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**North East
Derbyshire**
District Council

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Date: Monday, 27 November 2023

To: **Members of the Planning Committee**

Please attend a meeting of the Planning Committee to be held on **Tuesday, 5 December 2023 at 2.00 pm in the Council Chamber**, District Council Offices, 2013 Mill Lane, Wingerworth, Chesterfield S42 6NG.

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

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

Yours sincerely



Assistant Director of Governance and Monitoring Officer

Members of the Committee

Councillor 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 Fran Petersen
Councillor Kathy Rouse

Please notify the Governance Manager, Alan Maher by 4.00 pm on Friday 1 December 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 4 - 25)

To approve as a correct record and the Chair to sign the Minutes of Planning Committee held on 7 November 2023.

4 NED/22/01196/FL - UNSTONE (Pages 26 - 78)

New development comprising of 38 new homes with integrated landscaping and SuDS, new access road (including the relocation of the existing bus stop on Main Road) and parking (Major Development) (Amended Plans) on land between Unstone Junior School and Unstone Plant Centre, Main Road, Unstone.

(Planning Manager – Development Management)

5 NED/23/00373/FL - KILLAMARSH (Pages 79 - 97)

Revised proposal for Change of Use from Retail Shop to Micro Pub, including two storey side extension (Resubmission of previously refused application 22/00055/FL) at 44 Cherry Tree Drive, Killamarsh.

(Planning Manager – Development Management)

6 NED/23/00743/FL - DRONFIELD (Pages 98 - 108)

Proposed single storey side extension and raising of existing roof incorporating one Velux window to accommodate bedrooms at 14 Trent Grove, Dronfield S18 2FP.

(Planning Manager – Development Management)

7 Late Representations - Summary Update Report - NOW PUBLISHED (Pages 109 - 130)

(Planning Manager – Development Management)

8 Planning Appeals - Lodged and Determined (Pages 131 - 134)

(Planning Manager – Development Management)

9 Matters of Urgency (Public)

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

10 Exclusion of Public

The Chair to Move:

“That the public be excluded from the meeting during the discussion of the following item of business to avoid the disclosure to them of exempt information as defined in Paragraphs 3 and 5, Part 1 of Schedule 12A to the Local Government Act 1972”. (As amended by the Local Government (Access to Information)(Variation) Order 2008).

11 Review of Appeal Decision at Land South West of Uppertorpe Road, Killamarsh (Pages 135 - 162)

(Assistant Director of Planning)

12 Matters of Urgency (Private)

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



**North East
Derbyshire**
District Council

Access for All statement

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PLANNING COMMITTEE

MINUTES OF MEETING HELD ON TUESDAY, 7 NOVEMBER 2023

Present:

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

Councillor David Cheetham
Councillor Michael Durrant
Councillor Mark Foster
Councillor Heather Liggett
Councillor Kathy Rouse

Councillor Andrew Cooper
Councillor Peter Elliott
Councillor David Hancock
Councillor Fran Petersen

Also Present:

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| D Thompson | Assistant Director of Planning |
| A Kirkham | Planning Manager - Development Management |
| G Cooper | Principal Planning Officer |
| J Hawley | Principal Planning Enforcement Officer |
| S Sternberg | Assistant Director of Governance and Monitoring Officer |
| A Bond | Governance Officer |
| A Maher | Governance Manager |

PLA/ Apologies for Absence and Substitutions

39/2

3-24 Apologies for absence were received from Councillor S Fawcett, who was substituted by Councillor D Cheetham.

PLA/ Declarations of Interest

40/2

3-24 Councillor K Rouse declared an interest in Item 6 as a Member of the Clay Cross Town Deal Board. Councillor K Rouse indicated that she would leave the meeting at the appropriate time and would not participate in Committee's discussion of, or determination on, the Application.

PLA/ Minutes of the Last Meeting

41/2

3-24 The minutes of the meeting held on Tuesday 3 October 2023 were approved as a true record.

Councillor K Rouse left the meeting at this point.

PLA/ NED/23/00601 - CLAY CROSS

42/2

3-24 The report to Committee explained that an Application had been submitted for the reconfiguration and erection of new extensions to the Clay Cross Adult Community Education Centre and former DACES building, including limited demolition within the Clay Cross Conservation Area. The Application involved the erection of sixteen new commercial units, as well as extensive hard and soft landscape proposals around the buildings, including enhancements and

modifications to Market Street and Bridge Street. It was classed as a Major Development, which would affect the setting of a listed building, the Conservation Area and a Public Right of Way. The Application, which involved Amended Plans, was located at the Masterplan Site, covering land, roads and building to the North and West of Broadleys, Clay Cross.

The Application had been referred to Committee by the Planning Manager (Development Management) because of the strategic importance of the proposed Development.

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

Members heard that the proposed re-development would cover much of Clay Cross Town Centre, including land which fell within the Clay Cross Conservation Area. Grant aid had been secured from the Towns Fund for a range of specific re-development projects. These had been included in the Clay Cross Town Investment Plan and could be implemented if the Application was approved.

Officers felt that the proposed re-development would be acceptable in principle and supported by the appropriate Development Plan policies. They highlighted specific benefits of the Application. These included the creation of a public open space, which had the potential to improve the character and appearance of Clay Cross Town Centre. The Application would in overall terms preserve the character of the Clay Cross Conservation Area. In particular, it would preserve the significance of the nearby Grade II listed Church. It would also bring back into use the Non-Designated Heritage Assets, which formed part of the re-development, while not causing them any significant harm.

The officers recognised that the Application had drawbacks in planning terms, such as the loss of the land designated for housing supply. But they had concluded that any negative aspects of the proposed scheme would be outweighed by the overall benefits for Clay Cross of the redevelopment and new investment. Consequently, they had concluded that the Application should be approved.

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 wider Clay Cross Town Centre and the Clay Cross Conservation Area. It considered the relevant local and national planning policies. These included Local Plan Policy SS1, on sustainable development in the District, the efficient use of land and the re-use of buildings, Local Plan Policy SS2, on the overall spatial strategy and distribution of development across the District and Local Plan Policy WC4, on the impact of new developments on the vibrancy and economic health of town centres. It also took into account Local Plan Policy SD5, on new developments within Conservation Areas and Local Plan Policy SDC9, on non-designated Heritage Assets.

Members discussed the Application. Some Members indicated their support for the aims of the re-development and valued the contribution which it would make to Clay Cross. Some Members expressed concern about the impact of the

scheme on traffic, following the removal from the Application of a direct access to the A61 main road. Committee was reminded that the Highway Authority had raised no objections to this, subject to prior agreement of a Unilateral Undertaking for traffic plan monitoring. Some Members queried whether further information about traffic management to and from the site would be required before the Committee could determine on the Application. Other members felt it appropriate that the Application should now be approved. They supported the suggestion that approval should be subject to the imposition of a pre-commencement condition around traffic management.

At the conclusion of the discussion Councillor T Lacey and Councillor F Petersen moved and seconded a Motion to approve the Application in line with officer recommendations.

RESOLVED -

That the Application be conditionally approved in line with officer recommendations, subject to conditions and the prior agreement of a Unilateral Undertaking to cover a request by Derbyshire County Council (DCC) for Travel Plan monitoring, and an additional condition, agreed in consultation with the Chair and Vice Chair, in respect of requiring all traffic alterations and measures to be agreed by the Local Planning Authority and that the discharge of that condition be by Planning Committee and not Officers.

Otherwise, that the final wording of the Conditions and Section 106 agreement be delegated to the Planning Manager (Development Management):-

Conditions

| No. | Condition | Reason |
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| 1 | The development hereby permitted shall be started within three years from the date of this permission. | To comply with the provision of Section 91 (as amended) of the Town and Country Planning Act 1990. |
| 2 | <p>The development hereby approved shall be carried out in accordance with the following submitted plans, unless otherwise specifically agreed in writing by the Local Planning Authority or otherwise required by any other condition in this decision notice.</p> <p>9578-BUT-XX-00-DR-A-(01)001-P05 (Existing Ground Floor Plan – Clocktower)</p> <p>9578-BUT-XX-XX-DR-A-(04)002-P05 (Proposed Ground Floor Plan – Clocktower)</p> <p>9578-BUT-XX-00-DR-A-(04)050-P05 (Proposed round Floor Plan with Demolition – Clocktower)</p> | For clarity and the avoidance of doubt. |

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| <p>9578-BUT-XX-01-DR-A-(01)002-P05 (Existing First Floor Plan – Clocktower)</p> <p>9578-BUT-XX-01-DR-A-(04)003-P05 (Proposed First Floor Plan – Clocktower)</p> <p>9578-BUT-XX-01-DR-A-(04)051-P05 (Proposed First Floor Plan with Demolition – Clocktower)</p> <p>9578-BUT-XX-RF-DR-A-(01)003-P05 (Existing Roof Plan – Clocktower)</p> <p>9578-BUT-XX-RF-DR-A-(04)004-P05 (Proposed Roof Plan – Clocktower)</p> <p>9578-BUT-XX-RF-DR-A-(04)052-P05 (Roof Demolition – Clocktower)</p> <p>9578-BUT-XX-XX-DR-A-(02)001-P03 (Existing North and East Elevations – Clocktower)</p> <p>9578-BUT-XX-XX-DR-A-(02)002-P03 (Existing South and West Elevations – Clocktower)</p> <p>9578-BUT-XX-XX-DR-A-(05)001-P05 (Proposed North and East Elevations – Clocktower)</p> <p>9578-BUT-XX-XX-DR-A-(05)002-P05 (Proposed South and West Elevations – Clocktower)</p> <p>9576-BUT-XX-00-DR-A-(01)002-P02 (Existing Ground Floor Plan – Building A)</p> <p>9576-BUT-XX-00-DR-A-(04)002-P06 (Proposed Ground Floor Plan – Building A)</p> <p>9576-BUT-XX-01-DR-A-(04)003-P05 (Proposed First Floor Plan – Building A)</p> <p>9576-BUT-XX-02-DR-A-(04)004-P05 (Proposed Second Floor Plan – Building A)</p> <p>9576-BUT-XX-RF-DR-A-(04)005-P05 (Proposed Roof Plan – Building A)</p> <p>9576-BUT-XX-XX-DR-A-(02)001-P04 (Existing Elevations – Building A)</p> <p>9576-BUT-XX-XX-DR-A-(05)001-P05 (Proposed Elevations – Building A)</p> <p>9577-BUT-XX-XX-DR-A-(04)001-P05 (Proposed Incubation Units Site Plan)</p> <p>9577-BUT-XX-XX-DR-A-(04)002-P05 (Proposed Incubation Units Ground</p> | |
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| | <p>Floor Plans) 9577-BUT-XX-XX-DR-A-(04)003-P07 (Proposed Incubation Units Roof Plans) 9577-BUT-XX-XX-DR-A-(05)001-P07 (Proposed Incubation Units Site Elevations) 9577-BUT-XX-XX-DR-A-(05)002-P07 (Proposed Incubation Units Typical Elevations)</p> <p>9575-BUT-XX-XX-DR-A-(01)001-P03 (Location Plan) 9575-BUT-XX-XX-DR-A-(04)001-P08 (Proposed Masterplan)</p> <p>06847-PL-A-0100 Rev P01 (Bridge Street – General Arrangement) 06847-PL-A-0101 Rev P01 (Bridge Street - Engineering Plan) 06847-PL-A-0120 Rev P01 (Bridge Street - Swept Path Analysis)</p> <p>06847-PL-C-0100 Rev P07 (Market Street - General Arrangement) 06847-PL-C-0101 Rev P04 (Market Street - Engineering Plan) 06847-PL-C-0120 Rev P04 (Market Street - Swept Path Analysis/Vehicle Tracking) 06847-PL-C-0103 Rev P01 (Market Street Public Waste Bin Strategy)</p> <p>06847-PL-D-0100 Rev P03 (Broadleys - General Arrangement) 06847-PL-D-0101 Rev P02 (Broadleys - Engineering Plan) 06847-PL-D-0120 Rev P02 (Broadleys - Swept Path Analysis)</p> | |
| | Details | |
| 3 | <p>Notwithstanding the submitted details, before work commences above Damp-Proof Course (DPC) level on the incubation units hereby approved, precise specifications or samples of the walling and roofing materials to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved</p> | <p>In the interest of the character and appearance of the site and the surrounding Conservation Area.</p> |

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| | details. | |
| 4 | Notwithstanding the submitted details, before work commences on the extension to the Clocktower Building, precise specifications or samples of the walling and roofing materials to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details. | In the interest of the character and appearance of the site and the surrounding Conservation Area. |
| 5 | Notwithstanding the submitted details (with exception of the works to remove the roof and structural stabilisation works), before work commences on the extension to Building A, precise specifications or samples of the walling and roofing materials to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details. | In the interest of the character and appearance of the site and the surrounding Conservation Area. |
| 6 | Notwithstanding the submitted details, before any soft landscaping works commence on any public open space, 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 | In the interest of the character and appearance of the site and the surrounding Conservation Area. |
| 7 | All planting, seeding or turfing in the approved scheme of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the | In the interest of the character and appearance of the site and the surrounding Conservation Area. |

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| | 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. | |
| 8 | Notwithstanding the submitted details, before any above groundwork commences on any public open space, a scheme of hard landscaping (including surfacing, street furniture, bollards, etc) to all public areas, including the town square, along with a timetable for its implementation shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be completed as agreed. | In the interest of the character and appearance of the site and the surrounding Conservation Area. |
| 9 | Notwithstanding the submitted details, before above groundwork commences, a plan to show the positions, design, materials, height and type of boundary treatment to be erected, along with a timetable for its implementation, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall then be completed as agreed and then retained as such thereafter. | In the interest of the character and appearance of the site and the surrounding Conservation Area. |
| 10 | Notwithstanding the submitted details, before development commences, details of the existing ground levels, proposed finished floor levels of the buildings, hereby approved, and the proposed finished ground levels of the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details. | In the interest of the character and appearance of the site and the surrounding Conservation Area. |
| 11 | Prior to the first use of either Building A or any incubation unit (whichever comes first), a scheme of CCTV, including a timetable for its implementation, shall be submitted to and approved by the Local Planning Authority. The approved scheme | In the interest of crime prevention. |

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| | shall then be implemented in full as agreed and be retained as such thereafter. | |
| 12 | Notwithstanding the submitted details, before work commences above Damp-Proof Course (DPC) on the incubation units hereby approved, details of the final position and design of any refuse storage areas shall be submitted to and approved in writing by the Local Planning Authority. The approved refuse storage scheme shall then be implemented in full and retained as such thereafter. | In the interest of the character and appearance of the site and the surrounding Conservation Area. |
| 13 | Before the development hereby approved starts, a scheme for mitigating climate change through sustainable design, including (but not limited to) the provision of sources of renewable energy, EV charging points, etc. including a timetable for its implementation, shall be submitted to and be approved in writing by the Local Planning Authority. Thereafter the approved climate change scheme shall be implemented in full as agreed and be retained as such thereafter. | In the interest of delivering sustainable development and in accordance with the North East Derbyshire Interim Sustainable Buildings Policy and the National Planning Policy Framework. |
| | Uses | |
| 14 | The incubation units, clocktower building and Building A hereby approved shall be used for no other purpose other than any use within Use Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification. | In the interest of the character and appearance of the town centre, Conservation Area and in the interest of the amenity of neighbouring residents. |
| | Noise | |
| 15 | Before the first use of incubation units 3, 4 and 5 hereby approved, details of an acoustic barrier along the development boundary with any/all residential property(ies), along with a timetable for its implementation, shall be submitted to and be agreed in writing by the Local | In the interest of the amenity of neighbouring residential properties to the south of the proposed development. |

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| | Planning Authority. The barrier(s) shall then be installed as agreed and retained as such thereafter. | |
| 16 | Any/all commercial retail/other operations, including the use of the site for any temporary markets/activities of any kind, should be restricted to between the hours of 07:00am and 23:00pm on any day. The buildings and site shall not be formally used at any other time. | In the interest of the amenity of neighbouring residential properties and land uses. |
| 17 | The use of the site for any outdoor music concerts shall be restricted to no more than 12 times per year. Prior to the relevant event taking place, notice of the event shall be given to the Local Planning Authority in writing. | In the interest of the amenity of neighbouring residential properties and land uses. |
| 18 | Prior to the first occupation of each individual unit, sound power levels of any fixed plant serving units 3, 4 and 5 and any adjoining service yard, as detailed on plan reference 9575-BUT-XX-XX-DR-A-(04)001-P05 dated 30/6/2023, shall be submitted to, and be approved in writing by, the LPA to demonstrate that a rating level of 41 dB(A) will not be exceeded at the boundary with the nearest noise sensitive receptor, when assessed in accordance with the BS4142 standard. The sound power levels of units 3, 4 and 5 and of any adjoining service yard shall not exceed 41 dB(A) at any time. | In the interest of the amenity of neighbouring residential properties to the south of the proposed development. |
| 19 | Construction works on site and deliveries during the construction period to the site shall be undertaken only between the hours of 07:30 to 18:00 Monday to Friday and 07:30 to 13:00 on Saturdays. There shall be no construction works undertaken on site or deliveries to the site undertaken on any Sunday or public/bank holiday. | In the interest of highway safety and amenity of neighbouring residents. |
| 20 | Prior to the first use of any individual unit for the provision of food, a scheme for the extraction, dispersal and control of cooking odour, together with details of all elements of the inlet and extract systems shall be submitted to and approved in | In the interest of the amenity of neighbouring residential properties. |

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| | writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the first use of the unit to which they relate and then be permanently retained as such thereafter. | |
| | Drainage | |
| 21 | There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which shall have been submitted to and been approved in writing 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. | To ensure that no surface water discharges take place until proper provision has been made for its disposal and in the interest of sustainable drainage. |
| 22 | No development shall take place until a detailed design and associated management and maintenance plan of the surface water drainage for the site, including a timetable for its implementation, in accordance with the principles outlined within: a. Clay Cross Town Regeneration Flood Risk Assessment, Report Reference No: CCTR-DCE-XX-XX-RP-C-0001, Revision P01, Dated: June 2023, prepared by Dice Consulting Engineers, Applicant's response by PJA, Reference No: 06847-WR-0001, Dated: 06/09/2023 and proposed drainage plan by PJA, Drawing No: 06847-SK-025-P0 Dated: May 2023 and "including any subsequent amendments or updates to those documents as approved by the Flood Risk Management Team" b. And DEFRA's Non-statutory | 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. |

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| | <p>technical standards for sustainable drainage systems (March 2015), have been submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall then be implemented as agreed and be retained as such thereafter.</p> | |
| 23 | <p>No development shall take place until a detailed assessment has been provided to and been 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.</p> | <p>To ensure that surface water from the development is directed towards the most appropriate waterbody in terms of flood risk and practicality by utilising the highest possible priority destination on the hierarchy of drainage options. The assessment should demonstrate with appropriate evidence that surface water runoff is discharged as high up as reasonably practicable in the following hierarchy: I. into the ground (infiltration); II. to a surface water body; III. to a surface water sewer, highway drain, or another drainage system; IV. to a combined sewer.</p> |
| 24 | <p>Prior to the commencement of the development, hereby approved, a scheme indicating how additional surface water run-off from the site will be avoided during the construction phase shall be submitted to and be approved in writing by the Local Planning Authority. The applicant may be required to provide collection, balancing and/or settlement systems for these flows. The approved system shall be operating as agreed and as appropriate before the commencement of any works and be retained as such until all construction works have been completed.</p> | <p>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.</p> |
| 25 | <p>Prior to the completion of the development, hereby approved, a verification report carried out by a suitably qualified independent drainage engineer must be submitted to and be approved in writing by the Local Planning Authority. This must</p> | <p>To ensure that the drainage system is constructed to the national Non-statutory technical standards for sustainable drainage and CIRIA standards C753.</p> |

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| | 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). | |
| | Land Contamination | |
| 26 | <p>Before the commencement of the development hereby approved:</p> <p>a) A Phase I contaminated land assessment (desk-study) shall be undertaken and approved in writing by the local planning authority.</p> <p>b) The contaminated land assessment shall include a desk-study with details of the history of the site use including:</p> <ul style="list-style-type: none"> • 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. <p>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.</p> | To protect future occupiers of the development, buildings, structures/services, ecosystems and controlled waters, including deep and shallow ground water. |
| 27 | Before the commencement of the development hereby approved: | To protect future occupiers of the development, buildings, structures/services, |

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| | <p>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.</p> <p>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.</p> | <p>ecosystems and controlled waters, including deep and shallow ground water.</p> |
| 28 | <p>No buildings hereby approved shall be occupied until:</p> <p>a) The approved remediation works required by condition 27 above have been carried out in full in compliance with the approved methodology and best practice.</p> <p>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</p> | <p>To protect future occupiers of the development, buildings, structures/services, ecosystems and controlled waters, including deep and shallow ground water.</p> |

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| | <p>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 condition 26(b) to condition 27 above and satisfy condition 28(a) above.</p> <p>c) Upon completion of the remediation works required by conditions 27 and 28(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.</p> | |
| | Land Stability | |
| 29 | <p>No development shall commence until;</p> <p>a) scheme of intrusive site investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and;</p> <p>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.</p> <p>The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.</p> | <p>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.</p> |
| 30 | <p>Prior to the first occupation and use of any building, hereby approved, a</p> | <p>The undertaking of intrusive site investigations, prior to the</p> |

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| | 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. | 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. |
| | Ecology | |
| 31 | Prior to any works to the community hub (Building A), an appropriate level of nocturnal bat survey work shall be undertaken by suitably qualified ecologists. The level of survey effort shall depend on the time that has elapsed since the 2023 bat surveys and be guided by an ecologist but must include at least one survey in the bat maternity season. Upon completion of survey(s), a strategy, including a timetable for its implementation, shall be submitted to the Local Planning Authority for approval in writing, detailing any necessary mitigation, licensing and enhancements, and shall include the re-location of existing onsite bat boxes if necessary. The approved strategy shall then be implemented in full as agreed and be retained as such thereafter. | In the interest of protecting nocturnal mammals and providing adequate mitigation measures. |
| 32 | Prior to any works to the clocktower building, an updated building inspection shall be carried out by a suitably qualified ecologist and subsequent nocturnal bat surveys undertaken, based on the outcome of the building inspection. Surveys shall be in accordance with the Bat Survey Good Practice Guidelines (Collins, 2023). Upon completion of surveys, a strategy, including a timetable for its | In the interest of protecting nocturnal mammals and providing adequate mitigation measures. |

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| | implementation, shall be submitted to the LPA for approval in writing, detailing any necessary mitigation, licensing and enhancements. The approved strategy shall then be implemented in full as agreed and be retained as such thereafter. | |
| 33 | During all/any construction works associated with Phase 1 of the scheme hereby, approved, the community hub (Building A) and the clocktower building shall be securely fenced off to prevent accidental damage or encroachment. Any security lighting required during Phase 1 of the works shall be agreed in writing with the Local Planning Authority and only the lighting so agreed shall be installed. | In the interest of protecting nocturnal mammals from harm resulting from development. |
| 34 | Prior to the installation of any external lighting fixtures across the site, a detailed lighting strategy and scheme, including a timetable for its implementation, shall be submitted to and be approved in writing by the Local Planning Authority. This should provide details of the chosen luminaires, their locations and any mitigating features such as dimmers, PIR sensors and timers. Dependent on the scale of proposed lighting, a lux contour plan may be required to demonstrate acceptable levels of lightspill to any sensitive ecological zones/features. Guidelines can be found in Guidance Note 08/23 - Bats and Artificial Lighting at Night (BCT and ILP, 2023). The approved measures shall then be implemented in full and no other external lighting shall be installed, erected or placed on the site. | In the interest of protecting nocturnal mammals and in the interest of protecting neighbouring residential properties from lightspill. |
| 35 | No stripping, demolition works or 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 | In the interest of protecting nesting birds. |

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| | <p>fledged. No works shall be undertaken within exclusion zones whilst nesting birds are present.</p> | |
| 36 | <p>A Landscape and Biodiversity Enhancement and Management Plan (LBEMP), including a timetable for its implementation, shall be submitted to, and be approved in writing by, the Local Planning Authority prior to the commencement of the development.</p> <p>The aim of the LBEMP is to provide details for the creation, enhancement and management of habitats and species on the site post development, in accordance with the proposals set out in the approved Biodiversity Metric (prepared by Peak Ecology, date scanned 20/09/23) and to achieve net gain.</p> <p>The LBEMP should combine both the ecology and landscape disciplines and shall be suitable to provide to the management body responsible for the site. It shall include the following:-</p> <ul style="list-style-type: none"> a) Description and location of features to be retained, created, enhanced and managed, as per the approved biodiversity metric. b) Aims and objectives of management, in line with desired habitat conditions detailed in the metric. c) Appropriate management methods and practices to achieve aims and objectives. d) Prescriptions for management actions. e) Preparation of a work schedule (including a 30-year work plan capable of being rolled forward in perpetuity). f) Details of the body or organization responsible for implementation of the plan. g) A monitoring schedule to assess the success of the habitat creation and enhancement measures at intervals of 1, 2, 3, 4, 5, 10, 15, 20 and 30 years. h) Monitoring reports to be sent to | <p>In the interest of providing landscape and biodiversity enhancements.</p> |

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| | <p>the Council at each of the intervals above</p> <p>i) A set of remedial measures to be applied if conservation aims and objectives of the plan are not being met.</p> <p>j) Detailed habitat enhancements for wildlife, in line with British Standard BS 42021:2022. k) Requirement for a statement of compliance upon completion of planting and enhancement works.</p> <p>The LBEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.</p> <p>The approved plan/scheme shall then be implemented in accordance with the approved details.</p> | |
| | <p>Archaeology</p> | |
| <p>37</p> | <p>a) No development shall take place until a Written Scheme of Investigation for archaeological work has been submitted to and approved by the local planning authority in writing, and until any pre-start element of the approved scheme has been completed to the written satisfaction of the Local Planning Authority.</p> <p>The scheme shall include an assessment of significance and research questions; and</p> <ol style="list-style-type: none"> 1. The programme and methodology of site investigation and recording 2. The programme for post investigation assessment 3. Provision to be made for analysis of the site investigation and recording 4. Provision to be made for publication and dissemination of the analysis and records of the site investigation 5. Provision to be made for archive deposition of the analysis and records of the site investigation | <p>In the interest of protecting and recording below ground archaeology.</p> |

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| | <p>6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.</p> <p>b) No development shall take place other than in accordance with the archaeological Written Scheme of Investigation approved under condition (a).</p> <p>c) The development shall not be occupied until the site investigation and post investigation reporting has been completed in accordance with the programme set out in the archaeological Written Scheme of Investigation approved under condition (a) and the provision to be made for publication and dissemination of results and archive deposition has been secured.</p> | |
| | Highways | |
| 37 | <p>The development hereby approved shall not be brought into use until the highway improvements/offsite works/site access works comprising those on drawings:</p> <ul style="list-style-type: none"> • Market Street Engineering Plan as shown on drawing no. 06847-PL-C-0101 Revision P04 • Bridge Street Engineering Plan as shown on drawing no. 06847-PL-A-0101 Revision P01 • Broadleys Engineering Plan as shown on drawing no. 06847-PL-D-0101 Revision P02, <p>Have been constructed and completed.</p> | To ensure the safe and free flow of traffic onto the highway. |
| 38 | <p>The closing up of Market Street, as proposed, should not be implemented until such time that Bridge Street has been re-opened and is fully operational.</p> | To ensure the safe and free flow of traffic onto the highway. |
| 39 | <p>The development hereby approved, shall not be brought into use until a delivery plan has been submitted to and approved in writing by the Local Planning Authority. The measures</p> | In the interests of highway safety and to minimise the impact of vehicles servicing the development upon congestion. |

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| | shall thereafter be implemented in accordance with the approved delivery plan for the lifetime of the development. | |
| 40 | The development hereby approved shall not be brought into use until a signalised junction at the bus station exit/Bridge Street has been constructed and completed in accordance with the approved details. | To ensure the safe and free flow of traffic onto the highway. |
| 41 | The development hereby approved shall not be brought into use until visibility splays at the Broadleys Access 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 to the North and 25 metres to the South 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. | In the interests of highway safety. |
| 42 | The Travel Plan hereby approved, dated June 2023 shall be implemented and monitored in accordance with the regime contained within the Plan. In the event of failing to meet the targets within the Plan a revised Plan shall be submitted to and approved in writing by the Local Planning Authority to address any shortfalls, and where necessary make provision for and promote improved sustainable forms of travel to and from the site. 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, | To reduce vehicle movements and promote sustainable travel. |

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| | monitored and reviewed in accordance with the approved details | |
| 43 | <p>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:</p> <ul style="list-style-type: none"> • 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. | 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. |

PLA/ Planning Appeals - Lodged and Determined

43/2

3-24 Councillor K Rouse re-entered the meeting at this point.

The report to Committee explained that five appeals had been lodged. No appeals had been allowed and one appeal had been dismissed.

PLA/ Matters of Urgency (Public Session)

44/2

3-24 None.

PLA/ Exclusion of Public

45/2

3-24 That the public be excluded from the meeting during the discussion of the following item of business to avoid the disclosure to them of exempt information as defined in Paragraphs 2 and 5, Part 1 of Schedule 12A to the Local Government Act 1972. (As amended by the Local Government (Access to Information) (Variation) Order 2008).

PLA/ Planning Enforcement Service Progress Report

46/2

3-24 The report to Committee summarised the work of the Council's Planning Enforcement Service during the period 1 April 2023 to 30 September 2023. The report also provided information on the volume of planning enforcement enquiries and enforcement cases dealt with since 2020.

Members discussed the report and thanked the Enforcement Service for its hard work.

RESOLVED -

That the report and workload information on the Planning Enforcement Service be noted (by acclamation).

PLA/ Matters of Urgency (Private Session)

47/2

3-24 None.

PLANNING COMMITTEE – 5th December 2023

Reference Number: 22/01196/FL

Application expiry: 21/12/23

Application Type: Full

Proposal Description: New development comprising of 38 new homes with integrated landscaping and SuDS, new access road (including the relocation of the existing bus stop on Main Road) and parking (Major Development) (Amended Plans)

At: Land Between Unstone Junior School and Unstone Plant Centre Main Road, Unstone

For: South Yorkshire Housing Association

Third Party Reps: 18 objections

Parish: Unstone

Ward: Unstone

Report Author: Phil Slater

Date of Report: November 2023

MAIN RECOMMENDATION: Grant permission, subject to conditions and S106 Agreement

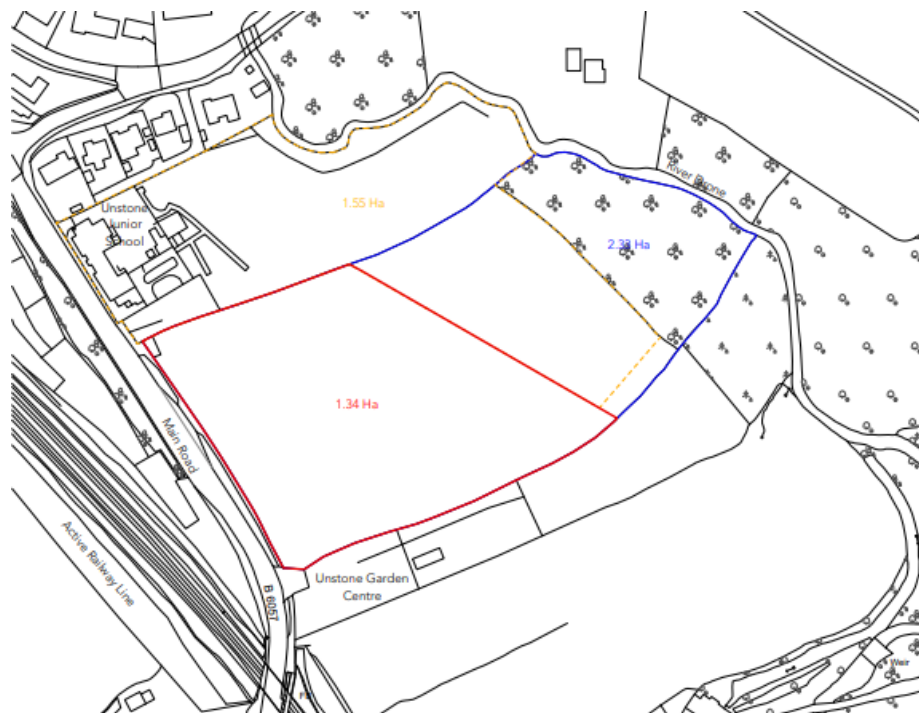


Figure 1: Location plan, with site edged in red

1.0 Reason for Report

- 1.1 Cllr Dale requested that this application be considered by Planning Committee due to its impact and harm to the openness of the Green Belt; inadequate demonstration of need; impact on road safety and relocation of the bus stop.

2.0 Proposal and Background

Site Description

- 2.1 The application site is located on the east side of Main Road, Unstone and comprises a sloping greenfield site, outside of the defined settlement development limits for Unstone and within the North East Derbyshire Green Belt.



Figure 2: Aerial photo of the site

- 2.2 The site is located adjacent to the Unstone Settlement Development Limits and is situated between Unstone Junior School and Unstone Plant Centre. The site lies on an east-west facing slope which descends into woodland and the River Drone, which runs approximately 140m beyond the site boundary. The site is approximately 16m lower than Main Road at the far, eastern end.

- 2.3 The site is currently bounded by hedgerows and the frontage with Main Road consists of a stone wall, and directly outside the site is a bus stop and layby.

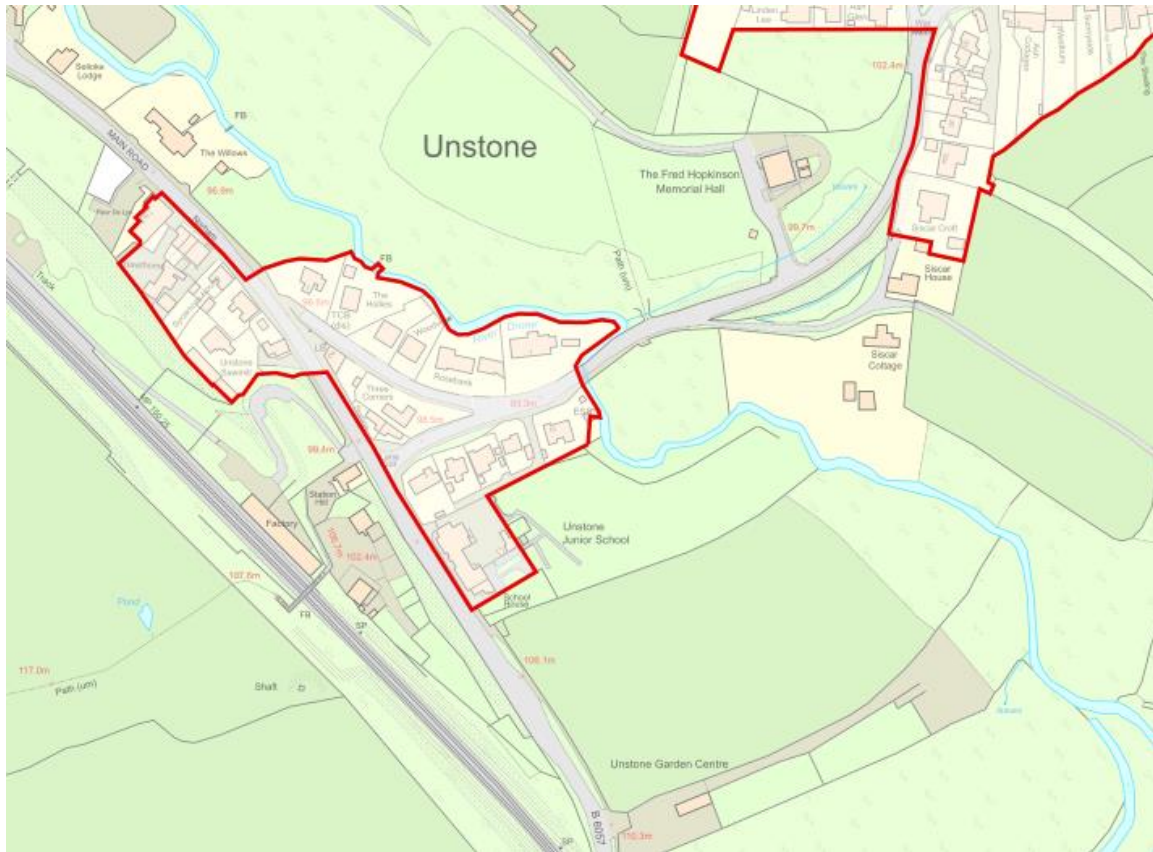


Figure 3: Site and adjacent settlement development limits

Proposal

- 2.4 This application seeks permission for an 100% affordable housing scheme which proposes a total of 38 dwellings for rental and shared ownership. The proposals include 2 bed, 3 bed and wheelchair accessible homes with 50 associated car parking spaces. The proposed mix is 21 Shared Ownership and 17 for Affordable Rent.
- 2.5 The proposal is comprised primarily of three rows of terraced dwellings, on a sloped site, highlighted as Terrace 1, Terrace 2 and Terrace 3. The primary vehicular street allows access from Main Road into the development. The proposed site layout is shown in Figure 4 below.

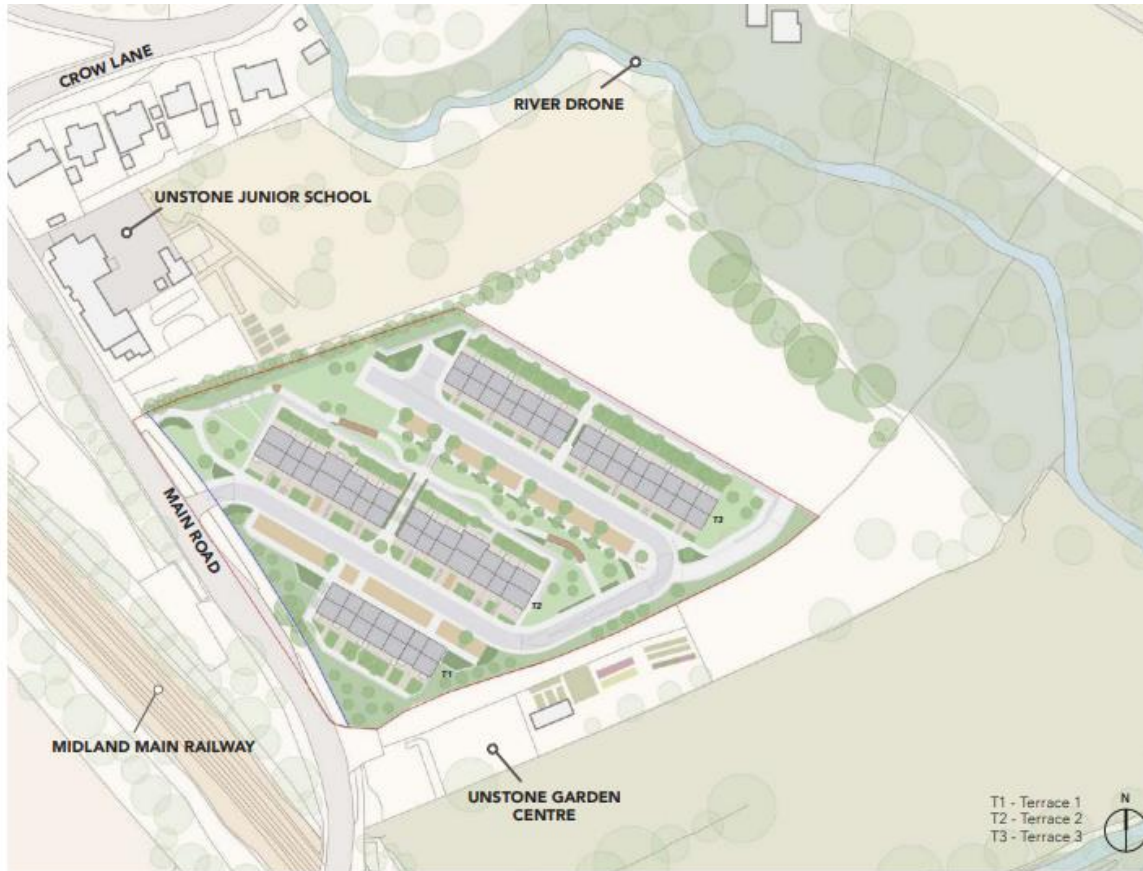


Figure 4: Proposed site layout

- 2.6 Vehicle access to the site will be from a new access formed off Main Road. A raised pedestrian crossing will be provided at the entrance to the development. Servicing and deliveries are to be undertaken from the new vehicular access route. The access proposals will be designed with the proposed DCC cycle lane in mind.
- 2.7 The scheme proposes that the existing bus stop is relocated south of the proposed new entrance so that visibility is maintained. Pedestrian access to the site is proposed from Main Road. A footpath access is proposed in the north west corner of the site.



Figure 5: Proposed access and bus stop relocation

Amendments

- 2.12 The red line site location plan has been amended to exclude the land within the adoptable highway.
- 2.13 A revised access plan has been submitted demonstrating a 5.5m wide access to Main Road as requested by the Highway Authority.

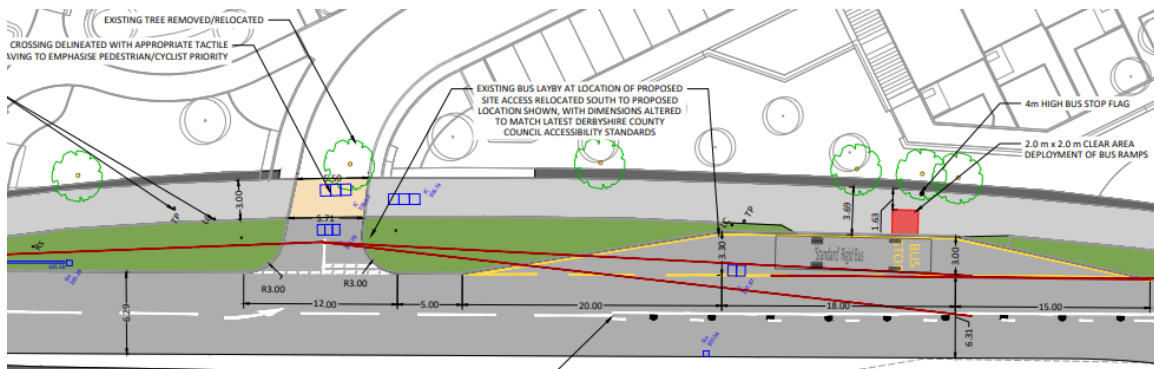


Figure 6: revised site access drawing.

3.0 Relevant Planning History

- 3.1 NED/11/00143/FL - Application for a change of use to the keeping of horses and construction of a stable block and manege (resubmission of 10/00947/FL)

4.0 Consultation Responses

- 4.1 **Ward Member** has called in the application for a committee determination for the following reasons:-
- Impact and harm to the openness of the green belt – the site falls outside of the SDL in Unstone and therefore will undoubtedly have a negative impact on the green belt.
 - Inadequate demonstration of need – according to our planning policies, in order to be considered [acceptable] the site should demonstrate a need for the level of social housing proposed via a Local Needs Housing Survey. The survey conducted for this purpose demonstrated a need of only 7 properties (since which time there has been a mixed development just outside Unstone at the Boatyard which will have contributed to meeting this demand). The proposal for 38 dwellings far exceeds what evidence suggests the local need is and therefore the development should not be acceptable.
 - Impact on road safety – the close proximity to the school gives me significant cause for concern in terms of vehicle movements on and off the site, particularly at the busy drop off and pick up times at the school. Main Road is also a known hotspot for excessive vehicle speeds which I'm sure the local police would be happy to confirm. The proximity of the blind bend at the brow of the hill over the railway bridge also gives me significant concerns around the potential for more accidents should a new junction be placed at this location.
 - Impact of the proposed movement of bus stop – a number of residents have highlighted concerns around the proposed movement of the bus stop and the impact on their accessibility as a number already have mobility issues.
- 4.2 **Unstone Parish Council** strongly object against this planning application due to the development being based on greenbelt land. The Council feel that the demand for this type of housing has been met with the construction of the housing at the boat yard site.

The speed of the road is also an issue due to recent speed watch studies that have taken place, most drivers are over the current 30mph limit, the visibility coming from and into the site would be an issue due to the road curve and also the drop off and pick for the school this would cause significant concerns for children's safety.

The housing development drawings that have been submitted are not attractive.

The Council have also received objections from residents regarding the movement of the bus shelter to another location on the same main road through Unstone this would mean a further distance to be travelled by residents to get to the bus stop and also where the bus stop could be located it maybe more dangerous in residents getting to it especially with the new cycle path which is being constructed through Unstone

- 4.3 The **Highway Authority** (HA) have commented that the vehicular and pedestrian access will be taken from the B6057, a classified road subject to a 30 mph speed limit. The red line and site plan boundary initially included adopted footway and verge however this has been addressed with a revised red line location plan being submitted.
- 4.4 A Transport Statement (TS) has been submitted. It is noted from the TS that the closest bus stop for the northbound direction is within 150m from the centre of the site and is without shelter and timetable information. It is noted that the southbound bus stop outside the proposed site will be relocated.
- 4.5 It is noted that A61 Corridor Cycle Route runs on B6057 at the frontage of the proposed site. There may be a need to upgrade this cycle route/infrastructure to enhance the connectivity and accessibility of the proposed site.
- 4.6 In terms of traffic impact on the surrounding highway network, the TS suggests 12 two-way traffic movements in the AM and 12 two-way movements in the PM peaks, which doesn't appear significant; therefore, the proposal is not predicted to have a material impact on the operation of the local highway network. For the level of residential units proposed, a residential travel plan statement will be a requirement.
- 4.7 The HA requested further information in respect of:-
 - Bus stop relocation
 - Upgrading of the cycle route
 - Details of the raised pedestrian crossing at the site entrance
 - Details of carriageway widths and footway widths in terms of future adoption by DCC
 - Swept paths for refuse vehicles
 - Emerging visibility splays
 - 50 car parking spaces, including 2 disabled parking and 12 visitor car parking spaces, have been proposed. The total proposed parking needs to be justified in accordance with Part 4 of the DSP (Highway requirements for developments Part 4) for parking requirements. This document notes a minimum of 2 or 3 parking spaces per 2/3 bedroom or 4/4+ bedroom dwelling, respectively.
- 4.8 The agent has submitted further information and the HA have further commented as follows :-

- Bus stop relocation is still to be addressed.
- HA welcome submission of the Safe Routes to School Assessment however further information required on cycle network impacts.
- Details of pedestrian crossing submitted and are acceptable subject to a planning condition.
- Travel Plan Guidance for DCC states the threshold of a travel plan is greater than 80 units. HA agree that no further information is required.
- Carriageway widths added to drawing 1281-01CIV-XX-XX-D-H-00001 in Appendix B of the Transport Statement. HA confirm they have no further comments on this issue.
- The carriageway gradient should be 1:20 maximum as per the requirement of the DSP Guidance. However, the HA has concerns about the proposed footway's steep gradient of 1:12. Further information is required.
- Swept path analysis is still outstanding as drawing 1281-01-CE-XX-ZZ-SK-C-4010 indicates that after 8m, the width of the carriageway becomes 5.13m, less than 5.5m (The minimum width of a carriageway width within 15m of a junction required is 5.5m).
- Emerging visibility splays are shown on drawing 1281-01-CE-XX-ZZ-SK-C-4010 in Appendix B of the Transport Statement. HA confirm they have no further comments on this issue.
- Road Safety Audit is outstanding.
- The following issues will be resolved through s278/38 adoption process – surface water drainage; and street trees.
- Car parking – agent has stated that allocated parking is to be off-plot, except for the disabled parking bays which will be on-plot at the wheelchair accessible homes. Parking is provided at a ratio of 1.3 spaces per dwelling which reflects the current level of car or van availability in the area as per the 2011 census which is 1.3 cars or vans per household. Providing parking at levels well above demand, as would be the outcome of using Part 4 of the DSP, is counterproductive because an excess of parking spaces can lead to more people getting vehicles and therefore encouraging driving. Excess parking spaces also use up land that could otherwise be used as amenity space and an opportunity to increase biodiversity. HA have commented that the shortfall in parking may result in indiscriminate parking in the area, which is against the best interest of Highway Safety. This issue needs to be addressed.

4.9 The agent has submitted further information. These include:-

- Details of meeting with DCC regarding the location of the bus stop and confirming that a shelter would not be feasible.
- Cycle way has been upgraded along the frontage of the site. Agent has contacted DCC direct regarding any potential contributions.
- Confirmation that a gradient of 1:12 can be achieved on-site for the new road. Correspondence from DCC highways confirms a maximum gradient of 1:12 is acceptable due to the constraints of the site. This 1:12 gradient is only on the short section connecting the top and bottom

of the site, carriageway and footway gradients of 1:60 are achieved at the top of the site and 1:80 at the bottom of the site.

- Swept paths have been submitted for a refuse vehicle – layout can be adjusted to ensure width of 5.5m within 15m of junction.
- Road Safety Audit submitted.
- On the issue of parking, the agent has commented that the parking demand for affordable housing is lower than for market rate housing. Providing parking at levels well above demand, as would be the outcome of using Part 4 of the DSP, is counterproductive because an excess of parking spaces can lead to more people getting vehicles and therefore encouraging driving.

4.10 The HA have further commented that they are satisfied that the proposed location of the bus stop is acceptable and a bus stop post, kerb with 170mm upstand and lining are required. The HA have also confirmed that no s106 monies are required in respect of a contribution to enhance connectivity, or towards the cycleways works.

4.11 The HA require further information in respect of:-

- Gradients – considering the gradient is in excess of 1 in 20, it is important that there are level sections at regular intervals, a level platform should be provided for every 500mm that the route rises.
- After 8m, the width of the carriageway becomes 5.13m, less than 5.5m (The minimum width of a carriageway width within 15m of a junction required is 5.5m.
- The HA request the applicant to submit a drawing demonstrating visibility splays for drivers exiting the existing garden centre junction and those travelling southeast on Main Road to ensure there is no obstruction from the layby.
- Parking - no evidence has been submitted detailing an analysis of census data and the HA do not consider at present a shortfall in parking to have been suitably evidenced to be acceptable. As such this leaves a significant shortfall which could lead to overspill parking onto the public highway, which could lead to a severe impact on the highway. A robust approach would be to provide empirical data based on surveyed counts of comparable developments in location and size. Any departure from the parking provision standards outlined within DSPDG, should be justified appropriately by the applicant via a robust parking accumulation survey.

4.12 The agent has submitted the following details requested by the HA:-

- Gradients - an alternative pedestrian-only access to the site has been provided at the development's western corner, which has a gradient not exceeding 1:21 and has a level landing constituting effectively half the length of this route. It is envisaged that this will form the level access route to the two wheelchair-accessible plots proposed along the top section of the development. Due to site constraints, a level access route to the lower section of the development is not feasible,

however, no wheelchair-accessible plots are proposed along this section.

- An updated drawing showing minimum 5.5m carriageway width within 15m of junction has been submitted.
- Visibility splays to be provided from garden centre access using same parameters highlighted on drawing 1281-01-CIVXX-ZZ-SK-C-4010 Rev P04.

Parking - To meet the developments sustainable aspirations and align with the council's goal of net zero emissions by 2050 or sooner, parking levels less than those set out in Part 4 of the DSPDG are proposed. 1.3 parking spaces per dwelling are proposed, a total of 50 spaces. If using the parking standards for Housing Association developments of 3 spaces per 2 dwellings (1.5 spaces per dwelling), 57 spaces would be required. A shortfall of 7 spaces. Allocated parking is to be off-plot, except for the disabled parking bays which will be on-plot at the wheelchair accessible homes.

The 2011 Census data for North East Derbyshire is the basis for which the parking ratio for the proposed development was set, to be the same as the car/van availability in the immediate area and the local authority area of 1.3 cars per dwelling. The census was used over individual development surveys as the sample size is greater and the data more robust and widely accepted. The ratio from the census is also considered robust as it includes all homes in the area rather than just the affordable homes, noting that parking demand is lower for affordable housing.

Providing parking at levels above demand, as would be the outcome of using Part 4 of the DSP, is counterproductive because an excess of parking spaces can lead to more people getting vehicles and therefore encouraging driving. Excess parking spaces also use up land that could otherwise be used as amenity space and an opportunity to increase biodiversity.

Although below the threshold for a Travel Plan, SYHA would be comfortable with a Travel Plan being conditioned on this development as a way to reinforce the sustainability of the development and reduce car trips.

- 4.13 The HA commented that on the issue of gradients an alternative pedestrian-only access to the site has been provided at the development's western corner, which has a gradient not exceeding 1:21 and has a level landing. It is envisaged that this will form the level access route to the two wheelchair-accessible plots proposed along the top section of the development. As such the HA is satisfied.

- 4.14 A revised drawing to provide minimum 5.5m carriageway width within 15m of junction has been submitted, which the HA have confirmed is acceptable.
- 4.15 On the car parking spaces the HA have commented that it is noted that for this proposal, a total of 50 car parking spaces have been proposed at a ratio of 1.3 spaces per dwelling. It is acknowledged if using the parking standards for Housing Association developments of 3 spaces per 2 dwellings (1.5 spaces per dwelling), 57 spaces would be required. As such this would result in a shortfall of 7 spaces.
- 4.16 The applicant has provided further evidence of the census data analysed which were for both North East Derbyshire 004E (where the site is located) and for the whole of North East Derbyshire. The HA are satisfied on the basis for which the parking ratio for the proposed development was set, to be the same as the car/van availability in the immediate area and the local authority area of 1.3 cars per dwelling. As such the HA have no further comment and are satisfied with the proposed parking provision in the site specific circumstances.
- 4.17 Overall, the Highway Authority has confirmed now that it has no objections to the proposals subject to conditions.
- 4.18 **NEDDC Planning Policy and Environment Team (PPET)** have commented that from a policy perspective the proposals in its current form would appear to meet the requirements of Local Plan policy LC3 (Exception Sites for Affordable Housing) criteria a and c.
- 4.19 In respect of criteria d of policy LC3 (*they have a close association with the built-up part of settlements within level 1 to 3 or neighbouring authority areas; and are in keeping with the form, size and character of the settlement, and local landscape setting*) the site is located adjacent to the Settlement Development Limit for Unstone which is categorised as a Level 3 settlement. As such the proposed development is considered to accord with the first part of criterion d. In terms of the second part, the proposed scheme consists of a dense cluster of terraced blocks offset at an angle from the highway, whereas the immediate surroundings of the site are characterised by the stone school building and low density detached dwellings set within sizeable private gardens areas arranged in linear form, fronting the highway.
- 4.20 Whilst PPET have some concerns around criteria d, this is a matter to balance against the significant level of much needed affordable housing that will be provided. Otherwise, the proposal is broadly in line with policy SS10 and may be considered to represent appropriate development in the Green Belt.
- 4.21 **DCC Cycleway Project Engineer** has commented that the proposals will affect the highway (including our combined footway / cycleway) and

would expect this to be subject of a S278 agreement. The following factors that will particularly affect the cycleway will need to be addressed:

- Provision of suitable minimum width of combined footpath / cycleway – we've provided a minimum of 3m in this stretch;
- Suitable (and comparable to adjacent installations) treatment of the access where it crosses the cycleway – we would expect this to include coloured surfacing and markings, plus a combination of raised plateau, dropped crossing, and/or tactile/corduroy paving depending on the degree of priority afforded to vehicles / cyclists;
- Provision of adequate space behind the give way line to enable a car to wait to enter the main carriageway without blocking the cycleway;
- Appropriate visibility and signage to ensure safety of footpath / cycleway users.

4.22 **The Coal Authority** have confirmed that the application does not fall within the defined Development High Risk Area. There are no objections and it will be necessary to include the standing advice within the decision notice.

4.23 **Yorkshire Water** have raised no objections subject to a condition relating to foul and highway drainage.

4.24 **Cadent Gas** have included notes to be included as an informative on any decision.

4.25 **The Environmental Health Service** have raised no objections in principle and recommended conditions in relation to construction works and noise sensitive properties.

4.26 **DCC Development Control Archaeologist** has commented that the proposed development area lies immediately to the north of the Derby to Sheffield turnpike (MDR11608) however it lay some 350m down slope, to the east, of a Mesolithic occupation site (MDR5243) within a landscape of numerous find spots of lithic tool finds.

4.27 The agent has submitted a desk based Archaeological Assessment and DCC can confirm that it is both fit for purpose and identifies the possibility of early prehistoric remains on the site. As such further archaeological work will be required for this application and this should take the form of archaeological evaluation trenching. This evaluation trenching must be designed for purpose by reputable archaeological contractors and undertaken in compliance with a Written Scheme of Investigation, produced by the archaeological contractors.

4.28 Following an archaeological trial trench evaluation the agent has submitted an Archaeological Evaluation Report. DCC have confirmed that this is acceptable and no further work is now required.

- 4.29 **DCC Planning Policy** have commented that the proposal from South Yorkshire Housing Association (SYHA) follows discussion with Derbyshire County Council, as the land upon which SYHA proposes to build overlaps with a notified site for education. In response, an acceptable layout was developed which would protect the amount of land which would be available in the future should it be required for educational purposes. It has been carefully analysed and considered, in consultation with the neighbouring school.
- 4.30 The part of the notified site not currently in use by the school (in the adjacent field) measures 5,850 sq m. When included with the existing Junior school site, the total site of 16,000 sq m would be just sufficient (under current guidance) to accommodate a primary school of two forms of entry (420 pupils), should the need ever arise. This is purely a theoretical position, to ascertain that land would be available should significant changes to primary school provision be required in the long term.
- 4.31 Part of the proposed development overlaps with the land safeguarded for education purposes. Given that the development of social housing is a priority, DCC has engaged with SYHA and their agents since 2021 to discuss how both uses of the site might be accommodated. In order to enable the proposed housing scheme to go ahead it was agreed that SYHA propose an alteration to the boundary of the notified site, which could facilitate their development, whilst also retaining an equivalent amount of safeguarded land for education.
- 4.32 This proposal allows the same amount of land to be safeguarded for education (16,000 sq m total, 5,850 sq m field side), thus retaining all currently available options for education in the locality in the long-term future.
- 4.33 DCC wish to register its agreement to alter the shape of the notified site to accommodate the SYHA development within this response to the planning application. This response shows that the current status of part of the land being notified need not in itself be a barrier to the granting of planning approval. If planning approval was to be granted, a paper would go to DCC Cabinet to seek formal approval to amend the notified site. This change will then be confirmed to NEDDC for inclusion in their planning records.
- 4.34 DCC comment that there would be a need to mitigate the impact of the proposed development on school places in order to make the development acceptable in planning terms. The County Council therefore requests financial contributions as follows:
- £308,363.77 for the provision additional education facilities for 11 Secondary with Post 16 pupil(s) at Dronfield Henry Fanshawe School
- 4.35 **NHS Chesterfield Royal Hospital** have requested s106 contributions of £82,887 towards cost pressures.

- 4.36 **Derbyshire Wildlife Trust (DWT)** have reviewed the Preliminary Ecological Appraisal (PEA) and commented that a sufficient level of survey has been undertaken with regards to protected species and onsite habitats. Constraints are limited to nesting birds in boundary vegetation and a low risk of reptiles, badger and hedgehogs using the site from time to time, although this risk can be further minimised with best practice working methods.
- 4.37 DWT have now reviewed the Biodiversity Net Gain Assessment and the associated metric. A gain of +0.40 habitat units (13.26%) and +0.22 hedgerow units (14.53%) are predicted. The metric appears to be completed to a good standard.
- 4.38 DWT recommend that the area of grassland between the development site and the wet woodland is retained undeveloped in the future to safeguard the woodland and river. DWT advise conditions that should be attached to any permission granted.
- 4.39 **NEDDC Housing Strategy Officer** has commented that The Strategic Housing Market Assessment OAN Update 2017 estimates that 172 additional units of affordable housing are required each year over the next five years to fully meet affordable housing need in the district.
- 4.40 The proposal for 38 affordable homes in this area will help to meet the demand for affordable housing. There is a particularly high demand for affordable housing in this area of the District and the adjoining surrounding wards. The proposed mix of properties are suitable in terms of their type, size and tenure. The properties should be allocated through the Council's Choice Based Lettings system and other appropriate and approved processes for the shared ownership properties.
- 4.41 The Housing Officer has also confirmed that, with regards to policy LC3 (para 1.c) of the Local Plan which requires that affordable housing *are of a size, type, tenure, occupancy and cost suitable to meet identified local needs*, the proposals meet NEDDC requirements for affordable housing and demand in this area.
- 4.42 The Housing Team have commented in relation to the submitted Housing Needs Survey that:-
- The Housing Needs survey which was carried out in 2021 had a disappointing response rate from households within the Parish, and those that did respond indicated that they did not feel a need for an affordable housing development within this area of the proposed scale.
 - The Data from the Council's housing register demonstrated that there were 259 bids for 7 Council properties in the period 2021/22. There were also over 500 applicants with a registered local connection to this

ward. This indicates that it is an area of high demand for affordable housing.

- The locality of Unstone is closely connected to the town of Dronfield, which has a high demand for affordable housing and it is expected that people from this area would also have an interest in applying for an affordable home in Unstone.

- 4.43 In respect of the Shakespeare Crescent/Chesterfield Road allocation at the edge of Dronfield. This is expected to yield 160 dwellings of which 48 should be affordable (based on the 30% expectation in a high value area). This would be a more appropriate location to meet Dronfield's needs, particularly the high number first time buyers originating there, according to SYHA's response.
- 4.44 In terms of the proposed development at Dronfield the Housing Team comment that there is a need for affordable housing in this area and from a strategic housing perspective, this is something that it supports. However there is evidence to suggest that both schemes would be popular, considering the waiting list data.
- 4.45 In conclusion – from a Strategic Housing perspective – there is evidence to suggest that there is a high demand for affordable housing within this area. The proposal of the mix being for affordable rent and shared ownership would help to meet this demand.
- 4.46 **Force Designing Out Crime Officer (CO)** has commented that they were part of a pre-application consultation process in late 2020, where the applicants presented a similar scheme to that proposed, albeit set over four levels. Comments over the principle of development and design detail were invited at that time and provided.
- 4.47 There was and is no objection to development of this land in principle from the perspective of crime and disorder. Comments provided related to recommended amendments to open space, access routes, boundaries and some elevational treatment, which broadly have been included within the current design.
- 4.48 CO notes that the extent of adoption doesn't include any of the stepped walkways, which will require lighting. A solar powered landlord scheme would be acceptable, with a preference to columns as opposed to bollards for, reasons of sustainability and improved horizontal illumination.
- 4.49 **Derbyshire County Council as the Lead Local Flood Authority (LLFA)** has raised no objections subject to conditions in relation surface water drainage.
- 4.50 **NEDDC Streetscene (Refuse)** have commented that access is required for a RCV which has a GVW of 32t with a 22.8m turning circle, allowances should be made in the construction of highways for this vehicle and the

need to consider its manoeuvrability, which streetscene have confirmed can be achieved from the plans. The turning area must be kept clear of vehicles to ensure the vehicle can turn and the roadway should be constructed to a suitable standard to hold the weight of a 32 tonne bin wagon to ensure it does not damage the road and also to ensure vehicles do not get damaged through poor road surface. If the area will not be adopted by DCC an indemnity agreement will need to be completed by the developer

- 4.51 **NEDDC Streetscene (Grounds)** With regards any section 106 monies from this development towards providing recreational facilities; The proposed development comprises of 14 two bed dwellings and 24 three bed dwellings. This could attract an estimated £39,716.80 of section 106 monies towards existing off-site provision with a 10 year maintenance fee of approximately £15,546.19.
- 4.52 The nearest existing play facilities to the proposed development are Brierley Park, St. Johns Park and Whittington Park, and the nearest existing facilities is the recreation ground at Crow Lane where there is a football pitch. Brierley Park, St Johns Park and Whittington Park Play Areas are owned and maintained by Unstone Parish Council. The recreation ground and pitch at Crow Lane is owned and maintained by North East Derbyshire District Council. Any of these play areas may benefit from additional / replacement equipment to increase the play value to local residents. Given the sites location relative to so many play areas within village, it is suggested any agreement allows any section 106 monies be spent within 1km of the site.
- 4.53 Grounds also note that there are open spaces proposed around the dwellings, with planting of trees and some areas of meadow planting proposed and that the site has a change in levels due to the gradient/banked nature of the site. It is unclear as to how these areas would be managed/maintained and whether there is any public open space proposed to be passed to the District Council.
- 4.54 If there are any open space(s) to be adopted by NEDDC then this would be subject to the appropriate maintenance fee contained within Table 1 of Appendix D of the council's Local Plan.
- 4.55 Dronfield Civic Society objects for the following reasons:-
- Major development in an unsustainable location
 - Departure from the Local Plan. Site not allocated
 - Recently completed development of 48 affordable homes nearby on brownfield site
 - Inappropriate development in the Green Belt, contrary to Green Belt policy
 - Outside the Crow Lane SDL, location is disconnected and separate
 - Contrary to countryside policies

- Design fails to respect the form, scale, quality and character of the setting
- Significant harm and irreversible change to the local landscape character outweighing local benefit including damage to visual amenity, loss of habitat, trees, hedgerow and interruption of wild life corridors
- Incorrect that the LAA map shows it as a Rural Exception Site. Criteria not met in terms of local collaboration at pre-design stage for a RES claim
- SYHA housing need survey does not support the application (type of/number of houses)
- Proposed access is at a dangerous location near school, cycle path, footway, bus stop and sharp bend
- Contrary to Local Plan policies and the NPPF as a whole in respect of Green Belt, Countryside, Landscape Character and Sustainability
- The Civic Society has been actively involved in issues with parking in the locality for many months. We have significant issues in some locations with vehicles parked inappropriately causing hazards for pedestrians and other road users. It is very clear from many community comments that constrained parking provision around housing causes many of our problems. To propose a new housing development with deliberately-constrained parking provision (see 'Response to Highways Comments', posted 1st March 2023) is ill-conceived. Any expectation that constrained parking provision will reduce use of road vehicles by residents is demonstrably wrong.

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. An advert was also placed in the local press.
- 5.2 18 local residents have made representations raising the following comments objecting to the proposed development:

Principle of development, Green Belt and Landscape issues

- This is speculative or unplanned development which the adopted Local Plan to 2034 seeks to prevent. The site was not allocated for development in the Local Plan.
- It is in the Green Belt, where new development is regarded as inappropriate.
- It is outside the settlement development limit of Unstone Crow Lane and therefore in the countryside. It doesn't meet the criteria to allow it in the countryside.
- Unstone is a Level 3 settlement in the hierarchy which is deemed to be unsustainable for major development.

- The Local Plan does not recognise the site as a Rural Exception Site. The site was assessed as unsuitable for development in the Land Availability Assessment (LAA) and Green Belt Review.
- Harm to the landscape character significantly outweighs any local need for affordable houses. 48 affordable homes have recently been built on a brownfield site less than a mile away.
- Approval of this application represents a significant departure from the Local Plan. It fails to comply with the policies in it including: SS1 Sustainable Development, SS9 Development in the Countryside, SS10 North East Derbyshire Green Belt, SDC3 Landscape Character and LC3 Exception Sites for Affordable Housing as well as the overarching aims of the National Planning Policy Framework
- The level of local housing need identified in the SYHA survey, (7 dwellings) does not equate to VSC and cannot be justified in the planning balance when weighed against the harm that will be caused to the Green Belt, countryside and local landscape character.
- This application is for major development which is very different to the residences of Crow Lane. More dwellings are proposed than in the whole of the Crow Lane SDL. The new development is disproportionate to the existing settlement and out of character with it.
- The housing survey identified a need for 2 bungalows, 2 1-2 bed houses, 1 3-bed house, 1 4bed house and 1 5-bed house. The house type being built would meet just 3 of the 7 requirements. The survey does not therefore support the application.
- Collaboration with residents, groups and the Parish Council should have taken place at pre design stage to identify it as a Rural Exception Site location. This hasn't happened. Unstone Parish Council has in fact objected to the application suggesting an absence of collaboration. The housing need survey is the only communication made by SYHA to residents. A survey is only one part of the collaboration process to identify a Rural Exception Site.
- Whilst the design concept is based on St John's Road, built in the 1870s for mine workers and their families with employment on the doorstep, there is not enough employment in Unstone today to support the occupants of this development.
- Site is outside the SDL of Unstone Crow Lane and Unstone Green. The site is physically and socially distant from both residential areas. This is contrary to LC3 d.
- The proposed site presently forms a rural setting between Unstone and Unstone Green, which would disappear if it was to be developed
- Much Green Belt land has been released for building in recent years including two sites in Dronfield despite strong local objections. The whole point of the Green Belt is to preserve the balance between built and unbuilt areas within the local environment, preserve the semi-rural character of the area and maintain biodiversity.
- There is enough social housing in this area, there is nothing in the area for young people so anti social behaviour will increase.

- The demolition of an ancient stone wall and the removal of a bus stop essential for the elderly of Crow Lane and the surrounding area.
- There is a brown field site further along the main road (opposite the old post office, now a hairdressers) that should surely be developed prior to building on a green field site.
- The development does not appear to reflect local architecture and will stand out as an eyesore
- Why do we need more houses as surveys show the availability of empty homes in Dronfield and the surrounding areas. The site on the old boat yard has surely released enough affordable housing for this area.

Highway safety

- Car journeys would be an outcome, evidenced by DCC Highways requiring at least two parking spaces per property. The current design does not appear to be able to incorporate the statutory parking requirement. The cycle path (which may be argued as making the site sustainable) is a long way from completion.
- Requirements for the new access, including visibility splays, a pedestrian crossing and pavements will urbanise the area outside the site by the removal of a section of a long, high, characterful, sandstone wall which currently separates and defines two distinct areas and countryside from the B6057.
- The proposal to relocate the bus stop and move it further away from existing residents is not a local benefit. Elderly residents from the bungalows of Crow Lane who rely on the bus will be disadvantaged by having to walk further up a hill to use public transport.
- The new access is a short distance from a very busy junction at the top of Crow Lane, made busier due to the closure of Church Street to through traffic. It is likely that there will be significantly more vehicle movements than suggested from the new development with a parking requirement for at least 88 cars because Unstone is an unsustainable settlement.
- From a safety perspective this is an incredibly insensitive proposal. The volume of traffic already using the busy main road is far too high and of concern. To have access onto the main road from this development would cause further issues.
- To have a further access road close to the school or the bend on the bridge, and near Crow Lane presents a significant safety hazard.
- Access would be on to a recently narrowed main road through unstone to provide a cycle path. To add an entrance for 38 dwellings is a recipe for accidents.
- The Transport Statement document asserts that no more than 12 vehicle trips will be generated from this estate each morning and evening. Apart from a Junior, an Infant School and a hairdressing shop there are no local facilities of any sort within reasonable walking distance of this site. There is a half hourly bus service on the main road but if that is not used

any journey for employment, shopping, education, services access, recreation or entertainment will be by car. This makes 24 car journeys per day from 38 homes look very optimistic. It also makes the number of car parking spaces on the estate look inadequate. If estate parking overflows onto the main road the road safety issues will be exacerbated.

Ecology and Wildlife

- The undisturbed nature of the land should be taken into account in any biodiversity metric because it is reasonable to suggest that it supports a number of bird and mammal species as a field and as a component of the wider countryside landscape.
- Local wildlife would be impacted, the area is abundant with birdlife, foxes and badgers, and their natural habitat would be severely impacted.
-

Local Infrastructure

- The schools in Dronfield, particularly Henry Fanshawe, are already becoming over-subscribed and at some point or another, there needs to be investment increasing the school provision/facilities before any further homes are built in both Dronfield and Unstone
- Unstone has no shops, and no real infrastructure to support an additional 38 homes, which we feel would place additional burdens on our village.

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
- SS2 Spatial Strategy and the Distribution of Development
- SS9 Development in the Countryside
- SS10 North East Derbyshire Green Belt
- LC3 Exception Sites for Affordable Housing
- LC4 Type and Mix of Housing
- SDC3 Landscape Character
- SDC4 Biodiversity and Geodiversity
- SDC11 Flood Risk and Drainage
- SDC12 High Quality Design and Place Making
- SDC13 Environmental Quality
- ID1 Infrastructure Delivery and Developer Contributions
- ID3 Sustainable Travel

National Planning Policy Framework (NPPF)

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

Other Material Planning Considerations

- 6.4 Successful Places Interim Planning Guidance, adopted December 2013

7.0 Planning Issues

Principle of Development

- 7.1 The application site comprises a green field located outside of a defined settlement development limit and located within the North East Derbyshire Green Belt. A portion of the site is currently safeguarded for educational purposes in conjunction with the adjacent Unstone Junior School.
- 7.2 Local Plan (LP) Policy SS10 covers development in the Green Belt and sets out that 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. Extension or alteration 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.
- 7.3 Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 7.4 On the issue of the principle of the development, the proposals should be judged as inappropriate development in the Green Belt if it would fail one or more of the tests set out in policy LC3, which is considered below.

Exception Site for Affordable Housing

- 7.5 Policy LC3 (Exception Site for Affordable Housing) states that development proposals, such as this one for 100% affordable housing, which would

normally be contrary to Policy SS9 (Development in the Countryside) and for limited affordable housing within the Green Belt will be permitted where:-

- a. They would provide affordable housing which would meet a proven need which is supported by an up to date local housing needs survey; and*
- b. It can be demonstrated that there are no suitable alternative development locations within the Settlement Development Limit; and*
- c. They are of a size, type, tenure, occupancy and cost suitable to meet identified local needs; and*
- d. They have a close association with the built up part of settlements within level 1 to 3 or neighbouring authority areas; and are in keeping with the form, size and character of the settlement, and local landscape setting; and*
- e. It can be demonstrated that the properties will be allocated to those who are in local housing need, and will remain affordable in perpetuity.*

Criterion a. - the development would meet a proven need which is supported by an up to date local housing needs survey.

- 7.6 The application is supported by a detailed investigation into the housing needs of Unstone Parish prepared by Midlands Rural Housing, January 2021. This identifies a need for 7 new affordable or social rented homes.
- 7.7 The proposed development for 38 new homes exceeds the local need as evidenced in the housing needs survey submitted with the application. However, the applicant has provided further supporting information demonstrating that the actual needs of Unstone for new affordable homes is a multi-layered issue and of particular importance is the evidence provided by the Council's Housing Team in relation to the up-to-date bidding and waiting list data for the area i.e.:
 - There are 205 Council rental properties in the area in total;
 - There are 505 people who are on the waiting list with a local connection; and
 - In 2021/22, 259 people bid for 7 homes in the Parish.
- 7.8 This additional information provides evidence of an unmet demand for affordable housing in the area, which includes the wider Apperknowle, Hundall and Unstone Ward area.
- 7.9 The Council's Housing Strategy Team have also commented that from a Strategic Housing perspective there is evidence to suggest that there is a high demand for affordable housing within this area. The proposed mix being for affordable rent and shared ownership would help to meet this demand.

Criterion b. – it can be demonstrated that there are no suitable alternative locations within the settlement development limit

- 7.10 The agent has submitted information in respect of criteria b and a search was undertaken to review available land within the Settlement Development Limits (SDL). None were identified within the SDL but two areas were identified with both being on greenbelt land.
- 7.11 The two sites were both discounted due to:
- Parts of the land being in flood zones 2 (medium risk) and 3 (medium to high risk).
 - It would not be possible to build the number of houses proposed in this application.
 - The proximity of Site 1 to an industrial site.
- 7.12 Whilst the proposed development site is located outside of the Settlement Development Limit, there have therefore been no suitable alternative sites within the SDL for Unstone identified and Officers therefore consider that this information is sufficient to meet criteria b.

Criterion c. – they are of a size, type, tenure, occupancy and cost suitable to meet identified local needs

- 7.13 The applicants planning statement sets out the proposed mix as follows:

| House Type | Total Number |
|-------------------|---------------------|
| 2 bed (3p) WCA | 2 |
| 2 bed (3p) appt. | 4 |
| 2 bed (3-4p) | 8 |
| 3 bed (5p) | 24 |
| Total | 38 new homes |

- 7.14 It further states that all the homes will be a mix of rental and shared ownership properties, the proposed mix is 21 Shared Ownership and 17 for Affordable Rent. It goes on to say that the properties will be allocated to those who are in local housing need, using the local lettings policy/council's choice based lettings.
- 7.15 The Housing Officer has also confirmed that, with regards to policy LC3 (para 1.c) which requires that affordable housing are of a size, type, tenure, occupancy and cost suitable to meet identified local needs, the proposals meet the Council's requirements for affordable housing and demand in this area.
- 7.16 The development also proposes 2 wheelchair accessible homes and that most non wheelchair accessible homes would accord with Part M4(2) of the Building Regulations. It should be noted that in order to be compliant with Policy LC4 the development should provide for 20% accessible and adaptable dwellings to the requirements of M4(2) i.e. 8 of the 38 dwellings.

Criterion d. - they have a close association with the built-up part of settlements within level 1 to 3 or neighbouring authority areas; and are in keeping with the form, size and character of the settlement, and local landscape setting.

7.17 The site is located adjacent to the Settlement Development Limit for Unstone which is categorised as a Level 3 settlement in the Local Plan. As such the proposed development is considered to accord with the first part of criterion d.

7.18 In terms of the second element, the proposed scheme consists of a dense cluster of terraced blocks of housing offset at an angle from the highway, whereas the immediate surroundings of the site are characterised by the stone school building and low density detached dwellings set within sizeable private gardens areas arranged in linear form, fronting the highway

7.19 However, the application is accompanied by a detailed Design and Access Statement which sets out that the housing design references the old miners terrace at the top of St Johns Road, located next to the historic Unstone Main Colliery. The terraces themselves can be seen in the distance from the Main Road site as they steeply step up St John’s Road. A feature of these homes is the ambiguity between ‘fronts’ and ‘backs’. One side has coal holes and brick outhouses, suggesting the rear, yet these are located, with all the plumbing, on the road side, which is typically the front.

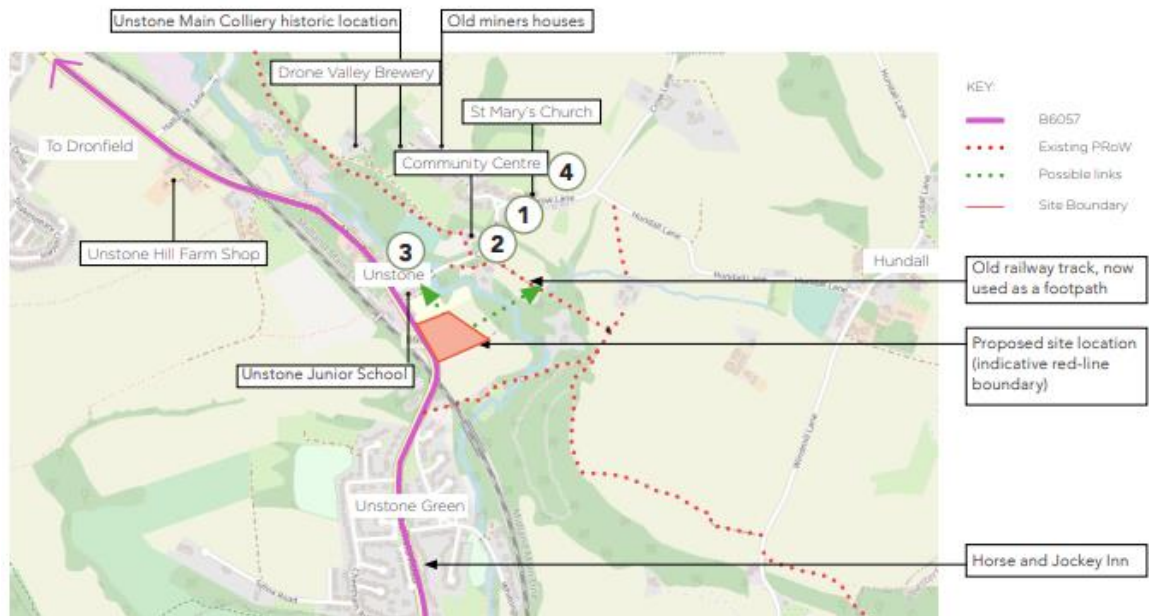


Figure 6: Old Miners cottages and application site

7.20 The design has also been developed from conversations with residents in the houses who explained that ‘the strong community presence enhanced by the shared green space, where kids play, neighbours meet and community activities take place.’ What makes this specifically successful is that the shared green space is separated from the road, making it a safe car free environment for residents to enjoy. These points have also been

key drivers in the development of the design proposal, resulting in a shared green space at the centre of the site which is raised from the road and can be accessed from various routes within the site.

- 7.21 Therefore, whilst it is acknowledged that the form of the development is different from those properties immediately to the north of the site and the adjacent school the form size and character of the proposal is considered by Officers to be in keeping with the wider settlement of Unstone and Unstone Crow Lane.

Criterion e. - it can be demonstrated that the properties will be allocated to those who are in local housing need and will remain affordable in perpetuity.

- 7.22 It is understood from the applicant's supporting statement that the first part of this policy will be met by use of the local lettings policy/council's choice-based lettings. The policy requires that the homes should remain affordable in perpetuity. In this regard restrictions can be imposed through s106 legal agreement to prevent the sale of any shared ownership homes on the open market and to ensure they remain affordable in perpetuity.

Overall

- 7.23 In summary the proposals are considered by Officers to comply with the 5 criteria of policy LC3 as set out above and it is therefore considered to be not inappropriate development in the Green Belt.

Developer Contributions

- 7.24 Local Plan Policy ID1 sets out that the Council will seek to secure infrastructure and facilities that are necessary and required for the development to proceed or make a financial contribution to its funding through a s106 legal agreement.
- 7.25 The County Council comment that there would be a need to mitigate the impact of the proposed development on school places in order to make the development acceptable in planning terms. The County Council therefore requests financial contributions of £308,363.77 for the provision of additional education facilities for 11 secondary/post 16 pupil(s) at Dronfield Henry Fanshawe School.
- 7.26 NHS Chesterfield Royal Hospital have requested s106 contributions of £82,887 towards cost pressures.
- 7.27 NEDDC Streetscene (Grounds) have requested £39,716.80 of section 106 monies towards existing off-site provision with a 10 year maintenance fee of approximately £15,546.19. Given the site's location relative to many play areas within village, Officers support the request that the agreement allows any section 106 monies be spent within 1km of the site.

- 7.28 The Highway Authority have confirmed that no s106 monies are requested.
- 7.29 The applicant has confirmed that they will meet all the various s106 requests in full and the above matters can be included in a S106 agreement.

Landscape Considerations

- 7.30 Local Plan policy SDC3 states that proposals for new development will only be permitted where they would not cause significant harm to the character, quality, distinctiveness or sensitivity of the landscape, or to important features or views, or other perceptual qualities such as tranquillity. The policy expands to state that proposals should be informed by, and be sympathetic to, the distinctive landscape areas identified in the Derbyshire Landscape Character Assessment and contribute, where appropriate, to the conservation and enhancement, or restoration and re-creation of the local landscape taking into account its wider landscape character.
- 7.31 Policy LC3 states that proposals should have a close association with the built up part of settlements within level 1 to 3 or neighbouring authority areas and their local landscape setting.
- 7.32 The application site comprises a large rectangular plot of agricultural land, approximately 1.2 hectares in size and is situated between the village junior school and garden centre on an east-west facing slope which descends into woodland and the River Drone which runs approximately 140m beyond the site boundary to the east.
- 7.33 The application is accompanied by a Landscape and Visual Appraisal (LVA) and lies within Derbyshire's local character type of 'wooded hills and valleys'. The site lies within the Green Belt but is outside any of the Areas of Multiple Environmental Sensitivity (AMES). The landscape is considered generally in average to good condition with species rich grassland and vegetated edges. The majority of trees onsite are category B and C. There are a few Category U trees at the very bottom of the site.
- 7.34 The submitted LVA sets out that the topography and woodland has resulted in a restricted visual 'envelope' or visible extent of the site. The photographic viewpoints demonstrate how visually contained the site is from the south and west due to mature vegetation and the steeply sloping valley sides obscuring views. The open nature of Apperknowle higher on the opposite side of the valley provides medium distance views across to the site.

The proposals would fit new built development into an area of intermittent development that runs along Main Road, Unstone. The proposals would extend from and connect with the existing settlement edge of Unstone to Unstone Garden Centre. This would result in the direct loss of farmland between Unstone and Unstone Green. However the existing stone wall already forms a human made landscape feature that connects the two settlements and it also prevents open views across farmland from the road.

The magnitude of landscape change arising from the proposed development would not however, be dramatic. This would be in part due to the current influences of the adjoining residential edge, road corridor and existing stone wall shortening views for the majority of receptors. Whilst the proposed development would alter the existing local landscape character of the site, the nature of the change would include some beneficial as well as adverse effects. The overall magnitude of this change has been assessed as low.

The existing topography falls away quickly from Main Road, the landform will be changed significantly to enable development on the sloping site. Retaining walls will be required to provide areas for development.

Where possible the majority of the hedgerows and vegetation on site will remain. In order to provide a secure boundary to the site the south eastern boundary with the garden centre will see the removal of existing shrubs from the site and replaced with a fence and a new mixed native hedge. The existing stone wall to Main Road will remain with about 10 metres of the wall being removed to allow for new vehicular site access to the site. The significance of the landscape effect upon hedgerows has been assessed as Negligible.

All of the wooded areas around the site do not fall within the development area and will remain in their existing form. The trees on site are all to the boundary, eight trees along the Main Road boundary will be removed. As part of the development there will be many trees planted to the site boundary and within the site itself.

New trees, shrubs and hedgerow planting would be planted as part of the development. These would be principally native, indigenous and appropriate to the landscape character of the wider area and would offer valuable localised landscape and ecological benefits. Overall, the landscape effects of the development would generally vary between Negligible to Moderately Adverse at the outset of the scheme. These varying landscape effects reflect the different scales and sensitivities of the site's landscape character and features. Most of the adverse effects would reduce in the longer term due to the maturing of the landscape framework and the application of a comprehensive Landscape Management Plan.

The site is largely contained within the wider landscape through a combination of landform - both locally and within the wider landscape and by existing overlapping woodland, individual trees and hedgerow cover. Containment would be reinforced by the proposed Green Infrastructure framework which includes new planting around the perimeter of the site. The proposed development would be visible from a relatively limited number of visual receptors. The clearest views towards the site would be experienced by localised receptors., users of Unstone Junior School, Unstone Garden Centre and residents of dwellings along Crow Lane.

Middle and longer distance views of the site will be achievable from residents of St John's Road, Apperknowle and Hundall.

User of the Unstone Main Road - B6057 will gain limited glimpsed views of the site, the views would be principally through the break in the stone wall that would be required for access into the site. Housing is proposed to be set back from the road with Green Infrastructure planted in behind the wall. Views would be of the new access junction, and these would be observed within a transient context.

- 7.35 Officers generally agree with this assessment and consider that the scheme would not cause significant (or overriding) harm to the character, quality, distinctiveness or sensitivity of the landscape or to important features or views. Whilst the development would clearly lead to some localised landscape impact given its transition from a greenfield site to one accommodating development but that this would be contained to the area around the site due to the site's topography and not impact further afield, Officers also conclude that the wider public benefits of the scheme, which include 100% affordable housing, enhanced public open space, biodiversity net gain and contributions to mitigate the impact of development weigh heavily in favour of the proposed development.
- 7.36 The site is located within the Green Belt, and as set out above meets the requirements of policy LC3 and is therefore not inappropriate development. In view of this it is not necessary to consider further the impact of the development on openness or green belt purposes.

Design and Street Scene Considerations

- 7.37 Policy SS1 of the LP states that development proposals will "*create well designed places that are accessible, durable, adaptable and enhance local distinctiveness*" and policy SS9 requires that in the countryside in all cases "*where development is considered acceptable, it will be required to respect the form, scale and character of the landscape, through careful siting, scale, design and use of materials.*"
- 7.38 Local Plan policies and the NPPF consider that the design and layout of new housing development should be considered in the context of the immediate and wider locality. The local pattern of streets and spaces, building traditions, materials and ecology should help to determine the character and identity of any development. Specifically, Local Plan policy SDC12 seeks to ensure new development meets the highest standards of urban and architectural design, positively contributing to the quality of the local environment.
- 7.39 Policy LC3 states that development proposals be required to have a close association with the built up part of settlements within level 1 to 3 or neighbouring authority areas; and be in keeping with the form, size and character of the settlement.

- 7.40 The layout proposes 38 (bungalows and 2-3 bed) dwellings 2-3 stories in height which are modest in scale, in-keeping with the form and character of the local vernacular whilst also responding to local housing needs. Homes will be a mix of socially rented and shared ownership.
- 7.41 As set out in the submitted Design and Access Statement (DAS) the housing design references the old miners terrace at the top of St Johns Road, located next to the historic Unstone Main Colliery. The terraces themselves can be seen in the distance from the Main Road site as they steeply step up St John's Road. A feature of these homes is the ambiguity between 'fronts' and 'backs'. These points have also been key drivers in the development of the design proposal, resulting in a shared green space at the centre of the site which is raised from the road and can be accessed from various routes within the site. The proposal seeks to create a healthy and sustainable neighbourhood viable in the long term.

The proposal provides high quality, sustainable housing, which maximises natural daylight. Each house typology has been designed to accommodate flexible living and working from home. The proposed dwellings are to be 2-3 stories in height which are modest in scale and in-keeping with the form and character of the local area.

- 7.42 A key central landscaped area is proposed alongside a pedestrian street through the centre (east-west axis) of the new neighbourhood. The open space can accommodate informal play areas as well as other recreational uses and is accessed via stairs and sloping paths. A central staircase will connect the upper and lower levels via a direct route which cuts through the main public green, allowing views into the landscape beyond. Due to the level constraints, steps provide the main accessible connections through the site. The upper and lower levels will have smaller, level-access green spaces.
- 7.43 Dwellings located along the road provide good street presence, which in turn provides street surveillance. A varied roofscape creates a unique character for the neighbourhood. Low fences to frontages encourage neighbourly interaction, similar to the miners' terraces in Unstone.
- 7.44 Car parking is located off plot and is placed to the north elevations of the terraces with soft landscaping integrated to soften parking. Parking in these locations optimises south facing gardens to dwellings. To tackle the challenges of a steep site, banked planted walls are proposed which can help blend level changes into their natural surroundings. The terraces provide good surveillance over the green space, ensuring that it is a safe and secure area for community activities and play.
- 7.45 The proposed neighbourhood is comprised of 3 rows of terraced dwellings, 4 'streets' and 4 key landscaped areas each with its own distinct character. The primary vehicle street is fronted by houses on both sides, enhancing

the security of the neighbourhood. Terrace 3 fronts onto the latter stretch of the street, with Terrace 2 looking down from above and the shared landscaping at the centre of the site mediating the level change. The primary vehicle street winds down from the Main Road entrance through Terrace 1 and Terrace 2 down along the contours of the site and around through Terrace 3. The ginnel street, connecting terraces and key landscaped areas in the neighbourhood. The location and pedestrian nature of the street is designed to enable informal play and enhance interaction between residents. The stepped nature of the street allows for greater connectivity between the terraced streets whilst maximising the views of the natural landscape.

- 7.46 The lower terrace's rear gardens abut up to a gabion retaining wall which would be approximately 4m in height and would form the new boundary with the adjacent field to the east. The land slopes down towards a large group of trees which further screen the development. Whilst this could appear as a hard edge to the development, due to the site topography and the proposal to plant into the gabions it is not considered that this approach would have an adverse impact upon the appearance of the development and the wall would be well screened from views outside of the site.

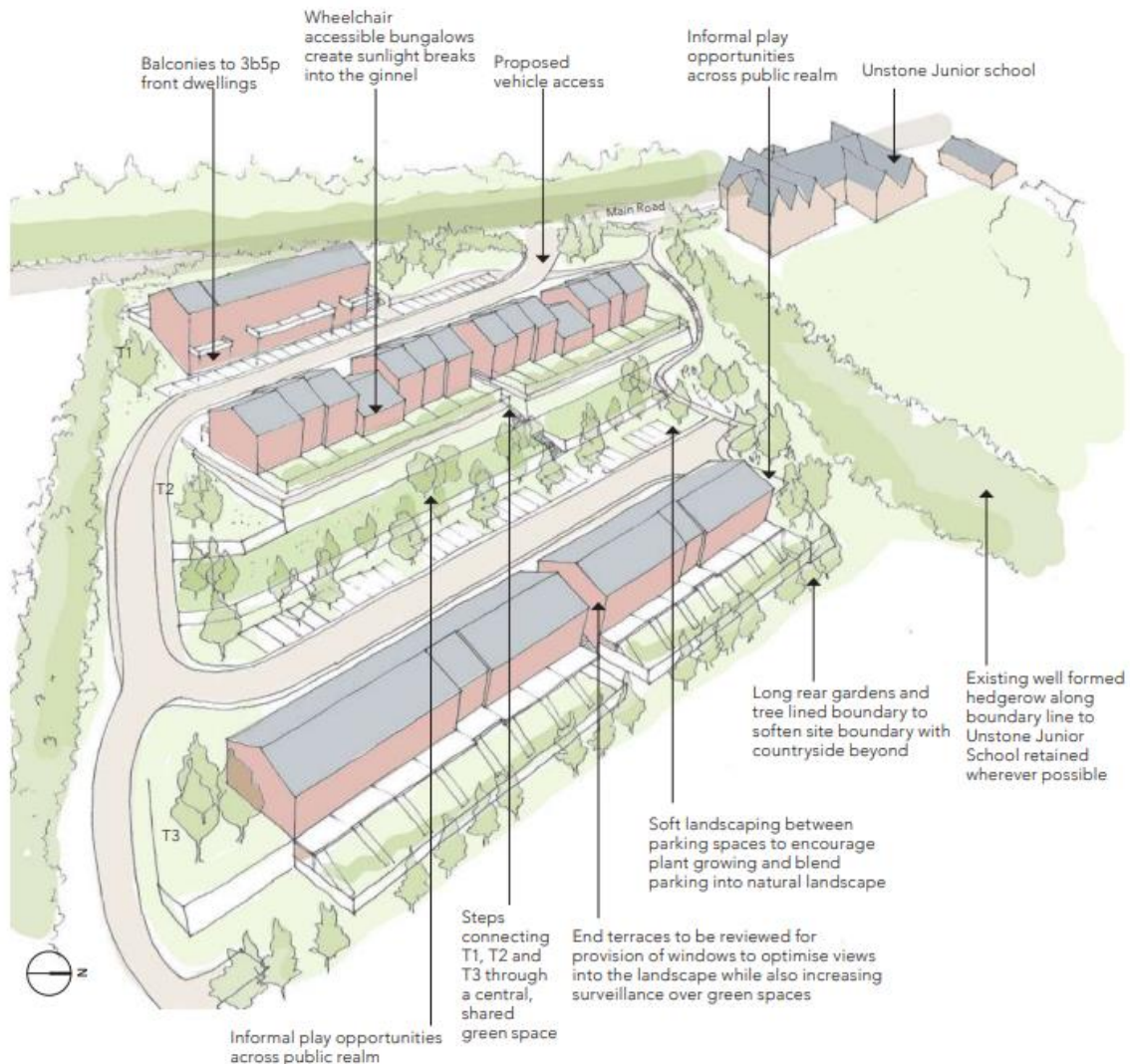


Figure 7: proposed layout

The proposed terraces are located at different levels across the site, responding to the steep gradient of the existing terrain. The scheme achieves a distance of a minimum 21m between dwellings with additional strategies to overcome issues of overlooking.

These are considered by Officers to be acceptable who accord with the design evaluation submitted by the applicant..

7.47 The DAS goes on to say that the total private amenity space per dwelling has targeted the guidelines outlined in the Successful Places Document, which states 2-bed properties to have 50m² , 3-bed properties to have 70m² and flats to have 25m² . The challenges of the site topography and importance that the public realm has within this neighbourhood has meant up to 75% of homes falling slightly short of the Successful Places Document figures.

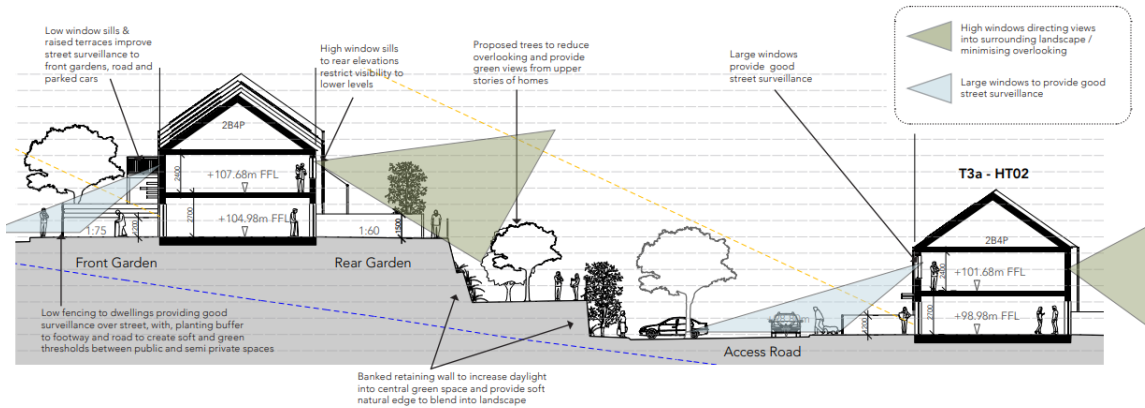


Figure 8: Submitted separation and overlooking strategies

Guidance in Successful Places states that all schemes should provide a level of outdoor amenity space that is proportionate to the type of accommodation, appropriate to its location and suitable to meet the occupiers likely requirements. In this case whilst properties fall slightly below the amenity standards this is more than compensated for by the high quality open space provided within the scheme, the access to public transport network and the countryside in the sites vicinity.

- 7.48 Officers agree that acceptable standards of space and separation are provided and in terms of policy LC4 which requires proposals to provide 20% accessible and adaptable dwellings, this scheme proposes that the 2 wheel chair accessible units; and homes on terrace 2 and 3 will achieve the requirement of M4(2) of the Building Regulations 2015 and this represents 29 of the 38 units. A condition is proposed to ensure that at least 20% of dwellings meet this standard.
- 7.49 Officers also note the comments of the Force Designing Out Crime Officer who has no objections from the perspective of crime and disorder. It was noted that the extent of adoption doesn't include any of the stepped walkways, which will require lighting. A solar powered lighting scheme would be acceptable, with a preference to columns as opposed to bollards for, reasons of sustainability and improved horizontal illumination. Officers consider that this requirement could be controlled by condition.
- 7.50 In summary, Officers consider the proposed design and layout is in keeping with the form, size and character of the Unstone settlement when taken as a whole and that this has been demonstrated through the DAS that the proposals would be of a high quality 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. Officers therefore conclude the proposals would be compliant with policy LC4 of the Local Plan in terms of adaptable dwellings and considered to be generally in accordance with the design guidance set out in Successful Places.

Effect on Neighbours

- 7.51 There are no adjacent residential properties which abut the application site, however the site lies adjacent to the Unstone Junior School to the north, and Unstone Garden Centre to the south.
- 7.52 The dwellings are orientated so that they do not directly face either the school or the garden centre and therefore there are not any privacy issues arising from overlooking windows. The Council's Environmental Health Officer requested a revised noise survey in respect of the potential for noise at the garden centre to impact the new occupiers. The EHO has confirmed that the noise survey is acceptable and has no objections subject to a condition.
- 7.53 Overall Officers consider that the development would be acceptable from a neighbouring amenity perspective.

Highway Safety Considerations

- 7.54 The proposals are for 38 dwellings accessed via a single vehicular access onto Main Road. The vehicular site entrance is also located away from Unstone Junior School and the garden centre access to reduce conflict with these existing uses. A raised pedestrian crossing will be provided at the entrance to the development to signal the start of the low-speed area, and to reduce vehicle speeds for those turning into the site off Main Road.
- 7.55 Servicing and deliveries are to be undertaken from the new vehicle access route, a turning head is provided at the end of this route. Bins will be stored on plot and presented to the kerbside by residents on the day of collection. Emergency vehicles will access the site using the new vehicle access route. A swept path assessment has been undertaken to demonstrate that emergency and refuse vehicles can access the site and use the turning head provided at the bottom of the site.
- 7.56 The existing bus stop is proposed to be relocated south of the main entrance, so that junction visibility from the site is maintained. The bus stop would therefore be located on the exit side of the junction in accordance with current best practice. The relocated bus stop design will be designed with the proposed cycle lane scheme in mind and in coordination with DCC as Highway Authority (HA).
- 7.57 Pedestrian access to the site is proposed from Main Road. A footway allows independent pedestrian access in the northwest corner of the site at the existing site access. Additional pedestrian access will be from the footways at either side of the vehicle access.
- 7.58 The HA has not objected to the proposals and has commented that a Transport Statement (TS) has been submitted and that the closest bus stop for the northbound direction is within 150m from the centre of the site. It is

also noted that the southbound bus stop outside the proposed site will be relocated. The HA comments that A61 Corridor Cycle Route runs on B6057 at the frontage of the proposed site.

- 7.59 In terms of traffic impact on the surrounding highway network, the TS suggests 12 two-way traffic movements in the AM and 12 two-way movements in the PM peaks, which the HA comment doesn't appear significant; therefore, the proposal is not predicted to have a material impact on the operation of the local highway network. Travel Plan Guidance for DCC states the threshold of a travel plan is greater than 80 units and the HA agree that on this issue no further information is required.
- 7.60 The Highway Authority (HA) has, through the course of the applications consideration, requested additional details on matters such as the bus stop relocation, site gradients, swept paths for refuse vehicles, junction width, a Road Safety Audit, and car parking requirements.
- 7.61 On these issues, the HA have confirmed that:-
- The bus stop relocation is acceptable and the provision of a replacement bus stop rather than a new bus shelter is acceptable.
 - The HA have commented that on the issue of gradients an alternative pedestrian-only access to the site has been provided at the development's western corner, which has a gradient not exceeding 1:21 and has a level landing. It is envisaged that this will form the level access route to the two wheelchair-accessible plots proposed along the top section of the development. As such the HA is satisfied.
 - Swept paths have been submitted for a Refuse Vehicle and the layout has been adjusted to provide 5.5m width within 15m of the junction which the HA have confirmed is acceptable.
 - A Road Safety Audit has been submitted which the HA are satisfied with.
- 7.62 On the issue of car parking, the adopted Local Plan does not provide any parking standards and the HA initially commented that the 50 car parking spaces, including 2 disabled parking and 12 visitor car parking spaces needed to be justified in accordance with Part 4 of the DSP (Highway requirements for developments Part 4) for parking requirements. This document notes a minimum of 2 or 3 parking spaces per 2/3 bedroom or 4/4+ bedroom dwelling, respectively.
- 7.63 Allocated parking is to be off-plot, except for the disabled parking bays which will be on-plot at the wheelchair accessible homes. Parking is provided at a ratio of 1.3 spaces per dwelling which reflects the current level of car or van availability in the area as per the 2011 census which is 1.3 cars or vans per household. The agent has commented that providing parking at levels well above demand, as would be the outcome of using Part 4 of the DSP, is counterproductive because an excess of parking spaces can lead

to more people getting vehicles and therefore encouraging driving. Excess parking spaces also use up land that could otherwise be used as amenity space and an opportunity to increase biodiversity. The parking demand for affordable housing is lower than for market rate housing.

- 7.64 The agent has also referred to the 2011 Census data for North East Derbyshire as the basis for which the parking ratio for the proposed development was set, which is to be the same as the car/van availability in the immediate area and the local authority area of 1.3 cars per dwelling. The census was used over individual development surveys as the sample size is greater and the data more robust and widely accepted. The ratio from the census is also considered robust as it includes all homes in the area rather than just the affordable homes, noting that parking demand is lower for affordable housing.
- 7.65 Although below the threshold for a Travel Plan, the applicant would be comfortable with a Travel Plan being conditioned on this development as a way to reinforce the sustainability of the development and reduce car trips.
- 7.66 On the issue of the car parking provision, the HA have confirmed that it is satisfied on the basis for which the parking ratio for the proposed development was set, and with the proposed parking provision in the site specific circumstances. Officers agree with the advice of the HA, that parking levels for affordable housing are generally lower than for market housing and in this case the parking level proposed would not result in cars parking outside the site that would have a significant impact on highway safety.
- 7.67 The Highway Authority advice is that, in its view, the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe. Based on the information provided, the development therefore does not conflict with paragraph 111 of the National Planning Policy Framework, subject to the conditions recommended by the HA.
- 7.68 NEDDC Streetscene have commented that access is required for refuse vehicles which has a GVW of 32t with a 22.8m turning circle, allowances should be made in the construction of highways for this vehicle and the need to consider its manoeuvrability, which has been confirmed can be achieved from the plans.
- 7.69 Objections have been received from local residents in respect of the bus stop relocation, car parking provisions, school pick up and drop off and in relation to highway safety. Officers accept that the proposal will increase traffic movements into the site and onto Main Road, and that the relocation of the bus stop will be less convenient to some users due to it being moved around 40m to the south from its present location. However, both Local Plan policy ID3 and the NPPF are clear that development should only be

prevented or refused on highway safety grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

- 7.70 Officers consider, based on the advice received from the statutory consultee, that the proposed development would not lead to a demonstrable severe harm to highway safety along Main Road or the wider highway network and on the issue of highway safety the development in this instance considered to be acceptable.

Safeguarded Land for Education

- 7.71 Part of the land included in the development area is part of a wider 'safeguarded for educational use' designation in relation to Unstone Junior School, in the Local Plan under new Policy ID6. The safeguarded area is for the potential expansion of the neighbouring school to expand from a 1 form entry (1FE) to a 2 form entry (2FE) school. As part of this potential expansion, larger outdoor facilities are required including formal play areas.



Figure 9: ID6 safeguarded land for education

- 7.72 The boundaries proposed ensure that the school's playing fields are on the least sloping part of the site and that the mature trees located within the land designation do not have to be removed.

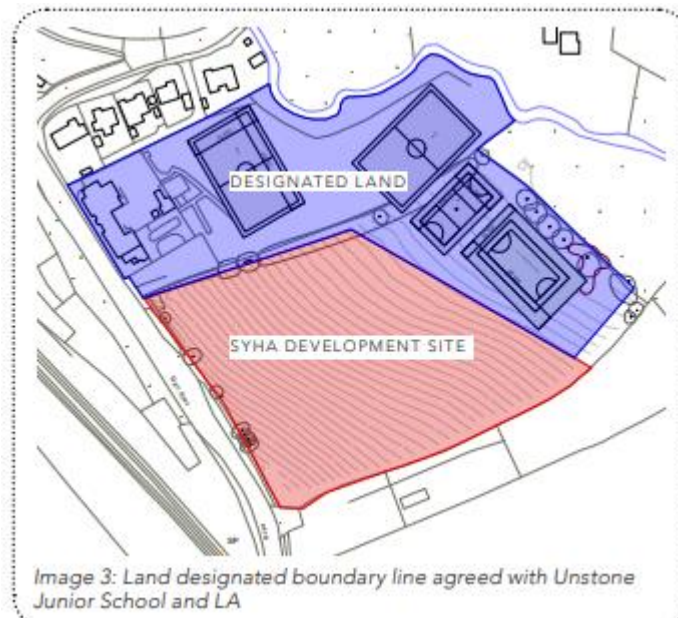


Figure 10: Proposed educational land.

- 7.73 Derbyshire County Council (DCC) have commented that part of the notified site not currently in use by the school (in the adjacent field) measures 5,850 sq m. When included with the existing Junior school site, the total site of 16,000 sq m would be just sufficient (under current guidance) to accommodate a primary school of two forms of entry (420 pupils), should the need ever arise. This is purely a theoretical position, to ascertain that land would be available should significant changes to primary school provision be required in the long term.
- 7.74 DCC has a duty to preserve notified sites where they are deemed to be of potential use in the long term. They provide flexibility to allow pupil place provision to respond to the changing geography and demographics of an area and allow strategic planning for education to be integrated into the Local Plan process. However, there is also a duty to accommodate development by adjusting the shape of notified sites where possible, in the interests of maintaining sustainable schools and communities.
- 7.75 Part of the proposed development overlaps with the land safeguarded for education purposes. Given that the development of social housing is a priority, DCC has engaged with SYHA and their agents since 2021 to discuss how both uses of the site might be accommodated. In order to enable the proposed housing scheme to go ahead it was agreed that SYHA propose an alteration to the boundary of the notified site, which could facilitate their development, whilst also retaining an equivalent amount of safeguarded land for education. A proposed layout was tabled on 4 March 2022 which provided an acceptable re-shaping of the notified site and the layouts within 22/01196/FL appear to be consistent with this, as advised by DCC.

- 7.76 This proposal allows the same amount of land to be safeguarded for education (16,000 sq m total, 5,850 sq m field side), thus retaining all currently available options for education in the locality in the long-term future
- 7.77 DCC have commented that in light of declining pupil numbers in Unstone, the Headteacher and Governors at Unstone Junior School have given their approval to this approach and the housing development is welcomed in principle, in the interests of future pupil numbers and operational viability. DCC wish to register its agreement to alter the shape of the notified site to accommodate the SYHA development and that the current status of part of the land being notified need not in itself be a barrier to the granting of planning approval. If planning approval was to be granted, a paper would go to DCC Cabinet to seek formal approval to amend the notified site. This change will then be confirmed to NEDDC for inclusion in their planning records.
- 7.78 Therefore, in summary, Officers consider that the proposals would not prejudice the necessary provision of education facilities in Unstone and would not conflict with Policy ID6 of the Local Plan.

Drainage Considerations

- 7.79 The site is located within Flood Zone 1, and the development proposes that Sustainable Drainage Systems (SuDS) will be a key factor in managing surface water run-off which will be woven into the landscape design.
- 7.80 The drainage design relies on a dual drainage system: one for the highway and pavement, and the other managing the rest of the site's rainfall. This is to ensure that the highway is designed and built to adoptable standards, with the intention that the highway and associated SuDS features being adopted. The performance of the drainage system is to manage the 1 in 100 plus 40% climate change rainfall event.
- 7.81 The proposed adoptable highway drainage has been designed to accommodate the 1:30 year storm event with no surface flooding as well as the 1:100 year storm event + 40% climate change with no surface water leaving site unrestricted. The highway surface water sewer will be restricted to greenfield run-off rates.
- 7.82 The sewer system will comprise bio-retention areas, in the form of rain-gardens, draining the highway surface. The rain-gardens will discharge to the below ground highway sewer which will convey the water to the downstream detention basin. The basin will clean, attenuate and slow the flow down while the outlet will be restricted to further slow the run-off. The first detention basin will discharge back into the below ground network where further attenuation will take place in the form of over-sized pipes. The sewers will then convey the surface water to the development discharge location where it will be restricted to the greenfield run-off rate. In larger storm events, when the system surcharges, the surface water will back up

into an off-line detention basin providing attenuation for the larger storm events.

- 7.83 Permeable paving will be integral with the SuDS strategy, providing at source cleaning and attenuation of surface and roof run-off. Making use of the topography and level change of the site, the overflow of these permeable paved areas will be brought back to the surface into a series of rainwater basins that either are connected by vegetated swales, or flow through and down the large retaining structures on site. By encouraging water to remain at the surface, it benefits from natural losses, such as uptake by trees, plants and animals, evaporation and infiltration, meaning that less water makes it's way to the river system than a traditional engineered SuDS solution. This helps provide much needed natural irrigation of the landscape, maintaining a thriving environment. Roadside bio-retention rain-gardens which take surface run-off from the road, provide valuable street scene greening with herbaceous, shrub and tree planting within them.
- 7.84 Yorkshire Water have no objections to the proposed drainage strategy subject to a condition that the development be carried out in accordance with the details shown on the 'Adoptable Highway Drainage and Foul Drainage Strategy'. The Lead Local Flood Authority LLFA has raised no objections subject to conditions.
- 7.85 In view of the above, Officers consider that the proposed development can be adequately drained and is acceptable from a flood risk perspective as informed by the relevant statutory bodies..

Land Contamination/Land Stability Considerations

- 7.86 The application is accompanied by a Site Investigation - GeoEnvironmental Report, Noise Survey, and Coal Mining Risk Assessment.
- 7.87 The Council's Environmental Health Officer (EHO) has confirmed that there are no objections in principle and a condition is recommended in relation to the submission of a construction environmental management plan.
- 7.88 On the issue of noise, the EHO initially requested further information in respect of the noise impact from the adjacent Garden Centre, and the agent has submitted a revised Noise Survey. The EHO has confirmed that this is acceptable in principle subject to a condition.
- 7.89 The Coal Authority (CA) have confirmed that the application site does not fall within the defined Development High Risk Area and is located instead within the defined Development Low Risk Area. This means that there is no requirement for a Coal Mining Risk Assessment to be submitted or for the CA to be consulted.

- 7.90 On the issues of land stability, contamination and noise, officers are satisfied that these issues can be satisfactorily addressed via conditions.

Ecological Considerations

- 7.91 The application is accompanied by a Preliminary Ecological Appraisal (PEA) and Derbyshire Wildlife Trust (DWT) have commented that a sufficient level of survey has been undertaken with regards to protected species and onsite habitats. Constraints are limited to nesting birds in boundary vegetation and a low risk of reptiles, badger and hedgehogs using the site from time to time, although this risk can be further minimised with best practice working methods.
- 7.92 The River Drone is present approximately 70m east of the development footprint. This is buffered by a corridor of wet woodland, with the woodland edge approximately 40m from the eastern side of the development. An area of grassland is retained outside of the red line boundary between the development site and the wet woodland and DWT advise that this is retained undeveloped in the future to safeguard the woodland and river. On this issue, the land identified lies outside of the red line application site boundary and is not proposed to be developed as part of this application.
- 7.93 The application is also accompanied by a Biodiversity Net Gain Assessment and the associated metric. A gain of +0.40 habitat units (13.26%) and +0.22 hedgerow units (14.53%) are predicted. DWT have commented that the metric appears to be completed to a good standard.
- 7.94 DWT have therefore no objections to the proposals from an ecology perspective subject to conditions relating to and requiring a Construction Environmental Management Plan and Landscape and Biodiversity Enhancement and Management Plan.
- 7.95 The application is accompanied by a Tree Survey, Tree Constraints Plan Tree Protection Plan and Arboriculture Assessment. The new development will require the removal of 8 No trees, the majority of which are in poor growing condition. To compensate for the loss of trees, new tree planting will be provided elsewhere as part of the scheme.
- 7.96 The planting strategy focuses on developing a strong tree network over a naturalistic planting style, mimicking the surrounding landscape whilst being useable by visitors and residents of the site.



Proposed Landscaping Strategy (RBA)
Figure 11: Proposed tree Planting

- 7.97 The trees proposed to be removed are not formally protected trees and have been identified as being in a poor growing condition. The proposed scheme includes significant tree and landscape planting including new hedgerows along the southern boundary and as such is considered to represent suitable replacement planting in accordance with policy SDC2 of the Local Plan.
- 7.98 Whilst the concern of local residents is noted in regards to the loss of habitats, the biodiversity net gain is demonstrable and mature trees and hedgerows are retained where possible, alongside significant trees and landscaping within the development. Officers consider that the proposed development can achieve BNG and is in compliance with Local and National planning policy.

Summary and Conclusion

- 7.99 The proposal is for a 100% affordable housing scheme on land which sits outside the Settlement Development Limit in a countryside location within the Green Belt.
- 7.100 The development would sit in an area of land between a school and garden centre adjoining a level 3 settlement and it is concluded that the landscape

impact would be limited and localised and that this carries limited weight against the scheme.

- 7.101 Officers have concluded that the scheme otherwise meets the provision for limited affordable housing in the Green Belt and that it meets the criteria as an exception site for affordable housing as set out in Policy LC3 of the Local Plan. It is concluded that the proposal is not inappropriate in Green Belt terms and so acceptable in principle.
- 7.102 Adding weight to the proposal is the intention that it would be for 100% affordable units which adds considerable weight in favour of the scheme in the Officers opinion.
- 7.103 The proposal makes financial contributions towards local healthcare, education and off site play provision. This is a neutral consideration to offset the impact of new development.
- 7.104 A new access will be formed onto Main Road, and the Highways Authority raised no objection to the proposed works, or to the proposed parking proposals which have been justified as part of the application process and as such Officers conclude, based on the substantive evidence received and the comments of the statutory consultee, that the proposal would not lead to a demonstrable severe harm to highway safety and upon the wider highway network.
- 7.105 The design and layout of the scheme takes its design cues from existing Miners Terrace and proposes high quality, sustainable housing, which maximises natural daylight and designed to accommodate flexible living and working from home. The scheme will deliver 100% affordable homes using sustainable and eco-friendly design and engineering methods and has been designed to enhance the well-being and promote a healthy lifestyle for the neighbourhood residents and local ecology. The site is in close proximity to existing public transport and future sustainable transport routes, such as the proposed cycle route. These are positive elements in support of the scheme.
- 7.106 Technical matters such as site drainage, land stability, land contamination and ecology can be addressed by suitably worded conditions although the ecological enhancements and net biodiversity gain add further weight in favour of the application.
- 7.107 Overall, Officers conclude that the development is in accordance with the provisions of the Development Plan, proposing affordable housing on land adjoining a sustainable settlement and with only a limited impact on the countryside, and it does not constitute inappropriate development in the Green Belt. No evidence has been brought forward to counter the technical advice of consultees and all technical matters can be addressed by way of condition. Accordingly, the proposal is recommended for approval subject to the prior completion of a legal agreement and conditions.

8.0 Recommendation

- 8.1 That planning permission is **CONDITIONALLY APPROVED** subject to the **prior completion of a S106 Agreement to include the issues as set out above and to provide for 100% affordable housing**, with the final wording of the conditions and section 106 agreement delegated to the Planning Manager (Development Management):-

Heads of Terms:

Affordable housing.

Public open space - £39,716.80 towards existing off-site provision with a 10 year maintenance fee of £15,546.19.

Health care - NHS chesterfield Royal Hospital - £82,887.

Education - £308,363.77 for the provision additional education facilities for 11 Secondary with Post 16 pupil(s) at Dronfield Henry Fanshawe School

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 details shown on the following plans:-

0519/ROG/6756 – Topographic Survey
624_D100 – Demolition Plan
624_P1000 A Proposed Site Location Plan

624_P1001 Proposed Site layout Plan
624_SK051 Site Layout (1:1250 @ A1)
RBA-UMR-101 F Site Plan

624_P100 Proposed-T1-Lower Ground/Ground Floor Plans
624_P101 Proposed-T1-First Floor/Roof Plans
624_P102 Proposed T2A Ground Floor Plan
624_P103 Proposed T2A First Floor/Roof Plan
624_P104 Proposed T2B Ground Floor Plan
624_P105 Proposed T2B First Floor/Roof Plan
624_P106 Proposed T3A Ground Floor Plan
624_P107 Proposed T3A First Floor/Roof Plan

624_P108 Proposed T3B Ground Floor Plan
624_P109 Proposed T3B First Floor/Roof Plan

624_P1100 Proposed-Site Plan-Lower Level-T3-Ground Floor
624_P1101 Proposed-Site Plan-Lower Level-T3-First Floor
624_P1102 Proposed-Site Plan-Upper Level-T2-Ground Floor/T1
Basement
624_P1103 Proposed-Site Plan-Upper Level-T2-First Floor/T1-Ground
Floor
624_P1104 Proposed-Site Plan-Upper Level-T1-First Floor
624_P1105 Proposed Site Plan- Roof Level
624_P1200 Proposed-Site Elevation-Main Road

624_P1300 Proposed Site Section AA
624_P200 Proposed Elevations – T1
624_P201 Proposed Elevations T2a
624_P202 Proposed Elevations T2b
624_P203 Proposed Elevations T3a
624_P204 Proposed Elevations T3b

624_P400 Proposed-House Types-01-2b4p
624_P401 Proposed-House Types-02-3b5p-End Terrace
624_P402 Proposed-House Types-02-3b5p-Mid Terrace
624_P403 Proposed-House Types-03-2b4p
624_P404 Proposed-House Types-04-3b5p-End Terrace
624_P405 Proposed-House Types-04-3b5p-Mid Terrace
624_P406 Proposed-House Types-05-2b3p-WCA
624_P407 Proposed-House Types-06&07-2b3p

RBA-UMR-111 G General Arrangement Plan 01
RBA-UMR-112 G General Arrangement Plan 02
RBA-UMR-113 G General Arrangement Plan 03

RBA-UMR-121 D Proposed Levels 01
RBA-UMR-122 D Proposed Levels 02
RBA-UMR-123 D Proposed Levels 03
RBA-UMR-131 C Furniture Proposals Plan 01
RBA-UMR-132 C Furniture Proposals Plan 02
RBA-UMR-133 C Furniture Proposals Plan 03

RBA-UMR-211 C SuDS Detail Plan 01
RBA-UMR-212 C SuDS Detail Plan 02
RBA-UMR-213 B SuDS Detail Plan 03
RBA-UMR-311 B Planting Strategy Plan 01
RBA-UMR-312 B Planting Strategy Plan 02
RBA-UMR-313 B Planting Strategy Plan 03

RBA-UMR-551 B Proposed Sections 01
RBA-UMR-552 B Proposed Sections 02

RBA-UMR-553 B Proposed Sections 03
RBA-UMR-711 D Landscape Strategy

RBA-UMR-712 C Access and Circulation Strategy
RBA-UMR-713 D Sustainable Drainage Strategy (SuDS)
RBA-UMR-715 F Boundary Treatment Strategy
RBA-UMR-717 B Landscape Character
RBA-UMR-718 B Key landscape Zones

MNR 01 Tree Survey
MNR 03 Tree Constraints Plan
MNR 04 Tree Protection Plan

1281-01-CE-XX-ZZ-SK-C-4010 P6 Site Entrance Layout Study Full Bus
Layby (dated 18/10/2023)
1281-01-CIV-XX-XX-D-H-40007 P1 Site Entrance Visibility Splays

J3130-R2-SYHA Acoustic Report Rev 2
Archaeological Desk
Archaeological Evaluation Report September 2023
610-2023-118-01 Stage 1 Road Safety Audit 20 March 2023
Biodiversity Metric
Biodiversity Impact Assessment
Arboricultural Impact Assessment
SuDS Surface Water Design Statement
RBA-UMR-851 Landscape Appraisal rev B
Transport Assessment
Sustainability Appraisal
Preliminary Ecological Appraisal
Geo-Environmental Report
Gas Monitoring Report
Flood Risk Assessment
Design and Access Statement
Adoptable Highway Drainage and Foul Drainage Strategy (November 2022)

Employment and Training

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

Reason: In the interests of creating sustainable development in accordance with policy SS1 of the North East Derbyshire Local Plan

On-Site Public Spaces

4. 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.

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

Sustainable Design, Character and Appearance

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

Reason: In the interest of the appearance of the area and in accordance with policies SS1, LC4, and SDC12 of the North East Derbyshire Local Plan

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

Reason: In the interest of the appearance of the area and in accordance with policies SS1, LC4, and SDC12 of the North East Derbyshire Local Plan.

7. Before development starts details of the accessible and adaptable dwellings (to at least M4(2) of the Building Regulations 2015 or any subsequent government standard.) shall be submitted to and approved in writing by the Local Planning Authority. At least 20% of the units shall meet this standard, and be implemented in accordance with the approved details. Once provided the dwellings so identified shall be retained as such thereafter.

Reason: In the interests of creating sustainable development in accordance with policies SS1 and LC4 of the North East Derbyshire Local Plan.

8. Before development starts the submitted tree protection measures shall be installed in full as set out in the MNR 04 Tree Protection Plan and the methodologies described within the Arboricultural Impact Assessment and then be retained as such during the entire period of construction.

Reason: In the interest of the appearance of the area and in accordance with policies SS1, LC4, and SDC12 of the North East Derbyshire Local Plan.

9. The boundary treatments shall be implemented in accordance with RBA-UMR-715 F Boundary Treatment Strategy. The respective boundary treatments shall be installed in full on occupation of each respective plot and be retained as such thereafter.

Reason: In the interest of the appearance of the area and in accordance with policies SS1, LC4, and SDC12 of the North East Derbyshire Local Plan.

10. The proposed finished floor levels of the dwellings, hereby approved, and the proposed finished ground levels of the site shall be implemented in accordance with drawings RBA-UMR-121 D Proposed Levels 01; A-UMR-122 D Proposed Levels 02; RBA-UMR-123 D Proposed Levels 03.

Reason: In the interest of the appearance of the area and in accordance with policies SS1, LC4, and SDC12 of the North East Derbyshire Local Plan.

11. The development shall be carried out in accordance with the Sustainability Appraisal and then be retained as such thereafter.

Reason: In the interests of creating sustainable development in accordance with policy SS1 of the North East Derbyshire Local Plan.

Highways

12. The Development hereby approved shall not be occupied until the parking and turning facilities have been provided as shown on drawing no. RBA-UMR-101 Revision F titled Site Plan.

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

13. The development hereby approved shall not be occupied until the highway improvements/offsite works/site access works as shown on drawing no. 1281-01-CEXX-ZZ-SK-C-4010 Rev P06 titled Site Entrance Layout Study Full Bus Layby, have been constructed and completed.

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

14. No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays detailed on Site Entrance Visibility Splays drawing no. 1281-01-CIV-XX-XX-D-H-40007 Revision P01 have been provided at the site access. These shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway and retained as such thereafter.

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

15. The development hereby approved shall not be occupied until the means of access for vehicles, pedestrians and cyclists have been constructed and completed in full as shown on drawing no. 1281-01-CEXX-ZZ-SK-C-4010 Rev P06 titled Site Entrance Layout Study Full Bus Layby and retained as such thereafter.

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

16. 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 highway safety and in accordance with policy ID3 of the North East Derbyshire Local Plan.

Ecology

17. No development shall take place (including ground works, vegetation clearance and movement of plant, machinery and materials) until a Construction Environmental Management Plan (CEMP: Biodiversity), and a timetable for its implementation, has been submitted to and approved in

writing by the local planning authority. The CEMP (Biodiversity) shall be based on recommendations in Section 5 of the Preliminary Ecological Appraisal (Weddle Landscape Design, Revision A September 2022) and include the following.

- a) Risk assessment of potentially damaging construction activities.
 - b) Identification of “biodiversity protection zones”.
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction.
 - d) The location and timing of sensitive works to avoid harm to biodiversity features.
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - f) Responsible persons and lines of communication.
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
 - h) Use of protective fences, exclusion barriers and warning signs. The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.
- The agreed details shall then be implemented as approved.

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

18. A Landscape and Biodiversity Enhancement and Management Plan (LBEMP) , including a timetable for its implementation, shall be submitted to, and be approved in writing by, the LPA prior to the commencement of the development. The aim of the LBEMP is to enhance and sympathetically manage the biodiversity value of onsite habitats, in accordance with the proposals set out in the submitted Biodiversity Metric (Weddle Landscape Design, 05.01.23) and to achieve no less than a +13.26 % net gain. The LBEMP should combine both the ecology and landscape disciplines and shall be suitable to provide to the management body responsible for the site. It shall include the following:-
 - a) Description and location of features to be retained, created, enhanced and managed, as per the approved biodiversity metric.
 - b) Aims and objectives of management, in line with desired habitat conditions detailed in the metric.
 - c) Appropriate management methods and practices to achieve aims and objectives.
 - d) Prescriptions for management actions.
 - e) Preparation of a work schedule (including a 30-year work plan capable of being rolled forward in perpetuity).
 - f) Details of the body or organization responsible for implementation of the plan.
 - g) A monitoring schedule to assess the success of the habitat creation and enhancement measures at intervals of 1, 2, 3, 4, 5, 10, 15, 20, 25 and

30 years. h) A set of remedial measures to be applied if conservation aims and objectives of the plan are not being met.

i) Detailed habitat enhancements for wildlife, in line with British Standard BS 42021:2022.

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

The LBEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The approved plan shall then be implemented in accordance with the approved details and be retained as such thereafter..

Drainage

19. The development shall be carried out in accordance with the details shown on the submitted report, "Adoptable Highway Drainage and Foul Drainage Strategy' 1281-01 prepared by Civic Engineers, dated 22/11/22". The approved scheme shall be implemented in full prior to the first occupation of the dwellings and 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.

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

a. Flood Risk Assessment prepared by KRS Environmental Ltd, Reference KRS.0284.003. R.001.C, dated April 2022.

b. Adoptable Highway Drainage and Foul Drainage Strategy prepared by Civic Engineers, Reference SYHA – Unstone, Derbyshire, dated 22 November 2022. c. SuDS Surface Water Design Statement prepared by Robert Bray Associates, referenced RBA-UMR-802 B, dated 28th August 2022, "including any subsequent amendments or updates to those documents as approved by the Flood Risk Management Team".

d. And DEFRA's Non-statutory technical standards for sustainable drainage systems (March 2015),

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

The agreed scheme shall then be implemented as agreed.

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

21. Prior to the 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 as agreed, before the commencement of any works, which would lead to increased surface water run-off from site during the construction phase.

Reason: To ensure surface water is managed appropriately during the construction phase of the development, so as not to increase the flood risk to adjacent land/properties or occupied properties within the development and in accordance with policy SDC11 of the North East Derbyshire Local Plan

22. The attenuation basins, hereby approved, shall not be brought into use until such a time as it/they is/are fully designed and constructed in line with CIRIA SuDS manual C753 and to the agreed specifications, and an associated management and maintenance plan, in line with CIRIA SuDS Manual C753 is submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed attenuation pond does not increase flood risk, that the principles of sustainable drainage are incorporated into the proposal, the system is operational prior to first use and that maintenance and management of the sustainable drainage systems is secured for the future and in accordance with policy SDC11 of the North East Derbyshire Local Plan.

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

Reason: : To ensure that the drainage system is constructed to the national Non-statutory technical standards for sustainable drainage and CIRIA standards C753 and in accordance with policy SDC11 of the North East Derbyshire Local Plan .

Ground Conditions

24. Before the commencement of construction works, including any demolition in connection with the development hereby approved, a construction environmental management plan, including a timetable for its implementation, to minimise the impacts of noise and airborne dust from the site during construction and demolition periods shall be submitted to and be approved in writing by the Local Planning Authority. The construction phase

of development shall then be undertaken in accordance with the approved scheme.

Reason: To protect future occupiers of the development, buildings, structures/services, ecosystems and controlled waters, including deep and shallow ground water.

Amenity

25. Construction works on site and deliveries to the site shall be undertaken only between the hours of 07:30am to 18:00pm Monday to Friday and 7:30am to 13:00pm on Saturday. There shall be no work undertaken on site or deliveries to the site undertaken on Sundays or public holidays.

Reason: To protect the amenity of nearby property occupiers and users in accordance with policy SDC12 of the North East Derbyshire Local Plan.

26. Prior to the first occupation of any dwelling on the site, a lighting scheme for the stepped walkways., hereby approved, 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 retained as such thereafter.

Reason: in the interest of crime prevention and in accordance with policy SDC12 of the North East Derbyshire Local Plan.

27. Prior to the first occupation of the any dwelling 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. Unless otherwise agreed, the scheme shall be designed to achieve the following criteria with the ventilation operating:

| | |
|---------------------------|---|
| Bedrooms | 30 dB LAeq (15 Minutes) (2300 hrs – 0700 hrs) |
| Living/Bedrooms | 35 dB LAeq (15 Minutes) (0700 hrs – 2300 hrs) |
| All Other Habitable Rooms | 40 dB LAeq (15 Minutes) (0700 hrs – 2300 hrs) |

All Habitable Rooms 45 dB LAmax to occur no more than 6 times per 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 as agreed in each dwelling to which it relates and be retained as such thereafter.

Reason: To protect the aural amenity of future occupiers of the dwellings in accordance with Policies SDC12 and SDC13 of the North East Derbyshire Local Plan

PLANNING COMMITTEE – 5th December 2023

Reference Number: 23/00373/FL

Application expiry: 7th December 2023

Application Type: FULL

Proposal Description: Revised proposal for Change of Use from Retail Shop to Micro Pub, including two storey side extension (Resubmission of previously refused application 22/00055/FL)

At: 44 Cherry Tree Drive Killamarsh

For: Mr T Rai

Third Party Reps: 6 objections & 2 supporting

Parish: Killamash

Report Author: Kerry Hallam

Date of Report: 14 September 2023

MAIN RECOMMENDATION: Grant permission, subject to conditions

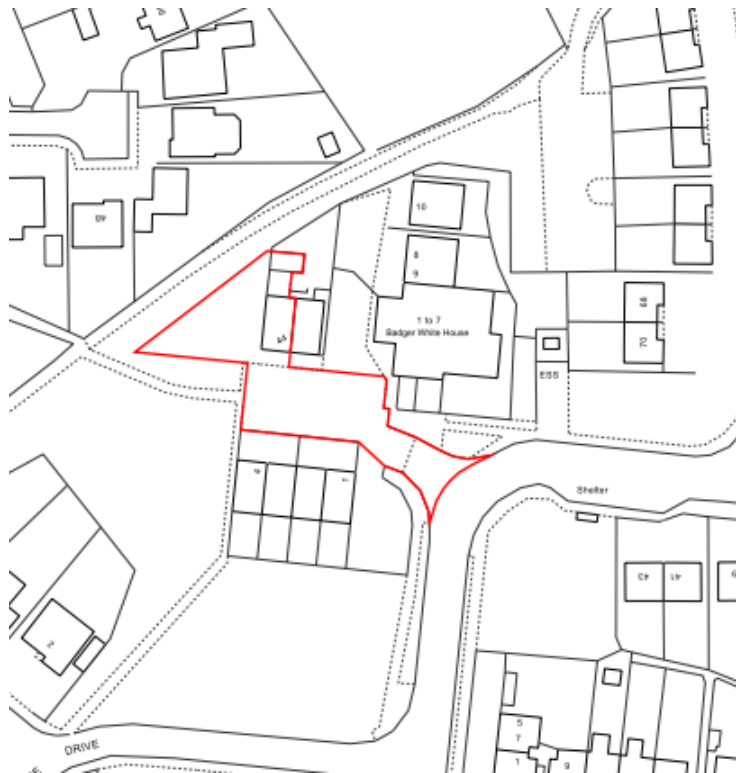


Figure 1: Location plan, with site edged in red

1.0 Reason for Report

1.1 Cllr Clough requested that the application be considered at committee for the following reasons:

- For the committee to objectively review all new information/evidence providing since the earlier rejection
- There are concerns raised with me that some elements have not been taken into account or covered in full around:
 - Noise from external area
 - Upper seating area – concerns there is no restriction on this from being converted in the future
 - Parking
 - Land Ownership for the extension – grass still cut by NEDDC

2.0 Proposal and Background

Site Description

2.1 The application site is a two-storey semi-detached building. The last use of the building was as a shop at ground floor. There is a first floor flat above the retail unit. The adjoining property is a Chinese takeaway at ground floor with a flat above.



Figure 2: Photo of the application site

2.2 The site is located in a residential area within the Settlement Development Limits for Killamarsh. Killamarsh defined as a Level 1 Settlement.

- 2.3 To the east of the site is Badger House, formerly a public house, now converted to flats. To the west of the building is an area of green space which forms part of the application site. Beyond the application site, the land level drops sharply east to west from this area towards the footpath, where the rear gardens of residential properties to the west lie beyond the boundary with the footpath. To the south of the site there is a row of four terraced houses.



Figure 3 – Application site and surrounding dwellings

- 2.4 There is a car park area immediately to the south of the building which is included in the application site area and accessed from the bend of Cherry Tree Drive / Westfield Road to the southeast. This access is shared with the four terraced houses to the south which each have two parking spaces.

Proposal

- 2.5 Planning permission is sought for the change of use of an existing retail unit to a micro pub and the addition of a two-storey side extension. The extension projects 6.5m from the side elevation with a depth of 10m and a ridge and eaves height to match the existing.

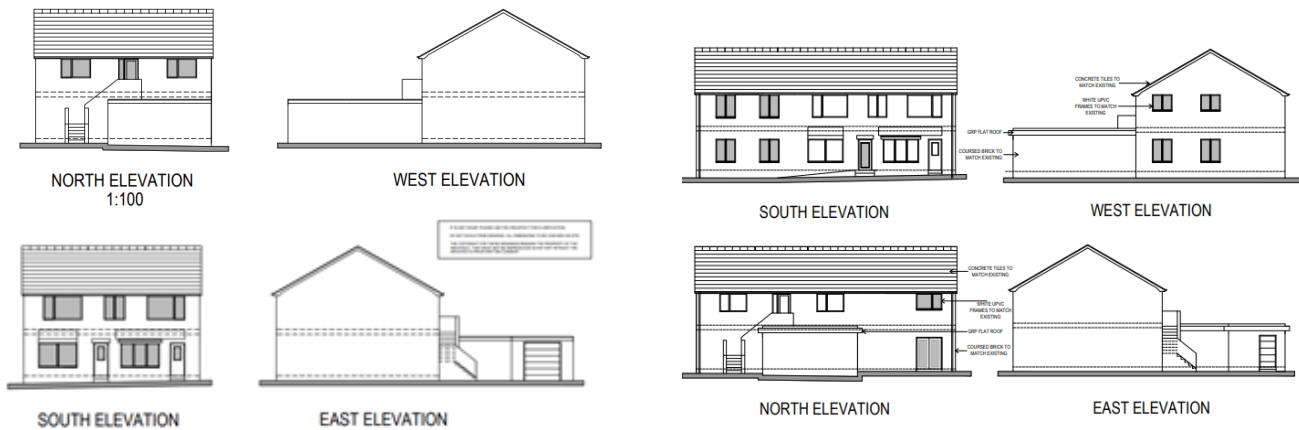


Figure 4 - Existing and proposed elevations

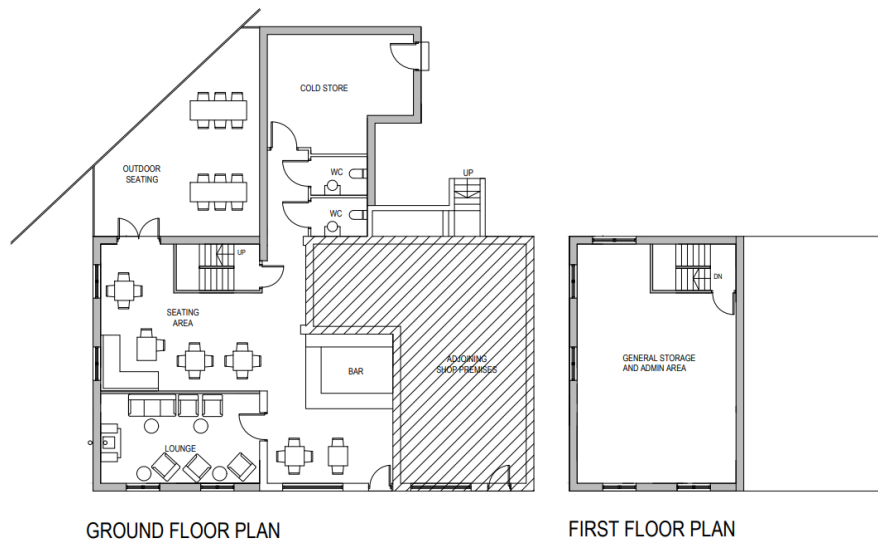


Figure 5 – Proposed floor plans

3.0 Relevant Planning History

- 3.1 05/00408/FL - Construction of a two storey side extension and single storey rear extension to existing shop including two bedroom first floor apartment – Conditionally Approved
- 3.2 22/00055/FL - Application for change of Use from Retail Shop to Micro Pub, including two storey side extension – Refused

4.0 Consultation Responses

4.1 **Ward member** – Cllr Clough – Call in to committee

4.2 **Parish Council** – No comments received

4.3 **DCC Highways(HA)** –

The proposal is for the change of use from retail shop to micro pub having a total gross floor area (GFA) of 180 sqm. It is understood the total public floor area will be 90 sqm.

Access to the site itself is gained via a cul-de-sac off the Cherry Tree Drive which forms a simple priority junction, a Non-Classified Road in the form of shared access which also provides access to other residential units.

The applicant has undertaken a comparison of existing traffic generation and proposed traffic generation based on trip rates associated with a general public house and convenience store, obtained via the TRICS database.

Between the hours of 12:00 and 24.00 hrs the micro-pub and the convenience store would have the potential to generate the following trips over this time period:

- Micro-pub (Public House) – 47.42
- Convenience Store – 68.711

It is acknowledged, over a twelve-hour period the convenience store would have the potential to generate more trips than the proposed micro-pub. The HA previously advised they were satisfied with trip generation details and in light of the above they do not consider the change of use would lead to an intensification of trips.

The applicant has utilised the TRICS database to determine the parking demand of the Micro Pub, which has also been compared to the parking demand of the previous use as a convenience store. Based upon the arrival and departure figures both the convenience store and the micro pub will have had the potential to have a maximum accumulation of 2no. spaces.

The HA initially commented that it is understood as part of the proposals off-street parking will be provided within the site providing two spaces within the rear yard area and the proposed micro pub will have the use of the parking spaces to the front of the property (as the convenience store had previously throughout the time of its business operation).

The HA have further commented that it is understood that the two parking spaces at the rear are not within the applicants ownership, and an informal arrangement exists that they can be used but the applicant has no control over them. As such for the purposes of the planning application, the HA cannot consider these as usable spaces.

Furthermore, the ownership of the two parking spaces at the front has not been confirmed, however it is understood that they are assigned for visitor parking for the flats adjacent to the site but have also been previously used for parking as the convenience shop. As such the LHA must consider the development proposals with no designated off-street parking available solely for the use of the micro-pub.

It is acknowledged, over a twelve-hour period the convenience store would have the potential to generate more trips than the currently proposed micro-pub. Furthermore the HA understand the two spaces to the rear were also not utilised by the convenience store previously.

Given the LHA do not consider the change of use would lead to an intensification of trips compared to the existing use, and the location of the Micro-Pub which is at the end of a cul-de-sac, in the site-specific circumstances it is not considered that this development proposal would lead to a severe or unacceptable highway impact in the context of the NPPF and as such the HA would not seek to resist this application.

- 4.4 **Yorkshire Water** – No comments received
- 4.5 **DCC Rights of Way** – No comments received
- 4.6 **Peak and Northern Footpath Society** – No comments received
- 4.7 **The Ramblers Association** - Having considered the revised proposal our comments remain as for the original proposal, 22/00055/FL. We would reiterate our comment regarding the definitive line of the path and add that the existing car parking area appears to be set over the definitive line; reference DCC mapping portal.
- 4.8 **Chesterfield Cycle Campaign** – No comments received
- 4.9 **Cadent Gas** - No objection – informative note - Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist. If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting cadentgas.com/diversions Prior to carrying out works, including the construction of access points, please register on www.linesearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.
- 4.10 **The Coal Authority (CA)** initially objected as the Coal Mining Risk Assessment does not adequately address the impact of coal mining legacy on the proposed development.

Following the submission of further information, the Coal Authority concurs with the conclusions and recommendations of the supporting Planning Statement and Coal Mining Risk Assessment report; that coal mining legacy potentially poses a risk to the proposed development and that investigations are required, along with possible remedial measures, in order to ensure the safety and stability of the proposed development. The CA withdraws their objection subject to the imposition of the above conditions.

4.11 **Environmental Health Officer** – Initially requested further information regarding the modelled data, clarification of the distances between the beer garden and neighbouring properties, clarifications on the noise levels and uncertainty to be quoted in the report. On receipt of this information, no objection subject to the inclusion of conditions:

- A 1.8m acoustic barrier as detailed in plan reference XX, the precise design and location of which to be agreed with the LPA, should be installed long the entire boundary of the outdoor seating area
- Upgrades to the party wall and floor construction as per 5.2 and 5.3 of the noise assessment should be completed to the satisfaction of the LPA prior to the development being brought into first use.
- There shall be no provision of external heating.
- External drinking areas shall not be used by customers after 9pm each day, and use not recommence before 11am the following day.
- No external music shall be provided.

4.12 **Derbyshire Police**– Provided the following comments:

- Hours differ in the application form and design & access statement
- The operating floorspace and hours of trading proposed are approaching what might be seen as acceptable in context, nevertheless there is still the potential for neighbour amenity to be affected by a poorly managed licensed premises at this location, considering its elevated position and proximity of neighbours, particularly in respect of noise from the external beer garden.
- The outstanding information requested by your E.H.O would be key to reaching an acceptable level of attenuation
- I would suggest that use of the external grounds should cease at 9pm, which I believe was suggested during consideration of the previous application.
- Other than this hours of operation should be as set out within the design and access statement.
- These comments are without prejudice to any requirements made by our licensing department during any tandem premises license application, and with that in mind, and the issue of enabling a well managed business, I've attached a set of model licensing conditions, which are likely to form the basis of their recommendations.

Provided the further comments:

- Correlation between proposed hours of business within the planning statement and application form are noted

- The planning statement now sets out a proposal to use the external space until 9.30pm rather than the previously suggested time of 9pm. Our advise would be to keep to the earlier time for resident amenity.

5.0 Representations

5.1 The application was publicised by way of neighbour letters and the display of a site notice. A Site notice was placed adjacent to the application site in the window of the building which expired on 24/05/2023.

5.2 6 residents have made representations objecting to the proposed development raising the following comments. All comments have been addressed below or within the assessment section:

- Application not referred to Derbyshire Constabulary
(Officer comment: Derbyshire Constabulary have been consulted and have commented on the application)
- Previous historic issues with the Bull & Badger which has now been converted – cannot argue this development would be a social asset
(Officer comment: Environmental Health and Derbyshire Constabulary have been consulted and have commented on the application. Each application is judges on its own merits)
- No demand for a pub in this area
(Officer Comment: This is address in the other matters section of the report)
- Overlooking concerns from the extension
- Inconsistency on application form regarding parking
- Insufficient parking will adversely affect surrounding properties through on street parking
- Reference to 05/00408/FL is irrelevant
(Officer comment: This application is noted in the planning history section)
- Noise from outdoor area – Even if it is restricted it could still be used for smoking
- Increased noise and smell from takeaway extractor fan if moved
(Officer comment: The extractor fan is on the adjacent unit and planning permission would be required for them to re-site this)
- Application denies us the right to enjoy our home peaceful – Human Rights Act
- No need for storage area – could this be used as a function room/over-flow seating at a later date?
- Outdoor area and size of pub raises anti-social behaviour concerns
- A number of unlit paths surround the site which presents security concerns and potential use of these areas after the pub is closed
- Report states applicant has discussed the proposals – not the case
(Officer comment: There is no requirement for the applicant to carry out consultations. The Council have carried out consultation in line with the statement of community engagement)

- Proposed use will not significantly increase employment
- Parking comparison has been done against the stop and shop – customers will be at the pub longer

(Officer comments: A comparison of existing traffic generation and proposed traffic generation based on trip rates associated with a general public house and convenience store, obtained via the TRICS database)

- Noise and anti-social behaviour concerns
- Doesn't comply with Local Plan Policies WC5, WC4, SP4 and SDC12
- No detail of what a 'micropub' is and other 'micropubs' in the area are no overrun with customers
- Many people who have signed the petition are not local
- Layout has changed internally – is this indicative or binding? No toilets shown upstairs

(Officer comment: If approved, the development should be carried out in accordance with the approved plans. Once completed, internal alterations would not require planning permission unless restricted by a planning condition)

- Parking issues – ownership/allocation is unclear & limited parking. Two parking spaces at the rear are not really accessible.
- No details regarding management of waste, waste segregation and store provision, management of litter, vermin control, noise waste collections, access for waste vehicles, litter on adjacent green space
- Is the extension built up on sloping ground?

(Officer comment: The land where the extension is proposed appears to be flat and the plans indicate the site is flat.

- Use of grassed area by customers

(Officer comment: The grassed area outside of the application site is not controlled by the applicant and therefore this area can be used by the public)

- Unsuitable location in a residential area and proposal would alter the character of the area
- Concerns regarding noise extractors/air condition units
- Concerns over suitability of licensee following police concerns
- Parking issues have not been adequately addressed and cant guarantee staff will live within walking distance
- Comparison pubs for TRICs data are not a comparable to the proposal

(Officer comment: The comparison pubs and convenience stores are of a similar size to the existing and proposed use)

- EHO is from South Derbyshire District Council

(Officer comment: The EHO works in partnership with North East Derbyshire District Council)

- No details of the 1.8m high fence
- Use of heaters outdoor would increase the use and it would be difficult to police the use of the outdoor area

- Requests for further information and clarification on methodology of measure noise levels by the EHO has not been addressed
- Use of beer garden for 12 people seated and 4 standing is understated. Increased number of people could be accommodated & increased frequency of patio doors being open would increase noise levels over the limit
- Unrealistic for the outdoor area to close at 9pm
(Officer comment: Opening times can be controlled via planning condition. If planning conditions are not adhered to, this would be a matter for the councils enforcement team).
- Inaccuracy and inconsistencies of noise impact assessment - Measurement distances being significantly understated and taken from the wrong location for Foxcroft Drive at least, modelling customer noise based upon numbers of persons significantly below the beer garden capacity, making no consideration of sound emanating from inside the proposed pub from open doors and windows, insufficient consideration of plant noise, no consideration of noise amplification when these multiple sources are combined, and, that the mitigations proposed are almost worthless, we believe that no further analysis is necessary, as due account taken of the above-cited factors would be sufficient to tip the noise intrusion well in excess of the threshold barely met.
(Officer comment: The EHO requested clarification on aspects of the noise assessment. This additional information and modelling were provided by the agent and the EHO is satisfied with the data, modelling and findings of the report)

5.3 2 residents have made representations have been received which is summarised below:

- I support the application because the building nearby used to be a pub.
- The micro pub has great potential as a meeting place for local residents who are unable to walk far to socialise.
- Following the success of other micro pubs in the area I think it's a very good idea. A popular way forward is as a coffee bar/ micro pub which suits all tastes. I think it will be of benefit to all age groups in the area
- Very few other places to make communal social contact
- Micropubs differ from traditional public houses with respect to the amount of customers and demographic of people they attract
- The site is sheltered by other buildings and large hedges so should not disturb residents that reside nearby and no more than the previous use
- Great idea for a community meeting place, close to housing and accessible to all

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
SS2 Spatial Strategy and the Distribution of Development
SS7 Development on Unallocated Land within Settlement with defined Settlement
Development Limits
SP4 Killamarsh
SDC12 High Quality Design and Place Making
SDC14 Land potentially affected by Contamination or Instability
ID3 Sustainable Travel

National Planning Policy Framework (NPPF)

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

Other Material Planning Considerations

- 6.4 Successful Places Interim Planning Guidance, adopted December 2013

7.0 Planning Issues

Principle of Development

- 7.1 Local Plan Policy SS1 seeks to meet development needs within defined settlements or other allocated areas having regard to the defined settlement hierarchy and the need to enhance their role as a focus for new services and facilities and locate development where there is access to a broad range of jobs, services and facilities which are accessible by foot, cycle or public transport with reduced reliance on the private car.
- 7.2 Local Plan Policy SS2 seeks to support and enhance the role of the four Level 1 towns of Clay Cross, Dronfield, Eckington, and Killamarsh and support and facilitate the regeneration of the Level 1 towns and Level 2 settlements; and maintain the role of settlements by supporting their ability to sustain services and facilities through new development that is appropriate in scale and reflects their position in the Settlement Hierarchy.
- 7.3 The application site is located within the settlement development limits for Killamarsh, here local plan policy SS7 supports development provided that it is appropriate in scale, design and location to the character and function of the settlement, does not result in the loss of a valued facility or service, is compatible with, and does not prejudice any intended use of adjacent sites and land uses; and accords with other policies of the Plan.
- 7.4 Local Plan Policy ID4 and ID5 relate to social infrastructure. A shop and a public house both fall within the definition of social infrastructure. Given the siting of the unit,

it is accessible by public transport, walking and cycling. Whilst the proposal would result in the loss of a shop, it is understood that retail use has been closed for a period of time and the proposed use would provide a different form of social infrastructure.

- 7.5 In view of the above, the principle of development is considered acceptable in this case subject to an assessment against the various strands of planning policy as outlined above.

Privacy and Amenity Considerations

- 7.6 Policy SDC12 of the Local Plan seeks to adopt general design principles which relate to scale, massing, height, layout and materials which respect the character and appearance of the application site and surrounding street scene. SDC12 is also concerned with provision of adequate storage and recycling facilities, and vehicle and cycle parking, and requires proposals to incorporate measures to minimise opportunities for crime and anti-social behavior.
- 7.7 The proposed extension would encroach onto an area of green space which currently contributes to the character and appearance of the area. However, the extension is designed to be in keeping with the existing and surrounding buildings and the loss of this green space is not considered to be detrimental to the amenity of the area. The extension is to be constructed out of materials to match that of the existing building and is of a scale and design that is in keeping with the host building and surrounding properties. The proposed boundary treatment would be visible from public viewpoints, however it is proposed at 1.8m high and its design can be controlled via condition. As such, it is considered that the extension complies with SS7 and SDC12.
- 7.8 There are residential properties to the north and west of the site and the attached property to the east share a boundary with the building subject to the proposed change of use. To the south of the site there is a row of four residential properties with the parking area as the only form of separation from the proposal site. To the east of the site are the flats within Badger House which also share the parking area.
- 7.9 In terms of the extension, concerns have been raised by nearby residential properties regarding overlooking from the extension. The extension is sited approximately 9m away at the closest point to the neighbouring properties on Foxcroft Drive with a window to window separation distance of approximately 19m. It is noted that the application site is set at a higher land level than the properties on Foxcroft Drive and therefore in this instance, it would be considered reasonable for the windows in the western elevation of the proposed extension to be obscure glazed to reduce overlooking or loss of privacy concerns. This can be secured by condition. Given the siting of the extension along with the separation distance, Officers are of the view that no significant overbearing impact or loss of light would arise as a result to the neighbouring properties.

- 7.10 In terms of the use, the introduction of a drinking establishment in this location, does have potential for noise and disturbance to have a negative impact on the amenity of neighbouring residential amenity. The applicant has submitted a noise impact assessment to support the application. The report concludes that the predicted noise levels are at or below the noise criterion outlined in section 2.3 of the report for neighbouring properties and the adjoining flat. The Environmental Health Officer (EHO) initially requested further information regarding the modelled data, clarification of the distances between the beer garden and neighbouring properties, clarifications on the noise levels and uncertainty to be quoted in the report. On receipt of this further information and clarification, the EHO confirmed that he was satisfied with the conclusions of the noise impact assessment and concluded that the use of the external areas should not cause significant adverse impacts, however in the event that the facility is not properly managed, the local authority could impose further restrictions on the use of these areas via a licensing regime. The EHO has recommended a number of conditions relating to details of the acoustic barrier, internal party wall and floor construction, external heating and music and restrictions on use of external areas. Officers are of the view that whilst there is potential for noise and disturbance to neighbouring residential properties, through in imposition of planning conditions, the impact can be minimised to an acceptable level. The use would also be subject to a license and any relevant matters can also be addressed through the licensing regime.
- 7.11 The assessment of the impact of the use has been made on the basis that the first floor is used for storage and admin, as per the submitted plans. It is therefore considered necessary to restrict the first floor to be used for storage and admin ancillary to the pub use.
- 7.12 Comments have been raised regarding the lack of details around the management of waste and litter. A note to applicant can be attached to the decision requiring the applicant to provide adequate waste management in accordance with Environmental Health Legislation.
- 7.13 Concerns have been raised regarding anti-social behavior, drugs and littering. These are matters that can be controlled via the licensing provision and the police.

Highway Safety Considerations

- 7.14 Policy ID3 states that planning permission will be refused on transport grounds if there would be an unacceptable impact on highway safety, or where the residual cumulative impacts on the road network would be severe.
- 7.15 One of the reasons for refusal on the previous application was 'Sufficient details of proposed parking provision have not been submitted and therefore it is not possible to fully assess the impacts of the scheme in highway safety terms. It is considered that the submission has not satisfactorily evidenced that the proposed development

would not result in any unacceptable impacts from a highway safety perspective. Therefore, to grant permission would be contrary to the Policies SDC12 and ID3 of the North East Derbyshire Local Plan and the aims of the NPPF.'

- 7.16 The applicant has submitted a revised addendum to the technical note submitted with the previous application which assesses the potential parking demand, accumulations and overall trips and servicing. The technical note concludes that, based on data found within the TRICs information, the parking demand/accumulation and vehicle trips for the proposed use, would be significantly less than the previous use as a convenience shop. The TRICs data demonstrates that the micro pub would result in approximately 34 two way trips within an 11 hour period whereas the convenience store would generate approximately 148 two way trips over a 12 hour period.
- 7.17 During the course of the application, it has become apparent that the two parking spaces at rear of the site (Shown on site plan 2142-036-A) are not within the application site, nor are they within the ownership of the applicant, therefore they cannot be considered as part of this application. Furthermore, the site plan indicates that there are six parking spaces at the front of the units. However, these spaces are conditioned as visitor spaces for the flats at Badger House (13/00663/FL). Whilst it is understood that these parking spaces have been used previously for customers of the convenience store, Officers cannot be certain that the applicant has full control over these spaces and would be able to designate two parking spaces solely for the use of the micro-pub. As such, Officers are required to assess the application on the basis that no parking provision, solely for the use of the micro-pub, is provided.
- 7.18 Derbyshire County Council Highways have reviewed the additional information submitted and considered the absence of any designated parking in their assessment. Given the TRICs data and noting the siting of the unit at the end of the cul-de-sac, DCC Highways have concluded that the change of use is not expected to lead to an increased in parking demand or lead to an intensification compared to the existing use and although there is no designated parking, in the site-specific circumstances, it is considered that the change of use would not lead to a severe or unacceptable highway impact.
- 7.19 Based on the detailed information submitted and noting DCC Highways have raised no objection to the proposals, Officers are of the view that the proposed development would not lead to an unacceptable impact on highway safety and the residual cumulative impact on the wider road network would not be severe.

Drainage Considerations

- 7.20 The site falls in Flood Zone 1 with the lowest probability of flooding.

7.21 The site is located within Flood Zone 1 with the lowest probability of flooding. It is therefore considered to be at low risk of flooding and the proposals is considered to be complaint with Local Plan Policy SDC11.

Land Contamination/Land Stability Considerations

7.22 Policy SDC14 is concerned with ensuring that appropriate mitigation measures are in place for development of land potentially affected by instability of contamination.

7.23 The site is an in area defined as a High Risk area for coal Mining. The absence of a Coal Mining Risk Assessment (CMRA), and the failure to demonstrate that the site is safe and stable for development was a reason for refusal on the previous application.

7.24 The current application is supported by a CMRA and the Coal Authority (CA) initially objected to the application as they considered that the report did not adequately address the impact of coal mining legacy on the proposed development. Upon receipt of further information submitted by the applicant, the CA consider that in this instance, the recommended investigations may be reasonably secured by means of a pre-commencement planning conditions. The CA concurs with the conclusions and recommendations of the supporting Planning Statement and Coal Mining Risk Assessment report and states that coal mining legacy potentially poses a risk to the proposed development and that investigations are required, however, with possible remedial measures, the development can be made acceptable in order to ensure the safety and stability of the proposed development.

7.25 The Council's Environmental Health Officer has raised no comments regarding land contamination and therefore it is considered no further consideration of this is needed.

7.26 Officers conclude that with the inclusion of the two conditions recommended by the Coal Authority, which are necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures, the development is acceptable in terms of Coal Risk and is therefore complaint with Local Plan Policy SDC14 and paragraphs 183 and 184 of the NPPF.

Other matters

7.24 Comments have been raised regarding the demand for a pub in this location. It is not a requirement for the applicant to demonstrate a need in this location and each application is judged on its own merits.

7.25 Questions have been raised regarding the definition of a 'micropub'. A micropub, for the purposes of the planning process, is a drinking establishment which does not fall within a specified use class so is therefore Sui Generis. The use would require a licence from the relevant department, concerns raised relating to the suitability of the licensee is not a material planning consideration.

- 7.26 Reference has been made in an objection to the application to the proposals being an infringement on a neighbouring properties privacy and section 8 of the Human Rights Act 1998 states that everyone has a right to respect for private and family life. This includes planning decisions especially affecting the home. In response to this, matters relating to overlooking and loss of privacy are material planning considerations which have been considered in the neighbouring amenity section of the report. Officers are of the view that the proposed development would not result in a significant loss of privacy and amenity for the residents of neighbouring properties and therefore the proposal is considered to be compliant with the relevant planning policies and guidance.
- 7.27 Comments have been made regarding inconsistencies in the application regarding parking and opening times. These inconsistencies have been reviewed as part of the application and opening times can be secured by condition.
- 7.28 Comments have been raised regarding the proposals not complying with Local Plan Policies WC5, WC4, SP4 and SDC12. Officers are of the view that the given the size of the proposals and the proposed use and through the imposition of planning conditions, the proposal would be compliant with above stated policies.

8.0 Summary and Conclusion

- 8.1 The proposal is considered to be an acceptable form of development within the Settlement Development Limits of Killamarsh. Whilst there is potential for noise and disturbance from the use, this can be controlled through the imposition of planning conditions and the licensing application separate to the planning process. The proposal is considered acceptable in terms of coal risk and highway safety.

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 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 submitted site location plan (2142), proposed floor plans (02 Rev A) and proposed

elevations (03 Rev A) unless otherwise specifically agreed in writing by the Local Planning Authority or otherwise required by any other condition in this decision notice.

Reason- For clarity and the avoidance of doubt.

3. The proposed materials shall match those of the existing building as closely as possible.

Reason - In the interests of the appearance of the area and in accordance with Policies SDC12 of the North East Derbyshire Local Plan

4. The first floor windows proposed in the northern and western elevation of the extension shall be fitted with obscure glazing and any part of the window(s) that is less than 1.7m above the floor of the room in which it is installed shall be non-opening, prior to the extension/dwelling hereby approved being brought into use. The obscure glazing shall be installed in order to provide of level of obscurity at least equivalent to level 3 on the Pilkington Glass scale and the glazing shall be retained as such thereafter.

Reason - To protect the amenity of adjacent residential occupiers and in accordance with Policies SDC12 of the North East Derbyshire Local Plan.

5. Before the development starts, details of the precise design and location of a 1.8m high acoustic barrier shall be submitted to and approved in writing by the Local Planning Authority. Prior to the first use of the premises hereby approved, the acoustic fencing shall be installed in accordance with the approved details and shall be retained as such thereafter.

Reason - To protect the amenity of adjacent residential occupiers and in accordance with Policies SDC12 of the North East Derbyshire Local Plan.

6. Prior to the premises being bought into use, a validation report shall be submitted to and approved in writing by the Local Planning Authority to demonstrate that the upgrades to the party wall and floor construction as per 5.2 and 5.3 of the noise assessment, have been implemented. The upgrades shall be retained as such for the lifetime of the development.

Reason - To protect the amenity of adjacent residential occupiers and in accordance with Policies SDC12 of the North East Derbyshire Local Plan.

7. There shall be no provision of external heating or external music.

Reason - To protect the amenity of adjacent residential occupiers and in accordance with Policies SDC12 of the North East Derbyshire Local Plan.

8. The premises, hereby approved, shall only be open to the public between the hours of 16:00-22:00 Monday to Friday, 13:00-22:00 Saturdays and 13:00-21:30 Sundays.

Reason - To protect the amenity of adjacent residential occupiers and in accordance with Policies SDC12 of the North East Derbyshire Local Plan.

9. The outdoor space associated with the premises, hereby approved, shall only be used in association with it, between the hours of 13:00 and 21:00.

Reason - To protect the amenity of adjacent residential occupiers and in accordance with Policies SDC12 of the North East Derbyshire Local Plan.

10. The first floor of the extension, hereby approved, shall be used solely for the purposes of general storage and admin ancillary to the approved and shall be used for no other purpose for the lifetime of the development.

Reason: To protect the amenity of adjacent residential occupiers and in accordance with Policies SDC12 of the North East Derbyshire Local Plan.

11. No development shall commence until;

- a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the proposed development by past shallow and surface (opencast) 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 - 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.

12. 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 - 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.

Informatives:

- a) DISCON
- b) NMA
- c) Coal
- d) Cadent
- e) Bins
- f) Licensing

PLANNING COMMITTEE – 5th December 2023

Reference Number: 23/00743/FLH

Application expiry: 18/10/2023

Application Type: Householder

Proposal Description: Proposed single storey side extension and raising of existing roof incorporating one Velux window to accommodate bedrooms.

At: 14 Trent Grove, Dronfield, S18 2FP

For: Mr James Kemp

Third Party Reps: 1 objection

Parish: Dronfield

Ward: Coal Aston

Report Author: Ken Huckle

Date of Report: 3rd November 2023

MAIN RECOMMENDATION: Grant permission, subject to conditions



Figure 1: Location plan, with site edged in red

1.0 Reason for Report

- 1.1 The Local Ward member, Cllr Foster requested that the application be considered at committee due to the impact of the proposed development on the amenity of neighbouring residents.

2.0 Proposal and Background

Site Description

- 2.1 The application site includes a detached bungalow which is located at the top (north) of Trent Grove, and works to extend the building are ongoing. An extant permission to extend the dwelling was granted permission under application reference 23/00158/FLH.
- 2.2 The overall streetscene is predominantly bungalows, though recently a two storey dwelling has been constructed adjacent to the site. Figure 2 below illustrates the existing situation on Trent Grove, with a mix of bungalows to the northern half of the street; and steep rooved dormer bungalows and two storey dwellings to the southern extent of the street.



Figure 2: View north and south along Trent Grove (Picture on right is taken from Google Maps)

Proposal

- 2.3 The proposal is for a single storey side extension and raising of existing roof incorporating one Velux window to accommodate bedrooms. This is a revision from the originally approved application 23/00158/FLH and this application seeks to regularise the “as built” situation. Figure 3 below illustrates the proposed elevational details.

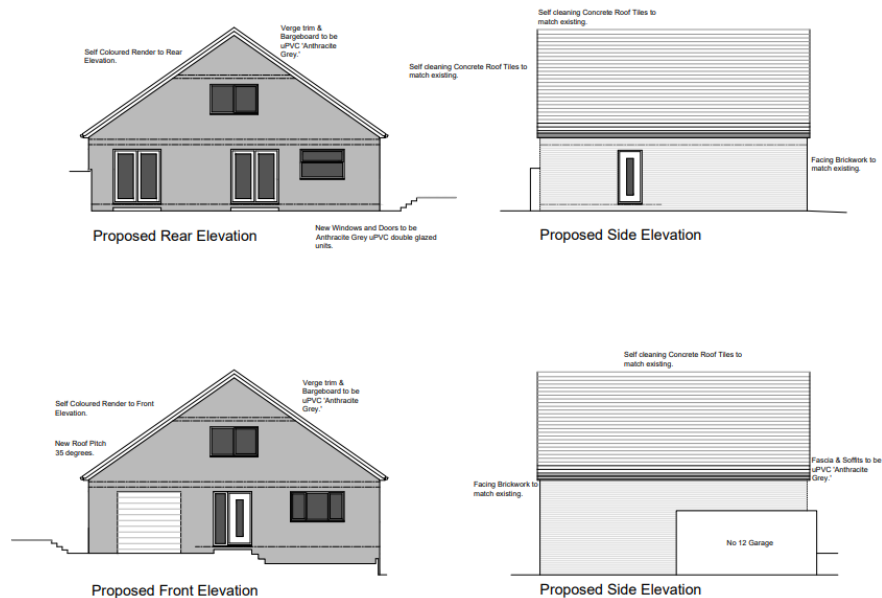


Figure 3: Proposed elevation plans

Amendments

2.4 None.

3.0 Relevant Planning History (not the full site history)

3.1 76/00442/FL | Loft conversion (Refused)

3.2 77/00443/FL | Car port (Conditionally Approved)

3.3 23/00158/FLH | Proposed single storey side extension and raising of existing roof incorporating one Velux roof window to accommodate bedrooms, plus proposed dropped kerb (Conditionally Approved)

4.0 Consultation Responses

4.1 **Ward Members** raised no formal written comments.

4.2 **Dronfield Parish Council** raised no comments.

4.3 **Highways Authority** raised no comments.

5.0 Representations

5.1 The application was publicised by way of neighbour letters and the display of a site notice.

5.2 Objection comments have been received from the residents of 27 Derwent Road. These comments are considered within the assessment section of this report. The key planning matters addressed are set out below:

- The proposal is out of keeping amongst upwards of 30 Bungalows.
- The rear window of the now in-build property looks directly into our lounge window and the whole garden thus significantly affecting our privacy. This new proposal, letter dated 25th August is too high and significantly higher than the original proposal dated February this year.
- The new property at 16 Trent Grove was unable to build two stories high on the side facing 206 Holmely Lane and there is no window in that side either.
- An unfortunate side-effect of the build is that we lose the heat from the sun at least one hour earlier. Our lounge was built with two windows facing West/South

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:

LC5 Residential Extensions
SDC12 High Quality Design and Place Making

Dronfield Neighbourhood Plan (DNP)

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

D3 Good Design

National Planning Policy Framework (NPPF)

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

Other Material Planning Considerations

6.4 Successful Places Interim Planning Guidance, adopted December 2013

7.0 Planning Issues

Principle of Development

- 7.1 14 Trent Grove is a dwelling located within the Settlement Development Limit of Dronfield. Here, Policy LC5 of the adopted North East Derbyshire Local Plan (LP) states that, extensions and alterations to dwellings or outbuildings which are ancillary to the main residential use, will be permitted provided that they satisfy the criteria set out within the Development Plan.
- 7.2 In view of the above, the principle of development is considered acceptable in this case subject to an assessment against the various strands of planning policy as outlined above.

Design Considerations

- 7.3 Policy LC5 of the LP states that, extensions and alterations to dwellings or outbuildings which are ancillary to the main residential use, will be permitted provided that they satisfy the criteria set out within the Development Plan.
- 7.4 On the ground floor, the proposed development will involve moving the kitchen, creating a large kitchen/dining room, relocating the bathroom, creating a study, utility room and boot room. A bedroom will be retained on the ground floor which will result in the net gain of one bedroom overall. A garage will be also retained.
- 7.5 Externally, the proposed development involves raising the ridge and eaves height of the dwelling. The overall length of the dwelling will be retained at 10.1m. The overall ridge height, when measured from the front elevation, will increase from 4.3m to 6.9m. In addition to this, the width of the dwelling would also be increased from 9.6m wide to 11.2m wide to incorporate the garage, although this is only at the rear of the property, since a car port to the front is of the same width as the proposed alterations. Figure 4 below compares the principal elevation of the original bungalow with that now proposed.

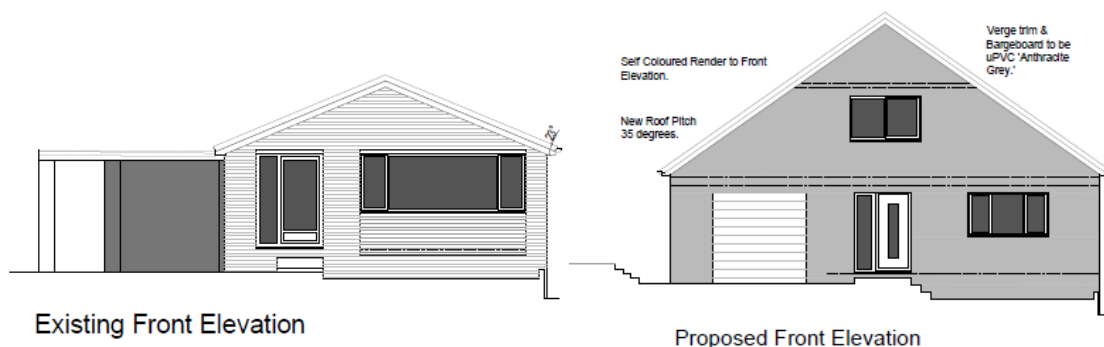


Figure 4: Existing front elevation compared to that now proposed

- 7.6 The proposed dwelling will be constructed from facing brick and render, in line with the previously approved scheme.
- 7.7 A previous planning approval (ref: 23/00158/FLH) granted permission to extend the host dwelling by raising the ridge height to include rooms in the roof space. This

permission remains extant. The main changes between the previously approved scheme and that now proposed would be an increase in the overall ridge height from the approved 6.5m to 7.1m (an increase on that previously approved by 670mm). The width of the dwelling would also be increased, resulting in a slightly repositioned upper floor bedroom window in both the front and rear elevations.

7.8 Figure 5 below illustrates the approved site plan against that constructed on site which forms this application.

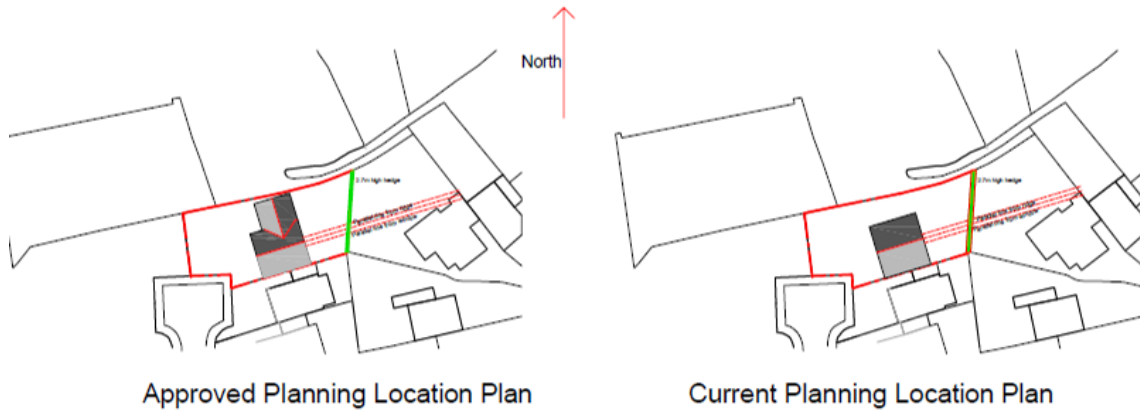


Figure 5: Approved site plan v 'as built' site plan

7.9 Figure 6 below illustrates the previously approved ground floor plan (black lines) against the proposal forming this application (blue lines).

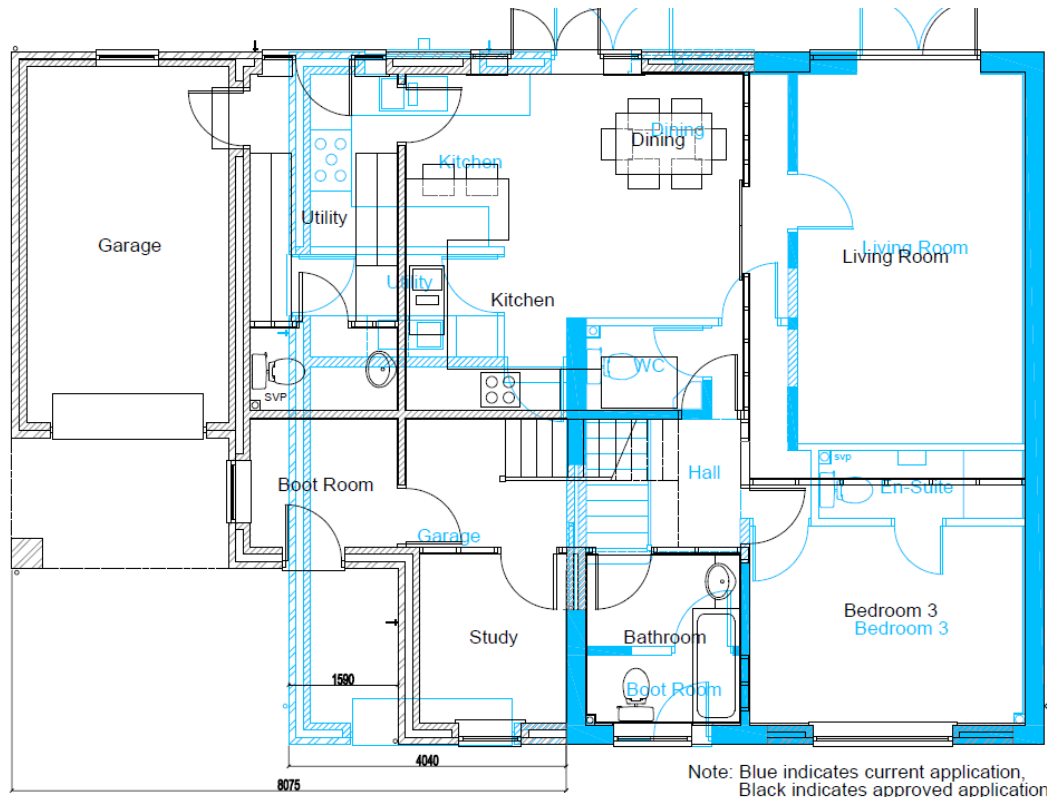


Figure 6: Previously approved floor plan (black line) v 'as built' floor plan (blue lines)

7.10 Figure 7 below illustrates the previously approved rear elevational plan (black line) against that which the proposal forming this application (blue lines).

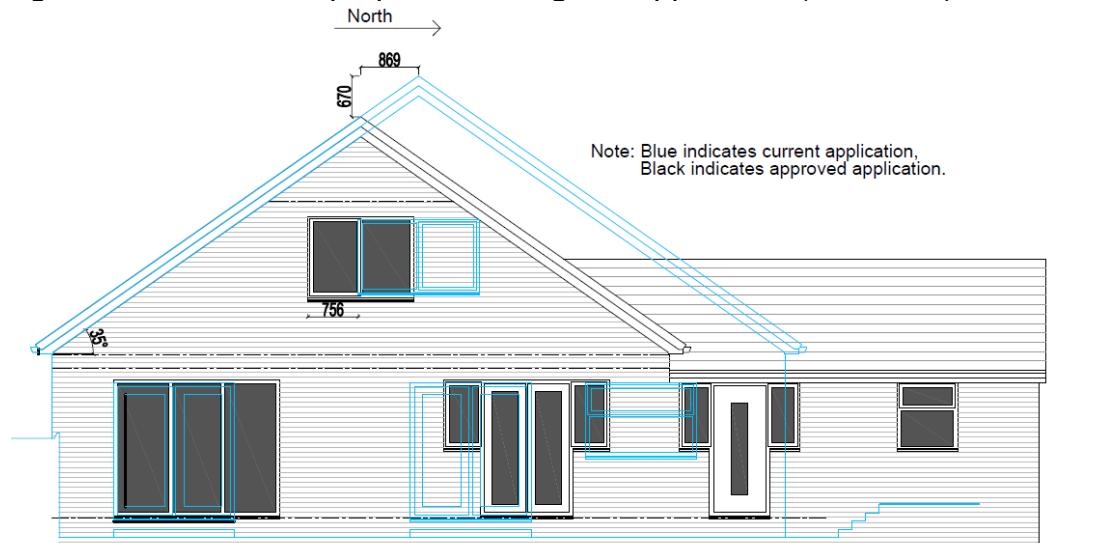


Figure 7: Previously approved rear elevation plan (black line) v 'as built' elevation plan (blue lines)

7.11 In terms of the impact on the surrounding streetscene, it is noted that the surrounding dwellings immediately to the south are all single storey and that this dwelling will be a larger dwelling with rooms in the roof space giving it an appearance of a modest two storey dwelling. There is a potential therefore, for the dwelling to have an incongruous appearance in the streetscene, although this is mitigated by the addition of two storey dwellings to the north that have been recently constructed, permission having already been granted at this property for a similar extended dwelling which is only 670mm lower than that now proposed, its location at the end of Trent Grove, the sloping topography of Trent Grove and the mixed nature of the wider street scene. Therefore, on balance, it is considered that the harm to the appearance of the streetscene is not unduly harmed by the proposal and it is acceptable in this instance.

Privacy and Amenity Considerations

7.12 The properties most affected by the proposal are 27 Derwent Road, 206 Holmley Lane, and 12 and 16 Trent Grove.

7.13 The dwelling on Holmley Lane has good separation from the proposals of 21m and 28m respectively. Both dwellings are screened by existing tree and hedgerow planting between them and the application site. Therefore, no overshadowing or overlooking can take place and there is no impact on residents of these properties.

7.14 A similar situation exists in relation to 16 Trent Grove, where there is a separation distance of 18.5m and a large wall and hedgerow screen the two properties, and

the result is that it is not considered there will be a negative impact on the residents of No 16 Trent Grove in this regard.

- 7.15 Number (No) 12 Trent Grove is positioned to the south of the application site, directly adjacent to the proposed extended dwelling. However, no windows are proposed in this elevation and there is no potential for overlooking.
- 7.16 Whilst the application site and No12 are in a row, and although the application site is set at a higher level than No12, there is no overshadowing due to it being in a more northerly position. It is therefore considered that the proposal would not have a detrimental impact on the amenity of the residents of this dwelling. The applicant has further submitted a light calculation, and this is shown below in Figure 8.

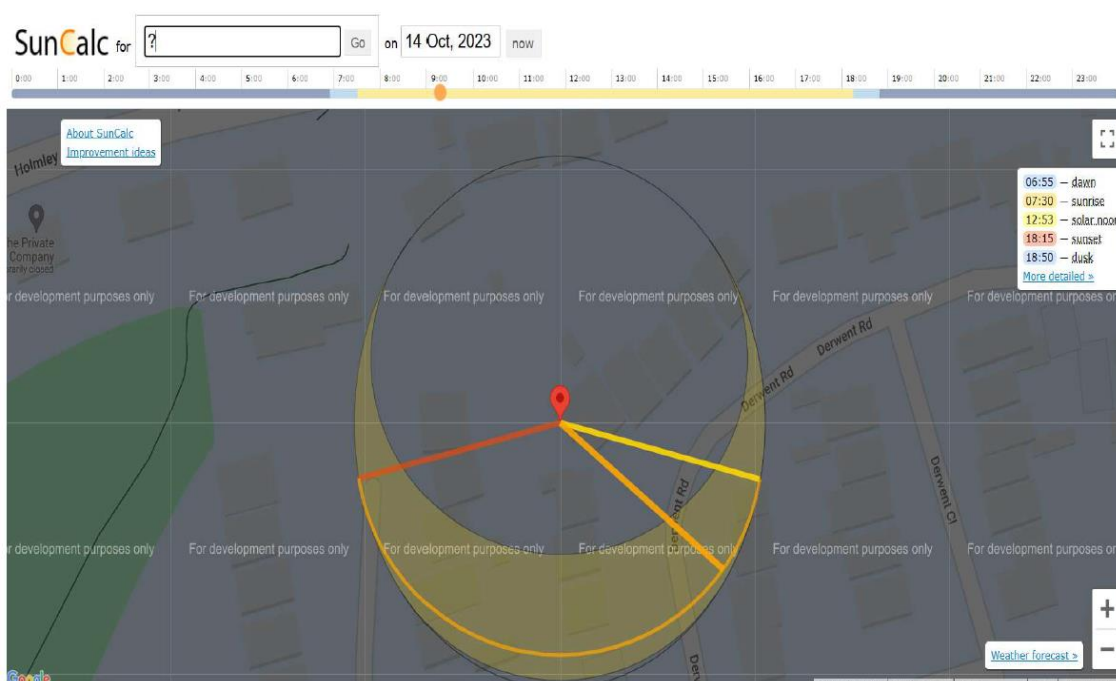


Figure 8: Proposed sun calculations

- 7.17 Regarding No27 Derwent Road, objections to the proposal have been received from the residents of this property. In addition, a visit to the property to observe the concerns has been undertaken by the case officer and photographs below are the result of that site visit.
- 7.18 Residents at No27 have raised a number of concerns to the proposed development which are summarised above at 5.2. The main concerns are that the proposed rear window serving an upper floor bedroom, by virtue of its increased height, will overlook the garden of No27, negatively impacting their privacy. Figure 9 below is a photo taken from the garden of No27 Derwent Road. Whilst it is accepted that window of the bedroom on the rear elevation does face towards No27, there is an offset angle between the two dwellings of approximately 70°. The Council's Successful Places Guidance states that the minimum separation distance in such

cases is 20m, and the actual separation is 20.27m. It therefore passes the test set out in this Guidance. In addition, a Beech hedge on the boundary between both properties largely obscures the window and provides an additional mitigating factor.



Figure 9: Photograph taken from garden of No27 Derwent Road looking back towards the application site

7.19 In addition to the above, residents at No27 Derwent Road point to the fact that No16 Trent Grove, to the north west of the application site, was unable to build to two stories in height on the site facing 205 Holmley Lane and there are no windows in that elevation either. Officer's observed this relationship on site and is not considered comparable to the current application with a large open bank existing in this case as illustrated in the photograph in Figure 10 below.

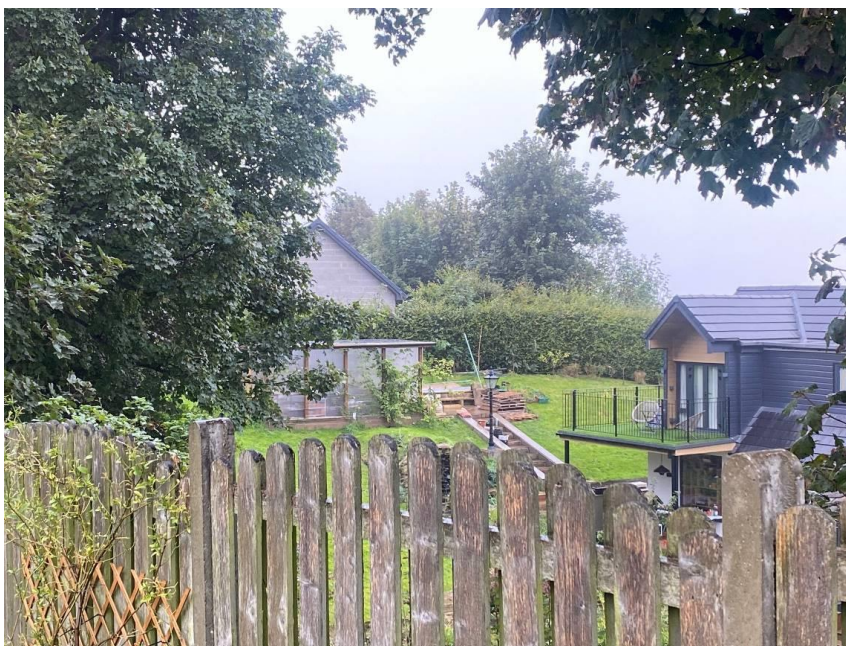


Figure 10: View of relationship between No16 Trent Grove's gable end and 205 Holmley Lane, viewed from the garden of No 27 Derwent Rd

- 7.20 One final point raised by the residents of No27 Derwent Road, is that they have two windows facing the application site and due to the scale of the proposed extended dwelling they lose at least one hour of sun. It is accepted that there would be some overshadowing resulting from the proposed development in the late evening, but this will be limited to the apex of the proposed extended dwelling and would not completely overshadow No27 and as such it is not considered by officers that this relationship would be unduly harmful.
- 7.21 Finally, it is noted that the main private amenity space for No27 Derwent Road in the curtilage appears to be to the rear and the relationship here is that the window is largely obscured. Therefore, it is considered that the harm is very limited and not considered to be significantly harmful.
- 7.22 Overall, it is concluded that the proposed development would avoid a significant loss of privacy and amenity for the residents of neighbouring properties.

Highway Safety Considerations

- 7.23 The Highways Authority have not commented on this application, but it is noted that they raised no objections to the previously approved scheme. Essentially the parking situation is the same in the two applications; two cars can be parked on the existing driveway, which is not to be changed, and in addition the garage will be retained, effectively resulting in the provision of three car parking spaces. It is therefore considered that there are no highways safety or parking issues as a result of the proposal.

8.0 Summary and Conclusion

- 8.1 In light of the above considerations, it is concluded that the proposal accords with the development plan, and there are no factors which outweigh that conclusion. Therefore, on balance, the application is recommended for approval subject to the conditions below.

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 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 details shown on drawing numbers 01A, 02D, 03B, 04B and 05C received 24/08/2023; unless otherwise subsequently agreed through a formal submission under the Non Material Amendment procedures.

Reason: For clarity and the avoidance of doubt.

Informatives:

- a) DISCON
- b) NMA
- c) Coal – high risk

Planning Committee 5th December 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: 23/00743/FLH

CASE OFFICER: Ken Huckle

1. SOURCE OF COMMENTS: Highways DCC

DATE RECEIVED: 28/11/2023

SUMMARY:

There would appear to be no material impact on the public highway and therefore the Local Highway Authority has no comments to make.

OFFICER COMMENTS:

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

PARISH: Killamarsh

APPLICATION: 23/00373/FL

CASE OFFICER: Kerry Hallam

1. SOURCE OF COMMENTS: Mr Edwards

DATE RECEIVED: 29/11/2023

SUMMARY:

We have read, with great concern, the draft planner's report proposed for presentation to the planning committee on 5th December and made available within the last 48 hours, regarding the above planning application. We are strongly of the view that it fails to properly address the legitimate planning concerns and planning objections we have previously raised, and moreover, if these were properly evaluated, then we believe that you could not recommend approval of the application.

We consider that the evidence submitted by the applicant regarding noise disturbance to close neighbours and parking / traffic considerations in particular have not been considered thoroughly and fairly, and moreover, have disregarded and ignored legitimate concerns and objections we have raised. Officers have failed to properly challenge and refute the plain biases, mistakes and misrepresentations therein that provide false and / or skewed support for the application.

We further note that you as Planning Officer, have then taken these consultants reports and the officers' endorsement of them into account to justify proposed conditional acceptance of the application, notwithstanding that these reports do not pay due and proper attention to our challenges and the patent biases and misrepresentations within them.

We request that independent and impartial reviews are conducted by or on behalf of NE Derbyshire Planning, so as to discharge and be seen to discharge planning duties properly and without bias in this matter, given that these deeply flawed consultants' reports significantly and ultimately underpin your proposed conditional consent. **We also request that committee consideration is postponed in the meantime and that it should only take place after planning duties have been properly and fairly discharged.**

Our complaints and challenges in detail are:

Acoustic report

First and most importantly, we as residents of Foxcroft Drive will be significantly and adversely affected by noise, disturbance and bad language projecting onto us by the proposed development and change of use. Given proximity and elevation of the proposed development in relation to our dwellings this is obviously and manifestly the case. Your key consideration was whether this level was 'acceptable' in terms of planning norms and you / the EHO sought acoustic evidence from the applicant.

The acoustic consultant's first report (uploaded 27 July 2023) contained many flaws which we identified and highlighted in our first initial response (letter of objection uploaded 31 July 2023). Indeed, Mr Mills (EHO on behalf of NE Derbyshire) asked for further details and substantiation in his email uploaded 22 August 2023. He reiterated one of our concerns regarding understated distance to our affected properties that underpins their findings which barely meet the threshold, and also questioned the use of the 'Acoustics of Schools' document, stating this may have caused underestimation of noise as well. The acoustic consultant's 2nd or revised report on behalf of the applicant was uploaded on 19 October 2023. We replied to this - our letter uploaded on 1 November 2023 - pointing out that this revised report had failed to address the flaws we had raised and also those raised by the EHO in his email noted above. There has been nothing posted since with regards to noise and disturbance issues, hence they evidently remain unresolved.

Yet, your report says in paragraph 4.11 that the EHO "*initially requested further information regarding the modelled data, clarification of the distances between the beer garden and neighbouring properties, clarifications on the noise levels and uncertainty to be quoted in the report. On receipt of this information (he raised) no objection subject to the inclusion of conditions...*"

However, as a matter of correction and of fact, the consultant's revised report did not address any of the matters raised by us or the EHO (other than token, but contradictory statements regarding noise from fans).

Your report then goes on to state again at the foot of paragraph 5.2 that "*the EHO requested clarification on aspects of the noise assessment. This additional information and modelling were provided by the agent and the EHO is satisfied with the data, modelling and findings of the report*". Yet no evidence of either the further information or how the EHO dealt with that information and matters raised by us, point by point, have been provided on the planning platform. As far as we can see, inadequate information and assessments based upon misrepresentation have just been waved through without visibility and any opportunity for objectors to scrutinise and challenge.

In paragraph 7.10 of your report you repeat: "*the introduction of a drinking establishment in this location, does have potential for noise and disturbance to have a negative impact on the amenity of neighbouring residential amenity. The applicant has submitted a noise impact assessment to support the application. The report concludes that the predicted noise levels are at or below the noise criterion outlined in section 2.3 of the report for neighbouring properties and the adjoining flat. The Environmental Health Officer (EHO) initially requested further information regarding the modelled data, clarification of the distances between the beer garden and neighbouring properties, clarifications on the noise levels and uncertainty to be quoted in the report. On receipt of this further information and clarification, the EHO confirmed that he was satisfied with the conclusions of the noise impact assessment and concluded that the use of the external areas should not cause significant adverse impacts...*"

We can only interpret from the chronology of events and your wording that the 'further information' to which you refer was received in the acoustic consultant's 2nd / revised

report uploaded 19 October 2023. **We repeat that this update did not address our or the EHO's concerns and requests at all.** For the record these are – as recorded in our letter uploaded 1 November 2023 – as follows:

- Mr. Mills expressed concern regarding the consultant's methodology of measuring noise levels using the Acoustics of Schools document and that the applicant / his consultant had presented insufficient justification for doing so.
- The impact upon houses on Foxcroft Drive, as highlighted by us in our previous objection letter published 31 July 2023, remains significantly understated by the applicant / his consultant continuing to misrepresent the distance to those properties from the beer garden. So, to maintain the thread of our objections with regard to noise nuisance, we REITERATE OUR PREVIOUS POINTS WHICH ARE STILL NOT ADDRESSED:
 - By their own admission the consultant placed a probe at the gable end of the existing building, not in the beer garden or taking account of the proposed substantial 6.5m extension.
 - The distance they have stated for Foxcroft Drive at 20 m is incorrect. From the proposed plans the external house wall of No 50 is approx. 13m from the beer garden and the distance to its garden is about 7m. From No 48 it is approx. 18m and 13m, and from no 52 it is approx. 18m and 17m. WE REFER TO MR MILLS' REQUEST, NOTED ABOVE, FOR THE CONSULTANT / APPLICANT TO PROVIDE DATA RELATING TO THE NEAREST GARDEN, WHICH HAS NOT BEEN ADDRESSED.
- We also note with concern that the consultant has REITERATED SIGNIFICANTLY UNDERSTATED NOISE IMPACT FROM THE BEER GARDEN BY ASSUMING ONLY 12 PEOPLE SEATED AND 4 STANDING. The applicant had, without reason, reduced the beer garden's indicative capacity to 12 seats in application 23/00373/FL from the 18 previously shown in application 22/00055/FL with no change to footprint of the beer garden. The SAME SPACE CLEARLY REMAINS FOR THOSE EXTRA 6 SEATED PEOPLE, as well as the nominal 4 assumed to be standing. However, we repeat that, with re-arrangement, the area is adequate to provide seating for 23-24 persons, as well as those assumed to be standing, and this is what should be factored into the model's assessment. We are suspicious that the alteration to the capacity indicated for the yard was made to enable marginal 'compliance' with the 50Db limit.
- The patio doors would be frequently open with more noise projecting from inside for both regular access and ventilation reasons. And assuming the west elevation windows are able to open, more noise will also project from inside the pub to Foxcroft Drive residents from those sources. WE NOTE THAT THESE WINDOWS AND DOORS WOULD NEED TO BE FREQUENTLY OPEN BECAUSE THIS REPORT (REVISION 'A') STATES THERE WILL BE EXTRACT / VENTILATOR FANS TO THE TOILETS ONLY. HOWEVER THEY HAVE MADE NO ALLOWANCES FOR THESE ADDITIONAL AND INEVITABLE NOISE SOURCES.
- No consideration has been given to customers taking their drinks to sit on the grass bank even more directly behind the affected houses in Foxcroft Drive and also affecting the neighbours opposite the proposed pub.
- They continue to deal with 'plant' vaguely, with contradiction and with no real details:

- The consultant says in paragraph 2.2 that '*a beer cooler will be required and this will have an external unit which will run continuously*'. But in paragraph 3.8 they say '*the beer cooler is to be located indoors and therefore won't be audible outside*' contradicting the previous statement. THEREAFTER NOISE IMPACT OF THE BEER COOLER IS NOT ADDRESSED. What is meant by these contradictory statements? Whatever, they have not allowed for any noise from the beer cooler. Can the applicant in the event install externally??? We think an appropriate allowance should have been made by an experienced acoustic consultant, given that each noise source adds to the total noise output emanating from the proposal.
- The revised submission focuses thereafter only upon some toilet fans. But what about ventilation of all the other rooms?

AND, SIGNIFICANTLY, THE ACOUSTIC CONSULTANT HAS, ONCE AGAIN, NOT ASSESSED THE COMBINED AND CUMULATIVE NOISE INTRUSION FROM VARIOUS SOURCES, given they have reported upon assessed impacts separately or otherwise not considered noise sources, as we have noted. Surely, the combined and cumulative impacts would be far greater than individual levels of decibels stated. There is no visibility or evidence that NE Derbyshire Planning have received responses to these points or that you have reviewed and addressed them point by point. We repeat that the flaws we have raised would surely render the noise levels significantly in excess of what you note in 7.10 is thus far demonstrated to be marginally compliant by being 'at or below' the threshold.

Whilst most of our points are cited in your report, you have not individually answered them, instead covering them by your short, generalised and repeated statement that the EHO has received satisfactory answers to his concerns. Such summary and general dismissal is both unfounded and misleading. We request visibility as to how each of these points have been addressed by the applicant's consultant and then by the EHO, and moreover, that the application should not proceed to committee without due, impartial and transparent process taking place.

Whilst noise and disturbance is our most important objection, there are others which affect the community more widely and which are also not properly addressed by NE Derbyshire planning in our view. These include:

Parking and traffic assessment

We have 2 issues with highways officer's and your wider assessment of the traffic report from the applicant / his consultant uploaded 20 April 2023:

- Applicability of and lack of challenge to the survey statistics to the proposed development
- Lack of parking

The Highways Officer, and thus you by extension, have taken onboard the traffic statistics presented without challenge – simply accepting that these are based upon the TRICs database and thus accordingly deemed appropriate. However the properties selected from this database cannot reasonably be considered as appropriate, as I will elaborate. Conversely, if the database used is deficient and these

are the 'best available from a bad bunch', then the consultant should instead have conducted surveys of sufficiently similar properties as comparators.

The basis of comparing trips for a convenience store (based upon Coop and Sainsburys mini / midi markets) versus a pub are based upon the following flawed premises which, even from a common sense layperson's perspective, seem wildly inappropriate, yet received no challenge:

- The previous use as a retail unit offered circa 25-30m² practically usable retail space and not 61m² as incorrectly stated in the consultant's report, or 90m² in the proposed development. Indeed, the traffic impact when considering a change of use involving a property extension should consider the change in traffic compared to what already existed, i.e. the c25-30m².
- The highway consultant's report modelled convenience store trips based upon major chain mini /midi stores (Sainsbury's and Coop) with an average of 277.5m² retail space. It is obvious, even to a layperson, that the nature of trips to busy national chain local mini / midi markets is vastly different to a very small unit one tenth of their average size that, through size limitation, can only be used for very different and very limited retail offerings with inherently lower car trips, even on a pro rata floor area basis. By using trips based upon Coop and Sainsbury's stores, the convenience store trips assessed are thus wildly exaggerated upwards, and bear no relationship to the little lock up that is now proposed to be developed as part of a change of use.
- The pub car trips meanwhile are based upon 2 pubs selected inappropriately and leading to exaggeration the other way, again without challenge. Both pubs selected are significantly bigger in floor area than the proposed development for starters – over 4 times on average the size of the proposal, so how is meaningful and realistic comparison derived properly for car trips relating to the proposed development? And of the 2 days sampled, one is a Tuesday – typically a quiet pub day - yet comparison is arrived at and reported for busier weekend days Friday /Saturday / Sunday. On what basis, given that Tuesday and Friday were sampled? The report says these pubs were 'selected' – on what basis given they are significantly different in size – were there no better comparisons and if not why did they not conduct surveys themselves rather than provide off the shelf inappropriate surveys?

We therefore strongly question the validity of your and your Highways Officer's statement in paragraph 4.3 of your report, that "*the LHA do not consider the change of use would lead to an intensification of trips compared to the existing use*", and moreover and especially your paragraph 7.16 in full, as the highways consultant's very flawed report is simply accepted therein as concluding evidence in favour of consent without any challenge.

Availability of parking was deemed to be a significant matter by both the applicant and the Highways Officer, as the report and Highways Officer's initial comments reveal. The applicant via his plans and consultant's report made dubious claims to parking ownership - that they had 2 available spaces and the unlikely survey results 'selected', which were somehow adjusted for size, demonstrated that the proposed pub luckily would never need more than 2 spaces (even though it will require at least 2 staff to operate it). Yet in the Highways Officer's most recent report and your draft

recommendation report which simply quotes the HO's report – after it became clear that the proposed development has NO DEDICATED PARKING SPACES AT ALL, parking has been cast aside as an issue. How can this be the case? The pubs 'selected' for survey info can be viewed on Streetview and both have significant parking capacity (on site and in the street), as do Killamarsh's Nag's Head and Steelmelters. Indeed, I conducted a quick survey recently and observed that there were 8 vehicles parked in the Steelmelters car park at 8.30pm on a Sunday night – a more quiet pub night. This may not sound like much of a sample but it is not much less than provided in the Highway's consultant's report and from a more relevant location. Indeed, given the unlikely low journeys and travel from the 2 pubs 'selected', has there been any check that they are reasonably typical and fairly representative?

Surely, change of use can impact the neighbourhood, in this case parking trespass / nuisance generated not by the odd customer pulling up in the small space available for turning at the end of the cul de sac and popping into a small corner shop for a pint of milk or loaf of bread for a few minutes, but customers who will realistically stay several hours in a significantly extended pub premises (with perhaps 60 as opposed to 1 or 2 customers at any one time) and those driving who have nowhere to park other than take up residents' allocated spaces. Apart from some high street locations (e.g. genuine micro pubs in existing single room shop units), new pubs generally have car parks so why has this been summarily dismissed as an issue with respect to this pub proposal? Your paragraph 7.18 states "*given the TRICs data and noting the siting of the unit at the end of the cul-desac, DCC Highways have concluded that the change of use is not expected to lead to an increased in parking demand...*" Clearly this conclusion is substantially based upon the flawed and unchallenged highways consultant's report provided by the applicant. We request that proper and due process is fairly discharged before such unquestioning endorsements are included as part of your planning recommendation.

Other Issues

In your paragraph 5.2 you have, probably inadvertently, misrepresented what we said in objections in over-summarising 2 important points we made and I quote:

- *Is the extension built up on sloping ground? (Officer comment: The land where the extension is proposed appears to be flat and the plans indicate the site is flat).*
- *Use of grassed area by customers (Officer comment: The grassed area outside of the application site is not controlled by the applicant and therefore this area can be used by the public).*

With regards to the 1st point, you have misrepresented or misunderstood what we said. We highlighted that the proposed 6.5m extension footprint extends to the edge of the flat area – to the edge of the steep slope. The topography (flat area with adjacent sharp slope) strongly suggests this area is made ground and we pointed out that any structure built to support the substantial extension, likely anyway in the vicinity of the sharp slope, would most likely require structural support which would add to what would be built and would also fall for planning consent as part of a greater building structure. This likelihood has not been addressed at all, by either the applicant or those considering the application. Given that such support works are likely, we warn that the applicant may additionally seek via providing structural support to your proposed acoustic barrier a narrow but significant extension to this outdoor area by

positioning the barrier partly down slope albeit with a net height of 1.8m above the terrace, thus adding width to the outdoor terrace. This would create further capacity and add to the noise nuisance, so if this application were ever to be given consent – which we consider should be disallowed on the grounds stated above - your recommendation, in our view, should make it clear that any acoustic barrier must be conditioned such that it is strictly placed on the flat area so that no extension to it can be engineered by infilling against a barrier positioned partly down-slope.

With regards to the 2nd point, you have missed the point and thus not addressed our concerns fairly in your summary. Our concern – as residents of Foxcroft Drive, but also on behalf of neighbours more widely is that customers can simply wander out of the pub, with and under the influence of alcohol, set up camp on the grassed area and party noisily. You have said the applicant cannot prevent the public using it, but our point is that it should be a strict condition - in the event of conditional consent ever being given – that the publican may not serve customers taking away drinks to the recreational area. If that is not enforceable then that should be seen as an intrinsic and inevitable nuisance issue to be considered as part of the application and should be added to the inadequately addressed noise considerations we have raised.

What is most concerning is that your report, and those of your officers, considers that the applicant's consultant's reports address and negate our concerns. This is deeply insulting and grossly unfair. We feel aggrieved that our genuine and legitimate concerns have been simply fobbed off by your collectively quoting unchallenged and biased reports procured by the applicant as though they impart independent professional judgment. Worse still, our challenges to them have been almost completely disregarded. By accepting contrived and biased information presented as professional reports, and in substantially basing your recommendations upon them, you are failing to discharge your duties fairly. Your report as it stands cannot be the basis of a recommendation for this application and we urge that the planning process (and committee meeting) is deferred and your report re-appraised following proper due diligence.

OFFICER COMMENTS:

Officers are guided by the various expert consultees in respect to certain technical matters. The Environmental Health Officer (EHO) has provided comments in respect of noise and disturbance. The EHO sought clarification on a number of points of the noise impact assessment. These points of clarification were provided by the agent. On receipt of this information, the EHO confirmed he agreed with the findings of the report and raised no objection subject to a number of conditions.

This correspondence was not initially published on the Council's website, as it was not considered material to the merits of the application and purely provided clarification, however, it was subsequently published on 29th November 2023 and sent to everyone who had submitted a representation. As set out in the Officer report, the advice received from the EHO is considered by Officers to be appropriate and proportionate in this case and considers the impact of the proposal on material matters from the submitted information.

In terms of highways issues, this Council does not have set parking standards and every case is judged on its own merits. Officers have taken advice from Derbyshire County Council as Highway Authority which outlines that, in their professional opinion, based on the information submitted, the proposal would not result in an unacceptable impact on highway safety.

No additional support for the extension has been shown on the plans, however if permission is granted and additional works are needed, this may require further planning approval. Technical details of foundations would otherwise be a matter for building regulations.

The comments made regarding the use of the grassed area and sale of alcohol on the adjoining property and customers taking away drinks to the public recreational area are noted, however this area is outside of the control of the applicant and its use would be a matter for either the police or the licencing authority and is separate to the planning process.

2. SOURCE OF COMMENTS: Mr Edwards

DATE RECEIVED: 30/11/2023

SUMMARY:

Thank you for providing this information. I note it was uploaded to the planning platform late last night for the first time. At last, we have some answers and some visibility....

It does show that they gave answers to the EHO's queries:

- presenting their modelling, in a format he was happy with
- explaining use of Acoustics of Schools document,
- and clarifies to some extent on distances, in that it appears they have modelled using the housing layout of Foxcroft Drive, and hence effects on all properties are seemingly shown.

I note that the modelling, based upon 16 people in the beer garden and with no other contributory noise sources taken into account shows that **sound in the garden of nearest property no 50 will exceed the 50Db threshold you have decided is 'acceptable'**. However, the effects upon residents using their gardens are dismissed on the basis of the consultant's broad statement that "*the gardens will benefit from the screening provided by the 1.8m perimeter fence, and will **generally** be lower than this*". This has received no further challenge.

More revealing still is that the chain of correspondence shows by timing and content that you / the EHO have completely disregarded the comments and concerns we

raised and had essentially made your minds up early on, evidently without any consideration of the following that we raised:

- the people modelled in the beer garden are based upon an artificially low premise of 16 persons (12 seated and 4 standing). The capacity is more like 24 seated with others standing, as we have pointed out. (Indeed, the beer garden may well become the busiest part of the pub for at least 6 months of the year, especially if they erect canopies – a simple matter requiring no further consent).
- The patio doors and windows would be invariably open on many days for frequent access/ egress and ventilation reasons given that the consultant has limited fans to just the toilets. More people would be inside and the proposed conditions limit music only externally. Planning consent is for life and any licensed pub – as this is what it will be – has the capacity to play music or broadcast sport loudly on TV, with the doors and windows open. Therefore, to reflect and properly model real world noise generation, an allowance should also be added for these noises and those of customers emanating from within.
- Furthermore, as licensed premises, they are most likely to need chiller units. The consultant simply dismissed this notion on the basis the applicant proposes to essentially sell bottled beers stored in fridges. Planning consent is for life, not for what the applicant may or may not do in the first few months, and would need to cover what any successor licensee might do. So due allowance for relatively noisy chiller units should have been allowed for that add to the total noise, given the proposal is for pub premises. (You acknowledged in our phone call that ‘micro pub’ as used in this application has no meaning in planning terms – the application is for a pub).
- Noise from customers taking drinks outside and sitting on the grass bank has also been disregarded. This is potentially a huge nuisance issue.

Why did the EHO not ask for the model to run various scenarios including allowing for all the above and assessment of ranges of noise for the combined sources. Taking combined sound sources into account reflects reality in the same way that it is obvious to the layperson that say 5 individuals talking, each at the same level, will be collectively much louder than their individual levels.

And is the Acoustics of Schools ‘elevated level’ truly representational for adults’ alcohol induced levels?? The idea mooted by the consultants that noise levels should also be lower because of the beer garden closing at 9pm is out of step with modern drinking habits – the same noise levels are generated earlier these days, generally from all day drinking at weekends and from drinking ‘early doors’ onwards on weekdays.

All of these matters are concerns which reflect reality, but which have not been adequately addressed. The biggest of course is that the beer garden’s presumed capacity is woefully under-represented.

Your proposed draft conditional consent should be halted until acoustics have been fully and properly re-appraised.

OFFICER COMMENTS:

This additional response from Mr Edwards was received following the correspondence between the EHO and the agent/noise consultant being published on 29/11/2023. Officers are guided by the various expert consultees in respect of specific issues, such as noise in this case. The Environmental Health Officer has provided detailed comments regarding this application further to the originally submitted details. Officers are of the view that the advice on noise impacts are appropriate and proportionate in this case and represents a reasonable assessment of the application.

3. SOURCE OF COMMENTS: Mr Hinds

DATE RECEIVED: 30/11/2023

SUMMARY:

I am concerned about the email string and the content. As noise and nuisance was one of the reasons for this application being turned down, I find no evidence here that this has been addressed in any way either by planning or the applicant.

The applicant has provided evidence from a consultant which in no way shows the volume of noise that will be heard at mine and other neighbouring properties.

I personally have a 6foot fence and I can hear every word from people on the path the only saving grace is these people will be walking past. The beer garden is static and therefore the noise will be constant and as we all know will increase in volume the more that is drunk and that has no bearing on the vocabulary used, when we have young children at these properties.

The consultant has only shown that we WILL be subject to noise and nuisance from 11 to 9 every day, totally unacceptable under human rights issues.

There is no mention apart from a 1.8m fence to stop noise and as already heard by me that does not stop noise.

The EHO accept there will be noise but appears to pass the buck by saying the noise can be addressed by licensing authority. No mention is made of how that will be achieved and by whom.

There is reference here to decibels, but the council is responsible for noise and nuisance, the noise does not have to be loud to be a nuisance a low constant noise can be as well.

All this needs to be addressed before planning should be granted.

I also note that parking has also not been addressed and if allowing this type of establishment, council usually have requirements, there are with the best will in the

world only two spaces. They will be used by owner and staff so usually if you have a meterage for people that should equate to so many vehicle spaces, that has not been done.

What is your standards for a property.

OFFICER COMMENTS:

Officers note the concerns raised regarding noise impact and highway issues.

As set out above, Officers are guided by the various expert consultees in respect to certain technical matters. The Environmental Health Officer has provided comments in respect of noise and disturbance. The advice received is appropriate and proportionate in this case and considers the impact of the proposal from the submitted information.

In terms of highways issues, NEDDC do not have set parking standard and every case is judged on its own merits. Officers have taken advice from Derbyshire County Council Highway Authority which outlines that in their professional opinion, based on the information submitted, the proposal would not result in an unacceptable impact on highway safety.

4. SOURCE OF COMMENTS: Mr Hinds

DATE RECEIVED: 01/12/2023

SUMMARY:

We are concerned as I am led to believe that 2 councillors on the planning committee have a parent who was vocal about people objecting on social media so doubt we will not receive a fair and unbiased hearing.

OFFICER COMMENTS:

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

PARISH: Unstone

APPLICATION: 22/01196/FL

CASE OFFICER: Phil Slater

1. SOURCE OF COMMENTS: Mr Robert Taylor

DATE RECEIVED: 02.12.2023

SUMMARY

It is clear from the nature of the application that the development in question represents a direct contravention of long-established policies to protect areas designated as Green Belt.

These policies are only meant to be deviated from in 'exceptional circumstances' noted as 'exception sites' and referred to under specific policies, in this case Policy LC3. I contend that for numerous reasons, the characteristics and impacts of this site, fall well short of meeting the appropriate criteria under Policy LC3.

The policy is only meant to support limited affordable housing, sufficient to meet local community needs, based on requirements assessed by an up to date, local housing needs survey. This process seems to have been overridden by the use of data from a district wide housing needs survey. Without proper consideration of how and where this need should be met across the district. Instead this development seeks to establish social housing, at a large scale, in a single location. There are claims made by the district housing team that large numbers of bids have been submitted and even larger numbers of applications made, for houses in the locality of Unstone. But no evidence has been submitted to establish any actual scrutiny of the local community connection of these applications, other than a general desire to live in the area.

A number of other sites, both recently developed and going through the development process, are already supplying a significant number of affordable houses in the area and thereby providing sufficient units of housing, of this type. The site in question had already been considered, and ruled out, as part of the local development plan process. Therefore, it would seem a more appropriate way for it's future development to be considered, is as part of a future review of that process.

The design of the site itself, in terms of the build type of the properties, their layout, amenity provision and general overall character, is not suited to an exception site, under LC3.

In addition to my principal points of objection in relation to the development of the site within the greenbelt, I have further concerns relation to development in this location, from a general perspective.

1. The access and egress point from the site will compromise road safety in the area.

2. Movement of the local bus stop will cause significant inconvenience to existing locals who are reliant on the use of that service.
3. Parking and traffic generation, within and from the site, is likely to be significantly higher than suggested by the developers.
4. The loss of green belt land, will undoubtedly have a detrimental impact on localised wildlife populations.

For all of the above reasons I consider that the development as proposed is inappropriate, in terms of its size and scale, for the location and I trust that my objections will be given due consideration when assessing the outcome of the application.

OFFICER COMMENTS:

Officers note the points raised in the comments, and consider that these do not raise new matters and have been addressed within the committee report to members.

2. SOURCE OF COMMENTS: Officers

DATE RECEIVED: 04.12.2023

SUMMARY:

Officers wish to amend the s106 Heads of Terms to include within the s106 the new safeguarded land for education purposes as referred to within the committee report.

3. SOURCE OF COMMENTS: Joanne Billingham

DATE RECEIVED: 03.12.2023

SUMMARY

We should be avoiding building on green belt wherever possible. I don't believe this application meets the criteria to be an exception to policy. I wish to object to the above planning application for the following reasons:

- The proposed housing does not fit in with the local landscape setting. As the report says from the main road the impact is negligible as a stone wall and the fall away does indeed minimise the visual impact to users of the main road (drivers). However I'd like to draw the attention of the committee to the much bigger impact on the wider community. To the users of the natural surroundings, from all other aspects of the valley, whether it is from the woods up to the mast or the elevated view from the rotary walk or various other bridal ways, the impact would be huge. Far from minimising the visual impact of the site the fall of the land

maximises the impact to all those that enjoy the outdoor activities here. This is not limited to the Unstone community but New and Old Whittington, Coal Aston, Dronfield and beyond.

- The three rows of terraced houses to be built are not in keeping with houses in the settlement. The houses closest are detached stone houses with large gardens. The houses on Crow Lane are detached houses or cottages again with large gardens. The houses on St John's Road are characterful - unique and different and are a vast contrast to the dense cluster blocks of houses proposed at the site. They bare no resemblance in style or character.
- There is not a proven need for affordable housing locally in any of the Unstone Settlement Limits. Local should be the Parish of Unstone and its ward.
- The broader area need for affordable housing is being met and there is evidence of these development locations going ahead in nearby settlements. The boatyard has affordable housing and indication is that the site adjacent will be 100% affordable. Additionally the Gladys Buxton site will be 30% affordable housing.

Please take this objection into account during the meeting in my absence,

OFFICER COMMENTS:

Officers note the points raised in the comments, and consider that these do not raise new matters and have been addressed within the committee report to members.

4. SOURCE OF COMMENTS: Andrew Taylor

DATE RECEIVED: 02.12.2023

SUMMARY

I write to register my objection to the above development application.

It is clear from the nature of the application that the development in question represents a direct contravention of long established policies to protect areas designated as Green Belt.

These policies are only meant to be deviated from in 'exceptional circumstances' noted as 'exception sites' and referred to under specific policies, in this case Policy LC3. I contend that for numerous reasons, the characteristics and impacts of this site, fall well short of meeting the appropriate criteria under Policy LC3.

The policy is only meant to support limited affordable housing, sufficient to meet local community needs, based on requirements assessed by an up to date, local housing needs survey. This process seems to have been overridden by the use of data from a district wide housing needs survey. Without proper consideration of how and where

this need should be met across the district. Instead this development seeks to establish social housing, at a large scale, in a single location. There are claims made by the district housing team that large numbers of bids have been submitted and even larger numbers of applications made, for houses in the locality of Unstone. But no evidence has been submitted to establish any actual scrutiny of the local community connection of these applications, other than a general desire to live in the area.

A number of other sites, both recently developed and going through the development process, are already supplying a significant number of affordable houses in the area and thereby providing sufficient units of housing, of this type. The site in question had already been considered, and ruled out, as part of the local development plan process. Therefore, it would seem a more appropriate way for it's future development to be considered, is as part of a future review of that process.

The design of the site itself, in terms of the build type of the properties, their layout, amenity provision and general overall character, is not suited to an exception site, under LC3.

In addition to my principal points of objection in relation to the development of the site within the greenbelt, I have further concerns relation to development in this location, from a general perspective.

1. The access and egress point from the site will compromise road safety in the area.
2. Movement of the local bus stop will cause significant inconvenience to existing locals who are reliant on the use of that service.
3. Parking and traffic generation, within and from the site, is likely to be significantly higher than suggested by the developers.
4. The loss of green belt land, will undoubtedly have a detrimental impact on localised wildlife populations.

For all of the above reasons I consider that the development as proposed is inappropriate, in terms of its size and scale, for the location and I trust that my objections will be given due consideration when assessing the outcome of the application.

OFFICER COMMENTS:

Officers note the points raised in the comments, and consider that these do not raise new matters and have been addressed within the committee report to members.

5. SOURCE OF COMMENTS: Birch Hall

DATE RECEIVED: 01.12.2023

SUMMARY

I wish to object to this planning application for several reasons, these are:-

1. Loss of green belt area which serves to separate existing areas of housing at Unstone and Unstone Green. With the associated loss of wildlife habitat.
2. Road safety is already a problem in this area caused by excessive speed and proximity to a school drop off area. An additional junction at the proposed point would reduce visibility close to a bend in the existing Main Road.
3. Lack of need, many new homes including affordable housing have been built on Sheffield Road at the former boatyard site with a second phase underway. A large development on Chesterfield Road in Dronfield is about to commence again with affordable homes.. These two developments will fill any need for affordable homes in the area for many year to come. There is no need for more affordable homes.
4. Increase in traffic, the current and recent housing developments will bring several hundred additional vehicles to the area. The planned development of a 1,600 parking space park and ride facility at Peak Gateway will no doubt result in heavy congestion on nearby roads at peak times and will greatly increase traffic movements on Main Road and its continuations. A further development being approved would add to an existing and increasing traffic problem.
5. Appearance, the style of housing differs from others in the area which are mainly built of stone. I am aware that the plan is to provide houses which reflect the style of the old miners cottages on St. John's Road but unfortunately the designer has failed.

Please refuse planning permission.

OFFICER COMMENTS:

Officers note the points raised in the comments, and consider that these do not raise new matters and have been addressed within the committee report to members.

6. SOURCE OF COMMENTS: Jane Singleton

DATE RECEIVED: 01.12.2023

SUMMARY

The Planning Officer's Report reveals that within this 'dense cluster of terraced blocks', where there may be in excess of 150 people living in close proximity to each other,

75% of the houses do not have private outdoor amenity space that meets recommended standards in the Successful Places Guidance.

“The challenges of the site topography and importance that the public realm has within this neighbourhood has meant that at least 70% of homes meet 92% of the requirements or above, although the emphasis on high quality public realm has resulted in up to 75% of homes falling short of Successful Places Document figures”.
Design & Access Documents

This is a convoluted way of saying that this new development does not meet the required standards. The drive to provide more affordable homes should not allow developers to build the slums of tomorrow.

I ask the Planning Committee whether they think it is acceptable that new build accommodation for those who rent or share ownership should be below the recommended standards potentially impacting their quality of life.

During the design phases of this site, NEDDC Planning Officers stated that they would only accept the proposals if at least 70% met the planning guidance standards. The actual dimensions of the private amenity spaces are unclear so it is difficult to know exactly how much smaller they are in relation to the 50 or 70 square metres for 2 or 3 bed houses respectively, but there is an admission that 75% are under the recommended size.

The benefit of outdoor amenity space was recognised during the pandemic. Small gardens encourage more sedentary practices which are not good for health and well-being. They also limit the activities of young children. Whilst the developer argues that the surrounding green spaces provide a compensatory alternative, it is questionable how many families would regard them as safe play spaces for the very young even with close adult supervision. These areas will have roads, cars, cyclists and delivery vehicles nearby as well as the comings and goings of other residents. Private garden spaces are without such risk. This is over-development of a site and it is disingenuous to make claims about it being modelled on St John's Road.

It is clear from the documentation that there has been a back and forth between the developer and the Highway Authority about car parking provision. The development remains 7 spaces short. Whilst there is a claim that provision is 1.3 spaces per dwelling, the reality is there is one allocated space per dwelling and the rest are Visitor spaces which could be used by delivery vehicles. 'Successful Places Guidance at 3.8.6 states, "under provision (of parking space) can detract from the quality of the place, causing indiscriminate parking or the conversion of front gardens to provide additional spaces, with a resulting loss of front boundaries, plot definition and enclosure of the street, as well as increased surface water run-off". On-road parking or on-pavement parking could be a potential consequence at this site leading to undesired consequences. If several tenant couples both need a car to reach their place of employment, then the current parking shortage leads to the outcomes

described. Unstone is a Level 3 settlement with few services, little employment, no local shop and a long time unfinished cycle track. Cars will be necessary to reach places of employment.

Under-sized private amenity spaces and a shortage of parking are fundamental flaws in the design which could impact the social cohesion it seeks to foster.

All the documentation about exception sites suggests they should be relatively small scale (normally less than 10 dwellings) to allow better assimilation into the existing settlement. This is not 'limited' development. It is major development. It won't assimilate because it is so obviously separate being beyond the school which forms the 'book end' to residential development. New schemes should not compromise the form and character of the settlement and they should not intrude into the surrounding landscape.

From a site visit, members of the Planning Committee will see that on the ground this development will form a separate, unrelated 'enclave' introducing a dense cluster of urban terraced blocks with a few trees and bit of planting into a semi-rural green field site in the Green Belt. It will have more houses than in the whole of the Crow Lane SDL. It is disproportionate in number, type and tenancy.

I ask the Planning Committee to reject the Officer recommendation and REFUSE a scheme that doesn't meet planning standards and which is clearly contrary to policy.

Supplementary Information

WEAKNESSES

- Queried tenure split and need for social housing
- Location of T4 dwellings
- Landscape strategy for the 4m north facing ginnel wall
- Security of spaces
- Privacy concerns, especially to T3 dwellings, and if the ginnel would make their gardens too public
- SWA expressed that the scheme is not meeting the private amenity guidance for all dwellings as advised in NEDDC Successful Places Guidance. The NEDDC confirmed that they will accept the strategy as long as the majority (e.g 70%) of dwellings meet planning guidance.
- SWA asked if a parking provision of 1.5 cars to per dwelling is acceptable. NEDDC expressed that DCC have a higher parking provision however NEDDC believe it should be acceptable in principal.

PRIVATE AMENITY

Total private amenity space per dwelling has targeted the guidelines outlined in the Successful Places Document, which states 2-bed properties to have 50m², 3-bed properties to have 70m² and flats to have 25m². The challenges of the site topography and importance that the public realm has within this neighbourhood has meant that at least 70% of homes meet 92% of the requirement or above, Although the emphasis on high-quality public realm has resulted in up to 75% of homes falling slightly

short of the Successful Places Document figures, over 25% of homes exceed the guidance document by up to 188% (wheelchair accessible homes).

All dwellings benefit from generous, high-quality green space integrated across the development as indicated within the landscape strategy section of this document. In particular, a central shared green space which runs the length of the site is a key community asset and has been viewed as a meaningful extension to each home's private amenity.

The terraces for mine workers at St John's Road which this application has been modelled on do not have postage stamp gardens. They have a rear yard which is large enough for one family-sized vehicle which can be used as an amenity space for storage, drying washing or as an enclosed garden. In addition each dwelling has a long narrow front garden large enough to accommodate a conservatory 'extension', decked area, sheds, ponds, lawns and planting. In addition they have a large communal field for dog exercise and ball games and a small park with swings and play equipment for younger children.

Extract from the Design and Access Statement on Parking

"38 spaces are to be allocated by dwelling, one for each home. These will all be off-plot with the exception of the two accessible parking bays which will be on-plot at the wheelchair accessible homes. 12 visitor spaces will be provided; these can also be used by smaller delivery vehicles and maintenance vehicles. All spaces will be clearly marked so that their allocation is known. Residents will be engaged with when they express interest in the development and later when they move in about where they can park". Will those with two cars be rejected when they are engaged with?

Rural Exception Site Policy LC3 d and Supplementary Planning Document information relating to the size of Rural Exception Sites

- d. They have a close association with the built up part of settlements within level 1 to 3 or neighbouring authority areas; and are in keeping with the form, size and character of the settlement, and local landscape setting; and

- 8.5 Exception sites should also be relatively small scale (normally less than 10 dwellings). In this way they are more likely to be assimilated into the settlement. Schemes should not compromise the form and character of the settlement.
- 8.6 The number of dwellings should not exceed proven need and, in some circumstances, where there are clear landscape constraints, may not entirely meet the settlement's proven needs. Sites should not be remote from existing buildings and should not result in a loose settlement form intruding into the surrounding landscape. Any



Comment from the NEDDC Planning Committee 17th January 2023

Cllr Armitage: "Loss of a green field site, outside the SDL. What is the point of having these SDLs if we are not going to adhere to them?"

OFFICER COMMENTS:

Officers note the points raised in the comments, on the issue of the amenity, space, as set out in the report guidance in Successful Places states that all schemes should provide a level of outdoor amenity space that is proportionate to the type of accommodation, appropriate to its location and suitable to meet the occupiers likely requirements. In this case whilst properties fall slightly below the amenity standards this is more than compensated for by the high quality open space provided within the scheme, the access to public transport network and the countryside in the sites vicinity

On the issue of car parking provision, as set out in the report the Highway Authority have been involved in discussions with the applicant in respect of the proposed provision and have not raised an objection to this from a highway safety perspective; and have agreed with the applicant that parking requirements for affordable housing schemes are less than would be expected from a market housing scheme. This issue has been covered with the committee report.

7. SOURCE OF COMMENTS: Paul and Lynne Scott

DATE RECEIVED: 03.12.2023

SUMMARY

We would like to object to the above planning application by South Yorkshire Housing Association to construct an estate of 38 houses on the Dronfield to Chesterfield B6057 road next to Unstone Junior School on the following grounds:

The site is proposed on Green Belt Land and is outside of the Unstone Settlement Development Limits and therefore within the Green Belt. South Yorkshire Housing Association are applying to have this land released from the Green Belt to build 38 houses. Under Green Belt Policy LC3 permission would not be granted for this except under Very Special Circumstances. South Yorkshire Housing Association have applied on the basis that building a limited number of affordable houses on the site meets this condition.

To meet this condition it has to be demonstrated that there is local need for such houses supported by an up to date survey of local housing needs. SYHA's survey was carried out in 2020/1, is out of date and only demonstrates the need for 7 such properties. The number of houses proposed is not limited their being 38 houses proposed to fulfil a need for just 7 houses.

Therefore it is clearly shown that there is no local need for 38 houses and that the conditions for land to be released from the green belt for his purpose are clearly not met.

In addition the application is ill-conceived from a safety point of view. The vehicle entrance to the estate is on a busy main road and crosses a shared space cycle way with a Junior School on one side and a bus stop and the entrance to a Garden Centre on the other side. Sight lines for emerging traffic are poor with a blind bend on a railway overbridge to the left and school buildings to the right. While the road may have a 30mph speed limit there is regular speeding traffic and I have personally witnessed vehicles overtaking on this section of road which has been the scene of serious accidents.

The Transport Statement document asserts that no more than 12 vehicle trips each way will be generated from this estate each morning and evening. Apart from a Junior, an Infant School and a hairdressing shop there are no local facilities of any sort within reasonable walking distance of this site. There is a half hourly bus service on the main road but if that is not used any journey for employment, shopping, education, services access, recreation or entertainment will be by car. This makes 24 car journeys per day from 38 homes look very optimistic. It also makes the number of car parking spaces on the estate look inadequate. If estate parking overflows onto the main road the road safety issues noted above will be exacerbated.

As local residents who will be personally impacted by this development, we ask that our local council rejects this application in any form.

OFFICER COMMENTS:

Officers note the points raised in the comments, and consider that these do not raise new matters and have been addressed within the committee report to members.

North East Derbyshire District Council

Planning Committee

5 December 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:-

Laura Holmes - Demolition of existing agricultural barn and redevelopment of a new agricultural at Uppertown Farm Cullumbell Lane Uppertown Ashover (22/01217/FL)

Planning Officer – Adrian Kirkham Adrian.kirkham@ne-derbyshire.gov.uk

Mr David Ray - Application for Lawful Development Certificate for proposed use for static and touring caravans without control on the number (revised scheme 19/00008/LDC) at Pinegroves Caravan Park High Lane Tansley (21/00465/LDC)

Planning Officer – (AP) susan.wraith@ne-derbyshire.gov.uk

IBC Healthcare - Change of use of existing building to 3 supported living units (Amended Plans/Additional Information) at Garden House Station Road Pilsley (23/00154/FL)

Planning Officer – Adrian Kirkham Adrian.kirkham@ne-derbyshire.gov.uk

Mr Bryn Richards - Two storey side extension and single storey rear extension at 92 Thanet Street Clay Cross (23/00663/FLH)

Planning Officer – Curtis Rouse Curtis.rouse@ne-derbyshire.gov.uk

1.2 Enforcement Appeals Lodged

The following appeal has been lodged:-

Mr M Humphreys – Appeal against Enforcement Notice for change of use of the Annexe at Annexe Hagg Hill Hall Hagg Hill New Tupton (23/00232/LB)

Planning Officer – Susan Wraith susan.wraith@ne-derbyshire.gov.uk

1.3 Appeals Allowed

The following appeal has been allowed:-

Mr M Humphreys – Application for the retention of two garden cabins (Listed Building) at Hagg Hill Hall Hagg Hill New Tupton

Planning Officer – Susan Wraith susan.wraith@ne-derbyshire.gov.uk

1.4 Enforcement Appeal Allowed

The following appeal has been allowed:-

Mr M Humphreys – Appeal against Enforcement Notice for change of use of the land from agriculture to use for recreation and leisure purposes at Hagg Hill Hall Hagg Hill New Tupton (21/00005/LB)

Planning Officer – Susan Wraith susan.wraith@ne-derbyshire.gov.uk

Claim for costs – Dismissed

1.5 Appeals Dismissed

No appeals have been dismissed

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

| | |
|--|----------------------------|
| <p>Is the decision a Key Decision? 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:</p> <p>NEDDC: Revenue - £100,000 <input type="checkbox"/> Capital - £250,000 <input type="checkbox"/> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i></p> | <p>No</p> |
| <p>Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)</p> | <p>No</p> |
| <p>District Wards Significantly Affected</p> | <p>None</p> |
| <p>Consultation: Leader / Deputy Leader <input type="checkbox"/> Cabinet <input type="checkbox"/> SMT <input type="checkbox"/> Relevant Service Manager <input type="checkbox"/> Members <input type="checkbox"/> Public <input type="checkbox"/> Other <input type="checkbox"/></p> | <p>Yes</p> <p>Details:</p> |
| <p>Links to Council Plan priorities, including Climate Change, Equalities, and Economics and Health implications.</p> | |
| <p></p> | |

8 Document Information

| Appendix No | Title |
|---|----------------|
| | |
| Background Papers (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) | |
| | |
| Report Author | Contact Number |
| Katie Spelman | 01246 217172 |

Agenda Item 11

By virtue of paragraph(s) 3, 5 of Part 1 of Schedule 12A of the Local Government Act 1972.

Document is Restricted

By virtue of paragraph(s) 3, 5 of Part 1 of Schedule 12A of the Local Government Act 1972.

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