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**North East
Derbyshire**
District Council

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Date: Monday, 8 January 2024

To: **Members of the Planning Committee**

Please attend a meeting of the Planning Committee to be held on **Tuesday, 16 January 2024 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 12 January 2024 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 Last Meeting (Pages 4 - 21)

To approve as a correct record and the Chair to sign the Minutes of Planning Committee held on 5 December 2023.

4 NED/23/00685/FL - CLAY CROSS (Pages 22 - 28)

Retrospective application for the replacement window frames and doors with uPVC (Conservation Area) at 6-8 Broadleys, Clay Cross

(Planning Manager – Development Management)

5 NED/23/00609/FL - MILLTOWN (Pages 29 - 44)

Proposed reconstruction of a two-storey dwelling house, rebuilding of an external WC and the construction of new domestic outbuilding to form a tractor store and workshop (private drainage system) at the site of the Former Hay Lane Cottage, Hay Lane, Milltown.

(Planning Manager – Development Management)

6 Late Representations - Summary Update Report - NOW PUBLISHED (Pages 45 - 48)

(Planning Manager – Development Management)

7 Planning Appeals - Lodged and Determined (Pages 49 - 52)

(Planning Manager – Development Management)

8 Matters of Urgency

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



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PLANNING COMMITTEE

MINUTES OF MEETING HELD ON TUESDAY, 5 DECEMBER 2023

Present:

Councillor Lee Hartshorne (Chair) (in the Chair)

Councillor Tony Lacey (Vice-Chair)

Councillor David Cheetham
Councillor Peter Elliott
Councillor Mark Foster
Councillor Heather Liggett
Councillor Kathy Rouse

Councillor Andrew Cooper
Councillor Stuart Fawcett
Councillor David Hancock
Councillor Fran Petersen

Also Present:

D Thompson	Assistant Director of Planning
A Kirkham	Planning Manager - Development Management
P Slater	Principal Planning Officer
K Hallam	Senior Planning Officer
K Huckle	Planning Officer
A Maher	Governance Manager
A Bond	Governance Officer
L Ingram	Legal Team Manager & Deputy Monitoring Officer
M E Derbyshire	Members ICT & Training Officer

PLA/ Apologies for Absence and Substitutions

48/2

3-24 None.

PLA/ Declarations of Interest

49/2

3-24 There were no Declarations of Interest. In relation to Item 4: NED/23/00373/FL-KILLAMARSH, Councillor T Lacey made clear that he had not been involved in the social media campaign in support of the Application and that he intended to participate in the Committee's consideration and determination on it.

PLA/ Minutes of the Last Meeting

50/2

3-24 The minutes of the meeting held on Tuesday 7 November 2023 were approved as a true record, subject to clarification on Minute PLA/39/23-24: Apologies for Absence and Substitutions, that Councillor S Fawcett had been substituted by Councillor M Durrant, rather than by Councillor D Cheetham.

PLA/ NED/22/01196/FL - UNSTONE

51/2

3-24 The report to Committee explained that an Application had been submitted for a new development comprising 38 homes, with integrated landscaping and Sustainable Drainage System (SuDS), new access road, relocation of the existing bus stop and parking on land between Unstone Junior School and Unstone Plant Centre, Main Road, Unstone. The Application, which involved Amended Plans,

was classed as a Major Development.

The Application had been referred to Committee by Local Ward Member, Councillor A Dale, who had raised concerns about it.

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

Members heard that the proposed development would consist solely of affordable properties. These affordable properties would be of a high quality and suitable for flexible living and home working. The development was intended to benefit local ecology and in particular, was expected to result in a net gain in terms of biodiversity on the site. The site would be close to existing public transport and future sustainable transport routes, including a cycle route.

Officers contended that the Application would accord with the Development Plan, and be in line with Local Plan Policy LC3, which allowed for limited affordable new housing to be built within the Green Belt in order to meet local needs. Officers felt that the development would have only a limited impact on the surrounding countryside and noted that the site was adjacent to an existing sustainable settlement. The developer was prepared to make a financial contribution through a 'Section 106' agreement with the Council, to local healthcare, education, and off-site play provision, in order to mitigate the impact on the local area. As there were no technical matters that could not be addressed through appropriate conditions, officers had concluded that the Application should be approved.

Before the Committee considered the Application it heard from Local Ward Member, Councillor A Dale, P Scott, I Wright and J Oldroyd, who objected to the Application. Planning Committee also heard from the Agent for the Application, C Bond, who spoke in support of it.

Committee considered the Application. It took into account the site's location within the Green Belt and outside of any defined Settlement Development Limits, It considered the design of the proposed dwellings and their compatibility with the local area. Committee took into account the relevant local and national planning policies. These included Policy SS9, restricting development in the Countryside, Local Plan Policy SS10 on appropriate development in the Green Belt, and Local Plan Policy LC3, on the specific criteria for when the construction of limited affordable housing within the Green Belt to meet local needs would be permissible. Committee also took into account Local Plan Policy LC4, on the type and mixture of Housing, Local Plan Policy SDC12 on High Quality Design and Place-making and the overarching aims of the National Planning Policy Framework.

Members discussed the Application. Some Members queried whether the proposed development would be appropriate for a Green Belt location. They contended that the development would not be in line with all of the specific criteria set out in Local Plan Policy LC3, for when it would be permissible to build affordable housing within the Green Belt in order to meet local needs. Specific reference was made to criterion a of the policy and whether the housing would meet a proven need for Unstone rather than a wider more general need and that the housing needs survey submitted identified only that there was the need for 7

units in Unstone.

They felt that this would not be compliant with the policy.

Reference was also made to a Planning Appeal decisions elsewhere in the country where the issue of harm to the Green Belt was discussed.

Other Members felt that the proposed development would be in line the relevant Local and National Planning Policies, including Local Plan Policy LC3 and that the Application should be approved.

At the conclusion of the discussion, Councillor M Foster and Councillor P Elliot moved and seconded a motion to refuse the Application on the grounds that it would not be compliant with Local Plan Policy LC3 (c) and Paragraph 149(f) of the National Planning Policy Framework.

The Motion was put to the vote and was defeated.

Councillor T Lacey and D Cheetham then moved and seconded a Motion that the Application be approved in line with officer recommendations. The Motion was put to the vote and was approved.

RESOLVED -

That the Application be conditionally approved in line with officer recommendations, subject to the prior completion of a Section 106 Agreement to address the issues specifically set out in the report and to provide entirely for affordable housing.

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

Section 106 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 (Subject to wording of the resolution as set out above)

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 LAm_{ax} 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.

PLA/ NED/23/00373/FL - KILLAMARSH

52/2

3-24

The report to Committee explained that an Application had been submitted for the Change of Use from Retail Shop to Micro Pub, including a two-storey side extension, at 44 Cherry Tree Drive, Killamarsh. This was a resubmission of a previous refused application and involved revised proposals.

The Application had been referred to Committee by Local Ward Member Councillor S Clough, who had raised concerns about it.

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

Officers contended that the proposed change of use to a Micro Pub and construction of a two-storey side extension would be an acceptable form of development. Although officers acknowledged that there would be potential for greater noise and disturbance as a result of this, they felt that any risk could be controlled through the imposition of appropriate planning conditions. The risk could also be controlled as part of any application for the Micro Pub to serve alcohol on the premises. Members were reminded that such licensing applications were separate to the Planning process.

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

Committee considered the Application. It took into account its location within the Settlement Development Limits for Killamarsh. It considered the relevant Local and National Planning Policies. These included Local Policy SS1 on Sustainable Development and Local Plan Policy SS2, on the Distribution of Development. In this context, Committee was reminded that the Policy seeks to support and enhance the role for Killamarsh and the District's other 'Level 1' towns, by supporting their ability to sustain services and facilities through new development.

Planning Committee took into account Local Plan Policy SS7 on appropriate development Local Plan Policies ID4 and ID5 on the maintenance of Social Infrastructure and Local Plan Policy SD12, High Quality Design and Place making. Committee also took into account the overarching aims of the National Planning Policy Framework.

Members discussed the report. As part of this, they received confirmation that the site for the proposed extension was owned by the Applicant. Some Members raised concerns about the possible noise impact of the change of use. Other Members felt that these concerns could be addressed through the imposition of appropriate conditions and through the separate process for licensing premises to sell alcohol. Some Members raised concerns about the possible impact of the change of use on parking in the surrounding area. Members were informed that the Highway Authority had concluded that the proposed change of use would not result in a greater demand for parking than at the moment.

At the conclusion of the discussion Councillor D Hancock and Councillor K Rouse moved and seconded a Motion that the Application be approved, in line with

officer recommendations. The Application was put to the vote and was approved.

RESOLVED -

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

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

Conditions

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

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

2. The development hereby approved shall be carried out in accordance with the 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

PLA/ NED/23/00743/FLH - DRONFIELD

**53/2
3-24**

The report to Committee explained that an Application had been submitted for a single storey side extension and the raising of the existing roof, incorporating one Velux window to accommodate bedrooms, at 14 Trent Grove, Dronfield. The Application had been referred to Committee by Local Ward Member, Councillor M Foster, who had raised concerns about it.

Planning Committee was recommended to approve the Application. The report to Committee explained that the proposals would accord with the Development Plan. Officers believed there were no reasons that would outweigh this conclusion, or specific issues which could not be addressed by imposing appropriate conditions.

Before the Committee considered the Application it heard from C Stacey, who spoke against the Application and The Applicant, J Kemp, who spoke in support of it.

Committee considered the Application. As part of this, it took into account the Relevant Local and National Planning Policies. In particular, Local Plan Policy LC5, Residential Extensions, Local Plan Policy SD12, High Quality Design and Place Making Dronfield Neighbourhood Plan Policy D3, Good Design. Committee also took into account the overarching aims of the National Planning Policy Framework and the Successful Places Interim Planning Guidance, adopted in December 2013.

Members discussed the Application. They reflected on the concerns raised about the impact which the development would have on the privacy of the neighbouring single-storey property. Some Members felt that these concerns could be addressed by installing opaque glass on the second-storey windows of the proposed extension and limiting its opening. Committee received confirmation that this requirement could be included in the proposed conditions. Some Members also felt that the windows should be so configured that they could not be opened in ways that looked directly into the rooms of the neighbouring property. They asked that this requirement be included in the conditions for approving the Application.

At the conclusion of the discussion Councillor D Hancock and Councillor S Fawcett moved and seconded a Motion to approve the Application. The Motion was put to the vote and was approved.

RESOLVED -

That the Application be conditionally approved, in line officer recommendations and subject to an additional condition requiring restricted opening hinges to be used on the upper-storey extension windows.

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

- 1 The development hereby permitted shall be started within 3 years from the date of this permission.
- 2 The development hereby approved shall be carried out in accordance with the details shown on drawing numbers 01A, 02D, 03B, 04B and 05C received 24/08/2023.
- 3 The window proposed to the first floor rear elevation (the window proposed in the east elevation to bedroom 1) shall be installed as per the design shown on the approved drawing, be of a side-opening design and obscurely glazed. The obscure glazing shall be installed in order to provide a level of obscurity at least equivalent to levels 4 or 5 on the Pilkington Glass scale. Once installed the windows and glazing shall then be maintained as such thereafter (i.e. as two paned, side-opening and obscurely glazed).

PLA/ Planning Appeals - Lodged and Determined

54/2

3-24

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

PLA/ Matters of Urgency (Public)

55/2

3-24

None.

PLA/ Exclusion of Public

56/2

3-24 RESOLVED –

That the public be excluded from the meeting during the discussion of the following item of business to avoid the disclosure to them of exempt information as defined in 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).

PLA/ Review of Appeal Decision at Land South West of Upperthorpe Road, Killamarsh

57/2

3-24

The report to Committee explained the results of the Appeal Decision on Application NED18/01003/OL for development at land to the South West of Upperthorpe Road, Killamarsh. Members were reminded of the Committee's original decision on this Application and the reasons for the Planning Inspector's Appeal Decision on it.

RESOLVED –

That Planning Committee noted the report.

PLA/ Matters of Urgency (Private)

58/2

3-24 None.

PLANNING COMMITTEE – 16th January 2024

Reference Number: 23/00685/FL

Application expiry: 05.01.2024

Application Type: FULL

Proposal Description: Retrospective application for replacement window frames and doors with uPVC (Conservation Area)

At: 6 - 8 Broadleys, Clay Cross

For: Miss Angela Gambetta

Third Party Reps: None

Parish: Clay Cross

Ward: Clay Cross North

Report Author: Graeme Cooper

Date of Report: 02 January 2024

MAIN RECOMMENDATION: Grant permission, subject to conditions

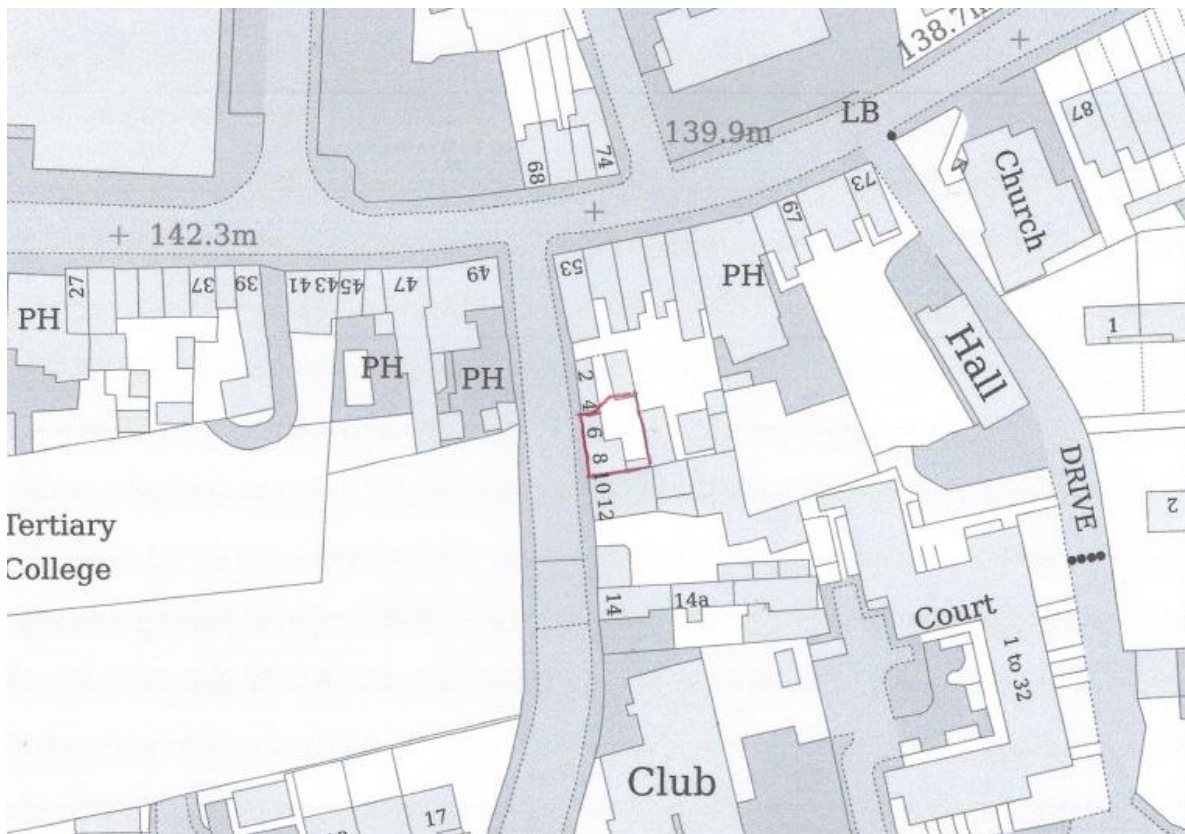


Figure 1: Location plan, with site edged in red.

1.0 Reason for Report

1.1 Cllr Cupit requested that the application be considered by Members of Planning Committee, on the basis of that it would be helpful for the committee members to be able to consider in detail the balance between the positive and any potential negative impacts of the proposals on the Clay Cross Conservation Area and surrounding streetscene, and the maintenance of these business premises for the local economy.

2.0 Proposal and Background

Site Description

2.1 The application site is a café located on the eastern side of Broadleys, Clay Cross. It sits between two other commercial properties, including Peak Fireplaces, a two-storey attached building to the south, and Victoria's Interiors, a single and a half storey attached building to the north.

2.2 Opposite the site, across Broadleys, is an area of open space which extends west away from the site. Market Street, the main road through Clay Cross sits a short distance away from the application site to the north.

2.3 The site sits to the east of Broadleys which is located within the Settlement Development Limit for Clay Cross and within the Clay Cross Conservation Area.

Proposal

2.4 This application has been submitted to replace the existing window frames and doors on the shop front from timber to UPVC. The windows and doors were installed in April 2022 and as such this is a retrospective planning application. Figure 1 below illustrates the changes made to the ground floor shop front.

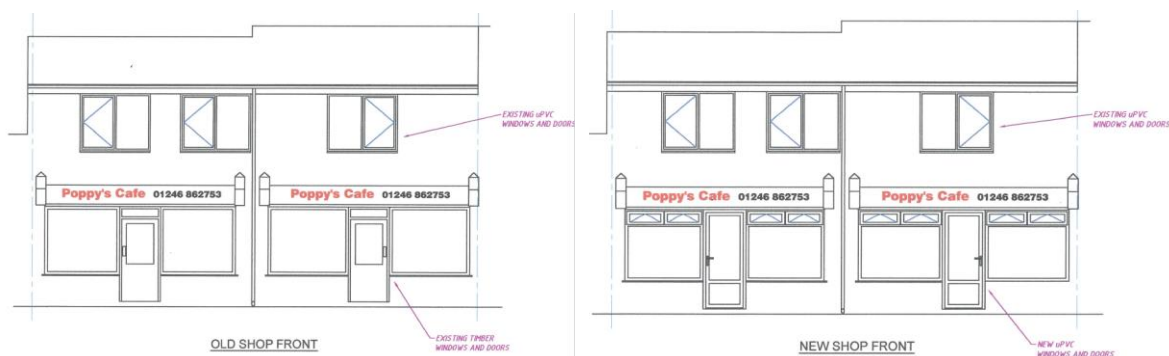


Figure 2: Old shop front (left) v new shop front (right)

Amendments

2.12 None.

3.0 Relevant Planning History (not the full site history)

- 3.1 81/00109/FL | Change of use from cafe to Amusement Arcade (Refused)
- 3.2 81/00179/FL | Change of use from shop to snack bar/café (Conditionally Approved)

4.0 Consultation Responses

- 4.1 Ward member – Cllr Cupit called in the application to planning committee for the reasons set out above in Section 1.
- 4.2 Parish Council – No comments.
- 4.3 Planning Policy & Environment Team – Conservation - The application site is not identified in the character statement (appraisal) for Clay Cross Conservation Area. The submission does not contain any information to allow a full assessment of the proposal. Without information, such as elevational drawings of the former shop front and/or photographs and details of the proposed (as installed) windows, the Local Planning Authority is unable to fully assess the proposal. New development is required to either preserve or enhance the character and appearance of a conservation area. This application does not include the appropriate information to allow full assessment of the impact of the proposed works on the significance of the conservation area – a designated heritage asset.

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 on Broadleys.
- 5.2 No representations have been received in relation to the planning application.

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
SP2 Clay Cross
SDC5 Development within Conservation Areas
SDC12 High Quality Design and Place Making

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 Clay Cross Conservation Area Character Statement; adopted 2010.

7.0 Planning Issues

Principle of Development

- 7.1 Local Plan (LP) policy SS1 states that development will protect and enhance the character, quality and settings of towns and villages and heritage assets and create well designed places that are accessible, durable, adaptable and enhance local distinctiveness.
- 7.2 Furthermore, LP policy SDC5 states that development proposals within or impacting upon Conservation Areas will be permitted where they preserve or enhance the character or appearance of the area and its setting.
- 7.3 The principle of development is therefore acceptable.

Design and Impact on the Conservation Area

- 7.4 The premises are located within the Clay Cross Conservation Area where development will only be permitted where it preserves or enhances the character or appearance of the area and its setting. Development should take into account the development characteristics and context of the area, in terms of important buildings, spaces, landscapes, walls, trees, and views within, into or out of the area, and the form, scale, size and massing of nearby buildings, together with materials of construction.
- 7.5 Figure 2 below shows the front of the building back in April 2019. Its clear from the photo that the original ground floor shopfront was made up of a timber framed openings with the upper floor windows UPVC framed. It is however clear from the historic images of the building that the shopfront was not in good condition.



Figure 3: Shopfront April 2019

- 7.6 Figure 3 below illustrates the current shopfront installed at the ground floor which is a more modern UPVC construction. The upper floor windows also appear to have been replaced with new UPVC windows.



Figure 4: Shopfront taken from Google maps April 2023

- 7.7 Whilst the building is included in the Clay Cross Conservation Area (see Figure 4 below) it is not specifically mentioned in the Character Statement as a building of importance.
- 7.8 The Clay Cross Conservation Area extends north beyond Market Street and south to the neighbouring building on Broadleys. It extends east and west from the application site. Its character in this section of Broadleys is of commercial units, with Victoria's Interiors to the north and Peak Fireplaces to the south. The Victoria's Interiors building is a single storey double fronted building which appears to have an original timber shopfront surround with infill UPVC windows. Peak Fireplaces is an attached two storey building which has been repainted grey at some point since 2018 and has a wide UPVC shopfront framed by two entrance doors which are also UPVC in construction. There is no planning history on the adjacent properties relating to permitted changes to the shopfront facing Broadleys.
- 7.9 Opposite the site is a traditional stone wall with views west towards the Former Clocktower building which is a building of local importance. The open grassland between this building and Broadleys is due to be redeveloped as part of the Clay Cross Town Deal, permitted under application ref 23/00601/FL in 2023.



Figure 5: Extent of Clay Cross Conservation Area (hatched brown)

- 7.10 As seen in Figure 2 and 3 above, whilst the materials of the shop front have been altered from the traditional timber frontage, Officers conclude the newly installed shop front is symmetrical and in keeping with both the upper floor openings and neighbouring buildings.
- 7.11 No evidence has been submitted highlighting the original design of the shopfront and when reviewing historic photographs from Google Streetview its clear the shopfront was timber constructed at least between 2009 and May 2022. Similarly,

no evidence has been submitted by the applicant to justify the works to the shopfront.

- 7.12 Whilst it is noted that changes have been made to the buildings either side of the application site, there is no evidence to conclude that these shopfront alterations have planning permission.
- 7.13 Whilst officers note that the change from a timber shop front to one constructed from UPVC is at odds with the built traditions of the Conservation Area and the general approach to buildings in Conservation Areas, it is the Officer opinion that the works undertaken do, on balance, preserve the character and appearance of this part of the Conservation Area for the reason set out above. As such, Officers consider that the proposal would accord with policies SS1, SDC5 and SDC12 of the North East Derbyshire Local Plan.

Privacy and Amenity Considerations

- 7.14 The proposed works to the shopfront has no impact on neighbouring residents or land uses by virtue of the nature of development.

8.0 Summary and Conclusion

- 8.1 For the reasons, set out above it is considered that, on balance, the proposed development would preserve the character and appearance of the Conservation Area and is as such acceptable.

9.0 Recommendation

- 9.1 That planning permission is **GRANTED** unconditionally.

PLANNING COMMITTEE – 16 JANUARY 2024

Reference Number: 23/00609/FL

Application expiry: 19/1/2024

Application Type: Full

Proposal Description: Proposed reconstruction of two storey dwellinghouse, rebuilding of external WC and construction of new domestic outbuilding to form a tractor store and workshop (private drainage system)

At: Site of former Hay Lane Cottage, Hay Lane, Milltown, Ashover

For: Mr and Mrs Robert Sharpe

Third Party Reps: Support and Objection

Parish: Ashover

Ward: Ashover

Report Author: Susan Wraith (4PD)

Date of Report: 18 December 2023

MAIN RECOMMENDATION: Refuse

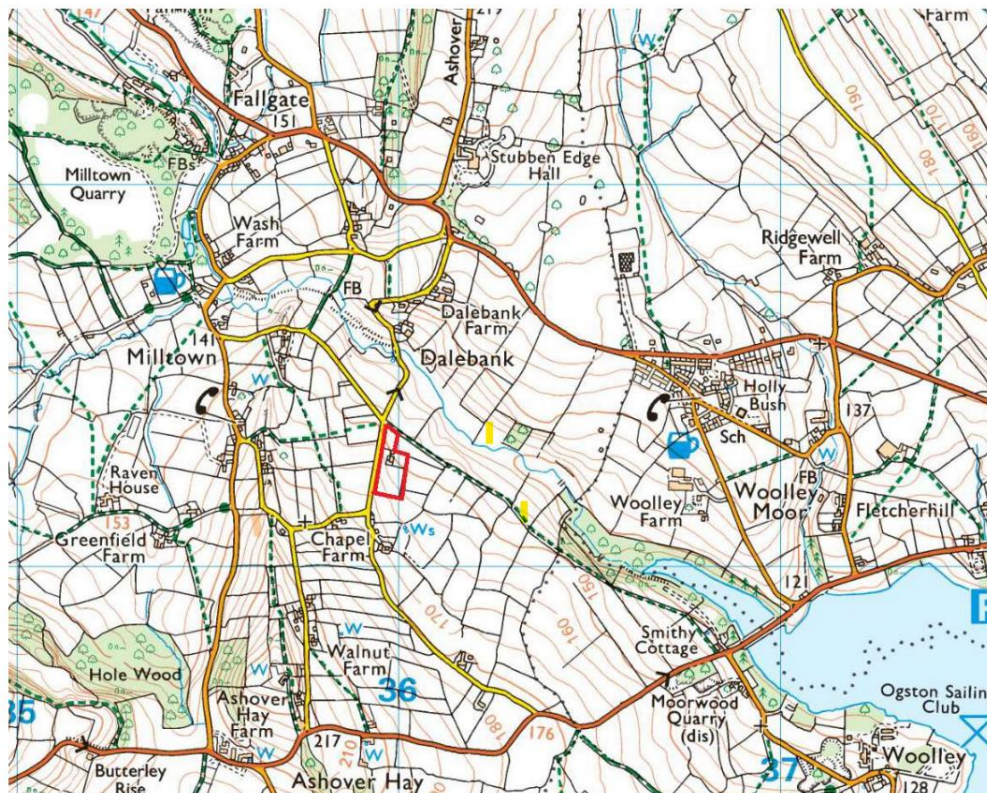


Figure 1: Location Plan

1.0 Reason for Report

- 1.1 The application has been called in by Councillor Wetherall for Planning Committee consideration and decision. The reason given for the “call-in” is as follows:

The site is of significant public interest to constituents and is highly prominent within the landscape, being visible from across the valley hundreds of metres from the site. The Neighbourhood Plan also has consideration as to proposals within the Dark Skies areas. I feel that the site needs to be visited and considered by the elected planning board so that they can fully consider the impact of the proposal upon this area of outstanding landscape character and on public visual amenity. I am also conscious that the site is somewhat remote and full consideration to the impact upon highway and other infrastructure will be helpful.

2.0 Site and Surroundings

- 2.1 The application site comprises the middle part of the land indicated in Figure 1 and is more specifically identified shown edged red in Figure 2 below. The site is part of a field within which once stood former Hay Lane Cottage which is now in a ruinous state.
- 2.2 The site is beyond the settlement development limits within an area of countryside as defined by the Local Plan.
- 2.3 There are public footpaths that run close to the site including NE1/85/1 to the north.
- 2.4 The landscape character type is that of Wooded Slopes and Valleys within the Peak Fringe and Lower Derwent Landscape Character Area. The landscape is of primary landscape sensitivity and located within an Area of Multiple Environmental Sensitivity (AMES) as defined in the Local Plan.



Figure 2: Site Location Plan

3.0 Proposal

- 3.1 The proposal involves, essentially, the construction of a new dwelling on the footprint of the former cottage. The remaining walls (now in a ruinous state) would be dismantled and the stone re-used for the new dwelling. The site in its current state is shown in the photographs at Figures 5, 6, 7 and 8 below. It is intended that the bottom few courses of stone, insofar as they survive, would be retained and incorporated into the building.
- 3.2 The proposal also includes the construction of a workshop and tractor store for use for the storage of equipment needed for the maintenance of the land and for domestic purposes incidental to the dwellinghouse use, and a WC building said to be on the footprint of the earlier privy. The proposed site layout appears in figure 3 below.

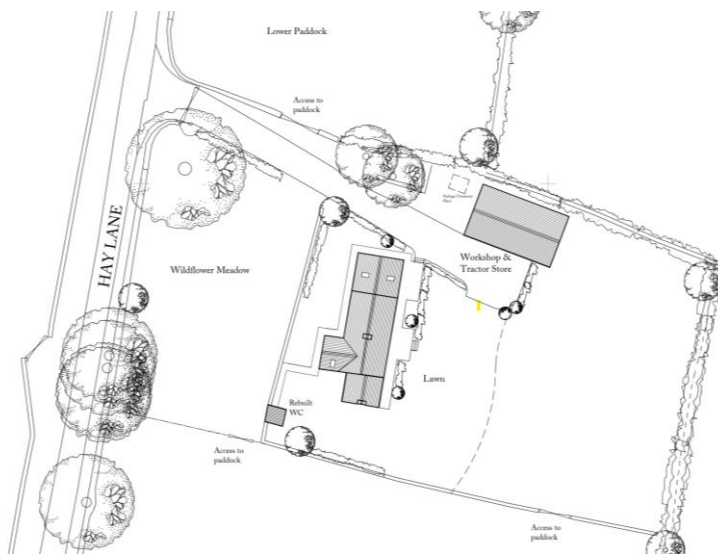


Figure 3: Proposed Site Layout

- 3.3 The new dwelling would be of stone with a timber clad east element in an elongated form. The east facing elevation would appear as in figure 4 below.



Figure 4: Proposed east elevation

3.4 Access would be taken from Hay Lane where there is an existing field access.

3.5 The application is accompanied by the following documentation:

Coal Mining Risk Assessment

Statement from Appellant

5no. letters of support also recounting the history of Hay Lane Cottage

Planning Design and Access Statement

Sustainability and Energy Statement

Preliminary Ecological Appraisal and Biodiversity Net Gain calculation

Topographic Survey.



Figure 5: Site seen from the site boundary (1)



Figure 6: Site seen from the site boundary (2)



Figure 7: Site seen from site access (1)



Figure 8: Site seen from site access (2)

4.0 Background

- 4.1 There are no previous planning applications relating to the site.
- 4.2 Hay Lane Cottage is seen on the early maps of the area from the 1800's. Evidence indicates that the cottage was occupied as a dwelling until 1959. By then (it is said) the property was in a poor state of repair. It was not connected to utilities and water to it was fed from a well.
- 4.3 The land and property were sold in 1960 and became part of a larger farm in the area. Thereafter the land was farmed (some of the time on a tenancy). There is some evidence that the building was used as a farm store and for livestock (at least for a time). Some people recall that there was a fire in 1961 that destroyed (or at least affected) the building. Over the ensuing years the building fell into ruin. The Google Streetview image at figure 9 below shows the condition of the land as in 2009.



Figure 9: Google Streetview Image dated 2009

- 4.4 The land, including the ruinous building, was sold to the current owner in 2021. Since then works have been carried out to repair and rebuild dry stone walls and to clear the area of overgrown vegetation. A recent photograph, included in the submitted Design and Access Statement appears at figure 10 below.



Figure 10: Recent photograph as appears in the Design and Access Statement

5.0 Consultations

5.1 **Ward Councillor** – Requests that Planning Committee determine this application for the reasons given in para 1.1 above.

5.2 **Parish Council** – Responded that it has “no comments”.

- 5.3 **Planning Policy and Environment Team** – The proposal does not affect any listed building, conservation area or non-designated heritage asset. Suggest seeking archaeology advice as to whether a building record might be required.
- 5.4 **Environmental Health** – No objection to the proposals in principle. Following further consideration of the Coal Mining Risk Assessment conditions are recommended to deal with land contamination issues. No objection to the workshop if in domestic use.
- 5.5 **Highways Authority** – The proposed development does not give rise to any material changes to the highway or demonstrable harm to highway safety. Furthermore the development proposal does not appear to represent an intensification. As such the Highway Authority does not seek to resist this application subject to the imposition of conditions to cover gradient of access, visibility splays, setting back of gates and provision of 3 parking spaces.
- 5.6 **DCC Archaeologist** – There is heritage value in the structure which may be best revealed and the rebuilding of the cottage better informed by appropriate elements of archaeological recording inbuilt into the programme of ground clearance and reconstruction. Any heritage value could be achieved by the inclusion of a programme of building recording of the extant elements of the standing remains. The matter could be covered by planning conditions. Comments of residents attest the craftsmanship of the applicants and their wish to genuinely develop sensitively and sustainably, which is to be wholeheartedly applauded.
- 5.7 **Coal Authority** – The Coal Authority concurs with the conclusions of the 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. Planning conditions are recommended.
- 5.8 **Derbyshire Wildlife Trust** - Planning conditions can limit the impacts of the development on species and habitats at the site as well as ensuring biodiversity net gain is secured.

6.0 **Public Comments**

- 6.1 30 representations of support have been received summarised as follows:

The cottage is an important part of Ashover history and should be brought back to life;

The plans have regard to sustainability and ecological enhancements;
Proposals are in keeping with the area and would fit into the landscape;
The applicant is a craftsman and would finish the property to a high standard;

Will provide a home for a local family in an area where housing supply is short;

Will provide a workspace for a respected local business;
 Bringing the building back to life and re-using materials and footprint will enhance the area;
 The ruin is a blot on the landscape. The proposal would bring about enhancement;
 It is sustainable to redevelop an existing site to a sympathetic standard;
 Hay Lane Cottage was once a dwelling and should be so again;
 The development will fit into the landscape as part of a significant number of dwellings that lie on Dalebank Road, Brown Lane and The Hay;
 The applicants are well known and respected in the area;
 The structure has not re-naturalised and is seen as a derelict building; The land should be considered as “previously developed land”;
 Stone from the original building will be re-used;
 A precedent has already been set by another property in similar circumstances;
 Planning conditions could be used to control noise and light;
 Hay Farm has been part of the landscape for over 150 years and has right of passage to be brought back into use;
 The NPPF provides for planning balance and exceptional and extenuating circumstances;
 Restoring the farmhouse would preserve its physical structure, stories and traditions;
 The restoration project would generate economic activity and stimulate the local economy.

6.2 5 representations objecting to the development have been received summarised as follows:

Concerns re effect upon Dark Skies area policy AP19 of Neighbourhood Plan;
 The ruin is not within 50m of a street light;
 The dwelling would be part wood clad whereas the former property was stone and there are 5 listed properties within 0.5 mile all of which are stone;
 Concerns re disturbance to badgers;
 Concerns re other unauthorised works on the site and tree felling;
 Site is within open countryside and proposal does not fall within any of the categories of development acceptable in countryside;
 The location is unsuitable for residential use and new business premises;
 Would result in significant landscape harm;
 Is within a Coal Authority Development High Risk Area;
 Adverse impacts on biodiversity and protected species;
 Intensification in use of Hay Lane resulting in highway safety issues;
 Business use would result in noise and pollution and would adversely affect tranquillity of area;
 No access to services and facilities without reliance on private car use;
 Heritage value of the remains of the former building would be lost;
 Proposal is for a brand new dwelling – not a reconstruction;
 Access is via narrow country lanes not suitable for HGVs and increased traffic;

Joinery business would utilise machinery and generate waste;
There is sufficient new housing stock already coming forward;
The ruin is assimilated into the landscape whereas the new dwelling would have significant adverse visual impact;
The applicant's craftsmanship credentials are of no relevance to the planning considerations for the application as permission goes with the land;
Taking down the remaining ruins will result in loss of historic fabric;
The development will clearly have a greater impact on the countryside than the existing ruin contrary to policy SS9.

7.0 Planning Policy Considerations

7.1 The Development Plan comprises the **North East Derbyshire Local Plan** [Local Plan] and the **Ashover Parish Neighbourhood Plan** [Neighbourhood Plan].

7.2 The following policies of the Local Plan are considered relevant to the application:

SS1: Sustainable Development
SS2: Spatial Strategy and the Distribution of Development
SS9: Development in the Countryside
SDC3: Landscape Character
SDC4: Biodiversity and Geodiversity
SDC7: Scheduled Monuments and Archaeology
SDC12: High Quality Design and Place-Making
SDC14: Land potentially affected by Contamination or Instability
ID3: Sustainable Travel

7.3 The following policies of the Neighbourhood Plan are also considered relevant:

AP2: Development Proposals Outside the Limits to Development
AP11: Design
AP13: Landscape Character
AP19: Dark Skies

7.4 The **National Planning Policy Framework (NPPF)** is also material to the determination of this application, in particular, the sections on Rural housing (paras 82-84), Making effective use of land (Chapter 11) and Conserving and enhancing the natural environment (Chapter 15).

8.0 Planning Issues

Main Issues

8.1 The main issues for consideration in this application are:

- 1) Whether the development of this new dwelling in the countryside is acceptable with regard to the spatial strategy as set out in the Local Plan;
- 2) Whether the development would result in harm to the landscape character and appearance of the area.

Spatial Strategy

8.2 The Local Plan and the Neighbourhood Plan aim to direct new development to within settlement development limits and to protect the countryside from inappropriate development. Policy SS9 sets out a number of categories of development that will be approved in the countryside subject to the development respecting the form, scale and character of the landscape.

8.3 One of the categories (1.a.) is the replacement of an existing building so long as the new building is not materially larger and is for the same use. Another category (1.b.) is development that involves the re-use of existing buildings. A further category (1.f.) is development that:

“...involves the change of use, re-use, limited infilling or redevelopment of vacant, derelict or previously developed land which would not have a greater impact on the character of the countryside than the existing development”.

8.4 The development cannot qualify under 1.a. as there is no existing building to replace (only a ruin as shown in the photographs given above) and any previous residential use has long since been abandoned. Under 1.b. the applicant acknowledges that the proposal cannot be justified on the basis of conversion or re-use of a building given the extent of new building works that are involved. Instead an argument is put that the proposal represents redevelopment of derelict and/or previously developed land and, thus, that it is a development falling within para 1.f.

8.5 “Previously developed land” is defined in the Local Plan Glossary as:

“Land which is or was occupied by a permanent structure. This excludes land that is or has been occupied by agricultural or forestry buildings, land that has been developed for minerals extraction or waste disposal where provision has been made for restoration.”

8.6 “Previously developed land” is defined in the NPPF Glossary as:

“Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the

whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes : land that is or was last occupied by agricultural or forestry buildings, land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built up areas such as residential gardens, parks, recreation grounds and allotments, and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.

- 8.7 It is the view of officers that, in this case, the land does not qualify as “previously developed land” as the remains of the building and fixed surface infrastructure have blended into the landscape as is evident in the photographs above and as has been the case over many years. On this point the development fails against the NPPF definition. Additionally, there is some evidence that the building was last used for sheltering farm animals and as a farm store, in other words the land was last occupied by a building that was used for agriculture. The development fails, on this point, against both the NPPF and Local Plan definitions.
- 8.8 There is no definition given of “derelict land” in either the Local Plan or NPPF. Where the term “derelict land” is used in the NPPF it is in the context of despoiled and degraded land. In the view of officers, the application land cannot be described as “derelict land” when giving an ordinary and natural meaning to the term. Whilst the land contains a ruinous building it is not seen as a degrading feature that causes visual harm. Rather, it is seen as a relic of the past, a remnant of a by-gone age, which has now assimilated into the landscape. The appearance of the land is primarily pastoral and cannot reasonably be regarded as “derelict”.
- 8.9 Even if the applicant’s argument is accepted, and the land is considered to be derelict and/or previously developed land, the development still would not automatically be acceptable in terms of the relevant Local Plan policy (SS9) as it must also be shown to not have a greater impact on the character of the countryside than the existing development as set out in policy SS9 para 1.f.
- 8.10 In addition to local policies, the NPPF para 84 indicates against the unjustified development of isolated homes in the countryside. Whilst there is a scattering of other dwellings in the area the new dwelling would be remote from main settlements and services (shops, schools, public transport etc) with access to it being via a network of narrow country lanes giving rise to reliance on motorised private transport. In such circumstances it is considered the development would be an “isolated” home in the countryside that would fail to accord with NPPF para 84.
- 8.11 Therefore, on this first issue, in the view of officers, the proposal is not acceptable in terms of the policies set out in the Development Plan because it does not involve derelict or previously developed land and does not fall within any other categories of acceptable development that will otherwise be supported. It is a development of a new dwelling outside of settlement

development limits, remote from local services and with no need to be in the countryside. If, in the alternative, the development is considered to involve derelict or previously developed land its acceptability depends upon whether or not it has a greater impact on the character of the countryside than the existing development. That matter is considered in more detail in the next section of this report.

Effect upon Landscape Character and Appearance

- 8.12 The landscape within which the site is located is of high quality. It is identified in the Local Plan as having primary sensitivity, with a primary AMES and, as such, is landscape that will most likely be negatively affected by change or development and where there should be a strong focus upon the protection of its environmental assets.
- 8.13 The Neighbourhood Plan states that the high quality landscapes of Ashover Parish are cherished by the community and play an important role in the local economy through recreation and tourism. As such, the landscape is considered to be “valued landscape” within the meaning of para 180a) of the NPPF. The NPPF states that decisions should contribute to and enhance the natural and local environment by “protecting” and “enhancing” valued landscapes.
- 8.14 The site is within a generally open and expansive landscape seen from a number of view points including from Hay Lane, from the public footpath to the north and across the valley from the B6036 to the north east. The application site, being a small pastoral field within an irregular field pattern defined by dry stone walls, hedgerows and trees on the gentle valley slope, contributes significantly to the landscape character and tranquillity of the area.
- 8.15 The new dwelling, along with the proposed buildings accommodating the domestic workshop and WC, would add significant built form on a site where presently there are only some parts of some walls of the former cottage remaining. The dwelling would sit within a newly formed residential curtilage where activities associated with day to day living (including vehicle parking, comings and goings, play and recreation etc) would take place. The curtilage land would likely take on a domestic appearance comprised of hard surfaced areas, flower beds, lawns, incidental structures and buildings and the general clutter of everyday living.
- 8.16 The new dwelling would also have impacts in the hours of darkness arising from its associated lighting. The site is located some distance from the settlement, away from any street lighting and within an area of relatively dark skies. Darkness is an inherent part of the rural character and tranquillity of the area and is important for nature conservation. The effects of external lighting for the new development could be mitigated to an extent and controlled by a planning condition. However, internal lighting could not be controlled but would have external visual effects.

8.17 In all these circumstances, on this second issue, it is considered by officers that the development would significantly detract from the gentle, soft and pastoral landscape character of the area, its dark skies and tranquillity. It would not protect or enhance this valued landscape and there would be significant landscape harm as a result. It therefore follows that the development would have a greater impact on the character of the countryside than the existing development, that matter being relevant to spatial strategy considerations as set out in para 8.11 above.

Other Issues

8.18 Whilst the former cottage has some local history interest the ruinous building is not considered to be of such merit as to qualify as a non-designated heritage asset and, in any event, would need to be removed in the main to facilitate the new dwelling. The County Archaeologist recommends that a record of the building and any finds is kept and deposited for future reference and interest. That matter could be dealt with by planning condition.

8.19 Ecology assessments have been undertaken. Ecology mitigation and measures to secure biodiversity net gain can be achieved by the imposition of planning conditions.

8.20 The proposal utilises an existing field access. Whilst there would be additional journeys to and from the new dwelling associated with day to day living activities the Highway Authority do not consider there to be “material” intensification in use such as to make this a decisive issue in terms of highway safety. Highway issues can be addressed by the imposition of planning conditions.

8.21 Any potential land stability and contamination issues can also be addressed by planning conditions. Additionally a planning condition could limit the use of the workshop/tractor store to storage of equipment for use on the land and to domestic incidental use only.

8.22 The associated land could provide an opportunity for home grown produce. With regard to construction the proposal would re-use stone from the former cottage and would incorporate renewable energy features such as solar tiling to the workshop roof and an air or ground source heat pump. Whilst recognising the contribution these features would make towards cutting greenhouse gas emissions it must also be taken into account that the more remote location of the dwelling would give rise to a need for longer motorised journeys to access shops, schools and services (for example) that would offset any sustainability benefits arising.

8.23 Any benefit to the local economy through the construction phase and through local spend going forwards would be marginal in the context of a single dwelling.

8.24 The proposal would make a very small contribution to the District’s overall housing land supply. However, housing delivery in the district is presently

exceeding targets and there presently is a 5.7yrs housing land supply. This consideration carries very little weight in these circumstances.

- 8.25 The applicant's local connections and skills as a craftsman and joiner, should not carry weight in the planning decision. The proposal, essentially, is for a market dwelling. Any planning permission would go with the land and there would be no limitations upon who might undertake the development or occupy the property going forwards.

Planning balance and conclusion

- 8.26 The interests of creating a sustainable pattern of development in the district, in accordance with the policies of the Local Plan is a consideration which (in the view of officers) carries substantial weight. However, the proposal fails on that matter.
- 8.27 The interests of protecting and enhancing landscape character is also, in the view of officers, a consideration of substantial weight, not least because of the landscape's high quality, primary sensitivity and the value placed upon it in the Neighbourhood Plan. The proposal fails on that matter also.
- 8.28 Any benefits of the proposal to housing supply, the local economy and sustainability benefits (e.g. sustainable construction/renewable energy benefits) carry no more than little weight in officers' opinion.
- 8.29 Matters that can be addressed by planning conditions weigh neither for nor against the proposal and are neutral considerations in the planning balance.
- 8.30 Overall, in the view of officers, the significant harm to the spatial strategy and landscape harm is not outweighed by any other considerations.
- 8.31 The development fails to accord with the development plan both in terms of the location of development and policies for protecting landscape character. The development plan points towards the refusal of permission. There are no considerations of sufficient weight to indicate a decision that goes against the development plan.
- 8.32 It is therefore concluded that the application should be refused.

9.0 Recommendation

- 9.1 It is recommended that the application be REFUSED for the following reasons with the final wording of any reasons delegated to the Planning Manager (Development Management):
- 1) The development would result in an unjustified new dwelling in the countryside remote from local services and some distance from the settlement development limits. As such the proposal is contrary to policy SS9 of the North East Derbyshire Local Plan, policy AP2 of the Ashover Parish Neighbourhood Plan and the spatial strategy of the

development plan read as a whole.

- 2) The development would detract from the gentle, soft and pastoral landscape character of the area, its dark skies and tranquillity. It would not protect or enhance this valued landscape and would result in significant landscape harm. The proposal is, thereby, contrary to policy SDC3 of the North East Derbyshire Local Plan and policies AP13 and AP19 of the Ashover Parish Neighbourhood Plan.

Planning Committee 16th January 2024

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: ASHOVER

APPLICATION: NED/23/00609/FL

CASE OFFICER: Adrian Kirkham

1. SOURCE OF COMMENTS: Applicant

DATE RECEIVED: 10.01.2024

SUMMARY: The applicant has submitted 4 further photos of the site as follows:







OFFICER COMMENTS:

The photos submitted were presented to Members at the virtual site visit.

PARISH: Clay Cross

APPLICATION: NED/23/00685/FL

CASE OFFICER: Graeme Cooper

2. SOURCE OF COMMENTS: Cllr Cupit

DATE RECEIVED: 14.01.2024

SUMMARY:

Apologies for the late comments from me on this one, but given the committee recommendation, I wanted to write with a few points on the above application.

I would like to note my support for the retrospective application for replacement window frames and doors to Poppy's Café.

Whilst I understand that the site is in the Conservation Area, my view having looked into this and spoken to many local residents is that the changes made support and enhance the building and the surrounding area rather than detract from it.

Previously, as can be seen from the photos in the committee report, the building was in need of improvement works, which have been done. As a result, Poppy's Café is now a popular local business which contributes to both the town centre and local economy as well as providing a social lifeline to many local residents.

We should support shop and business owners trying to maintain and enhance their shopfronts and the town centre, so I fully support these proposals, and urge committee to approve this application.

OFFICER COMMENTS:

Comments noted.

North East Derbyshire District Council

Planning Committee

16 January 2024

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:-

Ms Harriet Wordsworth - Change of use from agriculture to dog exercise and training facility at Land South Of Little Chatsworth Cottages Millthorpe Lane Holmesfield (22/00574/FL)

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

Trustees Of Ted Speed And Pauline Speed Hallfield Trust - Application to vary conditions 4 (Approved Plans), 16 (Temporary Access) and 17 (Highway Improvement Works) of planning approval 19/00335/OL to provide a revised site access (Major Development) (Amended Plan) at Land To The South Of Hallfieldgate Lane Shirland (21/01376/OL)

Planning Officer – Philip Slater Philip.Slater@ne-derbyshire.gov.uk

Paul Wilson - Demolition of existing dwelling and new build of a two storey replacement dwelling (Amended Plans) at Grand View Main Road Stretton (23/00346/FL)

Planning Officer – Kerry Hallam Kerry.Hallam@ne-derbyshire.gov.uk

Mr Alex Merryman - Retention of a block of 5 stables at Border View Farm Rod Moor Road Dronfield Woodhouse (23/00466/FL)

Planning Officer – Kerry Hallam Kerry.Hallam@ne-derbyshire.gov.uk

Mr Jonathan Reynolds - Demolition of existing dwelling and outbuildings and replacement with a two storey, 5 bed dwelling with juliet balcony to west elevation, first floor terrace to south elevation, double integral garage and associated landscaping (Private drainage system) at Barlow Croft Barlow Lees Lane Barlow (22/00317/FL)

Planning Officer – Graeme Cooper graeme.cooper@ne-derbyshire.gov.uk

1.2 **Appeals Allowed**

No appeals allowed.

1.3 **Appeal Dismissed**

The following appeal has been dismissed: -

Ady Bailey – Demolition of old cottage and retention of new build dwelling to same footprint (Private Drainage System)(affecting a Public Right of way) at Land Approximately 100M West Of Yew Tree Farm Quarry Lane Woolley Moor (22/00944/FL)

Planning Officer – Alice Lockett alice.lockett@ne-derbyshire.gov.uk

1.4 **Enforcement Appeal Dismissed**

The following appeal has been dismissed: -

Mr Mark Taylor –Appeal against building operations comprising the erection of a timber cabin, timber gazebo, and the laying of paving materials to form a patio and path at Orchard Court High Lane Ridgeway (22/00348/OD)

Planning Officer – Julian Hawley julian.hawley@ne-derbshire.gov.uk

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**

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: NEDDC: Revenue - £100,000 <input type="checkbox"/> Capital - £250,000 <input type="checkbox"/> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i>	No
Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)	No

District Wards Significantly Affected	None
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"/>	Yes Details:
Links to Council Plan priorities, including Climate Change, Equalities, and Economics and Health implications.	

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