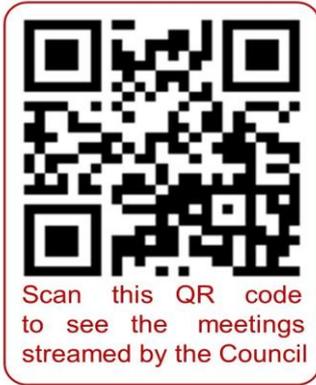


# Public Document Pack



**North East  
Derbyshire**  
District Council

Our Ref:

Contact: Alan Maher

Tel: 01246 217391

Email: [Alan.maher@ne-derbyshire.gov.uk](mailto:Alan.maher@ne-derbyshire.gov.uk)

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**

# **AGENDA**

## **1 Apologies for Absence and Substitutions**

To receive any apologies for absence and notices of substitutions from Members.

## **2 Declarations of Interest**

Members are requested to declare the existence and nature of any disclosable pecuniary interests and/or other interests, not already on their register of interests, in any item on the agenda and withdraw from the meeting at the appropriate time.

## **3 Minutes of the Last Meeting**

To approve as a correct record and the Chair to sign the Minutes of Planning Committee held on 15 December 2020

## **4 NED 20/00484/FL - Ashover Hay (Pages 5 - 21)**

Proposed building for tractor, implements and log store (Amended Plans) (Amended Title) at Barn adjacent Walnut Barn. Ashover Hay

(Planning Manager – Development Management)

### **4(a) Speakers on NED 20/00484/FL - Ashover Hay**

TO FOLLOW

## **5 NED 19/00907/OL - Calow (Pages 22 - 31)**

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)

### **5(a) Speakers on Application NED 19/00907/OL - Calow**

TO FOLLOW

## **6 NED 20/00535/FL - Stretton (Pages 32 - 45)**

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)

### **6(a) Speakers on Application NED 20/00535/FL - Stretton**

TO FOLLOW

**7** **NED 20/00978/OL - Renishaw** (Pages 46 - 60)

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)

**7(a) Speakers on Application NED 20/00978/OL - Renishaw**

TO FOLLOW

**8** **Late Representations - Summary Update Report**

(Planning Manager – Development Management)

TO FOLLOW

**9** **Planning Appeals - Lodged and Determined** (Pages 61 - 64)

(Planning Manager – Development Management)

**10** **Matters of Urgency**

To consider any other matter which the Chair is of the opinion should be considered as a matter of urgency.



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***

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## PLANNING COMMITTEE

### MINUTES OF MEETING HELD ON TUESDAY, 15 DECEMBER 2020

#### **Present:**

Councillor Diana Ruff (Chair) (in the Chair)

Councillor Jayne Barry (Vice-Chair)

Councillor William Armitage

Councillor Peter Elliott

Councillor Carol Huckerby

Councillor Alan Powell

Councillor Jacqueline Ridgway

Councillor Ross Shipman

Councillor Andrew Cooper

Councillor Mark Foster

Councillor Maureen Potts

Councillor Tracy Reader

Councillor Kathy Rouse

**In Attendance:** Councillor Barry Lewis (Spoke as a Ward Member on Application NED 20/00409/ Wingerworth)

#### **Also Present:**

R Purcell

A Kirkham

A Lockett

Cartwright

J Fieldsend

N Calver

M E Derbyshire

D Stanton

A Maher

Assistant Director - Planning

Planning Manager - Development Management

Planning Officer

Senior Planning Officer

Legal Team Manager (non contentious)

Governance Manager

Members ICT & Training Officer

Governance Officer

Senior Governance Officer

#### **PLA/ Apologies for Absence and Substitutions**

**56/2**

**0-21** There were no apologies for absence. Councillor J Ridgway noted that she would be leaving the meeting at 3pm.

#### **PLA/ Declarations of Interest**

**57/2**

**0-21** Councillor Reader declared an interest in Item 4a NED/20/00221/FL - Clay Cross in that she intended to speak on the application in her capacity as a Ward Councillor. She confirmed that following any questions from Members she would then take no further part in the committee's deliberations on this application.

#### **PLA/ Minutes of Last Meeting**

**58/2**

**0-21** The minutes of the Planning Committee held on 17 November 2020 were approved as a correct record.

#### **PLA/ NED/20/00221/FL - Clay Cross**

**59/2**

**0-21a** The Planning Manager (Development Management) presented the report and drew Members attention to the late updates report and the report from the

Applicant's Ecologist. The application was being considered by the Committee at the request of Councillor T Reader due to possible concerns around flooding at Press Brook, highway safety and impact on services such as local schools and GP practices, in addition to the possible impact on historical mine works and a possible impact on wildlife. Representations were heard in objection from Ward Councillor T Reader, Mandy Bingham, Fenella Jones, Richard Bargh and Richard Eden. Representations were heard in support of the application from the Applicant's Agent, Darren Abbott (DLP Consultants).

Members had the opportunity to question speakers and officers. The application was discussed in length, including concerns over flooding on the site and the potential impact on other nearby sites, as well as the number of dwellings in the proposed application in relation to the emerging Local Plan. Officers noted that Flood Risk Assessments which had been submitted by both the Applicant and the Derbyshire Flood Team (as the lead Local Flood Authority and statutory consultee) were deemed acceptable and that the number of dwellings in the Local Plan is indicative and not a maximum number in relation to the site in question. Members also considered implications around air pollution and drainage.

#### RESOLVED –

(a) That the application be approved in line with Officer Recommendations, subject to final completion of a section 106 agreement.

(b) That determination of the final conditions for approval be delegated to the Planning Manager (Development).

1. The development hereby approved shall be started within 3 years from the date of this permission.

Reason: To comply with section 91 (as amended) of the Town and Country Planning Act 1990

2. The development hereby approved shall be carried out in accordance with the details shown on the following plans:-

- 19-03-P01 Rev F – Site Plan
- CLCC-BSP-ZZ-XX-DR-C-0002 REV P02 – Refuse Vehicle Swept Path Analysis
- INF\_N0708(08)001A – Illustrative Landscape Masterplan
- INF\_N0708(08)003A – Hard and Soft Landscape Palette Sheets
- RSE\_4068\_BIA REV V4 – BIA Visualisation
- 19-03-P30 – Sections to Press Brook
- 19-03-P-00 – Location Plan
- 19-03-P02 PLOT 1 BEAL (A1)
- 19-03-P03 PLOT 3 BEAL (A1)
- 19-03-P04 PLOT 7 BEAL (A1)
- 19-03-P05 PLOTS 8 AND 20 BEAL (A1)
- 19-03-P06 PLOTS 2 AND 29 PETWORTH (A1)
- 19-03-P07 REV A PLOT 4 LINDISFARNE (A1)
- 19-03-P09 REV A PLOT 27 LINDISFARNE (A1)
- 19-03-P10 PLOT 30 LINDISFARNE (A1)

- 19-03-P11 REV A PLOT 16 LINDISFARNE (A1)
- 19-03-P12 PLOT 35 LINDISFARNE (A1)
- 19-03-P13 PLOT 9 SUDBURY (A1)
- 19-03-P14 PLOT 10 SUDBURY (A1)
- 19-03-P14 PLOT 10 SUDBURY (A1)
- 19-03-P15 PLOT 11 CLAYDON (A1)
- 19-03-P16 PLOT 12 CLAYDON (A1)
- 19-03-P17 PLOT 15 CLAYDON (A1)
- 19-03-P18 REV A PLOT 14 DANBURY (A1)
- 19-03-P19 REV A PLOTS 21-22, 23-24 AND 25-26 2 BED AFFORDABLES
- 19-03-P20 PLOT 28 ROSEDENE (A1)
- 19-03-P21 PLOT 34 ROSEDENE (A1)
- 19-03-P22 PLOT 31 BUCKINGHAM (A1)
- 19-03-P23 PLOTS 5-6 HARDWICK (A1)
- 19-03-P24 PLOTS 17, 18, 32 AND 33 HARDWICK (A1)
- 19-03-P25 GARAGES (A1)
- 19-03-P26 REV C SITE SECTIONS (A1)
- 19-03-P27 PLOT MATERIALS SCHEDULE
- 19-03-P28 REV A BOUNDARY DETAILS (A1)
- 19-03-P29 REV A BOUNDARY TREATMENT PLAN (A1)
- ARBORICULTURAL ASSESSMENT
- BIODIVERSITY METRIC 2.0 CALCULATION TOOL.
- CLCC\*BSP-ZZ-XX-RP-C-001-P02 FLOOD RISK ASSESSMENT
- ECOLOGICAL APPRAISAL
- HERITAGE STATEMENT
- TRANSPORT ASSESSMENT

Unless otherwise subsequently agreed through a formal submission under the non-material amendment procedures and unless otherwise required by any condition in this decision notice.

Reason: For Clarity and the avoidance of doubt.

### **Employment and Training**

3. Before the development hereby approved commences, a scheme to enhance and maximise employment and training opportunities during the construction stage of the project, including a timetable for implementation, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall then be implemented in full in accordance with the approved timetable.

Reason: In the interests of creating sustainable development in accordance with policy GS1 of the North East Derbyshire Local Plan.

### **On-site Public Spaces**

4. Prior to the first occupation of any dwelling a scheme for the delivery and future maintenance of all on site public open space, and a timetable for

implementation relative to the completion of dwellings hereby approved. Thereafter any approved scheme of open space shall be implemented in full in accordance with the approved timetable and shall be maintained in accordance with the approved scheme thereafter.

Reason: In the interest of the appearance of the area and in accordance with policies GS1 and H12 of the North East Derbyshire Local Plan

### **Sustainable Design, Character and Appearance**

5. Notwithstanding the submitted details, before any above ground works commence, the following shall be submitted to and approved in writing by the Local Planning Authority:
  - a) A scheme of landscaping which shall include indications of all existing trees and hedgerows on the land
  - b) The details of any trees and hedgerows to be retained together with measures for their protection during development,
  - c) A schedule of proposed plant species, size and density and planting locations and
  - d) An implementation programme

Reason: In the interest of the appearance of the area and in accordance with policies GS1 and H12 of the North East Derbyshire Local Plan

6. All planting, seeding or turfing in the approved scheme of landscaping shall be carried out in the first planting and seeding season following the occupation of buildings or the completion of the development, whichever is the sooner. Any plants or trees which within a period of 5 years from the completion of development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interest of the appearance of the area and in accordance with policies GS1 and H12 of the North East Derbyshire Local Plan

7. Notwithstanding the submitted details, prior to any above ground works commencing, a plan to show the positions, design, materials, height and type of boundary treatments to be erected and/or retained including a timetable for implementation relative to the occupation of plot numbers shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in full in accordance with the approved timetable and retained as such thereafter.

Reason: In the interest of the appearance of the area and in accordance with policies GS1 and H12 of the North East Derbyshire Local Plan

8. The proposed finished floor levels of the dwellings and the proposed finished ground levels of the site shall be implemented in accordance with drawing 19-03-P01 revision E.

Reason: In the interest of the appearance of the area and in accordance

with policies GS1 and H12 of the North East Derbyshire Local Plan

9. Prior to first occupation of any dwelling, a scheme for the provision of public art on the site including a timetable for implementation shall be submitted to and approved in writing by the Local Planning Authority. The public art shall be implemented in full in accordance with the approved timetable and retained as such thereafter.

Reason: In the interest of the appearance of the area and in accordance with policies GS1 and H12 of the North East Derbyshire Local Plan

10. Before any above ground works commence a scheme for mitigating climate change through sustainable design and construction of the dwellings shall be submitted to and approved in writing by the LPA. Thereafter the approved climate change scheme shall be implemented in full and retained as such thereafter.

Reason: In the interests of creating sustainable development in accordance with policy GS1 of the North East Derbyshire Local Plan.

11. No part of the development shall be occupied until details of arrangements for the storage of bins and collection of waste have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained as such thereafter.

Reason: In the interests of highway safety and in accordance with policies T2, T9 and H12 of the North East Derbyshire Local Plan

### **Ecology**

12. No vegetation clearance shall take place between 1st March and 31st August inclusive, unless preceded by a nesting bird survey undertaken by a competent ecologist. If nesting birds are present, an appropriate exclusion zone will be implemented and monitored until the chicks have fledged. No works shall be undertaken within exclusion zones whilst nesting birds are present.

Reason: To safeguard the ecology of the site and ensure ecological interest is conserved in accordance with Policy NE6 of the North East Derbyshire Local Plan.

13. Prior to the start of construction (including site clearance), an Otter Mitigation Strategy shall be submitted to the LPA for approval. This shall specify measures to safeguard the functionality of Press Brook and protect individual animals. Measures shall include those listed below. The approved Strategy shall be implemented in full.

- Details of the 'wild' buffer of existing vegetation to be retained between Press Brook and the development.
- The buffer shall be protected with otter-proof fencing during construction and for the lifetime of the development.
- Excavations shall be covered overnight during construction or mammal

ramps shall be installed.

- No night-working on the site and no lighting of the buffer zone during construction
- Any necessary outfalls shall be carefully planned and in-channel works supervised by an ecologist. Vegetation removal must be minimised and replacement planting may be required to maintain the integrity of the buffer, dependent on advice from the ecologist.
- The buffer zone shall be maintained with low intervention management, with works limited to removal of garden waste/garden escapes/litter/fly tipping by maintenance contractors and where access allows. This shall be included within any Landscaping or Management Plans.

Reason: To safeguard the ecology of the site and ensure ecological interest is conserved in accordance with Policy NE6 of the North East Derbyshire Local Plan.

14. Prior to the start of construction (including site clearance), a Badger Mitigation Strategy shall be submitted to and approved in writing by the LPA. This shall specify the approach to deal with the known badger sett within the application area, including the implementation of temporary buffer zones, any update survey work and the requirements for licensing. The approved Strategy shall be implemented in full and confirmation of licence approval/site registration from Natural England shall be submitted to the LPA once available.

Reason: To safeguard the ecology of the site and ensure ecological interest is conserved in accordance with Policy NE6 of the North East Derbyshire Local Plan.

15. Prior to the installation of services, a detailed lighting strategy shall be submitted to and approved in writing by the LPA to safeguard the Press Brook corridor and the eastern orchard and maintain their value to nocturnal wildlife. The Strategy should provide details of the chosen luminaires, their locations and any mitigating features such as dimmers, PIR sensors and timers. Such approved measures will be implemented in full.

Reason: To safeguard the ecology of the site and ensure ecological interest is conserved in accordance with Policy NE6 of the North East Derbyshire Local Plan.

16. Prior to building works commencing above foundation level, a Biodiversity Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority. This shall provide enhancements on site, in addition to the biodiversity offsetting works required for this application. Measures shall be shown clearly on a Plan, including numbers, locations and specifications. Such approved measures shall be implemented in full and maintained thereafter, with photographs of the measures in situ submitted to the LPA to fully discharge the condition. Measures shall include (but are not limited to) the following:

- integrated bat boxes in 40% of dwellings.

- swift boxes in 40% of dwellings.
- insect bricks in 20% of dwellings.
- hedgehog gaps (130 mm x 130 mm) shall be provided in garden fencing.

Reason: To safeguard the ecology of the site and ensure ecological interest is conserved in accordance with Policy NE6 of the North East Derbyshire Local Plan.

17. Before the commencement of development a scheme to mitigate and compensate the net loss of biodiversity resulting from the development shall have been submitted to and approved in writing by the Local Planning Authority and shall include details for a combination of on-site mitigation and off-site compensation and timescales for implementation. The scheme shall thereafter be provided in accordance with the approved details and timescales or before 90% of the dwellings are occupied whichever is sooner.

Reason: To safeguard the ecology of the site and ensure ecological interest is conserved in accordance with Policy NE6 of the North East Derbyshire Local Plan.

### **Drainage**

18. Before development starts, a scheme for the provision of foul drainage works shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full before the first occupation of the dwellings and retained as such thereafter.

Reason: In the interests of ensuring proper drainage of the site in accordance with policy CSU4 of the North East Derbyshire Local Plan.

19. No development shall take place until a detailed design and associated management and maintenance plan of the surface water drainage for the site, in accordance with the principles outlined within:
- a. Flood Risk Assessment & Drainage Strategy, Clay Lane, Clay Cross for Woodall Homes Ltd by BSP Consulting Referenced CLCC-BSP-ZZ-XX-RP-C-0001-P02 dated June 2020 Revision P02 and also including any subsequent amendments or updates to those documents as approved by the Flood Risk Management Team,
  - b. And DEFRA's Non-statutory technical standards for sustainable drainage systems (March 2015),
  - c. and including any additional details submitted relating to maintenance and accessing of the watercourse for the lifetime of the development have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development does not increase flood risk and that the principles of sustainable drainage are incorporated into this proposal, and sufficient detail of the construction, operation and maintenance/management of the sustainable drainage systems are provided to the Local Planning Authority, in advance of full planning

consent being granted.

20. No development shall take place until a detailed assessment has been provided to and approved in writing by the Local Planning Authority, to demonstrate that the proposed destination for surface water accords with the drainage hierarchy as set out in paragraph 80 reference ID: 7-080-20150323 of the planning practice guidance.

Reason: To ensure that surface water from the development is directed towards the most appropriate waterbody in terms of flood risk and practicality by utilising the highest possible priority destination on the hierarchy of drainage options. The assessment should demonstrate with appropriate evidence that surface water runoff is discharged as high up as reasonably practicable in the following hierarchy.

- I. into the ground (infiltration);
- II. to a surface water body;
- III. to a surface water sewer, highway drain, or another drainage system;
- IV. to a combined sewer

21. Prior to commencement of the development, the applicant shall submit for approval to the LPA details indicating how additional surface water run-off from the site will be avoided during the construction phase. The applicant may be required to provide collection, balancing and/or settlement systems for these flows. The approved system shall be operating to the satisfaction of the LPA, before the commencement of any works, which would lead to increased surface water run-off from site during the construction phase.

Reason: To ensure surface water is managed appropriately during the construction phase of the development, so as not to increase the flood risk to adjacent land/properties or occupied properties within the development

22. Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority. This must demonstrate that the drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls).

Reason: To ensure that the drainage system is constructed to the national Non-statutory technical standards for sustainable drainage and CIRIA standards C753

### **Ground Conditions**

23. No development shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:
  - All previous uses
  - Potential contaminants associated with those uses
  - A conceptual model of the site indicating sources, pathways and receptors
  - Potentially unacceptable risks arising from contamination at the site
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 170 of the National Planning Policy Framework.

24. Prior to any part of the permitted development being brought into use, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 170 of the NPPF.

25. If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 170 of the NPPF.

26. No development shall take place until a Written Scheme of Investigation for archaeological work has been submitted to and approved by the local planning authority in writing, and until any pre-start element of the approved scheme has been completed to the written satisfaction of the local planning authority. The scheme shall include an assessment of significance and research questions; and

1. The programme and methodology of site investigation and recording
2. The programme for post investigation assessment
3. Provision to be made for analysis of the site investigation and recording
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
5. Provision to be made for archive deposition of the analysis and records of the site investigation
6. Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation

Reason: So as to record and advance understanding of a heritage asset in accordance with The National Planning Policy Framework and Policy GS7 of the North East Derbyshire

27. No development shall take place other than in accordance with the archaeological Written Scheme of Investigation approved under condition 26.

Reason: So as to record and advance understanding of a heritage asset in accordance with The National Planning Policy Framework and Policy GS7 of the North East Derbyshire

28. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological Written Scheme of Investigation approved under condition 26 and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: So as to record and advance understanding of a heritage asset in accordance with The National Planning Policy Framework and Policy GS7 of the North East Derbyshire

29. No development shall commence until intrusive site investigations have been carried out on site to establish the exact situation in respect of coal mining legacy features (shallow coal workings; on-site mine entry). The findings of the intrusive site investigations shall be submitted to the Local Planning Authority for consideration and approval in writing. The intrusive site investigations shall be carried out in accordance with authoritative UK guidance.

Reason: To protect the environment and address any coal mining legacy issues and in accordance with Policy CSU6 of the North East Derbyshire Local Plan.

30. Where the findings of the intrusive site investigations (required by the condition above) identify that coal mining legacy on the site poses a risk to surface stability, no development shall commence until a detailed remediation scheme to protect the development from the effects of such land instability has been submitted to the Local Planning Authority for consideration and approval in writing, including the submission of a layout plan which identifies appropriate zones of influence for the mine entry on site, and the definition of suitable 'no-build' zones. Following approval, the remedial works shall be implemented on site in complete accordance with the approved details.

Reason: To protect the environment and address any coal mining legacy issues and in accordance with Policy CSU6 of the North East Derbyshire Local Plan.

31. Before development starts details of any development works within 15m, measured horizontally, from the outside face of the Tunnel extrados shall be submitted to and approved in writing by the Local planning Authority. The details shall include:

- The type and method of construction of foundations
- Any increase/decrease of loading on the Tunnel both temporary and permanent. Certified proof that the proposals shall have no detrimental effect upon the tunnel will be necessary.

Any proposal must not interfere with Network Rail's operational railway nor jeopardise the structural integrity of the Tunnel. The approved details shall be implemented in full prior to the first occupation of any dwelling.

Reason: In the interests of the safety, operational needs and integrity of the railway.

32. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted to and approved in writing by the Local Planning Authority the works shall only be carried out in accordance with the approved details.

Reason: In the interests of the safety, operational needs and integrity of the railway.

33. Where vibro-compaction machinery is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.

Reason: In the interests of the safety, operational needs and integrity of the railway.

34. Before development starts a Method statement shall be submitted to and approved in writing by the Local Planning Authority. This should include an outline of the proposed method of construction, risk assessment in relation to the railway and construction traffic management plan. Where appropriate an asset protection agreement will have to be entered into. This will be particularly relevant in relation to works around the tunnel air shaft. The development shall then be carried out in accordance with the approved method statement.

Reason: In the interests of the safety, operational needs and integrity of the railway.

### **Amenity**

35. Construction works on site and deliveries to the site shall be undertaken only between the hours of 7:30am to 6pm Monday to Friday and 7:30am to 12pm on Saturday. There shall be no work undertaken on site or deliveries to the site undertaken on Sundays or public holidays.

Reason: To protect the amenity of all nearby property occupiers and users in accordance with policy H12 of the North East Derbyshire Local Plan.

### **Highways**

36. Before development starts, a detailed scheme of highway improvement works in connection with the potential relocation of an existing speed hump fronting the site, together with a programme for the implementation and completion of the works shall be submitted to and approved in writing by the Local Planning Authority. No part of the development shall be brought into use until the required highway improvement works have been constructed in accordance with the approved details. For the avoidance of doubt the developer will be required to enter into a 1980 Highways Act S278 Agreement with the Highway Authority in order to comply with the requirements of this condition.

37. Before any construction operations commence a construction management plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include for:-

- Site accommodation
- The storage of plant and materials
- Parking of contractors and visitors vehicles associated with the construction activities
- Timing of deliveries to and from the site

The works shall be carried out thereafter in accordance with the approved plan.

38. Throughout the period of development, vehicle wheel cleaning facilities shall be provided and retained within the site. All construction vehicles shall have their wheels cleaned before leaving the site in order to prevent the deposition of mud and other extraneous material on the public highway.

39. Before development starts details of the temporary access for construction purposes shall be submitted to and approved in writing by the local planning authority.
40. No part of the development shall be occupied until a new estate street junction has been formed to Clay Lane (and appropriate frontage footway and tactile crossing) in accordance with the revised application drawings that shall be submitted to and approved in writing by the local planning authority. The access shall also be provided with visibility sightlines extending from a point 2.4m from the carriageway edge, measured along the centreline of the junction, for a distance of 43m in each direction, measured up to 1m into the nearside carriageway at the extremity of the splay. The land in advance of the sightlines being levelled, constructed as footway and not being included in any plot or other sub-division of the site.
41. Within 28 days, or other such period of time as may be agreed with the Local Planning Authority, of the permanent access being constructed all other means of access to Clay Lane (existing or temporary) shall be permanently closed and the existing vehicle crossover(s) reinstated with full height kerbs and appropriate footway / verge construction in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority.
42. Prior to any works exceeding demolition and site clearance construction details of the residential estate roads and footways (including layout, levels, gradients, surfacing and means of surface water drainage) shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior in accordance with the approved timetable. The applicant is advised to obtain construction approval from the Highway Authority prior to submission of any details in connection with this condition.
43. The carriageways and footways shall be constructed in accordance with the details approved under condition 36 above, up to and including binder course surfacing, to ensure that each dwelling, prior to occupation, has a properly consolidated and surfaced carriageway and footway between the dwelling and the existing public highway. Until final surfacing is completed, the footway binder course shall be provided in a manner to avoid any upstands to gullies, covers or other such obstructions within or abutting the footway. The carriageways and footways in front of each dwelling shall be completed with final surface course within twelve months (or three months in the case of a shared surface road) from the occupation of such dwelling.
44. The gradient of the new estate street access shall not exceed 1:30 for the first 10m into the site from the existing highway boundary and 1:20 thereafter.
45. The dwellings, the subject of the application, shall not be occupied until the estate street has been provided with suitable turning arrangements to enable service and delivery vehicles to turn. In the case where interim turning arrangements are constructed these must remain available until

any permanent estate street turning is available, in accordance with the approved estate street designs.

46. All private and shared driveways, and parking spaces within the site shall not be taken into use until provided with 2.4m x 25m, or other such dimensions as may be agreed with the Local Planning Authority, visibility splays, the area in advance maintained free from any obstruction exceeding 1m (600mm if vegetation) relative to the adjacent carriageway channel level and 2m x 2m x 45° pedestrian intervisibility splays on either side of the access at the back of the footway, the splay area being maintained throughout the life of the development clear of any object greater than 0.6m in height relative to footway level.
47. No part of the development shall be occupied until details have been submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of water from private areas/driveways onto the adoptable highway. The approved scheme shall be undertaken and completed prior to the first use of private areas/accesses and retained as such thereafter.
48. The dwellings the subject of the application, shall not be occupied until space has been provided within the site curtilage for parking (including cycle parking), located, designed, laid out and constructed all as agreed in writing with the Local Planning Authority and maintained throughout the life of the development free from any impediment to its designated use.
49. The garages hereby permitted / car spaces to be provided, shall be kept available for the parking of motor vehicles at all times. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and/or re-enacting that Order) the garage / car parking spaces hereby permitted shall be retained as such and shall not be used for any purpose other than the garaging of private motor vehicles associated with the residential occupation of the property without the grant of further specific planning permission from the Local Planning Authority.
50. The first 5m of the proposed access driveways shall not be surfaced with a loose material (i.e. unbound chippings or gravel etc).
51. No gates, chains or other barriers (or any part of their opening arc) shall be permitted to open outwards over the adjacent street - any gates, chain or barriers shall open inwards/ onto the site only.
52. Prior to the first occupation of any dwelling, details of the proposed arrangements for future management and maintenance of the streets shall be submitted to and approved in writing by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details or until such time as an agreement has been entered into under section 38 of the Highways Act 1980, if appropriate.

## Informative

### Network Rail:

#### **Method Statements/Fail Safe/Possessions**

Method statements may require to be submitted to Network Rail's Asset Protection Project Manager at the below address for approval prior to works commencing on site. This should include an outline of the proposed method of construction, risk assessment in relation to the railway and construction traffic management plan. Where appropriate an asset protection agreement will have to be entered into. As stated above, this will be particularly relevant in relation to works around the tunnel air shaft. Generally if excavations/piling/buildings are to be located within 10m of the railway boundary/assets a method statement should be submitted for NR approval.

#### **ENCROACHMENT**

The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail and its infrastructure or undermine or damage or adversely affect any railway land and structures. There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail air-space and no encroachment of foundations onto Network Rail land and soil. There must be no physical encroachment of any foundations onto Network Rail land. Any future maintenance must be conducted solely within the applicant's land ownership. Should the applicant require access to Network Rail land then must seek approval from the Network Rail Asset Protection Team. Any unauthorized access to Network Rail land or air-space is an act of trespass and we would remind the council that this is a criminal offence (s55 British Transport Commission Act 1949). Should the applicant be granted access to Network Rail land then they will be liable for all costs incurred in facilitating the proposal.

#### **Footpath**

The developer should ensure that Clay Cross footpath 13 be kept open and safe use during the development of the site. Should any damage occur to the footpath a result of the development work then the surface of the path and it's immediate surrounding should be returned to a condition at least equal to its current condition

#### **PLA/ NED/20/00409/RM - Wingerworth**

**60/2**

**0-21**

The Chair reminded the Committee that this was a reserved matters application and that the access point and number of dwellings had already been determined at appeal by the inspectorate and should not be discussed as part of this application.

The Planning Manager (Development Management) presented the report and drew Members attention to the late updates report (including a letter from the Agent) and the fact that no objection to the scheme had been received from Yorkshire Water. Representations were heard in objection from Ward Councillor Barry Lewis, and Tony Carter. Representations were heard in support of the application from the Applicant's Agent, Paul Hill (RPS Group).

Members had the opportunity to question speakers and officers. Officers confirmed that there were a number of outstanding matters still to be agreed in consultation with the Council on ecological enhancements and appropriate engineering solutions regarding surface water, and that the client's ongoing commitment to provide 40% affordable housing should provide reassurance to Members on the application.

RESOLVED –

(a) That the Reserved Matters application be approved in line with Officer Recommendations, with an additional condition to require the submitted tree protection measures to be implemented before development starts and be retained as such thereafter.

(b) That determination of the final conditions for approval be delegated to the Planning Manager (Development).

1. The development hereby approved shall be carried out in accordance with the amended plans, add in plan details, unless otherwise specifically agreed in writing by the Local Planning Authority or otherwise required by any other condition in this decision notice.
2. Within 28 days of the development, hereby approved commencing, species specifications (including the manufacturer, range and colour details where applicable) or samples of the walling and roofing materials to be used, shall be made available on site for inspection, and subsequent written approval, by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.
3. Notwithstanding any submitted details, within 28 days of the development hereby approved commencing details of the proposed attenuation basin, its means of construction and its contours, depths and extent, along with the landscaping of the basin and adjoining land and the provision of any other structures/features incorporated into it, along with a timetable for implementation, shall be submitted to and be approved in writing by the Local Planning Authority. The attenuation basin and all/any associated landscaping shall then be implemented as agreed and be retained as such thereafter.
4. Prior to the occupation of the 175th house, hereby approved, the agreed scheme of boundary treatments shall be implemented in full. Once implemented the agreed scheme shall be retained as such thereafter.

**PLA/ NED/20/00795/FL - Darley Moor**

**61/2**

**0-21**

The Planning Officer presented the report and drew Members attention to the late updates report. She noted that this was a retrospective application to vary the approved conditions. Representations were heard in objection from Keith Moore.

Members had the opportunity to question speakers and officers, and were reminded to consider only the application in front of them and not in comparison to that which has been previously approved. The application was discussed in length, including the size and character of the building. Following the discussion, Councillor M Foster moved a motion to refuse the application contrary to Officer's recommendations in that the application is considered unacceptable as by reason of its size, scale and height it would fail to respect the character and beauty of the countryside, protect or enhance the natural environment and be a prominent intrusion. As such, it would fail to comply with policies GS6 and BE1 of the North East Derbyshire Local Plan, policies SS9 and SDC3 of the North East Derbyshire Local Plan (2014-2034) Publication Draft, policies AP2 and AP13 of the Ashover Neighbourhood Plan and the policies contained in the National Planning Policy framework when read as a whole. This was seconded by Councillor Shipman.

**RESOLVED –**

That the application be refused, contrary to Officer Recommendations, for the reasons detailed above with the final wording delegated to the Planning Manager in consultation with the Chair and Vice Chair of the Committee

**PLA/ 62/2 0-21** **NED/20/00921/FLH - Ashover**

The Planning Officer presented the report and drew Members attention to the late updates report. She noted that officers could not take responsibility for the photos which had been submitted by objectors and were shown during the speaker's submissions. Representations were heard in objection from Councillor Chris Miller (Ashover Parish Council), Mike Thomas, Sheila Kirby and Mrs J H Hardwick. Representations were heard in support of the application from the Applicant, Mike Weightman.

The application was discussed in length, including concerns regarding the impact on windows of neighbouring properties and the noise of the development. Members debated the conditions that could be added to the application to improve screening to neighbouring properties as well as conditioning the area of useable patio to reflect what has been previously approved.

**RESOLVED –**

(a) That the application be approved in line with Officer Recommendations, subject to the revised conditions as follows:

1. The development hereby approved shall be carried out in accordance with the details shown on drawing "Proposed Detached Garage Details Rev A" dated Nov 2020 and received on 26th Nov 2020 unless otherwise agreed through a formal submission under the non-material minor amendment procedures or as otherwise specifically required by other conditions contained within this decision notice.

2. Prior to the first use of the garage hereby approved, as such, a scheme of landscaping, including a timetable for its implementation, to allow for new boundary hedge planting/existing hedge growth and subsequent retention, as appropriate, shall be submitted to and be approved in writing by the Local Planning Authority. Specifically, the submitted scheme shall show, as a minimum,

the hedge on the eastern site boundary with Chapel Hill replanted where necessary and then kept, as a whole, at a minimum height of 2 metres above the height of the wall (when measured from the road side) and a new hedge planted on the western site boundary, allowed to grow and subsequently then be retained at a height 2 metres above the height of the boundary wall.

The agreed scheme shall then be implemented as agreed and be retained as such thereafter.

Reason: In the interests of enclosing the site in order to protect the amenity of residents of neighbouring properties.

3. Notwithstanding any other submitted details, prior to the first use of the green roof garden/patio terrace, as such, a wall shall be erected along the line of the "Steel Fence", as depicted on the submitted and otherwise approved drawings, to a height no greater than 1 metre. No other enclosing structure/wall or fence shall then be erected/placed or constructed beyond that point to any garage edge or on the edge of the garage itself. The area between the newly erected wall, as required by this condition, and the edge of the garage itself shall then not be used as a sitting out area, veranda, patio/garden, balcony or similar.

Reason: To ensure the area of extended garage beyond that approved by application NED/19/00255 is not used as an amenity area in the interest of protecting the amenity of occupiers of neighbouring residential properties.

4. Prior to the first use of the patio terrace/roof garden, as shown on the approved plans, as such, a scheme of all proposed external lighting for the patio terrace/roof garden shall be submitted to and be approved in writing by the Local Planning Authority. Subsequently only the external lighting so approved shall be installed/erected/placed within those areas and no other external lighting of any kind shall be installed/erected/placed within or on the patio terrace/roof garden.

(b) That determination of the final conditions for approval be delegated to the Planning Manager (Development) in consultation with the Chair of the Committee.

- (i) The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

- (ii) The development hereby approved shall be carried out in accordance with the details shown on drawing Proposed Detached Garage Details rev A received 26/11/2020; unless otherwise subsequently agreed through a formal submission under the Non Material Amendment procedures

Reason: for clarity and avoidance of doubt

- (iii) Before the first use of the garage hereby approved, the hedge on the eastern boundary with Chapel Hill shall be replanted where necessary and kept at a minimum height of 1.5m above the wall (on the road side) in perpetuity.

Reason: To maintain the privacy and amenity of neighbours in accordance with policy H5 of the North East Derbyshire Local Plan

- (iv) Before the first use of the garage hereby approved, the metal fence shown on the attached plans and located 2m back from the southern elevation of the garage shall be installed. This fence will be maintained in perpetuity and will prevent the 2m wide strip from being used for any other purpose than maintenance.

Reason: To maintain the privacy and amenity of neighbours in accordance with policy H5 of the North East Derbyshire Local Plan

- (v) The garage hereby approved shall be used solely for domestic purposes and shall not be used for any trade or business.
- (vi) For the avoidance of doubt and to avoid the establishment of a commercial activity in an unsuitable location in accordance with Policies E8 of the North East Derbyshire Local Plan.
- (vii) The garage hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Clover Lea and shall not be severed from the main house as a separate dwelling.

Reason: Insufficient amenity space is available to serve a further independent residential unit; in accordance with Policies H2 and H12 of the North East Derbyshire Local Plan

### Informatives

In accordance with the provisions of Section 96A of the Town and Country Planning Act which came into force 1st October 2009, any amendments to the approved plan will require either a formal application for a non-material amendment (for which a fee of £34 would be required) or the submission of a full planning application for a revised scheme. Please discuss any proposed amendments with the Planning Officer.

### **PLA/ Planning Appeals - Lodged and Determined**

**63/2  
0-21**

The report to Committee gave details of those Planning Appeals which had been lodged and determined. Members heard that two appeals had been lodged, none had been allowed and that four had been dismissed. Members were asked to note that the fourth appeal which had been dismissed (Land Allocation Ltd – Approved by Committee decision) suggested that there was not a consistent process from inspectors which can make it difficult for Officers to give clear guidance to Members, and that in assessing large scale housing developments they would need to be quite clinical in evaluating the weight attached to different policies. The Planning Manager noted the possibility of getting independent advice on issues such as Highways safety in the future if Members deemed this was necessary.

RESOLVED -

The Committee noted the report.

**PLA/ Matters of Urgency**

**64/2**

**0-21** There were no matters of urgency to consider.

## PLANNING COMMITTEE – 12 January 2021

**REFERENCE NUMBER:** 20/00484/FL      **Application Expiry Date:** 15/01/2021  
**Application Type:** Full application

**Proposal Description:** Proposed building for tractor, implements and log store (Amended Plans)  
(Amended Title)

**At:** Barn Adjacent Walnut Barn, Ashover Hay, Ashover

**For:** Mr & Mrs J Bedford

**Third Party Reps:** 64 letters of objection & 1 supporting  
**Parish:** Ashover

**Ward Name:** Ashover

**Author of Report:** Emily Cartwright

**Date of Report:** Monday 21<sup>st</sup> December 2020

**MAIN RECOMMENDATION:    CONDITIONALLY APPROVE**



Fig 1: Site Location Plan

## **1.0 Reason for Report**

- 1.1 Local ward member, Councillor Armitage has formally requested that the application be considered by members of planning committee due to the impact of the landscape.

## **2.0 Proposal and Background**

### **Site Description**

- 2.1 The application site relates to a field to the east of the Barn adjacent to Walnut Barn; an agricultural building which has planning consent to be converted into a dwelling (planning reference 20/0044/FL).
- 2.2 The field forms part of a land holding amounting to approximately 2.5 acres/1 hectare which also comprises of the adjacent field to the north which runs west to east from the orchard at Hay House down towards Stonerows Lane.
- 2.3 The site is bounded by open fields to the east, an orchard to the north, a narrow county lane known as The Hay to the west, and a converted stone barn conversion known as Walnut Barn to the south.
- 2.4 A Public Right of Way (PRoW 84) is located approximately 90m to the west of the site in an elevated position on the ridge of Ashover Hay running in a north to south direction. A second PRoW 83 runs to the south east of Walnut Farm.
- 2.5 The area is predominately open in character to the east with views across the valley. The site is set down lower down than The Hay to the west, with the land falling away to the east.
- 2.6 The site is located within open countryside, which is designated as a Special Landscape Area.

### **Proposal**

- 2.7 Full permission is sought for the construction of an outbuilding for the storage of a tractor and implements and a log store for the upkeep of the land associated with the Barn.
- 2.8 The proposed building would measure maximum dimensions of 6.6m deep by 6.8m wide with a ridge height of 4m. The tractor and implement store would measure 6.6m deep, 4.5m wide with a ridge height of 4m and the log store would measure 6.6m deep, 1.8m wide with a ridge height of 2.8m.
- 2.9 The proposed building would be constructed from 100mm/10cm deep single blockwork finished externally, with Yorkshire tanalised vertical timber cladding. The tractor and implement section of the building would be finished with profile 23/1000 Jacksons corrugated metal cladding to the roof, finished in a Juniper colour and the log store roof would be finished in natural slate roof tiles to match Walnut Barn.

2.10 The tractor and implement store would feature a single door opening within the north (facing) elevation.

2.11 Access to the proposed building would be utilised by the existing field access.

### **3.0 Amendments**

3.1 The agent has submitted revised plans, omitting the stable part of the scheme and reducing the scale of the building.

### **4.0 Relevant Planning History**

4.1 13/00001/FL – Conversion and alteration of redundant barns to single dwelling including alterations to existing accesses (Conditionally Approved (CA))

4.2 15/00379/FL- Conversion and alteration of redundant barns to single dwelling including alterations to existing access (resubmission of 13/00001/FL) (CA)

4.3 15/01077/DISCON – Discharge of Conditions 3,4, 6, 9, 11 and 13 relating to 15/00379/FL (Discharged)

4.4 16/01227/FL – Proposed mixed use building for tractor store and stable/tack room with change of use of land to allow keeping of horses (CA)

4.5 20/00044/FL – Conversion and extension to rear of agricultural building to 4 bed dwelling with rooms in roof spaces (CA)

### **5.0 Consultation Responses**

5.1 The **Parish Council** does not support the application under Ashover Parish Neighbourhood Plan Policies AP11 (scale), AP13 (impact on the landscape character), AP16 (loss of a dry stone wall), highway access, loss of privacy to a neighbouring property, impact on wildlife, over development of the site and lack of justification (holding number).

Ashover Parish Council requests that a Wildlife Survey is undertaken and has concerns that the ground levels would be substantially altered. Members found it unusual for an agricultural building to be constructed of double-skinned walls and considers a breeze block construction to be the norm. Members request that justification for the proposal is fully determined and that previous conditions imposed on application 16/01227/FL are confirmed. Ashover Parish Council considers the proposal does not conform to Ashover Parish Neighbourhood Plan Policy AP1 sections a), b) and d).

5.2 The **Ward Member** called the application into committee on the grounds of impact on the landscape.

5.3 County **Highways Authority** were consulted, and raised no objections in principle to the proposed building.

5.4 **Derbyshire Wildlife Trust (DWT)** were consulted, however no comments have been received at the time of drafting this report for committee. Any comments received prior to the planning committee meeting will be reported to members as late representations.

## 6.0 Representations

6.1 The application was publicised by way of neighbour letters and the display of a site notice. One letter of support and 64 letters of objection have been received from a number of local residents which can be summarised as follows:

### Supporting comments:

- I have no objection to the building of an outbuilding, it would be reasonable for an outbuilding to accompany the building of a new domestic residence. Provided that laws and regulations are followed, I have no objection.

### Objections:

#### Supporting Statement/Justification

- The supporting statement is misleading as the owner has never owned horses contrary to the 2016 consent [*Officer note: the stables no longer form part of this application*]
- The owner does not farm the land or own any agricultural machinery
- The location plan is wrong and misleading, the property has been split with 2.5 acres of the 3.4 acre plot having been sold off to the new owners of Walnut Barn leaving under 1 acre of land. There is no longer any viability for its construction as the property is no longer large enough to support the keeping of horses.
- The planning statement is not valid. The applicants chose not to use the building as per the planning permission granted to them and have never kept horses. Therefore, neither the 2017 building nor the land usage has ever been established or accepted.
- The owner is a property developer and uses the current building for storage of tooling for his commercial activities in the building trade
- No substantive justification has in fact been submitted
- The land has never been used by horses, instead it has for the last five years, been used and managed by a local farmer to graze cattle
- The proposed elevations plan shows an Agricultural Building whereas the title looks to have now been changed to 'tractor, implements and log store'. Revised drawings have been submitted on 5 occasions including the recent change of title. This again confirms that there is no justification, need or requirement for this building which is totally different from the original application.

#### Policy

- The continued development of this site is not in line with the Neighbourhood Plan
- The ANP clearly states that Ashover Hay is a Level 4 settlement, this is the 4<sup>th</sup> development in under 5 years on the Walnut Barn site.

- The proposed development is not sustainable development, as the building is an unneeded intrusion into the open countryside with no agricultural value and does not comply with the plan clear intention to protect local environment for further generations to enjoy.
- As per the ANP, I do not believe the application 'protects the natural, built or historic environment'
- Ashover Hay is a level 4 settlement, there will be no allocations in these settlements. Development will be restricted to limited infill development to meet the local need in line with criteria policy SS13. [*Officer note: the proposed development is for an agricultural building, not new dwelling.*]
- Not in compliance with AP1a, AP13a and P15 of the Ashover Neighbourhood Plan
- AP2 states 'in all cases development will not be seriously intrusive in the countryside and will respect the character of existing settlement and their setting'. The proposed building would be very large and seriously intrusive to neighbouring properties either side and opposite.
- Conflict with the Development Plan in particular Policies GS7, GS1 and GS6 and Policy 15 of the NPPF.
- The proposed development would be contrary to a number of policies, namely BE1, NE2 and GS6
- The application is contrary to Policies NE1 and NE2 of the adopted local plan as the location of Ashover Hay is predominately rural, with a highly sensitive landscape character that is of immense value to local residents and visitors alike. The field patterns and drystone walling are key features and the proposal siting would harm this intrinsic characteristic.
- NPPF paragraph is NPPF 130 states permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.

#### Special Landscape Area/ Countryside

- The proposed development affects the sensitive land of the area
- The development is proposed to be beyond the existing eastern building line of the hamlet of Ashover Hay
- The building would not enhance the built environment and would be seen from Ogston Reservoir (an SSI site)
- The proposed structure is an unneeded intrusion into an open countryside site.
- It would be 13.6m x 7.6m (footprint of over 100sqm) and would stand out alarming and would stand out from the footpath on top of Ashover Hay, from Littlemoor and across the valley in Woolley Moor and from Ogston. [*Officer note: the proposal has been reduced in scale from the original submission*]
- The building will by way of its size and material detract impact and will be intrusive for the surrounding area not just Ashover Hay.
- All properties on the eastern side of Ashover Hay are situated close to the road in a traditional ribbon development. The proposed building will run 90 degrees to all other buildings, protruding significantly into the landscape
- The application makes no reference to the need for a hard surfaced track/driveway to where the building is to be located nor that there would need

to be significant hard standing created in front of the building to enable vehicles to turn at 90 degrees. This along would have a further significant visual impact on the immediate landscape.

- The proposed building would be a large encroachment into the historically open fields.
- Ashover is recognised as a 'Gateway to the Peak' and lies within the Derbyshire Peak Fringe and Lower Derwent Character Area, and is in an area designated as being of "multiple environmental sensitivity" by DCC in relation to "its(...) historical and landscape sensitivity", which is another recognition of the high character value of the landscape.

### Design/Scale

- The building (2017 application) was hugely over specific in construction terms resulting in it being far easier to now convert into a dwelling. The proposed building is of similarly high specification and the possibly has to be considered that the same route will be followed as previously, resulting in an application to convert a dwelling.
- The building would be big and hugely disproportionate when judged against the remaining land available.
- The design and appearance of the development is not in keeping with the surrounding building structures, and the impact of the landscape is detrimental
- The proposed materials have been selected to replicate those used on the current tractor/implement store/stable/tack room. This is completely out of character with all other building in Ashover Hay.
- Even though the plans are amended and reduced the building is still too big
- The plans no longer show cavity walls. The plans do show the fact that quite substantial foundations remain together with block work rising to the height of the roof. An agricultural building in the countryside will typically have block-work to a certain height (not to roof level) laid on a concrete pad with either timber boarding or metal sheets added to the required height. Even the largest of agricultural buildings are built in this way with no foundations and certainly no cavity walls.
- Building the very large log store on one side of the wall and moving the building 1 metre into the field will avoid the need to take down the stone wall and apply tanking to the walls. However, attaching the log store has the advantage to the applicants of achieving a much larger footprint for the building.
- The rationale for joining the log store to the agricultural building is never stated. As the 'log store' is of considerable size itself - 6 meters x 1.5 meters plus 215mm blockwork and timber cladding and is to be constructed on a separate parcel of land to the agricultural building, one could surmise that a building of this size would warrant planning permission in its own right and that perhaps by joining the two structures together at roof level the applicant is hoping to avoid having to make such an application. The justification of a slate tiled roof to the log store is given as matching Walnut Barn. The applicant does not own Walnut Barn and it is no longer a directly associated building. Again, this is over specification, perhaps with a view to the roof of the agricultural building also altered in the future to a tiled roof as is proposed on the conversion of the existing tractor store.

- Joining the log store and the 'secure machinery storage' area in this way will require an existing drystone wall to be dismantled and replaced by a 3.4 meter high blockwork wall which will be tanked on the bottom portion. This will have a significant impact on the drainage of surface and ground water from the area of land above the machine store. No account of this is taken in the plans provided and from personal experience I know that this area of land quickly becomes saturated during heavy rainfall. This will also affect the habitat and breeding area of the established common toad colony as stated in my previous letter.
- The plans submitted also show footings of 750mm for the back wall of the agricultural building in addition to a concrete slab. What is the justification for this? The proposal is for a single story agricultural building for which a standard concrete slab would be sufficient. If there were to be future extensions to the building including an increase in height, then the additional footings might be necessary.
- Looking at the plans, even considering the recent cavity wall amendment, it would seem clear this structure is 'over-engineered' for its proposed usage?
- Compare the proposed machinery store area with that of the 'secure lockable section' of the general purpose agricultural building on neighbouring Walnut Farm. The secure portion of this building is 12 square metres (the open, lambing shed portion is larger). The enclosed machinery store of the amended proposal being discussed is double that, at 24 square metres. This is despite the fact that Walnut Farm has more land (2 acres), has vegetable beds, greenhouses, an orchard and livestock.
- The log store portion of the building also seems out of keeping with the average number of logs needed per household each winter for a log burner, which is shown in the planning permission as the source of heating for the building adjacent Walnut Barn/Hay Up.
- The amended plan has 34.66 square metres of floorspace (using the internal measurements provided by the applicants' architect – I note external measurements have not been included). The average UK house since 2010 has 67.8 square metres of floorspace, excluding hallways and staircases. If a conversion of the property to a dwelling is sought and a second floor is added to the current footprint, this would bring it above the average floorspace of new UK house at 69.33 square metres

### Use

- The doors on the north facing side are not stable doors as required and questions the intent of the applicants to ever use this building to house horses
- The applicants had claimed for storage of farm machinery, equipment, tractor and stabling for horses justification for the 2017 application, and have done so again on the latest application. I do understand that sometimes a stable and tractor store may have to be built before the horses/tractors are actually on site. However, in this case a building has been available since 2017 without horse or tractor appearing, and the applicants surely cannot make the same argument twice.
- Change of use granted in 2017 to allow keeping of horses, clause 2 of the attached condition states 'no mobile field shelters, other shelters or structure etc. shall be located on the fields/paddocks associated with this approval'. This clause should alone be enough to deny this further development

- Highways have already noted that access to the site is difficult but have given permission as long as it used solely for the purpose of tractors/horse boxes accessed the proposed building. If the building is not used for storage of tractors/horses the permission would be unjustified
- The newly proposed building may be smaller but is still substantial enough to be converted, albeit in stages, to a dwelling.
- The proposed building shown in the amended application straddles a dry stone wall boundary between land where the proposed “log store” is shown and the land where the “secure machinery store” is shown. The smaller portion, the proposed “log store”, is on land which is within the curtilage of a domestic building – the 4 bedroom house, planning permission granted early 2020, reference 20/00044/FL. The remaining, larger, portion of the building is outside the curtilage and in an open field. The larger portion is now, as of 13th November 2020 when further amendments were submitted, referred to as “secure machinery store (for the upkeep of the land)”, is on land which was granted change of use under planning decision 16/01227/FL, and is no longer “agricultural”, all permitted development rights having been withdrawn from that land, the Decision Notice stating:- “3. No mobile field shelters, other shelters or structures, trailers or horse boxes, shall be located, parked or stored on the fields/paddocks associated with this approval.”
- The “domestic”, “agricultural” and “equestrian”, are mutually exclusive and should be considered carefully
- Is the ‘mixed use’ really what is being applied for?
- The machine store is not ancillary to the dwelling approved under 20/00044/FL. It is located outside the curtilage of the dwelling on Greenfield land.

#### Amenity

- The proposed building would be intrusive and impinging on our private being within 20m of our boundary.

#### Access/traffic

- There is no footpath for safe passage when walking or pushing prams/wheelchair. This causes vehicles to drive on our gardens/paths and driveways when two cars meet. This will get more hazardous as more large vehicles use the land
- It is not clear if Highways have taken into consideration that the access will also be used for access, turning and parking of cars for the converted building. Conditions applied to the conversion require that there is sufficient space at the rear for parking/turning. If this is the case there will not be room for tractors/horse boxes to navigate and access this area.
- The roads to and from the site are mostly single track, narrow lanes where in places, there is limited visibility for traffic. This application is approved would see more unnecessary traffic on these lanes which would threaten safety of resident and regular users of these highways.
- The applicant has ticked no, when in fact they have already widened the access onto the public highway without planning permission and in the process demolishing an ancient well which was embedded in the wall.

### Wildlife

- The applicants' agent has not provided any evidence that there are no protected or priority species on, adjacent to or near the site.
- DWT have not been consulted
- There are protected/priority species adjacent to or near the proposed development site that will be adversely impacted by the proposed development.
- Bats which are protected by law will be negatively impacted by the proposal. Bats clearly use the application site. There is moderate to high suitability for bats to commute and forage.
- The proposed development may affect commute, foraging and/or refuges of local newts. Such survey work should be undertaken.
- Badgers in the area use this site and the proposed development will reduce their foraging area
- Common lizards and other reptiles use the site and dry stone walling. No survey work has been undertaken. The proposal will disturb their habitat and impact foraging
- Birds, protected species such as Brambling, Fieldfare, Barn Owl, Kestrel, Dunnock, Mistle Thrush, Tree Sparrow and Bullfinch, these being either red or amber listed will be adversely impacted by the proposed development.
- Schedule 41 priority species such as Common Toad, Common Lizard, Hedgehog and Wall Butterfly may be impacted by the proposed development
- The lack of assessment in relation to these species means that there is no proposed prevention or mitigation proposed. The proposal should show what action has been taken to prevent harm to biodiversity features on site.
- Development should adequately mitigate, or, as a last resort, compensated for, then planning permission should be refused'
- No proposals for the enhancement of biodiversity at the site have been submitted. The National Planning Policy Framework (13) states that plans should, as stated in section 174 b), 'promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity'. The applicants have not shown how they intend to ensure the above in their proposal.
- Ashover Hay is a biodiverse area which provides habitat for protected and priority species. The planning application has not adequately accounted for the presence or protection needs of local wildlife, nor does it state how it will support net gains for biodiversity.
- Adjacent natural pond and its inhabitants could be adversely impacted by the proposed development
- The amended plan has not rectified the issue of proper surveying for wildlife that may be present on the property or shown that appropriate persons or organisations have been consulted regarding how species may be impacted, positively or negatively, by the development, or how it will mitigate any negative impacts. In particular, the new plan includes the removal of a section of drystone wall. Aside from this being contrary to policy AP16 of the Ashover Neighbourhood Plan, drystone walls are known habitat for reptiles including Common (Viviparous) Lizards, which are present on Ashover Hay. The proposed development may therefore mean disturbance and harm to reptiles, and fragmentation of habitat. The amended application should therefore

demonstrate how the applicants intend to moderate and remediate any potential harm to local reptiles, but it does not.

### Other Comments

- The granting of this planning permission would set a precedent allowing others to build similar structures adjacent to it
- Poses a pre-cursor to another 'change of use' application in 2 years' time for a further new dwelling on Ashover Hay.
- No site notices for this application has been posted by the applicant [*Officer note: Site notice published on the site gatepost*]
- Believe the proposed structure will be used to store commercial equipment, and has no agricultural value
- Question the need for such a large barn on this small piece of land
- Since completion in 2017 the tractor shed and stables (16/01227/FL) have been used as a domestic garage and storage space.
- The driveway to the building has been widened without planning permission
- Existing breaches of the planning regulations and planning permissions issued
- This land which was once part of walnut Barn has become overdeveloped. Your planning department back in November 2016 seeing this as a concern when approval was given to application no. 16/01227/FL gave permission based on some conditions. Please could you revisit this as condition 3. States that 'no mobile field shelters, other shelters or structures, trailers or horse boxes, shall be located, parked or stored on the fields or the paddocks associated with this approval'.
- In 2016, the same applicant at the same address applied and was granted planning consent to built stables and a tractor store. These were built with foundations, cavity walling and insulation, commensurate with a residential dwelling. I was not surprised when planning was submitted/granted to convert this into a residential dwelling. I believe this was the intension from the outset and fully expect that is this application is granted the building will be constructed in the same way.
- The applicant suggests that roof water could be discharged to external main drainage. It would be interesting to see how he proposes to do this as the building concerned is to be sited below the external main drain. In addition the use of soakaways is problematical. I own the adjoining paddock and know that there is a clay base often running at less that 15cm below the surface. This gives rise to the possibility that the surrounding land would have difficulty in dealing with run off from such a large roof volume.
- The applicant has ticked that there are no trees in the area. There are in fact two trees, planted by the Bedford's themselves.
- No mention of how the applicant will deal with materials that will need to be excavated prior to the construction. The applicant has undertaken two previous developments on this site and has left large piles of waste building materials, stone and earth for over two years in the paddock he plans to retain. These piles have only recently been removed prior to the two latest application. These spoil tips have had an impact not only visually but also on field drainage in the area. So much so that the local farmer who has use of this land has had dig out trenches to deal with the changed drainage, not only on the applicants land but also on that of the immediate neighbour

- The concern is that given the planning history of the two immediately preceding applications relating to a 'brownfield' location, the proposed similar sized building as specified in the current application relating to a 'greenfield' location could at some future point, perhaps if sold, be the subject of further 'greenfield' site development contrary to the overarching environmental objective set out in the National Planning Policy Framework February 2019.
- The proposed development will not contribute towards a sustainable rural economy
- The proposed block plan does not show the fence which now runs diagonally NE from the proposed building.
- The proposed block plan shows a gate in place set back 5m from the highway. These gates should be marked 'proposed' as gates still remain on the edge of the highway despite the site being occupied.
- The log store is 6430mm x 1815mm although, as with the rest of the development, only smaller internal dimensions are supplied. This removes approximately 11.70 sqm of parking and manoeuvring space from the area designated as such under condition 8 of the Decision Notice for 20/00044/FL.
- If any building is approved what will the council do to ensure that, this time, the building is used as applied for and not as a garage and not extended and not turned into a house? Can the council guarantee that this will never happen? Will any conditions be legally binding and last for the lifetime of the building?

## **7.0 Relevant Policy and Strategic Context**

### **North East Derbyshire Local Plan (Adopted November 2005)**

- 7.1 The following policies of the Local Plan are material to the determination of this application:

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

### **Emerging North East Derbyshire Local Plan (Under Examination)**

- 7.2 The emerging Local Plan (eLP) was submitted for examination in May 2018, with public hearings taking place in November/December 2018 and March 2019. The Inspector issued her interim findings in letters dated 18 February and 21 March, 2019. Following local elections in May 2019, the Council paused the Plan, pending consideration of its options around housing numbers and Green Belt release. On 27 February, 2020 the Council announced the un-pausing of the Plan to allow it to proceed to the next stage of consultation on the Main Modifications.

7.3 This consultation is currently underway, with no further changes being proposed to the eLP prior to adoption, as such it should be given significant weight in the determination process.

7.4 The following emerging Local Plan policies are material to the determination of this application:

- 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

#### **Ashover Neighborhood Plan**

7.5 The Ashover Neighborhood Plan (ANP) was adopted on 9 February 2018. The following policies should carry weight in any decision:

- AP2 Development Proposals Outside SDL's
- AP11 Design
- AP13 Landscape Character
- AP16 Dry Stone Walls
- AP19 Dark Skies

#### **National Planning Policy Framework (NPPF)**

7.6 The overarching aims of the National Planning Policy Framework (NPPF) have been considered in the assessment of this application. The main sections are covered in the assessment below.

#### **Other Material Planning Considerations**

7.7 Successful Places Interim Planning Guidance, adopted December 2013.

## **8.0 Planning Issues**

### **Principle of Development**

8.1 The proposed site is located outside of any defined Settlement Development Limit (SDL), falling within a countryside location, designated as a Special Landscape Area.

8.2 Local Plan Policy GS1 states that all development proposal will be located within the defined SDL's, unless the development is acceptable in the countryside, or overriding exceptional circumstances are demonstrated. The purpose of the SDL's is to restrain development in the countryside and to focus development upon sites within the SDL's and/or allocated sites to achieve a sustainable pattern of development.

- 8.3 Policy GS6 states that new development will only be supported where it is in keeping with the character of the countryside and should not represent a prominent intrusion into the countryside.
- 8.4 Policies NE1, NE2, NE3 and NE6 states that development will only be permitted where it would not materials detract from the surrounding landscape, not adversely affect the setting of any heritage or wildlife resources.
- 8.5 The Council is now at an advanced stage in the production of a new Local Plan (eLP) which reflects national guidance in the NPPF and provides for the development needs of the district for the period 2014 – 2034. The eLP was submitted to the Secretary of State for examination at the end of May 2018. This document has been subject to extensive consultation and sets out clearly the Council's strategy for sustainable development and should be afforded weight in decision making. The eLP policies SS9 and SDC3 seek to safeguard the countryside from inappropriate development.
- 8.6 The Ashover Neighbourhood Plan (ANP) is a material consideration when determining planning applications. Policy AP2 states that development outside the settlement development limit will be supported providing it is not seriously intrusive in the countryside and will respect the character of existing settlement and their setting.
- 8.7 The NPPF set out a general presumption in favour of sustainable development, and Paragraph 15 of the NPPF seeks to contribute and enhance the natural and local environment
- 8.8 In principle, an agricultural building on this site is considered acceptable as the development is for the operation of a use appropriate for its location, and the 2.5 acres of land is deemed a reasonable amount of land in which an agricultural building would be required to maintain the land.

### **Design and Impact on Countryside**

- 8.9 The application site is rural in character, comprising a traditional ribbon of residential development in the open countryside bounded by fields to the east and a steeply sloping hillside to the west.
- 8.10 The block plan illustrates that the proposed building would be closely associated with the application building, sited approximately 12m to the east. The building would be orientated 90 degrees; following the mixed pattern of building orientations within Ashover Hay (Walnut Farm and Hay Ho Cottage both orient 90 to The Hay). The change in levels through the site have been utilised with the building sited up against the dry stone wall and the majority of the building constructed at a lower ground level to lessen its impact.
- 8.11 Whilst it is acknowledged that the building would extend 4.5m beyond the existing dry stone wall to the east. The building would not protrude any further into the open countryside than the neighbouring agricultural building at Hay

Farm, and is not considered by officers to represent a prominent intrusion into the countryside.

- 8.12 It is considered by officers that the much reduced scale of the building is now appropriate to its setting, land holding and use and is not too dissimilar to the neighbouring outbuilding at Walnut Farm. The single skin construction and design of the building is of a suitable standard of construction for its proposed purpose. The proposed utilitarian timber cladding and sheet roofing materials are fit for the agricultural use of the building and are considered by officers to be appropriate to the character and appearance of the Special Landscape Area and would be in keeping with the surrounding countryside setting.
- 8.13 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. However, it is considered by officers that whilst visible, the building would be read in context with the existing built form on The Hay.
- 8.14 It is noted that a 6.6m section of the existing dry stone wall would be removed to allow for the building. This would be mitigated by the construction of a new dry stone wall to the north. Officers consider that this rebuilding of stone walling would mitigate the loss of a short section of wall and be acceptable to the character and appearance of the site and the special landscape area.
- 8.15 No lighting is proposed on the building, and a condition restricting any external lighting on the building could be included on any decision to ensure that the building is not inappropriately illuminated, which is identified as a dark skies location in the ANP.
- 8.16 No details of levels have been provided, as such it considered necessary to include a levels condition on any decision to ensure that the proposed development would be in keeping with the character and appearance of the site and the surrounding special landscape area.
- 8.17 Furthermore, it is considered that no hard standing should be included to limit any localised harm from the proposed development.
- 8.18 In view of the above, Officers consider that the proposed building would represent appropriate development that would be of a siting, design and finished material in keeping with the special character of the surrounding countryside and other agricultural buildings in the area, furthermore it would not represent a prominent intrusion into the countryside.

### **Privacy and Amenity Considerations**

- 8.19 The layout plan indicates that the proposed building would be sited approximately 20m away from the closet neighbouring property; Walnut Barn and 46m to next closest neighbouring property; Hay House.

- 8.20 The proposed building would be used for the storage of machinery associated with tending to the land holding and would feature a single door opening within the north (facing) side elevation.
- 8.21 Given the separation distance from neighbouring properties, and the proposed storage use of the building it is not considered to have a detrimental impact upon the neighbouring residents.
- 8.22 In view of the above, officers consider that the proposed store building would not give rise to any loss of privacy and amenity to neighbouring residents.

### **Highway Safety Considerations**

- 8.23 The proposed development would utilise the existing access point, and would not include any new road infrastructure or additional hard standing.
- 8.24 It is noted that the proposed log store would take up a small area of the curtilage associated with the 20/00044/FL consent. This has been considered and officers are of the opinion that there is adequate space within the existing site for the parking of vehicles.
- 8.25 The County Highways Authority was consulted on the proposal, and raised no objections provided that the building issue for agricultural purposes. The proposed development is therefore not considered to lead to an adverse impact upon highway safety.
- 8.26 In view of the above, officers are satisfied that the proposed development would not lead to a demonstrable harm to highway safety.

### **Ecology and Biodiversity Considerations**

- 8.27 No ecological appraisal of the site has been submitted due to the existing use of the site and proposed use of the site.
- 8.28 Derbyshire Wildlife Trust (DWT) have been consulted on the application, however no comments have been received at the time of drafting this report to members. Any comments received prior to the planning committee meeting will be reported to members in the late representation report which is published prior to the meeting.
- 8.29 In view of the information before officers, it is considered that the proposed development would not result in a net loss of biodiversity.

### **Other Considerations**

- 8.30 The application site is within Flood Zone 1, which has a low probability of flooding. Concern has been raised that surface water from the site will exacerbate the drainage issues on and around the site. A scheme of surface water drainage can be included in any approval issued by the LPA.

- 8.31 The application site lies within a Development Low Risk Area as defined by the Coal Authority.
- 8.32 A number of representations have been received, all of which have been considered in the decision making process.
- 8.33 Concerns relating inaccurate plans, sizes and ownership of land holding/ownership have been raised. Revised plans were submitted, and the agent has confirmed that the correct ownership/landholding has been shown. Officer are satisfied with the submitted information and consider that there is sufficient information to allow the determination of this application.
- 8.34 It is noted that representations have been reference to the possibility of the building being converted into a dwelling. The application can only be considered on its merit, and it is considered that the scale would not lend itself to a dwelling.
- 8.35 A number of concerns have been raised relating to the history of the site, and previous consents/development that have been granted and taken place. Officers consider it necessary to place a restrictive use condition of any decision limiting the use to those identified within the application only. The building shall not be used in connection with the running of a business from the site.

## **9.0 Summary and Conclusion**

- 9.1 Having taken into account all the material considerations, it is considered that the proposed development is acceptable in principle and would have an acceptable impact upon the character of the countryside and Special Landscape Area.
- 9.2 The proposed development would not result in an adverse detrimental impact upon the privacy and amenity of nearby residential properties or neighbouring land uses, nor would it lead to an adverse impact upon highway safety or lead to a loss of net biodiversity.
- 9.3 It is therefore considered that the proposed development would be in line with the current development plan and emerging local plan policies of the Council along with the overarching aims of the NPPF, therefore the proposal should be granted subject to conditions.

## **10.0 Recommendation**

- 10.1 APPROVE Permission for the above reasons and subject to the following conditions:-

### **Conditions**

1. The development hereby permitted shall be started within 3 years from the date of this permission.
2. The development hereby approved shall be carried out in accordance with

the following submitted plans, unless otherwise specifically agreed in writing by the Local Planning Authority or otherwise required by any other condition in this decision notice:

- Proposed Block Plan Rev CA3 (date stamped 13.11.2020)
  - Proposed Elevations Rev CA3 (date stamped 13.11.2020)
  - Proposed Section Rev CA3 (date stamped 13.11.2020)
  - Proposed Layout Plan Rev CA3 (date stamped 13.11.2020)
  - Location Plan A3 (date stamped 29.07.2020)
3. The building hereby approved is to be used for a log store and the storage of a tractor and implements in association with the upkeep of the land serving the Barn adjacent to Walnut Barn and is not be used for any commercial or business use.
  4. Notwithstanding the submitted details, before any above ground works starts, details of the existing ground levels, proposed finished floor levels of the dwellings, along with the proposed finished ground levels of the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.
  5. Notwithstanding the submitted details, before any above ground works starts, precise specifications (including the manufacturer, range and colour details where applicable) of the walling and roofing materials to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.
  6. The building hereby approved shall have no external lighting attached or affixed to it and shall not be in any way be artificially illuminated.
  7. With the exception of the development specifically hereby approved, and notwithstanding the provisions of Article 3(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any Order revoking and re-enacting that Order) and specifically Class B of Part 6 of that Order, no extensions or alterations, plant or machinery, sewers, mains, pipes, cables or other apparatus, private ways or the provision of additional hard surfacing shall be erected/constructed/formed/installed without first obtaining planning permission.
  8. Before development commences, a scheme for the provision of surface water drainage works shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the first use of the building and retained as approved for the lifetime of the development.

## PLANNING COMMITTEE – 12 January 2021

**REFERENCE NUMBER:** 19/00907/OL      Application Expiry Date: 15.01.21

**Application Type:** Outline Application (Section 73)

**Proposal Description:** Application to remove condition 4 (affordable housing) of planning application NED/14/01236/OL (Major Development)

**At:** Land adjacent the West Side of 40, Church Meadows, Calow

**For:** **Mr McDougall**

**Third Party**      10      **Parish:**      Calow  
**Reps:**      **Ward Name:**      Sutton

**Author of**      Adrian Kirkham      **Date**      of 21/12/2020  
**Report:**      **Report:**

**MAIN RECOMMENDATION: GRANT RM APPROVAL**



Application Site edged red

## **1.0 Reason for Report**

- 1.1 The application has been called in to the committee by the Ward Member, Councillor Kerry, due to the proposed departure from the Council's expected provision of affordable housing. Queries are also raised about the submission and agreement over a further condition attached to the grant of planning consent requiring parking to be provided.

## **2.0 Proposal and Background**

- 2.1 The site is located outside the existing Settlement Development Limits for Calow and was granted outline planning consent in 2018 for its development for housing under reference NED/14/01236/OL. That application was submitted in 2014, considered by Committee in March 2016 and finally determined in 2018 following final agreement with the applicant over the relevant section 106 requirements. The permission granted was subject to a number of conditions including condition 32, which is referred to by Cllr Kerry, requiring on and off site parking.
- 2.2 The site has subsequently been allocated for housing development in the Publication Draft Local Plan (PDLP) and would be incorporated into Calow as the Plan is adopted.
- 2.3 The current application originally sought consent for the removal of a condition (condition 4) attached to the grant of the planning consent which required 40% (at least) of the new houses to be affordable units.
- 2.4 Subsequently, the applicant has determined that he no longer wants to remove the requirement for any affordable units and instead wishes the reduction to be to provide for 20% of the housing as affordable housing. There is no proposal to alter/amend any other of the conditions although it is an issue discussed further below.

### **Application Details**

- 2.5 As set out above the application seeks to amend condition 4 of the originally granted consent to require 20% of the developed units to be affordable in nature rather than the originally required 40%.
- 2.6 This is an amendment to the originally submitted proposal, which sought the removal of any requirement for affordable units. It is not proposed by the applicant for any other conditions to be altered.

### **Applicant's Justification**

- 2.6 The applicant stated that:

Since the granting of permission it has become apparent that the level of provision of affordable housing secured by this condition is not financially viable. The applicant seeks the removal of this requirement to enable the development to progress in a viable manner. This submission is accompanied by a viability appraisal report that corroborates this position. It determines that a scheme fulfilling 40% affordable housing provision would be unviable and would in fact generate a negative land value. Subsequent analysis demonstrates that only nil affordable housing provision generates a land value that represents a 'reasonable return'.

Alongside this evidence it is also the case that within the emerging Local Plan the primary policy dealing with affordable housing, Policy LC2, indicates lower levels of requirement than that which resulted in the 40% set out in condition 4. LC2 requires 'tiered' levels of provision in accordance with value areas – in this instance the site falls outside of the 'high value areas' as identified on the Policies Map accompanying the emerging Plan and therefore would require 20% provision.

However -as with current policy- LC2 also allows for lower provision/relief to be granted as a result of circumstances where the viability of the scheme is in question. While the emerging Plan is yet to be adopted, the same approach is set out in the current adopted Plan and is also allowed for within the NPPF.

The NPPF also establishes in paragraph 48 that when it comes to the consideration of emerging Plans, LPAs may give weight to relevant policies according to:

- a) The stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- b) The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater weight that may be given); and
- c) The degree of consistency of the relevant policies in the emerging plan to the Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

In the current circumstances the emerging Plan is at a late stage of preparation – it has undergone the hearing sessions as part of its examination in public. There remain unresolved objections, however the Inspector has broadly outlined how these might be overcome and while the Council may retain more fundamental concerns none of these unresolved objections relate to the matter in hand.

Furthermore, as suggested above the principle under discussion is in line with the relevant policies of the Framework. As a result, it is asserted that

close to full weight should be given to policy LC2 of the emerging Plan as far as it relates to the consideration of affordable housing contributions for this site.

In line with the above and the accompanying viability evidence it is therefore asserted that relief must be granted and that condition 4 should be removed in order for the proposals to be delivered.

[N.B. Members should note that this submission was made prior to the applicant's decision to amend his application to require a reduction in affordable units to 20%.]

### **3.0 Relevant Planning History**

- 3.1 NED/14/01236/OL: Outline application (with all matters reserved) for housing with access via Churchside. Approval granted in 2018 subject to section 106 requirements.
- 3.2 NED/11/00946/OL: Outline application (with all matters reserved) for housing with access via Churchside. Application refused and appeal dismissed.
- 3.3 NED/10/00823/OL: Outline application (with all matters reserved) for housing with access via Churchside. Application withdrawn.
- 3.4 NED/89/00111/OL: Outline Application for residential development. Refused.
- 3.5 NED/79/00097/OL: Outline Application for residential development. Refused.

### **4.0 Consultation Responses**

- 4.1 **NEDDC Housing** – Objects to the removal of the condition. The Strategic Housing Market Assessment – OAN Update 2017 estimated that to meet the affordable housing need for the district there is a need to bring forward 172 units per year over the period to 2035 (or 236 per year over the next five years). Calow is an area with a low turnover of properties and a high need and demand, particularly for two and three bedroom houses to rent.

Affordable housing was seen to be a significant benefit to the application 14/01236/OL and 40% was always accepted as a requirement.

Understands that viability issues have to be considered, but objects to the removal of affordable housing in its entirety from the development.

- 4.2 **Derbyshire Wildlife Trust** – Confirms that all ecological requirements should be transferred to any new permission.
- 4.3 **Councilor Kerry** – Formally calls in the application to be heard by the Planning Committee. He is not in favour of the removal of the affordable housing requirement. Notes that a further condition requires an improvement to Church Side to mitigate parking problems.
- 4.4 **Councilor Birkin** – Objects to the application.
- 4.5 **Calow Parish Council** – The Parish Council strenuously objects to this application to remove the affordable housing from this proposed development. The applicant was well aware when he made his application that the level of affordable housing was 40% and the permission was granted on the basis that would be delivered on site.

As we have seen from many recent planning enquiries recently across the district, the emerging local plan holds little weight and it is the adopted plan that holds sway. The applicants' reference to a 20% provision for social housing is therefore superfluous to the matter at hand. The applicant states that a provision of 40% would make the scheme unviable. The answer is clear – if the scheme is unviable, don't develop it.

- 4.6 **DCC Infrastructure** – Contribution to secondary school provision required.
- 4.7 **Health** – Contribution required. Chesterfield Hospital also asked of the process for the hospital to follow. (N.B. Officer note: The formal consultation process has been followed with the local NHS Trust. No direct consultation has been undertaken with the hospital itself).
- 4.8 **NEDDC Streetscene** – Contribution required for off-site play provision.

## **5.0 Representations**

- 5.1 Site notices were posted on 23.09.19 and an advert published on 10.10.2019. In addition, 39 neighbours were consulted by post on 09.09.19 and re-consulted on 09.09.20.
- 5.2 9 comments have been received (from 7 contributors) making the following points:
- If development goes ahead all conditions should be abided by. Nothing has changed. This is just another application that gets passed and then an application comes back seeking its (affordable housing) removal.

- There is demand for bungalows and the country needs affordable housing. If the site is developed a large proportion of housing should be affordable ideal for hospital staff especially as the site is adjacent a good bus route and within easy walking distance of the local school.
- Reference is also made to the parking that will be made available for residents of Church Side
- Permission was only granted because of the proposed affordable housing and now the applicant wishes to remove it.
- If the development is unviable then it is unviable.

## **5 Relevant Policy and Strategic Context**

6.1 The Development Plan comprises the **North East Derbyshire Local Plan**.

6.2 In respect of the **North East Derbyshire Local Plan** the most relevant policies to this application are considered to be as follows:

- GS1 Sustainable Development
- GS6 New Development in the Countryside
- GS9 Planning Obligations
- H3 Housing Development outside the Settlement Development Limits
- H12 Design and Layout of new Houses
- NE1 Landscape Character
- BE1 General Design Principles
- T2 Highway Access and the Impact of New Development
- T9 Parking Provision for Development

6.3 Other relevant **policy documents** include the Successful Places Design Guide and Affordable Housing SPD.

6.4 The **North East Derbyshire Publication Draft Local Plan 2014-2034 (PDLP)**, whilst not forming part of the adopted Development Plan, was submitted for examination in May 2018, with public hearings taking place in November/December 2018 and March 2019. The Inspector issued her interim findings in letters dated 18 February and 21 March 2019. In May 2019, the Council paused the Plan, pending consideration of its options around housing numbers and Green Belt release. On 27 February 2020 the Council announced the un-pausing of the Plan to allow it to proceed to the next stage of consultation on the Main Modifications. Consultation on main modifications has now begun. It is anticipated that the Plan will achieve adoption in spring 2021

6.5 In respect of the **PDLP** the most relevant policies to this application are considered to be as follows:

- SS1 Sustainable Development

SS2 Spatial Strategy and the Distribution of Development  
LC1 Housing Allocations  
LC2 Affordable Housing  
SDC3 Landscape Character  
SDC12 High quality Design and Place-Making  
ID1 Infrastructure Delivery and Developer Contributions

The weight to be attached to the policies of the Publication Draft Local Plan is a matter for the decision maker and is discussed below.

## **Other Material Considerations**

### **National Planning Policy Framework (2019)**

- 6.6 The revised National Planning Policy Framework (NPPF) was published on 19th February 2019 and sets out the government's planning policies for England and how these are expected to be applied. This revised Framework replaces the previous NPPF published in July 2012 and 2018. The NPPF promotes affordable housing as per its paragraph 64.

## **7.0 Planning Issues**

### ***Introduction***

- 7.1 The application is seeking, under section 73 of the relevant act, to amend a condition attached to the original grant of planning consent. Section 73 requires the Local Planning Authority to consider only the question of the conditions subject to which planning consent was granted. Specifically, the time allowed to implement a permission cannot be altered.
- 7.2 In this case, permission was granted in 2018 subject to conditions, albeit the application had been originally submitted in 2014. It was granted subject to a number of conditions, including condition 4, which requires at least 40% of the new housing to be affordable housing.
- 7.3 The applicant is now seeking consent to amend that condition to require a reduced level of affordable housing. Originally, it was proposed that no affordable housing would be provided, however, following an Officer request to test the submitted viability independently, the proposal has now been amended such that if it was now approved, 20% affordable housing would be required.

### ***Principle of Development***

- 7.4 The site originally received outline planning permission in 2018, following a resolution to grant permission by Planning Committee in 2016. That permission is extant.

- 7.5 Whilst the site currently falls outside the settlement development limits in the Local Plan, where new housing is generally resisted, the permission granted, which is still extant, and the intention to allocate the site for housing in the Publication Draft Local Plan, and to which Officers attach significant weight, leads Officers to conclude and re-affirm that the principle of residential development on the site is acceptable.

***Affordable Housing.***

- 7.6 The outline permission granted included a requirement, which was conditioned, that 40% of the proposed units would be for affordable housing units.
- 7.7 The current application originally sought to remove all requirements for any affordable units due to alleged viability concerns. Following an Officer request to independently assess that intention the applicant has subsequently sought to amend the scheme to remove the need for 40% affordable units and instead seeks consent to require 20% affordable units to be delivered as per the most up to date information and requirements..
- 7.8 The PDLP includes a requirement, based on the Strategic Housing Market Area (SHMA) Update of 2017, and so following the resolution of Planning Committee in 2016 to grant planning permission, for the level of affordable housing to be delivered in approved residential developments in Calow to be 20%. Officers consider that this is a realistic requirement, it is based on the most up to date information and would conform to the policy requirements set out in the PDLP to which Officers attach significant weight.
- 7.9 As such, Officers consider that the provision of 20% affordable housing is appropriate in these circumstances.

***Other conditions***

- 7.10 There is no intention to amend/alter any other of the conditions imposed on the original permission. These include a number of issues including connectivity, the provision of open space and the proper development of the site.
- 7.11 Most notably the conditions requiring parking provision both on and off site would be retained such that the concerns raised in representations about parking and access are addressed.

***Section 106 issues***

- 7.12 The grant of planning permission in 2018 was given subject to a legal agreement that contributions would be made towards recreation provision and wildlife mitigation.
- 7.13 These requirements were current at the time but have been reviewed at this stage due to the intervening period between the submission of the application in 2014 and now. Requests have been received from the County Council, as education authority, the health authority, as health provider, and the Council's own Streetscene team in respect of play provision for updated and/or section106 contributions. These would be added to the continuing requirement for wildlife mitigation following the removal from the site of the ecological interest that previously existed.
- 7.14 These requests have all been acknowledged by the applicant and so it is recommended that if consent is granted a revised and updated section 106 agreement to require the following is concluded:
- A. £17,000 wildlife mitigation contribution.
  - B. A recreation contribution of either £40,060.76 (plus a maintenance contribution of £12,307.39) (this is based on an estimate given the application is made in outline) or a figure based on the most up to date iteration of the Council's Recreation and Open Space SPD at the time when any reserved matters application is submitted.
  - C. £177,330.23 as an education contribution towards provision at Hasland Hall Community School.
  - D. £22,560 as a health contribution towards facilities in Brimington, Barrow Hill and/or Calow.
- 7.15 In addition, whereas previously the requirement for affordable housing was required by condition, Officers consider that the affordable housing provision is better included now, in accord with current practice, within the section 106 agreement in this case, although the option to require this provision through a revised condition is still left open in the Officer recommendation.

### ***Conclusion***

- 7.16 Officers conclude that an affordable housing requirement of 20% is consistent with the Council's current policy and requirements and is in line with the PDLP. These considerations are considered in this case to override the requirements of the Development Plan itself.
- 7.17 Therefore, subject to either the revision of the relevant condition or the requirement for affordable housing to be incorporated into a revised and updated section 106 agreement Officers conclude the proposal to require 20% of the constructed housing to be affordable units is acceptable.

## 8.0 Recommendation

8.1 **GRANT** planning permission subject to the re-imposition of all the conditions imposed on application NED/14/01236/OL, subject to any minor alterations to the precise wording delegated to the Planning Manager, except condition 4 which is either amended to require 20% affordable housing or that provision is included in a section 106 agreement which also requires the following:

- A. £17,000 wildlife mitigation contribution.
- B. A recreation contribution of either £40,060.76 (plus a maintenance contribution of £12,307.39) (this is based on an estimate given the application is made in outline) or a figure based on the most up to date iteration of the Council's Recreation and Open Space SPD at the time when any reserved matters application is submitted.
- C. £177,330.23 as an education contribution towards provision at Hasland Hall Community School.
- D. £22,560 as a health contribution towards facilities in Brimington, Barrow Hill and/or Calow.

## PLANNING COMMITTEE – 12 January 2021

**REFERENCE NUMBER:** 20/00535/FL Application expiry date: 15/10/2020  
**Application Type:** Full Planning Permission

**Proposal Description:** **Siting of 40no. holiday lodges together with the development of ancillary infrastructure and landscape (Major Development) (Amended Description)**

**At:** **Ainmoor Grange Caravan and Camping Park, Mickley Lane, Stretton Alfreton**

**For:** **AGC Ltd c/o Agent**

**Third Party Reps:** 2 **Parish:** Shirland and Higham  
**Ward:** Shirland

**Author of Report:** Susan Wraith **Date of Report:** 18/12/2020

**MAIN RECOMMENDATION: GRANT CONDITIONALLY**



## **1.0 REASON FOR REPORT**

- 1.1 Councillor Liggett has requested that the application be determined by Planning Committee for reasons relating to surface water and foul drainage, car parking and proximity to Morton Tip.
- 1.2 The proposal is for major development in the countryside and it is considered appropriate that the application be determined by Planning Committee.

## **2.0 PROPOSAL AND BACKGROUND**

- 2.1 The application site is within a wider site known as Ainmoor Grange Caravan and Camping Park which has a history of caravan related uses dating from 1985.
- 2.2 The application site comprises two fields (annotated to remain as “fields” under the 1989 permission – see below) and an area of land that was previously used for caravan storage under the 1989 permission (now containing a few remaining stored caravans some of which have suffered fire damage). To the site’s north and west, is land presently being developed for the siting of 53no. lodges to be used as permanent homes pursuant to the granting of a Lawful Development Certificate in 2019. Further to the west (beyond Ainmoor Grange dwelling) there are two fields, one of which is a camping area and the other an open recreational area, and another area of static caravans for holiday use (granted permission in 1993).
- 2.3 The proposed lodges, whilst having the appearance of buildings, fall within the statutory definition of “caravan”, that being a structure designed for human habitation (including where in two sections assembled on site) which is capable of being moved from one place to another (whether being towed, or by being transported on a motor vehicle or trailer)<sup>1</sup>.
- 2.4 It is understood that the lodges will be sold individually and thereafter managed by their respective owners. Permission is sought for their holiday usage throughout the year.
- 2.5 The application is accompanied by the following reports and supporting information:
  - Planning Statement
  - Landscape and Visual Assessment
  - Transport Statement
  - Flood Risk Assessment and Drainage Strategy
  - Ecological Impact Assessment
  - Geological and Mining Appraisal
- 2.6 Following comments received from Derbyshire County Council’s landscape advisor the application has been amended to provide additional planted areas to the south and east boundaries with a consequent reduction in the number of lodges from 43no. to 40no.

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<sup>1</sup> S29(1) of the Caravan Site and Control of Development Act 1960 and s13(1) of the Caravan Sites Act 1968

### 3.0 RELEVANT PLANNING HISTORY

3.1 The relevant planning history of the wider site is as follows:

85/00950/FL - Change of use of agricultural land to (a) secure caravan storage area (b) site for caravan club standard touring site.  
5/12/1985 – Conditional Permission.

85/00951/FL – Use of land for caravan centre (touring and static vans, rally site) display and sales storage with ancillary buildings.  
29/08/1985 – Refused.

86/00907/FL- Amended layout for caravan area and touring caravan site.  
11/12/1986 – Conditional Permission.

89/01204/FL – Amended layout for caravan storage areas and touring caravan site.  
28/11/1989 – Conditional Permission.

93/00763/FL – Siting of 24 static holiday caravans.  
26/4/93 – Conditional Permission.

00/00537/FL – Retention of change of use of land to storage of caravans, motor homes and other towable units.  
01/05/01 – Refused and Appeal Dismissed.

19/00478/LDC – Application for certificate of lawful use of land for static caravans for permanent residential use.  
02/08/19 – Certificate Issued.

### 4.0 CONSULTATION RESPONSES

4.1 The following consultation responses have been received:

**NEDDC Environmental Health (land contamination)** – An area of landfill (Morton Quarry) is positioned some 500m distance from the application site. At this distance the site is considered to be outside of the zone of influence. Environmental Health are not aware of any evidence to indicate that there are any adverse impacts or significant risks arising that would affect the application site. Recommends conditions for a Phase 1 land contamination assessment and remedial works if any contamination is detected.

**NEDDC Environmental Health (site licensing)** – The layout is compatible with the generic licence requirements for a holiday caravan site.

**NEDDC Drainage** – No comments received.

**NEDDC Parks Department** – As the proposal is for holiday accommodation no s106 contribution is required. Recommends a tree protection plan.

**DCC Highways** – No objections subject to the imposition of conditions requiring a one-way system through the site, construction management details and two parking spaces per caravan.

**DCC Flood Risk** – Recommends conditions to require detailed design for surface water drainage and a surface water management and maintenance plan.

**DCC Archaeology** – Very unlikely there would be any meaningful archaeological survival within the site therefore no archaeological input is required.

**DCC Rights of Way** – No comments received

**DCC Landscape Advisor** – Comments on the first plan as follows:- no effects upon wider views. However, the proposal is substantial having a large impact at a local level. Considers the density to be excessive and that the scale of the proposal needs to be reduced, particularly to the southern and eastern boundaries. Considers that the proposal needs to respond to and retain existing vegetation and that the proposed mitigation needs to be more robust and extensive if the development is to be assimilated into the landscape.

Comments on the revised plan as follows:- the proposed additional planting is welcome but needs to go further in some areas. The SUDs area needs shallow gradients to maximise biodiversity potential with a flat area at the boundary for mitigation planting. Detailed planting specifications are needed to ensure mitigation will be effective. A condition limiting height of caravans to 4.0m is supported.

**The Environment Agency** – Site lies fully in flood zone 1. No formal comments to make. Requests a number of advisory notes are added to the decision.

**The Coal Authority** – Originally objected to the application because of lack of information, the site being in a Development High Risk Area. Subsequently withdrew their objection following consideration of the Geological and Mining Appraisal later submitted. Recommends conditions to require intrusive site investigations prior to commencement and remediation and mitigation works as necessary.

**Severn Trent Water** – No comments received.

**Derbyshire Wildlife Trust** – The proposed lodges are to be sited on managed grassland. Any minor removal of trees and hedgerow can be compensated for by new landscaping. The attenuation basin in SE corner could benefit wildlife. The removal of tree TN34 should be done through a soft felling approach or should be inspected beforehand by an ecologist in case of the possibility of roosting bats (low potential). Nesting bird survey recommended if works to be carried out between 1 March – 31 August. Conditions recommended including that for requiring a Biodiversity Enhancement Plan.

**The Ramblers Association** – Public footpath 23 runs adjacent to the eastern boundary of the site. Requests it be kept clear and safe to use and that any damage is rectified.

**Peak and Northern Footpaths Society** – No comments received.

**Shirland and Higham Parish Council** – Considers the wildlife survey to be incomprehensive, queries the surface water and foul drainage arrangements, queries whether there is any parking, comments that there is no Coal Mining Risk Assessment and is extremely concerned about proximity to Morton Tip and the possibility of contamination by dioxins.

**Ward Councillor** – Requests the application is decided by Planning Committee.

## **5.0 REPRESENTATIONS**

5.1 A Site Notice was posted on 27/07/20. A notice was published in the local press on 13/08/20. 13 neighbours were notified by letter on 23/07/20. Two objections have been received covering the following matters:

- Coal mining risk assessment must be carried out. High risk area.
- Concerns regarding impact on wildlife.
- Highway safety on A61.
- Extra noise and traffic.
- Privacy of existing permanent residents on the site will be compromised by comings and goings of holiday makers.

## **6.0 RELEVANT POLICY AND STRATEGIC CONTEXT**

6.1 North East Derbyshire Local Plan [LP]:

GS1: Sustainable Development  
GS6: New Development in the Countryside  
E10: Tourist Developments  
E12: Camping and Caravan Sites  
NE1: Landscape Character  
NE7: Protection of Trees and Hedgerows  
BE1: General Design Principles

6.2 Publication Draft North East Derbyshire Local Plan [PDLP]:

SS1: Sustainable Development  
SS9: Development in the Countryside  
WC6: Visitor Economy and Tourism Development in the Countryside  
WC7: Tourist Accommodation in the Countryside  
SDC2: Trees, Woodlands and Hedgerows  
SDC3: Landscape Character  
SDC12: High Quality Design and Place-Making

6.3 National Planning Policy Framework [NPPF]:

Chapter 6: Building a strong, competitive economy.  
Chapter 15: Conserving and enhancing the natural environment.

## **7.0 PLANNING ISSUES**

*Development in the Countryside*

- 7.1 The site is outside the settlement development limit [SDL] as drawn in the current LP and the PDLP. The proposal therefore is to be considered as development in the countryside for planning policy purposes.
- 7.2 LP policy E12 *Camping and Caravan Sites* does not rule out the possibility of touring caravan sites in the countryside subject to visual and landscape considerations. However, the policy says that proposals for new static caravan sites will not normally be acceptable outside settlements.
- 7.3 PDLP policy WC7: *Tourist Accommodation in the Countryside* is permissive towards the development of static caravan sites (non-dwelling) subject to visual, landscape and amenity considerations. The explanatory text to the policy encourages the use of planning conditions to ensure “holiday” use rather than as owner occupied second homes which are less beneficial to the economy and do not contribute to sustainable communities.
- 7.4 The NPPF states that decisions should enable sustainable rural tourism and leisure developments which respect the character of the countryside.
- 7.5 The proposal does not fully accord with LP policy E12 as it is for static (rather than touring) caravans albeit within the boundaries of an existing caravan site. PDLP policy WC7, however, is supportive of proposals for static caravans (subject to visual, landscape and amenity considerations) and is an up-to-date policy in conformity with the NPPF. Given the advanced stage of the PDLP it is considered that WC7 carries the greater weight in this regard. On balance, the use for static holiday caravans is considered acceptable in principle in this countryside location when taking into account the policy context.

#### *Landscape Character and Appearance*

- 7.6 Whilst in countryside, the area has no special landscape designation. The site is within a generally flat landscape and has a degree of visual containment such that the development would have very little visual effect in wider views.
- 7.7 However, the development would have significant effects locally in particular when viewed from the south and east including from the public footpath that runs adjacent to the east boundary, from the public footpath to the south that crosses to Northedge Farm, in views from neighbouring land parcels and in views from Mickley Lane.
- 7.8 The area is of pastoral character and appearance with low hedgerows, scattered trees and a woodland backdrop. Substantial planting is proposed to the east and south boundaries of the site to screen the development. It is expected the scheme will include groups of trees and other planting of indigenous species.
- 7.9 It is considered that such a scheme would considerably mitigate the visual harm and would help the development to assimilate into the landscape. Details for the planting scheme, and for its implementation and ongoing management and maintenance, can be secured through a condition of any planning permission granted.

#### *Land Contamination*

- 7.10 Concerns have been raised about the possibility of contamination in the area resulting from tipping of industrial toxic waste. However, the Council's Environmental Health Officer, is not aware of any evidence of harmful effects from any land contamination in the area and, from the Council's records, the application site appears to be beyond the zone of influence of any known local tipped sites.
- 7.11 However, it cannot be said with certainty that there is no contamination affecting the site and, given the sensitivity of the proposed use, the Environmental Health Officer has recommended that a phase 1 land contamination study be undertaken prior to the commencement of development. If contamination is identified then there would be a requirement for a scheme of remedial works. This further investigation and remedial works can be secured by a condition of planning permission.

#### *Coal Mining Legacy*

- 7.12 The site is likely to be overlain by shallow coal workings. In order to fully assess the risks the Coal Authority have recommended that a further intrusive survey be undertaken before development is commenced. If the survey reveals land stability issues then there would be a requirement for a remediation scheme. These matters can be covered by a condition of planning permission.

#### *Highway Issues*

- 7.13 The caravan site is accessed from Mickley Lane. There is no intended change to the present access and egress arrangements which provide for a one-way flow of traffic through the site with separate access and egress points to Mickley Lane.
- 7.14 The Transport Statement [TS] that accompanies the application indicates that the cumulative traffic impact arising from the development would be at a low level when taking into account the trips that could potentially be generated by the presently existing caravan storage area.
- 7.15 Visibility at the junction of Mickley Lane with the A61 is considered acceptable in both directions. Over a five-year period 2014-2019, 7no. personal injury accidents are recorded within the vicinity of the junction (6no. of which were "slight" and 1no. "serious"). The TS states that this does not indicate a significant road safety issue. DCC Highway Authority have raised no highway safety concerns.
- 7.16 The site layout shows that each lodge will be provided with 2no. car parking spaces. Car parking, internal traffic flow arrangements and construction management measures can all be covered by conditions of planning permission.

#### *Drainage and Flood Risk*

- 7.17 The application is accompanied by a Conceptual Surface Water Drainage Strategy which indicates that a sustainable urban drainage scheme (SUDS), to deal with surface and ground water drainage, is feasible. The SUDS would include an attenuation pond to the SE corner of the site.

- 7.18 It is proposed to convey foul flows to an on-site package treatment plant located in the SE corner. Treated effluent would discharge to the ditch on the eastern boundary.
- 7.19 The foul system would be subject to licensing by the Environment Agency to ensure there would be no contamination of ground water. Both the surface water and foul drainage systems would be subject to further detailed design. Further details can be required by conditions of any planning permission.

### *Ecology*

- 7.20 Much of the site is managed grassland of low ecological value. However, the presence of scattered trees and hedgerows, ditches and piled vegetation means that there is a possibility that bats, breeding birds, reptiles and amphibians could be affected by the development.
- 7.21 The Ecological Impact Assessment that accompanies the application indicates that, through appropriate mitigation, enhancements and reasonable avoidance measures, impacts upon biodiversity can be effectively managed and that the development, overall, would result in net biodiversity gain.
- 7.22 Derbyshire Wildlife Trust have raised no objections subject to the imposition of planning conditions including a requirement for a Biodiversity Enhancement Plan.

### *Other Issues*

- 7.23 A number of young planted trees are to be removed as is a mature sycamore along the northern boundary. However, new tree planting is proposed as part of the landscaping scheme which would more than compensate for the removal. A full tree survey, indicating any trees to be removed and those to be retained, will be needed as part of the detailed landscaping proposals and can be secured through a condition of planning permission.
- 7.24 Existing occupiers of the site, and occupiers on Mickley Lane, are likely to experience some additional disturbance from the increased amount of on-site activity and comings and goings to and from the site. Additionally site residents will clearly see the lodges where, presently, they look across an open field. Whilst these effects may be unwelcomed by some residents it is considered that they would not affect living conditions to an unreasonable extent. As such these considerations carry limited weight in the decision.
- 7.25 Each lodge would have limited space around it with no dedicated outdoor recreational space as such. However, the existing recreational field to the west side of the wider site will be made available for use by occupiers. This is considered to fulfil the recreational needs of the development and can be secured by a planning condition.
- 7.26 Planning conditions will also be needed to limit the number of caravans and to restrict their use to "holiday" purposes.

## **8.0 SUMMARY AND CONCLUSION**

- 8.1 The proposal involving the siting of lodges for holiday purposes in the countryside is considered acceptable in principle. Effects upon the character of

and appearance of the countryside can be reduced to an acceptable level by a substantial planting scheme which can be secured by a planning condition.

- 8.2 Other matters relating to land contamination, land stability, highway issues, car parking, drainage and ecology can also be addressed by the imposition of planning conditions.
- 8.3 Even with substantial landscaping the development will inevitably result in some localised visual harm. That harm needs to be weighed against the economic benefits of this tourist related development which will provide increased spend in the area which, in turn, will help to sustain local businesses and the local economy. Tourist accommodation (that is not use as a second home) is regarded by the PDLP as an “employment” use. It must, therefore, also be recognised that the development has potential to create jobs and offer local employment opportunities both during construction and operational phases.
- 8.4 It is considered, on balance, that the economic benefits will outweigh any localised visual harm when taking into account the extent to which that harm can be mitigated and the prevailing policy context which is generally supportive of this type of tourist related development. It is, therefore, concluded that the development is acceptable and that permission can be granted subject to the conditions set out in the recommendation below.

## 9.0 RECOMMENDATION

- 9.1 GRANT full planning permission subject to the following conditions, with the final wording of conditions to be delegated to the Planning Manager – Development Management:

### ***General Conditions***

1. The development hereby permitted shall begin no later than 3 years from the date of this permission.

Reason: In accordance with s91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

Site Location Plan	1310-0005-002
Site Layout	1310-0002-013

Reason: In the interests of certainty and to ensure the development is carried out in accordance with the approved plans.

### ***Land Contamination***

3. No development shall commence until an assessment of the risks posed by any land contamination has been submitted to and approved in writing by the local planning authority. If any contamination is found, a report specifying the measures to be taken, including the timescale(s), to remediate the site to render it suitable for the approved development shall have been submitted to and approved in writing by the local planning

authority before the development is commenced. The site shall be remediated in accordance with the approved measures and timescale(s) and a verification report shall have been submitted to and approved in writing by the local planning authority before any part of the development is occupied. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended until provision has been made for additional remediation measures in accordance with details and timescales that shall first have been submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works, including the additional measures, shall have been submitted to and approved in writing by the local planning authority before any part of the remaining development is occupied.

Reason: In the interests of environmental and human health and safety. This is a pre-commencement condition because remediation works may need to be carried out prior to the undertaking of any development works.

### ***Land Stability (coal mining legacy issues)***

4. No development shall commence until an intrusive site investigation has been carried out to establish the risks posed to the development by past coal mining activity. The results of the site investigation shall be made available to the local planning authority before any development is begun. If any land instability issues are found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted and a timetable for implementation of those measures shall be submitted to the local planning authority for approval before development is begun. The site shall be remediated in accordance with the measures and timetable as approved.

Reason: In the interests of land stability, human health and safety. This is a pre-commencement condition because land stability works/remediation works may need to be carried out prior to the undertaking of any development.

### ***Landscaping***

5. No development shall commence until a scheme of landscaping has been submitted to and approved in writing by the local planning authority. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and any trees and/or hedgerows to be removed. The scheme shall provide for additional planting including, but not necessarily limited to, the areas shown for landscaping on the approved plan Site Layout 1310-0002-013, and land at the south and east boundaries within the wider site; and shall include a timetable for implementation and measures and timetable for the ongoing management and maintenance of the landscaped areas. The scheme of landscaping shall be implemented in accordance with the approved details and timetable and shall, thereafter, be managed and maintained in accordance with the details and timetable as approved.

Reason: In order to screen and soften the development in the interests of the visual amenity of the countryside and in the interests of biodiversityPage 61

This is a pre-commencement condition because the design and layout of the landscaped areas is integral to the overall site layout and positioning of the lodges.

### ***Tree and Hedgerow Protection***

6. No development, site clearance or preparatory work shall commence until tree and hedgerow protection measures have been put in place, to protect the trees and hedgerows that are to be retained, in accordance with details which shall first have been submitted to and approved in writing by the local planning authority. Within the protected areas shown in the approved details there shall be no alteration to ground levels, no compaction of the soil, no stacking or storage of materials and any service trenches shall be dug and back filled by hand. The tree and hedgerow protection measures shall remain in place for the duration of the carrying out of the development.

Reason: To ensure that existing trees (including those adjacent to but beyond the site boundary) and hedgerows are adequately protected during construction, in the interests of the visual amenity and ecology of the area. This is a pre-commencement condition because trees and hedgerows will be at risk from construction traffic and works from the start of the development.

### ***Biodiversity***

7. No development shall commence until a scheme for biodiversity protection, mitigation and enhancements has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the retention of existing biodiversity rich features (such as trees, hedgerows and watercourses), provision of bird and bat boxes, connectivity for wildlife, habitat creation, including by utilising the attenuation pond, and ecologically beneficial landscaping. The scheme shall include timescales for implementation and details (with timescales) for ongoing management and maintenance of all open areas within the development. The scheme shall be implemented in accordance with the approved details and timescales. The ongoing management and maintenance measures, as approved, shall be adhered to for the life of the development.

Reason: In the interests of mitigating the effects of the development upon the ecology of the site and ensuring that biodiversity enhancements are provided to deliver net biodiversity gain. This is a pre-commencement condition because the open spaces and other ecology measures will need to be designed and provided for as an integral part of the overall layout.

8. Before the removal of any tree(s) a methodology for removal shall have been submitted to and approved in writing by the local planning authority. The works shall be carried out as approved.

Reason: To ensure the works are undertaken appropriately and without harm to wildlife, having regard to the potential for the tree(s) to support roosting bats.

9. No removal of hedgerow, trees or shrubs shall take place between 1st March and 31st August inclusive, unless preceded by a nesting bird survey undertaken by a competent ecologist. If nesting birds are present, an appropriate exclusion zone(s) shall be defined and monitored until the chicks have fledged. No works shall be undertaken within exclusion zone(s) whilst nesting birds are present.

Reason: In the interests of protecting nesting birds.

### ***Drainage***

10. No development shall commence until a scheme of arrangements for surface water drainage has been submitted to and approved in writing by the local planning authority. The scheme shall include:
  - (i) Details of the design of the scheme which shall be a sustainable drainage scheme unless an assessment of ground conditions has shown that to be impracticable;
  - (ii) Details of the design of the attenuation pond;
  - (iii) Details of the assessment of ground conditions undertaken;
  - (iv) A timetable for implementation; and
  - (v) A management and maintenance plan which shall include the arrangements for adoption by any public body or statutory undertaker, and/or any other arrangements to secure the effective operation of the drainage scheme throughout the lifetime of the development.

The drainage scheme shall be implemented and thereafter managed and maintained in accordance with the details and timetable as approved.

Reason: To ensure that surface water drainage takes place in an appropriate and sustainable manner. Details are required prior to commencement because the design of the drainage system will be integral to the overall design and layout of the scheme.

11. Prior to any occupation of the development, a verification report carried out by a qualified drainage engineer shall have been submitted to and approved in writing by the local planning authority. The report shall demonstrate that the drainage system has been constructed in accordance with the approved scheme, provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls).

Reason: To ensure that the drainage system is constructed to the national non-statutory technical standards for sustainable drainage and CIRIA standards C753.

12. No development shall commence until a scheme for foul drainage has been submitted to and approved in writing by the local planning authority. The scheme shall include a timescale for implementation and details and timescales for its ongoing management and maintenance. The scheme shall be implemented, managed and maintained in accordance with the approved timescales and details.

Reason: To ensure that satisfactory arrangements are made for foul drainage in the interests of human and public health. This is a pre-commencement condition as the design of the foul drainage system is likely to be integral to the overall design and layout of the development.

### ***Construction Management***

13. No development shall commence until details of measures for the avoidance of surface water run-off from the site during the construction phase and a timescale for implementation have been submitted to and approved in writing by the local planning authority. The measures shall be implemented in accordance with the details and timescale as approved and shall remain in place for the duration of the construction phase of the development.

Reason: To ensure surface water is managed appropriately during the construction phase of the development. Details are required prior to commencement to ensure surface water is effectively managed during the whole of the construction phase.

14. No development shall commence until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The Statement shall provide for:

- (i) the parking of vehicles of site operatives and visitors;
- (ii) loading and unloading of plant and materials;
- (iii) storage of plant and materials used in constructing the development;
- (iv) the erection and maintenance of security hoardings/fencing;
- (v) wheel washing facilities;
- (vi) measures to control the emission of dust and dirt during construction;
- (vii) a scheme for recycling/disposing of waste resulting from construction works;
- (viii) delivery and construction working hours;
- (ix) access to the site for construction traffic.

The methods as approved shall be put into place prior to the commencement of development and shall be retained throughout the construction phase. The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

Reason: To ensure that the construction phase of the development is carried out in a safe and acceptable manner that minimises effects upon the living conditions of neighbouring residents and that provides for the safe and efficient use of the public highway. It is necessary that details are approved prior to the commencement of development as the construction management arrangements must be put in place prior to commencement and should remain in effect for the full duration of the carrying out of the development.

### ***Design***

15. A one-way traffic system shall operate within the wider site for the duration of the life of the development.

Reason: In the interests of the safe, convenient and efficient movement of traffic through the wider site.

16. No lodge shall be occupied until 2no. parking spaces for that lodge have been provided. The spaces shall thereafter be retained and kept available for use for their designated purpose.

Reason: To provide adequate car parking and in the interests of the safe and efficient movement of traffic.

17. Any external lighting shall be provided in accordance with a scheme that shall first have been submitted to and approved in writing by the local planning authority.

Reason: In the interests of visual amenity, wildlife and the avoidance of light pollution in the countryside.

18. No lodge shall exceed 4.0m in height measured from the immediately adjacent existing ground level at its lowest point.

Reason: In the interests of visual amenity and of minimising the effects of the development upon the character and appearance of the countryside.

19. The lodges shall not be occupied unless the field annotated as "Open Space and Recreational Area" on Site Plan 1310-0002-013 is available for use by the occupiers for recreational purposes.

Reason: To provide adequate recreational outdoor space for occupiers.

### ***Limitations on Use***

20. There shall be no more than 40 lodges on the site at any time.

Reason: To limit the visual impact and intensity of the development.

21. Each lodge shall be of a type falling within the statutory definition of "caravan" set out in S29(1) of the Caravan Site and Control of Development Act 1960 and s13(1) of the Caravan Sites Act 1968.

Reason: To ensure that the site operates as a caravan site and in the interests of the visual amenity of the area.

22. Each holiday lodge hereby permitted shall be used as holiday accommodation only and shall not be occupied by any person(s) as their sole or main place of residence. No person(s) shall occupy any lodge for a period exceeding 24 weeks in any rolling 52-week period. An up-to date register for each lodge shall be maintained which shall record the name(s) of all persons who have occupied the lodge, the length of stay and their main home addresses. The register shall be made available to the local planning authority on request.

Reason: To ensure that the lodges remain in use for holiday purposes in the interests of the economy of the area, and to prevent use as permanent or second homes in the interests of protecting the countryside..

## PLANNING COMMITTEE – 12 January 2021

**REFERENCE NUMBER:** 20 / 00978/ OL    Application Expiry Date: 20 January 2021  
**Application Type:** Outline Planning Permission

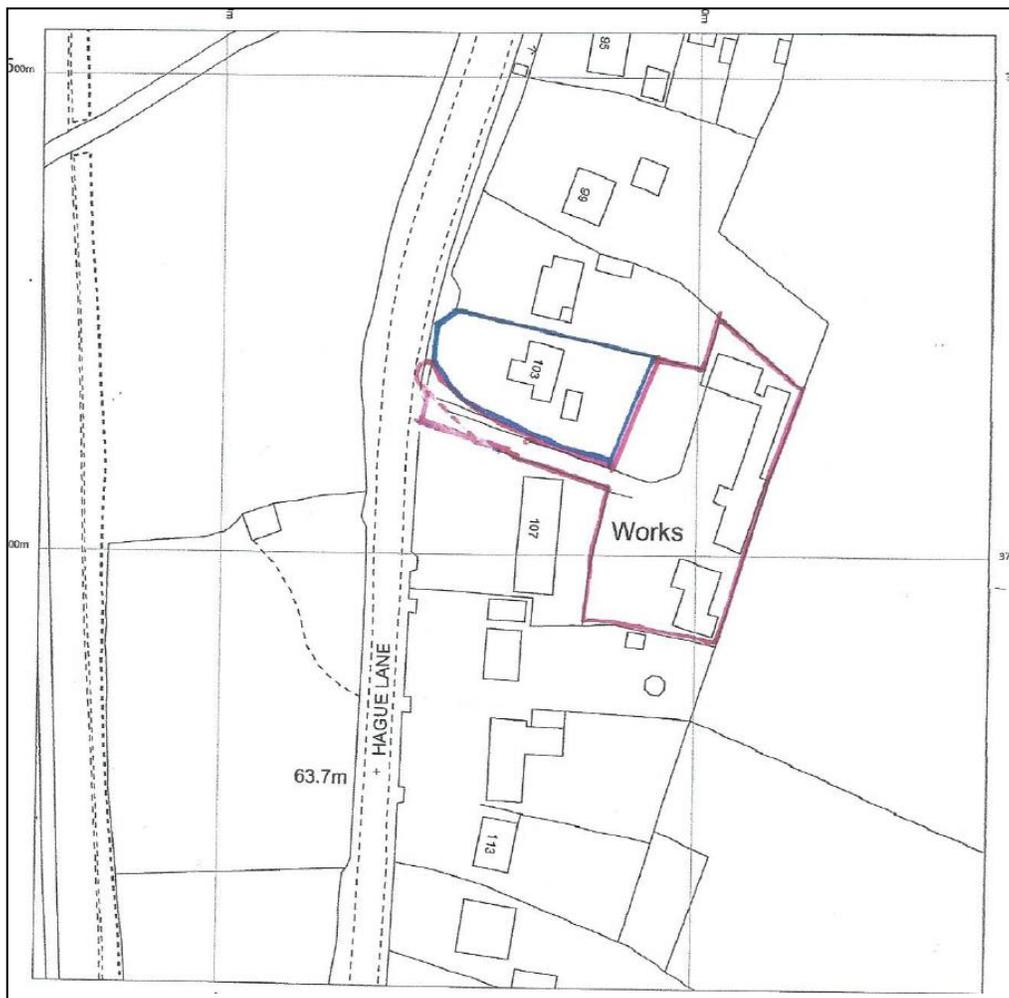
**Proposal Description:** Application to construct 4 bungalows (outline application with all matters reserved except for access) on land (Amended Title/Amended Plans)

**At:** Adjacent 105 Hague Lane Renishaw Sheffield S21 3UR

**For:** Mr John Milthorpe  
**Third Party Reps:** 2    **Parish:** Eckington  
**Ward Name:** Eckington South And Renishaw Ward

**Author of Report:** Denise Knipe – Asbury Planning    **Date of Report:** 15/12/2020

**MAIN RECOMMENDATION: GRANT**



## **1.0 Reason for Report**

- 1.1 The application has been called in to the committee by the Ward Member, Councillor Ridgeway. Councillor Ridgeway objects to the proposal based on overdevelopment and access issues as result of increase in traffic.

## **2.0 Proposal and Background**

- 2.1 The application site lies within the Settlement Development Limits for Renishaw. There are residential properties to the west, fronting Hague Lane, forming a linear form of development. To the east is the open countryside, designated as Green Belt.
- 2.2 The application site is located to the rear of properties 103 and 107 Hague Lane with access provided between the two dwellings.
- 2.3 The site was originally used as a sawmill and most recently used for offices and storage for two building construction companies. The site comprises of a number of prefabricated and brick buildings, including storage containers. Number 103 was also used as an office in connection with the commercial use of the site.
- 2.4 The site slopes upwards from Hague Lane with the existing buildings sitting on the higher topography with the open countryside (Green Belt) beyond to the east.
- 2.5 The area is predominantly characterised by single storey dwellings. Number 101 and 103 contain rooms in the roof space. The dwellings are set back from Hague Lane and have long rear gardens, with the exception of number 107 which only has a strip of amenity area to the rear along the common boundary of the site.
- 2.6 The proposal is seeking outline planning permission with all matters reserved for redevelopment of the site with upto 4 single storey detached dwellings. An indicative layout plans has been provided which has been amended following concerns raised in relation to the scale for the provision of 5no. bungalows on the site, in particularly how a development can protect the privacy of number 103.
- 2.7 The red line boundary has also been reduced leaving more rear garden to number 103.

## **3.0 Relevant Planning History**

3.1 None relevant for the site.

#### **4.0 Consultation Responses**

4.1 **Derbyshire Highways Authority:** Detailed design of the access will be required with any reserved matters application. No objection to the principle of the redevelopment subject to conditions.

4.2 **Environment Health Officer:** The proposed development is situated within a Smoke Control Area. This has legal implications for the type of solid fuel appliance which may be installed in the proposed development and types of solid fuel which may be burnt in these appliance. An informative should be included on the decision notice.

4.3 There are no objections subject to pre-commencement conditions relating to investigations/remediations of contaminants on site from its former use.

4.4 **Coal Authority:** The proposed dwellings, and alterations to the access point, fall within the parts of the site that are outside the Development High Risk Area and on this basis there is no requirement for a Coal Mining Risk Assessment and therefore no objection.

4.5 **Eckington Parish Council:** No comments received.

#### **5.0 Representations**

5.1 **Ward Member:** Councillor Ridgeway objects on grounds that the proposal represents overdevelopment of the back gardens and the suitability of the access to serve the proposal.

5.2 A Site Notice was posted on 5 November 2020. Nearby neighbours were consulted by letter. As a result 2 representations have been received. Concerns have been expressed citing that there is insufficient information to make a more detailed assessment of the proposal. Concerns have been raised in regard to how boundaries shared with number 107 will be maintained/managed, how plots A and B will impact upon number 101's privacy; drainage of the site and suitability of the access to accommodate the level of cars to serve the development.

5.3 The Application is seeking the principle of residential development and further consideration on the scale, appearance of the dwellings, access, layout and landscape are all matters reserved for further consideration. Any detailed application will need to have regard to the Councils design

Guidance Successful Places to ensure that a satisfactory relationship between existing properties is maintained.

## **6.0 Relevant Policy and Strategic Context**

6.1 The Development Plan comprises the **North East Derbyshire Local Plan**.

6.2 In respect of the North East Derbyshire Local Plan the most relevant policies to this application are considered to be as follows:

- GS1 Sustainable Development
- GS5 Development within the Settlement Development Limits
- H12 Design and Layout of new Houses
- BE1 General Design Principles
- T2 Highway Access and the Impact of New Development
- T9 Parking Provision for Development

6.3 Other relevant policy documents include the Successful Places Design Guide and Affordable Housing SPD.

6.4 The emerging **North East Derbyshire Publication Draft Local Plan 2014-2034 (DLP)** was submitted for examination in May 2018, with public hearings taking place in November/December 2018 and March 2019. The Inspector issued her interim findings in letters dated 18 February and 21 March 2019. Following local elections in May 2019, the Council paused the Plan, pending consideration of its options around housing numbers and Green Belt release. On 27 February 2020 the Council announced the un-pausing of the Plan to allow it to proceed to the next stage of consultation on the Main Modifications. It is expected the Plan will achieve adoption in early 2021. The emerging Local Plan is therefore at an advanced stage and should be attributed appropriate weight accordingly in decision making.

6.5 In respect of the Draft Local Plan the most relevant policies to this application are considered to be as follows:

- SS1 Sustainable Development
- SS2 Spatial Strategy and the Distribution of Development
- SS7 Development on Unallocated Land within Settlement with defined Settlement Development Limits
- SDC12 High quality Design and Place-Making

## **6.6 Material Considerations**

## **6.7 National Planning Policy Framework (2019)**

- 6.8 The revised National Planning Policy Framework was published on 19th February 2019 and sets out the government's planning policies for England and how these are expected to be applied. This revised Framework replaces the previous National Planning Policy Framework published in July 2012 and 2018. At the heart of the NPPF is a presumption in favour of sustainable development with chapters 5 (delivering a sufficient supply of homes) and 12 (achieving well-designed places) considered to be particularly pertinent.

## **7.0 Planning Issues**

- 7.1 The planning issues relevant to the proposal are whether the proposal accords with the policies of the Development Plan, i.e. is it acceptable in principle, its impact on the character of the area, its potential impact on the amenity of existing residential property occupiers, highway safety and other technical issues.

Each matter is considered in detail below.

### **Principle of Development and Application of Policy**

- 7.2 The application site lies within the defined Settlement Development Limits for Renishaw. Local Plan (LP) (2005) policy GS1 and emerging Local Plan (PDLP) policies SS1 & SS2 seeks to ensure that all development proposals have regard to the need to maintain or improve the quality of life of communities, maintain economic growth and preserve or enhance the environment of North East Derbyshire and contribute towards achieving a sustainable pattern of development. It favours development within settlement limits unless there are other policies in the plan that supports the proposal.
- 7.3 Policy GS5 of the adopted Local Plan (2005), PDLP policies SS7 seeks to ensure that proposals within the defined settlements are in keeping with the character of the area, whilst saved policy BE1, eLP policies SDC12 seeks to ensure that the design, scale and massing of development is in keeping with the surrounding character. Saved policy H2 and NP policy HOU1 support new dwellings on unallocated sites within the SDL.
- 7.4 Officers consider that the principle of the residential development within the SDL is acceptable.

### **Impact upon the Character of the Area**

- 7.5 The proposal relates to the redevelopment of a former commercial site to the rear of a linear row of bungalows fronting Hague Lane. The site lies on the higher topography and looks down on to number 101, 103 and 107. 107 has a short rear garden and a retaining wall with a row of mature conifers form the boundary treatment. There is no boundary treatment to 103.
- 7.6 The application is seeking outline consent with all matters reserved for the construction of 4 no. bungalows. Matters relating to layout and design would be for later consideration in the form of a reserved matters application. However, an indicative layout plan has been provided which shows a possible arrangement of the plots to be located on a similar footprint to the commercial buildings; and as stated in the description of development the units would be bungalows which could be conditioned.
- 7.7 The development would be served from the existing access off Hague Lane. Development to the rear would be glimpsed from the access and between the existing dwellings when travelling along Hague Lane. It is considered that subject to the restriction of the development to single storey heights of no greater than 6.5 metres, the bungalows could be designed to respond to the general character of the area and therefore not have a greater impact than the existing site which is formed of dilapidated buildings.
- 7.8 The rear boundary is currently formed by the field hedgerow interspersed with trees, separating from the open field beyond. A development of 4no. bungalows would be highly visible from the surrounding countryside and would be more prominent than the current arrangement of buildings which are mostly flat roofed temporary buildings.
- 7.9 Whilst the principle of redeveloping a brownfield site is acceptable under current local plan policies careful consideration will need to be given to the rear boundary treatment. Matters relating to landscaping would be controlled through a formal reserved matters application which would include the boundary treatments.
- 7.10 It is considered that an acceptable redevelopment of the site could be undertaken whilst responding to the site levels and edge of village location. These can be conditioned to be provided with a reserved matters application.

### **Impact upon neighbouring properties**

- 7.11 The properties most affected by the proposal are those existing dwellings situated to the west on the lower land level. The proposal will ultimately

change the outlook from these properties and the residents have raised objections based on overlooking. The indicative layout shows a possible arrangement of 4no. bungalows. This was reduced from 5 units due to concerns that it represented an overbearing development to number 103.

- 7.12 The Council's SPG "Successful Places" is a guide which sets out separation distances to minimise overlooking and loss of light. For a window to window arrangement it is stated that the separation distance should be 21 metres, for a window facing onto a blank wall this is reduced to 12 metres. However, the guidance also states that the separation distances may be relaxed and advises the assessor to take into account the topography, screening and take into account what rooms the windows serve. (ie. habitable rooms).
- 7.13 Whilst there are no detailed drawings submitted, the separation distances stipulated within the SPG can be provided and demonstrates that the proposal should be compliant with the Council's Design Guidance in terms of providing appropriate separation distances between neighbouring buildings and the proposed dwellings. The relationship of the proposal with the existing residents is considered acceptable subject to the detailed design of the plots and therefore capable of complying with the local plan policies H12 and PDLP Policy SDC12.
- 7.14 Furthermore, the Council's Design Guide seeks to provide adequate amenity and private space for the future occupiers. Any reserved matters application will need to demonstrate that it can meet the minimum standards of amenity space and separation distance between the dwellings a promoted through the Design Guidance 'Successful Places'.

### **Highway Safety**

- 7.15 The proposal will utilise the existing access which is shown on the submitted plan would be 5m wide. The land level does not increase significantly until well in excess of 10m from the highway boundary so allowing a slope of no more than 1 in 15 for the first 10m from the highway boundary.
- 7.16 There is sufficient land within the applicants control as shown on the amended site location plan to provide the pedestrian intervisibility splays and a footway along the access drive if required.
- 7.17 The Highways Authority have commented and have raised no objection subject to conditions. As such, it is considered that the development is in accordance with the relevant policies of the North East Derbyshire Local Plan (policy T2 and T9).

## **Drainage and Flood Risk**

- 7.18 The site is not within the Environment Agency's flood risk areas and is shown as Flood Zone 1, which has the lowest probability of flood risk. The objectors have raised issues of surface water flooding from the adjoining field.
- 7.19 The developer has a duty to ensure that over the lifetime of the proposal that they will not add to flooding problems in the area. Local Plan (2005) Policy CSU4 seeks to ensure that adequate drainage of surface water and foul water is incorporated into development proposals. Derbyshire County's flood team have not commented on the proposal and technical reports will be required with the submission of a detailed application.
- 7.20 Yorkshire Water Authority have responded with no objection and requests conditions be imposed to the outline consent requiring sustainable urban drainage systems for the site. Yorkshire Water promote the surface water disposal hierarchy and the developer must provide evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical before considering disposal to public sewer. The application is not one that triggers a consultation with the Environment Agency.
- 7.21 Officers consider that in view of the above, and subject to the necessary conditions the development could be made acceptable from a drainage perspective.

## **8.0 Summary and Conclusion**

- 8.1 The site is located within the defined Settlement Development Limits for Renishaw and a brownfield site where the principle of residential development is considered to be acceptable in so far as Local Plan Policies GS1, GS5 and H2; and Publication Draft Local Plan Policies SS1, SS2 and SS7 are concerned.
- 8.2 The application is seeking outline consent for the principle of the development of up to 4no. residential properties of a bungalow design and scale with all matters reserved.
- 8.3 The site in its present condition does not contribute positively to the area and the redevelopment for housing will ensure its long-term management. Given the site constraints and prominence as a result of the rising topography, it is considered necessary that the scale be restricted to single

storey scale only; and necessary for permitted development rights to be removed to allow the Council to control the site.

- 8.4 It is considered that conditions can be imposed to make development of the site acceptable from a residential amenity perspective and to ensure compliance with the Councils Design Guidance, Successful Places. There are no highway objection that prevents development of the site for housing.

## **9.0 Recommendation**

- 9.1 GRANT Full Planning Permission subject to the following conditions (with any amendments as necessary delegated to the Planning Manager

### **Conditions**

1. Applications for approval of reserved matters are required before development can start and shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall be started within two years from the date of approval of the last of the reserved matters to be approved.

REASON: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990.

2. Approval of the details of the layout, scale and appearance of the building(s) the means of access and the landscaping of the site (called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is started

REASONS: The application is in outline only and not accompanied by detailed plans.

3. The dwellings shall be restricted to single storey with a height no greater than 6.5 metres to the highest ridge.

REASONS: In the interest of preserving the residential amenities of the existing properties and respecting the edge of village location in accordance with the Policies GS5, BE1, H12 of the North East Derbyshire Local Plan and Policies SS7 and SDC12 of the Publication Draft Local Plan.

4. As part of any Reserved Matters application details of the existing ground levels, proposed finished floor levels of the dwellings and the proposed

finished ground levels of the site, relative to a datum point which is to remain undisturbed during development, shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details and the levels shall be retained as such thereafter.

5. REASON: In the interests of the appearance of the area and in accordance with policies GS5, BE1 and H12 of the North East Derbyshire Local Plan and Policies SS7 and SDC12 of the Publication Draft Local Plan

6. All planting, seeding or turfing in the approved scheme of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

REASON: In the interests of the appearance of the area and in accordance with policies GS5, BE1 and H12 of the North East Derbyshire Local Plan and Policies SS7 and SDC12 of the Publication Draft Local Plan

7. As part of any reserved matters application a plan to show the positions, design, materials, height and type of boundary treatments to be erected and/or retained shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full before the occupation of the any of the dwellings hereby approved, and it shall be retained as approved.

REASON: In the interests of the appearance of the area and in accordance with policies GS5, BE1 and H12 of the North East Derbyshire Local Plan and Policies SS7 and SDC12 of the Publication Draft Local Plan

8. As part of any reserved matters application, a detailed plan showing the positions, species and crown spread of trees to be retained within the application site, together with details of measures for their protection for the duration of the works shall be submitted to and approved in writing by the Local Planning Authority. The means of protection shall be installed in accordance with the approved scheme before any other works commence on site and retained in position until all the building works hereby

approved have been completed. The area within the fenced/protected area shall not be used for storage or the parking of machinery or vehicles and the ground levels shall not be altered. Unless otherwise agreed in writing by the Local planning Authority.

REASON: In the interest of the amenity of the area and in accordance with Policies GS5 and NE7 of the North East Derbyshire Local Plan; and Policy SS7 and SDC3 of the Publication Draft Local Plan.

9. No works shall take place between 1st March and 31st August inclusive, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period, and details of measures to protect the nesting bird interest on the site, have first been submitted to and approved in writing by the local planning authority and then implemented as approved.

REASON: In the interests of protecting wildlife and in accordance with policy NE6 of the North East Derbyshire Local Plan and Policy W13 of the Wingerworth Neighbourhood Plan.

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

REASON: In the interest of satisfactory and sustainable drainage

11. There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to:-
  - a) evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical;
  - b) evidence of existing positive drainage to public sewer and the current points of connection; and
  - c) the means of restricting the discharge to public sewer to the existing rate less a minimum 30% reduction, based on the existing peak discharge rate during a 1 in 1 year storm event, to allow for climate change.

REASON: To ensure that no surface water discharges take place until proper provision has been made for its disposal and in the interest of sustainable drainage)

12. The access to the proposed private driveway will be from Hague Lane, which is an adopted highway. The visibility splays of 2.4m x 120m should be provided and maintained in both directions and the area in advance of

the sightlines being maintained clear of any object greater than 1m in height (0.6m in the case of vegetation) relative to the adjoining nearside carriageway channel level.

13. The proposed access shall not be taken into use until 2m x 2m x 45° pedestrian intervisibility splays have been provided on either side of the access at the back of the footway, the splay area being retained throughout the life of the development clear of any object greater than 0.6m in height relative to footway level.
14. The private driveway access should be minimum 5.0m wide and shall be no steeper than 1 in 15 for the first 10m from the nearside highway boundary and measures shall be implemented to prevent the flow of surface water onto the adjacent highway. Once provided any such facilities shall be maintained in perpetuity free from any impediment to their designated use. The Highway Authority recommends that the first 5m of the proposed access driveway should not be surfaced with a loose material (i.e. unbound chippings or gravel).

REASON: In the interest of amenity of the area in accordance with Policy GS6 and H12 of the North East Derbyshire Local Plan.

16. Construction works on the site and deliveries to the site shall be undertaken only between the hours of 07.30am to 6pm Monday to Friday and 7.30am to 1pm on Saturday. There shall be no work undertaken on site or deliveries to the site on Sundays or public holidays.

REASON: In the interest of amenity of the area in accordance with Policy GS6 and H12 of the North East Derbyshire Local Plan.

17. Before the commencement of the development hereby approved:
  - a) A Phase I contaminated land assessment (desk-study) shall be undertaken and approved in writing by the local planning authority.
  - b) The contaminated land assessment shall include a desk-study with details of the history of the site use including:
    - the likely presence of potentially hazardous materials and substances,
    - their likely nature, extent and scale,
    - whether or not they originated from the site,
    - a conceptual model of pollutant-receptor linkages,
    - an assessment of the potential risks to human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland

and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments,

- details of a site investigation strategy (if potential contamination is identified) to effectively characterise the site based on the relevant information discovered by the desk study and justification for the use or not of appropriate guidance. The site investigation strategy shall, where necessary, include relevant soil, ground gas, surface and groundwater sampling/monitoring as identified by the desk-study strategy

The site investigation shall be carried out by a competent person in accordance with the current U.K. requirements for sampling and analysis. A report of the site investigation shall be submitted to the local planning authority for approval.

REASON: To protect future occupiers of the development, buildings, structures/services, ecosystems and controlled waters, including deep and shallow ground water.

18. Before the commencement of the development hereby approved:

Where the site investigation identifies unacceptable levels of contamination, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be submitted to and approved in writing by the local planning authority. The submitted scheme shall have regard to CLR 11 and other relevant current guidance. The approved scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria and site management procedures. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

The developer shall give at least 14 days notice to the Local Planning Authority (Environmental Health Division) prior to commencing works in connection with the remediation scheme.

REASON: To protect future occupiers of the development, buildings, structures/services, ecosystems and controlled waters, including deep and shallow ground water.:

19. No dwellings hereby approved shall be occupied until:

a) The approved remediation works required by 17 above have been carried out in full in compliance with the approved methodology and best practice.

b) If during the construction and/or demolition works associated with the development hereby approved any suspected areas of contamination are discovered, which have not previously been identified, then all works shall be suspended until the nature and extent of the contamination is assessed and a report submitted and approved in writing by the local planning authority and the local planning authority shall be notified as soon as is reasonably practicable of the discovery of any suspected areas of contamination. The suspect material shall be re-evaluated through the process described in above and satisfy 19a above.

c) Upon completion of the remediation works required by 17 and 19a above a validation report prepared by a competent person shall be submitted to and approved in writing by the local planning authority. The validation report shall include details of the remediation works and Quality Assurance/Quality Control results to show that the works have been carried out in full and in accordance with the approved methodology. Details of any validation sampling and analysis to show the site has achieved the approved remediation standard, together with the necessary waste management documentation shall be included.

REASON: To protect future occupiers of the development, buildings, structures/services, ecosystems and controlled waters, including deep and shallow ground water.

20. Before any other operations are commenced, space shall be provided within the site for storage of plant and materials, site accommodation, loading, unloading and manoeuvring of goods vehicles, parking and manoeuvring of employees and visitors vehicles, laid out and constructed in accordance with detailed designs first submitted to and approved in writing by the Local Planning Authority. Once implemented the facilities shall be retained free from any impediment to their designated use throughout the construction period.

REASON: In the interest of highway safety in accordance with the Policy T9.

21. Throughout the period of development vehicle wheel cleaning facilities shall be provided and retained within the site. All construction vehicles shall have their wheels cleaned before leaving the site in order to prevent the deposition of mud and other extraneous material on the public highway.

REASON: In the interest of highway safety in accordance with the Policy T9.

## **Appendix A – Notes**

### **Coal Authority**

The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant).

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

Property specific summary information on past, current and future coal mining activity can be obtained from: [www.groundstability.com](http://www.groundstability.com) or a similar service provider.

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at: [www.gov.uk/coalauthority](http://www.gov.uk/coalauthority)

**North East Derbyshire District Council**

**Planning Committee**

**12 January 2021**

**Planning Appeals Lodged and Determined**

**Report No PM/14/20-21/AK of the Planning Manager – Development Management**

This report is public

**Purpose of the Report**

- To inform the Committee of the appeals lodged and determined.

**1 Report Details**

**1.1 Appeals Lodged**

The following appeals have been lodged:-

**Stenfold Resources Ltd – Outline application (all matters reserved) for the erection of one detached dwelling (affecting setting of a listed building) at Land Between Overton Lodge And Brookside Cottage, Fallgate, Milltown, Ashover (20/00166/OL)**

Planning Officer – Susan Wraith– [Susan.Wraith@ne-derbyshire.gov.uk](mailto:Susan.Wraith@ne-derbyshire.gov.uk)

**Glen Gent – Change of use of double garage to beauty salon at 11 Wellington Park, Shirland (20/00500/FL)**

Planning Officer – Susan Wraith– [Susan.Wraith@ne-derbyshire.gov.uk](mailto:Susan.Wraith@ne-derbyshire.gov.uk)

## 1.2 Appeals Allowed

The following appeal has been allowed:-

**Mr & Mrs Kavanagh – Construction of detached 2 bed bungalow (revised scheme of 18/00685/FL)(Amended Plans) at 17 Green Lea, Dronfield Woodhouse (19/00988/FL)**

Means of Determination – Delegated

Planning Officer's Recommendation – Refuse

Planning Officer – (AP) Adrian Kirkham – Adrian.Kirkham@ne-derbyshire.gov.uk

## 1.3 Appeals Dismissed

The following appeal has been dismissed:-

**Mr J Cash – Construction of detached two storey two bed dwelling (revised scheme of 18/00251/OL) at The Angel Inn , 127 Rotherham Road, Killamarsh (20/00182/FL)**

Means of Determination – Delegated

Planning Officer's Recommendation – Refuse

Planning Officer – Colin Wilson – Colin.Wilson@ne-derbyshire.gov.uk

## 1.4 Appeals Withdrawn

No appeals have been withdrawn.

## 2 Conclusions and Reasons for Recommendation

2.1 N/a.

## 3 Consultation and Equality Impact

3.1 N/a.

#### 4 Alternative Options and Reasons for Rejection

4.1 N/a.

#### 5 Implications

##### 5.1 Finance and Risk Implications

N/a.

##### 5.2 Legal Implications including Data Protection

N/a.

##### 5.3 Human Resources Implications

N/a.

#### 6 Recommendations

6.1 N/a.

#### 7 Decision Information

<b>Is the decision a Key Decision?</b> A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds: <i>BDC: Revenue - £75,000</i> <input type="checkbox"/> <i>Capital - £150,000</i> <input type="checkbox"/> <i>NEDDC: Revenue - £100,000</i> <input type="checkbox"/> <i>Capital - £250,000</i> <input type="checkbox"/> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i>	No
<b>Is the decision subject to Call-In?</b> (Only Key Decisions are subject to Call-In)	No
<b>District Wards Affected</b>	All
<b>Links to Corporate Plan priorities or Policy Framework</b>	All

**8 Document Information**

<b>Appendix No</b>	<b>Title</b>
<b>Background Papers</b> (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)	
<b>Report Author</b>	<b>Contact Number</b>
Katie Spelman	01246 217172