77      HASLAND HOTEL, CALOW LANE, HASLAND, CHESTERFIELD, DERBYSHIRE**

The Development Management and Conservation Manager submitted a report to inform Members of a Breach of Planning Condition in relation to the permission to extend the Hasland Hotel and to consider the expediency of taking enforcement action.

**\*RESOLVED –**

That enforcement action not be instigated against the unauthorised development of the frontage wall or in relation to the breach of condition 1 of CHE/17/00462/RET in relation to the 3 parking spaces to the Calow Lane frontage of the site.