

## PLANNING COMMITTEE

Monday, 30th October, 2017

Present:-

Councillor Brittain (Chair)

|             |   |             |  |
|-------------|---|-------------|--|
| Councillors | Hill<br>T Gilby<br>Callan<br>Elliott<br>Simmons<br>Caulfield<br>Miles | Councillors | Davenport<br>P Barr<br>Brady<br>Wall<br>Bingham<br>Sarvent |
|-------------|---|-------------|--|

\*Matters dealt with under the Delegation Scheme

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

**CHE/17/00327/FUL** - Erection of motor retail dealership comprising motor vehicle sales showroom, motor vehicle maintenance workshop and ancillary rooms, detached valet building, formation of access roads and associated hard and soft landscaping (revised plans received 24/08/2017) at Vertu Landrover, Discovery Way, Whittington Moor, Chesterfield, Derbyshire, S41 9EG for Vertu Motors plc.

Councillors P Barr, Bingham, Brady, Brittain, Callan, Caulfield, Davenport, Elliott, T Gilby, Hill, J Innes (ward member), P Innes (ward member), Miles, Sarvent, Simmons and Wall.

**CHE/17/00625/COU** – Full Planning application for the change of use to a hand car wash at Unit 2, Whitting Valley Road, Old Whittington, Chesterfield, Derbyshire for Mr Majed Ali.

Councillors P Barr, Bingham, Brady, Brittain, Callan, Caulfield, Davenport, Elliott, T Gilby, Hill, J Innes (ward member), P Innes (ward member), Miles, Sarvent, Simmons and Wall.

**CHE/17/00209/FUL** – Proposed – Demolition of existing buildings and structures (Sunday School building retained); and erection of a food store and creation of new/alterations to existing accesses with associated parking, servicing and landscaping (revised details received on 24/04/2017, 04/05/2017, 15/06/2017, 28/06/2017, 13/07/2017, 07/08/2017, 08/08/2017, 14/08/2017, 04/09/2017 and 04/10/2017) at Perrys Group (Ford), Chatsworth Road, Chesterfield, Derbyshire, S40 2BJ for LIDL UK GMBH.

Councillors P Barr, Bingham, Brady, Brittain, Callan, Caulfield, Davenport, Elliott, Falconer (ward member), T Gilby, Hill, Miles, Sarvent, Simmons and Wall.

**71 APOLOGIES FOR ABSENCE**

An apology for absence was received from Councillor Catt.

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

No declarations of interest were received.

**73 MINUTES OF PLANNING COMMITTEE**

**RESOLVED -**

That the Minutes of the meeting of the Planning Committee held on 9 October, 2017 be signed by the Chair as a true record.

**74 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/17/00209/FUL - PROPOSED - DEMOLITION OF EXISTING BUILDINGS AND STRUCTURES (SUNDAY SCHOOL BUILDING RETAINED); AND ERECTION OF A FOOD STORE AND CREATION OF NEW/ALTERATIONS TO EXISTING ACCESSES WITH ASSOCIATED PARKING, SERVICING AND LANDSCAPING (REVISED DETAILS**

RECEIVED ON 24/04/2017, 04/05/2017, 15/06/2017, 28/06/2017, 13/07/2017, 07/08/2017, 08/08/2017, 14/08/2017, 04/09/2017 AND 04/10/2017) AT PERRYS GROUP (FORD), CHATSWORTH ROAD, CHESTERFIELD, DERBYSHIRE, S40 2BJ FOR LIDL UK GMBH

In accordance with Minute No.299 (2001/2002) Mr A Meikle (objector), Ms L Hopkinson (objector) and Mr C Darley (agent of applicant), addressed the meeting.

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

(A) Time Limit etc

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. All external dimensions and elevational treatments shall be as shown on the approved plans (listed below) with the exception of any approved non material amendment.

- Site Location Plan 1831 P401
- Proposed Site Plan 1831 P409 REV F
- Proposed Surfacing Plan 1831 P411 REV D
- Proposed Boundary Treatments Plan 1831 P412 REV D
- Landscape Details R-1972-2B
- Landscape Masterplan R-1972-1B
- Proposed Elevations 1831 P202
- Proposed Floorplans 1831 P102
- Design and Access Statement
- Planning and Retail Statement
- Ecology Report
- Geo-environmental Appraisal and Additional Ground Reports
- Flood Risk Assessment and Flood History
- Transport Assessment and Travel Plan
- Noise Impact Assessment
- Drainage Strategy (revised 04/05/2017)
- Heritage Statement
- Tree Survey
- Statement of Community Involvement
- Archaeological Desk-Based Assessment (submitted 28/06/2017 and updated 08/08/2017)

- Transport Assessment Addendum (submitted 01/08/2017)
- Bat Surveys (submitted 14/08/2017)
- S106 Pro-Rata Calculation – Highways

## Drainage

3. No development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site, in accordance with DEFRA Non-statutory technical standards for sustainable drainage systems (March 2015), has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved detailed design prior to the use of the building commencing.

4. No building or other obstruction including landscape features shall be located over or within 3.0 (three) metres either side of the centre line of the 100mm/150mm/225mm/450mm/525mm sewers i.e. a protected strip width of (6) metres, that traverse the site, and no building or other obstruction including landscape features shall be located over or within 4.0 (four) metres either side of the centre line of the 450mm sewer i.e. a protected strip width of (8) metres. If the required stand-off distance is to be achieved via diversion or closure of the sewer, the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker.

5. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority.

6. Surface water from vehicle parking and hardstanding areas shall be passed through an interceptor of adequate capacity prior to discharge. Roof drainage should not be passed through any interceptor.

## Site Investigations

7. Development shall not commence until intrusive site investigations have been carried out by the developer to establish the exact situation regarding coal mining legacy issues and contamination on the site and approval for commencement of development given in writing by the Local Planning Authority. The investigation and conclusions shall include any remedial works and mitigation measures required/proposed for the

remediation/stability of the site. Only those details which receive the written approval of the Local Planning Authority shall be carried out on site.

#### Ecology/Lighting

8. Prior to the installation of any external lighting a detailed lighting strategy shall be submitted to and approved in writing by the LPA. Such approved measures must be implemented in full and maintained thereafter.

This is to ensure that a sensitive lighting strategy is designed in line with guidance within Paragraph 125 of the NPPF.

9. Prior to occupation a detailed enhancement strategy that provides details of enhancement measures for bats and nesting birds shall be submitted to and approved in writing by the LPA. Such approved measures must be implemented in full and maintained thereafter.

#### Land Condition/Contamination

10. A. In accordance with the recommendations of the Geo-environmental Appraisal and Additional Ground Reports (prepared by HBPW LLP September 2016 and GD Pickles Ltd dated December 2016 submitted with the application) no development shall commence, with the exception of the demolition of the existing buildings on site, 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. Further site investigation/Phase 2 report (as recommended in the Geo-environmental Appraisal and Additional Ground Reports) to establish the full extent, depth and cross-section, nature and composition of the contamination. Ground gas, groundwater and chemical analysis, identified as being appropriate by the submitted studies, shall be carried out in accordance with current guidance using UKAS accredited methods. All technical data must be submitted to the Local Planning Authority.

ii. 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 i and A ii 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.

## Highways

11. Before any other operations are commenced detailed designs for the proposed vehicular and pedestrian access arrangements shall be submitted to the Local Planning Authority for written approval.

12. 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:

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

13. Prior to the development, the subject of the application, being brought into use, the vehicular and pedestrian accesses shall be created/modified in accordance with the approved designs, the subject of Condition 11 above, all areas in advance of the visibility sightlines shall be retained throughout the life of the development free of any object greater than 1m

in height (0.6m in the case of vegetation) relative to adjoining nearside carriageway channel level.

14. All existing vehicular and pedestrian accesses to the existing highway made redundant as a result of the proposed development shall be permanently closed with a physical barrier and the footway reinstated in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority.

15. No part of the development shall be taken into use until space has been provided within the site curtilage for the parking/loading and unloading/manoeuvring of staff/customers/service and delivery vehicles (including secure/covered cycle parking), located, designed, laid out and constructed all in accordance with a scheme first submitted to and agreed in writing with the Local Planning Authority and maintained throughout the life of the development free from any impediment to its designated use.

16. The development hereby permitted shall not be commenced until details of secure cycle parking facilities for the occupants of, and visitors to, each phase of development hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.

17. There shall be no gates or other barriers within 6.0m of the nearside highway boundary and any gates shall be locked in an open position whilst ever any operations are ongoing on site. Any gates shall also open inwards only, unless otherwise agreed in writing by the Local Planning Authority.

18. No part of the development shall be brought into use until details of arrangements for storage of bins and collection of waste have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and the facilities retained for the designated purposes at all times thereafter.

19. Prior to the commencement of the development details shall be submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of water from the development onto the highway. The approved scheme shall be

undertaken and completed prior to the first use of the access and retained as such thereafter.

20. No building or use hereby permitted shall be occupied or the use commenced until the Framework Travel Plan (as submitted) comprising immediate, continuing and long-term measures to promote and encourage alternatives to single-occupancy car use has been updated to meet site specific operational requirements, and has been submitted to and been approved in writing by the Local Planning Authority. The approved Travel Plans shall then be implemented, monitored and reviewed in accordance with the agreed Travel Plan Targets.

#### Others

21. Construction work (inc. demolition works) shall only be carried out on site between 8:00am and 6:00pm Monday to Friday, 9:00am to 5:00pm on a Saturday and no work on a Sunday or Public Holiday. The term "work" will also apply to the operation of plant, machinery and equipment.

22. Deliveries to the food store shall only be made between the hours of 07.00am and 11.00pm Monday to Saturday and between the hours of 08.00am and 5.00pm Sundays/Public Holidays.

23. 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.

24. Within 2 months of commencement of development, unless otherwise agreed in writing by the Local Planning Authority, details of a soft landscaping scheme for the approved development shall be submitted to the Local Planning Authority for consideration.

The required soft landscape 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, an implementation programme and a schedule of landscape maintenance for a minimum period of five years. Those details, or any approved amendments to those details shall be carried out in accordance with the implementation programme.



25. If, within a period of five years from the date of the planting of any tree or plant, that tree or plant, or any tree or plant planted as a replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

26. Within 2 months of commencement of development, unless otherwise agreed in writing by the Local Planning Authority, full details of hard landscape 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 proposals for restoration, where relevant. These works shall be carried out as approved prior to the occupation of the building.

27. Prior to development commencing an Employment and Training Scheme shall be submitted to the Local Planning Authority for consideration and written approval. The Scheme shall include a strategy to promote local supply chain, employment and training opportunities throughout the construction of the development.

28. Development shall not commence until a scheme to provide a shared cycle / footpath connection from the new store cycle park through to Goyt Side Road has been submitted to the Local Planning Authority for consideration. The shared connection route shall be solid bound surfaced and lit. The details agreed in writing by the local planning authority shall be implemented on site and be available for use prior to the store hereby approved being opened. Thereafter the route shall be maintained fit for purpose and free from any impediment to its intended use. Only those details which receive the written approval of the Local Planning Authority shall be carried out on site.

(B) That a CIL Liability Notice be served for £31,280 as per section 5.9.1 of the officer's report.

(C) That a S106 agreement be negotiated and signed concurrent with the planning permission and relating to:

- Percent for Art scheme (up to 1% of development costs);
- Appointment of a Management Company to manage and maintain any drainage infrastructure and highways which are not adopted; and
- Highway Contributions consisting of:
  - Off-site maximum highway mitigation contribution of £2,650 for modification of the junction of Chatsworth Road with Factory Street.
  - Maximum funding of £5000 for investigation into, and any subsequent implementation of, modifications to existing Traffic Regulation Orders.
  - Trigger points for payment of contributions.
  - Extent of network over which contributions can be applied.
  - Indexation, draw-down arrangements and location of account.
  - Timeframe over which funds will be available.
  - Accumulation of contribution with other developer or public funds.
  - Travel Plan monitoring contribution sum of £1,000 per annum for 5 years to a maximum of £5,000.

CHE/17/00625/COU - FULL PLANNING APPLICATION FOR THE CHANGE OF USE TO A HAND CAR WASH AT UNIT 2, WHITTING VALLEY ROAD, OLD WHITTINGTON, CHESTERFIELD, DERBYSHIRE FOR MR MAJED ALI

In accordance with Minute No.299 (2001/2002) Ms S Law (on behalf of the applicant) addressed the meeting.

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

1. The development hereby approved shall be begun before the expiration of three years from the date of this permission.
2. All external dimensions and elevational treatments shall be as shown on the approved plans, with the exception of any approved non material amendment.
3. Prior to the facility being brought into use, the applicant shall submit a scheme to the local authority for written approval showing parking, turning, bin storage/dwell area and means to prevent water from escaping out onto the public highway. The approved details shall be implemented in full prior to the proposed car wash facility being brought into use.
4. No development shall take place until details of the proposed means of disposal of surface water drainage, including but not exclusive to :-
  - a) evidence of existing positive drainage to public sewer and the current points of connection; and
  - b) the means of storing and attenuating the restricting the surface water discharge to public sewer have been submitted to and approved by the Local Planning Authority. Furthermore, unless otherwise approved in writing by the Local Planning Authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works.
5. Surface water run-off from the forecourt of petrol stations, areas used for the delivery of fuel , areas used for and immediately adjacent to vehicle washing facilities and/or other similar areas where detergent is likely to be used shall not discharge to any public surface water sewer network . Surface water from such areas 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, before discharge to the public foul or combined sewer network.
6. No development shall take place until amended drainage details have been submitted to the local authority for approval in writing. The submitted details shall show the following;
  - a) foul and surface water drainage proposals both on and off site;

- b) evidence of existing impermeable areas positively draining to the public sewer to prove rate of discharge; and
- c) surface water storage and the flow control rate.

CHE/17/00327/FUL - ERECTION OF MOTOR RETAIL DEALERSHIP COMPRISING MOTOR VEHICLE SALES SHOWROOM, MOTOR VEHICLE MAINTENANCE WORKSHOP AND ANCILLARY ROOMS, DETACHED VALET BUILDING, FORMATION OF ACCESS ROADS AND ASSOCIATED HARD AND SOFT LANDSCAPING (REVISED PLANS RECEIVED 24/08/2017) AT VERTU LANDROVER, DISCOVERY WAY, WHITTINGTON MOOR, CHESTERFIELD, DERBYSHIRE S41 9EG FOR VERTU MOTORS PLC

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

(A) Time Limit etc

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. All external dimensions and elevational treatments shall be as shown on the approved plans (listed below) with the exception of any approved non material amendment.

- Proposed Site Plan - 2711(PL)05.RevB
- Proposed GF and FF Plans – 2711(PL)06.RevB
- Proposed Elevations – 2711(PL)07.RevB
- Indicative 3D Visualisation – 2711(PL)08
- Proposed Valet – 2711(PL)09
- Proposed Drainage - 119669/2003
- Proposed Site levels and Drainage H132-103 Rev C
- CCTV Plan – Q1758-R1
- Design and Access Statement (prepared by McLaren Murdoch & Hamilton Chartered Architects April 2017)
- Flood Risk Assessment (prepared by Fairhurst August 2017)
- Coal Mining Risk Assessment (prepared by Fairhurst August 2017)
- Due Diligence Report (prepared by Remedios March 2016)

Site Investigations

3. Development shall not commence until intrusive site investigations have been carried out by the developer to establish the exact situation regarding coal mining legacy issues and contamination on the site and approval for commencement of development given in writing by the Local Planning Authority. The investigation and conclusions shall include any remedial works and mitigation measures required/proposed for the remediation/stability of the site. Only those details which receive the written approval of the Local Planning Authority shall be carried out on site.

#### Land Condition/Contamination

4. 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 the contamination. Ground gas, groundwater and chemical analysis, identified as being appropriate by the desktop study, shall be carried out in accordance with current guidance using UKAS accredited methods. All technical data must be submitted to the Local Planning Authority.

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

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

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

## Highways

5. 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:

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

6. Prior to the development, the subject of the application, being brought into use, the vehicular and pedestrian accesses shall be created/modified in accordance with the approved designs all areas in advance of the visibility sightlines shall be retained throughout the life of the development free of any object greater than 1m in height (0.6m in the case of vegetation) relative to adjoining nearside carriageway channel level.

7. No part of the development shall be taken into use until space has been provided within the site curtilage for the parking/loading and unloading/manoeuvring of staff/customers/service and delivery vehicles (including secure/covered cycle parking), located, designed, laid out and constructed all in accordance with a scheme first submitted to and agreed in writing with the Local Planning Authority and maintained throughout the life of the development free from any impediment to its designated use.

8. The development hereby permitted shall not be occupied until the cycle parking facilities have been fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.

## Landscaping

9. Within 2 months of commencement of development, unless otherwise agreed in writing by the Local Planning Authority, full details of hard and soft landscape 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 proposals for restoration, where relevant. These works shall be carried out as approved prior to the occupation of the dwelling.

## Other

10. Construction work shall only be carried out on site between 8:00am and 6:00pm Monday to Friday, 9:00am to 5:00pm on a Saturday and no work on a Sunday or Public Holiday. The term "work" will also apply to the operation of plant, machinery and equipment.

11. 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.

12. Prior to development commencing an Employment and Training Scheme shall be submitted to the Local Planning Authority for consideration and written approval. The Scheme shall include a strategy to promote local supply chain, employment and training opportunities throughout the construction of the development.

(B) That a S106 agreement be negotiated and signed concurrent with the planning permission and relating to:

- Percent for Art scheme (up to 1% of development costs).

## 75 **BUILDING REGULATIONS (P880D)**

No report was submitted for consideration.

**76 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/17/00334/FUL | Replacement of the existing window units and the proposed installation of 2 No. personnel doors on the east facing elevation. Accompany to prior notification submission for conversion of vacant building to residential use CHE/17/00230/TCU at 10B Marsden Street Chesterfield S40 1JY for ASW Consultants LTD |
| CHE/17/00436/FUL | Installation and operation of a back-up electricity generation facility at land at Whittington Road Barrow Hill Chesterfield for Mercia Power Response  |
| CHE/17/00464/COU | Change of use of vacant shop to dwelling at Killis Cleaners 29 Sheffield Road Stonegravels Chesterfield S41 7LR for Mr Chelvagumar Maharaja   |
| CHE/17/00475/FUL | Conversion of the existing D2 Leisure Unit at 1-3 Knifsmithgate, Chesterfield, to create 10 residential dwellings at first and second floor at 1 - 3 Knifsmithgate Chesterfield S40 1RF for MJ Developments (Chesterfield) Ltd  |
| CHE/17/00492/FUL | Change of use of former open land to garden curtilage and erection of boundary wall and gates at Spring House 147 Burnbridge Road Old Whittington S41 9LT for Mrs Mary Burkitt  |
| CHE/17/00498/FUL | Extension to create garage, kitchen, bedroom/en suite and cloakroom at 21 Millstream Close Walton   |



## S40 3DS for Mr Lee Hancock

- CHE/17/00518/FUL Basement store and ground floor rear kitchen extension to existing takeaway together with rear first floor extension to existing living accommodation. Amended plans received 22.09.2017 at 187 Sheffield Road Stonegravels Chesterfield S41 7JQ for Mr Michael Zhuhuanhuang
- CHE/17/00521/FUL Renovation works and minor external alterations to existing building together with change of use at ground floor from a dental surgery back to a dwelling-house at 50 Highfield Lane Newbold S41 8AY for Clark Properties
- CHE/17/00530/FUL Extension to lounge and porch at front of property at 196 Ashgate Road Chesterfield S40 4AL for Mr and Mrs Warrilow
- CHE/17/00537/FUL Single storey rear extension and new garage roof at 8 Netherfield Road Somersall S40 3LS for Mr Malcolm Heeley
- CHE/17/00543/ADV New signage - amended plans received 25/09/2017 at land off Braidwood Way north of Byron Street Birdholme for Perrys Ford
- CHE/17/00544/FUL Proposed first floor side extension and alterations to front garage roof at 39 Holme Park Avenue Upper Newbold S41 8XB for Dr T Bendinger
- CHE/17/00549/FUL Small ground and first floor extension at the rear of the property, in brick (to match existing as close as possible) with concrete tile roof at 63 Norwood Avenue Hasland S41 0NN for Mr David Keeton
- CHE/17/00552/FUL Single storey rear extension and creation of rooms in the loft space at No. 16 Ivy Close and a single storey rear extension and single storey garage/sun room at No. 14 Ivy Close - Re-Submission of Planning Application CHE/16/00572/FUL at 14 - 16

|                  |  |
|------------------|--|
|                  | Ivy Close Old Whittington Chesterfield for Mr and Mrs Straw  |
| CHE/17/00562/FUL | Remove conifer hedge and replace with 2m high fence at 73 Foljambe Avenue Walton S40 3EY for Mr David King   |
| CHE/17/00563/FUL | Rear kitchen and bedroom extension at 29 Lindale Road Newbold S41 8JH for Mr David Reece   |
| CHE/17/00565/MA  | Material amendment to CHE/15/00283/FUL - installation of diesel/adblue point (90,000 litre) at Plot 1 South Markham Vale Employment Growth Zone Markham Lane Duckmanton for Great Bear Distribution Ltd  |
| CHE/17/00568/FUL | Environmental improvements to the northern area of London Boroughs Estate, Barrow Hill. The improvements to include resurfacing road/parking courts, paving, street lighting and boundary treatments within the area identified as Phase 1 at London Borough Estate Barrow Hill Chesterfield for Chesterfield Borough Council  |
| CHE/17/00570/MA  | Material Amendment to CHE/13/00595/FUL (Part demolition of rear boundary wall and erection of 2 no.pairs of semi-detached houses) - to insert 3 additional windows and 1 French door into the east elevation of house D, plus inclusion of a projecting brick band course to all houses, and inclusion of a recessed window sized feature on the west elevation of house A at Barrow Hill Memorial Hall 3 Station Road Barrow Hill S43 2PG for Minotaur Construction Limited |
| CHE/17/00572/REM | Construction of a Use Class B2/B8 unit with ancillary (B1(a) offices, with associated access; parking and servicing area; engineering, landscaping and drainage works at Plot 6 Markham Vale Enterprise Way Duckmanton for Henry Boot Developments Ltd   |

- CHE/17/00578/REM Reserved Matters application of CHE/14/00556/OUT for a pair of semi-detached starter homes. Additional plans received 8.09.2017 and 05.10.2017 at 97 Station Road Old Whittington S41 9AW for Mr Peter Biddle
- CHE/17/00584/FUL First floor rear extension, single storey side extension and erection of a front porch at 139 Hunloke Avenue Boythorpe S40 3EA for Mr Matthew Reynolds
- CHE/17/00585/COU Proposed change of use of house to create 3 flats and retention of lower basement flat at 27 Albion Road Chesterfield S40 1LJ for Mr Paul Simmons
- CHE/17/00587/FUL Rear extensions and alterations at 24 Miriam Avenue Somersall S40 3NF for Mrs Carla Hakim
- CHE/17/00589/ADV Fascia signage to side elevation 2 (drawing ref no 04/05/01-02), Fascia signage to side elevation 1 (drawing ref no 04/05001-02), hanging sign to existing post/gantry. 4. Vinyl graphic signage to shop door at Dunston Inn Dunston Lane Newbold for Manvesh Enterprises Ltd
- CHE/17/00592/FUL Ground floor side and rear kitchen extension at 47 St Thomas Street Chesterfield for Mr Jamie Hall
- CHE/17/00595/FUL The construction of an enclosed tarmacadam drill/marching square, on an existing grassed area adjacent the sports hall including the provision of a metal storage container, with appropriate hard standing and new access path at Chesterfield College Infirmary Road Chesterfield S41 7NG for Mr Mike Thackery
- CHE/17/00598/NMA Non material amendment to CHE/17/00183/FUL (Alterations to existing house, including new side and rear extension to replace outbuildings, removal of garage and conservatory and new car port and decking area and new dormer to roof) to increase the size of the carport foundations and re-site

- carport 150mm north to maintain clearance to nearest tree at 45 Brockwell Lane Brockwell Chesterfield S40 4EA for Mr and Mrs Rix
- CHE/17/00602/FUL Two storey rear extension to existing split level property to form upper ground floor living room extension with balcony and lower ground floor 'sun-room' at 18 Rushen Mount Birdholme S40 2JU for Mr and Mrs Peter and Elsie Jenner
- CHE/17/00605/FUL Single storey front and side extension, two storey rear extension and raising of existing roof to create additional second floor accommodation at 70 Springfield Avenue Chesterfield S40 1HL for Whirlowbrook Properties Ltd
- CHE/17/00607/TPO Remove deceased Horse Chestnut Tree at 44 Oakfield Avenue Chesterfield Derbyshire for Mr John Boden
- CHE/17/00617/FUL Two storey side extension, single storey rear extension and detached garage. Revised plans received 25 September 2017 at 40 Mansfeldt Road Newbold S41 7BW for Mr J Bedford
- CHE/17/00622/FUL Demolition of an existing glazed structure and erection of a single storey extension with glazed roof at rear of the property at 132 Hady Hill Hady S41 0EF for Mrs Natasha Wilding
- CHE/17/00631/FUL Erection of a timber balcony to the rear elevation at 45 Woodmere Drive Old Whittington S41 9TE for Mr and Mrs Martin and Jacky Hornsby
- CHE/17/00649/FUL Entrances to serve lower ground floors to York House, St Marys Gate at York House St Marys Gate Chesterfield S41 7TH for CP/JL and CA Bown
- CHE/17/00711/TPO T1 - Spruce - Fell because of included bark on the twin stem of the tree T2 - Willow - Lower broken stem by approx 2m and reduce stem on opposite

side of the tree at 14 Florence Close Birdholme  
S40 2JL for Mr Holden

CHE/17/00732/TPO Crown clean and lift on beech tree and crown clean and removal of 1 lower branch on Ash tree at land adjacent to 130 Station Road Brimington for Ms Chris Handley

(b) Refusals

CHE/17/00551/FUL Construction of single storey garage/store to front of property at 61 Lindale Road Newbold S41 8JH for Mr Darren Pugh

CHE/17/00564/DOC Proposed two storey side extension at 9 Purbeck Avenue Brockwell S40 4NP for Mr Chris Armstrong

(c) Discharge of Planning Condition

CHE/17/00522/DOC Discharge of planning conditions 3 (materials) and 4 (surface water drainage) of CHE/16/00233/FUL - two storey rear and side extension at 8 Bower Farm Road Old Whittington S41 9PP for Mr and Mrs White

CHE/17/00545/DOC Discharge of condition 4 (landscaping scheme) and condition 6 (surface water drainage) of CHE/14/00022/FUL. Proposed use of land for the privatekeeping and exercising of horses and construction of an all weather riding area - additional information received 22/9/17 at 34 Chesterfield Road Staveley S43 3QF for T and G Hart

CHE/17/00576/DOC Discharge of planning conditions 3, 5, 6, 7, 9, 19, 25, 26 and 34 of CHE/16/00518/FUL - Residential development comprising 55 dwellings, access, landscaping and associated works at site of former Newbold Community School Newbold Road Newbold for Miller Homes

- CHE/17/00582/DOC Discharge of planning conditions 21, 22 and 23 of CHE/16/00086/FUL and as amended by revised plans received 3.10.17 and 4.10.17 at land off William Street North Old Whittington for Positive Homes Ltd
- CHE/17/00603/DOC Discharge of condition 3 (surface water drainage), 4 (drainage systems), 5 (coal mining report), 6 (Enhancement strategy), 7 (materials) and 9 (operations plan) of CHE/16/00806/FUL - Demolition and re-building and extension of abandoned cottage at Ponds Yard Farm Renishaw Road Mastin Moor S43 3DW for Mr and Mrs Lee
- CHE/17/00604/DOC Discharge of condition 3 (materials) of CHE/16/00589/FUL - rear single storey extension with second storey side extension and internal alterations at Ponds Yard Farm Renishaw Road Mastin Moor S43 3DW for Mr and Mrs Lee
- CHE/17/00719/DOC Discharge of Condition 8 of CHE/14/00380/OUT at Ringwood Centre Victoria Street Brimington S43 1HY for Rockcliffe Homes Ltd

(d) Conditional Permission Extension of Time

- CHE/17/00500/FUL Construction of hardstanding 5m x 5m on the front of the property. This will require raising the land level by up to 560mm, surrounded by a retaining wall to bring the hardstanding to the same level as the highway at 21 Willow Drive Mastin Moor S43 3AU for Mr Robin Hadfield

(e) Prior notification approval

- CHE/17/00553/TEL Proposed telecommunication installation and associated works for EE UK Ltd and H3G UK at Unit 2A Foxwood Road Sheepbridge S41 9RF for EE UK Ltd and H3G UK

(f) Prior notification approval not required

CHE/17/00672/TPD Large conservatory to rear of property at 27 Enfield Road Newbold S41 7HN for Mr O'Hara

**77 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/17/00554/TPO Consent is refused to the crown reduction of two trees reference T1 Beech and T2 Lime, consent is granted to the crown thinning of T1 Beech and to crown lift and reduce branches around the telephone wire of T2 Lime on the Order map for A&J Arb Access on behalf of Mr Hawgood of 16 Gladstone Road, Chesterfield.

CHE/17/00608/TPO Consent is granted to the pruning of two trees reference T3 and T4 London Plane on the Order map for Mr Moore of 1 Fenland Way, Walton, Chesterfield.

CHE/17/00588/TPO Consent is granted to the pruning of 16 trees reference T1 and T20 Sycamore, T2 – T4 Ash, T6, T23 and T24 Horsechestnut, T7 Hawthorn, T8 Beech, T9, T10, T12 and T27 Lime and 2 Sycamore trees within G1 on the Order map for Derby Diocesan Board of Finance Ltd at the Rectory, Church Street, Staveley, Chesterfield.

CHE/17/00643/TPO Consent is granted to the felling of 6 dead/dangerous trees and the pruning of 1 Sycamore tree within W1 on the Order map for Derbyshire County Council Highways in the wooded area off Hady Hill, Chesterfield.

The duty to replant has been dispensed with on this occasion due to natural regeneration

within the wood.

- CHE/17/00643/TPO Consent is granted to the pruning of two trees reference T1 Plum and T2 Oak on the Order map at 30 Devonshire Street, Brimington for Mr Salt.
- CHE/17/00683/TPOEXP Consent is granted to the felling of one storm damaged Sycamore tree reference T18 on the Order map for Mr Pocock of 73 Hady Hill, Hady, Chesterfield.
- The duty to plant a replacement tree has been dispensed with on this occasion due to the tree's location and lack of amenity value in the rear garden.
- CHE/17/00646/TPO Consent is granted to the pruning of two trees reference T20 Oak and T21 Beech on the Order map for Mr and Mrs Yates of 68 Mansfield Road, Hasland, Chesterfield.
- CHE/17/00606/TPO Consent is granted to the pruning of one Horsechestnut tree reference T14 on the Order map for Heathscapes on behalf of Mr Alan Kirk of 7 Upland Rise, Walton, Chesterfield.
- CHE/17/00636/TPO Consent is granted to the pruning of 3 Sycamore trees reference T3-T5 on the Order map for Mr Andrew Watson of 10 Cragside Close, Piccadilly, Chesterfield.
- CHE/17/00732/TPO Consent is granted to the pruning of 2 trees reference T1 Copper Beech and T2 Ash on the Order map for Ms Chris Hadley of 115 Station Road, Brimington, Chesterfield.
- CHE/17/00607/TPO Consent is granted to the felling of one Horsechestnut tree reference T3 on the Order for Mr John Boden of 44 Oakfield Avenue, Chesterfield.



The replacement tree is to be a Sweet Gum and planted on the south boundary of the rear garden where its visual amenity will be greater.

CHE/17/00711/TPO

Consent is granted to the felling of one Silver Fir tree reference T26 and the pruning of one storm damaged Willow tree reference T9 on the Order for Mark Whatley Tree Services on behalf of Mr Holden of Green Acres, Florence Close, Chesterfield.

The duty to plant a replacement tree has been dispensed with on this occasion due to other trees on the river banking.

CHE/17/00677/TPO

Consent is granted to the pruning of 1 Lime tree reference T1 on the Order map for Mr Markus of 48 Cobden Road, Chesterfield.

CHE/17/00665/TPO

Consent is granted to the felling of one Pear tree reference T53 and the pruning of 53 trees reference TT1-T9, T11-T44, T46-T51, T54, T58, T60-T61, T63-T64, and G1 and G2 on the Order for Ken Portas Tree Services for Broomhouse, Broomhill Road, Old Whittington, Chesterfield.

The replacement tree is to an Oak and planted as near as is reasonably possible to the original tree or agreed alternative.

CHE/17/00671/TPO

Consent is granted to the pruning of 3 trees reference T24 Silver Birch, T25 Chestnut and T26 Lime on the Order map for Mr Peter Passmore of 42 Netherleigh Road, Chesterfield.

(b) Notification of Intent to Affect Trees in a Conservation Area

CHE/17/00596/CA

Agreement to the felling of small self-

The felling/pruning of trees for The Derby Diocesan Board of Finance Ltd at The Rectory, Church Street, Staveley.

set trees within 3 groups and the pruning of 4 individual trees. The felling and pruning of the trees will have no adverse effect on the amenity value of the area.

The trees are within the Staveley Conservation Area and the applicant wishes to prune/fell the trees to clear the boundary retaining wall/fences and public highway.

CHE/17/00694/CA  
The felling/pruning of trees for Tomlinson Tree Surgeons at 408 Chatsworth Road, Brampton.

Agreement to the felling of one Poplar tree and pruning back away from the building of various trees. The felling and pruning of the trees will have no adverse effect on the amenity value of the area.

The trees are within the Chatsworth Road Conservation Area and the applicant wishes to fell one Poplar tree which has recently come down in the storms and landed on the Screwfix building adjacent.

CHE/17/00738/CA  
The pruning of 2 Lime trees and 1 Horsechestnut tree for St Thomas Church, Chatsworth Road, Brampton.

Agreement to the crown lifting by 5.2 metres of 3 trees. The pruning of the trees will have no adverse effect on the amenity value of the area.

The trees are within the Chatsworth Road Conservation Area and the applicant wishes to prune the trees as they are blocking the speed camera.

CHE/17/00660/CA  
The felling/pruning of trees for Derbyshire County Council Highways in the grass verge at Somersall Lane, Somersall.

Agreement to the felling of 1 tree and pruning of 6 trees. The felling/pruning of the trees will have some effect on the amenity value of the area however in mitigation 2 new Oak trees are to be planted in the grass

verge near to the trees outside 31 & 64 Somersall Lane.

The trees are within the Somersall Lane Conservation Area and the applicant wishes to fell one Sycamore adjacent 31 Somersall Lane due to large wound and infected with fungus. The crown reduction of one Horsechestnut outside 15 Somersall Lane due to branch failure and one Oak outside 46 Somersall Lane which is infected with the fungus Ganoderma which causes root decay. 3 Oak trees are also to be dead wooded and one Sycamore is to have the basal growth removed.

CHE/17/00698/CA  
The felling/pruning of trees for Mrs Margaret Speed at Chesterfield Labour Club, Saltergate.

Agreement to the felling of two trees and the reduction of vegetation along the eastern boundary and the pruning of two trees on the western boundary to clear the fire escape. The felling/pruning of the trees will have no adverse effect on the amenity value of the area.

The trees are within the Town Centre Conservation Area and the applicant wishes to fell one dead Elm tree and one Ornamental fruit tree which is supressed with Ivy. The applicant also wishes to reduce the vegetation along the eastern boundary back to hedge height and prune back one Laburnum and one Cherry which is encroaching onto the fire escape on the western boundary.

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.

**79 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.

**80 REVIEW OF DELEGATION SCHEME AND PLANNING COMMITTEE PROCEDURES**

The Development Management and Conservation Manager submitted a report on a review of the Council's agreed delegation scheme relating to application determination and planning committee procedures including public speaking and site visits.

The report set out the government approach and expectations to planning performance and decision making and included an analysis of planning decisions over the last three years along with comparisons with other Derbyshire authorities' delegation schemes.

**\* RESOLVED**

That it be recommended to the Cabinet Member for Economic Growth:

- (1) That the delegation scheme be amended to include the following addition for determination by the Planning Committee:  
'Where a local MP makes a written or e-mail request for any application to be considered by planning committee.'

- (2) That the general reference to objectors in the existing scheme be amended as follows:

| Col 1 – Planning Committee                                  | Col 2 – Delegated Officers  |
|---|---|
| Where five or more objections are received to the proposal. | Where up to four objections are received to the proposal or where <ul style="list-style-type: none"> <li>• the proposal is contrary to a policy (or policies) of the adopted Local Plan or Local Development Framework and is recommended by the Development Management and Conservation Manager to be refused or</li> <li>• the substance of all objections received does not constitute any material planning consideration.</li> </ul> |

- (3) That the delegation reference at P760D concerning EIA Development be changed to the Development Management & Conservation Manager and be updated to include the latest regulations as follows:  
in connection with any application for planning permission, to carry out any function of the Council as local planning authority under the TCP (Environmental Impact Assessment) Regulations 2017, including:
- determining whether any development is Environmental Impact Assessment development;
  - requiring an Environmental Statement.
- (4) That the Planning Committee site visits guidance note and the Planning Committee procedures guidance note be amended as attached at Appendix A and B to the report.

The Development Management and Conservation Manager submitted a report to consider works undertaken in relation to the 2014 Stopping Up Order which closes and diverts the bridleway and footpaths crossing the Peak Resort site and the creation of new routes on the site perimeter and to consider the need for a further Diversion Order.

The report outlined work undertaken on the footpath and bridle path diversions undertaken since the Stopping Up and Diversion Order had been made in December 2014 and confirmed in 2015 and referred to counsel's opinion on certification of the Stopping Up Order. The report also detailed issues in respect of the proposed further diversion of the bridle path route to Sheffield Road to enhance safe access.

**\* RESOLVED**

- (1) That the Chesterfield Borough Council - The Peak Resort Site, Unstone, Chesterfield (Bridleway BW39 (Part) and Public Footpaths FP40, FP41, FP43, FP44, FP45, FP47 and FP178 (Part) Public Path Stopping Up Order 2014 be certified as being satisfactorily provided;
- (2)
  - (a) That bridle route BR39 be diverted as described in the report, subject to agreement of the precise route being delegated to the Development Management and Conservation Manager, and subject to the carrying out of the statutory consultation exercise and;
  - (b) That any unresolved objections to the Order be considered by Planning Sub Committee and referred to the Secretary of State for a decision;
  - (c) If there are no unresolved objections to the Order that it be confirmed by the Local Government and Regulatory Law Manager.