

# Public Document Pack



**North East  
Derbyshire**  
District Council

Contact: Alan Maher

Tel: 01246 217391

Email: [alan.maher@ne-derbyshire.gov.uk](mailto:alan.maher@ne-derbyshire.gov.uk)

Date: Friday, 25 August 2023

To: **Members of the Planning Committee**

Please attend a meeting of the Planning Committee to be held on **Tuesday, 5 September 2023 at 1.00 pm in the 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 David Cheetham  
Councillor Andrew Cooper  
Councillor Peter Elliot  
Councillor Stuart Fawcett  
Councillor Mark Foster  
Councillor David Hancock

Councillor Lee Hartshorne (Chair)  
Councillor Tony Lacey  
Councillor Heather Liggett  
Councillor Nicki Morley  
Councillor Kathy Rouse

**Please notify the Governance Manager, Alan Maher, by 4.00 pm on Friday 1 September 2023 of any substitutions made for the meeting.**

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

# **AGENDA**

## **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 the Last Meeting (Pages 5 - 34)**

To approve as a correct record and the Chair to sign the Minutes of the Planning Committee held on Tuesday 25 July 2023.

## **4 NED/22/00686/FL - DRONFIELD (Pages 35 - 69)**

Full Planning Application for the development of 27 new dwellings, sports pavilion, and associated access at land off Oakhill Road, Dronfield. (Major Development (Amended Title and Drawings) at Gladys Buxton Adult Education Centre, Oakhill Road, Dronfield.

(Planning Manager – Development Management)

## **5 NED/23/00610/FL - CUTTHORPE (Pages 70 - 89)**

Temporary Planning Permission for the siting of a Mobile Farm Shop and Café, creation of a new access and parking (Private Drainage System) on land to the West Side of The Cutthorpe Institute, Main Road, Cutthorpe.

(Planning Manager – Development Management)

## **6 NED/22/01042/AD - WINGERWORTH (Pages 90 - 101)**

Application for advertisement consent for 4 signs, 2 mounted horizontally and 2 mounted vertically (Amended Title) at the Parish Rooms, New Road, Wingerworth.

(Planning Manager – Development Management)

## **7 Late Representations - Summary Update Report - NOW PUBLISHED (Pages 102 - 121)**

(Planning Manager – Development Management)

## **8 Planning Appeals - Lodged and Determined (Pages 122 - 126)**

(Planning Manager – Development Management)

**9 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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**North East  
Derbyshire**  
District Council

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## PLANNING COMMITTEE

### MINUTES OF MEETING HELD ON TUESDAY, 25 JULY 2023

#### **Present:**

Councillor Lee Hartshorne (Chair) (in the Chair)  
Councillor Tony Lacey (Vice-Chair)

Councillor David Cheetham  
Councillor Peter Elliott  
Councillor Mark Foster  
Councillor Christine Gare  
Councillor Kathy Rouse

Councillor Andrew Cooper  
Councillor Stuart Fawcett  
Councillor David Hancock  
Councillor Heather Liggett

#### **Also Present:**

D Thompson	Assistant Director of Planning
G Cooper	Principal Planning Officer
P Slater	Principal Planning Officer
K Hallam	Senior Planning Officer
K Huckle	Planning Officer
C Rouse	Planning Officer
L Ingram	Legal Team Manager & Deputy Monitoring Officer
A Bond	Governance Officer
T Scott	Governance and Scrutiny Officer
A Maher	Governance Manager

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

9/23-  
24

Councillor N Morley, substituted by Councillor C Gare.

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

10/2  
3-24

None.

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

11/2  
3-24

The Minutes of the meeting held on Tuesday 6 June 2023 were approved as a true record.

#### **PLA/ NED/23/00139/FL - WINGERWORTH**

12/2  
3-24

The report to Committee explained that an Application had been submitted for the construction of two dwellings at 24 Longedge Lane, Wingerworth. This was a resubmission of application NED/22/01124/FL, with amended plans and additional information.

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

Officers felt that the construction of two additional detached houses on the site

would be acceptable in planning terms. They recognised that concerns had been raised that the Application would lead to the ‘massing’ of buildings on the site, and the implications which this might have on the surrounding area. However, officers had concluded that their scale and design would be in keeping with the street scene and that they would also not detract from the nearby listed buildings. They felt that there were no matters that would outweigh the predominance of the Local Plan and the Wingerworth Neighbourhood Plan. Consequently, officers recommended that the Application should be approved, subject to the conditions set out in the report.

Members were informed that no one had registered to speak on the Application.

Committee considered the Application. It took into account the site’s location within the Settlement Development Limit for Wingerworth. Committee considered the relevant national and local planning policies. These included Local Plan Policy SS7, on sustainable development within Settlement Development Limits, Local Plan Policy SD12, on the quality, distinctive and functional design of developments and Local Plan Policy SDC3, requiring new developments not to harm the character, quality, distinctiveness, or sensitivity of the landscape, or important features and views. Committee also took into account the relevant Policies of the Wingerworth Neighbourhood Plan.

Members discussed the Application. They reflected on the size of the new dwellings and what impact they would have on the amenity of the neighbouring properties. Some Members were concerned that the proposed development would have an unacceptable impact on the surrounding street scene. Other Members noted the officer conclusion that this would be an acceptable development in planning terms. At the conclusion of the discussion Councillor L Hartshorne and Councillor K Rouse moved and seconded a Motion to approve the Application. The motion was put to the vote and was approved.

#### RESOLVED -

That the Application be conditionally approved, in line with officer recommendations.

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

#### CONDITIONS

- 1) The development hereby permitted shall be started within three years from the date of this permission.

*[Reason: To comply with the provision of Section 91 (as amended) of the Town and Country Planning Act 1990.]*

- 2) The development hereby approved shall be carried out in accordance with the amended submitted plans:
  - SITE LOCATION PLAN; Published 23 Feb 2023
  - Drawing no. 1001 Revision 003 SITE LAYOUT; Published 31 May

2023

- Drawing no. 1002 Revision 003 STREET VIEW; Published 31 May 2023
- Drawing no. 1003 Revision 002 PLOT 1 LAYOUT AND ELEVATIONS; Published 25 Apr 2023
- Drawing no. 1004 Revision 002 PLOT 2 LAYOUT AND ELEVATIONS; Published 25 Apr 2023
- Drawing no. 1006 Revision 000 TREE MAINTENANCE DURING CONSTRUCTION; Published 22 Jun 2023

unless otherwise specifically agreed through a formal submission under the Non-Material Amendment procedures and unless otherwise required by any other condition in this decision notice.

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

- 3) Notwithstanding the submitted details, before development starts, details of the existing ground levels, proposed finished floor levels of the dwellings and the proposed finished ground levels of the site, relative to a datum point which is to remain undisturbed during the development, shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details and the levels shall be retained as such thereafter.

*[Reason: In the interests of the character and appearance of the area.]*

- 4) Before above ground work commences, precise specifications (including the manufacturer, range and colour details where applicable) or samples of the walling and roofing materials to be used, shall be made available on site for inspection, and subsequent written approval, by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

*[Reason: In the interests of the character and appearance of the area.]*

- 5) Before development starts, a scheme for mitigating climate change through the sustainable design and construction of the dwellings including the provision of sources of renewable energy. Thereafter the approved climate change scheme shall be implemented in full and retained as such thereafter.

*[Reason: In the interest of delivering sustainable development and in accordance with the North East Derbyshire Interim Sustainable Buildings Policy, policies SS1 and SDC12 of the North East Derbyshire Local Plan and the National Planning Policy Framework.]*

- 6) Notwithstanding the submitted details, before above ground works commence a plan to show the positions, design, materials, height and type of boundary treatments to be erected and/or retained shall be submitted to and approved in writing by the Local Planning Authority.

The approved scheme shall be implemented in full before the development hereby permitted is commenced.

*[Reason: In the interests of the character and appearance of the area.]*

- 7) Notwithstanding the submitted details, before above ground works commence details of the type, layout and materials to be used on hard landscaped areas shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full prior to the occupation of each dwelling.

*[Reason: In the interests of the character and appearance of the area.]*

- 8) Before development starts, the following shall be submitted to and approved in writing by the Local Planning Authority:
- a) a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land,
  - b) the details of any trees and hedgerows to be retained, together with measures for their protection during development,
  - c) a schedule of proposed plant species, size and density and planting locations and
  - d) an implementation programme.

*[Reason: In the interests of the character and appearance of the area.]*

- 9) All planting, seeding or turfing in the approved scheme of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

*[Reason: In the interests of the character and appearance of the area.]*

- 10) 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.

*[Reason: In the interest of satisfactory and sustainable drainage in accordance with policy SDC11 of the North East Derbyshire Local Plan.]*

- 11) Before development starts a scheme for the provision of surface water drainage works shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full before the development is brought into use and shall be retained as such thereafter.

*[Reason: In the interest of satisfactory and sustainable drainage in*



*accordance with policy SDC11 of the North East Derbyshire Local Plan.]*

12) No development shall commence until;

- a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and;
- b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

*[Reason: The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 183 and 184 of the National Planning Policy Framework. and in accordance with Policy SDC14 of the North East Derbyshire Local Plan.]*

13) Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

*[Reason: To ensure the safety and stability of the development, in accordance with paragraphs 183 and 184 of the National Planning Policy Framework. and in accordance with Policy SDC14 of the North East Derbyshire Local Plan.]*

14) Before the commencement of the development hereby approved:

- a. A Phase I contaminated land assessment (desk-study) shall be undertaken and approved in writing by the local planning authority.
- b. The contaminated land assessment shall include a desk-study with details of the history of the site use including:
  - the likely presence of potentially hazardous gas,
  - their likely nature, extent and scale,
  - whether or not they originated from the site,
  - a conceptual model of pollutant-receptor linkages,
  - an assessment of the potential risks to human health, property (existing or proposed) including buildings, details of a site investigation strategy (if potential contamination is identified) to

effectively characterise the site based on the relevant information discovered by the desk study and justification for the use or not of appropriate guidance. The site investigation strategy shall, where necessary, include relevant ground gas sampling/monitoring as identified by the desk-study strategy.

The site investigation shall be carried out by a competent person in accordance with the current U.K. requirements for sampling and analysis. A report of the site investigation shall be submitted to the local planning authority for approval.

*[Reason: To protect future occupiers of the development, buildings, structures/services, ecosystems and controlled waters, including deep and shallow ground water. And in accordance with Policies SDC13 and SDC14 of the North East Derbyshire Local Plan.]*

15) Before the commencement of the development hereby approved:

Where the site investigation identifies unacceptable levels of risk from ground gas, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be submitted to and approved in writing by the local planning authority. The submitted scheme shall have regard to LCRM and other relevant current guidance. The approved scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria and site management procedures. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

The developer shall give at least 14 days notice to the Local Planning Authority (Environmental Health Division) prior to commencing works in connection with the remediation scheme.

*[Reason: To protect future occupiers of the development, buildings, structures/services, ecosystems and controlled waters, including deep and shallow ground water. And in accordance with Policies SDC13 and SDC14 of the North East Derbyshire Local Plan.]*

16) No dwelling/s hereby approved shall be occupied until:

a. The approved remediation works required by condition 14 above have been carried out in full in compliance with the approved methodology and best practice.

b. If during the construction and/or demolition works associated with the development hereby approved any suspected areas of contamination are discovered, 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 in 14(b) to condition 15 above and satisfy condition 16(a) above.

c. Upon completion of the remediation works required by condition 15 and 16(a) above a validation report prepared by a competent person shall be submitted to and approved in writing by the local planning authority. The validation report shall include details of the remediation works and Quality Assurance/Quality Control results to show that the works have been carried out in full and in accordance with the approved methodology. Details of any validation sampling and analysis to show the site has achieved the approved remediation standard, together with the necessary waste management documentation shall be included.

*[Reason: To protect future occupiers of the development, buildings, structures/services, ecosystems and controlled waters, including deep and shallow ground water. And in accordance with Policies SDC13 and SDC14 of the North East Derbyshire Local Plan.]*

17) Before the commencement of the development hereby approved:

Where the site investigation identifies unacceptable levels of contamination, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be submitted to and approved in writing by the local planning authority. The submitted scheme shall have regard to CLR 11 and other relevant current guidance. The approved scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria and site management procedures. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

The developer shall give at least 14 days notice to the Local Planning Authority (Environmental Health Division) prior to commencing works in connection with the remediation scheme.

*[Reason: To protect future occupiers of the development, buildings, structures/services, ecosystems and controlled waters, including deep and shallow ground water. And in accordance with Policies SDC13 and SDC14 of the North East Derbyshire Local Plan.]*

18) 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 interests of highways safety and to protect the amenity*

*of neighbouring users, all in accordance with Policies SS7 and SDC12 of the North East Derbyshire Local Plan.]*

- 19) 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 Policies SDC12 of the North East Derbyshire Local Plan.]*

- 20) The premises, the subjects of the application, shall not be occupied until the access, parking and turning facilities have been provided as shown on the revised application drawing - Site Plan 1001 Rev 003. Each access shall be provided with maximum visibility sightlines in both directions, measured from a point located centrally and 2.4m back into each access. The area's in advance of the visibility sightlines shall be retained throughout the life of the development free of any object greater than 1m in height (0.6m in the case of vegetation) relative to the adjoining nearside carriageway.

*[Reason: In the interests of highway safety and in accordance with Policies SDC12 of the North East Derbyshire Local Plan.]*

- 21) The existing vehicular accesses to Longedge Lane shall be permanently closed with physical barrier's and the existing vehicle crossover's reinstated as footway / verge in a manner to be agreed in writing with the Local Planning Authority in consultation with the County Highway Authority.

*[Reason: In the interests of highway safety and in accordance with Policies SDC12 of the North East Derbyshire Local Plan.]*

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

*[Reason: In the interests of highway safety and in accordance with Policies SDC12 of the North East Derbyshire Local Plan.]*

- 23) Prior to occupation of any dwelling hereby approved, a dwell area for bins should be provided, clear of the public highway, for use on refuse collection days. Bin storage should not obstruct the private drive access, parking or turning provision.

*[Reason: In the interests of highway safety and in accordance with Policies SDC12 of the North East Derbyshire Local Plan.]*

- 24) Prior to building works commencing above foundation level, a

Biodiversity Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority. Approved measures shall be implemented in full and maintained thereafter. The Plan shall clearly show positions, specifications and numbers of features, which will include (but are not limited to) the following:

- universal nest boxes at ratio of 1:1, in line with British Standard 42021:2022.
- integrated bat boxes.
- insect bricks.
- fencing gaps 130 mm x 130 mm to maintain connectivity for hedgehogs.
- summary of ecologically beneficial landscaping (full details to be provided in Landscape Plans).

*[Reason: In the interests of the protection and enhancement of biodiversity in accordance with policy SDC4 of the North East Derbyshire Local Plan.]*

- 25) Before development starts, an Arboricultural Method Statement shall be submitted and approved by the local planning authority which details the methodology for the implementation of any aspect of development which is likely to detrimentally affect the retained trees, and explains how this damage will be avoided in accordance with BS 5837 (2012) – Trees in Relation to Design, Demolition and Construction. The development shall then be carried out in accordance with the approved details.

*[Reason: In the interests of the protection of existing trees in accordance with policy SDC2 of the North East Derbyshire Local Plan.]*

**Informative notes:**

- a) DISCON
- b) NMA
- c) Provision of bins
- d) Environmental Health

The proposed development is situated within a Smoke Control Area. This has legal implications for the type of solid fuel appliance which may be installed in the proposed development and types of solid fuel which may be burnt in these appliances. Further information is available at <https://www.gov.uk/smoke-control-area-rules>.

- e) Coal Authority

Under the Coal Industry Act 1994 any intrusive activities, including initial site investigation boreholes, and/or any subsequent treatment of coal mine workings/coal mine entries for ground stability purposes require the prior written permission of The Coal Authority, since such activities can have serious public health and safety implications. Failure to obtain permission will result in trespass, with the potential for court action. In the event that you are proposing to undertake such work in the Forest of Dean local authority area our permission may not be required; it is recommended that you check with us prior to commencing any works. Application forms for Coal Authority

permission and further guidance can be obtained from The Coal Authority's website at: <https://www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property>

#### Highways

- f) Planning permission does not give you approval to work on the public highway. To carry works associated with this planning permission, separate approval must first be obtained from Derbyshire County Council as Highway Authority - this will take the form of a section 184 licence (Highways Act 1980). It is strongly recommended that you make contact with the County Council at the earliest opportunity to allow time for the process to be completed. Information and relevant application forms, regarding the undertaking of access works within highway limits, are available via the County Council's website [www.derbyshire.gov.uk](http://www.derbyshire.gov.uk). email [highways.hub@derbyshire.gov.uk](mailto:highways.hub@derbyshire.gov.uk) or telephone 01629 533190.
- g) Pursuant to Section 127 of the Highways Act 1980, no work may commence within the limits of the public highway to close any redundant accesses and to reinstate the footway / verge without the formal written Agreement of the County Council as Highway Authority. It must be ensured that public transport services in the vicinity of the site are not adversely affected by the development works. Advice regarding the technical, legal, administrative and financial processes involved in Section 127 Agreements may be obtained by contacting this Authority via email – [highways.hub@derbyshire.gov.uk](mailto:highways.hub@derbyshire.gov.uk). The applicant is advised to allow approximately 12 weeks in any programme of works to obtain a Section 127 Agreement.
- h) The Highway Authority recommends that the first 5m of the proposed accesses / driveway's should not be surfaced with a loose material (i.e. unbound chippings or gravel etc.). In the event that loose material is transferred to the highway and is regarded as a hazard or nuisance to highway users the Authority reserves the right to take any necessary action against the landowner.
- i) Where the site curtilage slopes down towards the public highway provisions within Section 163 of the Highways Act 1980 requires measures to be taken to ensure that surface water run-off from within the site is not permitted to discharge across the footway margin. This usually takes the form of a dished channel or gulley laid across the access immediately behind the back edge of the highway, discharging to a drain or soakaway within the site.

#### **PLA/ NED/23/00025/FL - CLAY CROSS**

**13/2**

**3-24**

The report to Committee explained that an Application had been submitted for the change of use of land to the south-west of Holmgate Community Centre, Mill Lane, Holmgate, Clay Cross, for use as a 'Glamping' site. The Application had been referred to Committee by Councillor C Cupit, who had raised concerns about it.

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

Officers contended that the proposed Glamping Site would be an appropriate Tourism development for the location. Because of the siting, scale, design and proposed use of materials they had concluded that the Development would be respectful to the landscape character of the surrounding countryside area. They also concluded that it would not significantly harm the setting of the nearby Grade II listed buildings.

Although a range of issues had been identified, including noise nuisance, screening, fire risks and light pollution, these could be addressed by imposing appropriate conditions. Officers felt that there were no matters to outweigh the predominance of the Local Plan in determining the Application. On that basis they recommended that the Application should be approved, subject to the conditions set out in the report.

Before the Committee considered the Application it heard from T Watson and A Thomas, who spoke against the Application. It also heard from L Hoggard and A Holmes, the Applicants, who spoke in support of it.

Committee considered the Application. It took into account the site's location outside of the Settlement Development Limits for Clay Cross in the countryside. It considered the relevant local and national Planning policies. These included Local Plan Policy SS9, on appropriate developments to increase visitor accommodation in the countryside, Local Plan Policy WC5, on visitor and tourism development in the countryside and Local Plan Policy SDC3, requiring developments not to cause significant harm to the character of the landscape.

Members discussed the Application. They reflected on what impact the proposed Development would have on the landscape character and on the surrounding area and highways. They also considered the potential economic benefits of the development, by providing new tourist accommodation in the area, while still enabling pastoral farming to take place on the site.

Some Members were concerned that the Glamping Site would operate all year round and that this would have an adverse impact on neighbouring properties. In this context, Committee was informed the proposed new and revised conditions had been agreed by the Applicant, specifying when the Site would be used and to address other issues which had been raised. These new and revised conditions had been included in the Late Representations report at Item 10 on the Agenda.

At the conclusion of the discussion Councillor S Fawcett and T Lacey moved and seconded a Motion to approve the Application. The Motion was put to the vote and was agreed.

#### RESOLVED -

That the Application be conditionally approved, in line with officer recommendations, as set out in the report and encompassing the revised conditions set out in Late Representations Report to Committee.

That the final wording of the Conditions be 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 submitted plans:

- LOCATION PLAN Drawing No. 221010-01-01; Published 19th January 2023
- PROPOSED LAYOUT PLAN Drawing No. 221010-01-03; Published 19th January 2023
- ADDITIONAL PARKING PLAN Drawing No. N/A; Published 16<sup>th</sup> June 2023
- VISABILITY SPLAY Drawing No. N/A; Published 13th June 2023
- GRILL CABIN 16.5 + 16.5 FACADE (A3) Drawing No. N/A; Published 11th January 2023
- SHOWER CABIN PLAN AND ELEVATIONS Drawing No. N/A; Published 24th January 2023
- GRILL CABIN FLOOR PLAN Drawing No. N/A; Published 24th January 2023
- RECEPTION PLAN AND ELEVATIONS Drawing No. N/A; Published 24th January 2023
- PEAKY GRANDE AND DUO FLOORPLANS WITH DECKING Drawing No. N/A; Published 24th January 2023
- PEAKY DUO ELEVATION Drawing No. N/A; Published 24th January 2023
- PEAKY GRANDE ELEVATIONS Drawing No. N/A; Published 24th January 2023

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.]*

### Highways

- 3) No part of the development hereby permitted shall be occupied until such time as the access arrangements have been provided in accordance with the submitted drawing dated 16/06/2023 and titled ADDITIONAL PARKING PLAN on the Planning Portal has been implemented in full.

*[Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with the National Planning Policy Framework (2021).]*

- 4) No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4 metres by 45 metres have been provided at the site access. These shall thereafter be



permanently maintained with nothing within those greater than 1m in height (0.6m in the case of vegetation) relative to the adjoining nearside carriageway channel level.

*[Reason: To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network, in the interests of general highway safety, and in accordance with the National Planning Policy Framework (2021).]*

- 5) Notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no gates, barriers, bollards, chains or other such obstructions shall be erected to the vehicular access.

*[Reason: To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway in accordance with the National Planning Policy Framework (2021).]*

- 6) The development hereby permitted shall not come in to use until such time as the parking and turning facilities have been provided, hard surfaced and demarcated in accordance with the submitted drawing dated 16/06/2023 and titled ADDITIONAL PARKING PLAN on the Planning Portal. Thereafter the onsite parking provision shall be so maintained in perpetuity.

*[Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally and in the interests of highway safety and in accordance with the National Planning Policy Framework (2021).]*

#### Environmental Health

- 7) Other than within the approved Grill Cabin building hereby approved, there shall be no external fires or BBQ's anywhere else within the application site at any time.

*[Reason: In the interest of the amenity of nearby residential occupiers, neighbouring land uses and air quality of the area.]*

- 8) Before development commences, a Noise Management Scheme shall be submitted to and approved by the Local Planning Authority. The scheme shall include and not be limited to requiring a manager to be on site at all times and there being a no noise policy from 22:00 and 08:00. The approved Noise Management Scheme shall then be implemented in full and adhered to throughout the lifetime of the development.

*[Reason: In the interest of the amenity of nearby residential occupiers and neighbouring land uses.]*

9) Revised Condition 9

Before development commences, a scheme for the provision of foul and surface water drainage works shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full before the development is brought into use and shall be maintained as such thereafter.

*[Reason: In the interests of satisfactory drainage and to protect ground water and surface water from pollution.]*

Cycle Storage

- 10) Before development commences, a scheme of cycle storage shall be submitted to and approved in writing by the Local Planning Authority. The approved cycle storage facility shall be implemented in full prior to the first use of the site and retained free from any impediment for the lifetime of the development.

*[Reason: In the interest of the character and appearance of the site and the surrounding landscape setting, and to ensure adequate cycle storage facilities are available.]*

Refuse/Recycling Details

- 11) Before development commences, details of the proposed refuse/recycling storage area shall be submitted to and approved in writing by the Local Planning Authority. The approved refuse/recycling storage area shall be implemented in full prior to the first use of the site and retained free from any impediment for the lifetime of the development.

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

Ecology and Landscaping

- 12) Before development commences, the following shall be submitted to and approved in writing by the Local Planning Authority:
- a) a scheme of native, species rich, landscaping, which shall include indications of all existing trees and hedgerows on the land,
  - b) the details of any trees and hedgerows to be retained, together with measures for their protection during development,
  - c) a schedule of proposed plant species, size and density and planting locations and
  - d) an implementation programme.

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

- 13) 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 landscape setting.]*

- 14) Before development commences, a Biodiversity Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority. the details shall include, and not be limited to, bird and bat mitigation, insect bricks, ecologically beneficial landscaping, etc. The approved Biodiversity Enhancement Plan shall be implemented in full prior to the first use of the site and all features retained as approved for the lifetime of the development.

*[Reason: In the interests of the protection and enhancement of biodiversity in accordance with policy SDC4 of the North East Derbyshire Local Plan.]*

- 15) Notwithstanding the submitted details, prior to the first use of the development hereby approved, a scheme of external lighting shall be submitted to and approved in writing by the Local Planning Authority. the approved lighting scheme shall be implemented in full and retained as such for the lifetime of the development. No additional external lighting over and above those details agreed by this condition shall be installed on site without the prior approval of the Local Planning Authority.

*[Reason: In the interest of the character and appearance of the surrounding countryside setting and to protect nocturnal mammals.]*

### **Informative Notes**

- a) DISCON
- b) NMA  
Highways
- c) The Local Highway Authority has no objection to the above subject to the applicant obtaining a section 184 license. Applicant is required to obtain the permission of Derbyshire Highways details can be found at [www.derbyshire.gov.uk/transport-roads/roads-traffic/licences-enforcements/vehicular-access/vehicle-accesses-crossovers-and-dropped-kerbs.aspx](http://www.derbyshire.gov.uk/transport-roads/roads-traffic/licences-enforcements/vehicular-access/vehicle-accesses-crossovers-and-dropped-kerbs.aspx) or email [highways.hub@derbyshire.gov.uk](mailto:highways.hub@derbyshire.gov.uk) before commencing any works on the highway.  
Environment Agency

The applicant/occupants should phone Floodline on 0345 988 1188 to register for a flood warning, or visit <https://www.gov.uk/sign-up-for-flood-warnings>. It's a free service that provides warnings of flooding from rivers, the sea and groundwater, direct by telephone, email or text message. Anyone can sign up. Flood warnings can give people valuable time to prepare for flooding – time that allows them to move themselves, their families and precious items to safety. Flood warnings can also save lives

and enable the emergency services to prepare and help communities. For practical advice on preparing for a flood, visit <https://www.gov.uk/prepare-for-flooding>. To get help during a flood, visit <https://www.gov.uk/help-during-flood>. For advice on what do after a flood, visit <https://www.gov.uk/after-flood>

#### New Condition 16

Notwithstanding the submitted details, before above ground work commences, precise specification (including the manufacturer, range and colour details where applicable) or samples of the walling and roofing materials to be used, shall be made available on site for inspection, and subsequent written approval, by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

#### New Condition 17

No touring caravan shall occupy any of the 6 touring caravan pitches that form part of the development hereby approved for a period longer than 28 days in a calendar year, no more than 14 of which shall be consecutive. Touring caravans shall be capable of being towed onto the site by car and no static caravans shall be stationed on the application site at any time and the use shall not take place between 1<sup>st</sup> November and 31<sup>st</sup> March inclusive in any year, and no caravans shall remain on the site during that period.

The site owner/operator shall maintain a register of all of the occupiers of each of the touring caravan pitches and make the register available for inspection in accordance with a written timescale provided by the Local Planning Authority. The register shall include details of names, home addresses and length of stay.

#### New Condition 18

Notwithstanding the provisions of Part C, Class C3 "Dwelling House" to the Schedule of the Town and Country Planning (Use Classes) Order 1987, (or any Order revoking or re-enacting that Order), the glamping lodges/pods hereby approved shall be used for the purpose of holiday accommodation only and for no other purpose, including any other purpose within Class C3 of the Order.

The lodges/pods shall not be occupied by any persons for a total period exceeding 28 days in any calendar year, no more than 14 of which shall be consecutive.

The owner of the site shall maintain a register of occupiers for each calendar year including names, addresses and length of stay, and a copy of the register shall be made available to the Local Planning Authority on request.

#### **PLA/ NED/22/01036/OL - DRONFIELD**

**14/2**

**3-24**

The report to Committee explained that an Application had been submitted for the demolition of the existing buildings and the erection of a Class 'E' Foodstore, together with car parking, access, servicing and other associated works at Wreakes Lane, Dronfield. The Application had been referred to Planning Committee as it would be a Major Development of strategic importance.

Planning Committee was recommended to approve the Application, subject to

conditions. The report to Committee explained the reasons for this.

Members heard that the site lay within the Wreakes Lane Employment Area, which had been designated as a Principal Employment Area for the District. Although officers recognised that placing a retail store there would be contrary to the Development Plan, they had concluded that this change of use would be justified, given the need to provide additional retail capacity in Dronfield. Members were informed that there were no technical objections to the scheme, which could not be overcome by imposing suitable conditions. No neighbouring properties would be adversely affected by the Development and it would not have an unacceptable impact on highway safety.

Committee heard that no one had registered to speak on the Application.

Committee considered the Application. It took into account the site's location in a Principal Employment Area. It considered the local and national planning policies. These included Local Plan Policy SS2 on the provision of employment land, Local Plan Policy WC2, on the retention of District's B-class employment base, Local Plan Policy WC4, on Retail Hierarchy and Town Centre uses. Committee also took into account the presumption within the National Planning Policy in favour of sustainable development to achieve a strong, competitive economy and to ensure the vitality of town centres, as well as the relevant policies of the Dronfield Neighbourhood Plan.

Members discussed the Application. They reflected on the benefits of using the site for a new retail store rather than retaining it for employment use. Members discussed the possible road traffic impact of the development. Some Members suggested that it would be appropriate for a 'Pelican' or 'Puffin' pedestrian crossing to be installed to help ensure road safety and felt that this should be a condition for approving the Application. The officers explained that this proposed condition could be raised with the Applicant. If the additional condition was not agreed by them then the matter would be referred back to Committee for further consideration.

At the conclusion of the discussion Councillor D Cheetham and K Rouse moved and seconded a Motion to approve the Application, with a Delegation to the Planning Manager (Development Manager) to seek the installation of a Pelican or Puffin crossing to access the site at Wreakes Lane as an additional condition for approval. The Motion was put to the vote and was agreed.

#### RESOLVED -

That the Application be conditionally approved, in line with officer recommendations and subject to a Section 106 Agreement with the Developer and the agreement of an additional condition on the installation of a Pelican or Puffin pedestrian crossing to and from the site.

That the final wording of the Conditions and Section 106 Agreement be delegated to the Planning Manager (Development Management).

#### **S106 Heads of Terms**

- The Travel Plan monitoring fee is: £1,265.00 pa x five years, total £6,325.00.
  - Bus taster tickets : 28 Day Stagecoach Silver Megarider 1 no. per employee at £72 each. Therefore for a total number of 40 employees this would be £2,880.00
- S106 Total = £9205

## Conditions

1. Applications for approval of reserved matters are required before development can start and shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall be started within two years from the date of the approval of the last of the reserved matters to be approved.

To conform with Section 91 (1) of the Town and Country Planning Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).

2. Approval of the details of the appearance of the building(s) and the landscaping of the site (called the “reserved matters”) shall be obtained from the Local Planning Authority in writing before any development is started.

REASON: The application is made in outline only and to conform with section 92 (2) of the Town and Country Planning Act 1990 (as amended).

3. The development hereby approved shall be carried out in accordance with the details shown on the following plans and documents:-

- B035432-TTE-00-XX-PL-D-003 REV P03 Proposed Site Access General Arrangement with Additional Ametek Access.
- Stage 1 Road Safety Audit
- Flood Risk Assessment dated 11/10/2022
- Framework Travel Plan revision 01 dated March 2023
- Ecological Appraisal B029838 v1
- Transport Assessment received 08/11/2022
- 7236 / 20 The Location Plan
- 7236 / 21 Proposed Site Plan
- 7236 / 22 Proposed plan and Roof Plan
- 7236/24 Section –Proposed
- 7236/25 Section – Proposed
- Bat Survey
- Design and Access Statement
- Planning Statement

REASON: For clarity and the avoidance of doubt

## Employment and Training

4. Before the development hereby approved commences, a scheme to enhance and maximise employment and training opportunities during the construction

stage (and post 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.'

### **Design, Character and Appearance**

5. The details included in the reserved matters shall include a a scheme for mitigating, climate change through the sustainable design and construction of the retail unit hereby approved, including the provision of sources of renewable energy shall be submitted to and approved in writing by the local Planning Authority. Thereafter the approved scheme shall be implemented in full prior to the first occupation of the retail unit and shall be retained as such thereafter.

REASON: in the interests of mitigating climate change and in accordance with policies SS1, and SDC12.

6. Before any above ground construction starts details of the boundary treatments of the site shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme of boundary treatments shall be completed in full prior to the first operation of the retail unit hereby approved and shall be retained as such thereafter.

REASON: In the interests of the appearance of the area and in accordance with policy SDC12 of the North East Derbyshire Local Plan.

7. Before any above ground construction starts , a scheme for the provision of public art on the site including a timetable for implementation of the scheme shall be submitted to and approved in writing by the Local Planning Authority. The public art shall thereafter be completed in full in accordance with the approved scheme and timetable and shall be retained as such thereafter.

REASON: In the interests of providing public art and in accordance with Policy SDC12 of the North East Derbyshire Local Plan.

8. Prior to the first use of the building, hereby approved, a scheme for external CCTV coverage of all car parking and publicly accessible areas 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 use of the building, hereby approved, and be retained as such thereafter.

REASON: In the interests of crime prevention and the amenity of the area in accordance with policy SDC12 of the North East Derbyshire Local Plan.

9. Prior to the first use of the building details of the vehicular barrier to close off the site when the store is closed 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 use of the building and be retained as such thereafter.

REASON: In the interests of crime prevention and the amenity of the area in accordance with policy SDC12 of the North East Derbyshire Local Plan.

## **Land Contamination and Ground Stability**

10. Before the commencement of the development hereby approved the site investigation strategy as identified in the Desk Study report Ref E13429/1 submitted with the application shall be undertaken by a competent person in accordance with the current UK requirements for sampling and analysis.

Where the site investigation identifies unacceptable levels of contamination, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be submitted to and approved in writing by the local planning authority. The submitted scheme shall have regard to relevant current guidance. The approved scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria and site management procedures. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

The developer shall give at least 14 days notice to the Local Planning Authority (Environmental Health Division) prior to commencing works in connection with the remediation scheme.

REASON: To protect future occupiers of the development, buildings, structures/services, ecosystems and controlled waters, including deep and shallow ground water in accordance with Policy SDC13 of the North East Derbyshire Local Plan.

11. No buildings hereby approved shall be occupied until:

a) The approved remediation works required by 10 above have been carried out in full in compliance with the approved methodology and best practice.

b) If during the construction and/or demolition works associated with the development hereby approved any suspected areas of contamination are discovered, then all works shall be suspended until the nature and extent of the contamination is assessed and a report submitted and approved in writing by the local planning authority and the local planning authority shall be notified as soon as is reasonably practicable of the discovery of any suspected areas of contamination. The suspect material shall be re-evaluated through the process described in the Phase I contaminated land assessment (desk-study) ref E13429/1 submitted with the application and through the process described in 10 above.

c) Upon completion of the remediation works required by 10 above a validation report prepared by a competent person shall be submitted to and approved in writing by the local planning authority. The validation report shall include details of the remediation works and Quality Assurance/Quality Control results to show that the works have been carried out in full and in accordance with the approved methodology. Details of any validation sampling and analysis to show the site has achieved the approved remediation standard, together with the necessary waste management documentation shall be



included.

REASON: To protect future occupiers of the development, buildings, structures/services, ecosystems and controlled waters, including deep and shallow ground water in accordance with Policy SDC13 of the North East Derbyshire Local Plan.

12. No development shall commence (excluding the demolition of existing structures and site clearance) until;

a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past shallow coal mining activity; and

b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

REASON: In order to ensure the safety and stability of the development, in accordance with paragraphs 183 and 184 of the National Planning Policy Framework.

13. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

REASON: In order to ensure the safety and stability of the development, in accordance with paragraphs 183 and 184 of the National Planning Policy Framework.

### **Drainage**

14. The development shall be carried out in accordance with the details shown on the submitted report "Flood Risk Assessment' 7870 (rev P03) prepared by MJM, dated 11/10/22" and the approved details shall be implemented in full prior to the first use of the building and be retained as such thereafter.

REASON: In the interests of satisfactory drainage of the site and in accordance with Policy SDC11 of the North East Derbyshire Local Plan

15. Before development starts, a scheme for the provision of surface water drainage works shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall also ensure that all surface water from

access and car park areas is passed through interceptors. The approved scheme shall then be implemented in full before the development, hereby approved, is first brought into use and shall be maintained as such thereafter

REASON: In the interests of satisfactory drainage of the site and in accordance with Policy SDC11 of the North East Derbyshire Local Plan

16. 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. MJM Consulting Engineers. (11/10/2022) Flood Risk Assessment, version P03, Nutter, K. (2023). Email to Philip Slater, 13 March, and Nutter, K. (2023). Email to Philip Slater, 19 May, including any subsequent amendments or updates to those documents as approved by the Flood Risk Management Team,
  - b. And DEFRA's Non-statutory technical standards for sustainable drainage systems (March 2015)
- has been submitted to and been approved in writing by the Local Planning Authority. The agreed scheme shall then be implemented as agreed and be retained a such thereafter.

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. In accordance with Policy SDC11 of the North East Derbyshire Local Plan.

17. Prior to commencement of the development, the applicant shall submit for approval in writing 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 then be operating as agreed before the commencement of any works.

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. In accordance with Policy SDC11 of the North East Derbyshire Local Plan.

18. Prior to the first use of the development, hereby approved, a verification report carried out by a qualified drainage engineer must be submitted to and be approved in writing 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. In accordance with Policy SDC11 of the North East

Derbyshire Local Plan.

## **Ecology**

19. No vegetation clearance shall take place between 1st March and 31st August inclusive, unless preceded by a nesting bird survey undertaken by a competent ecologist no more than 48 hours prior to clearance. If nesting birds are present, an appropriate exclusion zone will be implemented and monitored until the chicks have fledged. No works shall be undertaken within exclusion zones whilst nesting birds are present.

REASON: In the interests of protecting wildlife and in accordance with policies SDC4 of the North East Derbyshire Local Plan

20. Prior to any building works, hereby approved, commencing above foundation level, a Biodiversity Enhancement Plan, including a timetable for its implementation, shall be submitted to and be approved in writing by the Local Planning Authority. The approved scheme shall then be implemented in full as agreed and be maintained thereafter. The Plan shall clearly show positions, specifications and numbers of features, which will include (but are not limited to) the following:

- integral, external and/or tree-mounted nest boxes.
- integral, external and/or tree-mounted bat boxes.
- insect bricks or blocks.
- boundary fencing gaps 130 mm x 130 mm to maintain connectivity for hedgehogs.
- summary of ecologically beneficial landscaping (full details to be provided in Landscape Plans).
- details of sensitive lighting to western boundary

REASON: In the interests of protecting wildlife and in accordance with policies SDC4 of the North East Derbyshire Local Plan

## **Highways**

21. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on Drawing No. B035432-TTE-00-XX-PL-C-003-P03 have been implemented in full.

REASON: in the interests of highway safety and in accordance with Policies SDC12 and ID3 of the North East Derbyshire Local Plan.

22. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with the Proposed Site Plan drawing number 7236/21 Rev G Thereafter the onsite parking provision shall be retained in perpetuity.

REASON: In the interests of highway safety and in accordance with Policies SDC12 and ID3 of the North East Derbyshire Local Plan.

23. The development hereby approved shall not be brought into use until visibility splays are provided from a point 0.6m above carriageway level at the centre of

the access to the application site and 2.4 metres back from the near side edge of the adjoining carriageway, (measured perpendicularly), for a distance of 54.6 metres in a southerly direction and 53.3 metres in a northern direction measured along the nearside edge of the adjoining carriageway and offset a distance of 0.6 metres from the edge of the carriageway. These splays shall thereafter be permanently kept free of all obstructions to visibility over 0.6m in height above carriageway level.

REASON: In the interests of highway safety and in accordance with Policies SDC12 and ID3 of the North East Derbyshire Local Plan.

24. The development hereby approved shall not be brought into use until sheltered, secure and accessible bicycle and motorcycle parking has been provided in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority. The storage area shall be maintained for this purpose thereafter.

REASON: To promote sustainable travel and healthy communities and in accordance with Policies SDC12 and ID3 of the North East Derbyshire Local Plan

25. Notwithstanding the submitted details, the development hereby approved shall not be brought into use until an updated Travel Plan has been submitted to and approved in writing to the Local Planning Authority that promotes sustainable forms of travel to the development site and this has been approved in writing by the Local Planning Authority. The submitted details shall use Modeshift STARS Business to carry out this process and include mechanisms for monitoring and review over the life of the development and timescales for implementation. The approved Travel Plan shall be implemented, monitored and reviewed in accordance with the approved details.

REASON: In the interests of highway safety and in accordance with Policies SDC12 and ID3 of the North East Derbyshire Local Plan.

26. Prior to the commencement of the development, hereby permitted, details of a construction management plan shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the demolition/construction period. The plan/statement shall include but not be restricted to:
- Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
  - Advisory routes for construction traffic;
  - Any temporary access to the site;
  - Locations for loading/unloading and storage of plant, waste and construction materials;
  - Method of preventing mud and dust being carried onto the highway;
  - Arrangements for turning vehicles;
  - Arrangements to receive abnormal loads or unusually large vehicles;
  - Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

REASON: In the interests of highway safety and in accordance with Policies SDC12 and ID3 of the North East Derbyshire Local Plan.

## Notes

### **Alterations to Vehicular Access**

1. The Local Highway Authority has no objection to the above subject to the applicant obtaining a section 184 license. The construction of a new access will require the extension of a verge and/or footway crossing from the carriageway under the Highways Act 1980 - Section 184 and the Applicant is required to obtain the permission of Derbyshire Highways details can be found at [www.derbyshire.gov.uk/transport-roads/roads-traffic/licences-enforcements/vehicular-access/vehicle-accesses-crossovers-and-dropped-kerbs.aspx](http://www.derbyshire.gov.uk/transport-roads/roads-traffic/licences-enforcements/vehicular-access/vehicle-accesses-crossovers-and-dropped-kerbs.aspx) or email [highways.hub@derbyshire.gov.uk](mailto:highways.hub@derbyshire.gov.uk) before commencing any works on the highway.

### **Works on the Public Highway**

2. The development hereby approved includes the carrying out of work on the adopted highway. You are advised that before undertaking work on the adopted highway you must enter into a highway agreement under Section 278 of the Highways Act 1980 with the County Council, which would specify the works and the terms and conditions under which they are to be carried out.

Contact the Highway Authority's Implementation team at [development.implementation@derbyshire.gov.uk](mailto:development.implementation@derbyshire.gov.uk) allowing sufficient time for the preparation and signing of the Agreement. You will be required to pay fees to cover the Council's costs in undertaking the following actions:

Drafting the Agreement

A Monitoring Fee

Approving the highway details

Inspecting the highway works

Planning permission is not permission to work in the highway. A Highway Agreement under Section 278 of the Highways Act 1980 must be completed, the bond secured and the Highway Authority's technical approval and inspection fees paid before any drawings will be considered and approved.

The development hereby approved and any associated highway works required, is likely to impact on the operation of the highway network during its construction (and any demolition required). You are advised to contact the Highway Authorities Network Management Team at [www.derbyshire.gov.uk/transport-roads/roads-traffic/roadworks/roadworks.aspx](http://www.derbyshire.gov.uk/transport-roads/roads-traffic/roadworks/roadworks.aspx) before undertaking any work, to discuss any temporary traffic management measures required, such as footway, Public Right of Way, carriageway closures or temporary parking restrictions a minimum of eight weeks prior to any activity on site to enable Temporary Traffic Regulation Orders to be prepared and a programme of Temporary Traffic Management measures to be agreed.

## **Travel Plan**

The proposed development will require a Travel Plan as part of the transport mitigation package (together with a Monitoring Fee and Default Payment) and the Applicant/Developer is required to enter into a legally binding Planning Obligation Agreement with the County Council to secure the Travel Plan.

Derbyshire County Council has published guidance on how it expects travel plans to be prepared, this guidance is freely available from the County Councils website. As part of this process the applicant must register for Modeshift STARS and ensure that their targets have been uploaded so that progress on the implementation of the Travel Plan can be monitored.

Modeshift STARS Business is a nationally accredited scheme which assists in the effective delivery of travel plans, applicant can register at [www.modeshiftstars.org](http://www.modeshiftstars.org)

## **Construction Management Plan (CMP)**

It is expected that contractors are registered with the Considerate Constructors scheme and comply with the code of conduct in full, but particularly reference is made to “respecting the community” this says:

Constructors should give utmost consideration to their impact on neighbours and the public

- Informing, respecting and showing courtesy to those affected by the work;
- Minimising the impact of deliveries, parking and work on the public highway;
- Contributing to and supporting the local community and economy; and
- Working to create a positive and enduring impression, and promoting the Code.

The CMP should clearly identify how the principal contractor will engage with the local community; this should be tailored to local circumstances. Contractors should also confirm how they will manage any local concerns and complaints and provide an agreed Service Level Agreement for responding to said issues.

Contractors should ensure that courtesy boards are provided, and information shared with the local community relating to the timing of operations and contact details for the site coordinator in the event of any difficulties. This does not offer any relief to obligations under existing Legislation.

### **PLA/ NED/23/00381/FL - BRACKENFIELD**

**15/2  
3-24**

The report to Committee explained that an Application had been submitted for the conversion and change of use of an Outbuilding, with extensions, to form a two-storey dwelling at Carr Lane Farm, White Carr Lane, Brackenfied. The proposed

dwelling would have Velux roof lights and a Private Drainage System.

The Application had been referred to Committee by the Local Ward Member, Councillor C Cupit, who had raised concerns about it.

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

Officers had concluded that the dwelling would be an unacceptable development in this countryside location. The extent of the proposed works would go beyond what could be considered as a conversion of an existing property. Officers felt that that this would have an unacceptable impact on the rural character of the area and so the Application should be refused.

Before the Committee considered the Application it heard from T Stubbins, the Agent for the Application, M Poole and B J Poole, the Applicants, who spoke in support of the Application. No one had registered to speak against the Application.

Committee considered the Application. It took into account the site's location in the countryside, outside of the Settlement Development Limit (SDL) for Brackenfield. Committee considered the relevant national and local planning policies. These included Local Plan Policy SS9, on development in the countryside, Local Plan Policy SDC1, on the re-use and conversion of buildings in the Green Belt and Countryside and Local Plan SDC12, requiring new developments to be of high-quality design and to make a positive contribution to the quality of the local environment.

Committee also considered Local Plan Policy SD3, requiring new developments not to significantly harm the character, quality and sensitivity of the landscape and Paragraph 80 of the National Planning Policy Framework, on the circumstances when isolated homes in the countryside would be appropriate. They also considered the relevant policies of the Brackenfield Neighbourhood Plan.

Members discussed the Application. They reflected on the site's location with a primary Area of Multiple Environmental Sensitivity (AMES). They considered the size of the proposed dwelling and its potential impact on the landscape. Some Members thought that the proposed development would enable a building to be converted for use as a home and should be welcomed. Other Members were concerned that the new building would be significantly larger than the existing structure, which would harm the character of the area, and felt that the Application should be rejected.

At the conclusion of the discussion Councillor K Rouse and Councillor H Liggett 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.

That the final wording for the refusal of the Application be determined by the

Planning Manager (Development Management).

Reasons

The application site is located within the Countryside and outside of a defined Settlement Development Limit.

The application is considered unacceptable by reason of the extent of the works, the works would go beyond what could be considered as a conversion and would have 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, policies CH1, CH2 and H1 of the Brackenfield Neighbourhood Plan and the National Planning Policy Framework when read as a whole.

**PLA/ NED/23/00155/FL - DRONFIELD**

**16/2**

**3-24**

The report to Committee explained that an Application had been submitted to construct a single storey rear extension and to raise part of the existing roof to accommodate a bedroom ensuite area, with a side facing dormer, Velux roof windows and a Juliet balcony to the rear of 80 Shakespeare Crescent, Dronfield.

Members were informed that the proposal had been submitted by a relative of a contractor working for the Council, who has authority for making recommendations on planning applications and appeals. Committee was required under the Council's Constitution to consider the Application, as an objection to the Development had been received from a neighbour.

Committee was recommended to approve the Application. The report to Committee explained the reasons for this. The proposal was in accord with the Development Plan for the District. Officers felt that the single storey extension would be of an appropriate design, as would the proposed alterations to the rear.

Members discussed the Application. As part of this they considered the concerns which had been raised by the objector about the loss of amenity if their property was overlooked by windows. It was explained that a requirement for opaque glazing to be used on the windows was proposed as a condition for approving the Application.

At the conclusion of the discussion Councillor T Lacey and Councillor D Cheetham moved and seconded a Motion to approve the Application, in line with officer recommendations. The Motion was put to the vote and was approved.

**RESOLVED -**

That the Application be conditionally approved, in line with officer recommendations.

That the final wording of the conditions be determined by the Planning Manager (Development Management.)



## Conditions

### 1. T1 (Full Condition)

The development hereby permitted shall be started within three years from the date of this permission.

**T1R Reason** - To comply with the provision of Section 91 (as amended) of the Town and Country Planning Act 1990.

### 2. T5 (Submitted Plans)

The development hereby approved shall be carried out in accordance with the details shown on drawings received 17/02/2023; unless otherwise subsequently agreed through a formal submission under the Non Material Amendment procedures

**T5R Reason-** For clarity and the avoidance of doubt.

### 3. Glazing

The rear window proposed on the first floor side elevation facing number 82 Shakespeare Crescent and the two side windows facing 82 in the single story rear extension shall be made non-opening and obscure glazed, and shall be maintained as such whilst a window is installed in this position

**Reason** – In the interests of the privacy and amenity of the residents of 82 Shakespeare Crescent.

## PLA/ NED/23/00457/FL - WINGERWORTH

17/2

3-24

The report to Committee explained that an Application had been submitted for a single storey extension and loft conversion, with the creation of a low-level garden retaining wall to form a patio area at 38 Central Drive, Wingerworth.

As required by the Constitution, the Application had been referred to Committee for determination as the Applicant was an employee of the Council, working with the Planning Service team.

Members discussed the Application. They were informed that no comments or representations had been received on the Application. They considered the scope and scale of the proposed development and reflected on how these compared to neighbouring properties. At the conclusion of the discussion Councillor P Elliot and Councillor D Hancock moved and seconded a Motion to approve the Application. The Motion was put to the Vote and was agreed.

### RESOLVED -

That the Application be conditionally approved.

That the final wording of the conditions be determined by the Planning Manager – Development.

Conditions

**T1 (Full Condition)**

The development hereby permitted shall be started within three years from the date of this permission.

**T1R Reason** - To comply with the provision of Section 91 (as amended) of the Town and Country Planning Act 1990.

**T5 (Submitted Plans)**

The development hereby approved shall be carried out in accordance with the details shown on drawing numbers PL\_01 A received 06/06/2023; unless otherwise subsequently agreed through a formal submission under the Non Material Amendment procedures.

**T5R Reason-** For clarity and the avoidance of doubt.

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

**18/2**

**3-24**

The report to Committee explained that three Appeals had been lodged, two Appeals had been allowed and two Appeals had been dismissed.

**PLA/ Matters of Urgency**

**19/2**

**3-24**

None.

## PLANNING COMMITTEE – 5<sup>th</sup> September 2023

**REFERENCE NUMBER:** 22/00686/FL      Application Expiry Date: 8 September 2023

Application Type: Full Planning Permission

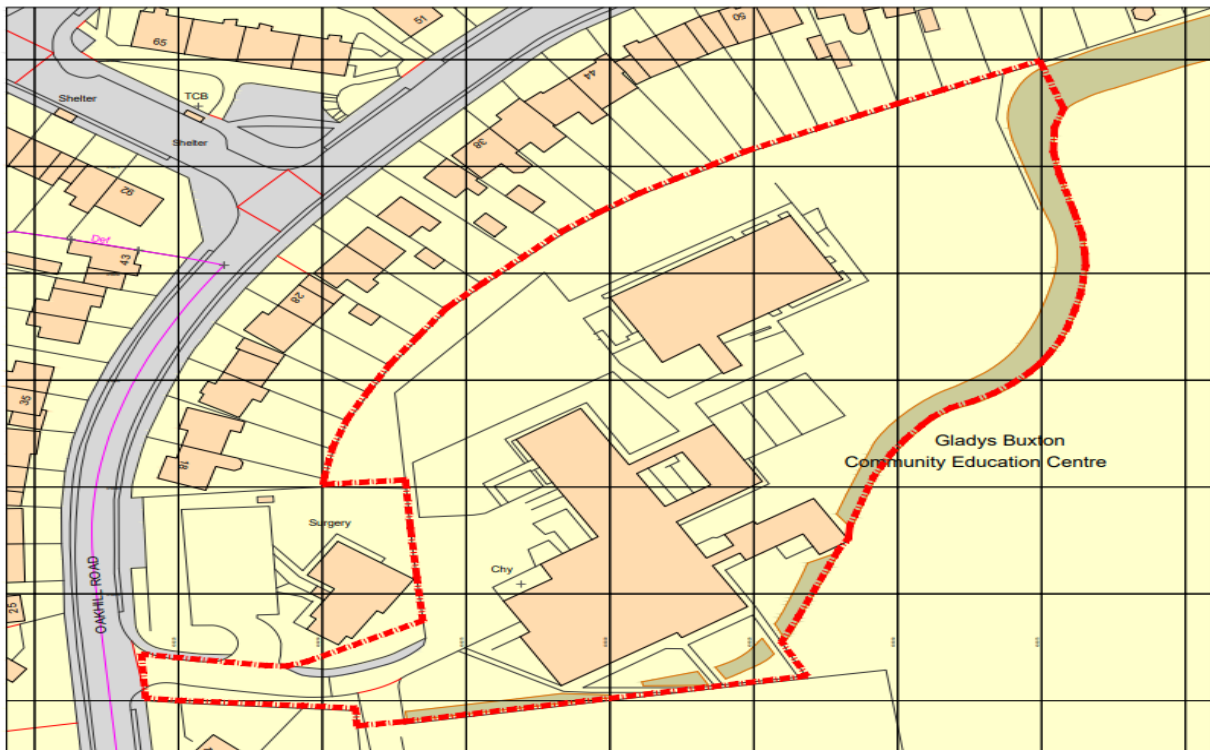
Proposal Description: **Full Planning Application for the development of 27 new dwellings, sports pavilion and associated access at land off Oakhill Road, Dronfield (Major Development) (Amended Title)(Amended Drawings)**  
At: **Gladys Buxton Adult Education Centre, Oakhill Road, Dronfield**

For: **Anuj Joshi - Rockliffe Homes Ltd.**

Third Party Reps: 29      Parish: Dronfield  
Ward Name: Coal Aston

Author of Report: Case Officer: Alice Lockett      Date of Report: 24<sup>th</sup> August 2023

**MAIN RECOMMENDATION: GRANT subject to section 106 agreement**



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Figure 1: Location Plan (Site edged by red hash)- not to scale

## **1.0 REASON FOR THE REPORT**

- 1.1 The application is for a major housing development on an unallocated, partially brownfield, site within the Dronfield Settlement Development Limits. Due to the important planning policy issues that require consideration, the Planning Manager considers it is appropriate for this application to be considered and determined by the Planning Committee.

## **2.0 PROPOSAL AND BACKGROUND**

- 2.1 The bulk of the application site comprises the former Gladys Buxton Adult Education Centre which was owned and run by Derbyshire County Council. It was demolished in 2019. This element of the site is considered to be brownfield land and is identified as such on the Council's brown field land register. The remainder of the site is formed of playing fields (see Figure 2 below)



*Figure 2: Application site (with existing adjoining surgery in background)*



- 2.2 The site abuts the rear gardens of Oakhill Road to the west and north, see Figure 3 below, Oakhill Surgery to the west and playing fields to the south and east.
- 2.3 The site is accessed from Oakhill Road using an existing access which serves the site and the GP surgery. The site slopes up generally south east to north west and is separated by steep banking from playing fields to the east. The gardens and dwellings which abut the site to the north are at a higher elevation than the application site (see Figure 3 below).



*Figure 3: Application site (showing adjoining properties)*

### **3.0 RELEVANT PLANNING HISTORY**

- 3.1 19/00070/DEM: Application of prior notification of proposed demolition of Gladys Buxton Centre. Approved 18/02/2019.

### **4.0 CONSULTATION RESPONSE**

- 4.1 **Yorkshire Water:** No objection subject to condition.
- 4.2 **Highways (HA):** Final comments are awaited. However, discussion with the HA indicate that comments will be received prior to the Committee meeting and so they will be reported in full at that time. However, it is understood that the HA do not object to the application in principle and will recommend approval subject to final clarification on certain matters/imposition of conditions.

4.3 **Sport England (SE):** The revised proposal includes the construction of a single storey sports pavilion to address concerns raised about the loss of ancillary [sports] facilities on the site. Drw No: 223 includes the floor plans and elevational plans for the proposed changing building which would have a footprint of some 149.4m<sup>2</sup>. The internal layout includes 2 no. player changing rooms, an official's changing room, accessible WC and shower, plant room, store, external store and club room. As part of the assessment of this proposal Sport England has consulted with the Football Foundation (FF) who act as Sport England's technical advisor in relation to football and its facilities. Their comments are summarised as:

- Whilst the design of the building is compliant with FA technical guidance, there are two additions which the FF would encourage the applicant to consider: a. Spectator toilets - These can be situated in a social area of the building (not part of any changing area) or they can be accessible via external doors b. Kitchen/social space for participants at the site to provide a social area and encourage spectators and the community to use the facility.

- The siting of the pavilion looks OK and is an acceptable distance from the pitches situated to the east of the development.

- The only other comments the FF wish to make is regarding the quality of the pitches. Whilst the FF appreciates this hasn't formed part of this application, the FF would need to mention this as without good quality pitches, the pavilion would not be well used. The FF would encourage the applicant to liaise with the County FA as to who will be managing the pavilion and therefore, open dialog between the site management and the County FA over the use of both the pavilion and the pitches. The FF would encourage a Pitch Power assessment as part of the reintroduction of the pitches, which are associated to this planning application.

#### Assessment of the additional information against Sport England Policy/NPPF/Development Plan Policy

The proposed residential development would lead to the loss of ancillary facilities along with prejudicing the use of the existing playing field. The proposal therefore needs to be considered against the exceptions in Sport England's policy which accord with the specified justifications included in paragraph 99 of the NPPF. The additional information seeks to address the concerns raised by Sport England regarding whether the proposal could meet Exception 3 in our Policy which allows development which affects only land incapable of forming part of a playing pitch and does not:

- (i) reduce the size of any playing pitch.
- (ii) result in the inability to use any playing pitch (including the maintenance of adequate safety margins and run-off areas).

- (iii) reduce the sporting capacity of the playing field to accommodate playing pitches or the capability to rotate or reposition playing pitches to maintain their quality.
- (iv) result in the loss of other sporting provision or ancillary facilities on the site; or
- (v) prejudice the use of any remaining areas of playing field on the site.

The proposal to construct a sports pavilion with changing and toilet facilities would mitigate against the loss of the ancillary facilities which were previously provided within the school building. Floor plans and elevational plans have been provided of the building in Drw No: 223. The comments provided by the FF confirm that the design of the building is compliant with their technical guidance and that it would be sited in an acceptable location. Further consideration should be given to altering the internal layout to provide the spectator toilets as requested by the FF along with providing a kitchen area in addition to the club room to act as a social space.

The application lacks any details of the proposed maintenance and management of the sports pavilion. Further details on this should form part of appropriate wording in a Section 106 Agreement. As raised in the comments made by the FF, in order for the pavilion to be well used there is a need to improve the quality of the playing fields for use as football pitches and the landowner of the playing field (which is indicated as being the Council on Drw No: 205 Rev A – Proposed Planning Layout) should liaise with Derbyshire County FA with regards to the use and quality of these pitches and the use of the pavilion. In addition to this the landowner should also engage with other sports clubs in the area looking for facilities such as athletics clubs, in order to create a multi-sports use of the playing field and pavilion. Again, links with the playing field and car parking to the sports pavilion should form part of appropriate wording in a Section 106 Agreement.

### Conclusion

Sport England withdraws its previous objection and so does not wish to raise an objection to this application as the revised application is considered to meet exception 3 of our Playing Fields Policy and the requirements of Paragraph 99 of the NPPF subject to conditions [as recommended].

- 4.4 **DCHS (NHS):** No objection
- 4.5 **Ward Member** No comments received.

- 4.6 **Environmental Health:** No objection subject to conditions in respect of working practices during construction phase, dust and Contaminated Land and Gas Measures.
- 4.7 **The Coal Authority (CA):** The Phase 2 Intrusive Geoenvironmental & Shallow Mining Appraisal submitted in support of this planning application confirms that recorded mine entries (shafts) pose a risk to the proposed development and that remedial works to the mine entries will be required to be undertaken prior to commencement of the development. The CA recommends the imposition of conditions and withdraws its objection.
- 4.8 **NEDDC Parks:** The proposed development comprises of 4 two bed dwellings, 12 three bed dwellings and 11 four bed dwellings. This would attract an estimated £30,059.74 of section 106 monies towards existing off-site provision with a 10-year maintenance fee of approximately £11,766.16. These estimates are based on the last available update (April 2023) to Appendix D of the council's Local Plan.

The nearest existing facility to the proposed development is Stonelow Play Area. Stonelow Play Area is owned and maintained by Dronfield Town Council. This play area may benefit from additional / replacement equipment to increase the play value to local residents.

With regards any open space(s), the new plans indicate landscaped areas in particular to the left as entering the site, around the 'new sports pavilion' and from there along the right of the roadway to the rear of plot 27, which seems to tie in with the existing field. It remains unclear from information provided as to what is intended with regards future ownership and maintenance arrangements of these pieces of land, and whether there is any public open space proposed to be passed to the District Council.

If the public open space(s) is to be adopted by NEDDC, then:

- NED would seek to be consulted regarding the landscaping and planting schemes.
- NED would seek assurance that the access would be appropriate and of suitable standard for the necessary maintenance equipment/vehicles.
- NED would request clarification as to the ownership of any boundary hedgerows or fencing between the open space(s) and neighbouring property/private land.

If the land adjacent to any of the trees for retention (within and outside the site extent) is utilised for the delivery, use or storage of site equipment/materials etc., consideration should be given to avoid damage being caused to the trees and a tree protection plan to protect the trees and minimise risk of damage to the roots is required.



- 4.9 **Derbyshire Wildlife Trust (DWT):** A net ecological loss of -1.54 units (32.67%) is predicted. As such, a solution is required to offset this to achieve a net gain, in line with national planning policy.
- 4.10 **NEDDC Streetscene:** No comments received.
- 4.11 **NEDDC Tree Officer:** The revised plan has attempted to retain more trees but still requires the loss of T11 and T3, the most valuable trees. T3 is a tree of recognised higher value but its loss alone would be unlikely to sustain an objection. T11 is a mature ash with a stem diameter of 91 cm and a height of 22m, normally an ash with those measurements is a locally notable tree. However, it appears to exhibit signs of Ash Dieback and it looks like less than 50% of living canopy remaining on this tree putting it in class 3 of the Health Assessment Systems recommended by the Tree Council.

The original survey undertaken in December 2021 describes the tree as of normal health, with no indication of being infected with Ash Dieback. This is no longer the case, and the tree is no longer healthy. As such, T11 is considered a Category C tree.

50% crown remaining is the point at which action should be considered for trees within falling distance of significant targets, and 25% crown remaining is the minimum point of action for such trees. Therefore, to retain T11 without undertaking considerable works to stabilise the structure, would require a buffer equal to its height, currently 22m, around the tree to avoid the concern of falling branches causing damage to property or injury to people. To reduce the height of the tree to the radius of the calculated RPA would require it to be reduced to a height of 11m, currently 50% of its current height. This amount of reduction would effectively remove the amenity value of the tree. The circumference of the stem, whilst suggesting a mature tree which is probably notable locally, isn't yet close to becoming considered a veteran for the species. As such, there is no objection to the removal of T11 too.

- 4.12 **Police (DCCP):** There is evidence of anti-social gatherings using vehicles in the locality, including the neighbouring GP Surgery car park. This is likely to transfer to the more secluded and much larger sports field car park without any restriction when facilities are not in use.

The revised details satisfy DCCP that the replacement provision suggested would be satisfactory, with associated management practices. As the exact means of enclosure are not specified these should be subject of condition. All other matters previously commented upon have been resolved.

The layout shows a shared parking court which is sited to the rear of a number of rear gardens, unlit, and under-supervised. To mitigate against the associated risks (raised crime levels, damage, abandonment and unwanted inappropriate roadside parking) the foot access between the garages for plots 25 and 26 should be secured with a key lockable gate.

Additionally, either the vehicular entrance should be provided with a pair of manual gates, capable of being secured when chosen, or the outer sections of garden fencing between private gardens and the court should be changed to a 1.2m high solid wooden lower section, with an engineered 500mm topping to allow house occupants a view of their vehicle/garage.

4.13 **Chesterfield Royal Hospital:** Request a sum of £58,894 to supplement services at the hospital resulting from the development.

4.14 **DCC Planning Infrastructure (DCC):**

*Education:*

Analysis of the current and future projected number of pupils on roll, together with the impact of approved planning applications shows that the normal area primary school would have sufficient capacity to accommodate the 3 junior pupils identified as arising from the proposed development.

Analysis of the current and future projected number of pupils on roll, together with the impact of approved planning applications shows that the normal area secondary school would not have sufficient capacity to accommodate the 7 secondary including post 16 pupils identified as arising from the proposed development.

To mitigate the impact of the proposed development on school places in order to make the development acceptable in planning terms, a financial contribution is requested as follows: £213,099.53 towards the provision of 7 secondary including post16 places at Dronfield Henry Fanshawe School

*Public Health and Adult Social Care:*

The following general design principles should be being considered to comply with the NPPF's requirement for developments to 'create places that are safe, inclusive and accessible and which promote health and well-being, with high standards of amenity and flexibility for existing and future users.'

- Dwellings meet national space and/or M4(2) standards to encourage independent living for all ability and mobility levels.
- Good internal space standards, ceiling heights, natural light levels.
- Stairways, walls and ceilings capable of accommodating stair lifts or hoists should these be required in future; large internal cupboards which could be converted for through floor lifts at a future date.

- A mix of tenures and types: affordable accommodation is important to help ensure the stability of the domiciliary care market.
- Having a proportion of dwellings built on one level (stacked or bungalow) and ensuring this type of provision is located near public transport routes and/or urban centres.

*Greenways:*

Frith Wood is managed by the Council's Countryside Service and situated approximately 200m away from the development site. The site is a mixed semi-natural woodland that presents excellent opportunities for the applicant to achieve a 10% increase in biodiversity by delivering off site habitat creation and enhancement.

*Monitoring fees:*

Request monitoring fees based on the cumulative number of triggers to be monitored for County Council obligations x £77.

- 4.15 **NEDDC Housing:** The area in which this development is being proposed has a high demand for affordable housing – particularly for affordable rented accommodation. The affordable housing should be for affordable rent, rather than affordable home ownership. Any properties on this site (if for affordable rent) should be allocated through the Council's Choice Based Lettings system and managed by a Registered Provider or Housing Association who has existing stock within the area.

## 5.0 REPRESENTATIONS

- 5.1 **Dronfield Town Council (DTC):** In response to the original application stated the development cannot viably offer any affordable housing or section 106 or CIL contribution or the scheme deficit would increase significantly. Therefore, the only viable solution for the scheme to progress is that no affordable housing or section 106 contributions are applied to the development, which concerns the Town Council greatly. The proposed houses also may not be suitable for more elderly residents who may wish to downsize from larger properties. In addition to this, there are three storey houses included in the plans which are out of character and raise concerns about a significant change in appearance of the area and landscape. DTC are also concerned regarding the felling of trees to make way for the development.

*Officer note: The scheme now identifies 30% affordable housing, provides adaptable housing, provides a full s106 package and reduces the number of trees to be felled.*

- 5.2 The development of the site goes against the principle to retain existing sports facilities and if the development goes ahead, the developers will

seek to build upon the remainder of the sports field. That will prove detrimental to the residents of Oakhill Road and Stonelow Road. Dronfield and Coal Aston have several thriving sports teams, so DTC encourage the owner of the land, DCC, to maintain the sports facilities.

*Officer note: The revised scheme includes a sports pavilion.*

- 5.3 It is DTCs understanding that there is a large drainage pipeline (6ft diameter) that takes drainage across the site and out into the Stonelow Road channel. In storms, the drains and holding chamber fail and flood one of the gardens on Stonelow Road. In addition, there has recently been a major blockage of sewage on the sport field that occurred in the hot weather, causing a foul stench for the residents on Stonelow Road which Yorkshire Water eventually cleared. The developer says “existing foul drains system will be utilised”. However, they have produced no documentation showing where the site drains will be constructed, or the feed into the existing system, or the impact of this on the existing drainage system.
- 5.4 **Dronfield Civic Society** originally objected to the application regarding the lack of a section 106 contribution and affordable housing.
- 5.5 **29 comments have been received from 20 individuals.** In summary they make the following comments on the initially submitted scheme:

#### Impact on the Sports Pitches

- This proposed area is used heavily. These uses would be forced into other areas or potentially unsociable activities.
- The car park shouldn't be used for overflow parking for the site. How will the sports pitches and car park be managed going forward (who owns them?).

#### Impact of the number of dwellings on roads, traffic congestion, schools and transport.

- This is already a built-up area and any property built on the proposed land would be of poor value and destroy the community feel whilst putting immense pressure on facilities i.e., schooling and transport links.
- Impact of the number of dwellings on the access and on Oakhill Road which is already busy. Particularly, the number of 4 bed houses
- Impact of more housing on traffic, waiting lists, state of the roads
- Local schools are oversubscribed.
- Access is close to local primary schools, on a bus route- risk of congestion and pollution.

- Oakhill Road is already in a poor state of repair and more cars will make this worse.
- Noise and light pollution from extra traffic affecting the adjoining properties which have benefited from having no properties overlooking them for a considerable amount of time.
- Particular concerns re school drop off times which causes congestion already.

#### Impact on Neighbours

- Potential overlooking. Impact on privacy, Impact on visual amenity-loss of views, Wi
- Development works will be disruptive and noisy as well as impact on traffic and safety from the works.
- Houses that back on to the site will lose direct access from their gardens.
- How high will the retaining wall be – how will it impact views from properties on Oakhill Road.
- Car parking spaces will create light and noise pollution to surrounding areas.
- Loss of views
- Impact on house prices
- Lighting and noise levels will have an impact on mental wellbeing of existing homeowners particularly those working from home, stay at home parents or those of retirement age.
- Impact on wildlife
- Loss of trees and hedges particularly because of the impact on wildlife and climate change. Trees are potential bat roost sites.
- 70% loss in biodiversity is unacceptable.
- The site should be delivering 10% biodiversity net gain.

#### Viability and Section 106

- Applicant has claimed that the site is not viable and therefore cannot deliver 106 payments and affordable housing.
- No affordable housing
- No homes for the elderly
- Not enough smaller properties for first time buyers

#### Land stability issues

- concern for subsidence in future due to development
- concern for disturbance of radon gas around our property
- mines are close to the boundaries and may not be able to be capped properly - has the landowner sought permission from the landowner of the leased properties on Oakhill Road to access the mine?
- Car parking over mineshafts

- Concerns with regard to the height of the retaining wall particularly in relation to the mineshaft- is the retaining wall necessary.

### Design

- Too many dwellings on the site.
- The site is over developed, and houses are too close to the boundaries.
- Three storey properties are not in keeping with the surrounding area – mostly 1 and 2 storey dwellings.

### Other

- Only part of the site is brownfield.

The further representations have been received to the **revised scheme** a number of which re-iterate points made on the originally submitted scheme:

- How is the gate to the sports pitches car park going to be addressed?
- The development will cause lots of disruption to the area particularly to the surgery and the sports pitches.
- The sports pavilion may cause anti-social behavior.
- The sport pavilion is not required.
- The proposal is a departure from the Local Plan.
- The revised plan does not address the impact on visual amenity.
- The boundary retaining wall will cover access to my garden fence taking away the ability to access the fence for maintenance and repair.
- The houses will overlook our bathroom and bedroom and our gardens so we will lose privacy.
- Traffic generation
- Noise and disturbance from the playing fields
- Loss of trees, damage and disruption to wildlife.
- Design of the buildings do not match the surrounding estates homes.
- There is a report which suggests that the proposal is not viable.
- There are large number of playing fields already in Derbyshire.
- Pressure on services
- Plots 26 and 27, 19, 20, 21 and 27 will still be built in close proximity to neighbouring properties which will lead to loss of privacy for existing homeowners.
- 27 houses on the land are still too many.
- Road access is limited width.
- Sport pavilion will bring increased traffic and encourage anti-social behaviour.

- Crossing the road to the bus stop will be more dangerous with more traffic generated by the development.
- Contractors must not park on Oakhill Road.

## **6.0 RELEVANT POLICY AND STRATEGIC CONTEXT**

- 6.1 The Development Plan comprises the Dronfield Neighbourhood Plan (NP) and the North East Derbyshire Local Plan (LP). The most relevant policies in this case are as follows:

### Dronfield Neighbourhood Plan (NP):

ENV2 Landscape Character  
 ENV4 Ecology  
 ENV5 Local Green Spaces  
 ENV 6 Trees and Woodlands  
 HOU1 Windfall housing development  
 HOU2 Housing Mix  
 HOU3 Affordable Housing  
 HOU4 Infrastructure for New Housing and Other Forms of Development  
 HOU5 Developer Contributions  
 T&A1 Cycling and Walking  
 T&A2 Car Parking  
 D3 Good Design

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

SS1 Sustainable Development  
 SS2 Spatial Strategy and the Distribution of Development  
 SS7 Development on Unallocated Land within Settlement with defined Settlement Development Limits  
 LC1 Housing Allocations  
 LC 2 Affordable Housing  
 LC4 Type and Mix of Housing  
 SP1 Dronfield  
 SDC2 Trees, Woodlands and Hedgerows  
 SDC3 Landscape Character  
 SDC4 Biodiversity and Geodiversity  
 SDC11 Flood Risk and Drainage  
 SDC12 High Quality Design and Place Making  
 SDC13 Environmental Quality  
 SDC14 Land potentially affected by Contamination or Instability  
 ID1 Infrastructure delivery and Developer Contributions  
 ID2 Provision and Safeguarding of Transport Infrastructure  
 ID3 Sustainable Travel  
 ID7 Green Infrastructure

## 7.0 PLANNING ISSUES

### Principle of development

- 7.1 The application site is located within the settlement development limits for Dronfield which is identified in the LP as a level 1 town, one of the 4 most sustainable settlements in the District. The site is otherwise not allocated in the LP for development.
- 7.2 LP policy SS7 and NP policy HOU1 both support development within settlement limits, as here, providing the proposal is appropriate in design terms, acceptable regarding highway safety and integrates effectively into the surrounding area.
- 7.3 The NPPF encourages LPAs and developers to make “as much use as possible of previously developed or ‘brownfield’ land”.
- 7.4 The site includes an area of land which formerly housed the Gladys Buxton Adult Education Centre. The area of land which housed the buildings on the site is included in the Council’s brownfield land register and is considered as such. The land shown lined in Figure 4 below identifies the brown field area of land set within the application site (edged red). The redevelopment of the brown field element of the site is considered compatible with the aims to see such land redeveloped.
- 7.5 Planning policy aims to enable and support healthy lifestyles through (among other things) the provision (and retention) of sports facilities. Policy ID10 of the LP seeks to protect and enhance all existing open space, sports and recreation facilities and divides such sites into one of 4 categories (a-d). Part of the application site and the surrounding pitches is designated as a formal sports site (c).

This includes the car parks and other areas (not in formal sports use) around the building which were considered to serve the wider site (not in the applicant’s ownership) which includes a number of football pitches.

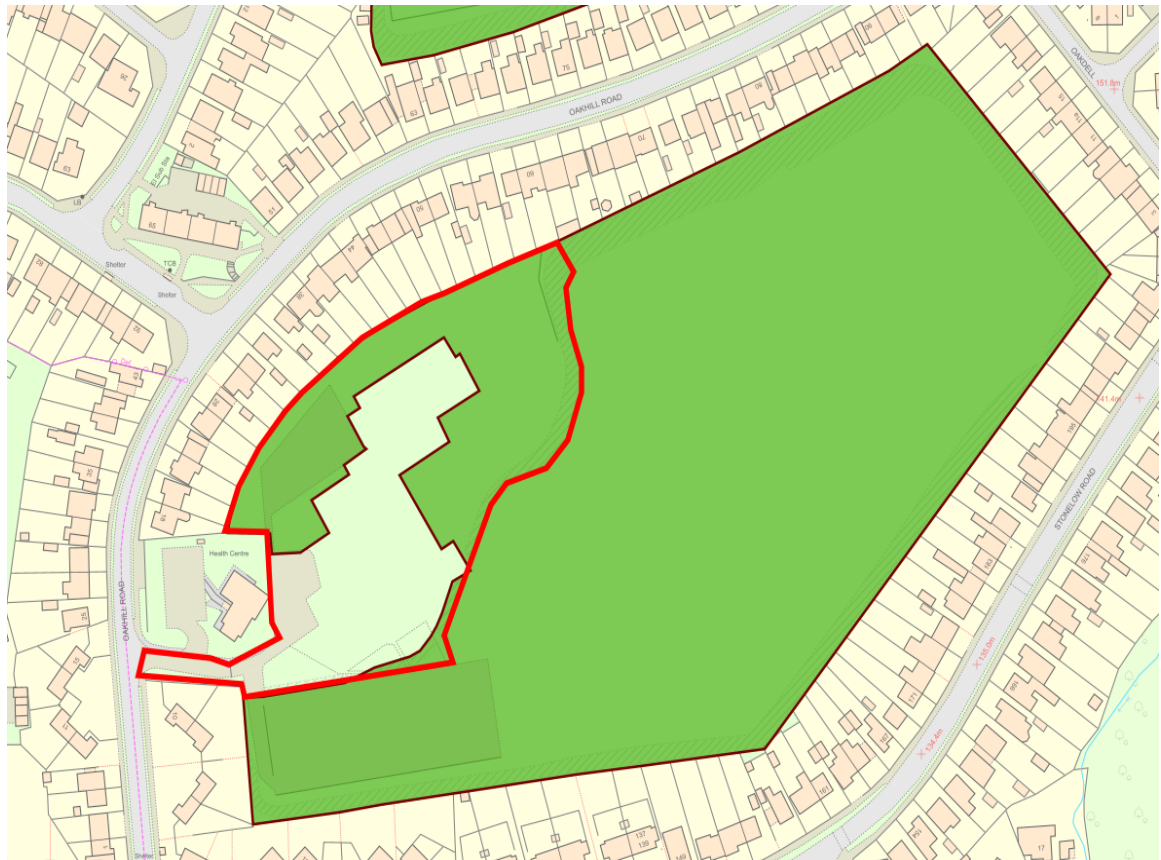
Specifically, policy ID10 states that development proposals that would result in the loss or isolation of the typologies 1a. to 1d. will not be permitted unless:





*Figure 4: The approximate location of the red line is shown on this plan as is the area of land included in the brown field register.*

- a. An assessment has been undertaken that has clearly shown the typologies 1a. to 1d. to be surplus to requirements; or
- b. The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; the replacement facility should be made available prior to the loss; or
- c. The development is for alternative provision of typologies 1a. to 1d. the needs of which clearly outweigh the loss; or
- d. The proposed development is ancillary to the recreational or sports use of the site and does not adversely affect the quality of the site in terms of its recreational or sports use; or
- e. The proposed development only affects land that is incapable of performing a recreational or sports function.



*Figure 5: Local Plan Map showing sports site designation (green) and red line boundary.*

- 7.6 The site includes areas of land which are designated as sports facilities. (See Figure 5 above)
- 7.7 Sport England (SE) specifically raised concerns about the loss of parking for the sports fields, however the applicant has since shown that the paved area to the south of the site, although once tennis courts, has been used for parking for the sports pitches for in excess of 20 years and it has been accepted that this area can provide parking for the [retained] sports pitches and the SE objection received on this issue has now been removed.
- 7.8 SE also raised concern about the loss of changing rooms which were formerly located within the former Gladys Buxton building but which served the playing pitches. SE have argued that the loss of these facilities should be mitigated through any subsequent development application.
- 7.9 The applicant has subsequently agreed to provide a two-team sports pavilion on part of the site (Figure 6 below) and SE has, as a consequence, withdrawn its objection to the proposal subject to a section 106 agreement ensuring the provision and ongoing management of the building.

- 7.10 It is considered that in this revised form the proposal meets the requirements of policy ID10 in securing a betterment of facilities over the area of land that would be lost to housing.
- 7.11 As a consequence, Officers consider that the principle of housing development on the whole of the site is acceptable.

## **Design**

- 7.12 Policy SDC12 of the LP and policy D3 of the NP require new development to achieve high standards of design. This is in accord with the policy requirements of the NPPF.
- 7.13 The originally submitted scheme was not considered acceptable in achieving a level of good design. Most notably it failed to face outward and exhibited little reference to the streets to be formed or to creating nodes or points of interest within the scheme.
- 7.14 After detailed conversations and negotiation with Officers the layout has been adjusted to meet many of the criteria of good design outlined in the Council's Design Guidance "Successful Places". The revised layout is shown in Figure 6 below.
- 7.15 In particular, the following has been achieved:

Outward Facing Design. The access road runs along the front of the site allowing housing to look south east over the retained playing fields.

Terminating Views. The proposed dwellings at plot 22, 17 and 18 have been designed to form terminating views to the access road.

Parking. The level of parking meets or exceeds the normal requirements with all plots having 2 parking spaces plus a garage with the exception of the 2 bed dwellings which have 2 spaces and no garage. With some limited exceptions most of the plots have side parking which will reduce the impact of the clutter of cars being parked at the front of properties. This has been achieved by a parking court to the rear of plots 22-27.

Design. A mixture of 2, 3 and 4 bed houses are proposed of designs based on standard house types. Interest is created by a varied use of materials and fenestration details. The building materials are predominantly brick with some render and grey or red concrete tiles for roofs creating interest and nodal points within the scheme.



Figure 6: Revised Layout

7.16 Overall and, on balance, the design of the scheme is now considered acceptable and compatible with the character of the area in which it would be located.

### **Green Infrastructure**

7.17 The majority of the on-site green space is to be provided through the buffer (as shown in Figure 6 above) with the playing fields to the east of the site and this will retain existing hedge and other trees but will also provide access to the playing fields by means of a footpath (See Figure 7 below).





*Figure 7: Interface with retained sports pitches.*

Other small areas of landscaping are also proposed. The applicant has not indicated that he expects these to be managed by the Council and therefore it is expected that the management of these areas will be via a management company and a condition requiring this can be included if permission is granted. Final boundary and landscaping design is also expected to be secured by condition.

- 7.18 The NPPF requires that new streets should be tree-lined. No street trees are proposed in the current layout drawings, however, following discussions it is envisaged that trees can be secured by a specific condition and included in the final landscape design for the site.
- 7.18 The revised drawings reduce the number of trees to be felled. Of those to be removed T3 and T11 are considered to be valuable. However, as set out above, the Council's Tree Officer has commented that overall he has no objection to the level of works proposed.
- 7.19 Although the development has been designed with the car in mind, connectivity for pedestrians is provided by footpaths along the main access road and paths leading onto the playing fields providing easy access to the wider green infrastructure around the site.

### **Impact on amenity of existing neighboring properties**

- 7.20 Local Plan policy SDC12 requires that proposals protect the amenity of existing occupiers including in relation to privacy, overlooking, overshadowing and/or any overbearing impacts. The Council is guided by its “Successful Places” design guide in this regard.
- 7.21 The new dwellings have been sited so as to meet the requirements of Successful Places with regard to separation distances between rear elevations (minimum 21m) and distances between elevations containing first floor windows and boundaries (minimum 10.5m) with the existing properties on Oakhill Road and the Doctors Surgery (see Figures 8 and 9 below). In all cases the 21m separation distances and in most cases the 10.5m is achieved. Any impact on any neighbours is generally eased further as the adjoining properties occupy land above the application site.



*Figure 8: Doctor's Surgery*



*Figure 9: Properties on Oakhill Road*

- 7.22 The exception to this is plot 16 where the rear elevation is less than 10.5m from the boundary with the adjoining property. Here the design has been altered to show only one, first floor window on the rear elevation and this is located on the part of the building more than 10.5m from the boundary.
- 7.23 As a consequence of the topography and site layout it is considered that the proposal meets the requirement of Successful Places with regard to the privacy and amenity of neighbours and would afford an acceptable standard of amenity for existing residents.

#### **Impact on amenity of future users.**

- 7.24 Policy SDC12 of the LP also requires that new development should ensure that future occupants of the land have a good quality of amenity. In this case the design of the proposed dwelling has been altered where necessary to prevent overlooking and the separation distances and garden sizes meet the requirements of Successful Places.
- 7.25 As such, the new development will provide for an acceptable level of amenity for future residents.

#### **Affordable housing and house types**

- 7.26 Dronfield is located within the High Value area of the district in respect of the provision of affordable housing. Here Policy LC2 requires that all new housing proposals for 10 or more dwellings should provide for 30% affordable housing.



- 7.27 The applicant originally offered 30% housing at affordable sale (20% below market value) as outlined in the NPPF definition of affordable housing (see Appendix 4). However, the LP (Policy LC2) states that an agreed mix of affordable housing tenures will be determined through local evidence of housing need at the time of granting planning permission. The affordable housing to be provided in a tenure neutral way, in small groups or clusters distributed through the site.
- 7.28 The Council's Housing Officer has stated that the area in which this development is being proposed has a high demand for affordable housing – particularly for affordable rented accommodation. The applicant's agent has agreed that the applicant will supply the affordable housing as affordable rent as requested.
- 7.29 Policy LC4 of the LP also requires that development proposals should seek to ensure an appropriate mix of dwelling type, tenure and size. The proposal includes 2, 3 and 4 bed houses. Whilst the proposal does not include for any bungalows the applicant is confident that the development can deliver 20% accessible and adaptable homes and this can be secured by condition.

### **Crime prevention**

- 7.30 Policy SDC12 of the LP also requires that new development incorporate measures to minimize opportunities for crime and anti-social behavior. Derbyshire Police have expressed concern that the shared parking court in the northern corner of the site is under-supervised but suggested some mitigation methods to reduce the associated risks which can be secured by condition.

### **Biodiversity**

- 7.31 The site has been surveyed and a biodiversity metric completed showing that there will be a 32.67% net loss in biodiversity as a consequence of the development. This has been improved from that originally shown by retaining trees along the northern boundary. DWT has advised that this loss should be mitigated along with a net gain of 10% in line with national policy.
- 7.32 The hierarchy of biodiversity mitigation delivery is that it should first be delivered on site, then off site close to the development and finally through the purchase of biodiversity units elsewhere. The site size and density of the layout does not provide much opportunity for onsite delivery. The applicant is looking at opportunities to provide the mitigation and net gain at Frith Wood, a location identified as requiring management and biodiversity uplift.



- 7.33 Frith Wood is located to the east of the site on the edge of Dronfield and the applicant is in discussion with Derbyshire County Council, who own the site, as to what measures could be put into place within Frith Wood to achieve the mitigation and net gain required. It is anticipated this will provide the ecological offset and uplift required and that payment to achieve the necessary measures can be included in any section 106 agreement that will need to be competed should planning consent be granted.
- 7.34 As such, Officers are of the view that whilst net biodiversity gain cannot be delivered on site there is a suitable alternative to meet the requirements of local and national policy.

### **Drainage**

- 7.35 The Lead Local Flood Authority (LLFA) and Yorkshire Water have both reviewed the submitted information and have no objection to it subject to conditions.
- 7.36 There is no evidence to suggest that adequate drainage of the site cannot be accomplished.

### **Highways**

- 7.37 Final comments on the revised drawings have yet to be received from the Highway Authority (HA). Any final comments will be reported to the Committee as late representations.
- 7.38 Paragraph 111 of the NPPF states that "*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe*".
- 7.39 The Highway Authority have indicated that there is no objection in principle to the submitted details and so Officers are of the view that, subject to the final details being agreed, there will be no severe impact on highway safety or any adverse impact on the highway network caused by the development particularly as the site was formerly occupied by an education establishment and shares an existing access with the surgery.

### **Social Infrastructure and Mitigation**

- 7.40 Policy ID1 of the LP requires appropriate mitigation to be achieved to offset the social impacts of the development.

- 7.41 Requests for payments to do that have been received from Chesterfield Royal Hospital, NEDDC Parks (for off-site recreational facilities to be improved) and DCC for education provision and for monitoring fees. Added to this it is expected that agreements for the provision of Biodiversity Net Gain and the management of the on-site pavilion as well as the provision of affordable housing outlined above will also need to be included in any section 106 agreement concluded.
- 7.42 Accompanying the revised scheme, the applicant has provided written agreement to the Heads of Terms for all of the section 106 requests outlined above.

### **Other Issues**

- 7.43 The issue of land stability has been addressed through the comments received from the Coal Authority and Environmental Health Officers. These issues, where necessary, can be addressed by way of imposing conditions.
- 7.44 Likewise, control over the hours that the site can operate during development can be addressed by imposition of a condition as can dust and noise, as required.
- 7.45 The development of the site for housing will create activity, noise and lighting normally associated with residential development. However, there is no evidence to suggest that that would be at an unacceptable level or exceed what was probably caused by the former Education Centre.
- 7.46 The police have commented in respect of anti-social behavior.
- 7.47 The issue of house values and views are not material planning matters to be taken into account in weighing the merits of a planning application.

## **8.0 SUMMARY AND CONCLUSIONS**

- 8.1 Local and National Planning Policy seek to ensure that new housing development is delivered in sustainable locations, achieves a high standard of design and that infrastructure requirements amounting from the provision of such development are contributed to by the developer.
- 8.2 The site is part brown field and part playing field. As an acceptable mitigation package to offset the loss of the playing field area of the site has been secured and the site lies within Dronfield, Officers conclude that the principle of residential development of the site is acceptable.
- 8.3 The applicant has worked with Officers to provide a layout and design which, on balance, is considered to provide a reasonable environment for

future occupiers of the scheme. The design will result in an acceptable level of amenity being retained by existing residential occupiers.

- 8.4 There is no technical reason that would justify resisting the application and a full package of social mitigation is offered, along with affordable housing, to meet the criteria of the area.
- 8.5 It is acknowledged that the highway considerations applicable to the scheme and the provision of biodiversity net gain are still to be resolved. It is anticipated that these two matters will be finalised prior to the Committee meeting. However, Officers are confident that they can be resolved appropriately in any case and in accord with the Council's planning policies.
- 8.6 Therefore, Officers are of the view that the development is in accord with the policies of the Development Plan and there are no matters to outweigh that conclusion. It is recommended that the application be approved subject to conditions and a suitably concluded section 106 agreement.

## **9.0 RECOMMENDATION**

- 9.1 **GRANT** Planning Permission subject to the following conditions and the prior completion of a section 106 agreement in accordance with the details set out in the report above (with delegated authority granted to the Planning Manager (Development Management) in consultation with the Chair and Vice Chair of the Planning Committee to finally resolve any outstanding highway and ecological matters and complete the final wording of any conditions and the section 106 agreement):

### **Section 106 to include:**

**NEDDC Parks:** £30,059.74 plus £11,766.16. Total: £41,825.90

**Chesterfield Royal Hospital:** Total £58,894

**Derbyshire County Council:** £213,099.53 plus monitoring fees.

**Biodiversity Net Gain:** As agreed.

**Management of the Pavilion:** as agreed.

**Affordable Housing...**

### **Conditions:**

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

2. The development hereby approved shall be carried out in accordance with the details shown on the following plans:

200 Location Plan received 6<sup>th</sup> July 2022

205 REV A Proposed Planning Layout uploaded 14<sup>th</sup> June 2023

210-223 REV A House Types, floor plan and elevations uploaded 14<sup>th</sup> June 2023

5918-EW-01 REV P9 External Works Layout uploaded 15<sup>th</sup> June 2023

5918-EW-02 REV P8 External Works Layout uploaded 14<sup>th</sup> June 2023

5918-DR-01 REV P4 Drainage Layout uploaded 15<sup>th</sup> June 2023

Revised Biodiversity net Gain File note uploaded 15<sup>th</sup> June 2023

Revised Biodiversity Metric uploaded 15<sup>th</sup> June 2023

Revised Drainage Strategy uploaded 15<sup>th</sup> June 2023

Revised Planning Statement uploaded 15<sup>th</sup> June 2023

Revised Transport Statement uploaded 15<sup>th</sup> June 2023

Phase 2 Intrusive Report uploaded 6<sup>th</sup> July 2022

Phase 1 and Phase 2 Tree Survey uploaded 6<sup>th</sup> July 2022

Design and Access Statement received 10<sup>th</sup> August 2023

Preliminary Ecological Appraisal uploaded 31 August 2022

3. 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.
4. There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to:- a) evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical; b) evidence of existing positive drainage to public sewer and the current points of connection; and c) the means of restricting the discharge to public sewer to the existing rate less a minimum 30% reduction, based on the existing peak discharge rate during a 1 in 1 year storm event, to allow for climate change.
5. No development shall commence above foundation level of any of the dwellings hereby approved until the access arrangements onto the playing field and the car park as shown on approved Drw No: 205 Rev A (Proposed Planning Layout) have been implemented in full and made available for use at all times for all users of the playing field.

6. Prior to the first occupation of any of the dwellings hereby approved the sports pavilion as shown on Drws No: 205 Rev A and 223 shall be constructed on site and made available for use for all users of the playing field.
7. No development shall commence until;
  - a) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

8. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.
9. Before first occupation of the houses on relevant plots, the foot access between the garages for plots 25 and 26 should be secured with a key lockable gate, suited to the plots affected and be retained as such thereafter.
10. Before first occupation of the plots served by it, either the vehicular entrance to the parking court serving plots 19, 20, 21, 22, 23, 24, 25, 26 & 27 should be provided with a pair of manual gates, capable of being secured when chosen, or the outer sections of garden fencing between private gardens and the court should be changed to a 1.2m high solid wooden lower section, with an engineered 500mm topping to allow house occupants a view of their vehicle/garage.
11. Before development commences, a scheme of 20% accessible and adaptable dwellings shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include, and not be limited to, details of which plots will be compliant, detailed floor plans and how each plot meets the requirements of M4(2) of the Building Regulations 2015 or any subsequent government standard. The approved scheme shall be

- implemented in full in accordance with the approved details and retained for the lifetime of the dwelling.
12. Except in the case of emergency, operations (or deliveries to the site) should not take place on site other than between the hours of 08:00 - 18:00 Monday to Friday and between 09:00 - 13:00 on Saturdays. There should be no working on Sundays or Public Holidays.
  13. Heavy goods vehicles shall only enter or leave the site between the hours of 08:00 - 18:00 on weekdays and 09:00 - 13:00 Saturdays and no such movements should take place on or off the site on Sundays or Public Holidays (this excludes the movement of private vehicles for personal transport).
  14. Best practicable means shall be employed to minimise noise and dust. Such measures may include water bowsers, sprayers whether mobile or fixed, or similar equipment. At such times when due to site conditions the prevention of dust nuisance by these means is considered by the Local Planning Authority in consultations with the site operator to be impracticable, then movements of soils and overburden shall be temporarily curtailed until such times as the site/weather conditions improve such as to permit a resumption.
  15. Before the commencement of construction works including any demolition in connection with the development hereby approved, a programme of measures to minimise the spread of airborne dust from the site during construction and demolition or groundwork periods shall be submitted to and approved in writing by the Local Planning Authority. The construction shall be undertaken in accordance with the approved scheme.
  16. Prior to the first occupation of any of the dwellings hereby approved a scheme of sound insulation 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 10 times per night (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 then be implemented in full and retained as such thereafter.

17. Before the commencement of the development hereby approved:  
Further works as identified in the submitted Report ref 5132-G-R002-Rev-B, dated May 2022, along with the preparation and submission of a remediation strategy shall be undertaken. The Remediation works shall ensure that the development will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.  
The developer shall give at least 14 days' notice to the Local Planning Authority (Environmental Health Division) prior to commencing works in connection with the remediation scheme.
18. No dwellings/buildings hereby approved shall be occupied until:
  - a) The approved remediation works required by XX above have been carried out in full in compliance with the approved methodology and best practice.
  - b) If during the construction and/or demolition works associated with the development hereby approved any suspected areas of contamination are discovered, then all works shall be suspended until the nature and extent of the contamination is assessed and a report submitted and approved in writing by the Local Planning Authority and the Local Planning Authority shall be notified as soon as is reasonably practicable of the discovery of any suspected areas of contamination. The suspect material shall be re-evaluated through the process described in the contaminated land assessment ref 5132-G-R002-Rev-B, dated May 2022 submitted with the application and through the process described in 1.18 above and,
  - c) Upon completion of the remediation works required by 1.18 above a validation report prepared by a competent person shall be submitted to and approved in writing by the Local Planning Authority. The validation report shall include details of the remediation works and Quality Assurance/Quality Control results to show that the works have been carried out in full and in accordance with the approved methodology. Details of any validation sampling and analysis to show the site has achieved the approved remediation standard, together with the necessary waste management documentation shall be included.
19. Prior to the first occupation of any dwelling, hereby approved, a scheme for the delivery and future maintenance of all on site public open space,

and a timetable for its implementation relative to the completion of dwellings hereby approved, shall be submitted to and be approved in writing by the Local Planning Authority. Thereafter the approved scheme shall be implemented in full as agreed and then the public open space shall be maintained as such thereafter.

20. Before development starts, the following shall be submitted to and approved in writing by the Local Planning Authority:
  - a) a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land,
  - b) the details of any trees and hedgerows to be retained, together with measures for their protection during development,
  - c) identification of trees designated street trees
  - d) a schedule of proposed plant species, size and density and planting locations and
  - e) an implementation programme.
21. 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 which within a period of 15 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.
22. Before the dwellings are first brought into use, the area shown on the approved plans as reserved for the parking, garaging, circulation and standing of vehicles, shall be provided in accordance with the approved details and shall be retained as such thereafter. The parking and manoeuvring areas shall not be used for any purpose other than the parking and manoeuvring of vehicles and in particular shall not be used for the open storage of goods, plant or materials of any kind.
23. 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. Flood Risk Assessment prepared by KSA Consulting Engineers, Ref 5918- FRA dated May 2022, "including any subsequent amendments or updates to those documents as approved by the Flood Risk Management Team".



- b. Drainage Strategy prepared by KSA Consulting Engineers, Ref 5918/DS01, Rev A dated May 2022, “including any subsequent amendments or updates to those documents as approved by the Flood Risk Management Team
- c. And DEFRA’s Non-statutory technical standards for sustainable drainage systems (March 2015), have been submitted to and approved in writing by the Local Planning Authority.

24. 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. and to obtain a full understanding of the springs within the site and any associated mitigation requirements.

25. 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.

26. 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).

## Notes

### Yorkshire Water

Yorkshire Water: If the developer is looking to have new sewers included in a sewer adoption agreement with Yorkshire Water (under Section 104 of the Water Industry Act 1991), he/she should contact our Developer Services Team (telephone 03451 208 482, email: technical.sewerage@yorkshirewater.co.uk) at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with the WRc publication 'Code for Adoption - a design and construction guide for developers' as supplemented by Yorkshire Water's requirements.

### Derbyshire County Council

The management and maintenance of the sports pavilion building should form part of appropriate wording in a Section 106 Agreement to accompany this planning application.

Broadband developers should work with broadband providers to ensure NGA broadband services are incorporated as part of the design of new development. However, if it can be shown that this would not be possible, practical or economically viable, in such circumstances, suitable ducting should be provided within the site and to the property to facilitate future installation.

### Lead Local Flood Authority

A. The County Council does not adopt any SuDS schemes at present (although may consider ones which are served by highway drainage only). As such, it should be confirmed prior to commencement of works who will be responsible for SuDS maintenance/management once the development is completed.

B. Any works in or nearby an ordinary watercourse may require consent under the Land Drainage Act (1991) from the County Council. For further advice, or to make an application please contact Flood.Team@derbyshire.gov.uk.

C. No part of the proposed development shall be constructed within 5-8m of an ordinary watercourse and a minimum 3 m for a culverted watercourse (increases with size of culvert). It should be noted that DCC have an anti-culverting policy.

D. The applicant should be mindful to obtain all the relevant information pertaining to proposed discharge in land that is not within their control, which is fundamental to allow the drainage of the proposed development site.

E. The applicant should demonstrate, to the satisfaction of the Local Planning Authority, the appropriate level of treatment stages from the resultant surface water discharge, in line with Table 4.3 of the CIRIA SuDS Manual C753.

F. The County Council would prefer the applicant to utilise existing landform to manage surface water in mini/sub-catchments. The applicant is advised to contact the County Council's Flood Risk Management team should any guidance on the drainage strategy for the proposed development be required.

G. The applicant should provide a flood evacuation plan which outlines:

- The flood warning procedure
- A safe point of extraction • How users can safely evacuate the site upon receipt of a flood warning
- The areas of responsibility for those participating in the plan

- The procedures for implementing the plan
- How users will be made aware of flood risk
- How users will be made aware of flood resilience
- Who will be responsible for the update of the flood evacuation plan PUBLIC

H. Flood resilience should be duly considered in the design of the new building(s) or renovation. Guidance may be found in BRE Digest 532 Parts 1 and 2, 2012 and BRE Good Building Guide 84.

I. Surface water drainage plans should include the following:

- Rainwater pipes, gullies and drainage channels including cover levels.
  - Inspection chambers, manholes and silt traps including cover and invert levels.
- Pipe sizes, pipe materials, gradients, flow directions and pipe reference numbers.
- Soakaways, including size and material.
- Typical inspection chamber/ flow control chamber / soakaway / silt trap and SW attenuation tank details.
- Site ground levels and finished floor levels.

J. On Site Surface Water Management.

- The site is required to accommodate rainfall volumes up to the 1% probability annual rainfall event (plus climate change) whilst ensuring no flooding to buildings or adjacent land.
- The applicant will need to provide details and calculations including any below ground storage, overflow paths (flood routes), surface detention and infiltration areas, etc, to demonstrate how the 30 year + 35% climate change and 100 year + 40% Climate Change rainfall volumes will be controlled and accommodated. In addition, an appropriate allowance should be made for urban creep throughout the lifetime of the development as per 'BS 8582:2013 Code of Practice for Surface Water Management for Developed Sites' (to be agreed with the LLFA).
- Production of a plan showing above ground flood pathways (where relevant) for events in excess of the 1% probability annual rainfall event, to ensure exceedance routes can be safely managed.
- A plan detailing the impermeable area attributed to each drainage asset (pipes, swales, etc), attenuation basins/balancing ponds are to be treated as an impermeable area.

### **Peak Flow Control**

- For greenfield developments, the peak run-off rate from the development to any highway drain, sewer or surface water body for the 1 in 1 year rainfall event and

the 1 in 100-year rainfall event, should never exceed the peak greenfield run-off rate for the same event.

- For developments which were previously developed, the peak run-off rate from the development to any drain, sewer or surface water body for the 100% probability annual rainfall event and the 1% probability annual rainfall event must be as close as reasonably practicable to the greenfield run-off rate from the development for the same rainfall event, but should never exceed the rate of discharge from the development, prior to redevelopment for that event.

### **Volume Control**

- For greenfield developments, the runoff volume from the development to any highway drain, sewer or surface water body in the 6 hour 1% probability annual rainfall event must not exceed the greenfield runoff volume for the same event.
- For developments which have been previously developed, the runoff volume from the development to any highway drain, sewer or surface water body in the 6 hour 1% probability annual rainfall event must be constrained to a value as close as is reasonably practicable to the greenfield runoff volume for the same event, but must not exceed the runoff volume for the development site prior to redevelopment for that event.

*Note:- If the greenfield run-off for a site is calculated at less than 2 l/s, then a minimum of 2 l/s could be used (subject to approval from the LLFA).*

- Details of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure the features remain functional.
- Where cellular storage is proposed and is within areas where it may be susceptible to damage by excavation by other utility contractors, warning signage should be provided to inform of its presence. Cellular storage and infiltration systems should not be positioned within the highway.
- Guidance on flood pathways can be found in BS EN 752.
- The Greenfield runoff rate which is to be used for assessing the requirements for limiting discharge flow rates and attenuation storage for a site should be calculated for the whole development area (paved and pervious surfaces - houses, gardens, roads, and other open space) that is within the area served by the drainage network, whatever the size of the site and type of drainage system. Significant green areas such as recreation parks, general public open space, etc., which are not served by the drainage system and do not play a part in the runoff management for the site, and which can be assumed to have a runoff response which is similar to that prior to the development taking place, may be excluded from the greenfield analysis.

K. If infiltration systems are to be used for surface water disposal, the following information must be provided:

- Ground percolation tests to BRE 365.
- Ground water levels records. Minimum 1m clearance from maximum seasonal groundwater level to base of infiltration compound. This should include assessment of relevant groundwater borehole records, maps and on-site monitoring in wells.
- Soil / rock descriptions in accordance with BS EN ISO 14688-1:2002 or BS EN ISO 14689- 1:2003.
- Volume design calculations to 1% probability annual rainfall event + 40% climate change standard. An appropriate factor of safety should be applied to the design in accordance with CIRIA C753 – Table 25.2. PUBLIC • Location plans indicating position (soakaways serving more than one property must be located in an accessible position for maintenance). Soakaways should not be used within 5m of buildings or the highway or any other structure.
- Drawing details including sizes and material.
- Details of a sedimentation chamber (silt trap) upstream of the inlet should be included. Soakaway detailed design guidance is given in CIRIA Report 753, CIRIA Report 156 and BRE Digest 365.

L. All Micro Drainage calculations and results must be submitted in .MDX format, to the LPA. (Other methods of drainage calculations are acceptable.)

M. The applicant should submit a comprehensive management plan detailing how surface water shall be managed on site during the construction phase of the development ensuring there is no increase in flood risk off site or to occupied buildings within the development.

N. The applicant should manage construction activities in line with the CIRIA Guidance on the Construction of SuDS Manual C768, to ensure that the effectiveness of proposed SuDS features is not compromised.



## 1.0 REASON FOR THE REPORT

- 1.1 The application was called into committee by Cllr Thacker for the following reasons: I would like the Committee to consider how this supports the local economy in accordance with the emerging Neighbourhood Plan and Local Plan. The impact on amenities and Green Belt.
- 1.2 Although it does not require referral of the application to Committee in its own right, the Committee should also note that the applicant's mother-in-law works for the Council.

## 2.0 PROPOSAL AND BACKGROUND

- 2.1 The application site is located in the corner of the field to the immediate west of the Cutthorpe Institute (CI). The site proper is set in about 5m from the boundary with the CI as this area of land appears to have been fenced off for use as a garden used in association with the CI.
- 2.2 The site measures approximately 25m by 13m with direct access from it proposed on to Main Road (B6050).
- 2.3 Although the site is bounded by the CI to the east and there are dwellings to the north (on the other side of Main Road), both of which fall within the Settlement Development Limits of Cutthorpe, the site itself lies within the countryside and an area designated as Green Belt
- 2.4 The application seeks permission to surface the area with MOT type 1 rolled flat hardstanding (to form a car park), form a new access to the highway and site a modular building to house a farm shop and café as per Figure 1 below.

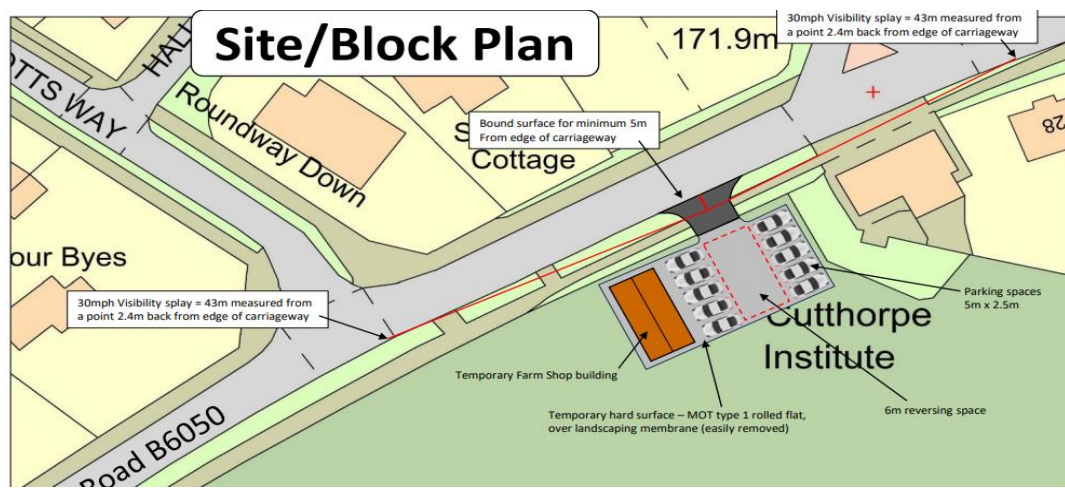


Figure 1: Site plan (not to scale)

### **3.0 RELEVANT PLANNING HISTORY**

3.1 None

### **4.0 CONSULTATION RESPONSES**

4.1 **Environmental Health Officer:** No objection to the proposals in principle.

4.2 **Highway Authority:** No comments received.

### **5.0 REPRESENTATIONS**

5.1 7 letters of objection have been received raising the following points (in summary):

- The building is not mobile but a static
- The development is in the green belt and does not meet the special circumstances criteria for being built on green belt land
- The proposal fails to conserve the character of the countryside; it will introduce an incongruous structure beyond the existing boundaries of the village built environment
- There is no local need; a café facilities at the Peacock Hotel and 3 Merry Lads
- Removes a significant area of good quality agricultural land from production
- Customers will rely on cars as public transport is poor
- Marginal benefit to local jobs as the workforce will be unskilled
- It does not enhance the character, quality and setting of Cutthorpe
- Although the proposal is described as temporary the provision of hard standing, visibility splays and private drainage system plus electricity supply indicate that the applicant intends it to be permanent.
- The parking is insufficient.
- A bus stop will obscure views.
- The proposal will increase traffic.
- The proposal is in a dangerous position for traffic
- Parking will spill onto Riggots Way and Common Lane
- I don't feel this road is suitable for another entrance, also it's on a bend to block oncoming traffic.
- Will obscure our views.
- The recent extension to the Institute will be affected.
- The public houses in the village will be affected.
- There are already farm shops close by
- Does not seem likely that it will be able to locally source all its products.
- Produce will be bought by goods vehicle and likely to create more traffic in the village.



- People ignore the speed limit so the access will be dangerous.
- Inconsiderate parking will cause more hazards.

5.2 52 letters of support have been received raising the following points (in summary):

- This proposal would significantly enhance the sustainability and community wellbeing within the village.
- The area of land to be used for this development is small in comparison to the land available in the local area. The field is used mainly as grazing and we feel sure that the cows have plenty of pasture in the remaining land available.
- We walk past the proposed site every day and believe that the structure proposed will blend into the local area well.
- Will provide support for local businesses.
- Will provide further source of income for the farm.
- Local farmers should be supported.
- Reduce traffic to Chesterfield.
- A good location for a shop/café
- Will attract visitors.
- Valuable addition to the community
- Closest shop is in Newbold
- There is high demand for community activity.
- Will be good for the older generation to have somewhere to go.
- Will encourage children to be independent.
- Public transport is bad so a shop in the village will be welcome.
- Desperate need for local facilities.
- Previous shops in the village have closed.
- This type of development is strongly supported by local residents.
- In respect of the emerging Neighbourhood Plan the following points are made: Para 175: In the community survey, 46% of respondents felt that the Parish suffered from a lack of shops (second highest improvement priority) and 30% (fourth highest improvement priority) from community facilities. They expressed particular concern about the lack of a post office, shops such as a coffee shop and leisure facilities and Para 177: During the preparation of the Plan several suggestions were made about how community and recreational facilities in the Parish could be improved across the whole of the Parish. The findings from the community survey and wider consultation also showed that there is strong in principle support for improvements to the existing provision where they are suitably designed and located, meet a local need and are viable.
- Yes, it is a Greenfield site, but the benefits to our planet outweigh the temporary borrowing of a small part of one field. We save on car use for many, provide food to local people that has not been transported from far

and wide, and we educate our community on the wealth of farming and food that is at the heart of Cutthorpe.

- There is no problem with traffic because it is 30mph
- Will encourage children to be independent.
- Good place for the community to gather.
- Will be good for the older generation to have somewhere to go.
- The applicants are local residents who have a vision for the village's future.
- Brexit has made farming difficult.
- The Wood family have a deep commitment to the land and the upkeep of nature and have been generous benefactors to our community.

A letter in support of the application from the applicant's daughter (also a local resident) makes the following further points:

- On our family farm in Cutthorpe we've seen our milk monthly price vary by 25p per litre from 23p to 48p and currently sits at 36p per litre produced (and falling).
- By processing, and retailing our own milk in the farm shop, we hope to be able to reduce our exposure to this volatility, survive as a viable Dairy Farm and offer the local community a fresher more environmentally friendly alternative at a competitive price. The same for the beef we produce. Having a retail outlet of our own will not only secure our future but help other local producers escape the volatility of commodity prices.
- We are fully aware it's in the Green Belt, albeit just outside the "Green Belt's definition of settlement of the village", but still very much in the centre; hence the low visual impact, compact structure and minimal intrusion on views across open countryside. We also have seen the issues with parking outside the Village Institute, a car park for a shop would also be of great benefit to the Institute reducing pressure on local residents. With this in mind we have decided to go for a temporary structure with a 3 year permission, effectively asking to "borrow " the green belt rather than change it permanently. We would hope that after 3 years the community would want to keep the shop for another period of time. It's then up to us to make sure it's a benefit for the community, otherwise the shop goes, car park removed and green belt reinstated

## **6.0 RELEVANT POLICY AND STRATEGIC CONTEXT**

### **6.1 The Development Plan comprises the North East Derbyshire Local Plan (LP).**

The most relevant policies in this case are as follows:

SS1 Sustainable Development  
SS2 Spatial Strategy and the Distribution of Development  
SS9 Development in the Countryside

SS10 North East Derbyshire Green Belt  
WC4 Retail Hierarchy and Town Centre Uses  
WC5 Visitor Tourism Development  
SDC3 Landscape Character  
SDC4 Biodiversity and Geodiversity  
SDC11 Flood Risk and Drainage  
SDC12 High Quality Design and Place Making  
SDC14 Land potentially affected by Contamination or Instability  
ID3 Sustainable Travel  
ID4 New Social Infrastructure

The policies of the LP are considered wholly in accord with the National Planning Policy Framework (NPPF) and so attract full weight in determining this application.

- 6.2 The **Brampton Neighbourhood Plan (NP)** is in the process of preparation and the examiner's report was received in August 2023. It is expected that the plan will go to referendum in the autumn (2023).

As such it is not an adopted plan and should be afforded appropriate weight in the determination of this application.

However, as the applicant and representations have referred to the NP, its policies have been assessed in this report. The most relevant policies are:

B2 Protecting Important Local Green Spaces  
B8 Promoting and ensuring sustainable high quality design  
B9 Protecting, conserving and enhancing dry stone walls

It is important to note that no alterations to the Green Belt is proposed in the Neighborhood Plan further to the Examiner's report.

## 7.0 PLANNING ISSUES

### Policy Context- Green Belt

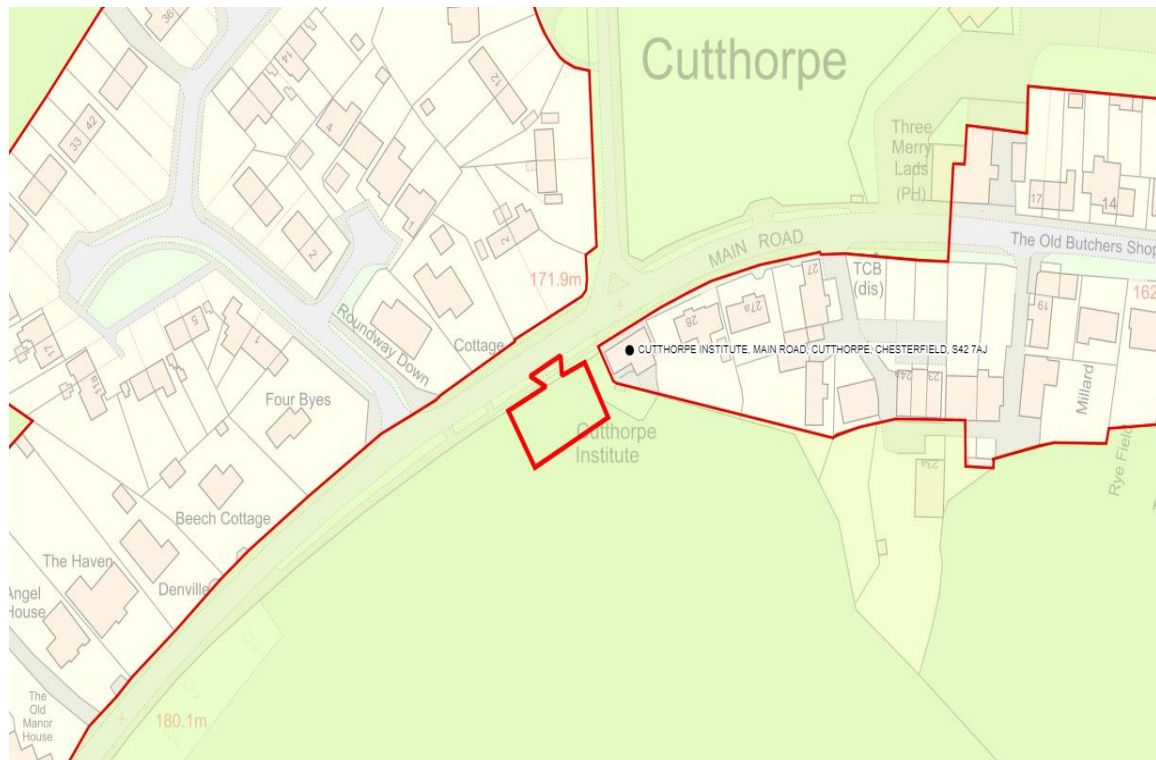


Figure 2: Plan showing the site edged in thick red and settlement (red line) and green belt (green wash over).

7.1 The application site is located within the North East Derbyshire Green Belt and a primary Area of Multiple Environmental Sensitivity (AMES) (see Figure 2 above). As such it is considered to lie within the district's most valued and protected landscapes.

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

7.2 Paragraph 137 of the NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

#### *Policy SS10 North East Derbyshire Local Plan (LP)*

7.3 The LP at policy SS10 states that within the Green Belt inappropriate development will not be approved except in very special circumstances.

7.4 The construction of new buildings will be regarded as inappropriate development and will not be permitted. Exceptions to this, where they accord with other policies in the Plan are:

- a. Buildings for the purposes of agriculture or forestry; or
  - b. Provision of appropriate facilities for outdoor sport, outdoor recreation, and for cemeteries, which preserve the openness of the Green Belt and do not conflict with the purposes of including land within it; or
  - c. Extensions or alterations to a building that does not result in disproportionate additions over and above the size of the original building; or
  - d. Replacement of a building provided the new building is in the same use and is not materially larger than the one it replaces; or
  - e. Limited affordable housing for local community needs in accordance with Policy LC3; or
  - f. Limited infilling or the partial or complete redevelopment of previously developed land which would not have a greater impact on the openness of the Green Belt and the purposes of including land within it than the existing development.
- 7.5 Other forms of development which may be appropriate in the Green Belt, provided it preserves the openness of the Green Belt and does not conflict with its purposes include:
- g. Mineral extraction,
  - h. Engineering operations,
  - i. Local transport infrastructure which can demonstrate a requirement for a Green Belt location,
  - j. The re-use or conversion of buildings which are of permanent and substantial construction, and
  - k. Development brought forward under a Community Right to Build Order.

*Brampton Neighbourhood Plan (NP)*

- 7.6 Objective 1 of the emerging NP is to “**Ensure that any new development in the Parish, whether it is new housing, conversion of existing buildings or other built development requires no intrusion into the existing Green Belt or Peak District National Park, is proportionate to the size of the settlement and designed to respect Brampton's intrinsic rural and distinctive character, individuality and setting in open countryside**”.
- 7.7 Paragraphs 57 to 59 of the NP state that there is a “*strong community sentiment and support regarding the Green Belt and National Park designations that cover all the Parish apart from the villages of Cutthorpe, Old Brampton and Wadshelf. They not only help retain the distinct character of the Parish, but also provide opportunities for recreation and leisure and contain many key National Environment assets including several areas that have been identified of national nature conservation*”.

*value*". Neighbourhood plans are not expected to have their own Green Belt Policies as this would duplicate national and local planning policy but paragraph 59 states that *"The Plan does, however, underline and emphasise the strong support for, and local pride in, the continued role and function of the Green Belt"*

#### *Assessment of proposal against Green Belt Policy*

- 7.8 The submitted Design and Access statement argues that *"Although the proposed building is not strictly an agricultural building, it is being proposed by an agricultural business as a form of diversification"*.
- 7.9 Officers are of the view that as the building will not be used for an agricultural purpose, is located well away from the other buildings constituting the primary farm group and the works required to establish it are considerable and permanent in character, it cannot be classed as either an agricultural building or a temporary structure ancillary to the farm operation. In addition, it would operate as a shop and café offering a wider retail, and other, service to its customers. In this respect it is not considered it falls within any of the exceptions to justify a new building exceptionally in the Green Belt.
- 7.10 Engineering works may also constitute not inappropriate development in Green Belt. However, in this case, the level of development would both spatially and visually impact the openness of the area. The car parking area would extend to 17m by 13m and the building itself would take on the appearance of a mobile home. A new hard access would also be formed. In these terms, both as individual elements and collectively, Officers conclude the application would fail to preserve either spatial or visual openness and result in Green Belt incursion. As such, it would represent inappropriate development in those terms too.
- 7.11 It is therefore concluded the development proposed represents inappropriate development in the Green Belt, which is by definition, harmful.

#### Policy Context Landscape - Countryside and Design

- 7.12 Policy SS9 states that 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.
- 7.13 Policy SDC3 of the LP 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.

- 7.14 SDC3 goes on to say that development 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), or any successor document(s), 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 type.
- 7.15 Policy SDC12 states that all new development should be of high-quality design and make a positive contribution to the quality of the local environment. Proposals for development will only be permitted provided that they: Respond positively to local character and context to preserve and, where possible, enhance the quality and local identity of existing communities and their surroundings; Create good design which is well-related to its site and surroundings in terms of its layout, form, height, massing, scale, plot size, elevational treatment, materials, streetscape, and rooflines which effectively integrate buildings into their local setting;
- 7.16 The NP also places great weight on the natural beauty of the parish and it is noted a photograph of the site is used as the cover for the document. Specifically, objective 2 of the NP is to *Protect and enhance the landscape, biodiversity and ecological corridors through considerate design and identification of key landscapes, views and countryside features such as woodlands, hedgerows, dry stone walls, ponds and streams.*
- 7.17 The NP does not have its own landscape policy because it recognizes that this would “duplicate *the existing policies in the Peak District National Park and North East Derbyshire Local Plans. A good example is Policy SDC 3 (Landscape Character) in the North East Derbyshire Local Plan that seeks to ensure that new development proposals do not cause significant harm to the character, quality and distinctiveness or sensitivity of the landscape, or important views and features*”.
- 7.18 Policy B2 of the NP seeks to protect locally important green spaces including the Coronation Tree Green Space at the bottom of Common Lane opposite this site. The Local Green Space supporting evidence document assesses the site as follows “*Though situated adjacent to the Main Road through Cutthorpe it is a popular place for people to sit and view the surrounding countryside*”. The countryside mentioned is viewed over the proposed application site.
- 7.19 Policy B8 of the emerging NP states that “*promoting and ensuring sustainable high-quality design that respects and enhances the distinctive identity and character of Brampton is a top priority. All new development proposals must be of high-quality design, layout and appearance that respects and, where possible, enhances the scale, density and character,*

*layout, access of existing surrounding buildings and landscape and generally respects local character and contributes to the local sense of place. Proposals should be designed in such a way as to meet the following criteria, where relevant:*

*a) Reinforce the distinctive natural and built character and historic context environment in which it is situated, including any historic assets, routes and patterns of development. However, contemporary and innovative materials and design will be supported where positive improvement can be robustly demonstrated without detracting from the distinctive character of the local area.*

*b) Materials chosen should complement the design of the development and add to the quality or character of the surrounding environment, traditional building styles and materials including local sandstones and gritstones and Derbyshire stone slate on roofs with irregular forms should be retained and used;*

*c) Good use should be made of site characteristics and surroundings, including: layout and use; and form of space within the site; siting; scale; height; proportions and massing; orientation; architectural detailing; landscape, existing plants, trees and other features and materials.”*

#### *Assessment of Impact of the proposal on the character of the countryside and landscape*

- 7.20 The site is located within the Wooded Slopes & Valleys Landscape Character Type of the Peak Fringe & Lower Derwent Landscape Character Area. Here historic buildings are constructed of local sandstone, traditionally roofed with stone slates. Farmsteads are dispersed throughout the landscape, though there are occasionally clusters of farmsteads and cottages.
- 7.21 The site is located within the primary Area of Multiple Environmental Sensitivity (AMES) whose identification is based upon three key indicators - ecology, historical landscape and visual unity. Such areas are the most sensitive areas of landscape, which are most likely to be negatively affected by change or development. In these areas, the Local Plan places a strong focus on the protection and conservation of their environmental assets.
- 7.22 Officers are of the view that the proposal has not been designed to reflect the local landscape character and is at odds with the LP policies which seek to protect the character of such areas.





*Figure 3: The application site is an open arable field with no existing built form.*

- 7.23 The site itself is an open arable field (see Figure 3 above) with no existing areas of hardstanding or other built form within it. The existing access to the field is a simple gateway within a dry-stone wall approximately 90m to the west of the proposed development site.
- 7.24 NP Policy B9 Protecting, Conserving and Enhancing Dry Stone Walls states that: Development proposals that result in the loss of, or have a significant adverse effect on, a dry-stone wall should be re-designed to retain, replace or enhance the concerned dry-stone wall. Development proposals that conserve and enhance the network of dry-stone walls will be encouraged and viewed positively. The proposal will result in the loss of at least 6m of dry-stone wall.
- 7.25 The site forms the foreground of attractive views into the countryside from the Coronation Tree, (see Fig 4 below) a protected Local Green Space (LGS) (policy B2) in the NP. Officers consider that the hard surfacing of the site and the construction of a building will urbanise the area and impact adversely on its rural character and the setting of the LGS interfering with the enjoyment and tranquility of the view and therefore the enjoyment of the LGS by introducing built form into the foreground in the form of the building and car park.



*Figure 4: view of the site from the bottom of Common Lane*

7.26 The closest buildings to the site are located within the Settlement Development Limit for Cutthorpe. Most notable is the CI which bounds the site to the north. This is a former school building constructed in the late 19<sup>th</sup> Century of stone and slate. This building is not classified as a heritage asset, but it is still an attractive and notable historic building which makes a positive contribution to its setting.



*Figure 5: view of the site from Main Road to the west*



7.27 When viewed from the settlement, the field as a whole provides an attractive setting to the edge of the village and when looking towards the Cutthorpe Conservation Area approximately 180m to the south west. Although the application site will not directly impact the Conservation Area it is considered that it will have an urbanising impact on views into it particularly from the Local Green Space at the Coronation Tree (as discussed above).



Figure 6: Cutthorpe Institute with the application site beyond. Cutthorpe Old Hall, A Grade II\* listed building can be seen in the distance and the trees outline the boundary of the Cutthorpe Conservation area.

7.28 The proposal seeks consent for a single storey pitched roof building of modular construction (see below). It will measure approximately 11.5m by 6m. The Design and Access statement states that *“the building will be clad with vertical timber cladding, will have a dark coloured corrugated roof and it has large areas of glazing, most notably in the gable ends”*. The Design and Access statement describes it as *“neat and modern with the use of vertical timber cladding softening its appearance and reflecting the materials that are typical for agricultural buildings in the area”*. It will be located to the west of the CI building, separated from it by the car park.



- 7.29 Officers are of the view that the building does not reflect a local tradition or a modern farm building. It is considered that its character and appearance will be at odds with the characteristics of the area and not informed by the distinctive landscape area in which it would be located. Officers conclude it does not contribute to the conservation and enhancement, or restoration and re-creation of the local landscape as required by the Development Plan.
- 7.30 The proposal would also introduce a large area of hardstanding into an otherwise open, agricultural field. Parked cars would jar with the otherwise open, rural nature of the site and its surroundings. This harm adds weight to the Officer concerns expressed above.
- 7.31 Additionally, various policies of the NP seek to protect stone walls, green spaces and the character of the parish generally. The proposals impact negatively on these factors adding further weight to the concerns about the development's impact on the area.
- 7.32 Overall, it is considered that the proposal will be viewed as incongruous and alien to the open rural landscape in which it would sit and consequently it is considered that the proposal does not meet the requirements of LP policies SS9, SDC3 and SDC12 or NP policies B2, B8 and B9.

### Very Special Circumstances

- 7.33 Local and National Planning policy states that inappropriate development in the Green Belt will only be approved in very special circumstances. Such circumstances should be site specific and should outweigh the harm caused to the Green Belt.



Figure 7 the submitted visuals show how the development will extend the built form into the green belt and have an urbanising effect.

- 7.34 The proposal would introduces a new building and associated infrastructure into the Green Belt that Officers conclude would impact significantly, both spatially and visually, on the current openness of the Green Belt.
- 7.35 The applicant has put forward several issues which they contend are very special circumstances justifying otherwise unacceptable Green Belt development as follows:
- A. Community facilities/shop
- 7.36 The applicant states that the proposal supports the local economy by contributing towards business expansion and growth, as well as promoting the social wellbeing of the local residents of Cutthorpe by providing an essential village shop and meeting place. It is stated that the shop will sell local produce. It is also claimed that it will provide an essential public service in providing day-to-day essential foods within easy walking distance. The LP supports retail facilities providing day to day needs of local communities but policy WC4 specifies that this should be within Settlement Development Limits and no evidence has been provided as to why the proposed development could not be sited within the Settlement Development Limits of Cutthorpe.
- 7.37 The proposed café is also promoted as a community hub allowing local people to meet and catch up. New Social Infrastructure is also supported by LP policy ID4 whilst emerging NP policy B10 supports proposals to enhance the area where it can be demonstrated that:
- a) it will meet an identified local (parish) need;

- b) it is appropriate in its location, scale and design and would not be detrimental to the character and appearance of the landscape or the built environment; and
- c) the amenities of neighbouring properties will not be adversely affected through the nature of the use, noise or traffic generated.

7.38 However, it has not been shown why the proposed facilities could not be located within the settlement or why a Green Belt location is essential to provide this facility. In addition, in granting a planning consent the Local Planning Authority could not guarantee that the site would be used by other site owners for purposes differing from those set out by the applicant.

7.39 Officers conclude that the provision of a shop in Cutthorpe would bring community benefits but there is no overriding reason why a site within the Green Belt is required to provide for it.

#### B. Farm Diversification/Job Creation

7.40 The applicant states that the farm has identified a need to diversify for various reasons as set out in the representations made.

7.41 Local and national planning policy aims to support a prosperous rural economy. However, Officers retain the view that appropriate farm diversification is more likely to be appropriate using existing buildings at the farm holding than seeking to develop a green field site distant from the farm holding with the consequent impacts.

7.42 The applicants set out that they seek, initially a three temporary permission. However, such is the level of works proposed, Officers do not consider that the impact of the development even in a time restricted way would be appropriate or could be easily reversed if established.

#### Car parking

7.43 A parking area for 10 cars is proposed, between the proposed shop and the CI. It is proposed that this parking area can also be used for events at the CI, which, the applicant claims, suffers from a lack of parking spaces near to it for its users.

7.44 No assessment has been submitted making the case for the need for more parking at the CI, so it is unclear whether parking is actually required but Officers feel that any limited need for car parking can be met by other means.

### Fall-back Position

- 7.45 Planning decision makers should consider as material any realistic fallback positions. The weight to be attached to any fall back is for the decision maker to establish.
- 7.46 The submission made argues that the applicant has a fallback position as existing agricultural buildings benefit from a permitted development change of use under the General Permitted Development Order (GPDO). The applicant has several farm buildings located within the farmstead of Hall Farm which may possibly be used for this purpose.
- 7.47 Officers note that the applicant may take advantage of permitted rights on his farm but those rights could only be exercised as restricted by the GDPO. There does not seem any realistic prospect of permitted development taking place on the application site and so Officers place no weight in this case on the potential fallback position put forward.

### Other Issues

- 7.48 The supporting comments state that the provision of a shop would reduce commuting to seek other similar facilities. There is no evidence necessarily that the provision of a shop on the site would stop local residents shopping elsewhere. This is considered by Officers an issue of very little weight in the planning balance.
- 7.49 Likewise, it is stated that a shop//café would provide a community facility. Little of substantive evidence is available to show this would be the case but other facilities remain in the village to provide such a focus such as the nearby public house and CI building itself. Officers place very little weight on this issue also.

## **8.0 SUMMARY AND CONCLUSIONS**

- 8.1 Local and national planning policy aims to protect the Green Belt and areas of countryside which contribute to the character of the area from inappropriate and unacceptable development.
- 8.2 Officers conclude that the provision of a shop/café building, and the associated car park and infrastructure, would represent inappropriate development in the Green Belt and unsympathetic development within some of the district's most attractive landscape.
- 8.3 Officers quantify the harm to the Green Belt as significant as the site is open in appearance and, due to its topography, prominent in locally identified views. It would impact openness both spatially and visually.

- 8.4 To justify inappropriate development in Green Belt very special circumstances should be identified that outweigh the harm caused. Officers note the very special circumstances put forward but attach very little weight to them as they are in most instances unsubstantiated and do not outweigh in any case the significant harm identified.
- 8.5 Added to this, it is considered that the design and siting of the building and associated development is not informed by, or sympathetic to, the distinctive landscape character or primary Area of Multiple Environmental Sensitivity. It would also impact a dry stone wall and a Green Space. As such, the development would harm the valued landscape in which it would sit and conflict with policies of the LP and the NP in this regard.
- 8.6 In conclusion, it is considered that the development does not accord with the strong local and national policies of restraint and that the harm is not outweighed by other factors. Consequently, it is recommended that the application is refused.

## **9.0 RECOMMENDATION**

9.1 That the application is REFUSED for the following reasons:

1. The application site is situated within an area of countryside designated as Green Belt. National and Local Plan Policies pertaining to Green Belt land, identify new buildings as inappropriate development with a few exceptions. Engineering works are likewise inappropriate where they impact openness and Green Belt purposes.

The proposal seeks to introduce buildings, a car park and associated infrastructure into an area that is currently an undeveloped and open parcel of land.

The proposed development, by reason of its scale, massing, location and extent, is not considered to represent appropriate development in the Green Belt and it would result in unacceptable encroachment into the countryside eroding both the spatial and visual openness of the Green Belt and conflicting with Green Belt purposes.

There are not considered any very special circumstances that would outweigh the significant harm caused by way of inappropriateness.

Therefore, the proposed development would be contrary to Policies SS1 and SS10 of the North East Derbyshire Local Plan, and the NPPF, when read as a whole.



2. The application site is located within a countryside area, identified as a primary Area of Multiple Environmental Sensitivity. In such locations, both national and local policies seek to ensure development is designed in a manner sensitive to the local landscape and in a way that would conserve and enhance the area. Policies B2, B8 and B9 of the Neighbourhood Plan seek to protect the character of the area, open spaces and dry-stone walls from unacceptable development.

In this case, by reason of the scale, design and siting of the proposed building, the car park and associated infrastructure, the proposed development would unacceptably harm and fail to conserve and enhance the local landscape. Additionally, it would harm the setting of a Local Green Space and lead to the loss of a length of dry-stone wall.

Therefore, the proposed development is considered unacceptable and would be contrary to Policies SS1, SS9, SDC3 and SDC12 of the North East Derbyshire Local Plan, policies B2, B8 and B9 of the Neighbourhood Plan and the NPPF, when read as a whole..

## PLANNING COMMITTEE – 5 September 2023

**Reference Number:** 22/01042/AD

**Application expiry:** 08.09.23

**Application Type:** Advertisement Consent

**Proposal Description:** Application for advertisement consent for 4 x signs 2 mounted horizontally and 2 mounted vertically (Amended Title)

**At:** Parish Rooms, New Road, Wingerworth

**For:** H.A. Briddon LTD

**Third Party Reps:** 4 objections

**Parish:** Wingerworth

**Ward:** Wingerworth

**Report Author:** Graeme Cooper

**Date of Report:** 11.08.23

**MAIN RECOMMENDATION:** Grant permission, subject to conditions



Figure 1: Location plan, with site edged in red

## 1.0 Reason for Report

- 1.1 The Planning Manager has referred this application for consideration by Planning Committee due to the interest shown in it, the issues it raises and its submission by a public body.

## 2.0 Proposal and Background

### Site Description

- 2.1 The Parish Rooms is set in a residential area on the edge of Wingerworth village. The building has recently been refurbished under planning approval 20/00103/FL. See Figure 2 below illustrating the refurbished building when officers visited the application site in November 2022.



*Figure 2: Photographs taken from officer site visit in November 2022*

- 2.2 There is a single point of access from New Road to the north which serves a car park to the rear of the building.
- 2.3 No11 New Road, a detached dormer bungalow is located to the north of the application site. A mature hedge separates the two sites.
- 2.4 Number 242 and 244 Longedge Lane are located to the east of the site and overlook the car park to the rear of the application site.
- 2.5 To the south east is No246 Longedge Lane and a former GP surgery building sits to the south. Both properties share a boundary with the Parish Rooms.
- 2.6 The application site is within the Settlement Development Limit of Wingerworth.

## Proposal

- 2.7 This application initially sought permission for the installation of 4 illuminated signs at Wingerworth Parish Rooms.
- 2.8 The submitted details illustrate that an identical sign (see Figure 3 below) will be installed on the building, 2 being vertically installed and 2 being horizontally installed.



Figure 3: Proposed horizontal signage details

- 2.9 The horizontal signage will be 1.85m wide and 0.4m tall, with lettering 0.155m tall set on a fabricated mild steel frame. The signage will be installed 2.2m from ground level.
- 2.10 Vertical signage details have been submitted (see Figure 4 below). The sign will have the same lettering as the horizontal sign but be vertical in appearance.



Figure 4: Proposed vertical signage details

- 2.11 Figure 4 below illustrates the position of the signs to be installed on the building. A horizontal sign will be installed at positions 1 and 5. A vertical sign will be installed at position 6 and 8.

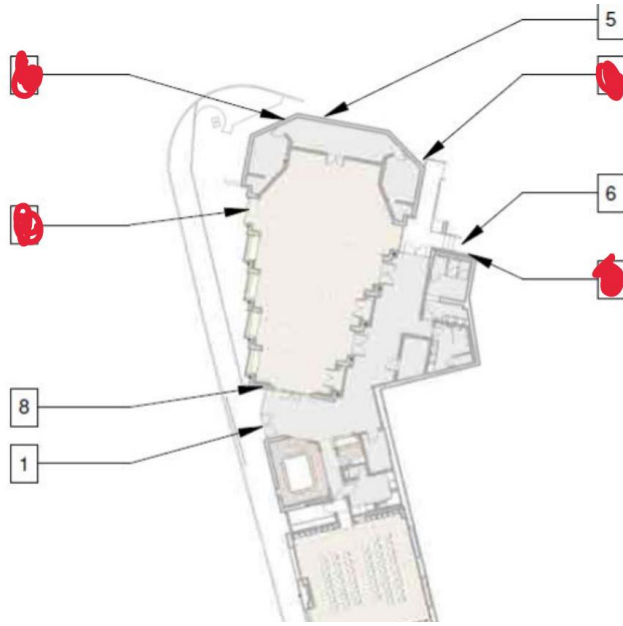


Figure 5: Proposed position of signage on the Parish Rooms

### **Amendments**

- 2.12 Following concerns raised by local residents and officers to the luminance levels of the signage, the signs will now no longer be illuminated. This was confirmed in writing by the agent on 11<sup>th</sup> August 2023.

### **3.0 Relevant Planning History (not the full site history)**

- 3.1 20/00103/FL - Refurbishment of Parish Hall, with new main entrance, cladding to exterior, changes to car park and new signs (Conditionally Approved)
- 3.2 22/00642/DISCON - Application to discharge condition 3 (Materials) pursuant to planning application 20/00103/FL (Amended Title) (Condition Discharged)
- 3.3 22/01169/DISCON - Application to discharge condition 4 (external lighting) pursuant of planning permission 20/00103/FL (Condition Discharged)

### **4.0 Consultation Responses**

- 4.1 **Ward Member** requested that the application be considered by Planning Committee.

- 4.2 **Parish Council** raised no comments.
- 4.3 **Highways Authority** note that the proposed signage would be acceptable providing the luminance does not exceed 400cdm<sup>2</sup>.
- 4.4 Council's **Environmental Health Officer** raised no objection.
- 4.5 **Derbyshire Wildlife Trust** note that signs 1 and 8 would be positioned close to the main entrance onto New Road. Opposite the site is an established hedge, with fields beyond. DWT can see streetlights along the road and the new dwelling behind the hedgerow. The buildings themselves appear to either be new or have new roofs so DWT are not worried about there being roosts present. DWT advise that it is best practice to avoid light spill onto the countryside and features such as hedgerows where bats may commute along. However, DWT note that the surrounding environment is already partially illuminated by streetlights and new housing. It is requested that these signs not be illuminated all night and whether or not the brightness can be reduced? Nevertheless, DWT conclude that the proposed illuminated signage would be unlikely to cause significant light spill that would be harmful.

## 5.0 Representations

- 5.1 The application was publicised by way of neighbour letters and the display of a site notices. A Site notice was placed adjacent to the application site on 24<sup>th</sup> November 2022 which expired on 15<sup>th</sup> December 2022.
- 5.2 4 local residents have made representations raising the following comments objecting to the proposed development:
- Signs 5 and 6 will be too bright and adversely impact natural lighting levels of neighbouring properties
  - proposal will substantially affect properties adjacent to the Parish Rooms
  - Illuminated signage proposed will have no time restriction
  - Signage out of keeping with character of the street scene
  - Too bright which is harmful to nocturnal mammals
  - Signage proposed is disproportionately large, intrusive, and out of keeping with the predominantly residential, semi-rural area
  - Two large illuminated signs on the front of a single storey building on a well-lit road will distract passing motorists, are unnecessary for pedestrians, and will emit light pollution across the open fields and valley on the opposite
  - Signs 1 and 8 are close together and unnecessary
  - Sign at position 6 is unnecessarily illuminated

- The submitted application form suggests a consultation with neighbours has been undertaken but residents are unaware of any public consultations via parish meetings
- The position of advert 5 is questioned as being inaccurate

## **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  
 SDC3 Landscape Character  
 SDC4 Biodiversity and Geodiversity  
 SDC12 High Quality Design and Place Making  
 SDC13 Environmental Quality

### **Wingerworth Neighbourhood Plan (WNP)**

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

W1 Wingerworth Settlement Development Limit  
 W12 Design Principles  
 W13 Biodiversity

### **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.

- 6.4 Specifically Paragraph 136 of the NPPF states that: *“The quality and character of places can suffer when advertisements are poorly sited and designed. A separate consent process within the planning system controls the display of advertisements, which should be operated in a way which is simple, efficient and effective. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.”*

## **7.0 Planning Issues**

### **Principle of Development**

- 7.1 Local Plan policy SS1 specifically relates to sustainable development. In essence development will create well designed places which enhance

- local distinctiveness, protect the character, quality and setting of villages and protect and/or enhance the landscape character.
- 7.2 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 tranquility. The site is within a secondary AMES and as such development 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), or any successor document(s), 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 type.
- 7.3 Local Plan policy SDC12 offers guidance on design. The policy requires all development to be of a high-quality design and make a positive contribution to the quality of the local environment. Essentially development 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 existing communities and their surroundings; create good design which is well-related to its site and surroundings in terms of its layout, form, height, massing, scale, plot size, elevational treatment, materials, streetscape, and rooflines which effectively integrate buildings into their local setting; and 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.
- 7.4 Similarly Local Plan policy SDC13 states that all development proposals will be assessed in relation to their impact on air, light, noise, ground, and water pollution. Planning permission will be refused for any proposal where pollution would pose an unacceptable risk to public health, quality of life or the environment.
- 7.5 WNP Policy W1 states that development within the Settlement Development Limit for Wingerworth will be supported where it specifically is of an appropriate layout, scale, appearance and design to respect or enhance the character of the area; considers the impact on neighbouring occupiers by way of privacy, daylight, visual intrusion or amenity and is sensitive to the high quality landscape setting of the Parish.
- 7.6 WNP Policy W12 states that development proposals should respect and enhance local character and show how the layout, materials and landscaping of the site; be of a scale, density, massing, height, design and appearance which reflects and responds positively to the characteristics of



the site and its surroundings; materials should be chosen to complement the design of the overall development and add to the quality or character of the surrounding area; and take into account the amenity of neighbouring occupiers.

- 7.7 As considered above, the NPPF provides specific guidance on advertisements. Paragraph 136 states that: “The quality and character of places can suffer when advertisements are poorly sited and designed. A separate consent process within the planning system controls the display of advertisements, which should be operated in a way which is simple, efficient and effective. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.”
- 7.8 In view of the above, the principle of development is considered acceptable.

### **Design/Street Scene/Landscape Considerations**

- 7.9 The application site is located within the Settlement Development Limit for Wingerworth and is within a Secondary Area of Multiple Environmental Sensitivity (AMES). Proposals should be in keeping with the character and appearance of the site and the surrounding area, and not cause significant harm to the character, quality, distinctiveness or sensitivity of the landscape and be sympathetic to the landscape character in that location.
- 7.10 The surrounding street scene is predominately residential with open countryside opposite. Land levels opposite the site fall away into the valley. The land use opposite includes a riding arena, stables and holiday lodge. New Road is a street lit highway, with residential properties opposite and adjacent to the site.
- 7.11 The proposed signage would be positioned on the northern gable of the building, adjacent to the rear pedestrian entrance and at the main entrance on New Road. The lettering would be set on a metal frame and have a contemporary appearance and will no longer be illuminated.
- 7.12 Modernisation works have been undertaken to the building and it now has a contemporary appearance with the use of stone facing and cladding. The proposed signage is required to waymark entrances and notify passing users.
- 7.13 Concerns were raised by residents to the design of the illuminated signage being harmful to the character and appearance of the street scene and that the illumination proposed is excessive.

- 7.14 In light of the clarity provided by the applicant regarding the signage no longer being illuminated, officers consider that the proposed signage would be in keeping with the character and appearance of the site, and be of a sympathetic design to the urban landscape character in that location.

### **Privacy and Amenity Considerations**

- 7.15 The properties most likely to be impacted by the proposed development are those residential properties to the north and east of the Parish Rooms, including No11 New Road to the north, No's 242, 244 and 246 to the east and south east of the application site and a former GP building to the south.
- 7.16 The proposed signage would be located on the north and west elevation of the building on the northern gable, to the side of the main entrance on New Road and at the rear entrance adjacent to the main car park.
- 7.17 Initial proposals were for the signage to be illuminated with a static 60cdm<sup>2</sup> light. This is no longer the case and it has been confirmed in writing that the signage will not be illuminated in any way. This can be controlled by way of condition on any decision.
- 7.18 As discussed above, local plan, neighbourhood plan and national planning policies require development to not have an adverse impact upon the amenity of neighbouring residents and land uses.
- 7.19 The submitted details have been considered by the Councils Environmental Health Officer who raised no objection.
- 7.20 Concern has been raised by local residents to the appropriateness of such bright lighting in a residential setting, causing harm to the enjoyment of neighbouring properties. There is also concern that the unrestricted lighting would emit light pollution onto fields and the valley opposite the application site.
- 7.21 The proposed signage would face onto the main access road, car park and New Road. Officers raised concern at the luminance levels of the signage and the impact on neighbours and the open countryside opposite. The scheme has been amended so that the signage will not be illuminated.
- 7.22 Officers conclude that the proposed signage, as amended, would not be unduly harmful to the amenity of neighbouring residents or be detrimental to the amenity of the open countryside and the uses opposite the application site.

## **Highway Safety Considerations**

- 7.23 The proposed signage would be visible from New Road, especially for cars approaching from the north and south of the application site.
- 7.24 The Highways Authority raised no objection to the proposed illuminated signage scheme. No further comments have been received from the highways authority to the amended scheme.
- 7.25 In view of the above, officers are satisfied that the proposed signage scheme would not detract motorists travelling along New Road and as such not have a detrimental impact upon public safety in this regard.

## **Ecological Considerations**

- 7.26 Initially it was proposed that the signage would be illuminated and specifically signs 1 and 8 would face out onto New Road, with open fields opposite.
- 7.27 Concern has been raised by local residents, officers and DWT that the proposed lighting could be detrimental to nocturnal mammals.
- 7.28 The proposed signage has been amended to remove any method of illumination.
- 7.29 In view of the above, officers consider that the impact of the proposed signage would not be harmful to nocturnal mammals.

## **Other Considerations**

- 7.30 An objection has raised concern that the position of sign 5 is inaccurate, however the Council can only consider the information put forward by the developer.
- 7.31 Concern has also been raised at the lack of public consultation on the proposed development. Officers cannot comment on what discussions have taken place at Parish Council meetings but it can be confirmed that numbers 242, 244 and 246 Longedge Lane, 11 New Road and the Wingerworth Surgery have been formally consulted by post on the proposed development and a site notice was placed adjacent to the site on 24<sup>th</sup> November 2022. As such officers consider that the necessary consultations have been undertaken in line with the Councils Statement of Community Involvement.
- 7.32 In addition to the above, the Parish Council have advised that whilst the proposal before members is that the signage will not be illuminated they

intend to wire the signage up to power and possibly come in for an application to illuminate the signage in the future.

## **8.0 Summary and Conclusion**

- 8.1 The principle of the installation of signage on the Parish Rooms building which is located in the Settlement Development Limit of Wingerworth and in an area of Secondary AMES is acceptable in principle.
- 8.2 The contemporary design of the signage would be in keeping with the character and appearance of the site and the surrounding street scene.
- 8.3 Confirmation has been received that the signage will now no longer be illuminated. As such officers are satisfied that the signage will not have a detrimental impact on the amenity of neighbouring residents, land uses or the adjacent countryside setting.
- 8.4 It is not considered that the proposed signage would be detrimental to highway safety.
- 8.5 Changes to the proposed signage, removing the illuminated features will, in officers opinion, overcome any potential harm to nocturnal mammals.
- 8.6 No statutory consultees have objected to the proposal and there are no technical reasons as to why the proposed signage should be refused.
- 8.7 As such, officers consider that the proposal would be in accordance with the Local Plan, Wingerworth Neighbourhood Plan and the NPPF.

## **9.0 Recommendation**

- 9.1 That planning permission is **CONDITIONALLY APPROVED subject to the following conditions**, with the final wording delegated to the Planning Manager (Development Management):-

### **Conditions**

- 1) The development hereby approved shall be carried out in accordance with the submitted plans:
  - 0520-AM2-LP (Location Plan)
  - Location of Signs Plan; date scanned 27.10.2022
  - Proposed Signs Plan; date scanned 27.10.2022
  - Vertical Sign Details; date scanned 11.08.2023
- 2) The signage hereby approved shall not be illuminated in any way.

- 3) No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
- 4) No advertisement shall be sited or displayed so as to—
  - (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
  - (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
  - (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
- 5) Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
- 6) Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
- 7) Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

## Planning Committee 5<sup>th</sup> September 2023

### SUMMARY OF LATE COMMENTS/REPORT UPDATE

The aim of this report is to seek to avoid the need for lengthy verbal updates that Planning Officers have sometimes needed to provide in the past at the Planning Committee. In consultation with the Chair, it has been decided that on the evening before committee a summary of all the late comments/representations received so far will be emailed to the Committee Members by the Governance Team.

It is possible that verbal updates will still be required at the meeting as sometimes comments are received at the last minute or Officers may wish to amend their recommendations: however Officers will seek to keep verbal updates to a minimum.

At the meeting Officers will only refer briefly to any key points of the case in the summary that has been emailed, as well as providing the usual verbal update for any additional last minute items.

If Members have any queries about the comments or the application itself please feel free to contact the relevant case officer given beneath the title of each summary below.

**PARISH:** Dronfield

**APPLICATION:** 22/00686/FL

**CASE OFFICER:** Alice Lockett

**1. SOURCE OF COMMENTS:** Local resident – Sugden

**DATE RECEIVED:** 29 August 2023

**SUMMARY:**

I write with reference to the above planning application where I am invited to speak to my submitted concerns and opposition to the planning application: 22/00686/FL - Gladys Buxton, Oakhill Road Dronfield.

Unfortunately, I am unable to attend either in person or via Zoom to represent our objections and concerns as I will be flying during the hours of the committee. I would therefore expect it noted that this is the reason I cannot talk to our opposition to the planning and that our real and pertinent objections, as presented in our submission, absolutely stand and remain concerns.

In particular, for my family, the location and proximity of the building plot/proposed houses to our garden/house at 56 Oakhill Road - how the land barrier will be maintained and by whom; the light and noise pollution created; how we can feel confident no underlying damage will be caused by the building and new structures to our properties which are very close, and the general detriment to our outlook due to the size, positioning and proximity of the proposed dwellings. In addition,

reassurance of maintenance and security of the proposed sports pavilion and of course some answers as to how the infrastructure of the area can and will be able to support such an influx of people, traffic and pollution. To note again, our full set of objections and concerns as submitted, absolutely stand.

I reiterate my disappointment in not being able to represent at the Planning Committee. If this could therefore be noted, as requested, it would be appreciated.

All the very best,

Jennie Sugden

**OFFICER COMMENTS:**

These comments raise no new material considerations that are not already addressed in the officer report to members.

**2. SOURCE OF COMMENTS:** Local Resident – Mr Ranson

**DATE RECEIVED:** 31/8/2023

**SUMMARY:**

I would like to raise some important questions regarding the proposed development of the Gladys Buxton site. Firstly, regarding the Coal Authority's comments of the risk of gas emissions stating: 'Whether or not specific emissions have been noted by the Coal Authority, local planning authorities should seek their own technical advice on the gas hazards that may exist, and appropriate measures to be implemented, from technically competent personnel.' Can I have assurances that this will be the case and that we as interested parties will be able to view any reports in a transparent and open way such as email notification when a report is submitted to planning officials. Secondly can I ask that the remediation and mitigation measures regarding land stability are also made available to any interested parties so that we can ensure there are no negative impacts to surrounding houses. Finally, I would like to draw attention to the committee and councillors that the playing fields on the Gladys Buxton site are not fit for purpose. The provision of a sports pavilion could increase use of this area for sport and exercise for the community which would be a positive development. However, as others have commented only if we have assurances that the necessary work will be done to address the state of the playing fields area, safe provision of parking as well as the ongoing maintenance and monitoring of this area as a community asset.

## OFFICER COMMENTS:

It is recommended by Officers that conditions relating to land contamination are included in any decision. When a formal application to discharge conditions is submitted all the relevant documents will be published on the Councils Public Access planning site.

If the application is approved, the management of the sports pavilion will be subject to a section 106 legal agreement.

### 3. SOURCE OF COMMENTS: Local Resident - Mrs Ranson

DATE RECEIVED: 1/9/2023

#### SUMMARY:

I am pleased to see in the revised plan that trees, hedgerows and vegetation around the edge of the land are remaining as these have been there for many years and would seriously impact wildlife and the well being of people who live on the road if removed.

What sort of assurance and legal requirement will be in place to ensure the building contractors do not damage trees and remove any vegetation which will disturb wildlife and nesting birds during the building work?(apart from the 2 trees T11 AND T3 currently under investigation)

Although the revised plan has less housing -it is still a large development for the size of the footprint of the old school and very close to the houses on Oakhill Road. The plans describe and justify the interaction to the existing houses in 2.4 in the Revised Planning Statement as the site being:

**'Separated by a steep embankment which leads up from the site to the rear gardens of the properties along Oakhill Road. In most instances, the back gardens are defined by a significant level of trees and vegetation which physically separates the site from the rear gardens of the adjoining houses.'**

It is correct that, in most instances, the back gardens enjoy trees and vegetation separating them from the proposed site. However, not all the houses near the planned proposal have much of a steep bank and in fact plot 16 looks very close to the end of our garden and next door. The placement of the new build houses are very close to the existing properties and I am concerned that the design of plot 16 in particular is going to impinge on our light and privacy due to the elevation and design of the planned house in relation to our garden and house. Particularly of concern, as I read the plan, the boundary looks open at this point ( plot 16) so I am concerned that the existing vegetation will not be protected as stated in the plan. If the boundary was at the perimeter of the hardstanding ground it would at least protect the vegetation and trees and wildlife , our privacy, and help prevent any problems in the future.

I would also like to point out an error in section 6.13 which states that the entrance will be **'The existing site access that was used by the school will be retained**



**here and used for the access for the proposed residential development which means that the suitability of this access to the site has long been established through an intensive use which saw a lot of regular vehicular activity concentrated in a shorter number of hours than would be expected through the proposed residential use.'** In fact, the old access to the school was closed and covered by a wall some years ago when the medical centre was opened and moved further down the road. Besides, the school traffic was very low at the time the school closed as it was a different era.

Buxton is a unique space because it is surrounded by houses, with no cars, where children from the neighbourhood have designed and built their own BMX track and is used for various other games during the holidays and after school. This type of edgeland is becoming increasingly rare in this day and age to find, and therefore more valuable environmentally and socially, wrongly described in the recent planning documentation, section 6.7 as being '**a currently completely disused patch of hardstanding**' This section in the documentation appears to lack knowledge of the present benefits this unique piece of land continues to give the community, despite the demolition of the buildings.

#### **OFFICER COMMENTS:**

With regard to plot 16, officers have discussed the impact of the building on the amenity of neighbours in the report. Having discussed the issue with Mrs Ranson it appears that there is concern that the ground floor French windows are the concern with regard to overlooking. Officers are of the view that, the orientation of the building at plot 16 and the existing boundary features would provide sufficient protection from invasion of privacy. However this could be ensured by committee members requesting a fence along the boundary- however this may be at the expense of the existing vegetation which the re-design has sought to protect.

The other points in this letter are already dealt with in the officer report to members.

#### **4. SOURCE OF COMMENTS - Highways Authority**

**DATE RECEIVED:** 1/9/2023

#### **SUMMARY:**

**Substantive Response provided in accordance with article 22(5) of The Town and Country Planning (Development Management Procedure) (England) Order 2015:**

The Local Highway Authority (LHA) have been reconsulted on application 22/00686/FL which is seeking planning permission for the development of 27 new dwellings, sports pavilion and associated access at land off Oakhill Road, Dronfield.

The LHA previously provided observations to the Local Planning Authority (LPA) dated 2nd September 2022 and 31st July 2023. The following observations address

the outstanding matters and should be read in conjunction with those previously issued observations.

It should be noted the quantum of development has been revised and now is for the construction of 27 no. dwellings with associated parking and servicing areas consisting of: 4 no. Two-bedroom; 12 no. Three-bedroom dwellings; and 11 no. Four-bedroom dwellings.

### **Traffic Impact**

The applicant has submitted a revised transport statements which states '*for this assessment, the impact of the existing sports pitches is scoped out as vehicle movements generated from this land use do not fall within weekday peak hours*'. It is acknowledged that peak trip generation is likely to fall out of the weekday AM/PM peaks, however the LHA consider it would have been prudent for the site to be included in the scope of assessment for the purpose of robustness, given traffic may be generated during the PM peak hour.

### **Internal Layout**

The LHA have reviewed appendix D of the revised Transport Statement which now includes drawings for the internal road layout, however the internal road layout does not conform to an acceptable standard for adoption and therefore it will not be considered for adoption and future maintenance by the Local Highway Authority at this stage.

Should the applicant wish for the site to be adopted it is advised the following is taken into consideration:

1. A 2m footway should also be included on the carriageway on both sides between plot 22 through to plot 16.
2. It is unclear why there is break (in green) between the footway opposite plot 6 and 9
3. Clarification is sought at to what the strip opposite plot 21 on the carriageway is
4. Distances for the private shared drives should be confirmed, from the carriageway, for example refuse-collection vehicles and meeting the requirements of British Standards which sets the maximum distances for carrying refuse at 25m. As such bin collection points may be required.

Should the LPA be minded to advise approval of the application, the following conditions and informatives are advised

## **Conditions**

The Development hereby approved shall not be occupied until the access, parking and turning facilities have been provided as shown on drawing No. 205 titled 'Proposed Planning Layout'.

REASON: To ensure conformity with submitted details.

The development hereby approved shall not be occupied until visibility splays are provided from a point 0.6m above carriageway level at the centre of the access to the application site and 2.4 metres back from the near side edge of the adjoining carriageway, (measured perpendicularly), for a distance of 43 metres in each direction measured along the nearside edge of the adjoining carriageway and offset a distance of 0.6 metres from the edge of the carriageway. These splays shall thereafter be permanently kept free of all obstructions to visibility over 0.6m in height above carriageway level.

REASON: In the interests of highway safety.

The development hereby approved shall not be occupied until the means of access for vehicles, pedestrians and cyclists have been constructed and completed as shown on drawing No. 205 titled 'Proposed Planning Layout'.

REASON: In the interest of highway safety.

The Development hereby approved shall not be occupied until sheltered, secure and accessible bicycle parking has been provided in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority. The storage area shall be maintained for this purpose thereafter.

REASON: To promote sustainable travel and healthy communities

Prior to commencement of the development hereby permitted details of a construction management plan shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the demolition/construction period. The plan/statement shall include but not be restricted to:

- Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- Advisory routes for construction traffic;
- Any temporary access to the site;
- Locations for loading/unloading and storage of plant, waste and construction materials;

- Method of preventing mud and dust being carried onto the highway;
- Arrangements for turning vehicles;
- Arrangements to receive abnormal loads or unusually large vehicles;
- Highway Condition survey;
- Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

REASON: In the interests of safe operation of the adopted highway in the lead into development both during the demolition and construction phase of the development.

### **Informatives**

The Local Highway Authority has no objection to the above subject to the applicant obtaining a section 184 license. The construction of a new access will require the extension of a verge and/or footway crossing from the carriageway under the Highways Act 1980 - Section 184 and the Applicant is required to obtain the permission of Derbyshire Highways details can be found at [www.derbyshire.gov.uk/transport-roads/roads-traffic/licences-enforcements/vehicular-access/vehic le-accesses-crossovers-and-dropped-kerbs.aspx](http://www.derbyshire.gov.uk/transport-roads/roads-traffic/licences-enforcements/vehicular-access/vehic le-accesses-crossovers-and-dropped-kerbs.aspx) or email [highways.hub@derbyshire.gov.uk](mailto:highways.hub@derbyshire.gov.uk) before commencing any works on the highway.

You are advised that as a result of the proposed layout and construction of the internal access road, the internal access road will not be accepted for adoption by the Highway Authority under Section 38 of the Highways Act 1980.

The development will be bound by Sections 219 to 225 (the Advance Payments Code) of the Highways Act 1980, unless and until you agree to exempt the access road.

The exemption from adoption will be held as a Land Charge against all properties within the application boundary.

The Developer is requested to erect a sign at the boundary of the new estate street with the nearest public highway providing the Developer's contact details and informing the public that the County Council is not responsible for the maintenance of the street.

Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.

The applicant's attention is drawn to the need to ensure that the provision of the visibility splay(s) required by this consent is safeguarded in any sale of the application site or part(s) thereof.

It is expected that contractors are registered with the Considerate Constructors scheme and comply with the code of conduct in full, but particularly reference is made to “respecting the community” this says: Constructors should give utmost consideration to their impact on neighbours and the public

- Informing, respecting and showing courtesy to those affected by the work;
- Minimising the impact of deliveries, parking and work on the public highway;
- Contributing to and supporting the local community and economy; and
- Working to create a positive and enduring impression, and promoting the Code.

The CMP should clearly identify how the principal contractor will engage with the local community; this should be tailored to local circumstances. Contractors should also confirm how they will manage any local concerns and complaints and provide an agreed Service Level Agreement for responding to said issues. Contractors should ensure that courtesy boards are provided, and information shared with the local community relating to the timing of operations and contact details for the site coordinator in the event of any difficulties. This does not offer any relief to obligations under existing Legislation

## **OFFICER COMMENTS**

The Highway Authority have no concerns about Highway Safety, but they do not believe the road to be at a sufficient standard for adoption. The applicant has been asked if he is happy to go ahead with the road being privately managed. This has been confirmed as acceptable by the agent.

## **5. SOURCE OF COMMENTS- Local Resident – Heseltine**

**DATE RECEIVED:** 4<sup>th</sup> September 2023

### **SUMMARY**

To whom it may concern

I am a resident directly affected by this planning application (I reside at 22 Oakhill road)

I received an email to inform me that the above planning application was due to be heard tomorrow Tuesday 5th September, and given information on what to do if I

wanted to speak at the hearing.

Firstly, I have only just returned from annual leave and have a medical appointment to attend tomorrow which means I will be unable to attend the hearing so find to my dismay that no written comments are allowed to be read out at the hearing and a decision on the planning application has already been 'Approved - subject to section 106 agreement.

Surely, a hearing is to discuss all aspects of the application from a positive and negative point of view and then make a decision - to have already 'approved' the application prior to this hearing is aberrant and feels a bit like a kangaroo court taking place.

I have noticed that the Derbyshire County Council highways authority have recently posted their concerns on a number of matters regarding this development and have requested these be actioned before their approval is given so surely approval for the development can't take place until such actions have been carried out - therefore, a waste of time in the meeting taking place until this is carried out.

I have also seen that the mature trees and vegetation that is at the bottom of my property are to remain (again these trees and vegetation are in good health and provide habitat for a variety of wildlife that we enjoy feeding and visiting our property) - however, as of yet we have had no direct contact from yourselves or the developer confirming this.

There seems to be a lot of unanswered issues raised by various organisations - DCC highways, Coal authority, Yorkshire water etc that still seem to remain unanswered before this planning application should be approved.

I would like this email to be read to the committee as my democratic right as I am unable to attend in person

#### **OFFICER NOTES**

The Highway comments are dealt with above.

The layout plan shows that the vegetation and boundary treatments to the gardens of houses on Oakhill Road that back onto the site will remain.

Yorkshire Water have no objections subject to their suggested conditions.

The Coal Authority has no objections subject to their suggested conditions.

**PARISH:** Brampton

**APPLICATION:** 23/00610/FL

**CASE OFFICER:** Alice Lockett

**6. SOURCE OF COMMENTS:** Local resident – Robinson

**DATE RECEIVED:** 29 August 2023

**SUMMARY:**

In regard to this application which we fully support, I would like to bring to the officer's and committee's attention extracts from NEDDC's local Plan set out below.

It is my contention that this application falls within scope of these statements that together with the notable number of residents of the community, already supporting the application, makes the case for approving this application in a Green Belt designated area.

John & Paddy Robinson

Overholme Farm, Main Road, Cutthorpe

**NEDDC LOCAL PLAN EXTRACTS**

Policy SS9: Development in the Countryside

!. Developments in Proposals in countryside locations outside the Settlement Development Limits will be approved, where it can be demonstrated to fall within one or more of the following categories:

c. It is necessary for the efficient or viable operation of agriculture, and other appropriate land based businesses, including the diversification on an existing farm unit.

d. It involves small scale employment uses related to local farming, forestry, recreation, or Tourism

h. It relates to aa development, which has a demonstrable community benefit

l, It is in accordance with the policies of the Neighbourhood Plan under examination

Policy SS10: North East Derbyshire Green Belt

2.The construction of new buildings will be regarded as inappropriate development and will not be permitted. Exceptions to this, where they accord with other policies are:

a. Buildings for the purposes of Agriculture

3. Forms of development which may be appropriate in the Green Belt, provided it preserves the openness of the Green Belt and does not conflict with its purpose including:

e. Development brought forward under a Neighbourhood Development Order

**OFFICER COMMENTS:**

As stated in the officer report to members, it is considered that the proposal would represent inappropriate development in the Green Belt and that this would not represent development brought forward under a Neighbourhood Development Order.

**7. SOURCE OF COMMENTS:** Brampton Parish Council

**DATE RECEIVED:** 30/08/2023

**SUMMARY:**

The Parish Council recognised that the proposal is outside of the settled development area and is within the greenbelt but considers that the benefits would outweigh any harm incurred by the development.

The Parish Council resolved to support the proposal, but would like to see the car park moved to the other side of the development, which would mean the farm shop building would sit next to the village hall and therefore blend in with existing development reducing the visible impact.

The Parish Council understands that the applicants would not be averse to this amendment. Similarly, the applicants have indicated that the off road car park would be able to be used by visitors to the village hall, which is used extensively for a range of local events. The Parish Council considers that this would be a major benefit of the proposal given the lack of safe parking spaces in the nearby vicinity. There is also the potential for the car park to be used outside of opening hours for the residents of Riggots Way to ease the ongoing issue of parking congestion.

The proposal enjoys strong local support, particularly given that there has not been a local shop for many years which was highlighted in the Brampton Neighbourhood Plan, and the opportunity to purchase locally sourced produce from a local outlet is a sustainable benefit and would have a positive impact on reducing carbon emissions through decreased food miles.

**OFFICER COMMENTS:**

These points are dealt with in the officer report to members of planning committee.



**8. SOURCE OF COMMENTS:** Local Resident McBoyle

**DATE RECEIVED** 31/8/2023

**SUMMARY**

I'm writing with reference to the above planning application, I would like to give it my full support, I admire Lizzy and Matts' entrepreneurial ship. The farm shop offers an amenity the village currently does not have and is in great need of. The central location within the village will make it easily accessible to locals, meaning they can walk to the shop. With regards to traffic concerns, I have lived in the village of Cutthorpe for almost 8 years. There is already a huge traffic issue on the B6050 that needs ongoing assessment and to be perfectly honest I consider the extremely dangerous crossing from The Peacock Pub to School a much greater issue having walked the length of the village pavement every day to school and back with my small children. I hope this application is passed and wish the farm every success.

**OFFICER COMMENTS**

The report to members outlines why officers do not consider the very special circumstances put forward sufficient to outweigh the harm to the Green Belt.

**9. SOURCE OF COMMENTS:** Local resident - Eyre

**DATE RECEIVED:** 31/8/2023

**SUMMARY**

We would like to put our views forward regarding the above proposal. We attended the meeting and presentation of the project by the Wood's in the village institute. We believe the concept of a village shop a very good idea but we are glad to hear you are recommending it be refused as we also have concerns. We have the following concerns about the location:-

a/ Green belt – setting a precedent for future decisions.

b/ heart of the village – spoiling the views over open fields.

c/ increased traffic on a bend.

d/ potential increased parking on Riggotts Way (already an major issue to residents).

e/ potential increased parking on Common Lane, already used by the community using the Institute, new playground, Cricketers and Parents walking up to the School to take and collect Children. The shop/café has already been purchased so we have viewed it and whilst not totally unattractive it is not in keeping with the traditional stone built properties that dominate that part of old Cutthorpe. We also fear that a temporary proposal firstly becomes permanent then escalates to a larger development.

Again we would like to reiterate the concept of a village shop a great idea and we do support it and indeed would use it. We support local businesses and wish it every success but for the reasons above we cannot support its proposed location

### **OFFICER COMMENTS**

The comments with regard to Green Belt and impact on the countryside are broadly similar to those laid out in the report to committee.

**10. SOURCE OF COMMENTS-** Local Residents- John Robinson, Tom Johnstone, Jane Johnstone, Arlene Honeyman, Peter Friend, John Thurston, Claire Thurston, Mike Robotham, Roger Pendleton, Alan Campbell, Barbara Campbell, Mike Zwager, Sheila King, Carol Ravey, Andy Ravey, Ken Lawrie, David Catton

**DATE RECEIVED- 4<sup>th</sup> September 2023**

### **SUMMARY:**

#### **Clause 7.9**

The officer does not accept that selling the farm's produce and/or products derived from it can be considered "agriculture". We beg to differ and refer again to Clause 1 c of SS9.

The applicant has stated that the area will be completely remediated at the end of 3 years unless a further application is made for permission to use the site for the farm shop. In the applicant's view, the work is neither considerable nor permanent.

The officer states further:

- 7.8 The submitted Design and Access statement argues that *“Although the proposed building is not strictly an agricultural building, it is being proposed by an agricultural business as a form of diversification”*.
- 7.9 Officers are of the view that as the building will not be used for an agricultural purpose, is located well away from the other buildings constituting the primary farm group and the works required to establish it are considerable and permanent in character, it cannot be classed as either an agricultural building or a temporary structure ancillary to the farm operation. In addition, it would operate as a shop and café offering a wider retail, and other, service to its customers. In this respect it is not considered it falls within any of the exceptions to justify a new building exceptionally in the Green Belt.
- 7.10 Engineering works may also constitute not inappropriate development in Green Belt. However, in this case, the level of development would both spatially and visually impact the openness of the area. The car parking area would extend to 17m by 13m and the building itself would take on the appearance of a mobile home. A new hard access would also be formed. In these terms, both as individual elements and collectively, Officers conclude the application would fail to preserve either spatial or visual openness and result in Green Belt incursion. As such, it would represent inappropriate development in those terms too.

7.35 The applicant has put forward several issues which they contend are very special circumstances justifying otherwise unacceptable Green Belt development as follows:

A. Community facilities/shop

7.36 The applicant states that the proposal supports the local economy by contributing towards business expansion and growth, as well as promoting the social wellbeing of the local residents of Cutthorpe by providing an essential village shop and meeting place. It is stated that the shop will sell local produce. It is also claimed that it will provide an essential public service in providing day-to-day essential foods within easy walking distance. The LP supports retail facilities providing day to day needs of local communities but policy WC4 specifies that this should be within Settlement Development Limits and no evidence has been provided as to why the proposed development could not be sited within the Settlement Development Limits of Cutthorpe.

7.37 The proposed café is also promoted as a community hub allowing local people to meet and catch up. New Social Infrastructure is also supported by LP policy ID4 whilst emerging NP policy B10 supports proposals to enhance the area where it can be demonstrated that:

a) it will meet an identified local (parish) need;

b) it is appropriate in its location, scale and design and would not be detrimental to the character and appearance of the landscape or the built environment; and

c) the amenities of neighbouring properties will not be adversely affected through the nature of the use, noise or traffic generated.

7.38 However, it has not been shown why the proposed facilities could not be located within the settlement or why a Green Belt location is essential to provide this facility. In addition, in granting a planning consent the Local Planning Authority could not guarantee that the site would be used by other site owners for purposes differing from those set out by the applicant.

7.39 Officers conclude that the provision of a shop in Cutthorpe would bring community benefits but there is no overriding reason why a site within the Green Belt is required to provide for it.

B. Farm Diversification/Job Creation

7.40 The applicant states that the farm has identified a need to diversify for various reasons as set out in the representations made.

7.41 Local and national planning policy aims to support a prosperous rural economy. However, Officers retain the view that appropriate farm diversification is more likely to be appropriate using existing buildings at the farm holding than seeking to develop a green field site distant from the farm holding with the consequent impacts.

7.42 The applicants set out that they seek, initially a three temporary permission. However, such is the level of works proposed, Officers do not consider that the impact of the development even in a time restricted way would be appropriate or could be easily reversed if established.

To which we comment as follows:

**Clauses 7.36, 7.38, 7.39**

**The crucial point is that the location proposed is within the Green Belt because the settlement area of Cutthorpe is totally bounded by the Green Belt and there are no vacant spaces or currently available buildings in the settlement area that could be re-purposed in which to locate the farm shop.**

In addition, although the officer quotes WC4, we note that it should not be applied to a village such as Cutthorpe:

## **Policy WC4: Retail Hierarchy and Town Centre Uses**

### **Retail Hierarchy**

**1. The Council will support the following hierarchy of Towns, and Local Centres in the District:**

**a. Town Centres - Dronfield, Clay Cross, Eckington and Killamarsh.**

**b. Local Centre - Sheffield Road/Chesterfield Road, Dronfield**

**Clauses 7.41 and 7.46**

The existing buildings at the farm holding are within the Green Belt but several hundred meters down an unsurfaced road (Green Lane) at the bottom of a considerable gradient. While Green Lane is popular with walkers and horse riders, it is used mainly by the farm's vehicles and is not suitable for even a modest amount of vehicular traffic that might be customers of the farm shop. There are no convenient parking facilities adjacent to the holding and any that did attempt to park there may impede farm business. It is highly unlikely that any pedestrians would consider doing day-to-day shopping at the farm holding, given the walking distance from the village centre.

**Clause 7.42**

The application is for 3 year's temporary permission to validate the farm shop's business model and if it succeeds to determine a way forward that would overcome the officer's current rejection recommendation. It is certainly within the Council's power to require the commitment to re-instate the area to its present condition at the expiry of the 3 years to be fulfilled.

**Clauses 7.43 and 7.44**

Car parking

7.43 A parking area for 10 cars is proposed, between the proposed shop and the CI. It is proposed that this parking area can also be used for events at the CI, which, the applicant claims, suffers from a lack of parking spaces near to it for its users.

7.44 No assessment has been submitted making the case for the need for more parking at the CI, so it is unclear whether parking is actually required but Officers feel that any limited need for car parking can be met by other means.

**There are currently has NO off-street parking facilities available to users of the Institute,** despite the officer's comments. This is not a "claim", it is a fact. Users of the Institute are requested in a notice on the exterior of the building to park in Common Lane, which to the annoyance and inconvenience of residents of Common Lane is where some of them wish to park. The majority of users of the Institute do park in Common Lane, however, and then have to face the risk of crossing Main Road with its speeding traffic(!). A minority park outside the Institute and in consequence potentially contribute to the risk of accidents. The existence of the car park associated with this application will contribute to a reduction in risk.

The officer concludes **SECTION 7.0** with:

Other Issues

7.48 The supporting comments state that the provision of a shop would reduce commuting to seek other similar facilities. There is no evidence necessarily that the provision of a shop on the site would stop local residents shopping elsewhere. This is considered by Officers an issue of very little weight in the planning balance.

7.49 Likewise, it is stated that a shop//café would provide a community facility. Little of substantive evidence is available to show this would be the case but other facilities remain in the village to provide such a focus such as the nearby public house and CI building itself. Officers place very little weight on this issue also.

We merely state that the Officers offering these opinions do not provide any evidence that justify them. As such, we recommend that **NO** weight be placed on them.

The officer then turns to **SECTION 8.0 SUMMARY AND CONCLUSIONS**

In doing so we note that no content has been provided in the earlier sections of the report from the Neighbourhood Plan concerning the Parish's stated ambition to have a farm shop and or/coffee shop in the Parish. It was mentioned as one of the bullet points in the supporting comments but regrettably nowhere else in the report. Clearly, this reflects the Officer's view of the Neighbourhood Plan:

**As such it is not an adopted plan and should be afforded appropriate weight in the determination of this application.**

Can this not be read as the NP should be disregarded?

In fact, the Neighbourhood Plan contains these statements:

**Para 175** In the community survey, 46% of respondents felt that the Parish suffered from a lack of shops (second highest improvement priority) and 30% (fourth highest improvement priority) from community facilities. They expressed particular concern about the lack of a post office, shops such as a coffee shop and leisure facilities.

**Para 177** During the preparation of the Plan several suggestions were made about how community and recreational facilities in the Parish could be improved across the whole of the Parish. The findings from the community survey and wider consultation also showed that there is strong in principle support for improvements to the existing provision where they are suitably designed and located, meet a local need and are viable. Specific suggestions made through the community survey include shops (including a post office), additional community facilities and a Farmers Market.

Furthermore, the NEDDC Planning Department has access to APPENDIX B to the Neighbourhood Plan “Key Outcomes from Parish Household Survey 2019”.

We trust the Committee will take significant account of the wishes of the residents of Brampton Parish when they consider this application. 25% of them completed the survey and under the heading “What could be improved?” 45.7% (the second highest) stated “Provision of local shops”; 30.2% “Community facilities”; 19.4% “Provision of a coffee shop”.

Incidentally, over 80% supported “Protect existing and develop new wild flower meadows”. Something the Wood Family has done on their farm in Cutthorpe.

The open question “Are there other facilities that you would like to see in the villages (please provide details)” attracted 65 validated responses and resulted in this table:

**The top 5 desired facilities were:**

- 1. Shop (including farmers market) (40)**
- 2. Post Office (13)**
- 3. Bus (11)**
- 4. Coffee shop (9)**
- 5. Leisure facilities (5)**

May we suggest that copies of the Neighbourhood Plan and Appendix B be distributed to members of the Planning Committee so they can ensure that as much weight is given to the views of electors living in Brampton Parish but particularly in Cutthorpe as to those of the Planning Department?

Finally, note that the NPPF states:

**140.** Once established, Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified, through the preparation or updating of plans. Strategic policies should establish the need for any changes to Green Belt boundaries, having regard to their intended permanence in the long term, so they can endure beyond the plan period. Where a need for changes to Green Belt boundaries has been established through strategic policies, detailed amendments to those boundaries may be made through non-strategic policies, including neighbourhood plans.

**141.** Before concluding that exceptional circumstances exist to justify changes to Green Belt boundaries, the strategic policy-making authority should be able to demonstrate that it has examined fully all other reasonable options for meeting its identified need for development. This will be assessed through the examination of its strategic policies, which will take into account the preceding paragraph.

### **OUR SUMMARY AND CONCLUSIONS**

As may be expected, we feel the officer has over-egged the pudding in assembling evidence to recommend that this application is rejected. Perhaps we can be accused of failing in the opposite direction.

We insist, however, that there is text in the NPPF, the Local Plan and the Neighbourhood Plan which permits us to argue for **APPROVAL** of this application.

### **OFFICER NOTES:**

These comments are in response to the officer report which the committee has been provided with.

In particular the weight afforded to the emerging neighbourhood plan is outlined in paragraph 6.2 of the Officer Report. Whilst the NPs comments on the Green Belt are covered in paragraph 7.6 and 7.7.



**PARISH:** Wingerworth

**APPLICATION:** 22/01042/AD

**CASE OFFICER:** Graeme Cooper

**11. SOURCE OF COMMENTS:** Officer Note

**DATE RECEIVED:** 04/09/23

**SUMMARY:**

At 2.8 and 2.10 of the officer report to members Figure 3 and 4 illustrate the proposed signage to be installed on the Parish Rooms building. It should be noted that the drawings indicate the signage will measure 2088mm wide and lettering will be 180mm tall, however this drawing is indicative only and the lettering will actually be 1850mm by 155mm as per the text included in 2.9 of the officer report to members.

## North East Derbyshire District Council

### Planning Committee

5 September 2023

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

#### **Report 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:-

**Meadowland Holding Ltd – Application for storage area for farm bales and agricultural equipment (Amended Plans) Land To North West Of Pudding Pie Farm, Main Road, Wigley (22/00235/FL)**

Planning Officer – (AP) Julian Hawley [julian.hawley@ne-derbyshire.gov.uk](mailto:julian.hawley@ne-derbyshire.gov.uk)

##### **1.2 Enforcement Appeals Lodged**

The following appeals have been lodged:-

**Mr Lee Mayfield – Appeal against Enforcement Notice for material change of use of the land from a nursery and (landscaping business to a mixed use as a nursery, landscaping business, operation of skip hire contractors base including importation and sorting of waste, use for the storage of vehicles, scrap vehicles, vehicle parts, scrap metals and other waste materials and use for the siting of a static caravan for human habitation at West Handley Nursery, Main Road, West Handley (21/00297/COU)**

Planning Officer – Julian Hawley [julian.hawley@ne-derbyshire.gov.uk](mailto:julian.hawley@ne-derbyshire.gov.uk)

**Meadowland Holding Ltd – Appeal against Enforcement Notice for the creation of hardstanding at Land To North West Of Pudding Pie Farm, Main Road, Wigley (22/00026/OD)**

Planning Officer – Julian Hawley [julian.hawley@ne-derbyshire.gov.uk](mailto:julian.hawley@ne-derbyshire.gov.uk)

### 1.3 **Appeals Allowed**

The following appeal has been allowed:-

**Land Allocation Ltd – Outline application for up to 26 over 55s accommodation, with all other matters reserved except for access (Major Development/Departure from Development Plan) at Land At Rear Of 263 Nethermoor Road, Wingerworth (21/01085/OL)**

Planning Officer's Recommendation – Refuse

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

### 1.4 **Appeals Dismissed**

The following appeals have been dismissed:-

**Mr Paul Harrison – Application for a certificate of lawfulness for a proposed ground floor extension, addition of dormer and outbuilding (Amended Title) at 144 Chesterfield Road, Dronfield (22/00117/LDC)**

Planning Officer's Recommendation – Part Issued/Part Refused

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

**Mr Neil Bestwick – Application for residential development of four dwellings including the demolition of existing barn and ancillary farm buildings (private drainage system/Affecting a public right of way) at Park House Farm, Pilsley Road. Lower Pilsley (21/01242/FL)**

Planning Officer's Recommendation – Refused

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

### 1.5 **Enforcement Appeals Dismissed**

The following appeals have been dismissed:-

**Mr Richard Atkinson – Appeal against Enforcement Notice for a material change of use of land from agriculture to a residential use including operational development carried out to facilitate the change of use at Cartref, Cordwell Lane, Millthorpe, Holmesfield (22/00068/OD)**

Planning Officer – Julian Hawley [julian.hawley@ne-derbyshire.gov.uk](mailto:julian.hawley@ne-derbyshire.gov.uk)

**Mr Jeremy White – Appeal against Enforcement Notice for material change of use of Land to a mixed use comprising the stabling, keeping and exercise of horses and a use for amenity and recreational fishing at Land North West Of 21 Mansfield Road, Killamarsh (16/00100\_OD)**

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

**Mr Jeremy White – Appeal against Enforcement Notice for material change of use of Land to a use for the storage of building and construction materials and equipment, including engineering works comprising the formation of a hardstanding at Land North West Of 21 Mansfield Road, Killamarsh (16/00100\_COU)**

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

**Mr Jeremy White – Appeal against Enforcement Notice for material change of use of Land to a use for the stabling, keeping and exercise of horses including operational development carried out to facilitate that use, namely: building operations comprising the erection of block work stable building and two timber stables and laying of an all-weather riding surface at Land Approximately 200 Metres To The North East Of Norwood Chase, Rotherham Road, Killamarsh (18/00102/OD)**

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

## 1.6 **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:  <b>NEDDC:</b> <b>Revenue - £100,000</b> <input type="checkbox"/> <b>Capital - £250,000</b> <input type="checkbox"/> <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 Significantly Affected</b>	None
<b>Consultation:</b> <b>Leader / Deputy Leader</b> <input type="checkbox"/> <b>Cabinet</b> <input type="checkbox"/> <b>SMT</b> <input type="checkbox"/> <b>Relevant Service Manager</b> <input type="checkbox"/> <b>Members</b> <input type="checkbox"/> <b>Public</b> <input type="checkbox"/> <b>Other</b> <input type="checkbox"/>	Yes  Details:
<b>Links to Council Plan priorities, including Climate Change, Equalities, and Economics and Health implications.</b>	

**8**     **Document Information**

<b>Appendix No</b>	<b>Title</b>
<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) you must provide copies of the background papers)	
<b>Report Author</b>	<b>Contact Number</b>
Katie Spelman	01246 217172