

## **PLANNING COMMITTEE**

### **MINUTES OF MEETING HELD ON TUESDAY, 25 APRIL 2023**

#### **Present:**

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

Councillor William Armitage  
Councillor Mark Foster  
Councillor Maggie Jones  
Councillor Tony Lacey  
Councillor Pam Windley

Councillor Andrew Cooper  
Councillor Lee Hartshorne  
Councillor Heather Liggett  
Councillor John Funnell

#### **Also Present:**

A Kirkham	Planning Manager - Development Management
C Rouse	Planning Officer
L Ingram	Legal Team Manager & Deputy Monitoring Officer
A Bond	Governance Officer
A Maher	Governance Manager

#### **PLA/ Apologies for Absence and Substitutions** **100/**

**22-** Apologies were received from Councillor K Rouse, who was substituted by  
**23** Councillor T Lacey, Councillor D Hancock who was substituted by Councillor  
P Windley and from Councillor R Hall who was substituted by Councillor J  
Funnell. Apologies were also received from Councillor P Elliott.

#### **PLA/ Declarations of Interest** **101/**

**22-** None.  
**23**

#### **PLA/ Minutes of the Last Meeting** **102/**

**22-** The minutes of the meeting held on Tuesday 21 April 2023 were approved as a  
**23** true record.

#### **PLA/ NED/21/01495/FL - HOLMEWOOD** **103/**

**22-** The report to Committee explained that a Planning Application had been  
**23** submitted for a development to provide 41 dwellings at land to the rear of 151-181  
Chesterfield Road, Holmewood. This was a revised scheme to that proposed  
under Application NED 20/01024/FL. It would be a Major Development that would  
affect a Public Footpath. The Application had been referred to Committee by the  
Planning Manager (Development Management), who felt that it raised issues  
which should be considered by the Committee.

Planning Committee was recommended to approve the Application, subject to  
conditions. The report to Committee explained the reasons for this.

Members were informed that planning permission had been previously granted for development on the site, which was within the Settlement Framework for Holmewood, as set out in the Local Plan. The proposed development would sit between existing dwellings and a site that is already being developed for new housing. Officers felt that, in general terms, it would be a sustainable development, which would provide a significant proportion of affordable properties. The proposed housing would be on an appropriate site and accord with the Council's Development Plan.

Before the Committee considered the Application it heard from the Agent for the Application, S Haslam, who spoke in support of it. No one had registered to speak against the Application.

Committee considered the Application. It took into account the principle of development and the site's location within the Settlement Development Limits (SDL) for Holmewood and as part of the wider HO1 (housing) allocation, located to the west of Chesterfield Road. It also took into account the extant planning consent which had been granted for the development of the site for housing, along with a substantial area to the south and west of it, which is currently undergoing development. It considered the relevant planning policies. These included Development Plan Policy SDC12, requiring good standards of design, SDC 4, requiring development to protect and enhance the District's environment and Local Plan Policy ID1, requiring additional social infrastructure and mitigation to offset the impact of a development.

Members discussed the Application. As part of this they reflected on the financial requests to help mitigate the impact of the development. Some Members felt it important that the request for funding help to meet the costs of additional off-site play areas primarily and that this should be made a condition of approving the application.

At the conclusion of the discussion Councillor M Foster and Councillor W Armitage moved and seconded a Motion to approve the Application, subject to the requirement that the funding should meet the full cost of the requested play areas

Committee approved the Motion by acclamation.

### RESOLVED

That the Application be approved, in line with officer recommendation and subject to the prior completion of a section 106 agreement that requires full payment of the contribution towards off site play (as requested by NEDDC Streetscene team) with the remaining contributions split pro rata among the other requestors.

That the final wording of the conditions and section 106 agreement to be determined by the Planning Manager (Development Management) in consultation with the Chair and Vice Chair of the Committee.

## Recommended Conditions

- 1 The development hereby permitted shall be started within 3 years from the date of this permission.
- 2 The development hereby approved shall be carried out in accordance with the submitted plans as per the details set out at Appendix A of this decision notice.
- 3 The site shall be developed in accord with the levels details (both finished floor levels and finished ground levels) as shown on drawing 2956/03/P1 (J Roberts Design Ltd) dated 18.06.2021.
- 4 All planting, seeding or turfing shown on drawing MR18-0143/101/G (TEL Landscape Architects) shall be carried out in the first planting and seeding season following the first occupation of the 37th dwelling (of the 41) hereby approved or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 5 Prior to the first occupation of the 40<sup>th</sup> dwelling, hereby approved, details of how the areas to be located outside of the domestic curtilages are to be maintained and managed shall be submitted to and be approved in writing by the Local Planning Authority. The site shall then be maintained and managed in accordance with the approved details thereafter.
- 6 Prior to the first occupation of the 40<sup>th</sup> dwelling, hereby approved, all the hard surfaced areas of the site and the boundary treatments contained within and around it, including the proposed retaining walls, shall be completed as per drawings 19-776-100 Rev G, 2956/21/P1 (Retaining wall details) and 2956/20/P2 (Site levels and retaining walls) . Once installed the hard surfacing and boundary treatments shall be retained as approved thereafter.
- 7 Within 28 days of the development, hereby approved, commencing, 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. J. Roberts Design Ltd., (23/11/2021), SW & FW Drainage Design Report, ref: 2956 rev-B, including any subsequent amendments or updates to those documents as approved by the Flood Risk Management Team, and,
  - b. DEFRA's Non-statutory technical standards for sustainable drainage systems (March 2015), shall be submitted to and be approved in writing by the Local Planning Authority.

The site shall then be developed as per the agreed details and be retained as such thereafter.

- 8 Before any part of the development, hereby approved, commences, details of how any additional surface water run-off from the site will be avoided during the construction phase shall be submitted to and be approved in writing by the Local Planning Authority. The agreed scheme shall then be implemented as agreed and be retained as such during the entire construction phase of development.
- 9 Prior to the occupation of the 37th dwelling (of 41), hereby approved, a verification report shall be submitted to and be approved in writing by the Local Planning Authority which shows that the surface water drainage system has been constructed as per the agreed scheme.
- 10 Before the development, hereby approved, commences further works to investigate the potential land contamination issues identified in the Phase 1 and Phase 2 Geotechnical and Geo-environmental site investigation (Eastwood and Partners (Consulting Engineers) Ltd ref: 39639 dated 3rd May 2016) shall be submitted to and be approved in writing of the Local Planning Authority.

Where the investigation identifies unacceptable levels of contamination, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be submitted to and be approved in writing by the Local Planning Authority. [The submitted scheme shall have regard to CLR 11 and other relevant current guidance.]

The approved scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria and site management procedures. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

No dwelling, hereby approved, shall not be occupied until:

- a) The approved remediation works have been carried out in full.
- b) If during the construction and/or demolition works associated with the development hereby approved any suspected areas of contamination are discovered, which have not previously been identified, then all works shall be suspended until the nature and extent of the contamination is assessed and a report submitted and approved in writing by the local planning authority and the local planning authority shall be notified as soon as is reasonably practicable of the discovery of any suspected areas of contamination. The suspect material shall be re-evaluated through the process described above.
- c) Upon completion of the remediation works required as set out above a validation report shall be prepared and be submitted to and approved in writing by the local planning authority. The validation report shall include details of the remediation works and Quality Assurance/Quality

Control results to show that the works have been carried out in full and in accordance with the approved methodology. Details of any validation sampling and analysis to show the site has achieved the approved remediation standard, together with the necessary waste management documentation shall be included.

- d) In the event that it is proposed to import soil onto site in connection with the development, the soil to be imported shall be sampled at source and analysed in a laboratory that is accredited under the MCERTS Chemical Testing of Soil Scheme for all parameters previously agreed in writing with the Local Planning Authority, the results of which shall be submitted to and shall be approved in writing with the Local Planning Authority.
- 11 Prior to the development, hereby approved, commencing a scheme of dust mitigation measures and for the control of noise emanating from the site during the construction period has been submitted to and been approved in writing by the Local Planning Authority. The approved measures shall then be implemented throughout the entire construction period.
- 12 The scheme, hereby approved, shall be undertaken in accordance with the submitted scheme to enhance and maximise employment and training opportunities during the project, that accompanied the e-mail from Stephen Haslam dated 27<sup>th</sup> February 2023.
- 13 The facing materials to be used to implement the development, hereby approved, shall be as per those set out on drawing 19-776-100Rev F in respect of roofing used and otherwise in accord with details submitted accompanying the e-mail of Stephen Haslam dated 12.01.23 and specifically the material schedule.
- 14 Prior to the first occupation of the 37th dwelling (of 41), hereby approved, details of the arrangements for the future management and maintainance of the proposed streets shall be submitted to and be approved in writing by the Local Planning Authority. The site shall then be managed in accordance with the agreed scheme.
- 15 The development, hereby approved, shall be undertaken in accordance with the submitted Construction Management Plan and the additional details set out in the e-mail from Stephen Haslam dated 19<sup>th</sup> January 2023 (15:29).
- 16 No dwelling, hereby approved, shall be occupied until the details shown for the storage and collection of refuse, have been implemented as per the details shown on drawing 21-854-100 Rev H and the courtyard shown to properties 24-27 and 38-41 tarmacked to NHBC standard. Once provided the agreed locations and areas for the storage and presentation of bins shall be retained for that purpose only.
- 17 No removal of hedgerows, trees, shrubs or brambles 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.

- 18 Prior to building works commencing above foundation level, a detailed lighting strategy shall be submitted to and approved in writing by the LPA to safeguard bats and other nocturnal wildlife. This should provide details of the chosen luminaires and any mitigating features such as dimmers, PIR sensors and timers. A lux contour plan shall be provided to demonstrate acceptable levels of lightspill to any sensitive ecological zones/features. Guidelines can be found in Guidance Note 08/18 - Bats and Artificial Lighting in the UK (BCT and ILP, 2018). Such approved measures will be implemented in full.
- 19 Notwithstanding any previously submitted details within 56 days of the date of this permission, a revised Biodiversity Enhancement Plan (BEP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to the commencement of the development.

It shall include the following:-

- a) Description and location of features to be retained, created, enhanced and managed.
- b) Aims and objectives of management.
- c) Appropriate management methods and practices to achieve aims and objectives.
- d) Prescriptions for management actions.
- e) Preparation of a work schedule (including a five-year work plan capable of being rolled forward in perpetuity).
- f) Details of the installation of 30 integrated swift bricks and 5 bat boxes
- g) Details of hedgehog highways to ensure connectivity between gardens.
- h) Details of the body or organization responsible for implementation of the plan.
- i) A monitoring schedule to assess the success of the enhancement measures
- j) A set of remedial measures to be applied if conservation aims and objectives of the plan are not being met.
- k) Requirement for a statement of compliance upon completion of planting and enhancement works.

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

The approved plan shall then be implemented as agreed.

- 20 The site shall be developed with separate systems of drainage for foul and surface water on and off site. The separate systems should extend to the points of discharge to be agreed.
- 21 No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority.
- 22 Notwithstanding the submitted details, prior to work commencing above DPC level, a scheme for providing 20% accessible and adaptable dwellings to meet the requirements of M4(2) of the Building Regulation 2015 (or any subsequent government standard) shall be submitted to and approved by the Local Planning Authority. The approved scheme shall then be carried out in accordance with the approved details and be retained as such thereafter.

**PLA/ 104/ 22- 23**     **NED/22/01213/FL- UPPERTOWN**

The report to Committee explained that a Planning Application had been submitted for the demolition of an existing Farmhouse building the erection of a new 5-bedroom House, along with a Plant (machinery) Building and a Barn at land at Uppertown Farm, Collumbell Lane, Uppertown. The Application had been referred to Committee by local Ward Member, Councillor W Armitage, who had raised issues about it.

Planning Committee was recommended to refuse the Application. The report to Committee explained the reasons for this.

Officers contended that the Application would erode the character of the area. They pointed out that the site was located in the Wooded Slopes and Valleys Landscape Character Area and lay within the Primary Area of Multiple Environmental Sensitivity (AMES). Officers concluded that as the scale of the building would be larger than which it would replace, the Development would damage the Area of Environmental Sensitivity in which it would be located. As such, the Application would be contrary to both Local Plan and the Neighbourhood Plan policies, which seek to prevent unacceptable developments and so should be rejected.

Before Committee considered the Application, it heard from W Marshall, the Agent for the Application, and R Walker, who spoke in support of the Application. No one spoke against it.

Committee considered the application. It took into account the principle of development and the site's location within the countryside and within a primary Area of Multiple Environmental Sensitivity (AMES), comprising the most attractive rural areas with the District. It considered the relevant Planning Policies. These included Local Plan Policy SS9, on the requirement for replacement buildings to be for the same use as the previous building and not significantly large than those that they are to replace, Policy SDC3, on the need for new developments not to harm the character, quality and distinctiveness of the landscape and the policy

requirement for new developments in Areas of Multiple Environmental Sensitivity to contribute to the conservation, enhancement or restoration of the local landscape.

Members discussed the application. They considered whether the proposed new 5-bedroom dwelling would be significantly larger and taller than the existing structure and how the overall 'footprint' of the development compared to the existing buildings. They reflected on what impact the new structure would have on the environment. Members discussed the access arrangements to the site and the purposes of the ancillary Barn and Plant Buildings. Some Members felt that the Application would improve the environment by replacing the existing structures which were in a poor state of repair with higher quality structures and that the development would be in line with the appropriate Planning Policies.

At the conclusion of the discussion Councillor W Armitage and Councillor H Liggett moved and seconded a Motion to approve the Application, contrary to officer recommendations. The Motion was put to the vote and was approved

### RESOLVED

That the application be conditionally approved, contrary to officer recommendations

That the final wording of the conditions be delegated to the Planning Manager (Development Management) in consultation with the Chair and Vice Chair of the Council.

### Reasons

That the Application accords with the relevant local and national Planning Policies, including Local Plan Policy SS9. It would be an acceptable development that would respect the form, scale, and character of the landscape. It would accord with Policy SDC3, contributing to the enhancement of the local landscape by replacing derelict and semi derelict buildings with a high-quality new dwelling.

### **PLA/ 105/** **NED/22/01217/FL - UPPERTOWN**

**22-23** The report to Committee explained that a Planning Application had been submitted for the demolition of an existing Agricultural Barn and the development of a new Agricultural Barn at land at Uppertown Farm, Collumbell Lane, Uppertown. The Application has been referred to Committee by local Ward Member, Councillor W Armitage, who had raised issues about it.

Planning Committee was recommended to refuse the Application. The report to Committee explained the reasons for this.

The report argued that the proposed new agricultural building would have a greater mass and a greater impact on the site and the locality than the existing building. Officers felt that the design of the new structure would be more akin to an industrial building, rather than an agricultural one. Because of its form, design and scale, the building would have an unacceptable impact on the rural character of the area. It would not respect the distinctive local landscape within the primary



Area of Multiple Environmental Sensitivity (AMES) and so should be rejected.

Before Committee considered the Application, it heard from W Marshall, the Agent for the Application, and R Walker, who spoke in support of the Application. No one spoke against it.

Committee considered the Application. It took into account the Principle of Development and the site's location within the countryside for planning purposes and within a primary Area of Multiple Environmental Sensitivity (AMES), comprising the most attractive rural areas with the District. It considered the relevant Planning Policies. These included Local Plan Policy SS9, on the issue of acceptable development in the countryside and Policy SDC3, on the need for new developments not to harm the character, quality and distinctiveness of the landscape and for new developments in Areas of Multiple Environmental Sensitivity to contribute to the conservation, enhancement or restoration of the local landscape.

Members discussed the Application. They reflected on the size of the proposed Barn and its potential impact on the landscape. They queried what use would be made of the Barn as an Agricultural Building and reflected on its design. Some Members also reflected on possible future uses of the building.

At the conclusion of the discussion Councillor D Ruff and M Foster moved and seconded a recommendation that the Application be refused, in line with officer recommendations. The Motion was put to the vote and was approved.

### **RESOLVED**

That the Application be refused, in line with officer recommendations.

### **Reasons**

The Application is considered unacceptable as by reason of the building's size, scale, design, and overall massing there would be an unacceptable impact on the rural character of the area and the proposals would fail to respect, conserve and enhance the distinctive local landscape area.

As such, the proposals would be contrary to policies SS1, SS9, SDC3 and SDC12 of the North East Derbyshire Local Plan and policies AP2, AP11 and AP13 of the Ashover Neighbourhood Plan.

### **PLA/ NED/22/01077/FLH - MILLTOWN**

**106/**

**22-**

**23**

The report to Committee explained that a Planning Application had been submitted for a single storey extension to an eastern gable and the formation of an opening between the extension and the existing kitchen of a listed building at at Common Bank, Fallgate, Milltown.

The Application had been referred to Committee by local Ward Member Councillor W Armitage, on the grounds that a relation of the Applicant was employed by the Council. This had been determined to be a valid request by the Council's Legal Service.

Planning Committee was recommended to reject the Application. The report to Committee explained the reasons for this.

Officers felt that the benefits of the scheme would not outweigh the harm which it would do to the listed building and its setting. They pointed out that various other changes to the building had already taken place. The proposed development, when considered in the context of these other changes, would dilute the building's character, and so harm the listed building's setting, contrary to national and local Planning Policies.

Before Committee considered the Application it heard from S Wortley, the Applicant and C Stainton, acting for the Agent. No one spoke against the Application.

Committee considered the Application. It took into account the Principle of Development and the site's location in the open countryside, outside of any defined Settlement Development Limit. It considered the relevant Planning Policies. These included Local Plan Policy LC5, requiring extensions to dwellings to be in keeping with the existing property and the street scene and Local Plan Policy SS9, requiring developments to respect the form, scale and character of the landscape. Committee also took into account Local Plan Policy SDC12 and Ashover Neighbourhood Plan Policy AP11, requiring development proposals to respond positively to local character and Local Plan Policy SDC6 and Ashover Neighbourhood Plan Policy, requiring developments to preserve the significance of heritage assets and their setting.

Members discussed the Application. They reflected on the scope and scale of the proposed development. They discussed the current state of repair of the building gable and what contribution the proposed development would make towards stabilising this. Some Members felt that the proposed extension would be in line with the appropriate Planning Policies. They felt that the proposed extension would be of small scale, which would not detract from the property. Some Councillors felt that as the proposed development would be difficult to see from publicly accessible areas it would have minimal impact on the landscape.

At the conclusion of the discussion Councillor M Foster and Councillor H Liggett moved and seconded a Motion to approve the Application, contrary to officer recommendations. The Motion was put to the vote and was agreed.

#### RESOLVED

That the application be conditionally approved, contrary to officer recommendations

That the final wording of the conditions be delegated to the Planning Manager (Development Management) in consultation with the Chair and Vice Chair of the Council.

## Reasons

That the Application accords with the appropriate local and national Planning Policies, including Local Plan Policies SC5, SS9 and SDC6 and SDC 12 and in particular, that it would preserve the significance of the building as a heritage asset.

### **PLA/ 107/ 22-23** **NED/22/01078/LB - MILLTOWN**

The report to Committee explained that a Planning Application had been submitted for Listed Building consent to construct a single storey extension to the eastern gable and the formation an opening between the extension and Existing Kitchen on a listed building at Common Bank, Fallgate Milltown.

The Application, which followed on from the previous application to carry out this development on the site, had been referred to Committee by local Ward Member Councillor W Armitage, on the basis that a relation of the Applicant was employed by the Council. This had been determined to be a valid request by the Council's Legal Service.

Committee was recommended to refuse the Application. The report to Committee explained the reasons for this, principally the adverse impact the development would have on the listed building.

Before Committee considered the Application it heard from the Applicant, S Wortley and C Stainton, acting on behalf of the Agent. No one spoke against the Application.

Members discussed the Application. As part of this some Members highlighted the potential benefits to the long-term sustainability of the property of the proposed works. Members took into account the Committee's earlier decision to approve the Application to carry out this work.

At the conclusion of the discussion Councillor M Foster and Councillor W Armitage moved and seconded a Motion to approve the Application, contrary to officer recommendations. The Motion was put to the vote and was approved.

### **RESOLVED**

That the Application be conditionally approved, contrary to officer recommendations.

That the final wording of the conditions be delegated to the Planning Manager (Development Management) in consultation with the Chair and Vice Chair of the Council.

## Reasons

That the proposed development would accord with Local Plan Policy SDC6, by preserving and enhancing a listed building, and of a scale and design that would not detract from it as a listed building.

**PLA/ NED/22/01004/FL - MIDDLE HANDLEY**

**108/**

**22-**

**23**

The report to Committee explained that a Planning Application had been submitted for the change of use of existing land to accommodate additional car parking and the relocation of an existing stable at the Devonshire Arms, Westfield Lane, Middle Handley. The Application had been referred to the Committee by Local Ward Member, Councillor A Dale, so that Planning Committee could assess the impact of the proposal on the Green Belt.

Planning Committee was recommended to refuse the Application. The report to Committee explained the reasons for this.

Officers felt that this would be an inappropriate development that would harm the openness of the Green Belt. They considered the possible level of harm to be significant, due to the size of the proposed new car park and the position of the relocated stable building. They concluded that as there were no 'very special circumstances' to outweigh the harm which the development would cause, the application should be refused.

Before Committee considered the Application it heard from the Agent for the Application, J Stannard. No one spoke against the Application.

Committee considered the Application. It took into account the Principle of Development and in particular, the site's location outside of any defined Settlement Development Limit, within open countryside and the Green Belt. It considered the relevant Local and National Planning Policies. These included Local Plan Policy Local Plan Policy SS1, requiring sustainable development, Local Plan Policy SS9, on the categories of development permissible in countryside areas and Local Plan Policy SS10, regarding development within the Green Belt. It also took into account Local Plan Policy SDC3 on the need for new developments not to harm the character, quality, and distinctiveness of the landscape.

Members discussed the Application. They considered the potential social and economic benefits to the local economy and community if the car park was installed. They discussed the possible impact on road safety if the additional car parking spaces were not provided. Some Members felt that these benefits would be grounds for approving the Application. Other Members contended that although welcome, the economic and social benefits would not constitute the very special grounds under Planning Policy that would permit the development.

At the conclusion of the discussion, Councillor D Ruff and W Armitage moved and seconded a Motion to refuse the Application in line with officer recommendations. The motion was put to the vote and was approved.

**RESOLVED**

That the Application be refused, in line with officer recommendations.

## Reasons

Policy SS10 of the North East Derbyshire Local Plan states that proposals for engineering operations may not be inappropriate in the Green Belt provided they preserve openness and do not conflict with its purposes. The National Planning Policy Framework identifies that material changes in the use of land are likewise acceptable subject to the same caveats.

Inappropriate development is by definition harmful and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

In this case, the proposed car park comprises both a change in the use of land and engineering operations. By reason of the levelling of the land, the physical parking of vehicles, the activity associated with the site for the parking of vehicles and the need for an acoustic fence, the new car park would impact on the spatial and visual openness of the Green Belt and encroach into the countryside.

No very special circumstances have been identified that outweigh the harm that would be caused.

### **PLA/ 109/** **Planning Appeals - Lodged and Determined**

**22-23** The report to Committee explained that one appeal had been lodged, three appeals had been dismissed and that none had been withdrawn.

### **PLA/ 110/** **Matters of Urgency**

**22-23** None.