

## **PLANNING COMMITTEE**

### **MINUTES OF MEETING HELD ON TUESDAY, 29 JUNE 2021**

#### **Present:**

Councillor Diana Ruff (Chair) (in the Chair)  
Councillor Alan Powell (Vice-Chair)

Councillor William Armitage  
Councillor Mark Foster  
Councillor Heather Liggett  
Councillor Jacqueline Ridgway  
Councillor Pat Antcliff

Councillor Andrew Cooper  
Councillor Lee Hartshorne  
Councillor Maureen Potts  
Councillor David Hancock  
Councillor Bette Hill

#### **Also Present:**

A Kirkham	Planning Manager - Development Management
G Cooper	Principal Planning Officer
P Slater	Principal Planning Officer
J Fieldsend	Legal Team Manager (non contentious)
A Maher	Senior Governance Officer
A Bond	Governance Officer
M E Derbyshire	Members ICT & Training Officer
J Bradley	Executive Assistant

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

1/21-

22 Apologies for absence were received from Councillors P Elliott. Councillor P Antcliff substituted for him. Apologies were received from Councillor K Rouse. Councillor B Hill substituted for her. Finally, apologies were also received from Councillor M Jones.

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

2/21-

22 Councillor B Hill declared a Personal Interest in Item 4, NED/20/01005/FL - Calow and indicated that she would not be present in the meeting during the Committee's consideration and determination of the application.

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

3/21-

22 The minutes of the meeting held on Tuesday 20 April 2021, were approved as a true record, subject to clarification on Min: PLA/95/20-21. The person who had spoken at Committee against the confirmation of Provisional Tree Preservation Order 272 was the owner of a property within Hardwick Wood and not the owner of the wood.

#### **PLA/ NED/20/01005/FL - CALOW**

4/21-

22 The report to Committee explained that an Application had been submitted for outline planning permission for the construction of up to eighty dwellings at land from the east of Dark Lane and to the west of Oaks Farm Lane, Calow. All

matters would be reserved, except for access. It would be a Major Development that would affect a Public Right of Way.

The Application had been referred to the Committee by local Ward Member, Councillor P Kerry, who had raised concerns about it.

Committee was recommended to grant outline planning permission, subject to the specific conditions set out in the report and the conclusion of a 'Section 106' Agreement, or an agreement reached between the Council as Planning Authority and the developer to carry out work that would help offset the impact on local people.

The report to Committee explained why Members were asked to approve the application. Committee was informed that the development would be in line with the National Planning Policy Framework (NPPF) and that the development would not harm the landscape of the area. The report also highlighted the economic and social benefits of the scheme and especially the additional affordable housing for the District, proposed as part of the application.

Before Members discussed the application, those registered to speak were asked to address the Committee. Derbyshire County Councillor J Woolley and R Renwick spoke in opposition to the application. S Ellis, highlighted the Developer Benefits Levy to nearby Chesterfield Hospital if the application was approved and the Agent, D Abbott, spoke in support of it.

Committee considered the application. It took into account the relevant Planning issues. These included the Principle of Development on a green field site outside the settlement development limit for Calow and the possible impact on health, leisure and educational services in the area. Committee also considered the streetscene and landscape implications of the proposed development, whether there would be an impact on heritage assets and the possible impact on highways safety.

Members discussed the application. Members were informed about how the application differed from previous proposals, which would have resulted in far more extensive development on the site and adjacent fields. They reflected on the possible impact of the development on local traffic, especially at the one access point at Oaks Farm Lane. They heard about the improvements that would be made to address this.

Members discussed the location of the application outside of the development limit for Calow and considered whether the scheme would be appropriate for a Green Belt location. Concern was expressed by some Members that the development would have a detrimental impact on the character of the area. The report to Committee reminded Members that the Landscape Expert (LE) engaged by the Council had concluded that residential development on the current site area could be achieved without causing overall significant harm to the landscape.

At the conclusion of the discussion, Councillor W Armitage and D Hancock moved and seconded a motion to reject the application against officer recommendations.

The motion was put to the vote and was defeated.

Councillor D Ruff and Councillor A Cooper moved and seconded a motion to approve the application, in line with officer recommendations.

The motion was put to the vote and was agreed.

**RESOLVED -**

- (1) That planning permission is conditionally approved, subject the conclusion of a Section 106 agreement, in accordance with officer recommendations.
- (2) That final wording of the conditions be delegated to the Planning Manager (Development Management)

**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: To comply with the provision of Section 92 (as amended) of the Town and Country Planning Act 1990.]*

- 2) Approval of the details of the layout, scale and appearance of the buildings 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.

*[Reason: The application is in outline only and not accompanied by detailed plans.]*

- 3) Unless otherwise required by any condition contained in this decision notice the development hereby permitted shall be carried out in accordance with the details shown in the following plans:

- 600145-HEX-00-GEN-DR-C-0100 Rev P02 (Oaks Farm Lane, General Arrangement Layout)
- 600145-HEX-00-GEN-DR-C-0111 P03 (Refuse Vehicle Access Tracking)
- 600145-HEX-00-GEN-DR-C-0113 Rev P01 (Visibility Splays)

*[Reason: For clarity and the avoidance of doubt.]*

**Construction/Design Details**

- 4) Before development commences, details of the existing ground levels, proposed finished floor levels of the dwellings and 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.

*[Reason: In the interest of the character and appearance of the site and the surrounding countryside, and neighbouring street scene.]*

- 5) The details to be submitted to and approved in writing by the local planning authority as part of the reserved matters shall include an assessment of the reserved matters scheme against the Building for Life 12 criteria. Thereafter the details submitted as part of the assessment shall be implemented in full and retained as such thereafter.

*[Reason: In the interest of good design, all in accordance with policy BE1 of the North East Derbyshire Local Plan, policy SDC12 of the Publication Draft Local Plan and the Successful Places Interim Planning Guidance.]*

### **Landscaping and Public Open Space**

- 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 interest of the character and appearance of the site and the surrounding countryside, and neighbouring street scene.]*

- 7) The details to be submitted to and approved in writing by the Local Planning Authority as part of the reserved matters shall include a scheme for the delivery and future maintenance of all on site public open space, including a landscape management plan and a timetable for implementation relative to the completion of dwellings hereby approved. Any approved public 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 providing adequate outdoor recreation space in accordance with policy R5 of the North East Derbyshire Local Plan.]*

### **Employment**

- 8) 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 and in the interest of the overarching aims of the Council.]*

### **Climate Change**

- 9) The details to be submitted to and approved in writing by the Local Planning Authority as part of any reserved matters shall include a scheme for mitigating climate change through the sustainable design and construction of the dwellings including the provision of sources of renewable energy. Thereafter the approved climate change scheme shall be implemented in full and retained as such thereafter.

*[Reason: In the interest of delivering sustainable development and in accordance with the North East Derbyshire Interim Sustainable Buildings Policy and the National Planning Policy Framework.]*

### **Environmental Health**

- 10) 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 highway safety and amenity of neighbouring residents.]*

- 11) Before the commencement of the development hereby approved:

The site investigation strategy as identified in the Desk Study report Ref B10606/1.0 submitted with the application shall be undertaken by a competent person in accordance with the current UK requirements for sampling and analysis.

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.

12) No dwellings hereby approved shall be occupied until:

a) The approved remediation works required by Condition 11 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, 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 the Phase I contaminated land assessment (desk-study) report Ref B10606/1.0 submitted with the application and through the process described in Condition 11 above and,

c) Upon completion of the remediation works required by Condition 11 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 c11 & 12: To protect future occupiers of the development, buildings, structures/services, ecosystems and controlled waters, including deep and shallow ground water. All in accordance with policy CSU6 of the North East Derbyshire Local Plan and emerging Local Plan policy SDC14.]*

### **Ecology**

13) Any reserved matters application should follow the general parameters of layout, scale and landscaping set out and illustrated in the proposed site layout (Illustrative Masterplan 9597-L-03). In particular, the reserved matters of layout and landscaping shall provide for undeveloped areas of green infrastructure and include wildlife-friendly attenuation basins, native planting and no net loss of hedgerow. Hedgerows shall remain beyond the curtilages of dwellings wherever practicable. The woodland shall also be retained, protected and buffered from development.

*[Reason: In the interest of protecting wildlife and providing a net biodiversity gain, along with safeguarding important landscape features. All in the interests of policies NE1, NE3, NE6 and NE7 of the North East Derbyshire Local Plan and policies SDC2, SDC3 and SDC4 of the Publication Draft Local Plan*

14) No development shall take place (including ground works or vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of “biodiversity protection zones” to include on-site hedgerows and woodland.
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements and will include for badger, nesting birds and amphibians).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

*[Reason: In the interest of protecting wildlife and providing a net biodiversity gain. All in the interests of policies NE3, NE6 and NE7 of the North East Derbyshire Local Plan and policies SDC2 and SDC4 of the Publication Draft Local Plan.]*

15) A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the LPA prior to the commencement of the development. The LEMP shall combine both the ecology and landscape disciplines, and management prescriptions shall be transposed to any separate maintenance contract to be implemented on site during the lifetime of the development. The LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management, including retention and creation of hedgerows (no net loss), retention and protection of woodland, measures to benefit farmland bird species such as living bird tables.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organization responsible for implementation of the plan.

- h) Ongoing monitoring visits, targets and remedial measures when conservation aims and objectives of the LEMP are not being met.
- i) Locations of bat boxes, bird boxes, insect bricks, hedgehog holes and habitat piles (include specifications/installation guidance/numbers).
- j) Specifications for attenuation basins to ensure beneficial habitat creation, including measures to prevent access to dogs.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The approved plan will be implemented in accordance with the approved details.

*[Reason: In the interest of protecting wildlife and providing a net biodiversity gain. All in the interests of policies NE3, NE6 and NE7 of the North East Derbyshire Local Plan and policies SDC2 and SDC4 of the Publication Draft Local Plan.]*

## **Archaeology**

- 16) 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.
- No development shall take place other than in accordance with the archaeological Written Scheme of Investigation.

No dwelling shall be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the approved archaeological written scheme of investigation and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

*[Reason: in the interest of recording and understanding any significance of heritage assets to be lost, all in accordance with para 199 of the NPPF and policy BE6 of the North East Derbyshire Local Plan.]*

## Drainage

- 17) 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.]*

- 18) No building or other obstruction including landscape features shall be located over or within 3 (three) metres either side of the centre lines of each of the public sewers i.e. protected strip widths of 6 (six) metres per sewer, that cross the site. If the required stand-off distance is to be achieved via diversion or closure of the sewer, the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker and that prior to construction in the affected area, the approved works have been undertaken.

*[Reason: In order to allow sufficient access for maintenance and repair work at all times.]*

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

*[Reason: To ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the public sewer network.]*

- 20) 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 and Drainage Strategy ref: 600145 Rev V03 dated 3 March 2021, author Ania Wojnowska and “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),
- 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.]*

- 21) Prior to the commencement of the development, the applicant shall submit for approval to the Local Planning Authority 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 Local Planning Authority before the commencement of any works, which would lead to increased surface water run-off from the 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) The attenuation pond should not be brought into use until such a time as it is fully designed and constructed in line with CIRIA SuDS manual C753 and an associated management and maintenance plan, in line with CIRIA SuDS Manual C753 is submitted to and approved in writing by the Local Planning Authority.

*[Reason: To ensure that the proposed attenuation pond does not increase flood risk, that the principles of sustainable drainage are incorporated into the proposal, the system is operational prior to first use and that maintenance and management of the sustainable drainage systems is secured for the future.]*

- 23) 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.]*

### **Highway Safety**

- 24) Prior to any works exceeding demolition and site clearance, a construction management plan or construction method statement shall be submitted to and approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The statement shall provide for:
- Parking of vehicles of site operatives and visitors
  - Routes for construction traffic, including abnormal loads/cranes, etc
  - Hours of operation
  - Method of prevention of debris being carried onto the highway (including details of wheel washing facilities on site)
  - Pedestrian and cyclist protection
  - Proposed temporary traffic restrictions

- 25) 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.
- 26) The proposed site shall not be taken into use until Oaks Farm Lane is upgraded to a 5.5m carriageway width, with a single footway on the northbound side of the carriageway measuring 2m in width and separate footway on the eastern edge of the carriageway of varying widths owing to space available within the redline boundary will be provided in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority.
- 27) No part of the development shall be occupied until a new vehicular access has been formed to the proposed development site in accordance with the application drawing No: 600145-HEX-00-GEN-DR-C-0113/P01, provided with visibility sightlines extending from a point 2.4m from the carriageway edge, measured along the centerline of the accesses, for a distance of 47m in each direction measured along the nearside carriageway edge. The land in advance of the visibility sightlines shall be retained throughout the life of the development free of any object greater than 1m in height relative to the adjoining nearside carriageway channel level.
- 28) The Highway Authority recommends that the first 5m of the proposed access road should not be surfaced with a loose material (i.e. unbound chippings or gravel).
- 29) There shall be no gates or other barriers within 5m of the nearside highway boundary, and any gates shall open inwards only.
- 30) No part of the development shall be occupied until parking of residents and visitors vehicles and details of secure cycle parking facilities for the occupants of, and visitors to, the development have been provided within the site in accordance with the details/plans which need to be agreed as part of a subsequent Reserved Matters application. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.
- 31) The carriageways of the proposed estate roads shall be constructed in accordance with the above condition 25 up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access from that road. The carriageways and footways shall be constructed up to and including base 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 highway. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or

abutting the footway. The carriageways, footways and footpaths 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, unless otherwise agreed in writing by the Local Planning Authority.

- 32) Before any other operations are commenced, the internal layout/internal design of the roads needs to be agreed as part of a subsequent Reserved Matters application. The scheme of the internal layout must include information such as detailed design of internal roads, dimensioned plan, swept path assessments for refuse vehicles and fire tender vehicles, waste strategy management document, drainage proposal, dimension of carriageway and footways, road radii, turning head dimension, visibility splays at junctions, at driveways and garages, cross corner visibility, forward visibility, pedestrian visibility, etc should be provided, all in accordance with current guidance in a manner to be agreed in writing with the Local Planning Authority in consultation with the County Highways Authority.

*[Reasons c24 - 32: In the interest of highway safety, all in accordance with Policies T2 and T9 of the North East Derbyshire Local Plan and policy ID3 of the Publication Draft Local Plan.]*

### **Land Stability**

- 33) No development shall commence, on each specific phase, until;

- a) a scheme of intrusive site investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and;
- b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

- 34) Prior to the occupation of each specific phase of the development, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

*[Reason c33 & 34: The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building*

*works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 178 and 179 of the National Planning Policy Framework.]*

**Informatives:**

- a) DISCON
- b) NMA
- c) Provision of bins
- d) The applicant should note that Derbyshire County Council (DCC) operate the Digital Derbyshire Programme which helps provide access to high speed broadband services for residential and business users. You are encouraged to make enquiries with broadband providers in order to ensure that future occupants have access to sustainable communications infrastructure and that appropriate thought is given to the choice and availability of providers which can offer high speed data connections. Any new development should be served by a superfast broadband connection unless it can be demonstrated through consultation with the network providers that this would not be possible, practical or economically viable. More information on how to incorporate broadband services as part of the design of new development is available by following the link below: <https://www.gov.uk/government/publications/better-connected-a-practical-guide-to-utilities-for-home-builders>.
- e) No clearance of trees, hedgerow or scrub 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.
- f) 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 appliances. Further information is available at <https://www.gov.uk/smoke-control-area-rules>.
- g) The applicant is advised to review the consultation comments of Cadent Gas and take into account the informative notes contained in the letter dated 7 April 2021.
- h) The developer should also note that the site drainage details submitted have not been approved for the purposes of adoption or diversion. If the developer wishes to have the sewers included in a sewer adoption/diversion agreement with Yorkshire Water (under Sections 104 and 185 of the Water Industry Act 1991), they should contact our Developer Services Team (tel 0345 120 84 82, email: [technical.sewerage@yorkshirewater.co.uk](mailto:technical.sewerage@yorkshirewater.co.uk)) at the earliest opportunity. Sewers intended for adoption and diversion should be designed and constructed in accordance with the WRc publication 'Sewers for Adoption - a design and construction guide for developers' 6th Edition, as supplemented by Yorkshire Water's requirements; and There is a combined sewer overflow (CSO) and an outfall to watercourse, under the control of Yorkshire Water, located within the

site. Vehicular access, including with large tankers, could be required at any time. The proximity of the existing combined sewer overflow (CSO) and outfall to the site may mean a loss of amenity for future residents / workers. In order to minimise the risk of odour, noise and nuisance, industry standards recommend that habitable buildings should not be located within 15 (fifteen) metres of the existing CSO and outfall. To reduce the visible impact of the installation, the erection (by the developer) of suitable screening is advised.

- i) The applicant is advised to read the comments of Yorkshire Water prior to the submission of any reserved matters application.
- j) Highways Informative notes, as per comments dated 23 April 2021.

LLFA Informative Notes. As per comments dated 4 May 2021.

With the agreement of the Chair, the Committee then recessed. It reconvened at 12.30pm

**PLA/ NED/20/01124/FL - UNSTONE**

**5/21-  
22**

The Committee reconvened. Councillor B Hill joined the meeting at this point.

The report to Committee explained that an application had been submitted for full planning permission to construct two semi-detached houses on the redundant car park, previously associated with the Fleur De Lys Hotel, Main Road which is in Unstone. The application had been referred to the Committee by Ward Member, Councillor A Dale, who had raised concerns about it.

Before Members discussed the application, those registered to speak were asked to address the Committee. The Architect for the application, P Mills, spoke in support of the application. There were no other speakers.

Committee was recommended to grant outline planning permission, subject to the specific conditions set out in the report and the conclusion of a 'Section 106' Agreement, or an agreement reached between the Council as Planning Authority and the developer to carry out work that would help offset the impact on local people.

The report to Committee explained why Members were asked to approve the application. Members were informed that the proposal would develop a brownfield site for affordable housing. Although the car park area was within the Green Belt the report contended that it would be an appropriate development, which would not cause substantial harm to the openness of the Green Belt. The report also contended that the development would not appear as an incongruous addition to the street scene and that it would have no greater impact highway safety.

Committee considered the application. It took into account the Principle of Development, the location of part of the site (the former car park) outside of the defined settlement limits for Unstone. It considered the circumstances when development could be allowed in the Green Belt. Committee also took into account the impact on the neighbouring environment and whether the development would be a prominent intrusion into the countryside. Committee considered the impact on neighbours and whether there would be any drainage or

flood risks to the properties built there.

Members discussed the application. They discussed the potential drainage problems on the site, which it was explained had been flooded before as the result of poor maintenance of a drain. They heard about the access measures that would put in place to enable maintenance to take place.

Some Members also expressed concern about the design of the proposed properties and suggested that they would not be in keeping with neighbouring buildings and would have a detrimental impact on the streetscape as a whole. Some Members expressed concern about an adverse impact on the Green Belt. They questioned whether the addition of affordable housing would offset this adverse impact.

Committee noted the planning history of the site. They reflected on the previous application for its development and the reasons why the Committee had rejected it. Some Members felt that the reasons for this rejection also applied to this application.

At the conclusion of the discussion, Councillor M Foster and Councillor W Armitage moved and seconded a motion to reject the application, against officer recommendations, because of the likely harm which the proposed development would have to the Green Belt. They emphasised that this harm was comparable to the harm identified by the Committee, when it had decided not to approve the earlier application for the site.

The motion was put to the vote and approved.

#### RESOLVED -

- (1) That the application is rejected against officer recommendations because of the unacceptable harm it would have on the Green Belt.
- (2) That the reasons for the rejection be drawn-up by the Planning Manager (Development Management) in consultation with the Chair of the Committee.

#### **Reasons**

The application is considered unacceptable, as by reason of its location on the site close to the highway, the proposed building would cause substantial harm to the openness of this Green Belt location. It would therefore represent inappropriate development which is, by definition, harmful and which should not be approved except in very special circumstances. In this case, the provision of affordable housing is not considered to represent very special circumstances to override the substantial harm that would be caused. As such, the proposal would be contrary to policies GS2 and H9 of the North East Derbyshire Local Plan, policies SS10 and LC3 of the North East Derbyshire Local Plan (2014-20343) Publication Draft and the National Planning Policy Framework when read as a whole.

**PLA/** **NED/21/00083/FLH - DRONFIELD**  
**6/21-**  
**22**

The report to Committee explained that an application had been submitted for the construction of a two-storey side extension at 115 Snape Hill Lane in Dronfield. The application had been referred to the Committee by local Ward Member, Councillor P Parkin, who had raised concerns about it.

Before Members discussed the application, those registered to speak were asked to address the Committee. Councillor P Parkin, Ward Member for Dronfield spoke against the application. J Dickinson, on behalf of G Tingle, also spoke against the application.

Committee was recommended to grant permission for the application, subject to the conditions set out in the report.

The report to Committee explained why Members were recommended to approve the application. In particular, it contended that the proposed extension would not impact greatly on the amenity of neighbouring residents or result in significant demonstrable harm to the character of the surrounding Streetscene.

Committee considered the application. It took into account the relevant Planning Issues. These included, the Adopted Local Plan requirement that new developments ought to respect the character and appearance of the local area and that they should not have a detrimental effect on the amenities of neighbouring occupiers and uses.

Members discussed the application. They discussed the concerns which had been raised about the possible adverse impact on the 1930s style streetscape of detached properties if the extension was allowed. Some Members also expressed concern about the 'terracing' effect if other, similar extensions, within the area were also permitted. Members reflected on the height of the extension and the proximity to the neighbouring property. Committee Members were reminded that the issue of maintenance arrangements was not a relevant planning issues on which to base their decision

At the conclusion of the discussion Councillor M Foster and D Ruff moved and seconded a motion to reject the application, contrary to officer recommendations because of its adverse impact on the streetscape.

The motion was put to the vote and was approved.

**RESOLVED -**

- (1) That the application is rejected contrary to officer recommendations because of the unacceptable impact that it would have on the local streetscape
- (2) That the final wording of the reasons for the rejection be determined by the Planning Manager (Development Management) in consultation with the Chair of the Committee and Councillor M Foster as the mover of the motion.

## **Reasons**

The application is considered unacceptable as by reason of it infilling the gap between two properties in an otherwise broken frontage and so creating a terracing effect it would unacceptably and adversely affect the streetscene and townscape and so the character and appearance of the area contrary to policies GS5, H5 and BE1 of the North East Derbyshire Local Plan, policies LC5 and SDC12 of the North East Derbyshire Local Plan 2014-2034 (Publication Draft) and policy D3 of the Dronfield Neighbourhood Plan.

**PLA/**  
**7/21-**  
**22**

**NED/20/01305/FL - ECKINGTON**

The report to Committee explained that an application had been submitted for the demolition of the former Public House, the Butcher's Arms and the erection of four 3-bedroom dwellings with associated off street parking and garden area. It would also involve the closure of a footpath in the Moss Valley Conservation area. The application had been referred to the Committee by local Ward Member, Councillor Carolyn Renwick who had raised concerns about it.

Before Members discussed the application, those registered to speak were asked to address the Committee. Councillor C Renwick, Ward Member for Eckington spoke against the application. Eckington Town Team Member, P Wheelhouse, and C Gare, representing the Tenants and Residents Association, spoke against it. The Agent, J Lomas spoke in support of the application.

Committee was recommended to grant permission for the application, subject to the conditions set out in the report.

The report to Committee explained why Members were recommended to approve the application. In particular, the report contended that it would represent a sustainable development. The site was within the settlement limit for Marsh Lane, with access to services by a range of transport means. It was explained that the proposal was considered to comply with the Development Plan and that no other matters outweighed this conclusion.

Committee considered the application. It took into account the relevant Planning Issues. In particular, Committee considered the principles set out in the Development Plan. Committee took into account concerns that the loss of the former public house building would be harmful to the character of the area and whether the development would be in keeping with surrounding buildings in the Moss Valley Conservation Area. They also reflected on whether the parking would be satisfactory and the implications of this for road safety.

Members discussed the application. They discussed the impact of the proposal on the local area. Concern was expressed about the implications for the heritage and the character of the Conservation Area. Members heard that the former Public House building had been on the site since the mid to late nineteenth century and was a well-established part of the local streetscape. Members considered the design of the properties and whether the materials used and the

design of the properties could be improved in order to help mitigate the impact on the streetscape of the loss of the building.

Some Members queried whether the properties might really have four bedrooms rather than three, given that the rooms designated as offices could be used as bedrooms. Concern was expressed that this could mean that a greater number of people might live there than projected and the potential impact which this might have on parking at the site and traffic safety at the road junction; especially if the development resulted in additional street parking close to it.

At the conclusion of the discussion Councillor W Armitage and H Liggett moved and seconded a motion to reject the application against officer recommendations because of detrimental impact which the development would have on the Moss Valley Conservation Area.

The motion was put to the vote and was approved

#### **RESOLVED -**

- (1) That the application is rejected contrary to officer recommendations because of the unacceptable impact it would have on the character of the local area and the Moss Valley Conservation Area.
- (2) That the final wording of the Committee's decision be determined by the Planning Manager (Planning Development) in consultation with the Chair of the Committee.

#### **Reasons**

The application is considered unacceptable as the demolition of the existing building on the site, The Butcher's Arms, a non-designated heritage asset that contributes positively to the character of the area generally and the Moss Valley Conservation Area in particular, and its replacement with a new building whose design is not considered compatible with the simple character of the area, would unacceptably and adversely impact on the character of the area and fail to either preserve or enhance the Moss Valley Conservation Area.

As such, the proposal is contrary to policies GS1, GS5, BE1 BE11 and BE12 of the North East Derbyshire Local Plan and policies SS1, SS7, SDC5, SDC9 and SDC12 of the North East Derbyshire Local Plan (Publication Draft) 2014-2034.

#### **PLA/ NED/21/00344/FL - WINGERWORTH**

**8/21-  
22**

With the agreement of the Chair the application had been withdrawn from the agenda and would be considered by the Committee at its next meeting (20 July 2021).

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

**9/21-  
22**

The report to Committee informed Members that seven appeals had been lodged. One enforcement appeal had been lodged, no appeals had been allowed and three appeals had been dismissed.

**PLA/** **Matters of Urgency**  
**10/2**  
**1-22** None