

## **PLANNING COMMITTEE**

### **MINUTES OF MEETING HELD ON TUESDAY, 19 MARCH 2024**

#### **Present:**

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

Councillor David Cheetham  
Councillor Peter Elliott  
Councillor Christine Gare  
Councillor Heather Liggett  
Councillor Kathy Rouse

Councillor Andrew Cooper  
Councillor Mark Foster  
Councillor David Hancock  
Councillor Fran Petersen

#### **Also Present:**

D Thompson	Assistant Director of Planning
S Sternberg	Assistant Director of Governance and Monitoring Officer
A Kirkham	Planning Manager - Development Management
A Lockett	Senior Planning Officer
S Wigglesworth	Senior Planning Officer
L Kassell	Solicitor
A Bond	Governance Officer
M E Derbyshire	Members ICT & Training Officer
A Maher	Governance Manager

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

77/2

3-24 None.

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

78/2

3-24 None.

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

79/2

3-24 The minutes of the meeting held on Tuesday 20 February 2024 were approved as a true record.

#### **PLA/ NED/23/00565/FL - WESSINGTON**

80/2

3-24 The report to Committee explained that an Application had been submitted for a residential development of nine dwellings at land opposite Wistanes Green, Matlock Road, Wessington. The Application had been referred to Planning Committee by Local Ward Member, Councillor C Cupit, who had raised concerns about it.

Committee had deferred consideration of the Application at its meeting on 20 February 2024. Committee had agreed to the deferral so that officers could assess the revised plans which had recently been submitted, and in particular, the addition of a pedestrian access to the proposed scheme.

Members were reminded that the site of the scheme lay outside of the Settlement Development Limit for Wessington. Although officers accepted that this would be contrary to the Development Plan, they believed that there were other material matters that would outweigh this and which would favour approval of the Application. In particular, they emphasised that there already was planning permission to construct eight dwellings on the site. Officers contended that created a strong case for approving the new Application for nine-dwellings, as this would in many respects be superior, with an overall better standard of design and better parking arrangements than the eight-dwellings scheme.

Concerns had been expressed about the impact on road safety of the Development, and especially the lack of a direct public footpath to and from Wessington. Members heard that as part of their assessment of the revised plans, officers had concluded that the proposed footpath would make the Development more sustainable, enable greater highway safety and provide a much greater level of connectivity and amenity for pedestrians. Consequently, they confirmed their original recommendation to Planning Committee, that the Application be approved, subject to conditions.

Before Committee considered the Application it heard from G Day the Applicant and T Tunnicliffe, the Agent, who both spoke in support of the Application. No one had registered to speak against the Application.

Committee considered the Application. It took into account the site's location outside of any Settlement Development Limits, within a Primary Area of Multiple Environmental Sensitivity (AMES). It also considered the extant planning permission for an eight-dwelling development on the site, which had been granted before the current Local Plan had been adopted.

Committee took into account the relevant local and national planning policies. These included Local Plan Policy SS1, on the specific requirements for Sustainable Development, Local Plan Policy SS2, on the spatial distribution of development and Local Plan Policy SS9 on those categories of development that would be permissible in the countryside. It considered Local Plan Policy SDC12, requiring that all new developments be of high-quality design and make a positive contribution to the local environment, Local Plan Policy SDC13 on Environmental Quality and Wessington Neighbourhood Plan Policy 1 on Sustainable Development and the Settlement Limit.

Members discussed the Application. They reflected on the changes which had been made to the proposed Development and especially the inclusion of a pedestrian access to Wessington. They also reflected on what impact the development might have on flooding. In this context they were reminded that as a condition of approval the Development would have to be carried out strictly in accordance with the submitted Flood Risk Assessment.

Some Members questioned whether approving the scheme would be appropriate, given that it would not comply with the Development Plan and specific Council policies. They were reminded in the context of Paragraph Twelve of the National Planning Policy Framework (NPPF), which makes clear that Local planning authorities may take decisions that depart from an up-to-date development plan,

if, as in the case of this application, there were material considerations which indicate that the plan should not be followed.

Some Members questioned whether the material conditions in favour of approving the Scheme that had been identified were sufficient to justify the development. Other Members felt that as the proposed scheme would be better than the development for which there is currently planning permission, approval for it should be granted, which would then preclude the inferior scheme from being built.

At the conclusion of the discussion Councillor K Rouse and Councillor T Lacey moved and seconded a Motion to approve the Application. The Motion was put to the vote and was approved.

### RESOLVED -

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

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

### **Conditions**

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

*[Reason: To comply with the provision of Section 92 (as amended) of the Town and Country Planning Act 1990]*

2. The development hereby approved shall be carried out in accordance with the amended plans and specifications referenced:

- 001 rev A Location Plan
- 020 rev J Proposed Site Plan
- 021 rev C Proposed Highways Plan
- 050 rev A Cressbrook Plan
- 051 rev B Cressbrook 2 Plan
- 052 rev A Manifold Plan
- 053 rev B Wolfcote Plan
- 055 rev D Padley Grindleford Plan
- 056 rev B Padley Grindleford 2 Plan
- 060 rev B Cressbrook Brick Elevations
- 061 rev B Cressbrook 2 render Elevations
- 062 rev B Manifold Elevation
- 063 rev C Wolfscote Elevations
- 064 rev B Cressbrook Render Elevations
- 065 rev D Padley Grindleford Elevations
- 066 rev B Padley Grindleford 2 Elevations
- 1539-002 Tree Protection Plan
- 11367-FPCR-XX-XX-DR-L-0001 Landscape Strategy Plan

- A3\_105 Rev A Double Garage Plan
- A3\_106 Rev A Single Garage Plan
- A3\_110 Rev A Double Garage Elevation
- A3\_111 Rev A Single Garage Elevation

or otherwise required by any other condition in this decision notice.

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

3. **Hedgerow Management** - As annotated on the approved plans '11367-FPCR-XX-XX-DR-L-0001' the hedgerows shall remain outside of the domestic curtilage of the dwellings. Prior to commencing development a management scheme for these hedgerows and the existing hedgerows that are shown to be retained shall be submitted to the Local Planning Authority for approval in writing. Once approved the hedgerows shall be managed and maintained in accordance with these details and shall be permanently so maintained.

*[Reason: In the interests of retaining the hedgerows throughout the lifetime of the development and in the interests of the character and appearance of the development and its landscape setting, in accordance with Local Plan Policy SDC3, and Neighbourhood Plan Policy 2:]*

4. Before the commencement of construction works including any demolition in connection with the development hereby approved, a program of measures to minimise the spread of airborne dust from the site during construction periods shall be submitted to and approved in writing by the Local Planning Authority. The construction shall be undertaken in accordance with the approved scheme.

*[Reason: In the interests of the amenity of neighbouring properties]*

5. Construction works on the site and deliveries to the site shall be undertaken only between the hours of 07.30am to 6pm Monday to Friday and 7.30am to 1pm on Saturday. There shall be no work undertaken on site or deliveries to the site on Sundays or public holidays.

*[Reason: In the interests of the amenity of occupants of nearby properties including the nearby dwellings and businesses and in accordance with policy SDC13 of the North East Derbyshire Local Plan.]*

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

*[Reason: To ensure that the development does not adversely affect breeding birds, in accordance with Local Plan Policy SDC4, Wessington Neighbourhood Plan Policy 2, and the NPPF insofar as it relates to protected species]*

7. Prior to the installation of external lighting fixtures, a detailed lighting strategy shall be submitted to and approved in writing by the LPA to safeguard bats and other nocturnal wildlife. This shall provide details of the chosen luminaires, their locations and any mitigating features such as dimmers, PIR sensors and timers. Dependent on the scale of proposed lighting, a lux contour plan may be required to demonstrate acceptable levels of light spill to any sensitive ecological zones/features. Guidelines can be found in Guidance Note 08/23 - Bats and Artificial Lighting at Night (BCT and ILP, 2023). Once approved external lighting shall not be carried out other than in complete accordance with the approved scheme and shall be permanently so maintained.

*[Reason: To ensure that the development does not adversely affect bats, in accordance with Local Plan Policy SDC4, Wessington Neighbourhood Plan Policy 2, and the NPPF insofar as it relates to protected species].*

8. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.
  - a) Risk assessment of potentially damaging construction activities.
  - b) Identification of “biodiversity protection zones”.
  - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements for badger and hedgehog).
  - d) The location and timing of sensitive works to avoid harm to biodiversity features.
  - e) The times during construction when specialist ecologists need to be present on site to oversee works.
  - f) Responsible persons and lines of communication.
  - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
  - h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

*[Reason: In accordance with Local Plan Policy SDC4, Wessington Neighbourhood Plan Policy 2, and the NPPF to ensure that mitigation measures to avoid and minimise impacts on species and retained habitats are in place and adhered to]*

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

- universal nest boxes at ratio of 1:1, in line with British Standard

42021:2022.

- integrated bat boxes.
- insect bricks / towers.
- fencing gaps 130 mm x 130 mm to maintain connectivity for hedgehogs.
- summary of ecologically beneficial landscaping (full details to be provided in Landscape Plans).
- The retention and management of hedgerows and hedgerow trees within a development free buffer.
- summary of ecologically beneficial landscaping (full details to be provided in Landscape Plans).
- The planting of new native hedgerows and trees to compensate for any hedgerow or tree removal. Photographs of these features in situ shall be submitted to the LPA to discharge this condition and the features shall be maintained in perpetuity.

*[Reason: To secure biodiversity enhancements in accordance with Local Plan Policy SDC4, the NPPF and Wessington Neighbourhood Plan Policy 2.]*

10. The development shall not be carried out other than in complete accordance with section 4 of the Ecological Appraisal (December 2022, FPCR).

*[Reason: To ensure the biodiversity protection and enhancements suggested by the applicants ecological consultants are carried]*

11. Prior to building works commencing above foundation level an integral swift nest box plan for the selection, siting, positioning and installation of integral swift nest boxes, such as swift bricks incorporated within the external walls of the development, shall be submitted to, and approved in writing by, the local planning authority. The integral swift nest box plan shall be prepared in accordance with the requirements of BS 42021 or equivalent best practice guidance and shall identify, as a minimum: a) the type and number of integral nest boxes to be installed; b) the specific buildings on the development into which boxes are to be installed, shown on appropriate scale drawings; c) the location on each building where boxes are to be installed, shown on appropriate building plans and elevations. A statement of good practice including photographs shall be submitted to the local planning authority prior to the discharge of this condition, demonstrating that the boxes have been selected and installed in accordance with BS 42021. The development shall not be carried out other than in complete accordance with the approved integral nest box plan and approved details and all boxes shall be permanently so maintained.

*[Reason: To enhance the biodiversity of the site in line with National Planning Policy Guidance Natural Environment 2019 paragraph 023.]*

12. The development hereby approved shall be carried out strictly in accordance with the submitted Flood Risk Assessment by 'collinshallgreen Ltd' dated Jan 2024 Ref: J023-CHG-00-XX-RP-S-0003 and shall incorporate all mitigation measures detailed that Flood Risk Assessment.

*[Reason: In the interests of minimising flood risk. In accordance with Policy*

*SDC11 of the North East Derbyshire Local Plan.]*

13. The means of disposal of foul sewage/foul water shall be to the mains sewer.

[For clarity and the avoidance of doubt and to ensure there is no pollution of the water environment]

14. No building hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. These shall include a sustainable drainage scheme to achieve a surface water discharge of no greater than 2.0 l/sec. The submitted details shall:
  - a. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
  - b. include a timetable for its implementation; and
  - c. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

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

15. No development shall commence until full details of the ground floor level of the proposed dwellings in relation to existing and finished ground levels and relative to a fixed datum have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.

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

16. Prior to commencing development a detailed scheme of tree/hedgerow protection for the existing hedgerows which are being retained shall be submitted to the Authority for approval in writing. Once agreed these protection measures shall be installed in accordance with the approved details shown on this plan before any other works commence on site and shall be retained in position until all the building works hereby approved have been completed. The area within the fenced/protected area shall not be used for storage or the parking of machinery or vehicles and the ground levels shall not be altered.

*[Reason: In the interest of the amenity of the area and in accordance with Policies SDC2, SDC3, SDC4 & of the North East Derbyshire Local Plan.]*

17. As shown on plan '1539-002' the existing trees which are being retained (T10 & T7) shall be protected as shown and these protection measures shall be installed in accordance with the approved details shown on this plan

before any other works commence on site and shall be retained in position until all the building works hereby approved have been completed. The area within the fenced/protected area shall not be used for storage or the parking of machinery or vehicles and the ground levels shall not be altered.

*[Reason: In the interest of the amenity of the area and in accordance with Policies SDC2, SDC3, SDC4 of the North East Derbyshire Local Plan.]*

18. Before development starts any Intrusive Site Investigation (Phase II) required by the submitted Phase 1 Desk Top Study by Collinshallgreen ref 'J023-CHG-00-XX-RP-S-0001' (and any necessary Remediation Method Statement (Phase III) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the agreed surveys and mitigation shall be carried out strictly in accordance with the approved details.

*[Reason: To protect the environment and address any contamination issues and in accordance with Policy SDC14 of the North East Derbyshire Local Plan]*

19. The Development hereby approved shall not be occupied until the access, parking and turning facilities have been provided as shown on drawing no A1\_020C Revision J titled Proposed Site Plan and retained as such thereafter.

*[Reason: To ensure conformity with the submitted details.]*

20. The development hereby approved shall not be occupied until visibility splays are provided from a point 0.6m above carriageway level at the centre of the access to the application site and 2.4 metres back from the near side edge of the adjoining carriageway, (measured perpendicularly), for a distance of 120 metres in each direction measured along the nearside edge of the adjoining carriageway and offset a distance of 0.6 metres from the edge of the carriageway. These splays shall thereafter be permanently kept free of all obstructions to visibility over 0.6m in height above carriageway level.

*[Reason: In the interests of highway safety and in accordance with Policy ID3 of the North East Derbyshire Local Plan.]*

21. The Development hereby approved shall not be occupied until the site access works as shown on drawing no. A1\_021 Revision C titled Proposed Highway Plan, have been constructed and completed.

*[Reason: To ensure the safe and free flow of traffic onto the highway.]*

22. 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;

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

23. All planting, seeding or turfing in the approved scheme of landscaping shown on plan '11367-FPCR-XX-XX-DR-L-0001' shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

*[Reason: In the interest of the appearance of the area and in accordance with policies SDC3 and SDC12 of the North East Derbyshire Local Plan and the policies of the Neighbourhood Plan.]*

24. Notwithstanding any submitted details, before development starts a plan to show the positions, design, materials, height and type of boundary treatments to be erected and/or retained shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full before the occupation of the building hereby approved and it shall be retained as approved.

*[Reason: To safeguard the privacy of neighbours and in accordance with Policies SDC12 of the North East Derbyshire Local Plan and in the interests of the character and appearance of the development and the landscape character of the area.]*

25. Prior to commencing any above ground works samples and specifications of the brick, render, and roof tiles shall be submitted to the Authority for approval in writing. Once agreed the development shall not be carried out other than in complete accordance with these agreed details.

*[Reason: In the interests of the character and appearance of the development in accordance with Local Plan Policy SDC12 ]*

26. The windows and external doors shall be recessed from the external face of the building by no less than 100mm and shall be permanently so maintained.

*[Reason: In the interests of the character and appearance of the development in accordance with Local Plan Policy SDC12 ]*

27. The roof verges shall be flush cement pointed and shall not use dry verge.

*[Reason: In the interests of the character and appearance of the development in accordance with Local Plan Policy SDC12 ]*

28. The gutters shall be black and fitted on rise and fall brackets (with the exception of the entrance canopies/porches) without the use of fascia or bargeboards and there shall be no overhanging rafters.

*[Reason: In the interests of the character and appearance of the development in accordance with Local Plan Policy SDC12 ]*

29. Prior to installing the windows and doors details of the material and finish shall be submitted to the Authority for approval in writing. Once agreed the door and windows shall not be installed other than in complete accordance with the agreed details.

*[Reason: In the interests of the character and appearance of the development in accordance with Local Plan Policy SDC12 ]*

30. Prior to installing hard surfaces, precise details of these shown on a materials plan shall be submitted to the Authority for approval in writing. Once agreed the development shall not be carried out other than in complete accordance with the agreed details.

*[Reason: In the interests of the character and appearance of the development in accordance with Local Plan Policy SDC12 ]*

31. Prior to occupying the dwellings hereby permitted where solar panels are shown on the roofs of the dwellings on the approved plans these shall be installed. These shall be integrated into the roof so they finish flush with the roof and shall be black panels with black frames and non reflective.

*[Reason: In the interests of the character and appearance of the development and achieving sustainable development and renewable energy in accordance with Local Plan Policies SS1, SDC10, SDC12 ]*

32. Prior to occupation of any of the dwellings hereby permitted the proposed footpath shown on the approved plans which links the development to the existing footpath on Matlock Road (A615) shall be substantially completed. The footpath shall be completed prior to occupation of the fourth dwelling hereby permitted and shall then be permanently so maintained.

*[Reason: To ensure the footpath link is provided in the interests of the amenity of the site, reducing the need to travel by car and ensuring the development properly links with the existing settlement in accordance with Local Plan policy SS1, SDC12, ID3 and Neighbourhood Plan Policies NPP3, ASPIRATIONAL Policy 1 and the NPPF.]*

**PLA/ NED/23/00918/FL - SHIRLAND**

**81/2**

**3-24**

The report to Committee explained that an Application had been submitted for a two-storey detached dwelling and garage, with the creation of a new access, at land to the North of 14 and between 10 and 18 Birkinstyle Lane, Shirland. The Application involved amended plans. The Application had been referred to Committee by Local Ward Member, Councillor M Roe, 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 dwelling, located on a vacant site within the Settlement Development Limits for Shirland, would be in line with the overall aims of local and national planning policy - by support sustainable development within an existing settlement. They suggested that this ought to weigh heavily in favour of approving the Application.

Although officers accepted that the proposed dwelling would be large and that it would be of an unusual design to reflect the configuration of the site, they argued that it would, nevertheless, meet the minimum requirements of the Council's Successful Places Design Guidance Policy with regards to the privacy and amenity of both existing and future occupants. Moreover, it would be located in a mixed street scene, alongside properties with different designs. Similarly, it would be set back from the road and screening would be provided by adjoining buildings. Consequently, the new dwelling would not adversely impact the character of the area.

Before Committee considered the Application it heard from Local Ward Member, Councillor M Roe and J Pilkington, speaking on behalf of J Hardaker, who objected to the Application. No one had registered to speak in support of it.

Committee considered the Application. It took into account the location of the site within the Settlement Development Limits for Shirland. It considered the relevant local and national planning policies. These included Local Plan Policy SS2 on the distribution of Development, Local Plan Policy SS7, on the use of Unallocated Land within those settlement with defined Settlement Limits, Local Plan Policy SDC12, requiring all new developments to be of high quality design and to make a positive contribution to the quality of the local environment. It also considered the relevant policies being prepared for the still draft Neighbourhood Plan for Shirland and Higham and the Council's Successful Places Design Guidance Policy.

Members discussed the Application. Some Members felt that the siting, scale design and massing of the development would be inappropriate. Other Members felt that the proposed design was innovative and that the dwelling would be an appropriate use for the site. In this context Members discussed whether the proposed development would comply with all aspects of the Council's Successful Places Design Guidance Policy and how the design of the building would be tailored to make best use of the specific vacant land site on which it would be constructed.

Some Members expressed concern that the proposed dwelling would have an adverse impact on the amenity of neighbouring properties. Some Members felt that appropriate mitigations would be in place to address the concerns which had been raised. Other Members indicated that they would support the construction of a dwelling on the site but had reservations about whether the current proposal would be of the right scale and design for the location.

At the conclusion of the discussion Councillor H Liggett and Councillor D Hancock moved and seconded a Motion to refuse the Application.

The Motion was put to the vote and was agreed.

**RESOLVED -**

That the Application be refused, contrary to officer recommendations.

**Reasons**

The application is considered unacceptable as by reason of the proposed dwelling's siting, scale, size and massing it does not achieve high quality design and so would have a harmful impact on the character and general amenity of the area and therefore fails to meet the requirements of, and so is contrary to, policies SS7 and SDC12 of the North East Derbyshire Local Plan.

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

**82/2**

**3-24**

The report to Committee explained that two Appeals had been lodged, one Appeal had been allowed and four Appeals had been dismissed. Officers were thanked for the efforts on this.

**PLA/ Matters of Urgency**

**83/2**

**3-24**

None.