

PLANNING COMMITTEE

MINUTES OF MEETING HELD ON TUESDAY, 18 JANUARY 2022

Present:

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

Councillor Andrew Cooper
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 Pat Antcliff

Also Present:

R Purcell	Assistant Director of Planning
A Kirkham	Planning Manager - Development Management
P Slater	Principal Planning Officer
J Fieldsend	Legal Team Manager (non contentious)
N Calver	Governance Manager
A Maher	Senior Governance Officer
M E Derbyshire	Members ICT & Training Officer

PLA/ Apologies for Absence and Substitutions

57/2

1-22 Apologies were received from Councillor W Armitage, who was substituted by Councillor P Antcliff. Apologies were also received from Councillor J Ridgway.

PLA/ Declarations of Interest

58/2

1-22 Councillor Hall indicated that he had appraised himself of the Committee's previous consideration of Application NED/21/00627/FL – Clay Lane. He intended to participate in the Committee's determination of the Application at the meeting.

PLA/ Minutes of Last Meeting

59/2

1-22 The minutes of the meeting, held on Tuesday 14 December 2021, were approved as a true record.

PLA/ NED/21/00627/FL - CLAY CROSS

60/2

1-22 The report to Committee explained that an Application had been submitted to vary Condition 2 (approved plans) of the existing planning permission granted for a development on the site at land opposite to 22 to 44 Clay Lane in Clay Cross (NED/20/00221/FL). The variation would change the road alignment and configuration of the housing plot positions on the development.

The Chair of Committee, Councillor D Ruff, reminded Members that the Application had been deferred at the last meeting, so that an appropriate clarification of the information about flood risks on the site could be reported to

the Committee when deciding on the Application.

The Chair explained that following discussions, the Applicant and their Agent had confirmed that they would not provide additional information, as this would not be required in order to determine the application. Councillor D Ruff reminded Members that this had also been the view of the Council's officers in preparing the report on the Application, which they felt contained sufficient information for the Committee to reach its decision.

Following an explanation of the procedural arrangements for now determining the Application, Councillor D Ruff moved and seconded a motion to suspend Council Procedure Rule 13.2, which prevented a motion or an amendment that had been moved within the previous six-months from being moved again.

The motion was put to the vote and was agreed.

The Chair then opened the meeting for motions to determine the Application

Councillors D Ruff and P Antcliff moved and seconded a motion to approve the Application, in line with officer recommendations and subject to the conditions set out in report.

The motion was put to the vote and was agreed.

RESOLVED -

- (1) That planning permission is conditionally approved in accordance with officer recommendations and the carry-over of the extant section 106 agreement.
- (2) That the final wording and content of the conditions be delegated to the Planning Manager (Development Management).

Conditions

1. The development hereby approved shall be carried out in accordance with the details shown on the following plans:-
 - 19-03-P01 Rev H – Site Plan
 - 600183-HEX-00-00-DR-C-9522 P02 S38 Vehicle Swept Paths
 - 19-03-P02 PLOT 1 BEAL
 - 19-03-P03 PLOT 3 BEAL
 - 19-03-P04-A PLOT 7 and 31 BEAL (A1)
 - 19-03-P05-A PLOT 20 BEAL (A1)
 - 19-03-P06 PLOTS 2 AND 29 PETWORTH (A1)
 - 19-03-P07- A PLOT 4 LINDISFARNE
 - 19-03-P08- A PLOT 18 LINDISFARNE (A1)
 - 19-03-P11- B PLOT 19 LINDISFARNE (A1)
 - 19-03-P13- A PLOT 8 SUDBURY (A1)
 - 19-03-P14- A PLOT 9 SUDBURY (A1)
 - 19-03-P15- B PLOT 12 CLAYDON (A1)

- 19-03-P16- A PLOT 10 CLAYDON (A1)
- 19-03-P17- A PLOT 14 CLAYDON (A1)
- 19-03-P18 REV B PLOT 11 DANBURY (A1)
- 19-03-P19- A PLOTS 21-22, 23-24, 25-26 2 BED AFFORDABLES
- 19-03-P20 PLOT 28 ROSEDENE
- 19-03-P21 PLOT 34 ROSEDENE
- 19-03-P22-A PLOT 15 BUCKINGHAM (A1)
- 19-03-P23- A PLOTS 5-6 HARDWICK (A1)
- 19-03-P24 PL
- OTS 17, 18, 32, 33 HARDWICK
- 19-03-P25 GARAGES (A1)
- 19-03-P26 REV D SITE SECTIONS (A1)
- 19-03-P27- A PLOT MATERIALS SCHEDULE
- 19-03-P29 REV B BOUNDARY DETAILS (A1)

- Otter Mitigation Strategy
- 600183-HEX-00-00-DR-C-9511 P02 S38 GENERAL ARRANGEMENT
- 600183-HEX-00-00-DR-C-9512 P03 S38 CONSTRUCTION LAYOUT
- 600183-HEX-00-00-DR-C-9515 P03 S38 SETTING OUT
- 600183-HEX-00-00-DR-C-9519 P02 S38 LEGAL PLAN
- 600183-HEX-00-00-DR-C-9522 P02 S38 VEHICLE SWEPT PATHS
- 600183-HEX-00-00-DR-C-9531 P01 DRAINAGE AREAS PLAN

- 19-03-W01 F SITE PLAN
- CLCC-BSP-ZZ-XX-DR-C-0003 P01 PRESS BROOK RELIEF TANK
- OPEN CHANNEL CONVEYANCE CAPACITY ASSESSMENT received 01/10/2021
- PRESS BROOK RELIEF TANK ASSESSMENT received 01/10/2021
- MANNING CHANNEL FLOW REPORT RECEIVED 22/10/2021

- 09610-FPCR-XX-XX-DR-L-0001 D REVISED LANDSCAPING DRAWING
- 09610-FPCR-XX-XX-DR-L-0002 D REVISED LANDSCAPING DRAWING
- W29C REVISED BOUNDARY TREATMENT PLAN

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

Reason: For Clarity and the avoidance of doubt.

Employment and Training

2. The scheme to enhance and maximise employment and training opportunities during the construction stage of the project, including a

timetable for implementation, shall then be implemented in full in accordance with the timetable approved under application NED/21/00659/DISCON

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

On-site Public Spaces

3. Prior to the first occupation of any dwelling a scheme for the delivery and future maintenance of all on site public open space, and a timetable for implementation relative to the completion of dwellings hereby approved. Thereafter any approved scheme of open space shall be implemented in full in accordance with the approved timetable and shall be maintained in accordance with the approved scheme thereafter.

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

Sustainable Design, Character and Appearance

4. The scheme of landscaping shall be carried out in accordance with drawing 09610-FPCR-XX-XX-DR-L-001 revision D: Soft Landscaping Proposals, and 09610-FPCR-XX-XX-DR-L-0002 revision D.

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

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 buildings or the completion of the development, whichever is the sooner. Any plants or trees which within a period of 5 years from the completion of development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

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

6. The boundary treatments shall be implemented in accordance with drawing 19-03-W29 revision C prior to the occupation of the relative plot numbers and retained as such thereafter.

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

7. The proposed finished floor levels of the dwellings and the proposed finished ground levels of the site shall be implemented in accordance with drawing 19-03-W01 revision F.

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

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

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

9. The scheme for mitigating climate change through sustainable design and construction of the dwellings shall be implemented in accordance with details approved under NED/21/00659/DISCON.

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

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

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

Ecology

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

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

12. The Otter Mitigation Strategy shall be implemented in accordance with details approved under NED/21/00659/DISCON and retained as such thereafter.

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

13. The Badger Mitigation Strategy shall be implemented in accordance with details approved under NED/21/00659/DISCON and retained as such thereafter.

Reason: To safeguard the ecology of the site and ensure ecological

interest is conserved in accordance with Policy NE6 of the North East Derbyshire Local Plan.

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

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

15. The Biodiversity Enhancement Plan shall be implemented in accordance to details approved under NED/21/00659/DISCON and retained as such thereafter.

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

16. The scheme to mitigate and compensate the net loss in biodiversity shall be implemented in accordance to details approved under NED/21/00659/DISCON. The scheme shall thereafter be provided in accordance with the approved details and timescales or before 90% of the dwellings are occupied whichever is sooner.

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

Drainage

17. Within 28 days of the date of this decision, a scheme for the provision of foul drainage works shall be submitted to the Local Planning Authority for approval. The approved scheme shall be implemented in full before the first occupation of the dwellings and retained as such thereafter.

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

18. Within 28 days of the date of this decision a detailed design and associated management and maintenance plan of the surface water drainage for the site, in accordance with the principles outlined within:

- a. Flood Risk Assessment & Drainage Strategy, Clay Lane, Clay Cross for Woodall Homes Ltd by BSP Consulting Referenced CLCC-BSP-ZZ-XX-RP-C-0001-P02 dated June 2020 Revision P02 and also including any subsequent amendments or updates to those documents as approved by the Flood Risk Management Team,

b. And DEFRA's Non-statutory technical standards for sustainable drainage systems (March 2015),
c. and including any additional details submitted relating to maintenance and accessing of the watercourse for the lifetime of the development have been submitted to and approved in writing by the Local Planning Authority.

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

19. Within 28 days of the date of this decision a detailed assessment shall be provided to the Local Planning Authority for written approval, 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

20. Within 28 days from the date of this decision a detailed assessment shall be submitted to the Local Planning Authority for written approval, 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 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

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

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

standards C753

Ground Conditions

22. The development shall be carried out in accordance with the remediation strategy approved under NED/21/00829/DISCON.

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

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

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

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

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

25. The development shall be undertaken in accordance with the Written Scheme of Investigation for archaeological work approved under NED/21/00659/DISCON.

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

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

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

27. The development shall not be occupied until the site investigation and post

investigation assessment has been completed in accordance with the programme set out in the archaeological Written Scheme of Investigation approved under condition 26 and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

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

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

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

29. Details of any development works within 15m, measured horizontally, from the outside face of the Tunnel extrados shall be implemented in accordance with details approved under NED/21/00659/DISCON.

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

30. Excavations and earthworks carried out near the railway undertakers boundary fence shall be in accordance with NED/21/00659/DISCON.

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

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

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

32. The development shall be carried out in accordance with the Method Statement in relation to works around the tunnel air shaft approved under NED/21/00659/DISCON.

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

Amenity

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

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

Highways

34. The scheme of highway improvement works in connection with the potential relocation of an existing speed hump fronting the site, together with a programme for the implementation and completion of the works shall be implemented in accordance with NED/21/00659/DISCON. No part of the development shall be brought into use until the required highway improvement works have been constructed in accordance with the approved details.

REASON: In the interest of highway safety and in accordance with policies T2 and T9 of the North East Derbyshire Local Plan.

35. The construction operations shall be carried out in accordance with the construction management plan approved under NED/21/00659/DISCON
36. Throughout the period of development, vehicle wheel cleaning facilities shall be provided and retained within the site. All construction vehicles shall have their wheels cleaned before leaving the site in order to prevent the deposition of mud and other extraneous material on the public highway.
37. The temporary access for construction purposes shall be implemented in accordance to details approved under NED/21/00659/DISCON.
38. No part of the development shall be occupied until a new estate street junction has been formed to Clay Lane (and appropriate frontage footway and tactile crossing) in accordance with the revised application drawings that shall be submitted to and approved in writing by the local planning authority. The access shall also be provided with visibility sightlines extending from a point 2.4m from the carriageway edge, measured along the centreline of the junction, for a distance of 43m in each direction, measured up to 1m into the nearside carriageway at the extremity of the splay. The land in advance of the sightlines being levelled, constructed as footway and not being included in any plot or other sub-division of the site.
39. Within 28 days, or other such period of time as may be agreed with the Local Planning Authority, of the permanent access being constructed all

other means of access to Clay Lane (existing or temporary) shall be permanently closed and the existing vehicle crossover(s) reinstated with full height kerbs and appropriate footway / verge construction in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority.

40. Within 28 days of the date of this decision construction details of the residential estate roads and footways (including layout, levels, gradients, surfacing and means of surface water drainage) shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior in accordance with the approved timetable. The applicant is advised to obtain construction approval from the Highway Authority prior to submission of any details in connection with this condition.
41. The carriageways and footways shall be constructed in accordance with the details approved under condition 36 above, up to and including binder course surfacing, to ensure that each dwelling, prior to occupation, has a properly consolidated and surfaced carriageway and footway between the dwelling and the existing public highway. Until final surfacing is completed, the footway binder course shall be provided in a manner to avoid any upstands to gullies, covers or other such obstructions within or abutting the footway. The carriageways and footways in front of each dwelling shall be completed with final surface course within twelve months (or three months in the case of a shared surface road) from the occupation of such dwelling.
42. The gradient of the new estate street access shall not exceed 1:30 for the first 10m into the site from the existing highway boundary and 1:20 thereafter.
43. The dwellings, the subject of the application, shall not be occupied until the estate street has been provided with suitable turning arrangements to enable service and delivery vehicles to turn. In the case where interim turning arrangements are constructed these must remain available until any permanent estate street turning is available, in accordance with the approved estate street designs.
44. All private and shared driveways, and parking spaces within the site shall not be taken into use until provided with 2.4m x 25m, or other such dimensions as may be agreed with the Local Planning Authority, visibility splays, the area in advance maintained free from any obstruction exceeding 1m (600mm if vegetation) relative to the adjacent carriageway channel level and 2m x 2m x 45° pedestrian intervisibility splays on either side of the access at the back of the footway, the splay area being maintained throughout the life of the development clear of any object greater than 0.6m in height relative to footway level.
45. No part of the development shall be occupied until details have been submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of water from private areas/driveways onto the adoptable highway. The approved scheme shall be undertaken and completed prior to the first use of private

areas/accesses and retained as such thereafter.

46. 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.
47. The garages hereby permitted / car spaces to be provided, shall be kept available for the parking of motor vehicles at all times. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and/or re-enacting that Order) the garage / car parking spaces hereby permitted shall be retained as such and shall not be used for any purpose other than the garaging of private motor vehicles associated with the residential occupation of the property without the grant of further specific planning permission from the Local Planning Authority.
48. The first 5m of the proposed access driveways shall not be surfaced with a loose material (i.e. unbound chippings or gravel etc).
49. No gates, chains or other barriers (or any part of their opening arc) shall be permitted to open outwards over the adjacent street - any gates, chain or barriers shall open inwards/ onto the site only.
50. Prior to the first occupation of any dwelling, details of the proposed arrangements for future management and maintenance of the streets shall be submitted to and approved in writing by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details or until such time as an agreement has been entered into under section 38 of the Highways Act 1980, if appropriate.
51. Within 28 days of the date of this decision, and notwithstanding the submitted details, details of the existing ground levels, proposed finished floor levels of Plots 14 to 20 and the proposed finished ground levels of those plots, relative to a datum point which is to remain undisturbed during the development, shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details and the levels shall be retained as such thereafter.

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

PLA/ NED/21/01028 - WINGERWORTH

61/2

1-22

The report to Committee explained that an Application had been submitted to demolish an existing building, known as Hockley House, and erect a new building on its site, at Hockley Lane, Wingerworth.

The Application had been submitted to Committee by local Ward Member,

Councillor D Ruff, who had raised concerns about it.

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

The report to Committee explained why Members were asked to approve the recommendations. Officers felt that the new building would be an appropriate development for the location, which would not impact on the privacy or amenity of the neighbouring residential properties. The new development would make good use of an existing brownfield site and be in line with the Council's Development Plan.

Before Members discussed the Application, those registered to speak were asked to address the Committee. The Applicant, S Jones spoke in support of the Application. There were no other speakers.

Committee considered the Application. It took into account the relevant Planning Issues. These included the Principle of Development and planning policies. Committee considered the site's location outside of the Settlement Development Limits for Wingerworth. It took into account Local Plan Policy SS1 (Sustainable Development), which seeks to promote the re-use of previously developed land in sustainable locations. It considered the site's countryside setting and the provisions of Local Plan Policy SS9, which allows for the development of previously developed land, when this would not have a greater impact on the countryside than the existing development.

Members discussed the application. They discussed the impact of the proposed development on the character of the area. They considered the heritage implications of demolishing the existing building and replacing it with the new home. Members heard that the original intention had been to retain the house, but that structural issues had subsequently emerged, which made it impractical to convert it for alternative use. Some Members regretted the loss of the building. They suggested that the role of Hockley House and its heritage contribution ought to be recorded locally, so that its contribution to the local area would not be forgotten.

At the conclusion of the discussion, Councillors P Elliot and D Ruff moved and seconded a motion to approve the Application, subject to an additional condition that the location and role of the former building be recorded.

The motion was put to the vote and was approved.

RESOLVED -

- (1) That planning permission is conditionally approved in accordance with officer recommendations and an additional provision requiring the heritage of the site to be recorded.
- (2) That the final wording and content of the conditions be delegated to the Planning Manager (Development Management).

Conditions

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

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

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

Drawing 19-562-W68 – Proposed Floor Plans and Elevations.
Drawing 19-562-W01Rev W – Site Plan Proposed
Drawing 19-562-W71 – Proposed Boundary Treatment

Reason- For clarity and the avoidance of doubt.

3. The development shall be carried out in accordance with the Materials Schedule submitted 30th November 2021

Reason: In the interest of the appearance of the area and in accordance with policies SS9 and SDC12 of the North East Derbyshire Local Plan

4. At the commencement of operations on site (excluding demolition/ site clearance), space shall be provided within the site curtilage for storage of plant and materials, site accommodation, loading and unloading of goods vehicles, parking and manoeuvring of site operatives and visitors vehicles, laid out and constructed in accordance with detailed designs to be submitted in advance to the Local Planning Authority for written approval and maintained throughout the contract period in accordance with the approved designs free from any impediment to its designated use.

Reason: In the interests of Highways Safety and in accordance with Policies SS1 and SDC12 of the North East Derbyshire Local Plan.

5. A new vehicular access shall be formed to Hockley Rise in accordance with the approved plans, laid out, constructed and maintained in perpetuity free from any impediment to its designated use.

Reason: In the interests of Highways Safety and in accordance with Policies SS1 and SDC12 of the North East Derbyshire Local Plan.

6. The driveway and garage shown on the submitted plan shall be constructed and the driveway and garage shall be completed prior to the completion of the dwelling to which they relate, and thereafter the approved facilities together with the means of access thereto shall be maintained as approved, and be reserved

for the benefit of the development hereby permitted

Reason: In the interests of Highways Safety and in accordance with Policies SS1 and SDC12 of the North East Derbyshire Local Plan.

7. There shall be no gates or other barriers within 5m of the nearside highway boundary and any gates shall open inwards only

Reason: In the interests of Highways Safety and in accordance with Policies SS1 and SDC12 of the North East Derbyshire Local Plan.

8. No development, including any demolition works, shall take place until a Building Record Report has been submitted to and been approved in writing by the Local Planning Authority. The Building Record Report shall be prepared by a competent historic building person and include (but not be limited to) a photographic record of the internal and external features of the building, statement of the historic use of the building, details of a commemorative plaque to be installed on or adjacent to the site, a programme for installation of the commemorative plaque and programme for the submission of the Building Record Report to the local library.
9. The development hereby approved shall not be occupied until the Building Record Report required by condition 8 above has been deposited with the local library in Wingerworth and the approved commemorative plaque installed on site. Any such plaque should be retained on site in perpetuity.

Notes:

Highways Authority

- a. Planning permission does not give you approval to work on the public highway To carry works associated with this planning permission, separate approval must first be obtained from Derbyshire County Council as Highway Authority - this will take the form of a section 184 licence (Highways Act 1980). It is strongly recommended that you make contact with the County Council at the earliest opportunity to allow time for the process to be completed. Information and relevant application forms, regarding the undertaking of access works within highway limits, are available via the County Council's website www.derbyshire.gov.uk, email highways.hub@derbyshire.gov.uk or telephone 01629 533190
- b. Under provisions within Sections 149 and 151 of the Highways Act 1980, the developer must take all necessary action to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits

occur, it is the developer's responsibility to ensure that all reasonable steps (e. g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness

- c. The Highway Authority recommends that the first 5m of the proposed access / driveway should not be surfaced with a loose material (i.e. unbound chippings or gravel, 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 landowner.

Coal Authority

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 7626848. Further information is available on the Coal Authority website at:

www.gov.uk/government/organisations/the-coal-authority

PLA/ Planning Appeals - Lodged and Determined

62/2

1-22

The report to Committee informed Members that four appeals had been lodged. No appeals had been allowed and none had been dismissed.

PLA/ Section 106 (Legal) Agreements Update

63/2

1-22

Committee received an update on the current 'Section 106' Agreements, or agreements, reached between the Council as Planning Authority with developers to carry out specific work to help offset the impact of new developments on local people.

The report set out details of those agreements where the funding had now been secured. It also included information about Section 106 agreements where the funding had not yet been received or written-off.

Committee discussed specific Section 106 agreements. Members sought clarity about what further action which had been made on these agreements since Committee had last received an update, in October 2021. They asked that this information be provided at the Committee's meeting in February 2022.

At the conclusion of the discussion Committee agreed by acclamation the recommendations.

RESOLVED -

- (1) That the information contained within Appendices A, B and C of the report is noted.
- (2) That the contents of paragraphs 1.1 to 1.6 of the report is noted and endorsed.

- (3) That information on Section 106 Agreements continues to be reported to Planning Committee quarterly.

PLA/ Matters of Urgency

64/2

1-22 None.

PLA/ Exclusion of Public

65/2

1-22 RESOLVED –

That the public be excluded from the meeting during the discussion of the following item of business to avoid the disclosure to them of exempt information as defined in Paragraph 3 , Part 1 of Schedule 12A to the Local Government Act 1972, (as amended by the Local Government (Access to Information) (Variation) Order 2006).

PLA/ Approval not to pursue a Section 106 Agreement debt

66/2

1-22 The report to Committee sought approval to not pursue a specific Section 106 Agreement debt. Members discussed briefly the report, but felt it appropriate that the Cabinet Portfolio for Environment be asked to consider it first. They asked that further consideration be deferred until the next meeting. Committee also discussed possible new ways in which Members could receive up to date information about Section 106 Agreements and in particular what progress had been made to secure the agreed funding. The Chair indicated that she would discuss this with relevant Members outside of the meeting, in order to bring forward specific proposals for Committee to consider.

By acclamation:

RESOLVED -

That consideration of the report be deferred until the next meeting of the Committee.

PLA/ Matters of Urgency (Private)

67/2

1-22 None.