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**North East
Derbyshire**
District Council

Supplementary Agenda

Our Ref:

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Date: Monday, 4 January 2021

To: **Members of the Planning Committee**

Please attend a meeting of the Planning Committee to be held on **Tuesday, 12 January 2021 at 1.00 pm by Conference Call**. Access details will be sent to Members separately. The public parts of the meeting will be streamed from the Council's website on its YouTube Channel.

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 V13
- ☐ Mill Lane Coronavirus Control Measures V8

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



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

Please notify the Senior Governance Officer, Alan Maher by 4.00 pm on Friday 8 January 2021 at the latest.

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

A G E N D A

- 4** **NED/20/00484/FL - Ashover Hay** (Pages 5 - 17)
Proposed building for tractor, implements and log store (Amended Plans)
(Amended Title) at Barn adjacent Walnut Barn. Ashover Hay

(Planning Manager – Development Management)

(a) Speakers on NED/20/00484/FL - Ashover Hay
- 5** **NED/19/00907/OL - Calow** (Page 18)
Application to remove condition 4 (affordable housing) of planning application
14/01236/OL (Major Development) on land adjacent the West Side Of 40, Church
Meadows, Calow

(Planning Manager – Development Management)

(a) Speakers on Application NED/19/00907/OL – Calow
- 6** **NED/20/00535/FL - Stretton** (Pages 19 - 20)
Siting of 43 holiday lodges together with the development of ancillary
infrastructure and landscape (Major Development) at Ainmoor Grange Caravan
and Camping Park, Mickley Lane, Stretton

(Planning Manager – Development Management)

(a) Speakers on Application NED/20/00535/FL - Stretton
- 7** **NED/20/00978/OL - Renishaw** (Pages 21 - 23)
Application to construct 4 bungalows (outline application with all matters reserved
except for access) on land at Adjacent 105, Hague Lane, Renishaw

(Planning Manager – Development Management)

(a) Speakers on Application NED/20/00978/OL - Renishaw
- 8** **Late Representations - Summary Update Report** (Pages 24 - 32)

(Planning Manager – Development Management)
-



North East
Derbyshire
District Council

***We speak
your language***

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Mówimy Twoim językiem

French

Nous parlons votre langue

Spanish

***Hablamos su
idioma***

Slovak

***Rozprávame Vaším
jazykom***

Chinese

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Agenda Item 4a

APPLICATION NUMBER	TITLE	PARISH
NED/20/00484/FL	Proposed building for tractor, implements and log store (Amended Plans) (Amended Title) at Barn adjacent to Walnut Barn, Ashover Hay for Mr & Mrs J Bedford.	ASHOVER
<p><u>OBJECTOR</u></p> <p>Councillor Mike Thomas – Ashover Parish Council Emma King Andrew King Martin Howe Susan Howe Philip Wilson Eileen Baghsaw Alison Sparks</p> <p><u>SUPPORTER</u></p> <p><u>APPLICANT</u></p> <p><u>AGENT</u></p> <p>Ian Goodwin</p>		

Speech Provided by Emma King

Proposed building for tractor, implements and log store at barn adjacent to Walnut Barn, Ashover Hay

DWT unequivocally recommended a preliminary ecological survey prior to determination of the application, citing para 99 of circular 05/2006¹, *statutory obligations* regarding wildlife in planning. By failing to survey prior to determination, these statutory obligations, the NPPF², [gov.uk](https://www.gov.uk/guidance) guidance³, and NEDDC's own supplemental guidance, *Successful Places*⁴, are being ignored. This leaves the decision open to legal challenge.

Of the reasons given for ignoring the recommendation to survey prior to determination, none have any basis in policy, guidelines or law. The first is that the development is so small it will not be of detriment. If it's big enough to need planning permission, it's potentially big enough to have an impact on wildlife, especially in a wildlife-rich area. Only trained ecologists can determine impacts, and an ecologist from the DWT already agrees professional surveying is required here⁵. Furthermore, species-specific surveys are merited by habitat and local records, not size of development. For example, the [gov.uk](https://www.gov.uk/guidance) guidance on Great Crested Newts⁶ states to survey if there is a pond within 500m (there is). Nowhere does it reference size or exclude small developments.

In contradiction to the first point that there will be no impact, the planning officer stated she knew newts were likely to be present, and would therefore write the newt surveying/mitigation into the planning conditions. According to para 99 of circular 05/2006¹, leaving surveying to planning conditions is only for *exceptional circumstances*, of which there are none.

Preliminary surveying may warrant further species-specific surveys. Since the planning officers are not ecologists, they cannot envisage what requirements will be needed to further assess and mitigate impacts prior to the studies being complete. It is impossible for conditions to be set without professional assessment. The applicants have not attempted to plan any mitigation, but the report cites a new drystone wall as suitable replacement habitat for common lizards. However, no new drystone walls are in the plan, and even if they were, no ecologist has verified that this is acceptable mitigation.

Consultees, the law, policy and guidelines state that ecological surveying prior to determination is necessary. Surveying would establish species present, the impacts of development, and aid planning to mitigate those impacts far better than any pre-survey supposition. The application has failed to demonstrate how it will appropriately survey for, mitigate impacts on and enhance wildlife², therefore permission must now be refused.

5. Make a decision about a planning application

If the proposal is likely to affect a protected species you can grant planning permission where:

- a qualified ecologist has carried out an appropriate survey (where needed) at the correct time of year ✗
- there's enough information to assess the impact on protected species ✗
- all appropriate avoidance and mitigation measures have been incorporated into the development and appropriately secured ✗
- a [protected species licence](#) is needed it is likely to be granted by Natural England or Defra ?
- any compensation measures are acceptable and can be put in place ✗ ✗
- monitoring and review plans are in place, where appropriate ✗
- all wider planning considerations are met

Gov.uk guidance (Reference 3).

References

1. Circular 05/2006, see paragraph 99 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/7692/147570.pdf Last accessed 10/1/21.
2. NPPF – National planning policy framework. See paragraphs 174-175 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/810197/NPPF_Feb_2019_revised.pdf Last accessed 10/1/21
3. Gov.uk guidance protected species and development: advice for LPAs <https://www.gov.uk/guidance/protected-species-how-to-review-planning-applications> Screenshot above is of heading 5, highlights added are my own. Last accessed 10/1/21
4. Successful places, see page 28 site appraisal <https://www.ne-derbyshire.gov.uk/documents/repository-a-z/successful-places/download> I realise this is for residential rather than agricultural buildings, but the advice is similarly applicable. Last accessed 10/1/21
5. Derbyshire Wildlife Trust comments https://planapps-online.ne-derbyshire.gov.uk/online-applications/files/8F6B40B17D390D0A77DEE714C1359C81/pdf/20_00484_FL-DWT_COMMENTS-2534206.pdf last accessed 10/1/21
6. Specific [gov.uk](#) guidance on planning and Great Crested Newts <https://www.gov.uk/guidance/great-crested-newts-surveys-and-mitigation-for-development-projects> last accessed 10/1/21

Speech Provided by Martin Howe

Proposed building for tractor, implements and log store at barn adjacent to Walnut Barn, Ashover Hay

I will confine my comments to planning matters and factual references.

Mrs Cartwright's report lists 5 planning applications on this site.

This application makes 6 out of a total of 19 recent development applications put before this council by the applicant.

An application for a tractor store & stables on this site was granted on 17 Jan 2017.

Condition 3 of that permission states categorically no structures should be allowed on the land connected to the application and quoted policies GS6, NE1, NE2 and R9.

Unfortunately, the Tractor Store and Stables was not built as per the approved plans and from day one it was used as a domestic garage and store...and is still being used as such.

3 years to the day later...application was made to convert this three year old Tractor Store and Stables, in perfect condition and in full use (albeit as a garage) to an extended 4 bedroom dwelling.

This was also granted with conditions attached by Mrs Cartwright referring to fears of overdevelopment should any further development be applied for on this site.

This site is in fact full and the only option left to the applicant in order to continue development is this greenfield site and 12 weeks later this application for a further Tractor Store and Stables was made.

Numerous amendments and even a change of title followed with the pretence of horses only being dropped on the very last day when final revised plans were submitted.

It would be very strange for people who have chosen to live in the countryside to object against the building of an agricultural building of proportionate size and construction, which is justified and which has been proven to be required by the applicant.

What I am objecting against is that this proposed building meets none of the above criteria.

The building will be within 20m of my boundary, not 46m as in the report, and will impinge upon my privacy and enjoyment of my property.

In addition, the existing tractor store and stables is 5m from my boundary and, when converted to a dwelling, will have an upstairs window directly overlooking my house.

There is no justification or need for this building and therefore no merit in permitting it's construction.

Remember, the applicant has already claimed justification once on this site that a similar building was required and has used exactly the same attempted justification for this building.

That building was constructed like a house with cavity walls, used initially as a garage, and now will be a house.

That is not supposition or a probability...but fact.

There no tractors or farm implements on this site, either now or in the previous 3 years when the previous building was available for that purpose.

Guidance says I must not talk about the possible future development of this building.

However, if built at all, I can say what I think this building WILL NOT be, and I think it will NOT BE a tractor, implements and log store (Amended Plans) (Amended Title)

Speech Provided by Susan Howe

Proposed building for tractor, implements and log store at barn adjacent to Walnut Barn, Ashover Hay

There are any number of valid planning reasons to refuse the further development of this site into a greenfield / countryside setting.

The Ashover Neighbourhood Plan has been adopted by NEDDC and is now the bedrock of their planning policy for Ashover Parish.

The government statement on this says the establishment of a plan gives local people the opportunity to have their say in local development.

On two occasions, over 30 local people plus the Parish Council have voiced concerns, and indeed, some of these are based on previous development on this and other sites operated by the applicant, and these concerns do appear in Mrs Cartwright's report.

In addition, all the following policies are quoted as being material to the decision making process.

GS1 Sustainable Development GS6 Open Countryside
NE1 Landscape Character
NE2 Special Landscape Area
NE3 Protecting and Managing Features of Importance to Wild Flora and Fauna
NE6 Development Affecting Nationally Rare Species
BE1 General Design Principles
CSU4 Surface and Foul Water
T2 Highway Access and the Impact of New Development

SS1 Sustainable Development
SS9 Development in the Countryside
SDC3 Landscape Character
SDC4 Biodiversity and Geodiversity
SDC11 Flood Risk and Drainage
SDC12 High Quality Design and Place Making

Having looked at the above policies and also having read Mrs Cartwright's report, it seems the decision to Conditionally Approve is based only on the fact that there is a certain landholding.

It seems that an applicant does not have to actually own a tractor or farm implements or prove agricultural activity to gain planning permission for such a building on a greenfield site.

Importantly, the eLP policies SS9 and SDC3 seek to safeguard the countryside from inappropriate development.

Conditions will be attached but who will ensure that these conditions are enforced?

It has been shown on this site not 20m away that conditions attached to the first building were not enforced.

Will conditions be strong enough to ensure that applications for change of use, extension, hard standing, lighting etc will not be considered.

If the council planning department cannot ensure that their conditions will be met then refusal is the only option.

NED/20/00484/FL – Ashover Hay

Speech Provided by Philip Wilson

Proposed building for tractor, implements and log store at barn adjacent to Walnut Barn, Ashover Hay

Dear Councillors,

having made clear representation to Officers on more than one occasion we have received not so much as a letter or telephone call on the crucial matter of Road Safety that many other residents as well as myself have raised thus far.

The vehicle entrance from Mr Bedfords property has been created from a former field gateway without any sight lines from either direction. The entrance is totally blind from the southern approach where my property lies immediately opposite. I and my wife have so far experienced two incidences where vehicles have emerged without warning, the first involved a cyclist and the second walkers traversing in a northerly direction. Whilst the current application lies in the field behind and is supposed to have no further impact being for agricultural machinery only everybody on the Hay knows full well this will not be the actual use. Mr Bedford owns multiple vehicles which he needs to move out of the current garage which is being converted to another dwelling in order to do the conversion.

DCC Highways in their comments to the conversion of the current large garage make clear reference to the dangers of poor sight lines but then continue to fudge the situation based upon vehicle speeds being low. They clearly do not make any connection between the two separate applications using the same entrance and make little comment or representation regarding the current further development.

We find the lack of proper consideration to Highway safety simply unacceptable strongly urge councillors to reject the currently proposed further development. With over 60 objections from surrounding residents of this tiny hamlet you must be able to see the strength of feeling this has provoked from multiple angles and would therefore urge you to reject the application outright. You simply have to read the Officers report to find over a dozen such clear reasons, please get real and throw the application out!

Thank You

Philip & Rosie Wilson

Hay Cottage, Ashover Hay

Speech Provided by Eileen Bagshaw

Proposed building for tractor, implements and log store at barn adjacent to Walnut Barn, Ashover Hay

This is a special landscape area and as such any development approval should demonstrate cognisance of this.

After reading the planning officers report it appears that the main reasons for granting conditional approval are based on the applicants' rationale for the need of secure storage for machinery and implements to maintain the land of approx. 2.5 acres. As a previous landowner myself I appreciate this.

However in this instance I consider the need to be overstated. The building is variously referred to as a tractor shed/implement store, at one point also as stables and now as an agricultural building. The land itself has had change of use from agricultural land to equine use with restrictions on the erection of additional buildings. I have been unable to get clarification from the planning officer as to what the current status of the land is.

The planning officers' statement in 8.8 is incorrect. The applicants carry out no agricultural activities on this site. Indeed, in section 14 of the planning application the applicants state that the land is for domestic use and the keeping of horses. They have no agricultural size tractor or equipment. Indeed for the past six months the applicants have mown all of the land area with a domestic ride on mower at least twice a week, an activity which is changing the condition of the land from agricultural/equine to domestic garden status.

The planning officer refers to an existing building at the nearby Walnut Farm as being 'similar' to that being proposed by the applicant and which is considered not to protrude into the landscape. This building is also used to provide secure storage for a domestic ride on mower and other maintenance equipment for a very similar area of land – 2.5 acres. The building has secure storage area of 12 square meters with a ridge height of 3.3 meters, built below but away from the same original field wall that the applicant plans to demolish. The building at Walnut Farm has been sited so that it is barely visible in the landscape.

The proposed building however will have an overall foot print, including the log store which is an integral part of the building, of 41.58 square meters and a ridge height of 4 meters, **4 times the size of that at Walnut Farm** for the same level of activity.

It requires the demolishing of an ancient field wall, it has very substantial footings in addition to a concrete pad, will have internal walls of concrete blocks to roof height plus external timber cladding and requires significant ground excavations. The appearance of the building bears no resemblance to any other building in the vicinity. Because of the lack of agricultural activity on this site there is no justification for a building of this scale and design.

The buildings' impact on the visual landscape will be significant. The application should be denied on these grounds.

Speech Provided by Alison Sparks

Proposed building for tractor, implements and log store at barn adjacent to Walnut Barn, Ashover Hay

I submitted an objection, and also a revised objection. I made 3 points:-

1. I asked: Is it domestic? Is it agricultural? Is it equestrian?

And I still ask the same question.

The “log store” part of this application sits within the curtilage of the proposed 4 bedroomed house (“Hay Up”), (*Planning Reference 20/00044/FL*). This piece of land was sub-divided from Walnut Barn (*a domestic dwelling converted from a barn: Planning References 13/00001/FL and 13/00379/FL*). This has been domestic land since 2013.

The “tractor store” part of this application sits on land which is outside the curtilage of the planned 4 bedroom house. (*The land for the “tractor store” is subject to planning reference: 16/01277/FL: mixed use building for “tractor store and stables/tack room with change of use of land to allow keeping of horses”*). The land on which the “tractor store” part of this application sits is no longer agricultural either and has not been agricultural since change of use was granted in 2016

Land with planning permission for the keeping of horses, and land which is agricultural are mutually exclusive, (unless you are keeping plough horses on agricultural land). None of the land in this application is agricultural.

2. Historic Context

The proposed building would be detrimental to an historic landscape and would be contrary to Policies AP11, (protection of ancient enclosures and overall visual intactness), AP13 (field boundaries and settlement patterns), and AP16 (dry stone walls) of the Ashover Neighbourhood Plan, a material consideration.

The proposal is to straddle and thereby demolish part of an existing dry stone wall, which can be an important habitat for protected species such as newts and amphibians. This dry stone wall illustrates post-Medieval and/or C18th or C19th pattern of field enclosure and is an historic demarcation between the buildings in the “ribbon” development of Ashover Hay, all close to the road, and open land in the enclosed fields behind that “ribbon”. This development will affect how the historic landscape is “read”.

From The Hay looking eastwards, and from the public footpath higher up on the whaleback itself, the view will be directly down upon the development, it will also be very apparent from the footpath by the side of Walnut Farm, and from Hay Lane. All these views of the historic pattern of settlement would be altered by the development jutting into the open, green field. From Stonerows Lane the fields are seen from below (looking up to the west) and the historic boundary between hamlet and fields can clearly be “read” and would be

spoiled by encroachment on the open, green field.

3. Visual intrusion into the landscape

It would be contrary to Policies AP11, AP13 and AP16 of the Ashover Neighbourhood Plan. The Officer report confirms that “Due to the open nature of the site and surrounding topography of the land, the building would be visible both locally and for far reaching views across the valley. [...]”.

From The Hay and from the whaleback you would look straight down upon it, and see it jutting into the open, green field. From Hay Lane and from the path by Walnut Farm you would see it jutting into the green, open field. From Stonerows Lane you would see it from below, jutting into the green, open field. None of this would be mitigated by “construction at a lower level”.

From all angles, and from Stonerows Lane especially, it would change the visual perception of the settlement “ribbon”; the perception would be that the settlement was starting to “creep” down the hillside, damaging that visual context.

I would ask that the Planning Committee conduct a site visit, looking at it from The Hay, the whaleback, from by Walnut Farm, from Hay Lane and from Stonerows Lane.

A. Sparks

Speech Provided by Ian Goodwin

Proposed building for tractor, implements and log store at barn adjacent to Walnut Barn, Ashover Hay

It is noted Councillor Armitage has requested the application be considered by members **due to the impact on the landscape.**

In assessing this application it is crucial that members are made aware that the site location plan, attached to the Planning Officer's report, is wrong. It shows the **initial proposal** with a footprint of 14.2m x 8.1m. The proposal has been significantly reduced to a footprint of only 6.6m deep x 6.3m wide. Paragraph 2.8 incorrectly measures the building at 6.6m deep x 6.8m wide. It is 6.6m deep x 6.3m wide.

To put this into some form of context, it may help members to visualize a single garage sized building on a landholding of 2.5 acres. Paragraph 8.8 confirms this is a reasonable amount of land to justify the proposal.

Paragraph 8.11 also notes that the building will not protrude any further into the open countryside than the neighbouring agricultural building at Walnut Farm (not Hay Farm).

It is sad that the immediate neighbours have enlisted an army of people from far and wide in order to try to stop this modest proposal. Whilst at the same time Hay Cottage are in the process of major building work to alter a 3 bed house to a 5/6 bed house. Hay House have previously converted an outbuilding and sold it on as a detached dwelling.

Desperate comments have been made about the wildlife and small garden pond at Walnut Farm. This pond was made approximately 3 years ago by the previous owner, it is rubber lined and has a plastic heron. It was stocked with goldfish and is **upstream of our proposal.**

Hopefully members will be able to agree with the recommendation of their own Planning Officer and grant planning permission.

APPLICATION NUMBER	TITLE	PARISH
NED/19/00907/OL	Application to remove condition 4 (affordable housing) of planning application 14/01236/OL (Major Development) on land adjacent to the west side of 40 Church Meadows, Calow for Mr McDougall.	CALOW
<p><u>OBJECTOR</u></p> <p><u>SUPPORTER</u></p> <p><u>APPLICANT</u></p> <p><u>AGENT</u></p> <p>Charles Dunn</p>		

APPLICATION NUMBER	TITLE	PARISH
NED/20/00535/FL	Siting of 43 holiday lodges together with the development of ancillary infrastructure and landscape (Major Development) at Ainmoor Grange Caravan and Camping Park, Mickley Lane, Stretton for AGC Ltd c/o Agent.	SHIRLAND AND HIGHAM
<p><u>OBJECTOR</u></p> <p>Councillor Heather Liggett – Ward Member</p> <p><u>SUPPORTER</u></p> <p><u>APPLICANT</u></p> <p><u>AGENT</u></p> <p>Peter Griffiths</p>		

Speech Provided by Councillor Heather Liggett

Siting of 43 holiday lodges together with development of ancillary infrastructure at Ainmoor Grange Caravan and Camping Park, Mickley Lane, Stretton

Firstly this is going to be difficult, as you no doubt will ask me for proof which I don't have, due to this being one of the country's never mind the County's biggest cover ups.

You are I Hope aware of what has been found at Coalite Bolsover. Well most of the same dioxins were buried at Stratton after an explosion at the Bolsover site in 1968. I hope you are Also aware in 1992 the NFU planned to sue Coalite as local farmers were banned from selling milk eggs meat and crops due to contamination. The river Doe Lea was 1000 times higher in levels of dioxin than normal. This proves how dangerous these dioxins are. I am going to read comments from local people, lorry drivers of the time and local historians. In 1972 Cambridge Contractors buried contaminated debris from an explosion at the Bolsover Coalite plane .It was contaminated with highly toxic dioxins. It was buried in Shirland Parish on the doorstep of Morton. A. County Council tribunal investigating the long term effects of an explosion in 1968 at Bolsover Also drew attention to Dioxins being buried at Stratton. Where a former clay pit was owned by Cambro Waste Products, One of whose directors was the CHAIRMAN OF COALITE. Some of it was apparently not buried very deep amidst the rush to move it from the Bolsover site. It subsequently caused a lot of controversy. The actual Dioxin field was only a few yards from the main road very close to a public footpath across the fields to Mickley. My own Auntie was nursing Sister at Morton Hospital in those years and working a lot of nights she told us about the amount of lorries in the middle of the night. I have also been told some of these lorry drivers went in driving a lorry but came out on foot. In other words the lorries were buried as well WHICH SPEEKS VOLUMES. I have had this confirmed in the last few days by one of these drivers who told me several Boythorpe transport lorries are buried there. As a vet nurse myself in the early 80s we had a spell of dogs dying after being walked in that area. I only hope we can insist on core samples being taken but even the thought of that scares the life out of me. Disturbing the ground at all doesn't bear thinking about. Can I leave you with a comment from a former Coalite worker. "Much of the chemical waste in the past which didn't go into the Tank Farm was canned and deposited in the SOUTH waste tip. Many barrels of AGENT ORANGE TCDD were also buried in the tips. These are now greened over. A TIME BOMB.

APPLICATION NUMBER	TITLE	PARISH
NED/20/00978/OL	Application to construct 4 bungalows (outline application with all matters reserved except for access) on land adjacent to 105 Hague Lane, Renishaw, Sheffield S21 3UR for Mr John Millthorpe.	ECKINGTON
<p><u>OBJECTOR</u></p> <p>Samantha Farnsworth</p> <p><u>SUPPORTER</u></p> <p><u>APPLICANT</u></p> <p><u>AGENT</u></p> <p>Linda Trollope</p>		

Speech Provided by Samantha Farnsworth

Proposed construction of 4 bungalows (outline application) on land at 105 Hague Lane, Renishaw

Our objections are in two parts – our own wellbeing and welfare and that of the wildlife.

We have lived at 101 HL for over four years and during this time 103 HL has been used during office hours Monday – Friday, as an office only. 105 has NOT been used for any type of dwelling or business, there has been no traffic at all. Whilst we appreciate, we have not had any neighbours to the south of us during this time we bought the detached property expecting a maximum of two sets of neighbours (one either side) not a potential of six. Denise Knipe writes to Linda Trollope (email not clear who's writing to who) pointing out that the majority of windows point towards 101 and 103 HL and that this could be improved. There are currently NO transparent windows visible from the 'development site' onto 101 HL. As previously advised our privacy will be dramatically compromised as well as the potential heavy domestic traffic increase.

In addition to all this we believe there will be substantial work required to contend with water fallout from the fields above, to the east of ours and the proposed properties. During each heavy rainfall our garage, garden and driveway suffers excess water holding including rising water. We need to understand the implications of such a drastic change to usage of the site and how it is likely to affect our property.

We would like to point out that we would not make any objections to the construction of one dwelling on the land currently occupied by the dormant company Depot Build Ltd (105) and for substantial renovation to improve the property currently situated at 103.

Having lived in Renishaw for 25 years and previously owning a property that was protected by the Bat Conservation Trust we are aware of the importance of protecting our wildlife. This part of Renishaw is home to plenty of wildlife, including owls, pheasants, bats, small rodents, woodpeckers, etc....

We appreciate the need for housing in Renishaw is probably at a critical level but the land that runs adjacent to Carrwood Road could be of far greater benefit to the community than one private landowner building homes for five families.

NED 20/00978/OL – Renishaw

Speech provided by Linda Trollope (Agent)

Proposed construction of 4 bungalows (outline application) on land at 105 Hague Lane, Renishaw 20/00978/OL

The site is located within the Settlement Development Limit for Renishaw and is a previously developed site having been used for commercial purposes (originally a sawmill and most recently as offices and storage for two building construction companies). It is in a sustainable location with easy access to local services and public transport services. The principle of the redevelopment of the site is in accordance with both local and national planning policy.

This is an outline application which has been submitted to establish the acceptability of the redevelopment of the site for 4 bungalows and while a layout plan has been submitted with the application this was for illustrative purposes only and does not indicate the final layout of the site. Full details of the site layout, the appearance and scale of the bungalows will need to be submitted as a reserved matters application if outline permission is granted and the details of the scheme considered at that time. That would be the appropriate time for considering matters such as the detailed impact on neighbour's privacy etc.

The only detail that is under consideration with the current application is the site access. The access will follow the line of the existing access apart from a small deviation close to the highway to improve visibility and allow space to provide pedestrian intervisibility splays to either side of the access. This access served the former commercial uses on the site which involved heavy goods vehicles and up to 12 employees frequently travelling to and from the site several times per day. The traffic generated by 4 bungalows is likely to be significantly less than the previous commercial traffic.

In view of the above I would request that Members should accept the planning officer's recommendation.

Planning Committee 12th January 2021

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: Shirland and Higham

APPLICATION: NED/20/00535/FL

CASE OFFICER: Adrian Kirkham

1. SOURCE OF COMMENTS: Applicant's Agent/Officers

DATE RECEIVED: January 2021

SUMMARY: Discussions with the agent are ongoing with regard to the precise wording for conditions 8, 10, 15, 17, 18 and 22. The issues under discussion mainly concern minor points and technical matters.

However, in respect of condition 22 the agent suggests that the condition can simply be framed to limit occupancy for "holiday" purposes without the need for any limitation on the time period(s) for length of stay. That would be contrary to the Council's normal practice. Appeal decisions have, however, been cited in which Inspectors have accepted such an approach

In the view of officers a limitation on the length of stay is necessary to add precision in this case and to ensure the condition is enforceable. It is recommended that the final wording for all of the conditions is delegated to the Planning Manager – Development Management.

: Eckington

APPLICATION: NED/20/00978/OL

CASE OFFICER: Adrian Kirkham

1. SOURCE OF COMMENTS: Mr and Mrs Carr (Objector)

DATE RECEIVED: 11th January 2021

SUMMARY:

Access – we requested further details regarding the entrance corner of the site, who will be responsible for the maintenance of this land?

Road and footpath infrastructure - we have concerns about the proposed increase in traffic, during our 7 years of living here there has been little to no traffic activity on the site. We have safety concerns regarding the close proximity of the road to our property should there be a volume of traffic associated with new dwellings. We would request a footpath and bollard system should the project be approved to safeguard our property, taking into account the incline of the proposed road.

Retaining wall and dense band of conifers – we have concerns regarding the current state of the retaining wall and damage caused by the out of control thick band of conifers, we would request these be removed before any disturbance of the proposed land. If these were to be replaced by further shrubbery, again, who would be responsible for the maintenance and up keep of this?

Drainage infrastructure - we are aware the current services to the derelict outbuildings run within our property boundary. We would insist that all new drainage and proposed services to the land would be provided within its own site boundary.

CASE OFFICER COMMENTS:

The issues of maintenance, removal of trees and the condition of a boundary wall is a matter for the parties. The future drainage of the properties would be a matter for the appropriate water companies and the parties concerned.

The issue of highway safety is addressed in the Officer report.

PARISH: Calow

APPLICATION: NED/19/00907/OL

CASE OFFICER: Adrian Kirkham

1. SOURCE OF COMMENTS: Mr Rawson (Objector)

DATE RECEIVED: 11th January 2021

SUMMARY: Planning applications are published, with a % of affordable housing, fewer objections due to people wanting “affordable housing” said application gets passed. Then as regular as clockwork, just before building due to start, an application to reduce, or remove completely the “affordable housing” condition. This application is to blatantly offset the cost of the 14 bay inline car parking facility!!!

Through the “Freedom of Information” process, I would like the figures of the percentage of “affordable housing” conditions that are reduced, or removed from planning applications please (last 5 years). I can then pass these on to the Ombudsman and local MP.

The planning application **14/01236/OL** was passed despite

- A piece of the land being in the Coal Authority High Risk Area, and outside the village envelope
- Contrary to policies GS1, GS6 and 113 of NEDDC’s Local Plan
- Access through Church Side (far too narrow, this is escalated at school pick up/drop off times
- Field being ploughed in 2013 (had not been ploughed for 30 years) so the applicant could circumvent payment to DWT. Yet no provision is mentioned to DWT despite the field having revegetated, in the 8 years since.
- Calow village, has currently planning applications for 306 dwellings, could you inform the parishioners of Calow, of any infrastructure plans to accommodate these please.
- Who is coordinating all these area Local Plans? Plans made in Bolsover could affect NEDDC and Chesterfield Borough and vice versa, i.e. the thousands of houses being built on Derby Road and the numerous houses at Bolsover will affect the Borough.
- What legacy are you leaving for future generations? “When it’s gone, it’s gone”

CASE OFFICER COMMENTS:

The application seeks to amend the level of affordable housing from 40% to 20%. Consent remain extant and so it is merely the issue of affordable housing provision that is to be assessed at this stage and not the other issues raised. The issue of affordable housing is addressed in the Officer report.

2. SOURCE OF COMMENTS: Mrs Hannam (Objector)

DATE RECEIVED: 11th January 2021

SUMMARY: I would just like to point out that another small part of green will be erased forever. I ask that you make some of the conditions as following:-

As I live in a one storey building that bungalows run by 40 Church Meadows, no bathrooms to face existing properties, no footpaths to run alongside 40 Church Meadows - bedroom - footpaths invite crime, the problem of parking on Churchside must be addressed before groundworks commence. I believe the parking was queried years ago but council refused. I understand that permission has been granted for Oaks Farm Lane. Calow was a lovely village but a price has to be paid for progress.

With all this building happening in Calow, has anyone thought of the amenities? i.e. schools, doctors having to cope with over an additional 200 houses.

CASE OFFICER COMMENTS: The detailed design of the scheme will be considered at any reserved matters stage and the application referred to has yet to receive planning consent.

3. SOURCE OF COMMENTS: Mr Ellis (Chesterfield Royal Hospital)
DATE RECEIVED: 11th January 2021

SUMMARY: Section 106 is there to ensure that local infrastructure is adequately supported and our costs claim is made on this basis, as well as being in line with local discussions between ourselves and council planning members.

The Derbyshire Health system is working towards a joint process for future applications that incorporates Derbyshire County Council planning strategy but as yet this process has not been fully formed and existing arrangements are still required in the interim.

The development referred to will have a direct impact on our Emergency Department and elective outpatient and inpatient admissions as well as the associated staffing and building infrastructure.

We wish to claim adequate resource to enable us to support the increased costs associated with this development and a predicted increased footfall in the Hospital. We have used Public Health and local planning data which sets out the impact on our costs per each additional household.

Attached is our population growth model which models the estimated increase in costs to the Trust of this development of £103k. This reflects the increased non elective activity through our Emergency Department for which we will only receive 20% of the tariff income, and the premium cost of additional staffing across the Emergency Department, Elective outpatients and admissions, as we deliver activity beyond our plan which requires a period of support as developments come on line to maintain safe levels of care.

CASE OFFICER COMMENTS: This issue has yet to be discussed with the applicant but the £103,000 requested could be included in the section 106 requests should it be considered necessary to mitigate the impact of the development.

PARISH: Ashover

APPLICATION: 20/00484/FL

CASE OFFICER: Emily Cartwright

2. SOURCE OF COMMENTS: Derbyshire Wildlife Trust

DATE RECEIVED: 08.12.2020

SUMMARY:

The application as submitted is not accompanied by any ecological information. Prior to determination of this application it is recommended that a Preliminary Ecological Appraisal is undertaken in order to establish the habitats that are present and to determine the presence or absence of protected species. Please note that all necessary surveys for protected species should be undertaken prior to the determination of a planning application.

Paragraph 99 of Circular 06/2005 states, "it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before planning permission is granted, otherwise all material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances".

The field survey work should be undertaken by a suitably qualified and experienced ecologist (See Endnote) and be supported by a desk study, which includes obtaining existing records from the local record centre. The format and content of the ecology report should follow current guidelines (CIEEM, 2017 and British Standard BS:42020: 2013). To be sufficient for planning purposes, the report should provide an assessment of impacts, along with details of agreed mitigation and compensation measures (not recommendations). It should also provide details of enhancement opportunities and explain how the development will result in a measurable net gain for biodiversity, in line with guidance within the NPPF 2019. We would be happy to comment on the ecological survey report once it has been produced.

OFFICER COMMENTS: It is Officer view the development is not significant in its scale and as such is unlikely to have any significant impact on any habitats and so Officers do not consider any prior ecological survey is required in this case and that a condition requiring an assessment to be undertaken and adequate mitigation implemented would address any ecological concerns in this case.

2. SOURCE OF COMMENTS: Emma King

DATE RECEIVED: 07.01.2021

SUMMARY:

I'm emailing to request that NEDDC planning team defers the planning committee hearing of application 20/00484/FL (proposed mixed use building for tractor, implements and log store on Ashover Hay) which is due to be held on 12/1/21.

The comments from Derbyshire Wildlife Trust dated 4/1/21 states that the application does not contain the relevant ecological information, and that prior to determination of the application, a primary ecological appraisal should be undertaken by suitably qualified persons. This information will likely take several months to gain. Many protected species surveys cannot be done in the middle of winter, therefore the timeframe will not allow completion of surveying and factoring into the application prior to the hearing on Tuesday. The committee cannot make a decision on this application without all the relevant information.

It should be noted that circular 06/2005 (which is cited in the DWT comments dated 4/1/21) deals with *statutory obligations* in the planning system. Paragraph 99 of the circular states “The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances” but there are no exceptional circumstances surrounding this application. The NEDDC planning team are not suitably qualified to determine whether protected species surveys are needed or not, only qualified ecological surveyors can recommend this after their preliminary survey of the site. Paragraph 99 continues “Where this is the case [ie presence of protected species], the survey should be completed and any necessary measures to protect the species should be in place, through conditions and/or planning obligations, before the permission is granted. In appropriate circumstances the permission may also impose a condition preventing the development from proceeding without the prior acquisition of a licence” therefore I recommend that you review the application once the appropriate surveys are complete to determine whether it should still be conditionally approved, what the conditions may be, and whether licences are required.

To summarise, the DWT comments prove the application is not complete and therefore should not go forward to a planning hearing until the outstanding information has been gathered, integrated into the application and reviewed again. I would be grateful if you could confirm that it will not be going to the hearing on 12/1/21, and could inform us (the neighbours/objectors) of when the application is ready to be heard at a planning meeting so that we can attend and make appropriate representations.

OFFICER COMMENTS:

The comments made are noted. It is Officer view that the development is not significant in its scale and as such is unlikely to have any significant impact on any habitats and so Officers do not consider any prior ecological survey is required in this case and that a condition requiring an assessment to be undertaken and adequate mitigation implemented would address any ecological concerns in this case.

3. SOURCE OF COMMENTS: Emma King

DATE RECEIVED: 08.01.2021

SUMMARY:

That isn't the rationale you told me initially - you said that because you knew there were newts there, you wouldn't need a preliminary survey to see if they were there or not, and therefore could go ahead with putting the specific survey into the planning conditions.

This is not what DWT recommended - they recommended a preliminary site survey, this establishes presence and absence of a variety of different species, not just newts. Newts were not mentioned in the DWT report. I have listed some species that may be present in my objection, however I am not a field biologist (I have a biology degree but I am not trained in surveying), and my objections do not conform to the standard required, nor have I actually gone on to the site myself as it's not my property - I'm merely stating what is nearby and what habitats are present. This information is then used to decide which specialist surveys are required, be they for bats, badgers, newts or others. From there the impacts on the species are assessed and mitigation/compensation measures put in place. Paragraph 99 of

the Circular 06/2005 (NB these are statutory obligations on planning) states that 'the need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances'. There are no exceptional circumstances surrounding this application. From the gov.uk website on LPA guidance for protected species and development

"Planning conditions

You should not usually attach planning conditions that ask for surveys. This is because you need to consider the full impact of the proposal on protected species before you can grant planning permission. You can add an 'informative' note to the planning permission to make it clear that a licence is needed" source <https://www.gov.uk/guidance/protected-species-how-to-review-planning-applications>

You further state that the development is not of a sufficient scale to have significant impacts. You don't know this. You don't know what impact it will have, as impacts have not been assessed in any way - this is contrary to the advice of the DWT, the parish council's comments, NPPF paragraph 174, and NEDDC's own supplemental planning guidance Successful Places. None of these reference size of development as a factor in determining whether wildlife surveying goes ahead. Specific gov.uk surveys for protected wildlife are triggered by site/nearby suitable habitat and recorded presence in the area, not size or scale of development. Furthermore, the NPPF and DWT say that merely recording and mitigating is not sufficient, any new development must also show how it intends to restore and enhance biodiversity/achieve net gains for biodiversity

For these reasons, the hearing at the planning committee on 12/1/21 cannot go ahead as the applicants must now surely arrange for the recommended surveys, integrate the findings into the application and have it reviewed. You will need to rewrite your officer report to include the additional information. At this point, the application can go to the planning committee

I must add, and I'm sure you gathered this, that I'm extremely disappointed by the planning team's stance on wildlife and ecology with regards to this application. It does not fit with the 21st century ethos of protecting the environment

OFFICER COMMENTS:

The comments made are noted. Paragraph 99 of Circular 06/2005 states that:

"It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances, with the result that the surveys are carried out after planning permission has been granted. However, bearing in mind the delay and cost that may be involved, developers should not be required to undertake surveys for protected species unless there is a reasonable likelihood of the species being present and affected by the development. Where this is the case, the survey should be completed and any necessary measures to

protect the species should be in place, through conditions and/or planning obligations, before the permission is granted. In appropriate circumstances the permission may also impose a condition preventing the development from proceeding without the prior acquisition of a licence under the procedure set out in section C below.”

However, Officers note that developers should only be required to undertake surveys where there is a reasonable likelihood of species being present and affected by the development and that the Planning Practice Guidance sets out that ecological surveys will necessary where they are clearly justified and where development could have a significant impact on biodiversity.

In this case Officers consider a building measuring approximately 36 metres square will not have a significant impact on biodiversity and retain the view that if planning consent is granted any necessary ecological mitigation could be required by condition

4. SOURCE OF COMMENTS: Philip and Rosie Wilson

DATE RECEIVED: 09.01.2021

SUMMARY:

However I am informed that the Planning Application Number 20/00484/FL that I have registered to speak about is incomplete and should not have been passed through by the Officer to your committee. Rather it should have been withdrawn and re submitted with the required ecological surveys which are currently omitted and have not been carried out. Should the application still find itself in front of your committee I will of course make my representations and speak at the meeting. My objections relate to the Health and Safety and Highways impact of the development at the property which also have not (in my view) been properly assessed.

However in this matter your Officers have not acted according to due protocol in not taking notice of the information provided to the and I would therefore cordially request that you strike the application No 20/00484/FL from your agenda and throw it back to the Officers concerned.

OFFICER COMMENTS:

The comments made are noted. Matters raised relating to highways and health and safety have been addressed in the report.

5. SOURCE OF COMMENTS: Andrew King

DATE RECEIVED: 11.12.2020

SUMMARY: E-mail to Members copied to Officer

The purpose of this communication is to ensure that you are made fully aware of recent communications that have passed between consultees and the council's planning

department and, objectors and the planning department. The following documents are therefore attached accordingly:

- 4 January 2021 Consultee comment from Derbyshire Wildlife Trust (DWT) being the letter to Planning Services Manager– In summary this letter unequivocally recommends that a PRELIMINARY ECOLOGICAL APPRAISAL is undertaken in order to establish the habitats that are present and to determine the presence or absence of protected species
- A copy of paragraph 99 of Circular 06/2005, being the document cited by DWT – as taken from the Office of the Deputy Prime Minister (ODPM) document dated 16 August 1995 titled 'BIODIVERSITY AND GEOLOGICAL CONSERVATION – STATUTORY OBLIGATIONS AND THEIR IMPACT WITHIN THE PLANNING SYSTEM – The extract is taken from Part IV of the Circular and is headed 'CONSERVATION OF SPECIES PROTECTED BY LAW' – in summary this paragraph underscores the importance of the need to ensure ecological surveys are undertaken and completed before permission is granted
- 8 January 2021 – Copy of Objection comment, sent 7 January 2021, from Emma King as displayed via the council's website under the planning application documents for ref 20/00484/FL – in summary this is a letter from the objector stating that because the planning application is incomplete due to the lack of an ecological survey, the application, due to be heard on 12 January 2021, should be deferred until the outstanding information, i.e. the ecological survey, has been gathered and reviewed.
- 8 January 2021 – Copy of response email from objector Emma King to Case Officer– The highlighted typescript on page 1 refers to the government guidance on protected species and development. This response email is in reply to the Case Officer's email to the objector earlier today confirming that despite the DWT recommendations the application will be going to planning on Tuesday

As it is now clear that the planning officers are dismissive of the need for an ecological survey the application will be brought before the Council's planning committee on 12 January, consequently it is requested that you as a committee give serious consideration to deferring a decision on this application until you have had full opportunity to allow such a survey to take place and properly consider its results

OFFICER COMMENTS:

The comments are noted.