

Public Document Pack

Supplementary Agenda



**North East
Derbyshire**
District Council

Our Ref:

Contact: Alan Maher

Tel: 01246 217391

Email: Alan.maher@ne-derbyshire.gov.uk

Date: Monday, 12 October 2020

To: **Members of the Planning Committee**

Please attend a meeting of the Planning Committee to be held on **Tuesday, 20 October 2020 at 2.00 pm by Conference Call**. Access credentials to the meeting will be sent to you separately. The public parts of the meeting will be streamed from the Council's website.

Virtual Attendance and Hybrid Meetings

I have provided the Leader and Deputy Leader with advice on the holding of "hybrid" meetings outlining the risks including to employees dealing with the Chamber and to Members. Hybrid meetings are those where some attendance is in person in the Council Chamber and some is virtual.

I would encourage you all to attend virtually.

Accordingly if you attend in person you will be deemed to have accepted the following disclaimer as applying.

Risk Assessment Disclaimer

When attending this meeting in person, I confirm that I have read and understood the contents of each of the following risk assessments and agree to act in line with its content.

- ☐ RA – Return to Work Mill Lane Covid 19 V9
- ☐ Mill Lane Coronavirus Control Measures V4

Both documents have been emailed to Members and are available on the Modern.Gov App library.

The same advice is given to officers who are also encouraged to participate in the meeting remotely.

Yours sincerely

A handwritten signature in black ink, reading "Sarah Skeneberg".

Joint Head of Corporate Governance and Monitoring Officer

Members of the Committee

Conservative Group	Labour Group
Councillor Diana Ruff Councillor William Armitage Councillor Peter Elliott Councillor Mark Foster Councillor Carol Huckerby Councillor Maureen Potts Councillor Alan Powell	Councillor Jayne Barry Councillor Tracy Reader Councillor Jacqueline Ridgway Councillor Kathy Rouse
Liberal Democrat Group	Independent Group
Councillor Ross Shipman	Councillor Andrew Cooper

Any substitutions required are to be made to Alan Maher, Senior Governance Officer by 4.00 pm on the day before the Committee meeting.

For further information about this meeting please contact: Alan Maher 01246 217391

AGENDA

- (d) Late Representations - Summary Update Report (Pages 4 - 11)
-



North East
Derbyshire
District Council

***We speak
your language***

Polish

Mówimy Twoim językiem

French

Nous parlons votre langue

Spanish

***Hablamos su
idioma***

Slovak

***Rozprávame Vaším
jazykom***

Chinese

我们会说你的语言

If you require
this agenda in
large print

or another
format
please call
us on

**01246
217753**

If you require an adjustment to enable you to participate in or access the meeting please contact the Governance Team at least 72 hours before the meeting starts.

Planning Committee 20th October 2020

SUMMARY OF LATE COMMENTS/REPORT UPDATE

The aim of this report is to seek to avoid the need for lengthy verbal updates that Planning Officers have sometimes needed to provide in the past at the Planning Committee. In consultation with the Chair, it has been decided that on the evening before committee a summary of all the late comments/representations received so far will be emailed to the Committee Members by the Governance Team.

It is possible that verbal updates will still be required at the meeting as sometimes comments are received at the last minute or Officers may wish to amend their recommendations: however Officers will seek to keep verbal updates to a minimum.

At the meeting Officers will only refer briefly to any key points of the case in the summary that has been emailed, as well as providing the usual verbal update for any additional last minute items.

If Members have any queries about the comments or the application itself please feel free to contact the relevant case officer given beneath the title of each summary below.

PARISH: Ashover

APPLICATION: NED/20/00446/FL: Change of use of land to create 2 no. parking spaces (Resubmission of 20/00125/FL) at 1 Overton Lodge, Jetting Street, Milltown.

CASE OFFICER: Emily Cartwright

1. SOURCE OF COMMENTS: Agent

DATE RECEIVED: 15/10/2020

SUMMARY:

The Agent has submitted a Heritage Impact Statement in support of the application. In summary the report states:-

Archaeological Research Services Ltd was commissioned by Ladygrove Mill Ltd to undertake a Heritage Impact Assessment of land opposite Overton Lodge, Jetting Street, Ashover, Derbyshire. An application has been submitted to North-East Derbyshire District Council (App. Ref. 20/00446/FL) for a change of use of land to create 2no. parking spaces.

An application for powers to construct a standard gauge railway from Stretton to Ashover was submitted in 1918, and construction of the Ashover Light Railway commenced in September 1922 at Fallgate. A depiction of the Fallgate section of the Ashover Light Railway in 1936 shows the proposed development area to the west of

Jetting Lane, adjacent to the quarry branch line of the Ashover Light Railway which ran northwards from Fallgate Yard to the south and followed the course of Jetting Street to the east of the proposed development area before terminating at the loading facility for Milltown Quarry to the north-west of the site. The only pictorial depiction found of the Ashover Light Railway within this area is an undated postcard labelled 'View of Fallgate, Ashover Light Railway' which appears to show the embankment and raised rail line to the south of the proposed development area, opposite Brookside Cottage.

Production ceased at Milltown Quarry in 1936, and although this was temporarily resumed in 1942, it was finally closed in 1946. The 1964 Ordnance Survey plan, whilst not depicting the Ashover Light Railway lines within or adjacent the wider application site boundary, this plan is the first to depict the long embankment of the Ashover Light Railway running parallel to Jetting Street, including through the area of the proposed development. Most of the last remaining features of the Ashover Light Railway were removed in the mid-late 20th century, though across Fallgate aspects of the Ashover Light Railway do survive into the present day, such as the wooden station building, the screen/crusher wall, kiln archway flagstone paved surface and rail tracks of Milltown Quarry.

It is difficult to determine at present to determine the actual former alignment of the Ashover Light Railway. Based on the aforementioned postcard drawing, the 1936 depiction of the Fallgate section within Gratton and the 1964 Ordnance Survey plan, it is likely the Ashover Light Railway line ran across the top of the embankment. This would have also once included the present site of the proposed development area. The proposed plans indicate that the pair of existing plant beds on either side of the yard gated entrance are to be removed, with the proposed development area extent also including land to the east and north of the wooden fence that visually appears to have remained untouched by the early 2000's removal and reinstatement works.

It is recommended that should the proposed development receive planning permission, archaeological mitigation in the form of archaeological monitoring and recording be carried out during ground works be carried out during groundworks in order to identify and record any below-ground remains of the ALR that may survive within the site boundary.

Officer comments:-

The Heritage Statement has been sent to Steve Baker, DCC Archaeologist and any comments will be reported to members at the meeting.

2. SOURCE OF COMMENTS: Planning Officer

DATE RECEIVED: 19/10/2020

SUMMARY

Officers wish to draw members' attention to an error in the committee report at paragraph 8.4. It states "*The proposal is therefore in accordance with North East Derbyshire Local Plan, Publication Draft Local Plan and the NPPF*" the sentence should read that it is **"not"** in accordance with those plans.

Text of Speeches to the Committee – 20 October 2020

Those registering to speak have been requested to provide the text of their speech to the Committee. The following have been received

4(a) NED/20/00648/FL

Applicant – Kay Roper

Good afternoon

Thank you for agreeing to listen to the following points when considering our planning application.

We were rather disappointed with the Asbury report as they don't seem to have taken into account changes made which were suggested when our last application was refused.

In our planning statement we referred to three similar conversions in the near vicinity, one of which (Woodlands) has exactly the same construction as our property. This seems to have been dismissed with the comment that they were block built so can only assume they were mistaken in their research (7.22) or used one that suited their narrative.

They also seem to dismiss the local Parish council's e mail in favour of the application by commenting on its submission in a negative light.

We have taken on board The concerns raised at the previous application, amended the plans and obtained a second structural engineers report to mitigate issues raised.

The report mentions the lack of natural light. It's clearly shown on the plans that each door will become a glazed window, together with adjacent windows and sky lights. We purposely didn't put windows on the other elevations because we didn't want to alter the existing building (to comply with previous recommendations). It's therefore our submission that there will be plenty of natural light.

I was always our intention that this would become a sustainable building with wooden construction, extensive insulation, air source heat pumps, solar power and grey water collection.

We are hidden away from sight, behind large mature hedges on all sides. As there is only the two of us, a small dwelling is more than adequate and would release a family sized property.

To recap;

This application has been amended to accommodate the concerns raised previously and has a structural survey to support its substantial nature and suitably to convert to a dwelling.

There are numerous windows on two elevations together with roof lights to ensure plentiful natural sunlight.

It will be constructed in a sustainable manner following the Communities and Local Government guide to sustainable homes.

Similar application (same build construction) approved recently in local vicinity.

Both Parish and District Councillors support the application.

I hope you will consider the points which I have raised and look upon our application favourably.

Thank you so much for your time and consideration and for allowing my views to be heard.

Agent for the application – Linda Trollope

This site is located in the Green Belt and the Moss Valley Conservation Area but planning policy in both the adopted and new Local Plans, and in national policy guidance allow for the conversion of existing buildings to other uses where the building is of permanent and substantial construction. There is no absolute definition in planning policy as to what may be considered as “permanent and substantial construction”. In the case of a building adjacent to The Woodlands approximately 700m from this site (**not** the building referred to in the officer’s report) permission was granted for the conversion of a very similar building to a dwelling (15/01126/FL). The structural report for that application described the building as consisting of 20mm shiplap boards externally onto 75mm deep vertical timbers with a single brick course at floor level and door and window openings on the front elevation only. The floor was a concrete slab and the roof of timber battens supported by trusses and covered in metal sheeting. The floor required levelling with insulated flooring above, insulation to the walls, and the roof trusses and battens strengthened by additional members. As with the current case, the building had a foundation in the form of a concrete raft to act as a floor and foundation which is normal practice to support a timber framed building.

Our Structural Engineers report came to the same conclusion with the current building which is of exactly the same construction, that it is of substantial construction and suitable for conversion to a dwelling. Our proposal is identical to the previously consented scheme.

The recommendation for refusal in this case is inconsistent with that decision.

The officer’s report indicates that it is not shown, or clear, if glazing is to be provided behind the stable doors. **The plans clearly show** that glazing is to be installed behind the stable doors in all habitable rooms with the external doors to those rooms acting as shutters for the windows rather than being functional doors. The rooflights already exist within the current roof structure. The retention of the doors as shutters is intended to retain the rural appearance of the building. The conversion would provide adequate light and ventilation to comply with the current Building Regulations and would use sustainable methods of heating and energy to provide a good standard of living for future occupiers.

In view of the above the reasons for refusal are not justified.

4(b) NED/20/00570/FL

None provided.

4(c) NED/20/00446/FL

None provided.