

## **PLANNING COMMITTEE**

### **MINUTES OF MEETING HELD ON TUESDAY, 16 NOVEMBER 2021**

#### **Present:**

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

Councillor William Armitage  
Councillor Mark Foster  
Councillor Lee Hartshorne  
Councillor Maggie Jones  
Councillor Kathy Rouse

Councillor Peter Elliott  
Councillor Roger Hall  
Councillor David Hancock  
Councillor Heather Liggett  
Councillor John Funnell

#### **Also Present:**

A Kirkham	Planning Manager - Development Management
G Cooper	Principal Planning Officer
J Fieldsend	Legal Team Manager (non contentious)
N Calver	Governance Manager
M E Derbyshire	Members ICT & Training Officer
A Maher	Senior Governance Officer

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

**39/2**

**1-22** Apologies were received from Councillor A Cooper, who was substituted by Councillor J Funnell. Apologies were also received from Cllr J Ridgway.

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

**40/2**

**1-22** There were no Declarations of Interest

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

**41/2**

**1-22** The minutes of the meeting, held on Tuesday 19 October 2021, were approved as a true record.

#### **PLA/ NED/21/00853/FL - HOLMEWOOD**

**42/2**

**1-22** The report to Committee explained that an Application had been submitted for the demolition of existing redundant buildings, known as Ellen House, and the construction of a new housing development of 19 units, along with associated car parking and landscaping, close to the junction of Heath Road and Tibshelf Road, Holmewood. This would be classed as a Major Development. It would also involve amended plans to the original proposals.

The Planning Manager (Development Management) had referred the Application to Committee for determination. This was because the Application would not provide for a Section 106 Agreement between the Council as Planning Authority and the Developer – East Midlands Housing (EMH). Such agreements were used to provide health, education and other infrastructure improvements to offset the

impact of a development on local people.

Committee was recommended to approve the Application, subject to conditions.

The report to Committee explained why Members were asked to agree the recommendations. Committee was reminded that the site was classed as Previously Developed Land (PDL) and that under the National Planning Policy Framework (NPPF), such land should be used as far as possible for new developments. The officers had concluded that the existing buildings had little heritage value. They did not have a protected status to prevent their demolition. The buildings had also been vacant for some time and were falling into disrepair. The officers believed that the Application provided a good mix of house types, which would respect the character of the surrounding street scene. They had also concluded that the development would provide much-needed affordable housing in the District.

Before Members discussed the Application those registered to speak were asked to address the Committee. H Roberts and N Roberts objected to the Application. The Applicant J Fradgley and Agent C Woods spoke in support of it.

Committee considered the Application. It took into account the relevant Planning Issues. These issues included the Principle of Development. In particular, how the site fell within the Settlement Development Limit and was on Previously Developed Land (PDL). It took into account the Local Plan policies relating to Affordable Housing. It considered the Tree Preservation Order (TPO) covering some of the trees on the site. Committee also assessed the impact on the Street Scene and on neighbouring properties. In addition, it considered the highway safety, ecology and drainage implications of the Application.

Members discussed the Application. They reflected on the contribution which the proposed 19 units would make to the provision of Affordable Housing in the District. Members asked for and received clarification of what was meant by the term Affordable Housing and how it would be applied to the properties on this development. They discussed the reasons why there would be no Section 106 Agreement if the Application was approved. They heard that as the development would consist only of lower cost Affordable Housing, such a contribution would make it financially un-viable.

Members discussed the impact on the neighbouring Street Scene of the demolition of the existing buildings and whether they could have been retained and re-purposed. They heard about the design of the new buildings and their suitability, in terms of the surrounding area. They also discussed the provision of car parking at the site and whether this would be adequate.

At the conclusion of the discussion Councillor D Ruff and Councillor W Armitage 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 -

- (a) That planning permission be conditionally approved in accordance with officer recommendations.

- (b) That the final wording of the conditions be delegated to the Planning Manager (Development Management).

GRANT Full Planning Permission subject to the following conditions:

- 1) The development hereby permitted shall be started within 3 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 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:

- E78 0113-P05 Proposed Site Plan
- E78 0114-P03 Site Plan – Arboricultural
- E78 0115-P03 Site Plan - Visibility Splays
- E78 0116-P01 Demolition Plan
- E78 0117-P01 Boundary Treatment Plan
- E78 0200-P05 Apartment Block Plans
- E78 0201-P03 Apartment Elevations – sheet 1
- E78 0202-P03 Apartment Elevations – sheet 2
- E78 0204-P05 House type A-A-B
- E78 0205-P04 House Type B-A
- E78 0206-P04 House Type C
- E78 0207-P04 House Type D
- E78 7000-P01 Materials Legend
- E78 0111-P01 Location Plan

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

### **Construction/Design Details**

- 3) 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 street scene.]*

- 4) Notwithstanding the submitted details, before above ground work commences, precise specifications or samples of 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.

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

- 5) Notwithstanding the submitted details, before above ground work commences on the apartment building and/or plot 3 a revised elevation drawing shall be submitted to and approved by the LPA illustrating side facing windows overlooking the connecting footpath through the site. The approved elevations shall then be implemented in full and retained as such in perpetuity.

*[Reason: In the interest of increasing natural surveillance all in accordance with policy GS10 of the North East Derbyshire Local Plan, policy SDC12 of the emerging Local Plan and the Councils Successful Places Interim Planning Guidance.]*

### **Affordable Housing/Accessibility**

- 6) 100% of the housing units hereby approved shall be affordable dwellings. Notwithstanding the submitted details, before development starts a scheme for the provision of the affordable housing shall be submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in full in accordance with the approved scheme and shall meet the definition of affordable housing in the Glossary of the National Planning Policy Framework or any future guidance that replaces it. The scheme shall include:
- i. Detailed breakdown of the tenure of all the units (by plot number);
  - ii. The arrangements for managing the affordable housing units by the RSL;
  - iii. The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
  - iv. The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

*[Reason: To comply with policy H6 of the North East Derbyshire Local Plan, LC2 of the emerging Local Plan and guidance contained in the National Planning Policy Framework.]*

- 7) Before development commences, a scheme of 20% accessible and adaptable dwelling shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include, and not be limited to, details of which plots will be compliant, detailed floor plans, how each plot meets the requirements of M4(2) of the Building Regulations 2015 or any subsequent government standard. The approved scheme shall be implemented in full in accordance with the approved details and retained for the lifetime of the dwelling.

*[Reason: In order to ensure that 20% of all dwellings on site are accessible and adaptable dwellings as to meet the requirements of M4(2) of the Building Regulations, all in accordance with policy LC4 of the Emerging Local Plan.]*

## **Landscaping and Public Open Space**

- 8) Before development commences, 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 site;
  - b) The details of any trees and hedgerows to be retained, together with measures for their protection during development;
  - c) A schedule of proposed native plant species, size and density and planting locations and
  - d) An implementation programme.

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

- 9) 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 street scene.]*

## **Employment**

- 10) 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.]*

## **Public Art**

- 11) Before the development hereby approved starts, a scheme for the provision of public art on the site including a timetable for implementation of the scheme shall be submitted to and approved in writing by the Local Planning Authority. The public art shall thereafter be completed in full in accordance with the approved scheme and timetable and shall be retained as such thereafter.

*[Reason: In the interests of providing public art and in accordance with*

### **Climate Change**

- 12) 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**

- 13) Construction works and deliveries to the site shall be undertaken only between the hours of 07:30 to 18:00 Monday to Friday and 07:30 to 13:00 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.]*

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

The site investigation strategy as identified in the Desk Study report Ref STS5056M-DS01 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.

- 15) No dwellings hereby approved shall be occupied until:

a) The approved remediation works required by Condition 14 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) ref STS5056M-DS01 submitted with the application and through the process described in Condition 14 above and,

c) Upon completion of the remediation works required by Condition 14 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 c14 & 15: 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**

16) The development shall be carried out in strict accordance with the Bat Method Statement (Building B1A) as set out in section 5 of the Ecological Appraisal prepared by FPCR, December 2020.

*[Reason: In the interest of protecting and mitigating for nationally rare species, all in accordance with policies NE6 of the North East Derbyshire Local Plan and policy SDC4 of the Publication Draft Local Plan.]*

17) 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.]*

18)A Landscape and Biodiversity Enhancement and Management Plan (LBEMP) shall be submitted to, and be approved in writing by, the LPA prior to the commencement of the development. The aim of the LBEMP is to maximise the biodiversity value of onsite habitats and should combine both the ecology and landscape disciplines. It shall be suitable to provide to the management body responsible for the site and shall include the following:

a) Details of the location of features to be retained, created, enhanced and managed including replacement hedgerow and trees.

b) Details of the location of 10 integrated swift bricks

c) Aims and objectives of management.

d) Appropriate management methods and practices to achieve aims and objectives.

e) Prescriptions for management actions.

f) Preparation of a work schedule (including a five year work plan capable of being rolled forward in perpetuity).

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 plan are not being met.

i) Requirement for a statement of compliance upon completion of planting and enhancement works.

The LBEMP 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.]*

- 19) Prior to building works commencing above foundation level, a detailed lighting strategy shall be submitted to and approved in writing by the LPA to safeguard bats, other nocturnal wildlife and resident's safety. This should provide details of the chosen luminaires and any mitigating features such as dimmers, PIR sensors and timers. A lux contour plan shall be provided to demonstrate acceptable levels of light spill to any sensitive ecological zones/features. Guidelines can be found in Guidance Note 08/18 - Bats and Artificial Lighting in the UK (BCT and ILP, 2018). Such approved measures will be implemented in full.

*[Reason: In the interest of protecting wildlife and protecting residents using the site. All in the interests of policies GS10, NE3, NE6 and NE7 of the North East Derbyshire Local Plan and policies SDC2 and SDC4 of the Publication Draft Local Plan.]*

## **Drainage**

- 20) 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.]*

- 21) 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. Ian Hilton. 21.07.2021. Ellen House, Heath Road, Chesterfield Flood Risk Assessment and Drainage Strategy. RT 30689\_001 July 2021. including any subsequent amendments or updates to those documents as approved by the Flood Risk Management Team.
- b. Ian Hilton. FW: 21.07.2021. 21/00853/FL - Ellen House, Holmewood – Email Received on 02/11/2021.
- c. 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.]*

- 22) 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.*

*And to ensure that development will be safe from flood risk including from groundwater and natural springs.]*

- 23) 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.]*

- 24) Prior to the installation of a surface water drainage system, a reasonable assessment should be undertaken of the existing culvert, identified to be the point of surface water discharge.

*[Reason: To ensure the proposed surface water runoff can be appropriately discharged from the site.]*

- 25) 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.]*

- 26) 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.]*

### **Highway Safety**

- 27) No development, including preparatory works, shall commence until space has been provided within the site for storage of plant and materials, site accommodation, loading, unloading and manoeuvring of goods vehicles, wheel washing facilities and parking and manoeuvring of employees and visitors vehicles, with this space laid out in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority. Once implemented, the approved facilities shall be retained free from any impediment to their designated use throughout the construction period.
- 28) Prior to the first occupation of any dwelling hereby permitted, the existing access to Heath Road shall be modified in accordance with the approved plans and provided with visibility sightlines of 43m in both directions, measured to a point 1m in from the nearside edge of the carriageway, as measured from a point located centrally and 2.4m back into the access. The area within the sightlines shall thereafter be kept clear of any object greater than 1m in height (0.6m in the case of vegetation) above the nearside carriageway channel level.
- 29) Prior to the first occupation of any dwelling hereby permitted, the existing vehicular access to Tibshelf Road shall be permanently closed off and the existing vehicular crossing reinstated as footway in accordance with the County Council's latest standard for works in the public highway. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any statutory instrument amending, revoking and/or replacing that Order, the measures to close off the access shall be retained as approved throughout the lifetime of the development.
- 30) Prior to the first occupation of any dwelling hereby permitted, the new vehicular to Tibshelf Road shall be constructed. The access shall be provided with a minimum width of 4.8m and laid out in accordance with the approved plans and provided visibility sightlines of 43m in both

directions, measured to the nearside edge of the carriageway, as measured from a point located centrally and 2.4m back into the access. The area within the sightlines shall thereafter be kept clear of any object greater than 1m in height (0.6m in the case of vegetation) above the nearside carriageway channel level.

- 31) Prior to the first occupation of any dwelling hereby permitted the fronting bus stop to Tibshelf Road shall be relocated in accordance with details first submitted to and approved in writing by the Local Planning Authority.
- 32) Prior to the first occupation of each dwelling hereby permitted, a bin collection/store point shall be provided as per the application drawings, adjacent to and clear of the public highway, being located clear of accesses, parking and turning provision and retained thereafter free from impediment to designated use, so bins can be stored clear of the public highway on collection day.
- 33) The premises, the subject of the application, shall not be occupied until the proposed new estate street between each respective plot and existing public highway have been laid out in accordance with the approved application drawings, or subsequent revisions agreed with the Local Planning Authority in writing, to conform to the County Council's residential design guide, constructed to binder course level, drained and lit in accordance with the County Council's specification for new housing development roads. The estate streets being fully completed with the final surface courses applied to carriageways and footways in a timescale to be agreed with the Local Planning Authority prior to the occupation of any dwelling, or other such timescale as may be agreed in writing by the Local Planning Authority.
- 34) The first 5m of the proposed access driveways shall not be surfaced with a loose material (i.e. unbound chippings or gravel etc).
- 35) The proposed driveway gradients shall be no steeper than 1:14 for the first 5m from the nearside highway boundary and 1:10 thereafter.
- 36) 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.
- 37) Works shall not commence on site until a scheme for the disposal of highway surface water has been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to occupation of the dwellings and retained accordingly thereafter.
- 38) There shall be no gates or other barriers located across the entire frontage of the site.

*[Reasons: 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.]*

**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) Yorkshire Water Authority notes, as per comments uploaded 21<sup>st</sup> October 2021.
- g) Highways Informative notes, as per comments uploaded 22 October 2021.
- h) Cadent have identified operational gas apparatus within the application site boundary. This may include a legal interest (easements or wayleaves) in the land which restricts activity in proximity to Cadent assets in private land. The Applicant must ensure that proposed works do not infringe on Cadent's legal rights and any details of such restrictions should be obtained from the landowner in the first instance.

If buildings or structures are proposed directly above the gas apparatus then development should only take place following a diversion of this apparatus. The Applicant should contact Cadent's Plant Protection Team at the earliest opportunity to discuss proposed diversions of apparatus to avoid any unnecessary delays.

If any construction traffic is likely to cross a Cadent pipeline then the Applicant must contact Cadent's Plant Protection Team to see if any protection measures are required.

All developers are required to contact Cadent's Plant Protection Team for approval before carrying out any works on site and ensuring requirements are adhered to.

Email: plantprotection@cadentgas.com Tel: 0800 688 588

- i) LLFA Advisory/Informative Notes. As per letter dated 2 November 2021.

**PLA/ NED/21/01005/FL - WESSINGTON**

**43/2**

**1-22**

The report to Committee explained that an Application had been submitted for the construction of an open sided timber gazebo measuring 6m long by 4m wide by 3.5m high at Amber Valley Wines, Back Lane, Wessington.

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. Officers had concluded that it would be an appropriate design and not cause significant harm to the character of the landscape or to the surrounding countryside.

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

Committee considered and discussed the Application. It took into account the Principle of Development. It considered whether the timber framed Gazebo would serve an appropriate purpose for this countryside location. Members also reflected on what impact the construction might have on the landscape.

At the conclusion of the discussion Councillor P Elliot and Councillor W Armitage 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 -**

- (a) That planning permission be conditionally approved in accordance with officer recommendations.
- (b) That the final wording of the conditions be delegated to the Planning Manager (Development Management).

GRANT Full Planning Permission subject to the following conditions:

**Conditions**

- 1) The development hereby permitted shall be started within 3 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 submitted plans, unless otherwise subsequently agreed through a formal submission under the Non-Material Amendment procedures.

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

- 3) The building hereby approved shall be used for ancillary purposes linked to the winery use of the site and for no other purpose.

*[Reason: In the interest of the character and appearance of the site and the surrounding countryside, and highway safety.]*

- 4) The structure hereby permitted shall be removed from the site within 3 months of it ceasing to be used for the purposes linked to the winery, and, within 6 months of the removal of the structure, the land shall be restored in accordance with a scheme of works that shall have been first submitted to and approved in writing by the Local Planning Authority.

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

**44/2**

**1-22**

The report to Committee informed Members that two appeals had been lodged. One appeal had been allowed. No appeals had been dismissed or withdrawn.

**PLA/ Matters of Urgency**

**45/2**

**1-22**

None