

PLANNING COMMITTEE

Monday, 10th October, 2022

Present:-

Councillor Simmons (Vice Chair in the Chair)

Councillors D Collins
Barr
Bingham
Brady
Catt

Councillors Davenport
T Gilby
Miles
Simmons
G Falconer

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

CHE/22/00511/FUL – Erection of a new 3 bedroom bungalow with attached garage and associated landscaping works on land west of Wash House Lane, off Chatsworth Road, Chesterfield for Mr and Mrs Allenby.

Councillors Barr, Bingham, Brady, Catt, Davenport and Falconer.

CHE/22/00276/RET – Retrospective consent for erection of fencing and permission for change of use of front of the building, (flat roof area) to sale of retail garden sundries and the front of the site for plant sales and display of garden buildings and cladding to the exterior of the building at Old Hardys Builder Yard, 194-196 Newbold Road, Chesterfield for the Gardens Buildings Co Ltd.

Councillors Barr, Bingham, Brady, Catt, Davenport and Falconer.

CHE/21/00789/FUL – Single storey detached sports bar set in the car park of the Technique Stadium (revised plans received 15/07/2022) at Technique Stadium, 1866 Sheffield Road, Whittington Moor, Chesterfield, Derbyshire, S41 8NZ for Chesterfield Football Club.

Councillors Barr, Bingham, Brady, Catt, Davenport and Falconer.

CHE/21/00464/OUT – Outline application for erection of 2 buildings (one up to 6 storey and one up to 4 storey) for mixed use comprising of offices (eg), hotel (C1), residential (C3), retail (Ea), food and drink (Eb), fitness

(Ed), creche (F1e), event space with carpark at Chesterfield Hotel site, Malkin Street, Chesterfield, Derbyshire, S41 7UA for Chesterfield Borough Council and Prestige (Midlands) Hotels LTD.

Councillors Barr, Bingham, Brady, Catt, Davenport and Falconer.

Councillors Gilby, Miles and Simmons 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

59 APOLOGIES FOR ABSENCE

Apolgoies for absence were received from Councillors Borrell, Callan, Caulfield, Marriott and Mann.

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

No declarations of interest were received.

61 MINUTES OF PLANNING COMMITTEE

RESOLVED -

That the Minutes of the meeting of the Planning Committee held on 26 September, 2022 be signed by the Chair as a true record.

Councillor D Collins left the meeting at this point and did not return.

**62 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/22/00511/FUL - ERECTION OF A NEW 3 BEDROOM BUNGALOW WITH ATTACHED GARAGE AND ASSOCIATED LANDSCAPING WORKS ON LAND WEST OF WASH HOUSE LANE, OFF CHATSWORTH ROAD, CHESTERFIELD FOR MR AND MRS ALLENBY

In accordance with Minute No. 299 (2001/2002) Mr Chris Allenby addressed the meeting.

Councillor G Falconer left the meeting at this point and did not return.

***RESOLVED -**

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

A.

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby approved shall only be carried out in full accordance with the approved plans: Site Location Plan, Proposed Elevations drawing no.PL-003C, Proposed Elevations without trees drawing no.PL-005B, Proposed Floorplan drawing no.PL-002C, Site Section and Street Elevation, Tree Protection Plan, Arboricultural Assessment and Method Statement: with the exception of any approved non-material amendment.
3. 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.
4. A residential charging point shall be provided for the additional 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.
5. The site shall be developed with separate systems of drainage for foul and surface water on and off site.

6. 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.

7. No dwelling approved as part 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.

8. All lighting used on site shall be designed so as to control glare and overspill onto nearby residential properties.

9. Obscure glazing to a Pilkington Scale level 4 shall be utilised on the northern and western elevation windows of the proposed dwelling, as shown on drawing PL-005B. These windows only, shall be installed and retained obscurely glazed thereafter unless otherwise agreed in writing by the Local Planning Authority.

10. Before construction works commence or ordering of external materials takes place, precise specifications or samples of the walling and roofing materials 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.

11. Notwithstanding the provision of the Town and Country Planning (General Permitted) Development Order 1995 (as amended) there shall be no extensions, outbuildings or garages constructed, or additional windows erected or installed at or in the dwellings hereby approved without the prior written agreement of the Local Planning Authority.

12. A new vehicular access shall be formed to Wash House Lane in accordance with the approved plans, laid out, constructed and maintained in perpetuity free from any impediment to its designated use.

13. At the commencement of operations on site, (excluding condition 12 above, and site clearance), space shall be provided within the site

curtilage for storage of plant and materials, loading and unloading of goods vehicles, parking and manoeuvring of site operatives and visitors vehicles, laid out and constructed in accordance with detailed designs to be submitted in advance to the Local Planning Authority for written approval and maintained throughout the contract period in accordance with the approved designs free from any impediment to its designated use.

14. 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 garage to be provided in connection with the development shall not be used other than for the parking of vehicles except with the prior grant of planning permission pursuant to an application made to the Local Planning Authority in that regard.

15. The premises, the subject of the application, shall not be occupied until space has been provided within the application site in generally accordance with the application drawings for the parking and manoeuvring of resident's vehicles (the parking bay measuring a minimum of 2.4m x 5.5m), laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.

16. No part of the development shall be taken into use until details of arrangements for the 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.

17. To ensure that breeding birds are protected from harm, no removal of hedgerows, trees, shrubs or brambles shall take place between 1st March and 31st August inclusive, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period, and details of measures to protect the nesting bird interest on the site, have first been submitted to and approved in writing by the local planning authority and then implemented as approved.

18. In order to ensure that the biodiversity enhancement measures are fully implemented and sympathetically managed a Biodiversity Enhancement Plan shall be submitted to, and be approved in writing by, the LPA prior to the commencement of the development. The BEP should

be drawn up in accordance with the Preliminary Ecological Appraisal and Small Sites Metric prepared by Estrada Ecology June 2022. The BEP should include the following:

- a) Details of the ecological features to be created including methods, composition and location
- b) Aims of management
- c) Appropriate management methods for achieving aims and objectives.
- d) Prescriptions for management actions.
- e) Details of the body or organization responsible for management.
- f) Remedial measures if the aims of the BEP are not being met.
- g) Locations of bat boxes, bird boxes, hedgehog holes (include specifications/installation guidance/numbers)
- h) Precise details of the green roof type and continued maintenance.

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

19. Before any development or construction work begins, a pre-commencement meeting shall be held on site and attended by the developers appointed arboricultural consultant, the site manager/foreman and a representative from the Local Planning Authority (LPA) to discuss details of the working procedures and agree either the precise position of the approved tree protection measures to be installed OR that all tree protection measures have been installed in accordance with the approved tree protection plan. The development shall thereafter be carried out in accordance with the approved details, or any variation as may subsequently be agreed in writing by the LPA.

20. Prior to the commencement of the intrusive ground investigations (Mining), details of the tree protection measures should be submitted to the Local Planning Authority for approval and the ground investigations shall only proceed on the basis of the tree protection measures agreed in writing by the local planning authority.

21. Prior to the commencement of the development hereby approved (including demolition and all preparatory work),

- details of all tree protection monitoring and site supervision by a suitably qualified tree specialist (where arboricultural expertise is required) shall be submitted to and approved in writing by the Local Planning Authority.

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

- Details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and concrete mixing.
- Methods to improve the rooting environment for retained and proposed trees and landscaping.
- a full specification for the construction of the new access to be constructed using a no-dig specification. Details shall include relevant levels and sections.

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

22. Prior to 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 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 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.

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

23. 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.

24. 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.

25. No development shall take place including any works of demolition until a construction management plan or construction method statement has been submitted to and been approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The statement shall provide for but not necessarily be restricted to the following as appropriate.

- Parking of vehicles of site operatives and visitors
- Routes for construction traffic, including abnormal loads/cranes etc
- Hours of operation
- Method of prevention of debris being carried onto highway
- Pedestrian and cyclist protection
- Proposed temporary traffic restrictions
- Arrangements for turning vehicles

26. A. Development shall not commence until details as specified in this condition have been submitted to the Local Planning Authority for consideration and those details, or any amendments to those details as may be required, have received the written approval of the Local Planning Authority.

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

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

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

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

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

27. Within 2 months of commencement of development, details of the proposed air source heat pump shall be submitted to the Local Planning Authority for consideration. The proposal shall include details of precise model, location and noise levels emitted from the unit. The Air Source Heat Pump approved in writing by the Local Planning Authority shall be implemented as approved and maintained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

28. Prior to any tree removal taking place on site a scheme shall be submitted to and approved in writing by the Local Planning Authority to seek to reduce the speed of the carbon release. Works shall be completed in accordance with the agreed details.

B. That a CIL Liability Notice be issued for £14,756 as per section 5.11 of the Officer's Report.

CHE/22/00276/RET - RETROSPECTIVE CONSENT FOR ERECTION OF FENCING AND PERMISSION FOR CHANGE OF USE OF FRONT OF THE BUILDING, (FLAT ROOF AREA) TO SALE OF RETAIL GARDEN SUNDRIES AND THE FRONT OF THE SITE FOR PLANTS SALES AND DISPLAY OF GARDEN BUILDINGS AND CLADDING TO THE EXTERIOR OF THE BUILDING AT OLD HARDYS BUILDERS YARD, 194-196 NEWBOLD ROAD, CHESTERFIELD FOR THE GARDENS BUILDINGS CO LTD

***RESOLVED -**

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

1. The introduction of retail sales and fencing to the site frontage will result in harm to the character of the street scene detrimental to the visual amenity of the area contrary to Policy CLP20 of the Adopted Chesterfield Local Plan.
2. The introduction of a frontage sales area will result in a loss of off street parking provision for the premises resulting in indiscriminate parking along the street conflicting with the bus stop and cycle paths adversely impacting on the amenity of the area. As such the proposal is contrary to policies CPL20 and 22 of the Adopted Local Plan.

CHE/21/00464/OUT - OUTLINE APPLICATION FOR ERECTION OF 2 BUILDINGS (ONE UP TO 6 STOREY AND ONE UP TO 4 STOREY) FOR MIXED USE COMPRISING OF OFFICES (Eg), HOTEL (C1), RESIDENTIAL (C3), RETAIL (Ea), FOOD AND DRINK (Eb), FITNESS (Ed), CRECHE (F1e), EVENT SPACE WITH CAR PARK AT CHESTERFIELD HOTEL SITE, MALKIN STREET, CHESTERFIELD, DERBYSHIRE, S41 7UA FOR CHESTERFIELD BOROUGH COUNCIL AND PRESTIGE (MIDLANDS) HOTELS LTD.

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

***RESOLVED -**

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

A.

1. Approval of the details of the access, layout, external appearance of the building(s), and the landscaping 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 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.

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

- Site Location Plan – CHE-MAB-ZZ-ZZ-DR-A-00101 rev P01
- Existing Site Plan – CHE-MAB-ZZ-ZZ-DR-A-00102 rev P04
- Proposed Site Plan – CHE-MAB-ZZ-ZZ-DR-A-00103 rev P04
- Illustrative Building Heights – CHE-MAB-ZZ-ZZ-DR-A-00104 rev P04
- Illustrative Use Types – CHE-MAB-ZZ-ZZ-DR-A-00105 rev P05
- Illustrative Access and Movement – CHE-MAB-ZZ-ZZ-DR-A-00106 rev P04
- Illustrative Street Activation – CHE-MAB-ZZ-ZZ-DR-A-00107 rev P04
- Proposed Site Phasing Plan – CHE-MAB-ZZ-ZZ-DR-A-00115 rev P02

5. Notwithstanding the provisions of the Town and Country Planning (Use Classes Order) 1987 (or any Order revoking and/or re-enacting that Order), the uses hereby agreed shall be restricted to:

- C1 Hotel;
- C3 Dwellings;
- E(a) - for the display or retail sale of goods, other than hot food, principally to visiting members of the public;
- E(b) - for the sale of food and drink principally to visiting members of the public where consumption of that food and drink is mostly undertaken on the premises;
- E(d) - for indoor sport, recreation or fitness;
- E(f) - for a creche, day nursery or day centre, not including a residential use, principally to visiting members of the public; E(g)(i) – office;

- F1(e) - as a public hall or exhibition hall;
- Sui Generis - maker space;
- Sui generis - public house / bar / drinking establishment.

6. No more than 500sqm of cumulative floorspace (Gross Internal Area) of the building/s across the application site shall be used for any combination of the following uses:

- E(a) - for the display or retail sale of goods, other than hot food, principally to visiting members of the public;
- E(b) - for the sale of food and drink principally to visiting members of the public where consumption of that food and drink is mostly undertaken on the premises;
- E(d) - for indoor sport, recreation or fitness;
- E(f) - for a creche, day nursery or day centre, not including a residential use, principally to visiting members of the public;
- F1(e) - as a public hall or exhibition hall;
- Sui Generis - public house / bar / drinking establishment.

7. The cumulative total of residential units across the site shall be limited to no more than 9.

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

9. No development shall take place on any phase of the development until a detailed design and associated management and maintenance plan of the surface water drainage scheme for the complete site, in accordance with the principles outlined within the Flood Risk and Drainage Assessment has been agreed in writing by the local planning authority.

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 for any phase of the development is proposed to a public sewer, the information provided shall include:-

- a) evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical;
- b) evidence of existing positive 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.

11. Prior to commencement of any phase 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 and which shall be maintained as such for the duration of the construction phase.

12. Prior to the first occupation of any phase of the development, a verification report carried out by a qualified drainage engineer shall be submitted to and approved by the Local Planning Authority. The verification report for each phase shall demonstrate that the drainage system has been constructed in accordance with 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).

13. No development shall commence until intrusive site investigations have been carried out on site to establish the exact situation in respect of coal mining legacy features. The findings of the intrusive site investigations shall be submitted to the Local Planning Authority for consideration and approved in writing. The intrusive site investigations shall be carried out in accordance with authoritative UK guidance.

14. Where the findings of the intrusive site investigations (required by condition 13 above) identify that coal mining legacy on the site poses a

risk to surface stability, no development shall commence until a detailed remediation scheme to protect the development from the effects of such land instability has been submitted to the Local Planning Authority for consideration and approval in writing. Following approval, the remedial works shall be implemented on site in complete accordance with the approved details.

15. Prior to the development 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.

16. a) Prior to work commencing on any phase of the application site a detailed scheme for the investigation and recording of contamination and a report for that phase shall have been submitted to and approved in writing by the Local Planning Authority;

b) Prior to works commencing on each phase of the 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 or phase of the development, 'Contamination Proposals' relevant to that phase or 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.

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17. The Reserved Matters applications for each phase of the development shall accommodate Electric Vehicle charging points (EVCPs) to be provided on site at a rate of at least 10 percent of the car parking spaces being provided on the site. The Charging points shall be available for use concurrent with the first use of the building hereby approved and which shall thereafter be retained and maintained operational for the lifetime of the development.

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18. The development shall accommodate provision for cycle parking on the site and full details shall be submitted to local planning authority for consideration as part of the reserved matters submission. The details submitted shall show facilities for showering and changing as part of each reserved matters submission. The details agreed in writing shall be implemented on site and shall be available concurrent with the first occupation of each phase of the new building and shall be retained as such thereafter.

19. The reserved matters submissions for each phase of the development shall include an updated travel plan assessment setting out actions and measures with quantifiable outputs and outcome targets. The Travel Plan which is subsequently agreed shall be implemented as part of the development carried out.

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20. The reserved matters submissions for each phase of the development shall include detail of improvements to be made to public transport including the introduction of real time information.

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21. The reserved matters submissions for each phase of the development shall include an assessment of the highways impact of the scheme in the form of a transport Statement and which shall include full details of any mitigating off site alterations or mitigation measures.

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22. The reserved matters submissions for each phase of the development shall include full technical detail and supporting reports to demonstrate that the development proposed safeguards the integrity of the substantial highway retaining wall along the south west boundary of the site.

23. The reserved matters submissions for each phase of the development shall include detail of a Highway Construction Management Statement / Plan which shall include the following matters:

- parking for vehicles of site personnel, operatives and visitors
- site accommodation
- storage of plant and materials
- 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
- provision of roadside boundary hoarding behind any visibility zones
- any proposed temporary traffic management.
- details of wheel washing facilities for construction traffic

The development shall be carried out in accordance with the agreed details.

24. The reserved matters submissions for each phase of the development shall include full detail of the proposed means of access to the site for vehicles together with detail of how the use of the access can minimise the impacts and protect the pedestrian and cycle users passing by the site.

25. The reserved matters submission for each phase of the development shall include full details of any extraction equipment, refrigeration units or air conditioning units to be installed on the exterior of the building.

26. The reserved matters submission for each phase of the development shall include a detailed lighting scheme for the site. The submission shall provide details of the chosen luminaires, their locations and any mitigating features such as dimmers, PIR sensors and timers. A lux contour plan shall be included to demonstrate acceptable levels of light spill beyond the site boundaries.

27. The reserved matters submission for each phase of the development which include any residential accommodation shall include an air quality assessment and demonstrate how the report has been taken into account in the proposal.

28. No individual dwelling hereby approved as part of the reserved matters for any phase of the development 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.

29. The reserved matters submission for each phase of the development shall include submission of a statement setting out how the development will minimise CO2 emissions during construction and occupation in terms of:

- i. following the steps in the energy hierarchy by seeking to use less energy, source energy efficiently, and make use of renewable energy before efficiently using fossil fuels from clean technologies;
- ii. optimising the efficient use of natural resources;
- iii. reducing emissions through orientation and design.

30. Prior to removal of the London Plane tree taking place on site, a scheme shall be submitted to and approved in writing by the Local Planning Authority to seek to reduce the speed of the carbon release. Works shall be completed in accordance with the agreed details.

31. The reserved matters submission for each phase of the development shall include a detailed biodiversity net gain plan for the development which shall include the following: -

- Headline Results of the latest version of the DEFRA Metric or any equivalent measurement superseding it, with its supporting calculations showing the predevelopment and the post-development biodiversity value of the onsite habitat;
- information about the steps taken or to be taken to avoid and minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat;

- steps taken to provide a biodiversity net gain on site; or - where not all the Biodiversity Net Gain can be provided on site, any proposal for biodiversity gain or registered offsite biodiversity gain allocated to the development and the biodiversity value of that gain in relation to the development.
- An implementation programme.

32. The reserved matters submissions for each phase shall include an Employment and Training Scheme. The Scheme shall include a strategy to promote local supply chain, employment and training opportunities throughout the construction of the development.

B. That a CIL Liability Notice be issued as per section 5.11 of the Officer's Report.

CHE/21/00789/FUL – SINGLE STOREY DETACHED SPORTS BAR SET IN THE CAR PARK OF THE TECHNIQUE STADIUM (REVISED PLANS RECEIVED 15/07/2022) AT TECHNIQUE STADIUM, 1866 SHEFFIELD ROAD, WHITTINGTON MOOR, CHESTERFIELD, DERBYSHIRE, S41 8NZ FOR CHESTERFIELD FOOTBALL CLUB

***RESOLVED -**

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

A.

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby 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):
 - Existing Site Plan and Site Location Plan, drawing no. 7464-010 Rev P2, 1:1250 and 1:200 @ A1

- Proposed Site Plan, Floor Plan and Elevations, drawing no. 7464-100 Rev P2, 1:100, 1:200 @ A1
- Proposed Car Park Relocation Sketch Option 1, drawing no. 7464-SK011, Rev 02, 1:500 @ A3

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. 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.

5. 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.

6. The landscaping agreed under condition 5 above 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.

7. 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.

8. Within 2 months of the development hereby permitted commencing, a scheme for secure cycle parking (minimum of 7 racks) shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking provided shall be secure, in an overlooked, lit location with protection from weather and shall be provided concurrent with the first operation of the building hereby approved and thereafter retained and maintained operational for the lifetime of the development.

B. That a CIL Liability Notice be issued for £31,724 as per section 6.6 of the Officer's Report.

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

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

(a) Approvals

CHE/22/00008/REM	Variation of conditions 2,3,4 and 6 and removal of condition 7 of CHE/18/00127/FUL (Conversion and extension to existing garage to form separate dwelling) at 130 Church Street North, Old Whittington S41 9QP for Mrs Clare Gascoyne
CHE/22/00230/FUL	Extensions to extrusion shop at Brett Martin, Stephenson Road, Staveley S43 3JP for Mark Spacie
CHE/22/00244/FUL	Replacement garage, new porch and utility room extension at 19 High View Close, Hady, Chesterfield S41 0DL for Mr John Verovkins

CHE/22/00248/FUL	Conversion and refurbishment of first and second floors to create four residential units with associated access. (Revised plans received 23/08/2022) at 43 Knifsmithgate, Chesterfield S40 1RL for Mr Adeal Ali
CHE/22/00321/LBC	Replacement of external windows and doors sets. at Highfield Hall Primary School, Highfield Lane, Newbold, S41 8AZ for Dave Massingham
CHE/22/00420/LBC	Listed Building Consent for replacement of flat roof covering and Installation of structural restraint helical bars together with elevation repointing at Highfield Hall Primary School, Highfield Lane, Newbold, Chesterfield S41 8AZ for Derbyshire County Council
CHE/22/00431/FUL	Proposed rear extension garage conversion, porch and render to existing walls at 386 Ashgate Road, Chesterfield S40 4DD for Mr David Mawson
CHE/22/00462/FUL	Installation of two rapid electric vehicle charging stations. Two existing parking spaces will become EV charging bays, along with associated equipment at Chesterfield Lawn Tennis Club, Hawksley Avenue, Chesterfield S40 4TW for InstaVolt Ltd
CHE/22/00480/ADV	Illuminated signage at Ravenside Retail Park Park Road, Chesterfield S40 1TB for Marks and Spencer
CHE/22/00493/FUL	Demolition of rear conservatory, and erection of a rear single storey extension with a sloping roof and associated raised platform with railings - re-submission of application CHE/21/00138/FUL at 20 Brookside Bar, Chesterfield S40 3PJ for Mr Nicholas Sowden

CHE/22/00500/FUL	Erection of a new health and well being hub at Chesterfield and North Derbyshire Royal Hospital, Chesterfield Road, Calow S44 5BL for Chesterfield and North Derbys Royal Hospital
CHE/22/00509/AGR	Erection of an agricultural storage building at Manor House, 84 Whittington Hill, Old Whittington Chesterfield S41 9HA for Mrs L Banks
CHE/22/00537/FUL	Single storey side extension at 3 Bradwell Place, Inkersall S43 3DG for Mr James Goodwin
CHE/22/00538/LBC	Alterations to the interior of the Grade II Listed property at Rose Cottage 481 Chatsworth Road, Chesterfield S40 3AD for Mr Anthony Anderson
CHE/22/00545/LBC	Replace the thatching on the main roof and single-storey off-shot extension at Revolution House, High Street, Old Whittington, Chesterfield S41 9JZ For Chesterfield Borough Council
CHE/22/00590/TPO	T1 London Plane - pollard back to pollard points as regular maintenance of the tree at 19 Yew Tree Drive, Somersall, Chesterfield S40 3NB for Mr Garry Hodgeson

(b) Discharge of Planning Condition

CHE/22/00634/DOC	Discharge of condition 10 (Construction management plan) of CHE/20/00078/FUL - Demolition of existing public house and residential development of 12 two-bedroom dormer bungalow at Harehill Mews, Harehill Road, Grangewood for Erica Development Ltd
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(c) Partial Discharge of Conditions

CHE/22/00240/DOC	Discharge of condition 3- Coal mining risk assessment, for application CHE/21/00631/FUL At Telefonica (47650) Telecommunications Mast Canal Wharf, Chesterfield S41 7NA for Cornerstone
CHE/22/00311/DOC	Discharge of planning conditions 4 (construction management plan), 10 (surface water runoff), 11 (drainage), 12 (coal mining), 13 (external materials), 15 (landscaping), 17 (construction management) and 18 (biodiversity) of CHE/19/00459/FUL - Demolition of existing former pharmacy building and erection of two pairs of semi-detached dwellings and conversion of existing retained doctors surgery to one pair of semi-detached dwellings at Avondale Surgery, 3 - 5 Avondale Road, Chesterfield S40 4TF for Chris Hannan
CHE/22/00567/DOC	Discharge of conditions 3 (Site investigation report) and 7 (Landscaping details) of application CHE/20/00760/FUL- Conversion and extension of existing garage to form new dwelling at Land Adj 72 Walton Road, Walton, Chesterfield S40 3BY for Mr Adam Bowler
CHE/22/00637/DOC	Discharge of conditions 6 (EVC charging points), 7 (lighting scheme) and 9 (land scaping scheme) of CHE/21/00308/FUL - Levelling off of existing car park surface and the re-surfacing and marking out of parking pays for 80 vehicles and 4 disabled users, to include necessary fencing and kerbing 3 No floodlights to be sited in car park at Car Park Opposite Cemetery, Inkersall Road, Staveley, Chesterfield for Staveley Miners Welfare FC
(d) Unconditional Permission	
CHE/22/00613/CA	T1 and T2 - Willow trees - to be felled to ground level due to being close to the perimeter stone

wall of the garden where roots are starting to intrude. The client will also be replanting a new tree in replacement, but further away from the wall structure at 81 High Street, Old Whittington S41 9LA for Mr Daniel Witham

(e) Conditional Consent for Non-material Amendment

CHE/22/00624/NMA Non material amendment to application
CHE/22/00309/FUL- Single storey rear extension and conversion of two dwellings into one.
Proposed extension wall treatment to be revised from render to stone at 272-274 Old Road, Chesterfield S40 3QN for Mrs Clare Dolman

(f) Withdrawn

CHE/22/00468/TPD Extending current dining room to the patio.
Rebuilding current wall which is 1.24m Overall distance to be 3.3m wide and 6m length, to be in line with existing outbuildings at 70 Kendal Road, Newbold S41 8JA for Mr Kevin Waring.

64 APPLICATIONS TO FELL OR PRUNE TREES (P620D)

There were no applications to fell or prune trees.

65 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.

66 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.

67 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.

68 CONDITION OF LAND AT 12 EDINBURGH ROAD, CHESTERFIELD

The Development Management and Conservation Manager submitted a report to inform members of the poor land condition at 12 Edinburgh Road, Chesterfield, and requested authority to grant Section 215 Notices requiring removal of the stored materials.

***RESOLVED –**

1. That authority be granted for the service of Section 215 Notices requiring removal of the unroadworthy vehicle, trailer, stone, slabs, domestic goods, pallets and building waste material from the premises with a compliance period of 3 months.
2. That in the event of default in compliance with the notice, the Council will proceed on the basis of direct action with the Council undertaking the works themselves.