

PLANNING COMMITTEE

MINUTES OF MEETING HELD ON TUESDAY, 20 JULY 2021

Present:

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

Councillor William Armitage
Councillor Maggie Jones
Councillor Kathy Rouse
Councillor Lilian Deighton

Councillor Peter Elliott
Councillor Jacqueline Ridgway
Councillor Pat Antcliff

Also Present:

A Kirkham	Planning Manager - Development Management
E Cartwright	Senior Planning Officer
C Wilson	Senior Planning Officer
J Fieldsend	Legal Team Manager (non contentious)
N Calver	Governance Manager
J Bradley	Executive Assistant
A Bond	Governance Officer
M E Derbyshire	Members ICT & Training Officer
A Maher	Senior Governance Officer

PLA/ Apologies for Absence and Substitutions

11/2

1-22 Apologies for absence were received from Councillor H Liggett. Councillor P Antcliff substituted for her. Councillor M Foster. Councillor L Deighton substituted for him. Councillor A Cooper, R Hall, D Hancock and L Hartshorne

PLA/ Declarations of Interest

12/2

1-22 There were no Declarations of Interest

PLA/ Minutes of Last Meeting

13/2

1-22 RESOLVED - The minutes of the meeting held on 29 June 2021 were approved as a true record.

PLA/ NED/21/00393/OL - SHIRLAND

14/2

1-22 The report to Committee explained that an Application had been submitted to remove Condition 28, Footpath Link, of Planning Application 12/00717/OL, a major development at The Woolpack, Town End, Shirland.

The application had been referred to the Committee by Local Ward Member, Councillor H Liggett, who had raised concerns about it.

Committee was recommended to conditionally approve the application, which would remove the condition to have a Footpath Link across the development to the local main road (Birkinstyle Lane). Approval of the change would be subject to the 'Section 106' Agreement, or a legal agreement reached between the Council as Planning Authority and the developer to help offset the impact on local people.

The report to Committee explained why Members were asked to approve the application. Committee heard that a section of the Footpath Link route would follow a narrow, unlit path with only limited natural surveillance and so could feel intimidating for those using it to cross the site. The Derbyshire Police 'Designing Out Crime' Officer shared these concerns and supported the removal of the Footpath Link. The report contended that removing the link would have very little impact on the local community, as there would another, more open, footpath link that they could use.

Before Members discussed the application those registered to speak were asked to address the Committee. The views of the Chair of Shirland and Higham Parish Council, Cllr A Brown, opposing the application, were read to the Committee. The Applicant, L Evans, spoke in support of it.

Committee considered the application. It took into account the relevant Planning Issues and Planning History. Committee noted that the principle of residential development on the site had been accepted through the granting of outline (NED/12/00718/OL) and reserved matters (NED/16/00524/RM) approvals. Committee heard that the only issue for consideration at this stage was whether the condition for the Footpath Link ought to be retained.

In this context, Committee was informed about the provisions of the Town and Country Planning Act 1990. In particular, when applications can be made for permission to develop, without complying with condition(s) which had previously been imposed on a planning permission.

Members discussed the application. They considered the planning history of the Link. They noted the original proposal for the Footpath, queried who had proposed it and how it had been agreed as a road safety measure. Members also discussed the history of the footpath and whether it was a well-established route used by local people. Members considered the implications for local people if the Link was removed and whether the alternative footpath route would offset any adverse impact. They also reflected on the concerns about its design and considered whether this would make the Footpath more vulnerable to crime and anti-social behaviour.

Some Members expressed concern that because surrounding houses had been built since the condition was first set, it would be difficult to change the design or route of the footpath to make it less vulnerable to crime and anti-social behaviour.

Committee was informed that the original outline approval included a Section 106 agreement, which covered a number of contributions. Consequently, a supplemental deed, linking this application to the previous Section 106 agreement would be required, if Committee decided to approve the application and granted planning permission.

At the conclusion of the discussion Councillor D Ruff and A Powell 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 -

That the application be approved, in line with officer recommendations, subject to a Section 106 agreement and conditions. The final wording of the conditions delegated to the Planning Manager (Development Management).

- 1) The affordable housing scheme and timetable for implementation shall be undertaken and retained in accordance with the details hereby approved under application reference 17/00371/DISCON.

[Reason: In the interest of delivering affordable housing in accordance with Policy H7 of the North East Derbyshire Local Plan, Policy LC2 of the emerging Local Plan and in line with the overarching aims of the National Planning Policy Framework.]

- 2) The scheme for mitigating climate change through sustainable design and construction of the dwellings approved under application reference 16/00524/RM shall be implemented in full and retained as such thereafter.

[Reason: In the interest of mitigating climate change in accordance with the Sustainable Buildings Policy.]

- 3) The details submitted as part of the Building for Life 12 assessment approved under application reference 16/00524/RM shall be implemented in full and retained as such thereafter.

[Reason: In the interests of achieving good design in accordance with Policy BE1 of the North East Derbyshire Local Plan and Policy SC12 of the emerging Local Plan.]

- 4) The landscaping details hereby approved under application reference 17/00371/DISCON shall be implemented in full in line with the approved details and implementation programme.

[Reason: In the interests of the appearance of the area and in accordance with Policies GS6, NE3 and NE7 of the North East Derbyshire Local Plan and Policies SS9, SDC2 and SDC4 of the emerging Local Plan.]

- 5) 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 GS6, NE3 and NE7 of the North East Derbyshire Local Plan and Policies SS9, SDC2 and SDC4 of the emerging Local Plan.]

- 6) The boundary treatment details hereby approved under application reference 17/00371/DISCON shall be implemented in full in line with the approved details and retained as such thereafter.

[Reason: In the interests of the appearance of the area and to safeguard the privacy of neighbouring residents, all in accordance with policies GS6, H12 and BE1 of the North East Derbyshire Local Plan and policies SS9 and SDC12 of the emerging Local Plan.]

- 7) The development hereby approved shall be carried out in accordance with the walling and roofing material details approved under application reference 17/00371/DISCON.

[Reason: In the interests of the appearance of the area, all in accordance with policies GS6, H12 and BE1 of the North East Derbyshire Local Plan and policies SS9 and SDC12 of the emerging Local Plan.]

- 8) The development hereby approved shall be carried out in accordance with the levels details approved under application reference 17/00371/DISCON.

[Reason: In the interests of the appearance of the area, all in accordance with policies GS6, H12 and BE1 of the North East Derbyshire Local Plan and policies SS9 and SDC12 of the emerging Local Plan.]

- 9) The crime prevention details approved under application reference 16/00524/RM shall be implemented in full, in accordance with the approved timetable and shall be retained as such thereafter.

[Reason: in the interests of designing out crime in accordance with Policy GS10 of the North East Derbyshire Local Plan and policy SDC12 of the emerging Local Plan.]

- 10) The scheme of public art hereby approved under application reference 17/00371/DISCON shall be completed in full in accordance with the approved details and timetable. The approved public art scheme shall be retained as such thereafter.

[Reason: in the interest of delivering public art in accordance with policy BE5 of the North East Derbyshire Local Plan and in line with the Councils Developer Contributions Supplementary Planning Document.]

- 11) The ecological mitigation and enhancement details approved under application reference 16/00524/RM shall be implemented in full, in accordance with the approved timetable and shall be retained as such thereafter.

[Reason: In the interests of ecological mitigation and enhancement in accordance with policy NE3 of the North East Derbyshire Local Plan and policy SDC4 of the emerging Local Plan.]

- 12) The tree and hedgerow works approved under application reference 16/00524/RM shall be implemented in full, in accordance with the approved details and any protection measures shall be retained for the full duration of the construction period.

[Reason: In the interests of the protection of trees and hedgerows, all in accordance with Policy NE7 of the North East Derbyshire Local Plan and policy SDC2 of the emerging Local Plan.]

- 13) The site shall be developed with separate systems of drainage for foul and surface water.

[Reason: In the interests of sustainable drainage, in accordance with policy CSU4 of the North East Derbyshire Local Plan and policy SDC11 of the emerging Local Plan.]

- 14) The surface water drainage scheme hereby approved under application reference 17/00371/DISCON shall be implemented in full in accordance with the approved details and retained as such thereafter.

[Reason: In the interests of sustainable drainage, in accordance with policy CSU4 of the North East Derbyshire Local Plan and policy SDC11 of the emerging Local Plan.]

- 15) The foul water drainage scheme hereby approved under application reference 17/00371/DISCON shall be implemented in full in accordance with the approved details and retained as such thereafter.

[Reason: In the interests of sustainable drainage, in accordance with policy CSU4 of the North East Derbyshire Local Plan and policy SDC11 of the emerging Local Plan.]

- 16) Construction works on site and deliveries to the site shall be undertaken only between the hours of 0730 to 1800 Monday to Friday and 0730 to 1200 on Saturdays. There shall be no work undertaken on site or deliveries made to the site on Sundays or public holidays.

[Reason: in the interests of the amenity of the surrounding residential area, all in accordance with policies GS5, GS6 and H12 of the North East Derbyshire Local Plan and policies SS9 and SDC13 of the emerging Local Plan.]

- 17) From the commencement of the development hereby approved there

shall be no access at any time to or from the site (either pedestrian or vehicular) via the field access gate along the western boundary of the site adjacent to The Barn House, 32 Town End, Shirland.

[Reason: In the interests of highway safety, all in accordance with policy T2 of the North East Derbyshire Local Plan and policy ID3 of the emerging Local Plan.]

- 18) The design for the proposed access off Town End, the new estate street(s) and accesses to them approved under application reference 16/00524/RM shall be implemented in full in accordance with the approved details. Within 3 months of this decision the site access off Town End and the entire estate road(s) and private driveways shall be completed with a finished surface approved under application 16/00524/RM. The access and roadways shall be permanently retained as such thereafter.

[Reason: In the interests of highway safety, all in accordance with policy T2 of the North East Derbyshire Local Plan and policy ID3 of the emerging Local Plan.]

- 19) The scheme for the storage of refuse and recycling bins and access for refuse collection vehicles approved under application reference 16/00524/RM shall be implemented in full and retained as such thereafter.

[Reason: In the interests of highway safety, in the interest of delivering a sustainable refuse collection service and in the interest of residential amenity, all in accordance with policy T2 of the North East Derbyshire Local Plan and policy ID3 of the emerging Local Plan.]

- 20) The site accommodation/storage of plant and materials/parking and manoeuvring of site operatives and visitors vehicles, loading/unloading and manoeuvring of good vehicles including wheel washing facilities approved under application reference 17/00371/DISCON shall be retained for the duration of the works.

[Reason: In the interests of highway safety, all in accordance with policy T2 of the North East Derbyshire Local Plan and policy ID3 of the emerging Local Plan.]

- 21) The driveway and parking areas, along with the required visibility splays shall be implemented in line with the details agreed under application reference 16/00524/RM and retained as such thereafter. For clarity each driveway shall include maximum achievable visibility splays and be laid out with the area in advance of the visibility splays clear of all obstructions exceeding 0.6m in height relative to the adjoining nearside carriageway channel level and 2m x 2m x 450 pedestrian inter-visibility splays with the area in advance kept clear of any obstruction.

[Reason: In the interests of highway safety, all in accordance with policy T2 of the North East Derbyshire Local Plan and policy ID3 of the

emerging Local Plan.]

- 22) Prior to any dwelling hereby approved being occupied, the private driveway to serve that dwelling shall be surfaced in a solid bound material and there shall be no gates across the vehicular access/driveway within 5m of the highway boundary. The driveways shall be retained as such thereafter.

[Reason: In the interests of highway safety, all in accordance with policy T2 of the North East Derbyshire Local Plan and policy ID3 of the emerging Local Plan.]

- 23) The residential travel plan approved under application reference 18/00732/DISCON shall be implemented in full in line with the agreed details and in accordance with the agreed timetable.

[Reason: In the interests of encouraging the use of sustainable modes of transport, all in accordance with policy T4 of the North East Derbyshire Local Plan and policy ID3 of the emerging Local Plan.]

- 24) The surveys and mitigation measures outlined in the intrusive site investigation works and remediation method statement agreed under application 17/00371/DISCON shall be carried out strictly in accordance with these approved details.

[Reason: In the interests of ensuring ground stability and addressing contamination issues, all in accordance with policy CSU6 of the North East Derbyshire Local Plan, Policy SDC14 of the emerging Local Plan and the National Planning Policy Framework.]

- 25) Within 30 days of this decision, an independent Validation Report shall be submitted to and approved in writing by the Local Planning Authority to demonstrate that the contamination remediation works identified in the condition above have been carried out satisfactorily and remediation targets have been achieved. This report shall be produced by a suitably qualified and accredited independent body (independent of the developer). The report shall provide verification that the remediation works have been carried out in accordance with the approved Method Statement(s). Where necessary, post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met.

[Reason: In the interests of addressing contamination issues, all in accordance with Policy CSU6 of the North East Derbyshire Local Plan, policy SDC14 of the emerging Local Plan and the National Planning Policy Framework.]

Informatives:

- a) DISCON
- b) NMA
- c) The Highway Authority recommends that the first 5m of the modified

track should not be surfaced with a loose material (i.e. unbound chippings or gravel etc). In the event that loose material is transferred to the highway and is regarded as a hazard or nuisance to highway users, the Authority reserves the right to take any necessary action against the householder.

- d) Pursuant to Section 163 of the Highways Act 1980, where the site curtilage slopes down towards the public highway/new estate street, measures shall be taken to ensure that surface water run-off from within the site is not permitted to discharge across the footway margin. This usually takes the form of a dish channel or gulley laid across the access immediately behind the back edge of the highway, discharging to a drain or soakaways within the site.
- e) Pursuant to Section 278 of the Highways Act 1980, no works may commence within the limits of the public highway without the formal written agreement of the County Council as Highways Authority. Advice regarding technical, legal, administrative and financial processes involved in Section 278 Agreements may be obtained from the Highways Authority. The applicant is advised to allow 12 weeks in any programme of works to obtain a Section 278 Agreement.
- f) Pursuant to Section 38 and the Advance Payments Code of the Highways Act 1980, the proposed new estate roads should be laid out and constructed to an adoptable standard and financially secured. Advice on the technical, financial, legal and administrative processes involved in achieving adoption of new residential roads may be obtained from the County Council.

Highways surface water shall be disposed of via a positive, gravity fed system (i.e. not pumped) discharged to an approved point of outfall (e.g. existing public sewer, highway drain or watercourse) to be sanctioned by the Water Authority, highways Authority or environmental agency. The use of soakaways for highways purposes is generally not sanctioned.

PLA/ NED/21/00191/FL - SHIRLAND

15/2

1-22

The report to Committee explained that an Application had been submitted for the construction of two agricultural buildings at land to the North East of 17 Main Road, Shirland. The application had been referred to the Committee by local Ward Member, Councillor H Liggett, who had raised concerns about it.

Committee was recommended to conditionally approve the application, subject to the conditions set out in the report.

The report to Committee explained why Members were asked to approve the application. It advised that the proposed development would be in line with the emerging local plan policies of the Council and the overarching aims of the National Planning Policy Framework (NPPF). In particular, officers had concluded that the scale, design and siting of the building was, on balance, in keeping with the character and appearance of the surrounding countryside. Consequently, it also advised that the proposed development would be appropriate for the location.

Before Members discussed the application the views of the Chair of Shirland and Higham Parish Council, Cllr A Brown, opposing the application, were read to the Committee. No other speakers addressed the Committee.

Committee considered the application It took into account the relevant Planning Issues. As part of this, Committee considered on the Principles of Development and the site's countryside location, outside of any defined Settlement Development Limit (SDL). Committee also reflected on the grounds for development in the countryside, the heritage implications, as well as the impact on neighbouring properties, highways safety and possible land contamination issues.

Members discussed the application. They sought clarification on what specific agricultural purposes they would be used for. They discussed whether the buildings would be in keeping with the character of the countryside and could be classed as appropriate development. Members also discussed whether, in the longer term, the buildings might be used for other purposes that would be inappropriate in a countryside setting and what action could be taken to prevent this.

At the conclusion of the discussion, Councillor P Elliot and A Powell moved and seconded a motion to approve the application with the conditions set out in the report and with the addition a further condition requiring the buildings be removed from the site if they were no longer required for agricultural purposes.

The motion was put to the vote and was approved.

RESOLVED -

That the application be approved, in line with officer recommendations, with the following additional condition. The final wording of the conditions delegated to the Planning Manager (Development Management).

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 subsequently agreed through a formal submission under the Non Material Amendment procedures and unless otherwise required by any condition contained in this decision notice.
 - Drawing No. 102-12-02 Building 1 Tractor Shed Plans and Elevations (date published 16.02.2021)
 - Drawing No. 102-12-03 Building 2 Hay Barn Plans and Elevations (date published 16.02.201)
 - Drawing No. 102-12-LOC 02 Rev B Location Plan (date published 22.04.2021)
 - Drawing No. 102-012-01 Rev C Site Plan as Proposed (date published 21.05.2021)

- 3 Building 1 hereby approved shall be used for the storage of agricultural machinery only.
- 4 Within 56 days of either building, hereby approved, no longer being used or operated for agriculture/agricultural purposes, it/they shall be demolished and all associated materials removed for the site and the site be returned to its original condition and use (i.e. as a field).
- 5 No external lighting shall be installed on the buildings hereby approved and the buildings shall not in any way be artificially illuminated.
- 6 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.

PLA/ NED/21/00344/FL - WINGERWORTH

16/2

1-22

The report to Committee explained that an Application had been submitted, with amended plans, for a loft conversion and single storey rear extension at 95 Windsor Drive, Wingerworth.

The application had been referred to Committee by local Ward Member Councillor D Ruff, who had raised concerns about it.

Committee was recommended to grant planning permission, subject to the conditions set out in the report. The final wording of these conditions to be delegated to the Planning manager (Development Management).

The report to Committee explained why Members were asked to approve the application. In particular, they were informed of the changes which had been made to the original proposals. The report contended that these changes now meant that the loft conversion and single storey extension would be in keeping with the local street scene and that their size and configuration would not result in a significant loss of privacy and amenity for the residents of neighbouring properties.

Before Members discussed the application those registered to speak were asked to address the Committee. M Tagg spoke in opposition to the application. C McNally, on behalf of the applicant, spoke in support of it.

Committee considered the application. It took into account the relevant Planning Issues. Committee considered if the loft conversion and single storey extension would in line with existing and Public Draft Development Plans, what its impact would be the amenity of existing residential property occupiers and its impact on the character of the area.

Members discussed the application. They sought clarity of the height to which the loft conversion and how far it would overlook the neighbouring property. Members heard that although the loft conversion now proposed would still have some impact on the neighbouring property; the reduction in height and width of the loft conversion now proposed meant that the impact on the neighbouring property had been reduced to a level which Officers considered to be acceptable. They also considered whether the proposal would be in keeping with the surrounding street scene.

At the conclusion of the discussion, Councillor D Ruff and P Elliot moved and seconded a motion to approve officer recommendations.

The motion was put to the vote and was approved.

RESOLVED –

That the application be approved, in line with officer recommendations, subject to the conditions set out in the report with the final wording delegated to the Planning Manager (Development Management).

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

[Reason: To comply with the provision of 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 submitted plans and elevations drawings plan no: bd 3/2021 and bd 4/2021 (received 23/06/2021); unless otherwise agreed subsequently through a formal submission under the Non Material Amendment procedures and unless otherwise required by any condition contained in this decision notice.

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

3. Prior the first occupation of loft conversion hereby approved, the windows serving the first floor en-suite bathrooms on the approved plans in the west elevation of the dwelling shall be fitted with obscure glazing. The obscure glazing shall be of an obscurity equivalent to at least Level 4 of the Pilkington obscure glazing range. The window shall be of a non-opening design or alternatively any opening parts must be more than 1.7m above the floor level of the room in which the window is installed. The windows shall then be retained as such thereafter at all times.

[Reason: In the interests of the amenity of neighbouring residents, all in accordance with policies GS5 and H5 of the adopted North East Derbyshire Local Plan and SS7 and LC5 of the PDLP.]

PLA/ NED/21/00016/FL - ECKINGTON

17/2

1-22

The report to Committee explained that an application had been submitted for the conversion of an existing public house and manager's residence into five, two-bedroom apartments, at 37 Market Street, Eckington.

The application had been referred to Committee by local Ward Member, Councillor J Kenyon, who had raised concerns about it.

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

The report to Committee explained why Members were asked to approve the application. The report contended that the proposed conversion would be in keeping with the existing building and surrounding area and that it would be in line with existing Development Plan policies. Although the building was lost as a community facility, it had been closed for several years, with no indication that it would re-open and that there were other public houses within proximity of the site. Its conversion would not adversely impact on the overall viability of the town centre or harm the heritage asset.

Before Members discussed the application those registered to speak were asked to address the Committee. L Trollope, Agent for the Application, spoke in support of it. There were no other speakers.

Committee considered the application. It took into account the Planning Issues. These included the Principle of Development. Committee heard how changes of use which did not have an adverse impact on the character of the area or neighbouring land uses were permissible. It also took into account the implications for the wider town centre, heritage considerations, the impact on neighbouring properties and highway safety issues.

Members discussed the application. They noted the length of time that the public house had been closed. They also reflected on the contribution which the proposed apartments could make to the vitality of the Town Centre. Members also discussed the car parking arrangements for the proposed apartments.

At the conclusion of the discussion Councillor P Elliot and W Armitage moved and seconded a motion to approve officer recommendations.

The motion was put to the vote and was approved.

RESOLVED -

That the application be approved in line with officer recommendations, with the final wording of conditions delegated to the Planning Manager (Development Management).

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 details shown on the following drawings unless otherwise subsequently agreed through a formal submission under the Non Material Amendment

procedures and unless otherwise required by any condition contained in this decision notice:

- Proposed Ground Floor Plan (PL04) uploaded to the Council's website on 06.01.2021
 - Proposed First Floor Plan (PL05) uploaded to the Council's website on 06.01.2021
 - Proposed Elevations (PL06A) uploaded to the Council's website on 19.01.2021
 - Revised Site Plan (PL01) uploaded to the Council's website on 11.03.2021
- 3 The proposed windows on the south-west facing side elevation of the building shall be of a non-opening design and shall be fitted with obscure glazing prior to the change of use hereby approved being first brought into use and shall be maintained as such thereafter at all times.
- 4 Before above ground works start, a plan to show the positions, design, materials, height and type of boundary treatment to be erected shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be completed before the occupation of the dwelling hereby approved and shall be retained as approved thereafter.
- 5 Before above ground works start, precise specifications or samples 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 Before 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
- 7 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.

Prior to building works commencing above foundation level, a Biodiversity Enhancement Plan, including a timetable for its implementation, shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall then be implemented in full as agreed and maintained as such thereafter.

PLA/ NED/21/00139/FL - MORTON

18/2

1-22

The report to Committee explained that an Application had been submitted for the demolition of an existing single storey outbuilding and the erection of a detached dwelling with associated garden and parking at 2 Stretton Road, Morton. The site lay within a conservation area.

In line with normal practice, the application had been referred to the Committee as the applicant was an elected member of North East Derbyshire District Council.

Committee was recommended to approve the application in line with officer recommendations and subject to the conditions set out in the report.

The report to Committee explained why Members were asked to approve the application. Committee heard that the proposed development would accord with Local and National Planning Policy. It would be in keeping with the character and appearance of the site and surrounding street scene. The report also contended that the development would not have a detrimental impact upon the privacy or amenity of the neighbouring properties or on the surrounding Conservation Area.

Committee was informed that no representations had been made on the application and no one had registered to speak on it.

Some Members expressed concern that further progress had been made on the construction of the detached dwelling than had originally been indicated. Members were advised by the Planning Manager (Development Management) that this would not be material to their decision. Rather, they were asked to focus on determining whether the principle of the development would be appropriate in Planning terms, and if the application should be approved.

Committee considered the application. It took into account the relevant Planning Issues. These included the Principle of Development and how the application site was situated within the Settlement Development Limit for Morton. Committee also took into account Design and Impact on the Character of the Area Considerations Conservation Area Considerations, as well as Privacy and Amenity Considerations.

Members discussed the application. They reflected on the advice that the development would be acceptable, provided that it was not be detrimental to the character and appearance of the site and its surrounding environment. They also reflected on whether it would have a detrimental impact on the amenities of neighbouring occupiers and uses. Some Members made it clear that they would find it difficult to make this assessment as they had not seen the new building and

its relationship to surrounding properties and the streetscape.

At the conclusion of the discussion Councillor P Elliot and Councillor D Ruff moved and seconded a motion to approve the application in line with officer recommendations.

The motion was put to the vote and was approved.

RESOLVED -

That the application be approved in line with officer recommendations, with final wording of the conditions to be determined by the Planning Manager (Development Management)

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 subsequently agreed through a formal submission under the Non Material Amendment procedures and unless otherwise required by any condition contained in this decision notice.
 - Proposed Plans and Elevations Drawing No Morton 03B (date stamped 06.02.2021)
 - Proposed Plans and Elevations (Garage) Drawing No 05B (date stamped 06.02.2021)
 - Proposed Site Plan Drawing No Morton 04D (date stamped 14.04.2021)
 - Proposed Compound Details Drawing No Morton 07 (date stamped 14.04.2021)
 - Boundary and Landscaping Details (date stamped 14.04.2021)
 - Biodiversity Details (date stamped 14.04.2021)
3. The dwelling hereby approved shall be constructed from Hampton Rural Blend Red brick and Marley Eteranit roof tiles in Charcoal
4. 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.
5. The proposed dwelling shall not be occupied until space has been laid out within the site in accordance with the application drawings for cars to be parked and for vehicles to turn so that they may enter and leave the site in a forward gear. Once provided, the spaces shall be maintained free from any impediment to their designated use for the life of the development

6. There shall be no gates or other barriers forward of the gate on the access to No. 2A and any gates shall open inwards only, unless otherwise agreed in writing by the Local Planning Authority.
7. 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 is submitted and approved in writing by the local planning authority which addresses the risk identified. The local planning authority shall be notified as soon as is reasonably practicable of the discovery of any suspected areas of contamination.

Any investigation required shall be undertaken in accordance with a scheme submitted to and approved in writing by the local planning authority and shall comply with current government guidance to achieve the appropriate standard at completion.

Upon completion of the remediation works 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.

8. Before the occupation of the dwelling hereby approved, the bat and bird boxes as identified within Drawing No. Biodiversity Details (date stamped 14.04.2021) should be installed and retained as approved for the lifetime of the development.

PLA/ Tree Preservation Order 276 - Land off Clay Lane, CLAY CROSS

19/2

1-22

The report to Committee explained that a Provisional Tree Preservation Order (TPO) had been made at land off Clay Lane, Clay Cross. Members were advised that representations had received on the Provisional Tree Preservation Order. Committee was asked to decide if it wished to confirm the Order without modification, confirm the order with modifications or to not confirm it, in which case the Order would then lapse.

Members were informed of the reasons why the Provisional Tree Preservation Order had been made. They heard that following the decision to grant planning permission for development of the land, concern had been raised about the potential removal of certain trees on the site. It was explained that in order to ensure the retention of the remaining trees on the site, a provisional tree preservation order on two areas of trees had been made under Officer delegated powers on the 25th February 2021. The trees were identified in the approved application details to be retained, post development taking place

Before Members discussed the Provisional TPO they heard from R Bargh and R Eden who spoke in favour of confirming the Order. There were no other speakers.

Planning Committee then considered the Provisional Order. As part of this, Members discussed the possible flooding impact if the trees were removed and the potential implication for wildlife in the area if this was to happen. They also discussed the loss of trees which had had taken place. Some Members also emphasised how important it would be for any mature trees that had been removed be replaced by similar mature trees. Members noted that this provision could only apply to those trees covered by the Order.

At the conclusion of the discussion Councillor W Armitage and Councillor P Elliot moved and seconded a motion to confirm the Provisional Tree Preservation Order with modification relating to the replacement of trees covered by the Order

RESOLVED -

That Tree Preservation Order (TPO) 276 – Land off Clay Lane, Clay Cross be approved with modifications relating to the replacement of trees covered by the Order. The final wording of the modifications to be determined by the Planning Manager (Development Management).

PLA/ Planning Appeals - Lodged and Determined

20/2

1-22 The report to Committee informed Members that one appeals had been lodged. Three appeals had been allowed and eight had been dismissed.

PLA/ Matters of Urgency

21/2

1-22 None