

# Public Document Pack



**North East  
Derbyshire**  
District Council

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Date: Monday, 14 March 2022

To: **Members of the Planning Committee**

Please attend a meeting of the Planning Committee to be held on **Tuesday, 22 March 2022 at 2.00 pm in the Council Chamber**, District Council Offices, 2013 Mill Lane, Wingerworth, Chesterfield S42 6NG.

The meeting will also be live streamed from the Council's website on its You Tube Channel. Click on the following link if you want to view the meeting:

[North East Derbyshire District Council - YouTube](#)

Yours sincerely

**Assistant Director of Governance and Monitoring Officer**

## **Members of the Committee**

Councillor William Armitage  
Councillor Andrew Cooper  
Councillor Peter Elliott  
Councillor Mark Foster  
Councillor Roger Hall  
Councillor David Hancock  
Councillor Lee Hartshorne

Councillor Maggie Jones  
Councillor Heather Liggett  
Councillor Alan Powell  
Councillor Jacqueline Ridgway  
Councillor Kathy Rouse  
Councillor Diana Ruff - Chair

**Please notify the Senior Governance Officer, Alan Maher by 4.00 pm on Friday 18 March 2022 of any substitutions made for the meeting.**

**For further information about this meeting please contact: Alan Maher 01246 217391**

# **A G E N D A**

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

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

## **2 Declarations of Interest**

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

## **3 Minutes of Last Meeting (Pages 4 - 13)**

To approve as a correct record and the Chair to sign the Minutes of Planning Committee held on 22 February 2022.

## **4 NED/21/01488/FL - ASHOVER (Pages 14 - 53)**

Proposed extension to the Peak Edge Hotel, Darley Road, Ashover, to include 29 additional bedrooms, a spa suite, small pool and treatment rooms, and associated alterations to the adjacent landscape including creation of a new biodiversity area with pond, bunds and planting (Major Development) (Amended Plans).

(Planning Manager – Development Management)

## **5 Late Representations - Summary Update Report**

(Planning Manager – Development Management)  
TO FOLLOW

## **6 Planning Appeals - Lodged and Determined (Pages 54 - 56)**

(Planning Manager – Development Management)

## **7 Matters of Urgency**

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

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# We speak your language

Polish

*Mówimy Twoim językiem*

Romanian

*Vorbim limba dumneavoastră*

Urdu

ہم آپ کی زبان بولتے ہیں

Chinese

我们会说你的语言



North East  
Derbyshire  
District Council



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## **PLANNING COMMITTEE**

### **MINUTES OF MEETING HELD ON TUESDAY, 22 FEBRUARY 2022**

#### **Present:**

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

Councillor Pat Antcliff  
Councillor Andrew Cooper  
Councillor Lee Hartshorne  
Councillor Maggie Jones  
Councillor Jacqueline Ridgway

Councillor Stephen Clough  
Councillor Peter Elliott  
Councillor David Hancock  
Councillor Heather Liggett  
Councillor Kathy Rouse

#### **Also Present:**

A Kirkham	Planning Manager - Development Management
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** **68/2**

**1-22** Apologies were received from Councillor W Armitage, who was substituted by Councillor P Antcliff and Councillor M Foster, who was substituted by Councillor S Clough. Apologies were also received from Councillor R Hall.

#### **PLA/ Declarations of Interest** **69/2**

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

#### **PLA/ Minutes of Last Meeting** **70/2**

**1-22** The minutes of the meeting held on 18 January 2022 were approved as a true record.

#### **PLA/ NED/21/01216/TPO - CLAY CROSS** **71/2**

**1-22** The report to Planning Committee explained that an Application had been submitted to carry out work on trees covered by Tree Preservation Order (TPO) 276, at land opposite 24 to 44 Clay Lane, Clay Cross. The Application had been referred to the Committee at the request of Cllr R Shipman, who had raised concerns about it.

Committee was recommended 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. As part of this, they were informed that although the proposals to fell two trees (T1) and (T2) had been included in the Application, this work had

now taken place, as allowed by law, so that the previously agreed permission for a residential development on the site could be progressed. Officers felt that the proposals for managing the remaining trees would help repair the damage caused to them by storms and the construction work on the site, and so should be approved.

Before Members discussed the Application, those registered to speak were asked to address the Committee. Cllr R Shipman, as the Member who had referred the Application to Committee spoke against the Application, as did R Eden. J Kirk and the applicant, D Abbott, spoke in support of it.

Committee considered the Application. It took into account the location of the trees covered by the TPO and the implications of the planning permission already granted for the development on the site and which had allowed trees T1 and T2 to be removed. Committee considered the relevant national and local planning policies. It took into account the account the National Policy Framework and Council policies, SDC3 – Landscape Character and SDC2, Trees, Woodlands and Hedgerows. It also considered the impact of the proposed works on the amenity of the trees as a group.

Members discussed the Application. Some Members expressed regret that the Committee had not been asked to determine whether trees T1 and T2 should be removed. They sought clarification and expressed concern about the method by which they had been felled. They also sought clarification about the proposed Crowning of specific trees and whether alternative approaches might be possible. Some Members expressed concern about the damage which had taken place as a result of the construction work on the residential development, which made necessary the proposed, retrospective, remedial measures.

Members noted that the site had been affected by recent heavy rainfall and that photographs showing the impact of this rainfall had been emailed to Planning Committee Members from outside of the Council. The Planning Manager (Development Management) explained that these photographs had been prepared in relation to the residential development and the flood risk. They did not deal with the proposals in the Application to carry out works on trees covered by the TPO. Consequently, they had not been included in the Late Representations report, which had been published as part of the Committee's agenda and circulated to Members.

Some Members expressed their regret that the two trees had been felled. They hoped that in addition to two suitable replacement trees, four more appropriate trees could also now be planted in the area covered by the TPO. They asked that this be included as a specific condition for the Committee's approval of the Application.

At the conclusion of the discussion Councillor D Ruff and Councillor P Elliot moved and seconded a motion to approve officer recommendations, subject to an additional condition requiring the planting of a suitable number of appropriate replacement trees.

The motion was put to the vote and was carried.

## **RESOLVED -**

- (1) That Planning permission is conditionally approved in accordance with officer recommendations and with an additional condition requiring the planting of six suitable trees in the area covered by TPO 276.
- (2) That the final wording and content of the conditions be delegated to the Planning Manager (Development Manager).

## **Conditions**

- 1 The work hereby granted consent shall be completed within two years from the date of this decision notice.
- 2 The works hereby approved shall be in accordance with the submitted Tree Works Plan 9610-T-03 revision B; Tree; Tree Works Recommendations Revision A and Tree Works Schedule Revision A with the exception of the crown lifting proposed in the north west corner of the site (in the area outlined in red on the attached plan) where no works of crown lifting shall take place.
- 3 The works shall be carried out in accordance with the appropriate recommendations contained in BS 3998:1989 (Tree Works) and in general shall in no way prejudice the health, balance and natural appearance of the tree.
- 4 Within 6 months of the date of this permission a scheme for the planting of 6no. semi mature trees, of native species, including a timetable for implementation and long term care and maintenance, shall be submitted to and be approved in writing by the Local Planning Authority. The agreed details shall then be implemented fully as approved.
- 5 No works shall be undertaken at any time so as to disturb nesting birds

## **Reasons:**

- 1 For clarity and the avoidance of any doubt
- 2 For clarity and the avoidance of any doubt
- 3 For clarity and the avoidance of any doubt
- 4 For the avoidance of any doubt and to supplement the tree cover in the area following the loss of other trees and the impact on the tree canopy from the other works undertaken.
- 5 To protect the ecology of the area.

**PLA/ 72/2**

**NED/21/01387/FL - KILLAMARSH**

**1-22**

The report to Planning Committee explained that an Application had been submitted to allow for four, mid-terrace bungalows, to be constructed as 1.5

storey dwellings. This would form part of the existing planning permission, under NED/21/00834/FL, to build 13 bungalows at The Old Station, Station Road Killamarsh.

The Application had been submitted by Local Ward Member, Councillor S Clough, 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 the proposal would only require a minor alteration to the existing scheme. They contended that it would not have a greater material impact and so should be approved.

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

Committee considered the Application. It took into account the relevant Planning Issues. It considered the Principle of Development, the site's location within the Killamarsh settlement development limits and its allocation for housing within the adopted Local Plan.

Members discussed the Application. They sought and received clarification that the proposed changes would only affect the specified four dwellings. They discussed what impact the changes might have on the amenity on neighbouring properties and if this would be different to the impact of the existing application.

At the conclusion of the discussion Councillor A Cooper and P Antcliff moved and seconded a motion to approve the Application, in line with officer recommendations.

The motion was put to the vote and was agreed.

#### RESOLVED -

- (1) That Planning permission is conditionally approved in accordance with officer recommendations.
- (2) That the final wording and content of the conditions be delegated to the Planning Manager (Development Manager).

#### 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 details shown on the following plans:-

2801-001 CURRENT LEVELS SITE PLAN A1  
2801-002 CURRENT SITE PLAN A1  
2801-003 CURRENT SITE SECTIONS & 3D VIEW A1  
2801-004 CURRENT HOUSE TYPE C A1  
2801-005 CURRENT HOUSE TYPE D A1  
2801-006 PROPOSED SITE LEVELS  
2801-007 PROPOSED SITE PLAN  
2801-008 PROPOSED SITE SECTIONS & 3D VIEW  
2801-009 PROPOSED HOUSE TYPE C A1  
2801-010 PROPOSED HOUSE TYPE D A1

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.

REASON: For Clarity and the avoidance of doubt.

3. Before any above ground works commence, the following shall be submitted to and approved in writing by the Local Planning Authority:
  - o a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land,
  - o the details of any trees and hedgerows to be retained, together with measures for their protection during development,
  - o details of the removal of the existing chain link fence and concrete pots on the boundary with the Trans-Pennine Trail (TPT)
  - o a schedule of proposed plant species, size and density and planting locations including hedgerow enhancement details adjacent to the TPT
  - o an implementation programme.

Reason: In the interest of the appearance of the area and in accordance with policies SS1 and SDC12 of the North East Derbyshire Local Plan

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 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 SS1 and SDC12 of the North East Derbyshire Local Plan

5. Before any above ground works commence details of the proposed boundary treatments shall be submitted to and approved in writing by the Local planning Authority. The approved scheme shall be implemented prior to the first occupation of the dwellings.

Reason: In the interest of the appearance of the area and in accordance with policies SS1 and SDC12 of the North East Derbyshire Local Plan



6. Before any above ground works starts, precise specifications (including the manufacturer, range and colour details where applicable) of the walling and roofing materials to be used shall be submitted to and approved in writing by the Local Planning Authority . The development shall then be carried out in accordance with the approved details.

Reason: In the interest of the appearance of the area and in accordance with policies SS1 and SDC12 of the North East Derbyshire Local Plan

7. Construction works on site and deliveries to the site shall be undertaken only between the hours of 7:30 to 6pm Monday to Friday and 7:30 to 12pm on Saturday. There shall be no work undertaken on site or deliveries to the site undertaken on Sundays or public holidays.
8. Prior to the first occupation of the dwellings hereby approved a scheme of sound mitigation shall be submitted to and approved in writing the local planning authority. The scheme shall be designed following the completion of a sound survey undertaken by a competent person. The scheme shall take account of the need to provide adequate ventilation, which will be by mechanical means where an open window would not achieve the following criteria. The scheme shall be designed to achieve the following criteria with the ventilation operating:

Bedrooms 30 dB LAeq (15 Minutes) (2300 hrs - 0700 hrs)

Living/Bedrooms 35 dB LAeq (15 Minutes) (0700 hrs - 2300 hrs)

All Other Habitable Rooms 40 dB LAeq (15 Minutes) (0700 hrs - 2300 hrs)

All Habitable Rooms 45 dB LAmax to occur no more than 6 times per hour (2300 hrs - 0700 hrs)

Any outdoor amenity areas 55 dB LAeq (1 hour) (0700 hrs - 2300 hrs)

The scheme as approved shall be validated by a competent person and a validation report submitted to and approved in writing by the local planning authority. The approved scheme shall been implemented in full and retained thereafter.

Reason In the interests of the amenity of the future residents, and in accordance with SDC12 of the North East Derbyshire Local Plan.

9. No development shall take place (including demolition, ground works, 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".
  - 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).
  - 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.

Reason: To safeguard the ecology of the site and ensure ecological interest is conserved in accordance with Policy SDC4 of the North East Derbyshire Local Plan.

10. Prior to the commencement of work on site (including clearance of refugia piles, vegetation or groundworks), a Reptile Method Statement shall be submitted to and approved in writing by the Local Planning Authority. This shall include reasonable avoidance measures and a watching brief. The Method Statement shall be implemented in full and a short statement of compliance submitted at the end of site clearance works.

Reason: To safeguard the ecology of the site and ensure ecological interest is conserved in accordance with Policy SDC4 of the North East Derbyshire Local Plan.

11. Prior any above ground works commencing, a Biodiversity Management Plan shall be submitted to and approved in writing by the Local Planning Authority to achieve a net gain in biodiversity. Such approved measures shall be implemented in full and maintained thereafter. This management plan should provide details, but not limited to: wildlife friendly fencing, bat and bird boxes and their locations, native planting including hedgerow planting.

Reason: To safeguard the ecology of the site and ensure ecological interest is conserved in accordance with Policy SDC4 of the North East Derbyshire Local Plan.

12. Prior to the commencement of development, including preparatory site clearance, a detailed badger survey for any recently excavated badger setts on the site or within 30 metres of the site boundary should be undertaken. The results and any appropriate mitigation/licensing requirements shall be submitted to and approved in writing by the Local Planning Authority for approval. Such approved measures must be implemented in full.

Reason: To safeguard the ecology of the site and ensure ecological interest is conserved in accordance with Policy SDC4 of the North East Derbyshire Local Plan.

13. No removal of hedgerows, trees, shrubs other vegetation shall take place between 1st March and 31st August inclusive, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period, and details of measures to protect the nesting bird interest on the site, have first been submitted to and approved

in writing by the Local Planning Authority and then implemented as approved.

Reason: To safeguard the ecology of the site and ensure ecological interest is conserved in accordance with Policy SDC4 of the North East Derbyshire Local Plan.

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

REASON: In the interests of highway safety and in accordance with policy ID3 of the North East Derbyshire Local Plan

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

REASON: In the interests of highway safety and in accordance with policy ID3 of the North East Derbyshire Local Plan

16. The carriageway of Station Road and the proposed footway fronting the site shall be constructed in accordance with details first to be submitted and agreed, in writing, by the Local Planning Authority up to and including at least base level, prior to any above ground works commencing. The carriageways and footways shall be constructed up to and including base course surfacing to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway, between the dwelling and the existing highway. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or abutting the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surface course within twelve months (or three months in the case of a shared surface road) from the occupation of such dwelling.

REASON: In the interests of highway safety and in accordance with policy ID3 of the North East Derbyshire Local Plan

17. Highway surface water shall be disposed of via a positive, gravity fed system (i.e. not pumped) discharging to an approved point of outfall (e.g. existing public sewer, highway drain or watercourse).
18. No dwelling shall be occupied until space has been laid out within the site in accordance with the application drawing for cars to be parked (spaced

being of minimum dimensions 2.4m x 5.5m). Once provided, the spaces shall be maintained free from any impediment to their designated use for the life of the development.

REASON: In the interests of highway safety and in accordance with policy ID3 of the North East Derbyshire Local Plan

19. The proposed driveways to Station Road shall be no steeper than 1:14  
REASON: In the interests of highway safety and in accordance with policy ID3 of the North East Derbyshire Local Plan

20. Prior to first occupation, details of the proposed arrangements for future management and maintenance of the proposed street i.e. the unadopted section of Station Road and new footway fronting the development shall be submitted to and approved in writing by the Local Planning Authority. The street shall thereafter be maintained in accordance with the approved management and maintenance details.

REASON: In the interests of highway safety and in accordance with policy ID3 of the North East Derbyshire Local Plan

21. Prior to first occupation of the dwellings a scheme for the storage of bins and collection of waste shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the first occupation and retained as such thereafter.

REASON: In the interests of highway safety and in accordance with policy ID3 of the North East Derbyshire Local Plan

22. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with good practice guidance, and where remediation is necessary a remediation scheme must be prepared which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

**PLA/ 73/2**     **Planning Appeals - Lodged and Determined**

- 1-22**     The report to Committee informed Members that 2 appeals had been lodged, 3 appeals had been withdrawn and 2 had been dismissed.

**PLA/ 74/2**     **Matters of Urgency (Public)**

- 1-22**     None.

**PLA/ 75/2**     **Exclusion of Public**

- 1-22**     **RESOLVED** – That the public be excluded from the meeting during the discussion

of the following items of business to avoid the disclosure to them of exempt information as defined in Paragraphs 2, 3 and 5, Part 1 of Schedule 12A to the Local Government Act 1972, (as amended by the Local Government (Access to Information) (Variation) Order 2006.

**PLA/ Section 106 (Legal) Agreements Update**

**76/2**

**1-22** The report to Committee provided information on specific '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. This information had been requested by Committee at its meeting on 18 January 2022.

By Acclamation

RESOLVED -

That Committee noted the information.

**PLA/ Approval not to pursue a Section 106 Agreement Debt**

**77/2**

**1-22** The report to Committee sought approval not to pursue a specific Section 106 Agreement Debt. Members noted and accepted the reasons for not approving the debt.

By Acclamation

RESOLVED -

That Planning Committee agreed that no further action be taken to recover the outstanding monies under the Section 106 Agreement referred to in the report.

**PLA/ Matters of Urgency (Private)**

**78/2**

**1-22** None.

## PLANNING COMMITTEE – 22 MARCH 2022

**Reference Number:** 21/01488/FL

**Application expiry:** 22/03/22

**Application Type:** Full

**Proposal Description:** Proposed extension to hotel to include 29 additional bedrooms and a spa suite with a small pool and treatment rooms, and associated alterations to the adjacent landscape including creation of a new biodiversity area with pond, bunds and planting (Major Development) (Amended Plans)

**At:** Peak Edge Hotel, Darley Road, Ashover

**For:** Peak Edge Hotel Limited

**Third Party Reps:** 9 local residents (6 supporting and 3 objecting)

**Parish:** Ashover

**Ward:** Ashover

**Report Author:** Graeme Cooper

**Date of Report:** March 2022

**MAIN RECOMMENDATION:** Grant permission, subject to conditions and legal agreement



Figure 1: Location plan, with site edged in red

## **1.0 Reason for Report**

- 1.1 The application seeks consent for an extension to the Peak Edge Hotel for an additional 29 additional bedrooms and spa.
- 1.2 Cllr Thacker requested that the application be considered by Planning Committee due to its strategic importance. He considered that the economic and landscape impacts should be discussed and considered in full by Members.
- 1.3 The Planning Manager agreed that the strategic importance of this proposal is such that it should be determined by members of planning committee in line with the Council's constitution.

## **2.0 Proposal and Background**

### **Site Description**

- 2.1 The application site currently includes a hotel, public house and restaurant known as the Peak Edge. It was originally a public house and has been extended over the years to become a hotel and wedding venue.
- 2.2 The site is located to the south of Darley Road (B5057) between Chesterfield and Matlock. The main car park sits forward of the main hotel, with a further overflow car park to the west.
- 2.3 The buildings (see Figure 2 below) on site are positioned around landscaped grounds, which include an ornamental pond. An agricultural style outbuilding lies to the south west corner of the western car park. Landscaped bunds have been formed to the south and east of the hotel, with post and rail fencing separating the site from a paddock (used for grazing rare breed cattle by the applicant) and open countryside to the south.



*Figure 2: View of site from Belland Road*

- 2.4 Adjacent to the main access into the site is a public footpath (PRoW 127) and access to Myrtle Grove, a large property to the east. The boundary between the application site and Myrtle Grove is formed of a mature conifer hedge. The public footpath continues east towards Matlock Road.
- 2.5 Further residential properties lie approx. 200m to the west and 220m to the south east on Belland Lane.
- 2.6 On Belland Lane is Stone Edge Smelt Mill, a Scheduled Monument (National Heritage List for England UID: 1020718). This is described as one of the best preserved examples in England of a reverberatory smelt mill, retaining the overall layout of smelt mill, slag hearth, condensing flue and chimney, and slag-washing area. The site demonstrates the development of a large smelt mill complex through the later 18th and earlier 19th centuries. The chimney is thought to be the earliest free standing industrial chimney in England.
- 2.7 The site sits in open countryside which is designated as a Primary Area of Multiple Environmental Sensitivity (AMES) within the Derbyshire Peak Fringe and Lower Derwent Landscape Character Area.

### Proposal

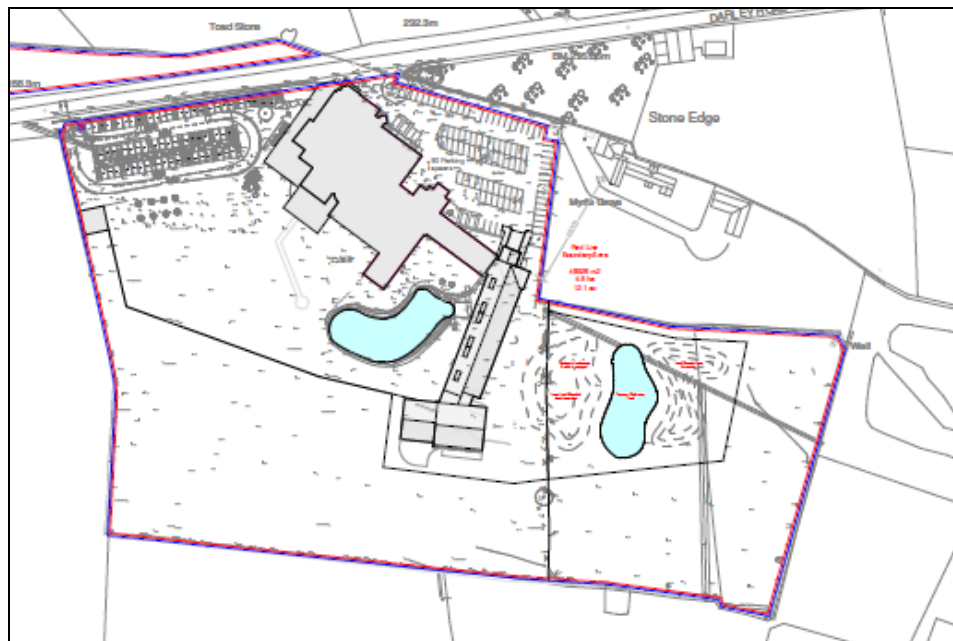
- 2.8 This application has been submitted for a proposed extension to the existing Peak Edge Hotel to include 29 additional bedrooms and a spa suite. The proposal includes a small pool, treatments rooms and outdoor seating area (see Fig 3 below).



Figure 3: Originally proposed layout plan



- 2.9 The plans include for a new biodiversity area with pond, bunds and planting. A Landscaping masterplan has been prepared by Weddle Landscape Design.
- 2.10 In addition to the above a Planning Statement, Design and Access Statement, Flood Risk Assessment and Drainage Strategy, Phase 1 Site investigation, Ecology Report (including Great Crested Newt Method Statement and Biodiversity Impact Assessment), Transport Assessment and draft legal agreement have been prepared and submitted for consideration.



- 2.12 In addition to amended plans a Parking Statement, Heritage Impact Assessment and revised Landscaping Scheme have been submitted.
- 3.0 Relevant Planning History (not the full site history)**

- 3.1 02/00567/OL - Outline application (details of siting & means of access submitted) for 25 bed accommodation extension, inc. gym, shop, cycle hire facility and landscaping (Major Development/Departure from Development Plan/Amended Details/Amended Title/Amended Plan) (Conditionally Approved)
- 3.2 06/01440/RM - Approval of Reserved Matters for an extension to the existing public house to provide hotel accommodation (25 bedrooms) including an orangery/gym/shop/cycle hire facility/health spa and associated landscaping (Major Development) (Conditionally Approved)
- 3.3 **15/00312/FL - Proposed construction of 20 no. lodges for holiday accommodation with associated buildings and works (Major Development/Departure from Development Plan) (Amended Title) (Conditionally Approved)**
- 3.4 17/00221/DISCON - Application to discharge conditions 5, 7, 9, 15 and 17 pursuant to 15/00312/FL (Conditions Discharged)
- 3.5 18/00353/FL - Demolition of existing farm store/garage and construction of new single storey and two storey extensions to extend dining area, create new kitchen, new front entrance canopy, new raised terrace and construction of a new standalone tractor store (Affecting a public right of way) (Conditionally Approved)
- 3.6 19/00211/FL - Proposed addition of structure to enclose an existing yard area to provide staff amenity and storage rooms (Affecting a public right of way) (Conditionally Approved)
- 3.7 19/00312/FL - Erection of timber octagonal cupola, associated footpaths and seating area for wedding services (Conditionally Approved)
- 3.8 19/00449/DISCON - Application to discharge conditions 3 (samples) and 6 (Bird and Bat Boxes) of planning application 18/00353/FL (Conditions Discharged)
- 3.9 19/01006/FL - Application for retention of kitchen extraction system (ducting and plant) and timber screen to top of new kitchen flat roof (Conditionally Approved)
- 3.10 20/00121/FL - Removal of existing tank and new Klargesten tank across the road (Conditionally Approved)
- 3.11 20/00554/FL - Development of new carpark with new entrance gates, planting and lighting (Conditionally Approved)

- 3.12 20/01278/DISCON - Application to discharge condition 3 (Construction Method Statement) pursuant to planning application 20/00121/FL (Conditions Discharged)
- 3.13 21/00967/FL - Application to vary condition 2 (permitted plans) and condition 3 (screening) of planning permission 19/01006/FL to replace proposed screen with perimeter wall (Conditionally Approved)

#### **4.0 Consultation Responses**

- 4.1 **Parish Council** acknowledge the initiative under policy AP9 of the Ashover Neighbourhood Plan but raised the following concerns:

- Water Supply – The local water supply is via boreholes and there is a very real concern locally that the water table would be seriously depleted due to the further development proposal. It is requested that a full and comprehensive assessment of current and proposed water usage by the premises is undertaken.
- Foul/Waste Water – Possible contamination of boreholes and adjacent land from water disposed of via the sewerage treatment plant is of great concern.
- Dark Skies – Members request that every attention is given to Ashover Parish Neighbourhood Plan Policy AP19 ‘Dark Skies’, to protect local wildlife sites and habitats.
- Adjacent Highway – Members request that, as the proposal would increase traffic flow from and to the premises, any Highway Authority recommendations on the access and visibility from and to the adjacent highway, to improve safety, are supported.

- 4.2 **Ward Member** raised no comments.

- 4.3 **Highways Authority (HA)** initially raised concern at the level of parking on site and requested that further information be submitted. The applicant has submitted a Parking Statement and Additional information. Based on this information the HA consider that, subject to conditions covering site accommodation during the construction phase and the inclusion of wheel washing, a refusal on highway safety grounds would be difficult to sustain.

- 4.4 **Environmental Health (EHO)** raised no objection to the proposal in principle. Comments were provided in relation to noise, lighting and water supply, these can be found below:

4.5 Disturbance

Further clarity was sought to the locations and noise levels of any fixed plant associated with the spa/pool element of the development. Based on the amended scheme shifting the proposal west no objection was raised

subject to conditions covering lighting and heating on balconies, external lighting, scheme of noise control from plant and limiting construction times.

4.6 Water supply

The EHO notes the agreement with a third party land owner in supplying water to the hotel. The EHO considers this to be a commercial private water supply, covered under the Private Water Supply (England) Regulations. The supply is subject to risk assessments and sampling. The EHO cannot comment on the future adequacy of the supply or other supplies as abstraction is increased. A note should be included in any decision advising the applicant and water provider that they must develop a Water Safety Plan.

4.7 **Historic England (HE)** offered advice on the proposal development. HE note that the proposal would be 150m from the nationally important Scheduled Ancient Monument of Stone Edge Smelt Mill.

4.8 Stone Edge Smelt Mill is a Scheduled Monument (National Heritage List for England UID: 1020718). As set out in the schedule entry it is, *'one of the best preserved examples in England of a reverberatory smelt mill, retaining the overall layout of smelt mill, slag hearth, condensing flue and chimney, and slag-washing area. The site demonstrates the development of a large smelt mill complex through the later 18th and earlier 19th centuries, and is expected to retain considerable below ground stratigraphic remains of its early phases. The chimney is thought to be the earliest free standing industrial chimney in England. The site is of amenity value since it lies in a prominent location beside a road and is crossed by a public footpath. The chimney is a prominent landmark.'* The monument sits in a landscape context of rough pasture and stone walled fields little altered since its construction, the monument gains significance from this landscape context and the intrusion of development would represent harm to its significance.

4.9 HE note that the application does not provide all the information needed in order for a full assessment of the magnitude of the impact on the Scheduled Monument that the proposals would have to be undertaken. Thus, neither can an assessment as to whether the development constitutes sustainable development, as defined by the NPPF, be made. Notwithstanding the lack of a Heritage Impact Assessment, as submitted HE believe the scheme to be out of scale with its surroundings and inappropriate in terms of layout and massing, none of which speak to the historic landscape context and significance of the scheduled monument.

4.10 HE recommend that concerns be raised regarding the application on heritage grounds. HE consider that the issues and safeguards outlined in

their advice need to be addressed in order for the application to meet the requirements of paragraphs 189, 194, 197, 200 and 202 of the NPPF.

- 4.11 **Council's Conservation Officer** noted the submitted Heritage Impact Assessment and raised no comments.
- 4.12 **DCC Archaeologist (DCCA)** comments that the proposals involve an area that lies a short distance to the east of Scheduled Monument (1020718) 'Stone Edge Smelt Mill at Moss Farm', a nationally important eighteenth and nineteenth century lead smelt mill of which substantial below ground remains survive along with an associated pond and an extremely rare survival of an upstanding eighteenth century industrial chimney. The archaeological site is also entered on the Derbyshire Historic Environment Record (MDR4983).
- 4.13 The National Planning Policy Framework (July 2021) provides very clear and specific guidance to Local Planning Authorities regarding applications with the potential to impact directly or indirectly on known or suspected remains of archaeological interest and significance. Paragraph 194 states 'As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary'. Paragraph 195 advises that LPAs should take the assessment into account when considering the impact of a proposal. Greater weight should also be given to considering the impact of a proposed development where a designated heritage asset is involved (paragraph 199), with any harm to or loss of significance – including development within the setting of designated heritage asset – requiring 'clear and convincing justification'. Substantial harm or loss of significance to assets of the highest significance (i.e. scheduled monuments) should be 'wholly exceptional' (paragraph 200). In the absence of any assessment of the impact of the proposals upon the known or potential historic and archaeological significance, including that of a scheduled monument, DCCA recommend that the present application remain undetermined until such time as a thorough assessment of the archaeological and historic interest and significance, and the impact of the proposals upon that significance has been commissioned by the applicant and the resulting report submitted for consideration in determining the application.
- 4.14 Following the submission of the Heritage Impact Assessment (HIA), prepared by Blue Willow Heritage the **DCCA** was re-consulted. The DCCA are now satisfied that the HIA has been undertaken appropriately and fulfills the need for such an assessment. The DCCA accepts the conclusions contained in the HIA and offer no objection to the proposed development.

- 4.15 **Natural England** raised no comments.
- 4.16 **Derbyshire Wildlife Trust (DWT)** raised no objection to the proposed development. Only one concern is raised but this relates to grassland classification outside the managed hotel grounds. DWT note that the Preliminary Ecological Assessment (PEA) is of good quality and helps inform the Biodiversity Impact Assessment. Part of the site is within a potential Local Wildlife Site (pLWS). Further survey work between May and August of this grassland will inform any amendments required to the habitat creation/enhancement. DWT welcome the pond creation providing it doesn't impact other valuable habitats. DWT welcome the Great Crested Newt Mitigation Strategy. A number of conditions are proposed covering Biodiversity Net Gain, Landscape and Ecological Management Plan, Construction Environmental Management Plan, Great Crested Newt Mitigation and lighting details.
- 4.17 **Yorkshire Water Authority (YWA)** raised no comments.
- 4.18 **Council's Drainage Engineer** raised no comments.
- 4.19 **Lead Local Flood Authority (LLFA)** raised no objection to the proposal subject to conditions relating to addressing and dealing with surface water drainage matters resulting from the development and future use of the site.
- 4.20 **Environment Agency (EA)** note the submission of additional foul drainage details to them on 27 January 2022. The EA provided comments on foul drainage, the proposed swimming pool and borehole impacts, these are considered below:
- 4.21 Foul Drainage  
The Environment Agency's drainage hierarchy states that where connection to the mains sewerage is not possible then the 1st presumption should be the use of a package treatment plant (PTP). Therefore investigations must be made into the potential for the use of a PTP and justification provided for the final scheme proposed. Any discharge from a PTP would require a Permit from the Environment Agency unless an exemption applies. No objection subject to a condition.
- 4.22 Swimming Pool  
The additional information submitted makes reference to a backwash tank. Any emptying of the tank would require the services of a waste carrier. Discharge of filter backwash to ground would require an application to be made for a bespoke environmental permit and it is not guaranteed that such a permit would be granted. The backwash shall not be discharged via a PTP. All swimming pool drain-down water must be left in a holding

tank, or the pool, for two to five days to allow disinfectant concentrations to reduce before it is discharged. Natural venting must take place when chlorine or bromine has been used. A permit may be required to discharge the drain-down to ground or surface water.

4.23 **Borehole**

It is likely that an abstraction licence would be required if someone wants to abstract (take) more than 20 cubic metres per day from either a surface or groundwater source (i.e. a stream or aquifer). Information on how water resources are managed can be found on [www.Gov.UK](http://www.Gov.UK). When a licence is required, the EA consider impacts of a proposed abstraction on the environment and other water users when making a decision on the licence application. Further, for groundwater abstractions, an applicant would need to go through the Ground Investigation Consent process first; this may involve surveying local water features (such as private boreholes and wells) and a pump test (which may include monitoring of these features), to establish any effects on the groundwater regime. The EA's approach to groundwater protection document sets out what any developer would need to consider with respect to groundwater. In particular Part N provide further detail on how we manage groundwater resources.

4.24 The **Ramblers Association** raised no objection to the proposal. However they note that building operations will be taking place less than 6m from Ashover FP 127 and would request that every effort is made to protect the path and ensure that it is kept open and safe to use during the period of the development. Please note that the associated section of footpath forms part of the prestigious Chesterfield Round walk. The Chesterfield round Walk is used each year as part of the Chesterfield Area Walking Festival. This year, 2022, the walk will be in May, it is important that the route is kept open during this particular period.

4.25 **Peak and Northern Footpaths Society** raised no comments.

4.26 **DCC Rights Of Way** raised no comments.

4.27 **British Horse Society** raised no comments.

4.28 **Chesterfield Cycle Campaign** raised no comments.

4.29 **DCC Infrastructure/Policy Team** raised no comments.

4.30 **Council's Economic Development Unit** requested an employment and skills condition be included in any decision.

4.31 The **Peak District National Park Authority (PDNPA)** commented that from the perspective of the setting of the Peak District National Park, it is

considered that the proposal would be less harmful to the landscape setting than the previously approved application 15/00312/FL for twenty holiday lodges. Therefore, on the basis that a legal agreement is entered into to ensure that 15/00312/FL is not implemented we would not have an objection to this current application.

## **5.0 Representations**

5.1 The application was publicised by way of neighbour letters and the display of a site notices adjacent to the site. Two site notices were placed around the site including one on the footpath sign close to the hotel and another on a footpath sign on Belland Lane. The site notices expired on 8 February 2022. An advert was also placed in the local press on 20 January and expired on 10 February 2022.

5.2 9 local residents (6 supporting and 3 objecting) have made representations raising the following comments in support/objection to the proposed development:

### **5.3 Supporting comments:**

- Expansion of Peak Edge will attract more tourism to the area
- High quality form of development
- Creation of new jobs in area
- Support local business through supplying to restaurant and hotel
- The scheme will replace the already granted 20 holiday lodges - Hotel extension with spa more appropriate form of development
- proposal for the hotel and spa is much better for the local environment and local residents and presents a far more beneficial solution for all concerned rather than the lodges
- Additional rooms being available for weddings and other functions
- Great demand for high quality spa facility
- Siting of hotel does not stand out as the site sits in a natural bowl

### **5.4 Objection comments:**

- Concern at the impact on the water table and impact on local bore holes and supply
- Flow of natural spring water in area already low in summer months
- No survey on proposed developments impact on local water supply
- Noise and disturbance to residents of Myrtle Grove, with eastern elevation of the extension facing this property. This elevation includes balconies. Contrary to LP Policy SDC13.
- Increase in car parking close to Myrtle Grove will be harmful to amenity
- Proposed terraces and balconies will overlook Myrtle Grove having a detrimental impact on their quality of life
- Proposed development will expand the current sprawl of the hotel, which will be harmful to the character of the area.



- Development will overshadow Myrtle Grove
- The site is a sensitive landscape area, and the proposal will have a significant adverse impact on the Derbyshire Peak Fringe and Lower Derwent National Character Area which is a primary area of multiple environmental sensitivity, contrary to LP policy WC5, SDC3 and Ashover NP AP13.
- Proposal will cause significant harm to the character, quality, distinctiveness or sensitivity of the landscape or other perceptual qualities such as tranquility.
- Proposal will detract from the tranquility of the area. Derbyshire County Council carried out a study of tranquility based on research by the CPRE and this site is within an area with above average tranquility.
- Proposal will increase, especially from balconies and outdoor terrace light pollution in the area contrary to Ashover NP policy AP19.

5.5 Following the receipt of amended plans immediate neighbouring residents were re-consulted. No comments have been received at the time of drafting this report, but any comments received between this and the planning committee date will be recorded in the late representations pack prior to the meeting on 22<sup>nd</sup> March.

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

### **North East Derbyshire Local Plan 2014-2034 (LP)**

6.1 The following policies of the LP are material to the determination of this application:

SS1 Sustainable Development  
 SS9 Development in the Countryside  
 WC5 Visitor and Tourism Development  
 SDC3 Landscape Character  
 SDC4 Biodiversity and Geodiversity  
 SDC7 Scheduled Monuments and Archeology  
 SDC11 Flood Risk and Drainage  
 SDC12 High Quality Design and Place making  
 SDC14 Land Potentially affected by Contamination or Instability  
 ID3 Sustainable Travel  
 ID8 Greenways and Public Rights of Way

### **Ashover Neighbourhood Plan (ANP) adopted February 2018**

6.2 The following policies of the ANP are material to the determination of this application:

AP2 Development Proposals Outside the Limits to Development

AP9 Protection and Enhancement of Community Facilities  
AP11 Design  
AP12 Listed Buildings  
AP13 Landscape Character  
AP19 Dark Skies  
AP20 Traffic  
AP21 Footpaths, Cycleways and Bridleways

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

- 6.3 The overarching aims of the National Planning Policy Framework (NPPF) have been considered in the assessment of this application.

### **Other Material Planning Considerations**

- 6.4 Successful Places Interim Planning Guidance, adopted December 2013
- 6.5 The following adopted **Supplementary Planning Documents** are relevant to this application:
- Sustainable Buildings and Developer Contributions
  - Successful Places Interim Planning Guidance

## **7.0 Planning Issues**

### **Principle of Development**

- 7.1 Local Plan policy SS1 considers sustainable development in the District and development proposals will support the local economy by contributing towards business expansion and growth; reduce the need for energy in new developments and ensure that it can use energy efficiently through the lifetime of the development; create well designed places; protect and enhance the character, quality and setting of heritage assets; and play a positive role in adapting to and mitigating the effects of climate change and take into account land stability risks and where necessary incorporate mitigation measures to address the risk.
- 7.2 Policy SS9 of the Local Plan covers development in the countryside and states that development will be approved where it can be demonstrated that to fall into one or more of the listed categories. This list includes extensions to visitor accommodation, where proposals are in line with Policy WC5 and WC6. In all cases, where development is considered acceptable, it will be required to respect the form, scale and character of the landscape, through careful siting, scale, design and use of materials.

- 7.3 As mentioned above, Policy WC5 of the Local Plan considers visitor and tourism development in the District. The policy is supportive of development with links to the Peak District National Park. In all cases, proposals will be expected to be well located to local transport networks and accessible by public transport; be of a scale which is compatible with the role of any nearby settlement; ensure visitor numbers can be accommodated without detriment to the environment or vitality of existing centres; respect local landscape character and the character and appearance of the open countryside; respect the sites location through careful siting, scale, design and use of materials; and not have a significant adverse impact on any environmental designation. Furthermore, in countryside locations, proposals for new or extensions to, exiting visitor accommodation will be permitted where it is not used for permanent residential occupation.
- 7.4 Landscape policy SDC3 of the Local Plan states that proposals for new development will only be permitted where they would not cause significant harm to the character, quality, distinctiveness or sensitivity of the landscape, or to important features or views, or other perceptual qualities such as tranquillity. The policy expands to state that proposals should be informed by, and be sympathetic to, the distinctive landscape areas identified in the Derbyshire Landscape Character Assessment and the Areas of Multiple Environmental Sensitivity (AMES) and contribute, where appropriate, to the conservation and enhancement, or restoration and re-creation of the local landscape taking into account its wider landscape character. The policy is clear that planning permission will not be granted for development outside the Peak District National Park which would damage or significantly affect the National Park purposes or its valued characteristics.
- 7.5 The site lies close to a scheduled ancient monument. Local Plan policy SDC7 states that proposals for development that affect heritage assets with archaeological interest will be permitted provided that it can be demonstrated that the development will not be harmful to the archaeological interest of the heritage assets or their settings, having regard to their significance.
- 7.6 The Ashover Neighbourhood Plan (ANP) includes policy AP2 which states that countryside settings will be protected for the sake of its intrinsic character and beauty. Development proposals will be carefully controlled and limited to that which supports the rural economy and needs to be in the countryside. In all cases development will not be seriously intrusive in the countryside and will respect the character of existing settlements and their setting.

- 7.7 ANP policy AP12 considers that development proposals that enhance the conservation, longevity and appreciation of listed buildings, including scheduled ancient monuments will be encouraged.
- 7.8 Landscape is an important and highly valued environmental resource within Ashover Parish. Policy AP13 of the ANP states that development proposals are required to demonstrate that they respect the distinctive landscape character of the area as identified in the Derbyshire Peak Fringe and Lower Derwent Landscape Character Area. Impact upon the landscape will be assessed having regard to the extent to which the development would: cause an unacceptable visual intrusion; adversely affect landscape elements which contribute to the landscape character such as landform, field boundaries or settlement patterns; introduce or remove incongruous landscape elements; and disturb or detract from the visual amenity and tranquillity by the attraction of large numbers of people or excessive traffic.
- 7.9 The National Planning Policy Framework (NPPF) supports a prosperous rural economy. At paragraph 83 it states that decisions should enable the the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings; the development and diversification of agricultural and other land-based rural businesses; sustainable rural tourism and leisure developments which respect the character of the countryside; and the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.
- 7.10 In view of the above, the principle of development is considered acceptable in this case subject to an assessment against the various strands of planning policy as outlined above.

### **Previously Approved Lodges**

- 7.11 In 2015, planning permission was granted (ref: 15/00312/FL) for the construction of 20 holiday lodges and associated works. The approved scheme can be seen below in Figure 5.



*Figure 5: 2015 approved scheme for 20 holiday lodges*

- 7.12 Following the approval of the above scheme, an application was submitted (ref: 17/00221/DISCON) to discharge a number of conditions. The Local Planning Authority (LPA) approved details relating to conditions 5 (Landscaping), 7 (Ecological Management Plan), 9 (Turning Areas), 15 (Bin Storage) and 17 (Boundary treatments). A number of pre-commencement conditions were not discharged before work commenced on site, however Officers are of the view that these did not go to the heart of the planning permission and were not necessary to allow development to commence on site.
- 7.13 The 2015 permission included a condition which required the upgrading of the western site access onto Darley Road. It appears that this work had been completed prior to 11<sup>th</sup> May 2019, the date of which the aforementioned planning permission was due to expire.
- 7.14 From the evidence before Officers, it appears that the 2015 permission remains extant and could be fully implemented. The applicant however is willing to enter into a Unilateral Undertaking Agreement (UUA) with the Council to agree not to fully implement these lodges in return for permission being granted in this case for the hotel and spa extension. If Committee is minded to grant permission for the proposed development, a UUA should be in place prior to any planning permission being issued. An update on the position of the UUA will be provided to members as necessary at the Planning Committee meeting.

## **Landscape Considerations**

- 7.15 Local Plan policy SDC3 states that proposals for new development will only be permitted where they would not cause significant harm to the character, quality, distinctiveness or sensitivity of the landscape, or to important features or views, or other perceptual qualities such as tranquillity. The policy expands to state that proposals should be informed by, and be sympathetic to, the distinctive landscape areas identified in the Derbyshire Landscape Character Assessment and the Areas of Multiple Environmental Sensitivity (AMES) and contribute, where appropriate, to the conservation and enhancement, or restoration and re-creation of the local landscape taking into account its wider landscape character. The policy is clear that planning permission will not be granted for development outside the Peak District National Park which would damage or significantly affect the National Park purposes or its valued characteristics.
- 7.16 ANP Policy AP13 states that development proposals are required to demonstrate that they respect the distinctive landscape character of the area as identified in the Derbyshire Peak Fringe and Lower Derwent Landscape Character Area. Impact upon the landscape will be assessed having regard to the extent to which the development would: cause an unacceptable visual intrusion; adversely affect landscape elements which contribute to the landscape character such as landform, field boundaries or settlement patterns; introduce or remove incongruous landscape elements; and disturb or detract from the visual amenity and tranquillity by the attraction of large numbers of people or excessive traffic.
- 7.17 The site is identified as forming part of the Derbyshire Peak Fringe and Lower Derwent National Character Area and Landscape Character Type of Enclosed Moors and Heaths. In addition to this a study of landscape character by Derbyshire County Council identifies the site as being within a Primary Area of Multiple Environmental Sensitivity (AMES) considered to be the most sensitive areas of landscape, and which are most likely to be negatively affected by change or development. In these areas there will be a strong focus on the protection and conservation of their environmental assets.
- 7.18 ANP policy AP2 states that countryside settings will be protected for the sake of its intrinsic character and beauty. Development proposals will be carefully controlled and limited to that which supports the rural economy and needs to be in the countryside. In all cases development will not be seriously intrusive in the countryside and will respect the character of existing settlements and their setting. Furthermore policy AP19 of the ANP seeks to limit light pollution from artificial externally visible light sources. The site is identified as a “dark skies” area.
- 7.19 The main planning consideration here is whether or not the proposal development would have a greater impact than the previously approved

holiday lodges, the “fall back” position. The previously approved scheme involved 20 holiday lodges spaced out over a large area. The proposed scheme seeks to replace that permission with an extension to the hotel and create a spa. The current proposal also includes a range of landscape and biodiversity enhancements.

- 7.20 The amended scheme includes a large extension to the hotel extending south from the existing hotel. At the southern tip of the proposed hotel extension would be a spa facility, with small sunken outdoor area. Included in the scheme is a comprehensive landscape and ecological enhancements.
- 7.21 In light of the sensitive landscape issues under consideration as part of this application, the LPA commissioned an independent landscape and visual impact assessment to understand the impact of the proposed development on the wider countryside setting and draw comparisons with the previously approved lodges scheme. The report; Landscape and Visual Statement - Critical Review, dated February 2022 follows national landscape character assessment guidance.
- 7.22 The report notes that the proposed development will extend further south and result in the loss of some existing features, but the proposal includes a comprehensive scheme of landscape mitigation and enhancement. It is noted that the site sits in a small bowl and far reaching views will be somewhat limited.
- 7.23 The report concludes that the proposed development will have more cohesion with the existing built form on site than the previously approved lodges. Overall, the report considers that the impacts on the landscape character are low and this proposal is preferable to the introduction of the previously approved lodges.
- 7.24 In view of the above, and the “fall back” position, Officers are minded to conclude that whilst the proposed development will have an impact on the landscape character in this location it would have a lesser impact than the previously approved lodges. As such, subject to the agreement of the Unilateral Undertaking Agreement to prevent the further development of the lodges permission, the proposed extension is supported by Officers on this basis.

### **Design Considerations**

- 7.25 Policy SS1 of the Local Plan supports proposals that will create well designed places that are accessible, durable, adaptable and enhance local distinctiveness and reduce the need for energy in new development

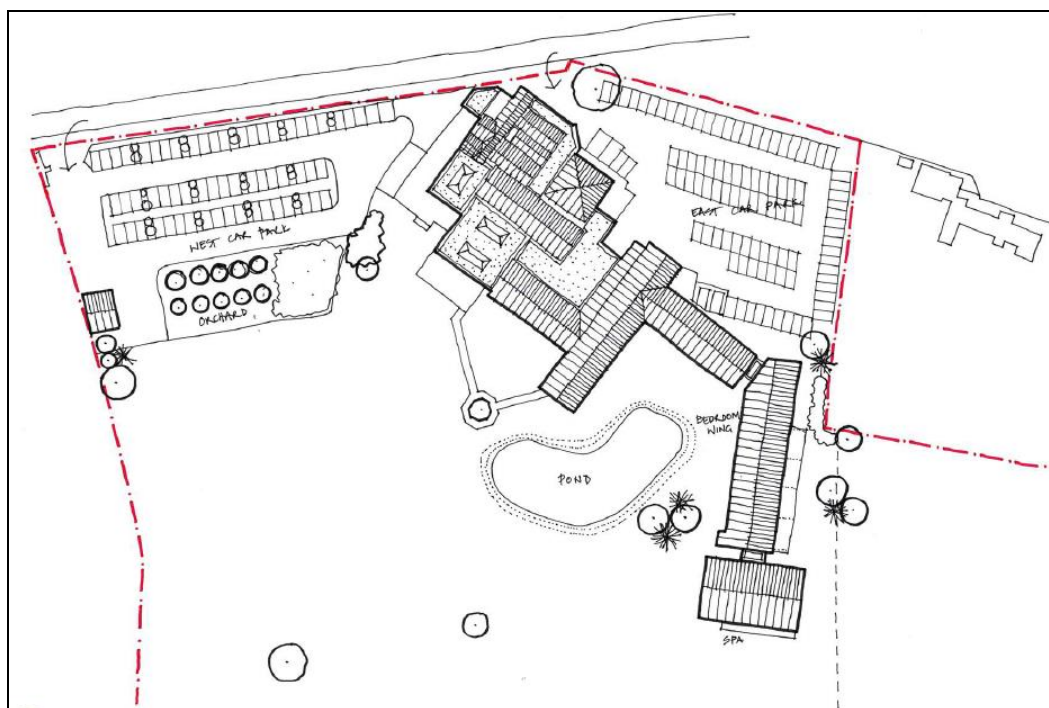
and ensure that it can use energy efficiently through the life time of the development.

- 7.26 Policy SS9 of the Local Plan states that all development which is considered acceptable outside the Settlement Development Limits will be required to respect the form, scale and character of the landscape through careful siting, scale, design and use of materials.
- 7.27 Local Plan policy SDC12 states that all development should be of a high quality and make a positive contribution to the quality of the local environment. Proposals will only be permitted providing that they respond positively to local character and context to preserve and where possible enhance the quality and local identity of their surroundings; provide integrated public open space; create good design which is well related to its site and surroundings in terms of its layout, form, height, massing, scale, plot size, elevational treatments, materials, streetscape and rooflines which effectively integrates the building into their local setting; includes boundary treatments and landscaping which are well designed and create strong physical features which provide visual and functional separation from the site's surroundings. Where appropriate, effective landscape buffers will be required which create appropriate transition between urban and rural environments; Protect the amenity of existing occupiers and create a good quality of amenity for future occupants of land or buildings including in relation to privacy, overlooking, overshadowing and/or any overbearing impacts; maintains or enhances important existing site features of landscape, ecological, heritage or amenity value as integral elements of the design; includes measures to promote environmental sustainability, including those which address energy and water efficiency where practicable and viable to do so; makes provision for private amenity space, storage and recycling facilities, and vehicle and cycle parking; incorporates measures to minimise opportunities for crime and anti-social behaviour; and creates good design which can be accessed by, and is inclusive for all users.
- 7.28 Similarly policy AP11 of the ANP states that development proposals should be designed well and sensitively to ensure that the high quality built environment of the Parish is maintained and enhanced. They should respect local character having regard to scale, density, massing, layout, materials and access, as appropriate. Proposals should enhance and reinforce local distinctiveness and show how development responds positively to the characteristics of the site and its surroundings. Development should follow a consistent design approach and have regard to the Council's Successful Places Interim Planning Guidance.
- 7.29 The existing site has been transformed over the years from a modest public house to a large, extended hotel/public house. Included in recent



permissions has been development to the east to create a hotel wing together with extensions and car park to the west. The extant permission for 20 lodges to the south of the application site is also material to the determination of this application.

- 7.30 The proposed scheme seeks to create a 29 bedroom extension to the hotel and associated spa complex. The proposal has gone through a design review (August 2021) and is essentially being considered instead of the extant lodges permission. The design review considered a slightly different scheme (see Figure 6 below) and provided comments on the site history, the proposed plans, the site masterplan, landscaping strategy, site options, the proposed built form and materials palette. The design review recommended that a more comprehensive site wide masterplan be prepared to create a cohesive and legible development, encouraged a site wide landscape framework, exploration of the siting, progressing and developing the design development to respect the existing built form and take into account the dark skies policy in the ANP.



*Figure 6: Scheme considered as part of design review*

- 7.31 A comprehensive Design and Access Statement has been submitted with the application which explores how this design has evolved since the design review process to submission.
- 7.32 A site appraisal has been undertaken as part of the planning application submission and a number of other options for the proposed extension considered. The final position of the proposed extension is considered to be the optimal position in design and usability.

- 7.33 The proposal includes a comprehensive landscaping masterplan and biodiversity assessment. An amended landscape masterplan has been submitted which seeks to introduce native landscaping, wildlife pond and landscaped bunding to help screen views from neighbouring properties. The plan also illustrates proposed boundary fencing across the site in the form of estate railings. The final landscaping and boundary treatment details can be covered by way of condition on any decision.
- 7.34 The scale of the proposed extension (Figure 7 below) is largely determined by the accommodation it provides and will be slightly taller than the hotel extension in situ. Recessed glazing is proposed to limit light spill. The finished materials are proposed to be stone masonry and slate with matching roof pitch to the existing hotel. Final details of which will be approved by way of condition on any approval.



*Figure 7: Proposed extension when viewed against existing built form*

- 7.35 The spa would have a dry and wet area, along with an outdoor space. This element (seen below in Figure 8 and 9) will be set down from the main hotel extension and be constructed of coursed stone, with powder coated aluminium glazing, timber framework and slate roof.



*Figure 8: Visualisation of proposed extension when viewed from the west*



*Figure 9: Visualisation of the proposed spa*

- 7.36 The site falls into an area which is designated as a Dark Skies in the Ashover Neighbourhood Plan (ANP). Policy AP19 of the ANP requires development to limit the impact of light pollution from artificial externally visible light sources. Any proposals to install lighting in areas of the Parish which are current dark at night will be resisted. As such a condition should be included on any decision to cover the submission of an appropriate scheme of lighting.
- 7.37 The proposal seeks to include a scheme of public art to enhance the scheme and engage with the local community. This can be covered by way of a condition on any decision issued by the LPA.
- 7.38 In addition to the above, the applicant is keen to meet, or where possible, exceed the current Building Regulations for heat loss or air-tightness. Ground Source Heating and Air Source heating is being considered and water saving is important in the design of the build. In view of this Officers consider that a sustainable building condition be included in any decision to understand the opportunities that can be incorporated into the proposed development and secure their implementation.
- 7.39 The proposed scheme will be accessible to people of all ages and capabilities, and it is vital that the hotel and spa be accessible to all. The scheme will be designed as such. This matter is covered by Building Regulations, but is a welcome design consideration in line with the aims of policy SDC12 of the Local Plan.
- 7.40 Officers are of the opinion that the proposed development would respond positively, by virtue of its layout, form, height, massing, scale, elevational treatments, materials and roofline, to local character and context to preserve the quality and local identity of their surroundings. A strong landscaping and biodiversity enhancement scheme is proposed which will

enhance the site's setting and soften the feel of the overall site in the local context. The proposal will also include elements to promote environmental sustainability and be inclusive for all. Overall it is considered by Officers that this scheme represents sound design which would be more appropriate in this setting than the previously approved scheme for 20 lodges.

### **Residential and Neighbouring Land Uses Impact**

- 7.41 The properties most likely to be affected by the proposed development are Myrtle Grove and an agricultural barn/stable currently being converted to the east of the application site. Rock House also sits in close proximity to the site to the north east on the opposite side of Darley Road. A complex of buildings including Spring Cottage, Bramble Barn and Cherry Tree Farm lie to the west. To the south east on Belland Lane are Cupola Farm, Gelena Farm and Chadwick Hill House Farm. Further to the south are Rowan Lodge and Belland House.
- 7.42 Agricultural land sits to the west and south of the site. A public footpath (PRoW 127) crosses east along the northern edge of the main car park and extends south along the boundary with Myrtle Grove. It then heads east towards Matlock Road.
- 7.43 Local Plan policy SDC12 states that development should protect the amenity of existing occupiers and create a good quality of amenity for future occupants of land or buildings including in relation to privacy, overlooking, overshadowing and/or any overbearing impacts.
- 7.44 The proposed development will result in a large extension to the hotel complex, and include a spa facility. The extension will extend south from the existing hotel and rooms will be created over three levels (with the upper floor being in the roof space). Some rooms are provided with balconies and the spa includes an outdoor seating area to the south and east.
- 7.45 The amended scheme sought to overcome initial Officer and EHO concerns relating to the impact on the residents of Myrtle Grove to the north east from potential overlooking and noise. The amended scheme is now proposed to be pivoted west away from Myrtle Grove and upper floor (roof slope only) balconies are shifted from the eastern boundary to the western elevation. An amended landscape masterplan also proposes landscaped bunding to help screen views into and out of the site which in Officers opinion would be beneficial to neighbouring privacy and amenity.
- 7.46 Officers consider that these amendments overcome the initial concerns and the impact on the privacy and amenity of residents of Myrtle Grove,

future users of the site, neighbouring land users and other nearby properties subject to the inclusion of conditions requested by the Council's EHO relating to construction hours, control of balcony areas, external lighting and control of noise from fixed plant.

- 7.47 The proposal would also increase vehicle movements into the site, however it is not considered that this would adversely impact on neighbouring resident's privacy and amenity.
- 7.48 Officers are satisfied that the impact on other residents in the immediate vicinity of the site would not be adversely affected as a result of the proposed development.

### **Heritage Considerations**

- 7.49 The application site lies a short distance to the east of the Scheduled Monument (1020718) 'Stone Edge Smelt Mill at Moss Farm', a nationally important eighteenth and nineteenth century lead smelt mill of which substantial below ground remains survive along with an associated pond and an extremely rare survival of an upstanding eighteenth century industrial chimney. The archaeological site is also entered on the Derbyshire Historic Environment Record (MDR4983).
- 7.50 Local Plan policy SDC7 states that development that affects heritage assets with archaeological interest will be permitted provided that it can be demonstrated that the development will not be harmful to the archaeological interest of the assets or their settings, having regard to their significance.
- 7.51 The NPPF requires Local Planning Authorities to consider the potential direct or indirect impact on heritage assets. Greater weight should also be given to considering the impact of a proposed development where a designated heritage assets are involved. A suitable heritage assessment should be submitted to clearly assess the harm to such assets. Substantial harm or loss of significance to assets of the highest significance (i.e. scheduled monuments) should be 'wholly exceptional'.
- 7.52 A Heritage Impact Assessment (HIA) has been submitted, prepared by Blue Willow Heritage. The report considers the setting of the nearby Scheduled Ancient Monument and concludes that the proposed development will result in a neutral impact in terms of the setting of the scheduled monument of Stone Edge Smelt Mill (NHLE 1020718), principally through the fact that it will not impact upon any key views to or from the site, nor will it erode the prevailing rural landscape character which contributes to its overall significance. Overall, the proposed development is considered to have a neutral effect on the significance of

the adjacent designated heritage assets. Furthermore the proposed development would be of an appropriate scale, massing, sympathetic design and will not have any adverse effect upon the setting or significance of the surrounding heritage assets.

- 7.53 Historic England (HE) initially raised concern at the lack of information submitted with the application noting that the chimney is thought to be the earliest free standing industrial chimney in England. The site is of amenity value since it lies in a prominent location beside a road and is crossed by a public footpath. The chimney is a prominent landmark.' The monument sits in a landscape context of rough pasture and stone walled fields little altered since its construction, the monument gains significance from this landscape context and the intrusion of development would represent harm to its significance.
- 7.54 Following the submission of the HIA, HE have been re-consulted. At the time of writing this report no comments had been received. Any comments received from HE will be reported to members of planning committee in the late representations update.
- 7.55 However, the County Council Archeologist (DCCA) notes the importance of the scheduled monument and that the structure is entered on the Derbyshire Historic Environment Record (MDR4983). Without a thorough assessment of the nearby historic interests it was not considered that the application should be determined.
- 7.56 The DCCA was re-consulted on the submitted HIA prepared by Blue Willow Heritage and considered that the HIA has been undertaken appropriately and fulfilled the need for such an assessment. The DCCA accepts the conclusions of the HIA and offers no objection to the proposal.
- 7.57 The Councils Conservation Officer notes the submitted HIA and has no comments.
- 7.58 Officers note that the submitted HIA is considered to have a neutral effect on the significance of the adjacent designated heritage assets. The proposed development has to be weighed against the approval of 20 holiday lodges. In return for the approval of this scheme the developer is willing to relinquish the planning permission for lodges. As such Officers are minded to conclude that the proposed development would have no greater impact on the setting and significance of the nearby heritage asset and will represent more appropriate development than the lodges from a heritage impact perspective.
- 7.59 Furthermore, the comments of the DCCA support that conclusion and whilst noting the original comments of HE, Officers consider that the

additional submitted information and the subsequent comments received mean that in this case the original HE comments should not be considered overriding.

### **Highway Safety Considerations**

- 7.60 The site is an active hotel and public house, with restaurant and wedding/conference facilities. The proposal will see an extension to the existing hotel (29 additional rooms) and the creation of a spa facility.
- 7.61 The site is situated to the south of the Darley Road (B5057), a classified road subject to a 60mph speed limit. The site benefits from two existing access points to the B5057, which are considered acceptable due to the straight alignment of the Darley Road adjacent the site.
- 7.62 There are no footways on Darley Road and no public transport facilities in the immediate area (the nearest bus stop is on Matlock Road). As such the new development will be highly reliant on visits to the site by motor vehicle.
- 7.63 Within the site are two areas of car parking, to the east in front of the main public house and hotel, and a secondary area to the west of the site.
- 7.64 A Parking Assessment has been submitted by the agent. It confirms that there are 160 spaces available at the hotel, comprising 99 spaces to the north and 61 to the west. The proposed development would create an additional 29 rooms and a spa. The assessment illustrates the parking impact from two busy events in February. The illustrations show that there was ample space available on site on these dates. The conclusion of the assessment is that there is sufficient car parking available on site.
- 7.65 The Local Plan includes no required parking standards for development and states at policy ID3 that planning permission will only be refused on transport grounds if there would be an unacceptable impact on highway safety, or where the residual cumulative impacts on the road network would be severe.
- 7.66 The LPA rely on the DCC parking standards which were approved in 1993. These standards set parking standards for public houses (1 customer space per 3sqm of public area and 1 staff space per 40sqm. Min 20 spaces), restaurants (1 customer space per 4sqm of public area, plus 1 staff space per 10 tables or 40sqm), hotels (1 space per bedroom and 1 staff space per 40sqm), conference facilities (1 space per 3sqm, in excess of 100sqm considered on a case by case basis) and leisure facilities (parking required for max number of users). Officers note that it does not offer a one size fits all for a scheme of this nature.



- 7.67 The Highways Authority (HA) considered the submitted Parking Statement and Additional information. Based on this information provided the HA consider that, subject to conditions covering site accommodation during the construction phase and the inclusion of wheel washing, a refusal on highway safety grounds would be difficult to sustain.
- 7.68 The NPPF is clear that development should only be prevented or refused on highway safety grounds if there would be an unacceptable impact on highway safety, or have a residual cumulative impacts on the road network would be severe.
- 7.69 Officers consider that the proposed development would have sufficient on-site parking and not lead to an unacceptable impact on highway safety, or have a residual cumulative severe impact on the surrounding road network.

### **Drainage Considerations**

- 7.70 The site falls in Flood Zone 1 with the lowest probability of flooding. The site is served by a private bore hole and private drainage system.
- 7.71 The proposal seeks to limit water use and will store surface water in balancing ponds. A Flood Risk Assessment has been submitted by HBL Associates, dated December 2021. The report concludes that a SuDS based system is appropriate for this site.
- 7.72 The Lead Local Flood Authority (LLFA) raised no objections subject to drainage conditions being included on any decision issues by the LPA.
- 7.73 Yorkshire Water raised no comments.
- 7.74 The Council's Drainage Engineer raised no comments.
- 7.75 The Environment Agency (EA) commented on foul drainage, the proposed swimming pool and on the borehole. No objection is raised to these elements subject to conditions (see section 9 below). It is also confirmed that licensing will be required for water abstraction but this is covered under Building Regulations legislation. These comments can be covered by way of a note included in any decision issued by the LPA.
- 7.76 The Council's EHO also commented on water abstraction. They comment that commercial water supply is covered under the Private Water Supply (England) Regulations and a note should be included on any decision requiring the developer to develop a Water Safety Plan.



- 7.77 Concerns have been raised by local residents in relation to the impacts on the water table and the level of water extracted by the applicant. As discussed above, Officers consider that these matters fall outside the planning process and are covered by separate legislation and licencing. Furthermore no objection has been raised by statutory consultees to the proposal.
- 7.78 In view of the above, Officers consider that the proposed development can be adequately drained and will not adversely affect the local environment, amenity or public health.

### **Land Contamination/Land Stability Considerations**

- 7.79 A Phase 1 (Desk Study) Site Investigation Report has been submitted, prepared by HBL Associates Ltd. The report concludes that there is a negligible risk of the soils beneath the site being impacted by elevation concentrations of contaminants as a result of the sites previous use. Therefore the overall risk is negligible to all receptors. It is however considered that basic Radon protection measures will be required. This is covered by Building Regulations.
- 7.80 The Council's Environmental Health Officer (EHO) has raised no objections to the proposal.
- 7.81 The Environment Agency (EA) raised no comments on these matters.
- 7.82 Officers conclude that there are no technical reasons relating to land contamination or land stability that would preclude development.

### **Ecological Considerations**

- 7.83 A Preliminary Ecological Appraisal (PEA), outline Great Crested New Mitigation Strategy (GCNMS), Amended Landscape Masterplan, a Biodiversity Impact Assessment (BIA) all prepared by Weddle Landscape Design, Biodiversity Metric 3.0 and Design and Access Statement have been submitted to support the proposed development.
- 7.84 DWT raised no objection in principle to the proposed development. Their only concern was that grassland to the south, outside the hotel grounds, needs further survey work undertaken in the summer. This will help inform any amendments required to the habitat creation/enhancement scheme. DWT welcome and note the quality of the submitted PEA, BIA and GCNMS. In view of this no objection is raised subject to a number of conditions.

- 7.85 An amended landscaping masterplan has been submitted adding to the potential for native landscaping being introduced on site and the inclusion of a wildlife pond.
- 7.86 As a result of the conclusions of the submitted report and the comments of DWT, Officers conclude that, subject to conditions, the proposed development would provide a net gain for biodiversity. Furthermore, development would not have an adverse impact on protected species.

### **Other Considerations**

- 7.87 As discussed above the applicant is willing to enter into a Unilateral Undertaking Agreement (UUA) with the Council to relinquish the extant 20 holiday lodge permission if planning permission is granted for this proposed hotel extension. At the time of writing this report the UUA was being signed by the necessary parties and should be complete prior to planning committee meeting. Any update on the progress of the UUA will be reported to members as necessary.
- 7.88 The applicant is keen to tender for works locally. The Council's Economic Development Unit, Employment and Skills Officer requested that a training and employment condition be included in any decision. The Council has a Working Communities Strategy which seeks to enhance employment, training and skills within the community. As such Officers consider that this condition should be included in any decision.

## **8.0 Summary and Conclusion**

- 8.1 The proposal seeks to extend a current hotel and public house to create an additional 29 bedrooms and spa. Local and National Planning Policy supports the principle of extending established businesses in the countryside.
- 8.2 The site has an extant planning permission (application ref: 15/00312/FL) for 20 holiday lodges served from the western access into the site. The applicant is willing to enter into a legal agreement with the Council to not fully implement this permission in return for approval of the scheme before members. Officers consider that this weighs, for the reason set out above, in favour of the proposal.
- 8.3 In landscape terms, the proposed development is in a sensitive location, noted for its intrinsic character and beauty. An independent landscape assessment prepared on behalf of the LPA considered that the proposed extension to the hotel would be more favourable in landscape terms than the holiday lodges. Officers consider that, subject to the agreement of the UUA to prevent the further development of the holiday lodges permission,

the proposed extension is therefore supported in landscape impact terms on this basis.

- 8.4 The design of the proposal is of a high quality and will be an entirely different form of development to the extant lodges permission. Officers consider that efforts have been made to ensure that the scheme is of a high quality and it incorporates a scheme of landscape enhancement and sustainable building techniques. This is considered to weigh in favour of the application
- 8.5 The amended scheme before members would ensure that the privacy and amenity of neighbouring residents would not be unduly impacted by the proposed development.
- 8.6 The application site sits close to a Scheduled Monument, which is of national and local importance. A Heritage Impact Assessment submitted by the applicant is of the opinion that the proposed development would have a neutral effect on the significance of the adjacent designated heritage asset. Officers in weighing up the impact of the extant permission and this proposal conclude that the proposed development will not have any adverse overriding effect upon the setting or significance of the nearby ancient monument.
- 8.7 Officers consider that the proposed development would have sufficient on-site parking and not lead to an unacceptable impact on highway safety, or have a residual cumulative severe impact on the surrounding road network.
- 8.8 In ecological terms, the proposed development would provide a net gain for biodiversity and protect land to the south, which is a proposed Local Wildlife Site from development.
- 8.9 There are no technical drainage, water supply, contamination or stability reasons to outweigh the above conclusions.
- 8.10 In conclusion, and in weighing all these issues, the proposed development is, overall, considered in conformity with the Development Plan and National Planning policy. As such, Officers are of the opinion that the application is recommended for approval subject to conditions and subject to the agreement of the UUA.

## **9.0 Recommendation**

- 9.1 That planning permission is **CONDITIONALLY APPROVED subject to the prior agreement to a Unilateral Undertaking Agreement (as set out above in respect of the lodge development)**, with 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.

*[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:

- 11902-SELF-ZZ-DR-A-001 Rev C (Site Location Plan & Existing Site Plan)
- 1902-SELF-ZZ-DR-A-004 Rev G (Proposed Site Plan)
- 1902-SELF-ZZ-DR-A-005 Rev B (Proposed Hotel Extension Plans)
- 1902-SELF-ZZ-DR-A-006 Rev B (Proposed Hotel Extension Elevations)
- 1902-SELF-ZZ-DR-A-007 Rev B (Proposed Spa Plans)
- 1902-SELF-ZZ-DR-A-008 Rev B (Proposed Spa Elevations)
- 1902-SELF-ZZ-DR-A-009 Rev B (Proposed Sections)
- 1902-SELF-ZZ-DR-A-010 Rev C (Proposed Site Elevations)
- 1902-SELF-ZZ-DR-A-012 (Materiality and Elevations Treatments)

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

### **Construction/Design Details**

- 3) Notwithstanding the submitted details, before development commences, details of the existing ground levels, proposed finished floor levels of the extension 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 scenic countryside setting.]*

- 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 sensitive countryside setting.]*

- 5) Before above ground work commences, a plan to show the position, 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 prior to the first use of the extension hereby approved and retained as such thereafter.

*[Reason: In the interest of the character and appearance of the site and the surrounding sensitive countryside setting.]*

### **Landscaping**

- 6) Notwithstanding the submitted Landscape Masterplan, before above ground work 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 sensitive countryside setting.]*

- 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.

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

## **Employment**

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

*[Reason: In the interests of creating sustainable development in accordance with policy SS1 of the North East Derbyshire Local Plan and in the interest of the overarching aims of the Council.]*

## **Public Art**

- 9) Before above ground work commences, 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.]*

## **Climate Change**

- 10) Before the development hereby approved commences a scheme for mitigating climate change through the sustainable design and construction of the hotel extension/spa including the provision of sources of renewable energy shall be submitted to and approved in writing by the Local Planning Authority. 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, policies SS1 and SDC12 of the North East Derbyshire Local Plan and the National Planning Policy Framework.]*

## **Environmental Health**

- 11) Construction works on the site and deliveries to the site shall be undertaken only between the hours of 07.30am to 6pm Monday to Friday and 7.30am to 1pm on Saturday. There shall be no work

undertaken on site or deliveries to the site on Sundays or public holidays.

*[Reason: In the interest of highway safety, the amenity of neighbouring residents and hotel guests.]*

12) No external heating systems shall be provided to balcony areas.

*[Reason: In the interest of the amenity of neighbouring residents and to protect the surrounding countryside setting.]*

13) Before above ground work commences, a noise assessment, detailed design of the required external plant and HVAC equipment required in association with the approved development, along with a noise control scheme shall be submitted to and approved in writing by the Local Planning Authority. The approved external plant and any noise control measures shall be implemented in accordance with the approved details and retained as such thereafter.

*[Reason: In the interest of the amenity of neighbouring residents and hotel guests.]*

### **Land Contamination**

14) If any unexpected, visibly contaminated, or odorous material is encountered during redevelopment (given any previous desk study, site investigation and/or remediation work), works shall cease and remediation proposals for the material shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the remediation works shall be implemented in full and works recommenced.

*[Reason: To protect the environment and address any contamination issues.]*

### **Ecology**

15) The development shall be carried out in accordance with the submitted Biodiversity Net Gain Assessment (The Biodiversity Impact Assessment, Weddle Landscape Design, January 2022). The on-site habitat creation and enhancement shall be provided in accordance with the details in the Assessment and within a timetable that shall form part of the information submitted in the Landscape and Ecological Management Plan. The Assessment shall be subject to change based on the results of an update grassland survey of land outside the managed hotel grounds currently classified as 'other neutral

grassland'. The survey shall be carried out between May and August after a period without grazing and the biodiversity metric shall be updated as necessary if the grassland type or condition requires amending. The proposed habitat creation and enhancement shall subsequently be amended as required to ensure a net gain is still achieved and the final proposals approved in writing by the LPA and retained in perpetuity.

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

16) A Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority prior to the first use of any part of the development. The LEMP shall cover all retained, enhanced and created habitats, as identified in the submitted Biodiversity Net Gain Assessment (The Biodiversity Impact Assessment, Weddle Landscape Design, January 2022). The content of the LEMP shall include the following;

- a) Description and evaluation of features to be managed;
- b) Ecological trends and constraints on site that might influence management;
- c) Aims and objectives of management;
- d) Appropriate management options for achieving aims and objectives;
- e) Prescriptions for management actions;
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a thirty-year period);
- g) Details of the body or organization responsible for implementation of the plan;
- h) Ongoing monitoring and remedial measures.
- i) Enhancement measures in Section 5.3 of the Preliminary Ecological Appraisal (Weddle Landscape Design Rev A, December 2021).

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan shall be implemented in accordance with the approved details and retained as such thereafter.



*[Reason: In the interest of protecting wildlife and providing a net biodiversity gain. All in the interests of policies SDC2 and SDC4 of the North East Derbyshire 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”.
- 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).
- 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 SDC2 and SDC4 of the North East Derbyshire Local Plan.]*

- 18) All works shall proceed in accordance with the Outline Great Crested Newt Mitigation Strategy (Weddle Landscape Design, January 2022), which shall be implemented in full.

*[Reason: In the interest of protecting Great Crested Newts, all in accordance with policies SDC2 and SDC4 of the North East Derbyshire Local Plan.]*

- 19) Prior to the first occupation of any element of the development, hereby approved, a detailed lighting strategy shall be submitted to and approved in writing by the Local Planning Authority to safeguard surrounding habitats for nocturnal wildlife and to reduce obtrusive light on sensitive receptors. The scheme should provide details of the

chosen luminaires, their locations and any mitigating features such as dimmers, PIR sensors and timers. Dependent on the scale of proposed lighting, a lux contour plan may be required to demonstrate acceptable levels of light spill to any sensitive ecological zones/features and receptors. Guidelines can be found in Guidance Note 08/18 - Bats and Artificial Lighting in the UK (BCT and ILP, 2018) and “Guidance Notes for the Reduction of Obtrusive Light GN01:2011” produced by the Institution of Lighting Professionals. Such approved measures will be implemented in full and retained as such thereafter.

*[Reason: In the interest of protecting wildlife and in order to protect the amenity of neighbouring residents and in the interest of protecting the Dark Skies in this location.]*

## **Drainage**

20) No development shall take place until a detailed design and associated management and maintenance plan of the surface water drainage for the site, in accordance with the principles outlined within:

- a. Existing plans Prepared by Self Architects Drawing No. 11902-SELF-ZZ-M3-A-002.REV A, Date December 21.
- b. Proposed Site Plan. Drawing NO.11902-SELF-ZZ-M3-A-004 Rev D December 2021
- c. Flood Risk Assessment And Drainage Strategy Report Prepared by HBL Associates. REF:19439-HBL-XX-XX-PEH-DR-0001.REV-Dec 2021.
- d. Phase 1 Site investigation Report Prepared by HBL FOR 30TH November 2021 REF-600.14.01, Version-1.1.
- e. And DEFRA's Non-statutory technical standards for sustainable drainage systems (March 2015),

have been submitted to and approved in writing by the Local Planning Authority.

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

21) 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 or any subsequent guidance which supersedes this.

*[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.]*

- 22) 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.]*

- 23) The proposed Filter drains should not be brought into use until such a time as it is fully designed and constructed in line with CIRIA SuDS manual C753 and to the agreed specifications. An associated management and maintenance plan, in line with CIRIA SuDS Manual C753 is submitted to and approved in writing by the Local Planning Authority.

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

- 24) 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.]*

- 25) The development hereby permitted shall not be commenced until such time as a scheme of foul drainage has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

*[Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 174 of the National Planning Policy Framework.]*

### **Highway Safety**

- 26) 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, 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.

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

*[Reasons: In the interest of highway safety, all in accordance with Policies ID3 of the North East Derbyshire Local Plan.]*

### **Informatives:**

- a) DISCON
- b) NMA
- c) Pursuant to Sections 149 and 151 of the Highways Act 1980, steps shall be taken 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 applicant'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.
- d) LLFA Advisory/Informative Notes. As per letter dated 31 January 2022.
- e) Environment Agency: Please note their comments in the letter dated 15 February 2022 in relation to dealing with swimming pool water. Additional permits and licensing may be required.
- f) Under the Private Water Supply (England) Regulations the developer and water supplier must develop a Water Safety Plan of supply supply(which takes account of all supply users) to include as a minimum:
  - 1. A plan / schematic of the water supply (or reference to the one contained in this report if it is considered accurate).
  - 2. A written description of the water supply (or reference to the one contained in this report if it is considered accurate).
  - 3. A maintenance schedule for the water supply and any treatment systems, including infrastructure checks and storage tanks inspection and cleaning.
  - 4. A record of maintenance on the water supply and any treatment systems, including infrastructure checks and storage tanks inspection and cleaning.
  - 5. Copies of instructions for key equipment including treatment system validation certificates.
  - 6. An emergency plan for the provision of an alternative water supply in the case of insufficiency (i.e., procedure for use of an alternative source, bowsers etc.)
  - 7. A competent person or company should be appointed to manage the supply for maintenance, repairs and general supply management.

## **North East Derbyshire District Council**

### **Planning Committee**

**22 March 2022**

#### **Planning Appeals Lodged and Determined**

#### **Report No PM/13/21-22/AK of the Planning Manager – Development Management**

This report is public

#### **Purpose of the Report**

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

#### **1 Report Details**

##### **1.1 Appeals Lodged**

The following appeals have been lodged:-

**Ms Kate Corker - Application for use of land for keeping horses and construction of a stable building at Cowley Hall Farm, Cowley Lane, Holmesfield (21/00852/FL)**

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

**Mr and Mrs A Spencer - Proposed infill dwelling with detached garage (Affecting the setting of a Listed Building) at Land Between Ashcroft And Cherry Tree Farm, Matlock Road, Walton (21/00372/FL)**

Planning Officer – Alice Lockett [alice.lockett@ne-derbyshire.gov.uk](mailto:alice.lockett@ne-derbyshire.gov.uk)

**Mr Daniel Williams – Application for construction of two 3 bed semi-detached affordable houses on the redundant car park (Amended Plans) (Amended Title) at Fleur De Lys Hotel, Main Road, Unstone (20/01124/FL)**

Planning Officer – Philip Slater [philip.slater@ne-derbyshire.gov.uk](mailto:philip.slater@ne-derbyshire.gov.uk)

**1.2 Appeals Allowed**

No appeals have been allowed.

**1.3 Appeals Dismissed**

No appeals have been dismissed.

**1.4 Appeals Withdrawn**

No appeals have been withdrawn.

**2 Conclusions and Reasons for Recommendation**

2.1 N/a.

**3 Consultation and Equality Impact**

3.1 N/a.

**4 Alternative Options and Reasons for Rejection**

4.1 N/a.

**5 Implications**

**5.1 Finance and Risk Implications**

N/a.

**5.2 Legal Implications including Data Protection**

N/a.

**5.3 Human Resources Implications**

N/a.

**6 Recommendations**

6.1 N/a.

## 7 Decision Information

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

## 8 Document Information

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