

## PLANNING COMMITTEE

Tuesday, 30th August, 2022

Present:-

Councillor Simmons (Vice-Chair in the Chair)

Councillors Bingham  
Catt  
Davenport

Councillors Miles  
Borrell  
G Falconer

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

**CHE/21/00171/FUL** – Erection of one pair of semidetached dwellings at 33 Boythorpe Avenue, Chesterfield for Ms Claire Hancock.

Councillors Bingham, Borrell, Catt, Davenport, Falconer and Simmons.

**CHE/22/00220/REM** – Approval of reserved matters (appearance, access and landscaping) of CHE/21/00286/OUT for dwelling on land adjacent to 16 Eyre Street East, Hasland, Chesterfield, S41 0PQ for Bix and Oshin Development Ltd.

Councillors Bingham, Borrell, Catt, Davenport, Falconer and Simmons.

**CHE/22/00272/FUL** – Erection of Electric Vehicle Charging Station with ancillary uses including retail and food and drink with associated electrical infrastructure, car parking and landscaping on land at Enterprise Way, Duckmanton, Chesterfield for Gridserve Sustainable Energy Ltd.

Councillors Bingham, Borrell, Catt, Davenport, Falconer and Simmons.

**CHE/20/00496/FUL** – Demolition of 7 buildings and erection of 12 new units (use B2 / B8) with ancillary offices, associated car parking and external vehicular areas / landscaping (addition information received 28/10/2020, 05/11/2020, 21/01/2021, 12/03/2021, 06/07/2021, 29/09/2021, 04/10/2021, 05/07/2022, 06/07/2022) on land off Station Road, Old Whittington, Derbyshire, S41 9AW for W H Butler and Sons (Founders) Ltd.

Councillors Bingham, Borrell, Catt, Davenport, and Falconer.

**CHE/21/00926/FUL** – Erection of a new care home facility with separate detached day units and creation of new access and auxiliary car parking areas (revised plans received 24/05/2022 and 21/07/2022), and, **CHE/22/00034/OUT** – 3 storey residential block with associated parking and access (revised plans received 24/05/2022 and 20/06/2022), at Avenue Villa, 12A Avenue Road, Whittington Moor, Chesterfield, Derbyshire, S41 8TA for Dignus Healthcare.

Councillors Bingham, Borrell, Catt, Davenport, Falconer and Simmons.

**CHE/21/00727/FUL** – Conversion of former hotel to form 4 dwellings (revised plans received 26/06/2022) (description of development updated 04/07/2022) at 1 – 3 Cobden Road, Chesterfield, Derbyshire, S40 4TD for Mr P Sobti.

Councillors Bingham, Borrell, Catt, Davenport, Falconer and Simmons.

\*Matters dealt with under the Delegation Scheme

#### 41 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Brady, Callan, Caulfield, D Collins, T Gilby and Mann.

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

No declarations of interest were received.

Councillor Simmons declared that, as he had not been present for the entirety of the site visit for agenda item 4(3) (CHE/20/00496/FUL – demolition of 7 buildings and erection of 12 new units (use B2/B8) with ancillary offices, associated car parking and external vehicular areas/landscaping (additional information received 28/10/2020, 05/11/2020, 21/01/2021, 12/03/2021, 06/07/2021, 29/09/2021, 04/10/2021, 05/07/2022, 06/07/2022) on land off Station Road, Old Whittington, Derbyshire, S41 9AW), he would not take part in the determination of that item.

Councillor Miles declared that, as he had not attended the site visits, he would not take part in agenda item 4. Councillor Miles left the meeting at this point.

43 **MINUTES OF PLANNING COMMITTEE**

**RESOLVED -**

That the Minutes of the meeting of the Planning Committee held on 22 July, 2022 be signed by the Chair as a true record.

44 **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/20/00496/FUL - DEMOLITION OF 7 BUILDINGS AND ERECTION OF 12 NEW UNITS (USE B2 / B8) WITH ANCILLARY OFFICES, ASSOCIATED CAR PARKING AND EXTERNAL VEHICULAR AREAS / LANDSCAPING (ADDITIONAL INFORMATION RECEIVED 28/10/2020, 05/11/2020, 21/01/2021, 12/03/2021, 06/07/2021, 29/09/2021, 04/10/2021, 05/07/2022, 06/07/2022) ON LAND OFF STATION ROAD, OLD WHITTINGTON, DERBYSHIRE, S41 9AW FOR W H BUTLER AND SONS (FOUNDERS) LTD

Councillor Simmons vacated the Chair and left the meeting at this point. Councillor Davenport was duly elected as Chair for this item.

In accordance with Minute No. 299 (2001/2002) Ms Margot Boss (objector) addressed the meeting.

**\*RESOLVED –**

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

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

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

- Site layout / Block plan / BDNG – Drawing no. 002 Revision C – 1:500
- Proposed units 3 – 8 (Block B) Elevations and GA – Drawing no.004 – Scale 1:200
- Proposed 9 – 12 (Block C) Elevations and GA – Drawing no.005 – Scale 1:100
- Proposed 1 – 2 (Block A) Elevations and GA – Drawing no.003 – Scale 1:100
- Phasing Plan – Drawing no. 008 – 1:500
- Document: Flood Risk Assessment – Report no. 45173-001 – dated 01/10/2021 – Prepared by Eastwood and Partners for Walker Wood Ltd
- Document: Drainage Assessment – Report no. 45233-003 – dated 30/06/2022 – Prepared by Eastwood and Partners for Walker Wood Ltd
- Document: Biodiversity Net Gain Initial Assessment for W H Butler & Sons Founders Ltd – prepared by Ecus Ltd – dated June 2021
- Document: Nocturnal Bat Survey Report, Station Road, Chesterfield for W H Butler & Sons (Founders) Ltd – prepared by Ecus Ltd – dated September 2021
- Document: Further Ecology Surveys (Bats and Birds) – referenced 16254 – dated 07/02/2021 – prepared by Ecus Ltd for Walker Wood Ltd on behalf of W H Butler & Sons (Founders) Ltd
- Document: Phase 1 Geotechnical & Geo-Environmental Site investigation, Whittington Way, Chesterfield – Issue 1 – reference 45173-002 – dated 17/08/2020 – prepared by Eastwood and Partners for Arrow Butler Casting Ltd

3. No development shall commence in accordance with the submitted phasing plan (Phasing Plan – Drawing no. 008 – 1:500), (excluding the demolition of existing structures) until;

- a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past shallow coal mining activity; and
- b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

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

4. In accordance with the phasing plan submitted, (Phasing Plan – Drawing no. 008 – 1:500), 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. With the exception of demolition of existing structures where appropriate and in accordance with the submitted phasing plan (Phasing Plan – Drawing no. 008 – 1:500), no works shall commence until:

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

All reports a) to e) shall be submitted to the Local Planning Authority and approved in writing by the Local Planning Authority prior to the development commencing.

6. The demolition of Building 4 shall not take place until either a European Protected Species Licence has been obtained from Natural England or the site has been registered under a bat mitigation class

licence (low impact). Upon receipt of a licence from Natural England / site registration, works shall proceed strictly in accordance with the approved mitigation, which should be based on the proposed measures outlined in the Nocturnal Bat Survey Report (Ecus Ltd. 2021) and amended as necessary based on any comments from Natural England. Such approved mitigation will be implemented in full in accordance with a timetable of works included within the licence and followed thereafter. A copy of the licence / confirmation of registration will be submitted to the LPA once granted.

7. No development shall take place until a detailed design and associated management and maintenance plan of the surface water drainage for the site, in accordance with the principles outlined within:

- a) Flood Risk Assessment Ref No: 45173-001, Issue No: 3, Dated: 01 October 2021, completed by Eastwood & Partners Consulting Engineers. Drainage Assessment Ref No: 45173, Issue No:1, Dated: 30 June 2022, completed by Eastwood & Partners Consulting Engineers “including any subsequent amendments or updates to those documents as approved by the Flood Risk Management Team
- b) And DEFRA’s Non-statutory technical standards for sustainable drainage systems (March 2015), have been submitted to and approved in writing by the Local Planning Authority.

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

9. Prior to the first occupation of the development in accordance with the submitted phasing plan (Phasing Plan – Drawing no. 008 – 1:500), a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority. This must demonstrate that the drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls).

10. The site shall be developed with separate systems of drainage for foul and surface water on and off site. The separate systems should extend to the points of discharge to be agreed.

11. Prior to any discharge to an existing or prospectively adoptable sewer, surface water run-off from hardstanding (equal to or greater than 800 square metres) and/or communal car parking area (s) of more than 50 spaces must pass through an oil, petrol and grit interceptor/separator of adequate design that has been submitted to and approved by the Local Planning Authority. Only the agreed details shall be implemented and retained at the application site.

12. The development shall be carried out in strict accordance with the details indicated within the submitted report, "Drainage Assessment prepared by Eastwood & Partners, dated 30 June 2022".

13. The development shall be carried out in accordance with the submitted Flood Risk Assessment (ref. 45173-001, dated 01 October 2021, by Eastwood & Partners) and the following mitigation measures it details:

- Finished floor levels shall be set no lower than existing ground floor levels
- The development shall include flood resilient and resistant construction as detailed in the flood risk assessment

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

14. There shall be no increase to average or peak flows of surface water run off leading towards Network Rail assets, including earthworks, bridges and culverts.

15. The individual units hereby permitted shall only be used for the purposes of General Industry or Storage and Distribution (as defined by use classes B2 and B8 of the Town and Country Planning (Use Classes) Order 1987 (as amended) or for Light Industrial Processes or Research and Development of products.

16. Construction work and demolition 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.

17. At all times during the demolition and construction phase, measures to minimise airborne dust arising from the site shall be in place throughout the construction period including demolition.

18. Prior to building works commencing above foundation level, a bat and bird box plan shall be submitted to and approved in writing by the LPA to maximise site biodiversity. This shall include the bat boxes as recommended in Section 4.3.7 of the Nocturnal Bat Survey Report (Ecus Ltd., 2021), along with a range of suitable bird boxes for the site.

19. Prior to completion or first occupation of the development hereby approved, whichever is the sooner; 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 and reflect the soft landscaping Option 3 in the submitted Biodiversity Net Gain Initial Assessment by ECUS dated June 2021 in the first planting season after completion or first occupation of the development, whichever is the sooner. Details shall include:

- a) a scaled plan showing vegetation to be retained and trees and plants to be planted:
- b) proposed hardstanding and boundary treatment:
- c) a schedule detailing sizes and numbers of all proposed trees/plants
- d) Sufficient specification to ensure successful establishment and survival of new planting.

20. Any new tree(s) that die(s), are/is removed, become(s) severely damaged or diseased shall be replaced and any new planting (other than trees) which dies, is removed, becomes severely damaged or diseased within five years of planting shall be replaced. Replacement planting shall be in accordance with the approved details (unless the Local Planning Authority gives its written consent to any variation).



21. All lighting shall be designed so as not to cause glare / overspill of the site.

22. Where new external lighting is to be installed (in addition to the lighting detailed in the approved plans), details of the external lighting shall be provided to the Local Planning Authority for approval. Only the approved lighting shall be installed at the application site.

23. An Armco or similar barrier shall be located in positions where vehicles may be in a position to drive into or roll onto the railway or damage the lineside fencing. At no time during demolition or construction shall Network Rail's existing fencing / wall must be removed or damaged. As a minimum, provision should be made at each turning area/roadway/car parking area adjacent to the railway.

24. The proposed 2.4 metre high palisade fencing as shown in the approved site layout plan shall be retained unless an alternative / replacement is otherwise agreed in writing with the Local Planning Authority.

25. Prior to any works commencing within 10 metres of the railway boundary, a method statement shall be submitted to Network Rail for approval. The method statement shall include details regarding the proposed method of construction, risk assessment in relation to the railway and a construction traffic management plan. Works shall then be carried out in strict accordance with the details agreed in the method statement.

26. A minimum of 6no weeks prior to works commencing on site, the applicant is required to make direct contact with the Asset Protection Project Manager (OPE) at Network Rail. The OPE will require to see details in respect of method statements, drawings relating to excavation, drainage, demolition, lighting and building work, or any other works that may affect the safety, operation, integrity and access to the railway.

27. Prior to the occupation of the units hereby approved, and in accordance with the submitted phasing plan (Phasing Plan – Drawing no. 008 – 1:500), a minimum of 5no. Electric Vehicle Charging points shall be provided at the application site and shall be made available and maintained operational for the lifetime of the approved development.

28. All surface water run-off and sewage effluent shall be handled in accordance with Local Council and Water Company regulations.

Councillor Simmons returned to the meeting at this point and took the Chair.

CHE/22/00203/COU - CHANGE OF USE OF STORE ROOM TO BEDROOM WITHIN HOUSE IN MULTIPLE OCCUPATION (DESCRIPTION AMENDED 12/04/22) AT 20 ALBION ROAD, CHESTERFIELD FOR DOVEDALE PROPERTY LETTINGS LTD.

In accordance with Minute No. 299 (2001/2002) Mr Rick Cusimano (applicant) addressed the meeting.

**\*RESOLVED –**

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

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

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

- Site location plan
- Existing Floor plans
- Proposed Floor plans

CHE/21/00926/FUL - ERECTION OF A NEW CARE HOME FACILITY WITH SEPARATE DETACHED DAY UNITS AND CREATION OF NEW ACCESS AND AUXILIARY CAR PARKING AREAS (REVISED PLANS RECEIVED 24/05/2022 AND 21/07/2022) AT AVENUE VILLA, 12A AVENUE ROAD, WHITTINGTON MOOR, CHESTERFIELD, DERBYSHIRE, S41 8TA FOR DIGNUS HEALTHCARE

In accordance with Minute No. 299 (2001/2002) Mr Lee Ward (agent for the applicant) addressed the meeting.

**\*RESOLVED –**

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

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby approved shall only be carried out in full accordance with the approved plans and documents (listed below) with the exception of any approved non-material amendment. All external dimensions and elevational treatments shall be as shown on the approved plan/s (listed below).
  - Site Location Plan, drawing no. 14, 1:1250 @ A4, (dated December 2021)
  - Proposed Site Plan, drawing no. 10-E, 1:200 @ A1 (dated November 2021)
  - Proposed Plans and Elevations, drawing no. 13-C, 1:100 @ A1, (dated 14/04/2022)
  - Crisis Intervention Unit – Option 2 (plans and elevations), drawing no. 12-B, 1:100 & 1:50 @ A2, (dated December 2021)
  - Street Elevation, drawing no. 30, 1:200 @ A1, (dated 15/02/2022)
3. 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.

4. No development shall commence until:

- a) A scheme of intrusive investigations has been carried out on site to establish the risk posed to the development by past coal mining activity; and
- b) Any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is safe and stable for the development proposed.

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

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

6. 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. The term 'construction work' shall include mobile and fixed plant/machinery, (e.g. generators) radios and the delivery of construction materials.

7. 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:

- a) Evidence to demonstrate that surface water disposal via watercourse is not reasonably practical;
- b) Evidence of existing drainage to public sewer and the current points of connection; and
- c) The means of restricting the discharge to public sewer to the existing rate less a minimum 30% reduction, based on the existing peak discharge rate during a 1 in 1 year storm event, to allow for climate change.

8. The site shall be developed with separate systems of drainage for foul and surface water on and off site. The separate systems should extend to the points of discharge to be agreed.

9. Prior to building works commencing above foundation level, a Biodiversity Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority to achieve a net gain in biodiversity in accordance with the NPPF 2021. Such approved measures shall be implemented in full and maintained thereafter as part of the development. The plan shall clearly show positions, specifications and numbers of features.

10. Notwithstanding the submitted details no development above floor-slab/D.P.C level shall take place until details for the treatment of all parts on the site not covered by buildings shall be submitted to and approved in writing by the Local Planning Authority. The site shall be landscaped strictly in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. Details shall include:

- a) a scaled plan showing trees and plants to be planted including species and planting density. The plan shall include indications of all existing trees, hedgerows and other vegetation on the land to be retained and detail measures for the protection of retained vegetation during the course

of development, including details of ecologically beneficial landscaping to provide a biodiversity enhancement.

b) proposed hardstanding surfacing materials and shall include elevational drawings of boundary treatments including materials, types of fencing and treatment/colour.

c) a schedule detailing sizes and numbers of all proposed trees/plants

d) Sufficient specification to ensure successful establishment and survival of new planting.

11. The landscaping provided shall be retained and maintained as follows:

a) 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;

b) All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock.

c) 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.

d) 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.

12. Full details of the boundary treatment to the northern boundary of the property adjacent to Avenue Road shall be submitted to and approved in writing by the local planning authority. The details which are subsequently agreed in writing shall be carried out as part of the development and shall be completed prior to the development hereby agreed being first occupied / brought into beneficial use and shall be retained as such thereafter.

13. Prior to the development hereby being permitted being occupied / brought into beneficial use, the existing vehicular / pedestrian access from Sheffield Road into the site shall be permanently closed off and the existing vehicular cross reinstated as footway in accordance with the County Council's latest standard for works in the public highway. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any statutory instrument amending, revoking and/or replacing that Order, the measures

to close off the access shall be retained as approved throughout the lifetime of the development.

14. Prior to installation of any external lighting scheme for the site, a detailed scheme shall be submitted to the Local Planning Authority for consideration. The lighting scheme agreed in writing shall be fully implemented in accordance with the approved scheme before the use commences and retained as such thereafter.

15. Prior to the development hereby being permitted being occupied / brought into beneficial use, space shall be provided within the application site in accordance with the approved application drawings for the parking and manoeuvring of residents vehicles, laid out, surfaced and thereafter maintained throughout the life of the development free from any impediment to its designated use.

16. The Electric Vehicle Charging Points (EVCPs) shown as part of the agreed scheme shall be provided for at least 2 no. car/van parking spaces together with passive provision to be made available for the remainder of the site so that spaces are capable of being readily converted to EVCPs in the future. The EVCPs shall be available for use concurrent with the first occupation of the building and which shall thereafter be retained and maintained operational for the lifetime of the development.

17. Prior to the development being occupied / brought into beneficial use, the details, specification and access control arrangements for the security gates at the exterior of the building and the buildings entrance lobby shall be submitted to the Local Planning Authority for consideration. The detail subsequently agreed in writing shall be carried out as part of the development and shall be retained as such thereafter for the life of the development.

18. Prior to the development hereby being permitted being occupied brought into use the first floor windows to the side (east and west) elevations shall be installed with obscure glazing to at least Pilkington level 4 and with no opening part being less than 1.7 metres above the floor level immediately below the centre of the opening part. Once installed the glazing shall be retained as such thereafter.

19. Prior to installation of the solar PV arrays shown on the agreed drawings full details shall be submitted to the Local Planning Authority for consideration. The details agreed in writing shall be fully implemented in

accordance with the approved scheme before the use commences and retained as such thereafter.

CHE/22/00034/OUT - 3 STOREY RESIDENTIAL BLOCK WITH ASSOCIATED PARKING AND ACCESS (REVISED PLANS RECEIVED 24/05/2022 AND 20/06/2022) AT AVENUE VILLA, 12A AVENUE ROAD, WHITTINGTON MOOR, CHESTERFIELD, DERBYSHIRE, S41 8TA FOR DIGNUS HEALTHCARE

In accordance with Minute No. 299 (2001/2002) Mr Lee Ward (agent for the applicant) addressed the meeting.

**\*RESOLVED –**

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

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1. Approval of the details of the landscaping and appearance of the proposal (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. The development hereby approved shall only be carried out in full accordance with the approved plans and documents (listed below) with the exception of any approved non-material amendment. All external dimensions and elevational treatments shall be as shown on the approved plan/s (listed below).
  - Existing site plan, drawing no. 02A, 1:200 @ A1, (dated January 2022)
  - Proposed Site Plan, drawing no. 03A, 1:200 @ A1 (dated 19/06/2021)
5. Prior to the submission of a reserved matters application:



a) 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;

Prior to the commencement of development:

b) 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.

6. Prior to the submission of the reserved matters application:

a) A scheme of intrusive investigations shall be carried out on site to establish the risk posed to the development by past coal mining activity;

Prior to the commencement of development:

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

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

7. Prior to the development hereby being permitted being occupied or being brought 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.

8. 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. The term 'construction work' shall include mobile and fixed plant/machinery, (e.g. generators) radios and the delivery of construction materials.

9. 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:

- a) Evidence to demonstrate that surface water disposal via watercourse is not reasonably practical;
- b) Evidence of existing drainage to public sewer and the current points of connection; and
- c) The means of restricting the discharge to public sewer to the existing rate less a minimum 30% reduction, based on the existing peak discharge rate during a 1 in 1 year storm event, to allow for climate change.

10. The site shall be developed with separate systems of drainage for foul and surface water on and off site. The separate systems should extend to the points of discharge to be agreed.

11. No individual dwelling unit approved as part of the reserved matters 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.

12. 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 approval in writing demonstrating the creation of a suitable habitat which enhances the ecological interest of the site with a maintenance plan, to achieve a Biodiversity Net Gain in line with guidance within the NPPF. (This shall include but not be limited to the planting of native shrubs and trees such as rowan, bird cherry, birch, guelder rose, dogwood, hazel, goat willow, alder buckthorn or fruit trees such as apple and pear, the incorporation of integrated bird boxes / terraces, small mammal measures such as hedgehog highways)

13. Within the reserved matters application a detailed landscaping plan shall be submitted to the Local Planning Authority for approval. 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:

- a) a scaled plan showing trees and plants to be planted including species and planting density. The plan shall include indications of all existing trees, hedgerows and other vegetation on the land to be retained and detail measures for the protection of retained vegetation during the course of development, including details of ecologically beneficial landscaping to provide a biodiversity enhancement.
- b) proposed hardstanding surfacing materials and shall include elevational drawings of boundary treatments including materials, types of fencing and treatment/colour.
- c) a schedule detailing sizes and numbers of all proposed trees/plants
- d) Sufficient specification to ensure successful establishment and survival of new planting.

14. The landscaping provided shall be retained and maintained as follows:

- a) 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;
- b) All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock.
- c) 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.

d) 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.

15. Concurrent with the submission of landscaping details as part of a reserved matters application full details of the boundary treatment to the northern boundary of the property adjacent to Avenue Road shall be submitted to and approved in writing by the local planning authority. The details which are subsequently agreed in writing shall be carried out as part of the development and shall be completed prior to the development hereby agreed being first occupied / brought into beneficial use and shall be retained as such thereafter.

16. Prior to any other operations being commenced the existing vehicular access onto Avenue Road shall be increased to 6 metres wide (in accordance with the approved plans), laid out (no steeper than 1:14), constructed and provided with pedestrian inter-visibility splays of 2m by 2m on each side of the access, the depth measured from the back of the footway and the widths outwards from the edges of the access. No fence, wall or other obstruction to visibility above 0.6m shall be provided within the area of such splays. There shall be no gates or other barriers on the access / driveway.

17. Electric Vehicle Charging Points (EVCPs) shall be provided for at least 2 no. car/van parking spaces together with passive provision to be made available for the remainder of the site so that spaces are capable of being readily converted to EVCPs in the future. The EVCPs shall be available for use concurrent with the first occupation of the building and which shall thereafter be retained and maintained operational for the lifetime of the development.

18. Concurrent with the submission of landscaping details as part of a reserved matters application, a scheme for secure cycle parking (10 racks) on the site shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking to be provided shall be secure, in an overlooked, lit location with protection from weather and shall be provided concurrent with the first occupation of the building and thereafter retained and maintained operational for the lifetime of the development.

B. That a CIL Liability Notice be issued in accordance with the rate in the Council's Charging Schedule, as per section 5.12 of the report.

CHE/21/00171/FUL - ERECTION OF ONE PAIR OF SEMI-DETACHED DWELLINGS AT 33 BOYTHORPE AVENUE FOR MS CLAIRE HANCOCK

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

In accordance with Minute No. 299 (2001/2002) Ms Claire Hancock (agent for the applicant) addressed the meeting.

**\*RESOLVED –**

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

1. The design constitutes inappropriate development that is not conducive to the street scene contrary to policy CLP20 of the Adopted Local Plan and Part 12 of the NPPF.

2. The proposed parking arrangement will lead to vehicles reversing onto the highway close to the junction with Central Avenue against the best interests of highway safety, contrary to policies CLP20 and 22 of the Adopted Local Plan and Part 9 of the NPPF.

CHE/21/00727/FUL - CONVERSION OF FORMER HOTEL TO FORM 4 DWELLINGS (REVISED PLANS RECEIVED 26/06/2022) (DESCRIPTION OF DEVELOPMENT UPDATED 04/07/2022) AT 1 – 3 COBDEN ROAD, CHESTERFIELD, DERBYSHIRE, S40 4TD FOR MR P SOBTI.

**\*RESOLVED –**

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

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1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted 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):
  - Site location plan, proposed site layout, proposed elevations and proposed floor plans (same sheet), drawing no. 2, 1:1250, 1:500 and 1:100 @ A1
  - Proposed drainage layout, drawing no. 4, 1:200 @ A3
3. Within 2 months of the development hereby permitted commencing, a scheme (including a programme of implementation and maintenance) to demonstrate a net measurable gain in biodiversity through the development, shall be 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.
4. Notwithstanding the submitted details, within 2 months of the development hereby permitted commencing, details for the treatment of all parts of 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:
  - a) a scaled plan showing trees and plants to be planted including species and planting density. The plan shall include indications of all existing trees, hedgerows and other vegetation on the land to be retained and detail measures for the protection of retained vegetation during the course of development, including details of ecologically beneficial landscaping to provide a biodiversity enhancement.
  - b) proposed hardstanding surfacing materials and shall include elevational drawings of boundary treatments including materials, types of fencing/walling and treatment/colour.
  - c) a schedule detailing sizes and numbers of all proposed trees/plants
  - d) Sufficient specification to ensure successful establishment and survival of new planting.

5. The landscaping provided shall be retained and maintained as follows:

- a) 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;
- b) All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock.
- c) 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.
- d) 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.

6. 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. The term 'construction work' shall include mobile and fixed plant/machinery, (e.g. generators) radios and the delivery of construction materials.

7. The site shall be developed with separate systems of drainage for foul and surface water on and off site. The separate systems should extend to the points of discharge to be agreed.

8. 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.

9. Prior to installation of any external lighting scheme for the site, a detailed scheme shall be submitted to the Local Planning Authority for consideration. The lighting scheme agreed in writing shall be fully implemented in accordance with the approved scheme before the use commences and retained as such thereafter.

10. An Electric Vehicle Charging Point (EVCPs) shall be provided for one of the parking spaces with passive provision to be made available for the

remainder of the site so that spaces are capable of being readily converted to EVCPs in the future. Thereafter the EVCP shall be retained and maintained operational for the lifetime of the development.

11. Prior to the development hereby permitted being occupied, space shall be provided within the application site in accordance with the approved application drawings for the parking and manoeuvring of residents' vehicles, laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use. The parking spaces and manoeuvring area shall be retained thereafter available for its designated use.

12. Prior to the development hereby permitted being occupied the first floor windows to the north elevation shall be installed with obscure glazing to a minimum of Pilkington Level 4 and with no opening part being less than 1.7m above the internal floor level. Once installed the obscure glazing shall be retained as such thereafter.

13. Samples / details of all materials, including all new windows and doors, 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.

B. That a CIL Liability Notice is issued in accordance with the rate in the Council's Charging Schedule, as per section 6.6 of the report.

CHE/22/00272/FUL - ERECTION OF ELECTRIC VEHICLE CHARGING STATION WITH ANCILLARY USES INCLUDING RETAIL AND FOOD AND DRINK WITH ASSOCIATED ELECTRICAL INFRASTRUCTURE, CAR PARKING AND LANDSCAPING ON LAND AT ENTERPRISE WAY, DUCKMANTON, CHESTERFIELD FOR GRIDSERVE SUSTAINABLE ENERGY LTD

In accordance with Minute No. 299 (2001/2002) Mr Chris Creighton (agent for the applicant) addressed the meeting.

**\*RESOLVED –**



That the officer recommendation be upheld and the application be approved subject to the following via a legal agreement:

- Biodiversity net gain of 1 habitat unit at £20,000 per unit to CBC = £20,000

And subject to the following conditions:

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

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

- Site Location Plan, drawing number BOW-A0-ZZ-DR-A-0101 Revision P3 and BOW-A0-ZZ-DR-A-0102 Revision P4 (Dated 30.07.2021)
- Proposed Electric Forecourt Block Plan, drawing number 8308-BOW-A0-ZZ-DR-A-0104 Revision P4 (dated 03.11.2021)
- Proposed Site plan, drawing number 8308-BOW-A0-ZZ-DR-A-0105 Revision P5 (dated 08.02.2022)
- Enterprise Way Western Edge Details, drawing number BOW-A0-ZZ-DR-A-0106 Revision P4 (dated 03.11.2021)
- Proposed Building GA Plans, drawing number 8308-BOW-A0-ZZ-DR-A-0200 Revision P4 (dated 15.11.2021)
- Proposed Building Roof Plan, drawing number 8308-BOW-A0-ZZ-DR-A-0201 Revision P1 (dated 06.10.2021)
- Proposed Building Elevations and Sections, drawing number 8308-BOW-A0-ZZ-DR-A-0300 Revision P1 (Dated 06.10.2021)
- Proposed Site Sectional Elevations, drawing number 8308-BOW-A0-ZZ-DR-A-0301 Revision P1 (dated 22.09.2021)
- Plan of coldstore, drawing un-numbered (received 10.06.2022)
- Proposed Access/egress works, drawing number 20/154/012/TR/008 Revision H (dated 25.05.2022)
- Swept path of max legal HGV accessing site, drawing number 8308-BOW-A0-ZZ-DR-A-0301 Revision B (dated 10.06.2022)

- Design and access statement produced by Bowman Riley Document No: 8308-BOW-A0-ZZRP-A-0010\_D&A Statement Revision P4 (Dated 28.03.2022)
- Arboricultural Impact Assessment BS 5837:2012 produced by Delta-Simons Project Number 21-0619.02
- Preliminary Ecological Appraisal produced by Delta-Simons Project No. 21-0619.01 – Revision 5 (dated 12.08.2022)
- DEFRA metric 3.1
- Flood Risk & Drainage Strategy Statement produced by CPA CONSULTING REF 2141/DSS/PL06 (Dated August 2022)
- Heritage Impact Assessment produced by HCUK Group Project Ref 7095A dated November 2021
- Noise Impact Assessment produced by Delta-Simons Project No. 21-0619.03 dated November 2021
- Planning Statement produced Peacock and Smith Job Ref. 5441 dated April 2022
- Proposed Electric Forecourt Markham Vale Stage 1 Road Safety Audit produced by Road Safety Initiatives LLP dated May 2022
- Transport Assessment produced by Bryan G Hall reference Ref: 20-154-012-02.02, dated November 2021

3. No construction, external works, movement of construction traffic, or ancillary operations and deliveries to and from the premises shall be carried out outside the hours of 0800 and 1800 hours Monday to Friday, and 0800 and 1300 hours on Saturdays, and at no time on Sundays or Public Holidays unless agreed in advance with the Local Planning Authority.

4. No development, including preparatory works, shall commence until a phasing programme for the provision of the new vehicular and pedestrian accesses to Enterprise Way has been submitted to and agreed in writing by the Local Planning Authority. The junction and access shall be laid out in accordance with the approved programme and drawings.

5. No development shall start until a Highway Construction Management Statement / Plan has been submitted to and approved in writing by the Local Planning Authority. The statement / plan shall include details specifically relating to:

- a) Temporary construction access
- b) Parking for vehicles of site personnel, operatives and visitor
- c) Site accommodation
- d) Storage of plant and materials

- e) Routes for construction traffic to and from the site and measures to ensure adherence to the approved routing plan for vehicles under the applicant's / developer's control
- f) Provision of roadside boundary hoarding behind any visibility zones
- g) Any proposed temporary traffic management.

Only the approved details shall be implemented, which shall be maintained throughout the construction period.

6. The cycle shelter as detailed on the approved plans shall be installed in accordance with the approved detail and made available to use prior to the first operation of the development and thereafter be retained available for use.

7. The development shall be carried out in accordance with the details shown on the submitted 'Flood Risk and Drainage Strategy Statement 2141/DSS/PL06 prepared by CPA dated August 2022' unless otherwise agreed in writing with the Local Planning Authority.

8. Prior to the commencement of the development hereby approved (including all preparatory work), a scheme for the protection of the retained trees, 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) Details of any construction within the RPA or that may impact on the retained trees.
- b) A full specification for the installation of boundary treatment works.
- c) A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing.
- d) Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area.
- e) Methods to improve the rooting environment for retained and proposed trees and landscaping

The development thereafter shall be implemented in strict accordance with the approved details.

9. All works shall proceed strictly in accordance with the measures outlined in Section 6.2 of the Preliminary Ecological Appraisal (Delta-Simons, project number 21-0619.01, issue number 5 dated 12.08.2022) These comprise precautionary methods for site clearance to safeguard amphibians, reptiles, birds and hedgehogs. A short statement of compliance shall be submitted to the LPA upon completion of works to discharge the condition

10. The approved biodiversity/ecological enhance plan 'Soft Landscaping Specification' drawing number MR21-103/101 (dated 03.08.2021 set out in the Preliminary Ecological Appraisal (Delta-Simons, project number 21-0619.01, issue number 5 dated 12.08.2022) shall be implemented prior to the development opening to the public unless otherwise approved in writing by the Local Planning Authority and maintained thereafter, with photographs of the measures in situ submitted to the LPA to fully discharge the condition.

11. A Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development. The LEMP shall cover all retained and created habitats, as identified in the agreed Biodiversity Net Gain Feasibility Assessment report to meet the habitat gains set out in the Biodiversity metric calculation and landscaping of the site agreed under condition 11.

The content of the LEMP shall include the following;

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

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan shall be implemented in accordance with the approved details.

12. The primary use of the site shall remain as an electric vehicle charging station with ancillary services with a retail floorspace (use class E (a) and E (b) only) of no greater than 244 square metres

13. The retail/cafe uses (Use classes E(a) & E(b)) of the hereby approved development shall only be used when the charging points of the main sui generis use are operational and available to use by the public.

14. The development hereby permitted shall implement the Employment and Skills Strategy (dated August 2022). The strategy seeks to promote local supply chain, employment and training opportunities during the operation of the development. Prior to the first operation of the development an addendum to the strategy shall be provided to demonstrate how the development will engage with providers for low carbon technology and sustainable fuels and details of a local supply chain strategy with detail of how opportunities will be promoted locally.

15. The approved lighting scheme as detailed on drawing External Lighting Layout drawing numbers 21/3791/E63/EX01 Revision E and 21/3791/E63/EX02 Revision E shall be implemented prior to the first use of the development and retained as such thereafter

16. Unless otherwise agreed in writing with the Local Planning Authority the development, including boundary treatments, hereby permitted shall be constructed entirely of the materials detailed and shown on plan number Site plan, drawing number 8308-BOW-A0-ZZ-DR-A-0105 Revision P5 (dated 08.02.2022) and 8308-BOW-A0-ZZRP-A-0010\_D&A Statement Revision P4 (Dated 28.03.2022)

B. That a CIL Liability Notice be issued for £25,502, as per section 6.9 of the report.

CHE/22/00220/REM - PROPOSAL: APPROVAL OF RESERVED MATTERS (APPEARANCE, ACCESS AND LANDSCAPING) OF CHE/21/00286/OUT FOR DWELLING ON LAND ADJACENT TO 16 EYRE STREET EAST, HASLAND, CHESTERFIELD, S41 0PQ FOR BIX AND OSHIN DEVELOPMENT LTD

**\*RESOLVED** —

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

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1. 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).

- Planning drawing plans, elevation and site plan – drawing ref. 102/49 - drawing no. 04, Rev B – Scale as indicated @ A1

2. Prior to the ordering of external materials taking place, precise specifications or samples of the walling and roofing materials proposed to be used shall be submitted to the Local Planning Authority for consideration. Only those materials approved in writing by the Local Planning Authority shall be used as part of the development unless agreed by the Local Planning Authority in writing.

3. Within 2 months of commencement of development, unless otherwise agreed in writing by the Local Planning Authority, full details of hard and soft landscaping works for the approved development shall be submitted to the Local Planning Authority for consideration. Hard landscaping includes proposed finished land levels or contours; means of enclosure; minor artefacts and structures (e.g. furniture, play equipment, refuse or

other storage units, signs, lighting etc) retained historic landscape features and proposal for restoration, where relevant. The required soft landscaping scheme shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers; densities where appropriate, or any implementation programme and a schedule of landscape maintenance for a minimum period of five years. These works shall be carried out as approved prior to the occupation of the dwelling hereby approved, or in the first planting season after agreement of the details, whichever is sooner.

B. That a CIL Liability Notice be issued for £5,302.77, as per section 6.8 of the report.

45 **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

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| CHE/21/00130/FUL | Demolition of existing car port and erection of detached garage - Revised drawing received 31/03/21. Revised address (from flat A to flat C 14/04/21 and to flat B 30/04/21) at Flat B 572 Chatsworth Road, Chesterfield S40 3JS for Mr Timothy Walker               |
| CHE/21/00769/FUL | Installation of a STOR Gas Reserve Power Plant at Land to the North of Dunston Trading Estate Sheepbridge Lane, Sheepbridge for Johnsons Generators Limited  |
| CHE/21/00836/FUL | Two storey side and single storey side extensions to form self-contained 1 bedroom dwelling and lounge and staircase access to existing dwelling and alterations to existing shop at 1 - 3 The Grove, Poolsbrook, Chesterfield S43 3JY for Mr Vaithianatha Kumaresan |

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|------------------|---|
| CHE/22/00181/FUL | Two storey rear extension - description and drawings revised 12.06.2022 at 175 Old Road Chesterfield S40 3QL for Mrs Laura Wilkinson  |
| CHE/22/00188/FUL | Creation of a drop curb and car parking to the front elevation at 31 St Augustines Road, Birdholme, Chesterfield S40 2SF for Mr Kyle Perrins  |
| CHE/22/00219/FUL | First floor extension and amend roof from gable to hip on front elevation at Witham Court, Old Road Chesterfield S40 3QX for Mr and Mrs Lucas   |
| CHE/22/00226/FUL | Conversion of out building to habitable accommodation linking to existing dwelling with single storey rear and side extension and front entrance porch at Greycot, Highfield Road, Newbold, Chesterfield S41 7HB for Mr Ryan Newton |
| CHE/22/00234/FUL | One and two storey rear extension at 55 Princess Street, Brimington, Chesterfield S43 1HP for Kelly Scothorn  |
| CHE/22/00235/FUL | Single storey rear extension at 171 Boythorpe Road, Boythorpe, Chesterfield S40 2NB for Mr and Mrs Dowson   |
| CHE/22/00246/ADV | Replace all existing fascia panels and fascia logos with new fascia panels and fascia logos, replace existing projecting signage with new projecting Sign at 36 Rose Hill, Chesterfield S40 1LR for Nationwide Building Society     |
| CHE/22/00254/FUL | Replacement of existing ATM shroud with new, removal and replacement of lower cladding and general refurbishment at 36 Rose Hill, Chesterfield S40 1LR for Nationwide Building Society  |



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| CHE/22/00257/FUL | Replacement of the existing external through the wall ATM with new model at Hsbc Bank, Market Place, Chesterfield S40 1TN for HSBC UK Bank plc  |
| CHE/22/00258/ADV | Replacement of existing external ATM signage with new at Hsbc Bank, Market Place, Chesterfield S40 1TN for HSBC UK Bank plc   |
| CHE/22/00261/RET | Change of use from Class E to a Nail Parlour (Sui Generis) at The Glass Yard, Unit 2, Sheffield Road, Whittington Moor, Chesterfield S41 8JY<br>for Mr Chung Van Le   |
| CHE/22/00269/FUL | Two Storey extension to front of property and single storey extension to rear at 8 Holmebank West, Brockwell, Chesterfield S40 4AS for John and Valerie Felton  |
| CHE/22/00280/LBC | Supply and fix hand fabricated lockable drop bolt to the existing cast iron gates and replacement of 1 damaged finial at Tapton House, Brimington Road, Tapton S41 0TD for Chesterfield Borough Council                   |
| CHE/22/00304/LBC | Roof repairs to outbuildings at Post House Nursery, 15 High Street, Brimington S43 1DE for Mr Michael Fowler  |
| CHE/22/00309/FUL | Single storey rear extension and conversion of two dwellings into one - re-submission of CHE/21/00357/FUL at 272 - 274 Old Road, Chesterfield S40 3QN for Mrs Clare Dolman  |
| CHE/22/00312/FUL | Single storey self contained shop unit attached to existing building. (Revised plans received 04/07/2022 and 11/07/2022) at 72-78 Devon Drive, Brimington, Chesterfield S43 1DY for Mr Sukdev Singh and Mrs Surinder Kaur |

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| CHE/22/00326/FUL | Proposed two storey side and rear extension with rendering to walls at 50 Hill View Road, Brimington, Chesterfield S43 1JN for Sarah Burchby  |
| CHE/22/00328/FUL | Two storey side extension at 123 Spital Lane, Spital, Chesterfield S41 0HL for Mr Ashley Woolley  |
| CHE/22/00347/FUL | Single storey rear extension and side dormer at 16 Westbourne Grove, Ashgate, Chesterfield S40 3QD for Miss Claire Freeman  |
| CHE/22/00352/LBC | Installation of replacement and new advertisements. This is the listed building consent application associated with the advertisement consent application CHE/22/00202/ADV at 35-37 Low Pavement, Chesterfield S40 1PB for Boots  |
| CHE/22/00358/TPO | T8 - Beech Tree ( <i>Fergus Sylvatica</i> ) of G3 of TPO169. Prune branches (partial crown reduction) by 1 - 3 metres growing South East towards property 161 Walton Back Lane to clear structure, shape and balance and general maintenance.<br>at 1 Park Hall Gardens, Walton S42 7NQ for Mr Nigel Metham |
| CHE/22/00367/FUL | Single storey extension to the front/side of the property - resubmission of CHE/22/00120/FUL at 10 Oldridge Close, Holme Hall, Chesterfield S40 4UF for Mr Bruce Grinnell   |
| CHE/22/00371/FUL | Replacement of existing boundary fence at 379 Manor Road, Brimington, Chesterfield S43 1PP for Mr Alan Cheswick   |
| CHE/22/00390/FUL | Rear extension to bungalow at 38 Highland Road<br>New Whittington, Chesterfield S43 2EZ for Mr David Collier  |

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| CHE/22/00404/REM | Removal of condition 6 (arrangement of rear amenity space) of application<br>CHE/20/00310/FUL-Conversion of first floor of existing retail and office premises to form a 1 bed self-contained flat retaining separate retail space at ground floor at 32 High Street, Old Whittington, Chesterfield S41 9JT for Messrs Stoddard and Daly                |
| CHE/22/00414/FUL | Single storey side and rear extension, new raised decking and boundary fence and new roof over existing bay window to front elevation (Revised plans received 02/08/2022) (Description of development amended 15/08/2022) at 575 Chatsworth Road, Chesterfield S40 3JX for Mr and Mrs Speed   |
| CHE/22/00415/FUL | Single storey rear extension at 7 Millstream Close<br>Walton S40 3DS for Mrs Charlotte Law  |
| CHE/22/00451/TPO | General works to trees identified in tree map and works described in application form at Loundsley House, Cuttholme Way, Loundsley Green, Chesterfield S40 4WG for Envivo Group   |
| CHE/22/00467/TPO | T3- TPO No. 331, 2014. Remove a group of smaller branches that have grown from an area where a large branch was previously removed before it had a TPO. Lift the crown to give a 1.5-2m clearance above the shed underneath for cleaning and maintenance of the roof at West Boundary Of Stand Road Allotments, Newbold S41 8SR for Mr Bob Higginbottom |
| CHE/22/00469/TPO | T1, T3, T4, T5 & T6 - Yew trees. Standard maintenance - crown lift canopies to 3m & prune away from buildings by 1-2 metres T2 - Ash. Fell to ground level. The tree is too close to the  |

- building and is starting to damage the wall that it is growing very close to. We wish to replace with another Yew tree. T12 - Plane. Currently 20 metres, reduce by 3 metres to 17 metres and reshape. The tree is outgrowing its situation & we have concerns over some overextended branches in the canopy at Elder Unitarian Chapel, Elder Way, Chesterfield S40 1UR for Elder Yard Unitarian Chapel
- CHE/22/00494/TPO To maintain the lime trees T2, T5-T9 by removing any epicormic growth from the tree base to a height of no more than 2 metres at 6 Hunters Walk, Chesterfield S40 1GB for Limetree Park No 1 Management Company
- CHE/22/00550/TPO The three southern most trees under group G1, 2x Lime and 1x Maple. They have become overgrown, are overhanging neighbouring properties and look untidy. 20% thinning, dead wooding and pruning to all trees. Crown lifts if possible due to presence of bat boxes on some of the lowest branches in each tree. Ecologist to survey bat boxes on morning of works to determine bat presence. If bats are not present, bat boxes to be relocated higher into the tree. If present crown lift to be conducted at a later date. At 39 Ringwood Meadows, Brimington S43 1FE for Mr Nathan Robinson
- CHE/22/00556/TPO Felling of one Silver Birch (T33/TPO Ref 173) at 305 Ashgate Road, Chesterfield S40 4DB for Mr Mick Wall
- CHE/22/00572/TPO Felling of one dead Ash tree to the side of 11 Comley Crescent (plot 96) – Tree Preservation Order 4901.44 area 1 at Trees To The Side Of 11 Comley Crescent, Chesterfield S41 9SH for AWA Tree Consultants Ltd

(b) Refusals

CHE/22/00343/FUL Two storey side and rear extension, with widening of the existing patio and erection of 2m fencing above the ground level of the existing decking.  
Rendering to the extended rear wall at 95 Foljambe Avenue, Walton, Chesterfield S40 3EY for Mr and Mrs Wilmot

CHE/22/00394/DOC Discharge of condition 4 (materials) relating to application CHE/21/00414/FUL - Two storey rear extension and alterations at 20 Ringwood Avenue  
Newbold, Chesterfield S41 8RB for Mrs Louise Smith

(c) Discharge of Planning Condition

CHE/22/00215/DOC Discharge of planning conditions Made Ground Removal and Validation Testing at Land South of Walton Hospital, Harehill Road, Grangewood for Vistry Partnership

CHE/22/00282/DOC Discharge of conditions 4 (biodiversity net gain) and 6 (materials) of CHE/21/00342/FUL - Rear two storey extension, two storey side extension, two dormer windows to front, rendering of existing dwelling and new canopy to the front, raising of the existing roof, hard surfacing and creation of additional parking to front and new terrace area to the rear at 157 Church Street North, Old Whittington, Chesterfield S41 9QR for Mr James Galligan

CHE/22/00305/DOC Discharge of condition 8 of application CHE/15/00676/FUL at Unit 3, Co-Operative House, Elder Way, Chesterfield S40 1UR for Mr Ian Scott

CHE/22/00385/DOC Discharge of condition 3 (biodiversity measures) of CHE/20/00492/FUL at 29 Rayleigh Avenue,

Brimington S43 1JR for Jenny Sutton

- CHE/22/00408/DOC Discharge of condition 4 (landscaping and ecological scheme) of application CHE/21/00737/FUL- External alterations to the south and east elevations of the building at Ravenside Retail Park, Unit 1B, Park Road, Chesterfield S40 1TB for LS Chesterfield Ltd
- CHE/22/00430/DOC Removal of condition 3 (investigation of existing sewer/drain line crossing the site and the submission of a scheme for its diversion) of application CHE/20/00653/REM- Redevelopment of land for employment uses (use classes B1,B2 and B8) at land accessed from, Farndale Road, Staveley, Derbyshire at land accessed from Farndale Road, Staveley for Devonshire Property (B2B) Limited
- CHE/22/00478/DOC Discharge of condition 4 (materials) of CHE/22/00214/REM1 - single storey rear and side extension and installation of two new dormer windows to the front and two to the rear of the property at 27 Westbrook Drive, Chesterfield S40 3PQ for Mr Matthew Crawley
- CHE/22/00497/DOC Discharge of condition 11 (materials) of CHE/19/00083/FUL at All Inn, Lowgates, Staveley S43 3TX for A-Rock Construction Ltd

(d) Partial Discharge of Conditions

- CHE/22/00264/DOC Discharge of conditions 03, 06, 07, 09, 10, 14, 15 and 18 of application CHE/21/00190/FUL at Former 9 and 9A Wensley Way, Staveley S43 3NP for Chesterfield Borough Council
- CHE/22/00450/DOC Discharge of conditions 3 (protection of the retained trees), 12 (external materials), 14

(demonstration that the proposed destination for surface water accords with the drainage hierarchy) and 15 (indication of how additional surface water run-off during construction will be avoided) of application CHE/21/00438/FUL at Chesterfield and North Derbyshire Royal Hospital  
Chesterfield Road, Calow, Chesterfield S44 5BL  
for Chesterfield Royal Hospital

CHE/22/00455/DOC Discharge of conditions 3 (Verification report),8 (Details of cellular confinement system) ,9 (hard surfacing within the RPA details),11 (Treatment and hard landscaping details) and 12 (hard landscaping works and structures details) of application CHE/21/00284/REM1- Residential development of 5 houses with associated landscaping and parking at Site Of Former Old Farm Inn, Highfield Road, Newbold for Primesite UK Ltd

(e) Unconditional Permission

CHE/22/00299/NMA Non-material amendment relating to condition 2 of CHE/21/00342/FUL: Addition of two lantern rooflights, omission of proposed columns in rear elevation, Alteration to first floor interior layout, alteration to landscaping. - Revised drawing received 04.07.2022 at 157 Church Street North Old Whittington, Chesterfield S41 9QR for Mr James Galligan

(f) Conditional Consent for Non-Material Amendment

CHE/22/00475/NMA Non material amendment of application CHE/20/00760/FUL- Conversion and extension of existing garage to form new dwelling- To extend the new north-eastern boundary fence line from rear elevation to no.72 Walton Road from 7m to 7.7m at Land Adj 72 Walton Road, Walton S40 3BY for Mr Adam Bowler

CHE/22/00534/NMA Non material amendment of application  
CHE/19/00116/REM- To vary the wording of condition 5 so that it states: 'The highway works shown on Curtins drawings 05/005-V05 and 05/004-V06 as phase 1A shall be completed to within 6 months of first occupation of the building hereby approved' at Land At East Of A61Known As Chesterfield Waterside, Brimington Road, Tapton, Chesterfield for Chesterfield Waterside Limited

(g) CLOPUD granted

CHE/22/00410/CLO Single storey ground floor extension and roof extension to create new dormer at second floor level at 22 Foljambe Road, Chesterfield S40 1NW  
for Mr Will Penkyman

CHE/22/00440/CLO Single storey rear extension at 30 Hornbeam Close, Hollingwood S43 2HU for Mr Jason Smith

(h) Split Decision with Conditions

CHE/22/00402/TPO 40 % pollarding of two ash trees overshadowing garden and decking at 22 Staunton Close, Chesterfield S40 2FE for Mr Denis Llewellyn

(i) Planning permission required

CHE/22/00281/AGR Agricultural building for storage of animal feed and farm machinery at Land Opposite The Quest, Unstone Road, Old Whittington, Chesterfield for Mr Steven Kilroy

(j) Other Council no objection with comments

CHE/22/00492/CPO Change of Use from Residential (C3) to a Children's Home (C2) at Trevilla, 73 Hady Hill Hady, S41 0EE for Derbyshire County Council



## 46 APPLICATIONS TO FELL OR PRUNE TREES (P620D)

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

(a) The felling and pruning of trees:-

- |                     |  |
|---------------------|--|
| CHE/22/00358/TPO    | Consent is granted to the pruning of one Beech tree within G3 on the Order map at 1 Park Hall Gardens, Somersall   |
| CHE/22/00467/TPO    | Consent is granted to the pruning of one Sycamore tree reference T1 on the Order Map which is situated on the west boundary hedge of Grove Allotments, Stand Road  |
| CHE/22/00494/TPO    | Consent is granted to the pruning of 6 trees reference T2 & T5-T9 Lime on the Order Map and which are situated along Hunters Walk, Saltergate  |
| CHE/22/00469/TPO    | Consent is granted to the felling of one Ash tree reference T2 with a condition to replant with a Yew tree which would match the existing tree cover to the frontage and the pruning of 5 Yew trees reference T1 & T3 -T6 and one London Plane T12 on the Order Map and which are situated in the grounds of Elder Yard Unitarian Chapel, Elder Way.<br><br>Consent is also granted to crown reduce one London Plane tree to the rear by 3 metres to leave a 17 metre high tree. |
| CHE/22/00572/TPOEXP | Consent is granted to the felling of one dead Ash tree within Area 1 on the Order Map and which is situated in the wooded area to the side of 11 Comley Crescent (Plot 96) off Dunston Road, Dunston.  |

- CHE/22/00550/TPO Consent is granted to the pruning of 2 Lime trees and one Maple within G1 on the Order Map and which are situated at 39 Ringwood Meadows, Brimington
- CHE/22/00451/TPO Consent is granted to the felling of one Sycamore reference T12, with a condition to replace the tree with a Rowan in the first available planting season and the pruning of 5 individual trees reference T1 Poplar and T2-T,5 Sycamore and 1 Groups of trees reference G1 consisting of x4 Beech on the Order Map and which are situated in the grounds of Loundsley House, Cuttholme Way, Loundsley Green.
- Consent is also granted to crown lift, dead wood and crown clean the remaining trees
- CHE/22/00541/TPO Consent is granted to the felling of one Silver Birch tree reference T33 on the Order Map and which is situated in the front garden of 305 Ashgate Road, Ashgate
- CHE/22/00402/TPO Consent is refused to the pruning of two Ash trees within W1 on the Order Map and which are situated to the south of 22 Staunton Close along the river banking of Birdholme Brook but consent is granted to a light crown reduction by a maximum of 2.5 metres and reshaping the crown to BS3998 Tree Works.

#### 47 **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.

**48 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.

**49 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.

**50 UNAUTHORISED DEVELOPMENT AT 76-88 OLD HALL ROAD, CHESTERFIELD, DERBYSHIRE S40 1HF**

The Development Management and Conservation Manager submitted a report to inform members of the unauthorised development at 76-88 Old Hall Road, Chesterfield, and requested authority to take enforcement action to facilitate the permanent removal of the two shipping containers from the site.

**\*RESOLVED –**

That authority be granted for the service of an enforcement notice requiring the removal of the two shipping containers from the site at 76-88 Old Hall Road, Chesterfield with a time period of 28 days for the removal of the containers.