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**North East
Derbyshire**
District Council

Supplementary Agenda – Late Representations
Summary Update Report

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Date: Monday, 14 March 2022

To: **Members of the Planning Committee**

Please attend a meeting of the Planning Committee to be held on **Tuesday, 22 March 2022 at 2.00 pm in the Council Chamber**, District Council Offices, 2013 Mill Lane, Wingerworth, Chesterfield S42 6NG.

The meeting will also be live streamed from the Council's website on its You Tube Channel. Click on the following link if you want to view the meeting:

[North East Derbyshire District Council - YouTube](#)

Yours sincerely

A handwritten signature in black ink that reads "Sarah Steenberg".

Assistant Director of Governance and Monitoring Officer

Members of the Committee

Councillor William Armitage
Councillor Andrew Cooper
Councillor Peter Elliott
Councillor Mark Foster
Councillor Roger Hall
Councillor David Hancock
Councillor Lee Hartshorne

Councillor Maggie Jones
Councillor Heather Liggett
Councillor Alan Powell
Councillor Jacqueline Ridgway
Councillor Kathy Rouse
Councillor Diana Ruff - Chair

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

AGENDA

5 Late Representations - Summary Update Report (Pages 3 - 9)

(Planning Manager – Development Management)

We speak your language

Polish
Mówimy Twoim językiem

Romanian
Vorbim limba dumneavoastră

Urdu
ہم آپ کی زبان بولتے ہیں

Chinese
我们会说你的语言

North East Derbyshire District Council



If you require this agenda in large print or another format please call us on 01246 217753 Text No: 07800 00 24 25

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 22nd March 2022

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: 21/01488/FL

CASE OFFICER: Graeme Cooper

1. SOURCE OF COMMENTS: Neighbour comments - Branson

DATE RECEIVED: 10 March 2022

SUMMARY:

We run a holiday accommodation business in the area and fully support this application as we believe it will greatly benefit the local area. Since Mr Perez bought Peak Edge Hotel, it appears to have gone from strength to strength and has become a fantastic venue for many. Increasing this stunning wedding venue further will only be positive and bring more tourism and custom to the area. The Red Lion restaurant at Peak Edge is somewhere we always highly recommend to our guests. This development will be a great addition to the area and we feel there is a demand for these facilities which in turn is likely to boost our business by having high quality spa facilities nearby. I believe this development will enhance interaction and support for many local businesses.

OFFICER COMMENTS:

These comments raise no new material considerations that are not already covered in the report to members.

2. SOURCE OF COMMENTS: Applicant

DATE RECEIVED: 9 March 2022

SUMMARY:

The applicant requested that condition 15 be amended.

OFFICER COMMENTS:

Officers have asked Derbyshire Wildlife Trust (DWT) to review this request and provide comments. DWT response considered below.

3. SOURCE OF COMMENTS: Derbyshire Wildlife Trust

DATE RECEIVED: 15 March 2022

SUMMARY:

Derbyshire Wildlife Trust reviewed the request to amend the wording of condition 15 and it has been agreed that it can be amended as follows:

Condition 15) Before any works are carried out outside the managed hotel grounds, an updated grassland survey of land outside the managed hotel grounds currently classified as 'other neutral grassland' shall be undertaken between May and August, after a period without livestock grazing. The biodiversity metric shall be updated as necessary if the grassland type or condition requires amending based on the survey results. The proposed habitat creation and enhancement scheme shall subsequently be amended as required to ensure a net gain is achieved and the final proposals (if amended) shall be submitted in the form of an updated Biodiversity Net Gain Assessment to the LPA for approval in writing. The development shall be carried out in accordance with the approved Biodiversity Net Gain Assessment, and the on-site habitat creation and enhancement shall be provided in accordance with the details in the Assessment and within a timetable that shall form part of the information submitted in the updated Landscape and Ecological Management Plan. The approved enhancements shall be retained as such thereafter.

OFFICER COMMENTS:

Condition 15 should be amended in line with the revised wording above.

4. SOURCE OF COMMENTS: Ashover Parish Council

DATE RECEIVED: 16 March 2022

SUMMARY:

No further comments were made to those previously submitted, however, a question was raised as to what was proposed for the Section 106 monies? Please would you advise?

OFFICER COMMENTS:

Officers have responded to the Parish Council to advise that no s106 contributions have been requested and an agreement is being sought with the developer to not continue with the extant holiday lodges permission, reference 15/00312/FL. The Parish Council raised no further comments.

5. SOURCE OF COMMENTS: Legal team

DATE RECEIVED: 16 March 2022

SUMMARY:

Officers in the Councils legal section have confirmed that a signed unilateral undertaking agreement has been received and can be completed if planning committee are minded to grant planning permission.

OFFICER COMMENTS:

Officers have no further comments to add.

6. SOURCE OF COMMENTS: Mr Latter (neighbour)

DATE RECEIVED: 21 March 2022

SUMMARY:

I accept that the amendments to the plans that have recently been submitted for this proposal have overcome some of the objections that I previously made to the scheme, but I still have a number of concerns.

- We welcome the slight repositioning of the hotel extension and the movement of the second floor balconies from the eastern to the western elevations. However the first floor balconies and the ground floor terraces on the eastern side remain. While the visibility of our house and garden from these features will be reduced due to the slight repositioning of the extension the issue of noise and disturbance remains. The

use of these areas particularly late at night will result in noise which in an area with little background noise will be very disturbing. The amendments also do nothing to reduce the increased use of the site and the associated increased use of the car park which is close to our boundary.

- In dealing with a previous proposal for a detached garage with a room above at our property we were required to reduce the size of the building and to remove the proposed balcony in order to reduce any intrusion into the countryside. This judgement on balconies should be consistent between applications on adjoining sites.
- The size of the proposed mounds adjacent to the proposed wildlife pond appear to have increased in the revised drawings and there appear to be no restrictions to guests using this area (the western mound crosses the line of a proposed hedgerow which would limit its effectiveness). If guests are able to access this area the mounds would provide viewing platforms to overlook our property and result in a significant loss of privacy to us. We would like confirmation that this area will not be open to use by guests and that there will be robust boundary treatments to prevent access to this area by guests.
- The landscaping plan shows few details of the proposed landscaping. While we appreciate that it is proposed that a condition is attached to any planning permission granted requiring details of the landscaping it is very important to us that the landscaping details should incorporate mature planting. Due to the height of the proposed building any planting that is not mature will have little screening potential for us. It must also be noted that due to the height and exposed position of this site any planting struggles to become established with slow growth rates.

I would ask that you would take all these points into consideration when determining the application.

OFFICER COMMENTS:

Officers consider that the amended scheme before members will not have an adverse impact on neighbouring residents. Officers note the comments above and would point out that the wildlife bunding and pond area is separated off by a native hedgerow from public amenity grassland and it is not considered to be a public space. The comments relating to landscape planting is noted and officers will seek, where necessary, heavy standard native tree planting. Finally comments relating to works at other properties is not material to the determination of this application and each case is taken on its own merits.

7. SOURCE OF COMMENTS: Historic England

DATE RECEIVED: 21 March 2022

SUMMARY:

The proposed development seeks to extend the existing hotel building to include 29 additional bedrooms and a spa suite, along with associated alterations to the adjacent landscape including the creation of a biodiversity area with a pond, bunds and planting. Should permission be granted, the proposed extension would be constructed instead of the previously permitted scheme of twenty holiday lodges (Planning Ref: 15/00312/FL). The development boundary is approximately 150m from the nationally important Scheduled Monument of Stone Edge Smelt Mill.

Significance of the Smelt Mill

The significance of the Smelt Mill is outlined in our letter of 31 January 2022 and will not be reiterated here.

Impact on the Historic Environment

Whilst Historic England welcomes the submission of the Heritage Impact Assessment (Blue Willow Heritage, March 2022), we do not entirely agree with the conclusion 'that the proposed development will result in a neutral impact in terms of the setting of the scheduled monument'. We maintain our position that we believe the scheme to be out of scale with its surroundings and inappropriate in terms of layout and massing, none of which speak to the historic landscape context and significance of the scheduled monument. For context I will state that this is also the view we held of the consented scheme (15/00312/FL).

Historic Environment Policy

As set out in the National Planning Policy Framework paragraphs 189, 197, 200 and 202 all harm to designated heritage assets must be both clearly and convincingly justified and weighed against public (rather than private) benefits giving great weight to the conservation of the asset (which includes the contribution from setting to its significance).

Historic England's Position

Historic England has concerns regarding the proposed scheme in terms of its scale, layout and massing. We urge North East Derbyshire District Council to weigh the impacts on the significance of the historic environment against the public benefits of the scheme, as required in NPPF paragraph 202.

We also encourage you to seek the advice of Derbyshire County Council's Development Control Archaeologist and your authority's Conservation Officer, which should be implemented in full.

Should the development be granted permission Historic England encourages the Local Authority to enter into a legal agreement to ensure that the currently extant permission 15/00312/FL is not implemented.

Recommendation

Historic England has concerns regarding the application on heritage grounds. We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 199 and 202 of the NPPF.

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us.

OFFICER COMMENTS:

Officers note the comments of Historic England (HE). The comments of the Councils Conservation Officer and DCC Archaeologist have been sought and no objections have been raised to the proposed development, based on the applicant agreeing not to implement the 2015 planning permission for 20 holiday lodges. Officers therefore conclude that the public benefits of the scheme, weighed together with not continuing with the development of the holiday lodges permission outweighs the impact upon the significance on the historic environment in this location.

8. SOURCE OF COMMENTS: Applicant

DATE RECEIVED: 21 March 2022

SUMMARY:

The applicant and the whole design team wish to thank Principal Planning Officer, Graeme Cooper, for the efficient way he has processed this planning application and for the thorough Committee Report.

The Officer Report is clear that there are no significant issues that weigh against granting the proposed development. On each topic assessed by Officers the conclusion is that any impacts would be either neutral or positive.

At 7.64 it states we submitted the results of two parking surveys but there was a third undertaken and submitted, for an event in March. These surveys demonstrated that there is no existing parking problem.

The benefits to the economy of North East Derbyshire could have been more clearly set out in the conclusion/planning balance of the report. The proposed development would deliver 49 full time equivalent jobs. These would be additional jobs for North East Derbyshire and the applicant already works with Chesterfield College to give local applicants opportunities through their apprenticeship schemes. Both hospitality and beauty students will be offered significant opportunities at the site.

The scheme would deliver high quality bedroom accommodation and a bespoke spa facility. This will be an asset to the whole area, and following a meeting with an AA Inspector the applicant has already had an indication that the extended Peak Edge

Hotel can potentially be awarded AA five stars – the first for Derbyshire. This would attract additional tourists as well as special events such as weddings.

The economic and other benefits of the proposed development should carry very significant weight in the planning decision.

We confirm that the legal agreement has now been completed and received by the Council solicitor. This legal agreement will ensure that the approved lodges are not built if planning permission is approved and implemented for the hotel extension with spa. This legal agreement is a material planning consideration which should carry significant weight.

At 7.19 of the report it is confirmed that the main planning consideration is whether or not the proposed development would have a greater impact than the previously approved holiday lodges: the 'fall-back' position.

The applicant is keen to work with the Council in thoroughly addressing all the proposed planning conditions and delivering this exciting scheme.

OFFICER COMMENTS:

Officers have no further comments to add.