

Public Document Pack



**North East
Derbyshire**
District Council

Contact: Nicoli Ellis-Hall
Tel: 01246 217749
Email: nicoli.ellis-hall@ne-derbyshire.gov.uk
Date: Monday, 23 September 2024

To: **Members of the Planning Committee**

Please attend a meeting of the Planning Committee to be held on **Tuesday, 1 October 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 Mark Foster
Councillor Christine Gare
Councillor David Hancock

Councillor Lee Hartshorne (Chair)
Councillor William Jones
Councillor Tony Lacey
Councillor Fran Petersen
Councillor Kathy Rouse

Please notify the Temporary Senior Governance Officer, Nicoli Ellis-Hall by 4.00 pm on Friday 27 September 2024 of any substitutions made for the meeting.

For further information about this meeting please contact: Nicoli Ellis-Hall 01246 217749

A G E N D A

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 Declaration of Predetermination

Any Member who cannot determine an Application solely on the information presented to Committee at the meeting today is asked declare that they are 'Predetermined' on that item on the agenda and to withdraw from the meeting at the appropriate time.

4 Minutes of Last Meeting (Pages 5 - 10)

To approve as a correct record and the Chair to sign the Minutes of Planning Committee held on 3 September 2024.

5 NED/24/00253/FL - ASHOVER (Pages 11 - 36)

Erection of self-build dwelling plus associated hard and soft landscaping at Fall Hill Quarry, Ashover.

(Planning Manager – Development Management)

6 NED/24/00502/FL - CLAY CROSS (Pages 37 - 49)

Change of use of the existing building from its current use for B2 General Industrial to mixed use for use as cafe and as a hot food takeaway at Unit 10, Upper Mantle Close, Clay Cross.

(Planning Manager – Development Management)

7 NED/24/00521/FL - PILSLEY (Pages 50 - 72)

Construction of two storey 5 bed detached dwelling at The Bungalow, Station Road, Pilsley.

(Planning Manager – Development Management)

8 Late Representations - Summary Update Report - NOW PUBLISHED (Pages 73 - 76)

(Planning Manager – Development Management)

9 Planning Appeals - Lodged and Determined (Pages 77 - 79)

(Planning Manager – Development Management)

10 Matters of Urgency

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



**North East
Derbyshire**
District Council

Access for All statement

You can request this document or information in another format such as **large print** or **language** or contact us by:

- Phone - [01246 231111](tel:01246 231111)
- Email - connectne@ne-derbyshire.gov.uk
- Text - [07800 00 24 25](tel:07800 00 24 25)
- **BSL Video Call** – a three way video call with us and a BSL interpreter. It is free to call North East Derbyshire District Council with [Sign Solutions](#) or call into the offices at Wingerworth.
- Call with [Relay UK](#) via textphone or app on [0800 500 888](tel:0800 500 888) – a free phone service
- **Visiting** our [offices](#) at Wingerworth – 2013 Mill lane, [S42 6NG](#)

PLANNING COMMITTEE

MINUTES OF MEETING HELD ON TUESDAY, 3 SEPTEMBER 2024

Present:

Councillor Lee Hartshorne (Chair) (in the Chair)

Councillor Tony Lacey (Vice-Chair)

Councillor Neil Baker

Councillor Stephen Clough

Councillor Christine Gare

Councillor Fran Petersen

Councillor Kathy Rouse

Councillor David Cheetham

Councillor Andrew Cooper

Councillor David Hancock

Councillor Carolyn Renwick

Also Present:

D Thompson

A Kirkham

G Cooper

K Hallam

A Jafri

A Maher

T Fuller

T Bamford

Assistant Director of Planning

Planning Manager - Development Management

Principal Planning Officer

Senior Planning Officer

Planning Solicitor

Governance Manager

Governance Officer

Civic Administration Assistant

PLA/ Apologies for Absence and Substitutions

8/24-

25

Councillors P Elliot, substituted by S Clough, M Foster, substituted by C Renwick. W Jones, substituted by N Baker.

PLA/ Declarations of Interest

9/24-

25

Councillor D Cheetham declared an interest in Item 5 of the agenda, NED/23/00923 – DRONFIELD, as a Local Ward Member. He indicated that he would leave the meeting at the appropriate time and would not participate in the Committee's consideration or determination of the Application.

PLA/ Declaration of Predetermination

10/2

4-25

None.

PLA/ Minutes of the Last Meeting

11/2

4-25

RESOLVED –

That the minutes of the meeting held on 18 June 2024 were approved as a true record.

4-25 Councillor D Cheetham left the meeting at this point.

The report to Committee explained that an Application had been submitted for the residential development of 130 dwellings, with highways landscaping and associated works, at land to the north of Burns Drive, on the south side of Chesterfield Road, Dronfield. The Application had been referred to Committee by Local Ward Member, Councillor W Jones, who had raised concerns about it. The Planning Manager (Development Management) also considered the Application of strategic importance which he felt should be determined on by Planning Committee.

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

Officers felt that although the site had been identified for development in the Local Plan, the proposals in the Application would not reach the standards of good design which would be appropriate to the character and function of the Dronfield settlement. They contended that the development would not respect the local character of the area. It would neither preserve nor enhance the quality and local identity of existing communities and their surroundings.

The report also raised concern about the proposal to locate the Attenuation Tanks for the development on Green Belt land adjacent to the site for the main development. Officers contended that the proposal had not demonstrated that very special circumstances exist to justify the tanks' location. Furthermore, the proposal would fail to meet its obligation to improve the remaining Green Belt land. The proposed measures would not provide sufficient improvements to environmental quality or accessibility of the remaining Green Belt land to offset the loss because of the scheme.

In addition, officers felt that the Application did not include sufficient plans for adequately managing surface water on site. The proposal fell short of demonstrating that surface water could be effectively managed through sustainable urban drainage systems in perpetuity. Moreover, there would be too much reliance on small scale measures, including the use of individual gardens.

Finally, the report contended that the proposed development would create an unacceptable relationship between existing properties on Burns Drive and the proposed dwellings along the southern boundary of the site. The existing properties and the new dwellings would be in close proximity to each other, consequently, the development would fail to protect the amenity of both existing residents and future occupiers of the new dwellings.

Officers concluded that the scheme would not be acceptable in its current form. They felt that the development would not represent an acceptable form of design, it would not adequately compensate for the loss of Green Belt land (as required by the relevant Local Plan policy), nor adequately protect the amenity of existing and future occupiers. They recommended, therefore, that the Application be refused.

Before the Committee considered the application it heard from Local Ward Member Councillor W Jones, Councillor A Dale, representing Dronfield Town Council, S Hallett, M Hanrahan and S Hemsley who spoke against the application. It also heard from the Agent, M Edgar, who spoke in support of the Application.

Committee considered the Application. It took into account the location of the site, its significance as the gateway to Dronfield and the potential harm to adjacent green belt land. It considered the relevant Local and National Planning Policies. These included Local Plan Policy LC1 on green belt development, paragraph 175 of the National Planning Policy Framework concerning sustainable urban drainage and Local Plan Policy SDC12(e) concerning the amenity of existing and future occupiers. Committee also considered guidance set out in "Successful Places" that details how designs should consider local characteristics and context.

Members discussed the Application. As part of this, they reflected on the concerns which had been raised about proximity of the development to a water treatment plant and the possible odour nuisance this might create. Some members expressed concern about the design of the development and its likely impact on the surrounding area. It was noted that the site was allocated for development in the Local Plan, but this confirmed only that the broad principle of housing was appropriate on this site, with the details of how a development would be achieved to be assessed at the application stage. Members considered the location of the site to be a gateway into Dronfield, as such careful consideration needed to be paid to the composition of any development. In this context, they supported the officer recommendations to reject the Application and their conclusion that the development would not reflect or enhance the character of the local area.

At the conclusion of the discussion Councillor C Renwick and Councillor D Hancock moved and seconded a Motion to refuse the Application. The Motion was put to a vote and approved.

RESOLVED –

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

That the final wording of the reasons for refusal be delegated to the Planning Manager (Development Management).

Reasons

1. The application site is sited in a prominent, hillside position and would form the new gateway to Dronfield. By virtue of the overall design, in particular the layout, street design, car parking arrangements, landscape strategy, inclusion of SUDS within the design of the site, and connections with the wider area, the proposal fails to achieve good design, that is appropriate in scale, design and location to the character and function of the settlement; and which responds positively to local character and context to preserve and, where possible, enhance the quality and local identity of existing communities and their surroundings. As such, to grant permission would be contrary to the NPPF, when read as a whole, Local

Plan Policies SS1, SS7, SDC3, SDC11, SDC12, Neighbourhood Plan Policy ENV2 & D3 and guidance set out in Successful Places.

2. Local Plan Policy LC1 outlines that in order to offset the effect of removing land from the Green Belt of allocated sites in the Local Plan (Ref: DR1), compensatory improvements to the environmental quality or accessibility of the remaining Green Belt land will be required where appropriate. The measures put forward in this case as the compensation are considered necessary requirements to make the development itself acceptable and cannot be 'doubled up' for use as compensatory improvements. Furthermore, the majority of the measures put forward are not within the remaining Green Belt land as required by policy LC1. As such, the proposed measures do not provide sufficient improvements to the environmental quality or accessibility of the remaining Green Belt and so the proposal is considered contrary to Local Plan Policy LC1.

3. Policy SDC12(e) sets out the requirement for new developments to protect the amenity of existing occupiers and create a good quality of amenity for future occupants of land or buildings including in relation to privacy, overlooking, overshadowing and/or any overbearing impacts. Furthermore, policy D3 of the Dronfield NP states that proposal must reflect certain design principles, such as making good use of the site characteristics and its surroundings and should not adversely impact on general amenity. In addition, Successful Places sets out that proposals should not cause a loss of daylight, overshadowing or create overbearing relationships between buildings where this would be detrimental to residential amenity. The proposed development creates an unacceptable relationship between the existing properties on Burns Drive, and their gardens, and the proposed dwellings, and their gardens along the southern boundary of the site. The Council's "Successful Places" design guidance recommends a minimum separation distance of 21m between the rear elevations of two dwellings directly facing one another. Whilst the separation distances between the rear elevation of the existing dwellings on Burns Drive and the proposed dwellings are achieved, when measured from the rear gardens and raised terraces, the relationship is below the 21m and has a poor vertical relationship such that overlooking will take place into both amenity areas and dwellings. Specifically plots 41, 42, 43, 49 & 50 are affected by the relationship. The relationship created therefore fails to protect existing and future occupiers and is considered contrary to the requirements of Local Plan policy SDC12(e), Neighbourhood Plan policy D3, "Successful Places" and the NPPF, when read as a whole...

PLA/ NED/23/00877/FL - WINGERWORTH

13/2

4-25

Councillor D Cheetham returned to the meeting at this point.

The Chair of the Committee informed Members that he had agreed to defer Item 6 on the Agenda, NED/23/00877/FL – WINGERWORTH. He had done this on the advice of officers, to enable further work to take place. The Assistant Director of Planning and the Planning Manager (Development Management) clarified that the deferral followed on from the request of the Applicant to address the various outstanding matters relating to the Application.

The report to Committee explained that an Application had been submitted for the residential development of 64 dwellings with associated parking, landscaping and Sustainable Urban Drainage system, Community sports pavilion, outdoor seating areas, storage and parking provision. Community play equipment and outdoor gym equipment, 3 full size football pitches, new Multi-Use Games Area & skate-park. Landscaping and tree planting to recreational green space. At land south of 38 Chesterfield Road, North Wingfield. The Application had been referred to committee by Local Ward Member, Councillor N Barker, due to the significance of the site.

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

Officers accepted that there was a proven need for the proposed affordable accommodation in the local area. They also accepted that the design of the scheme would be broadly acceptable and would, with suitable conditions, adequately protect the amenity of both existing and future occupants.

However, the Application also included proposals to improve the quality of the recreation facilities, with the construction of a new sports pavilion, football pitches and car park. The funding for this construction had not yet been secured by the Parish Council, who are proposing to provide this. Officers were concerned that unless this funding was secured there could be no guarantee that these facilities would ever come forward. Without this guarantee they determined that the Development would result in the loss of 2 hectares of recreation space contrary to the Local Plan. The loss of recreation space was also objected to by Sports England. Additionally, the viability of the proposal to make the financial contributions sought under a Section 106 agreement was seen as insufficient. This meant that the development would be unable to mitigate for the harm caused to existing infrastructure and facilities.

Officers concluded that the loss of recreation provision and social mitigation deficit would outweigh the benefits arising from the provision of 64 affordable housing units. They recommended, therefore, that the application be refused.

Before the Committee considered the application it heard from the Chair of North Wingfield Parish Council, Councillor N Barker, who spoke in favour of the Application and H Watton who spoke against it. It also heard from the Applicant, A Hutton, and the Agent, M Jermy.

Committee considered the application. It took into account the need for affordable housing for rent in the area, as well as the proportion of the development on brownfield land. It considered the relevant Local and National Planning Policies. These included Local Plan Policy LC3 concerning affordable housing development in the countryside, Local Plan Policy ID10 concerning the provision of recreational space, and Local Plan Policy ID1 concerning the mitigation of harm caused to infrastructure and facilities. Committee also considered the extent to which the current recreational space is 'out of service'.

Members discussed the application. Committee welcomed the proposed quality of affordable housing, especially due the current demand in the North Wingfield area. Some Members supported the proposed improvements to the recreational facilities but regretted that the funding for these facilities had not been secured.

Some Members felt that it might be appropriate to defer the Application for an additional period, so that further discussions could take place to address the funding issues. Officers explained that considerable discussion had already taken place around this, but that no further progress had been possible at that time. With the agreement of the Chair, Committee recessed for a short break so that the Applicant (GEDA, Guinness Homes and Parish Council representative) and planning agent could discuss possible amendments to the delivery of the scheme which would enable the outstanding issues around the Application to be addressed or whether there would be grounds for deferral. When the Committee resumed the Assistant Director of Planning reported that the position of the Applicant remained unchanged. Consequently, there would be no grounds for a deferral.

At the conclusion of the discussion Councillor D Hancock and Councillor S Clough moved and seconded a Motion to approve the application. The motion was put to a vote and agreed.

RESOLVED –

That the Application be approved, contrary to officer recommendations.

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

Reasons

The benefit to the area of the additional affordable Housing that would be provided under the application.

The improved recreational facilities that would be provided for the area under the application.

PLA/ Planning Appeals - Lodged and Determined

15/2

4-25

The report to Committee explained that seven appeals had been lodged, one had been allowed and seven had been dismissed.

PLA/ Matters of Urgency

16/2

4-25

None.

PLANNING COMMITTEE – 1st October 2024

Reference Number: 24/00253/FL

Application expiry: 03/10/24

Application Type: FULL

Proposal Description: Erection of a self-build dwelling plus associated hard and soft landscaping (Amended Details)

At: Fall Hill Quarry, Hockley Lane, Ashover

For: Mr & Mrs Kennedy

Third Party Reps: Two representations

Parish: Ashover

Ward: Ashover

Report Author: Graeme Cooper

Date of Report: September 2024

MAIN RECOMMENDATION: Grant permission, subject to conditions

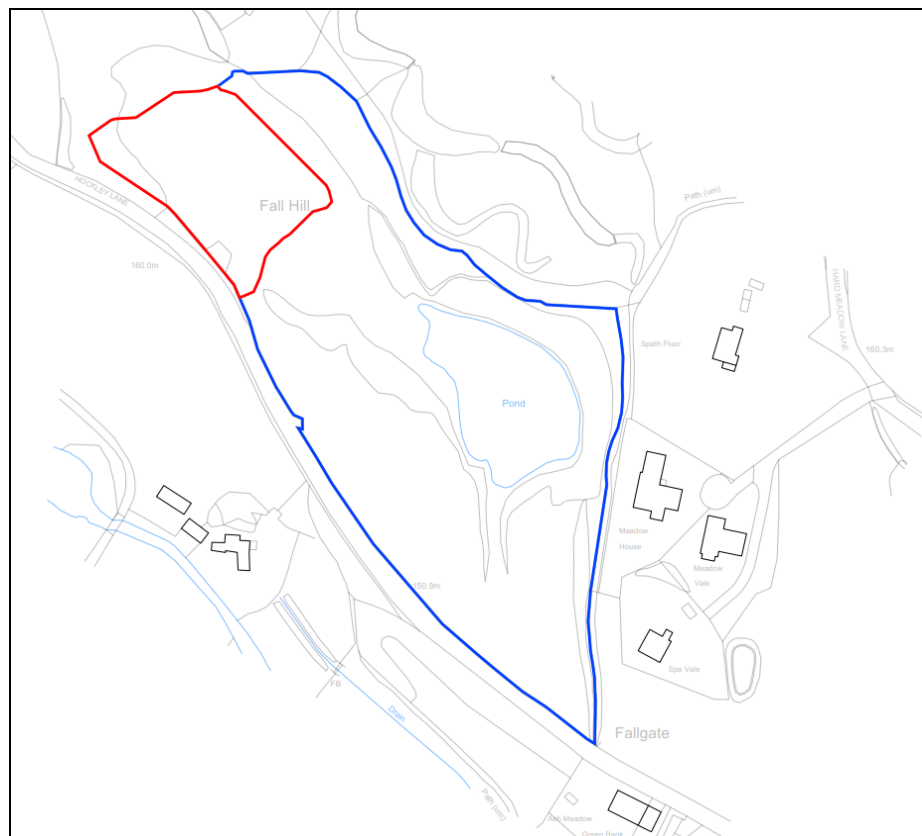


Figure 1: Location plan, with site edged in red

1.0 Reason for Report

- 1.1 Cllr Wetherall requested that the application be considered at committee due to the proposed development falling outside the Settlement Development Limit for Ashover. Although the ward member acknowledges that para 84(e) of the NPPF probably applies but is subjective. There are also concerns raised regarding the guest accommodation being used for holiday accommodation.

2.0 Proposal and Background

Site Description

- 2.1 The application site forms part of Fall Hill Quarry, which is located near to Fallgate approx. 0.7km from Ashover. The application site consists of the former quarry, with steep sloping faces to the north, including woodland and lagoon. The quarry is cut steeply into the south west facing slope of a minor ridge, which looks south west across the valley to the River Amber and towards a further minor ridge.
- 2.2 To the south of the application site is the B6036 Hockley Lane which connects Ashover to Fallgate. Access to the site is from the former quarry entrance and a public right of way crosses on elevated ground to the north eastern boundary of the application site overlooking the lagoon.
- 2.3 The application site forms part of the Fall Hill Quarry Site of Special Scientific Interest (SSSI). This SSSI continues beyond the study area to the north west. The application site covers approx. one half of this SSSI area. This SSSI is designated primarily for its geological importance. It is also part of a Regionally Important Geological Site (RIGS) which continues further to the north west of the application site.

Proposal

- 2.4 This application seeks permission for a single dwelling (Mineral House) at Fall Hill Quarry, Ashover. The proposed dwelling would be formed in the north west corner of the application site, and provide accommodation over two levels with a brown roof.
- 2.5 The proposed dwelling has a contemporary form and includes 3 bedrooms, living accommodation, two guest annexes and associated car parking. Access is taken from Hockley Lane via a gated access.
- 2.6 The proposed levels of the site are mixed with the proposed dwelling positioned on a plateau to the west of the lagoon. The proposed dwelling would be below the levels of existing properties to the east and on a similar level to the public right of way which runs along this edge of the quarry.

Amendments

- 2.7 Following a design review held on 3rd July 2024 the applicant submitted amended landscape plans for the proposed dwelling and the immediate surroundings. A detailed response to consultation comments was also included in the amended documents as well as an updated Design and Access Statement.

3.0 Relevant Planning History (not the full site history)

- 3.1 94/00044/FL | Proposed erection of steel gates at two entrances (Conditionally Approved)
- 3.2 11/00654/CM | CW4/0111/153 Proposal to partially infill Fall Hill Quarry with inert material and in so doing eliminate the potential for flooding (Concerns Raised/Refused)

4.0 Consultation Responses

- 4.1 **Ward Member Cllr Wetherall** requested that the application be considered at committee due to the proposed development falling outside the Settlement Development Limit for Ashover. Although the ward member acknowledges that para 84(e) of the NPPF probably applies but is subjective. There are also concerns raised regarding the guest accommodation being used for holiday accommodation.
- 4.2 **Ashover Parish Council** comment that the Ashover Parish Neighbourhood Plan does not support this application under Policy AP2 as it sits outside the Settlement Development Limit. However, it was noted by Members that the proposal is supported under section 84e of the NPPF and that this may override the Neighbourhood Plan.
- 4.3 **Environmental Health Officer** raised no objection subject to land contamination conditions being included on any decision.
- 4.4 **DCC Highways Authority (HA)** understand that the existing vehicular access is off Hockley Lane, which is subject to the national speed limit is to be retained and enhanced with a new gatehouse which will frame this public view of the site. The HA consider the width of the access to be acceptable to serve the proposed development.
- 4.5 Whilst the applicant has failed to demonstrate vehicular visibility splays, it is acknowledged this is an existing access and given the nature of Hockley Lane which includes several turns at this location, speeds are likely to be significantly lower than the posted limit, and the proposals would not be an intensification considering its extant use. As such the HA has determined visibility splays of 2.4m x 80m are achievable and have advised a suitable condition.

- 4.6 It is noted an analysis has been undertaken for a fire tender illustrating that a fire tender could access the site and comply with the 45m maximum distance from a fire tender. Furthermore, given the quantum of development the proposed parking and turning area is acceptable.
- 4.7 In view of the above, the HA have no objection subject to conditions relating to the access, parking and turning being provided in line with the submitted details, adequate visibility splays being achieved onto Hockley Lane, a construction management plan being submitted and the first 5m of any driveway being of a solid bound material.
- 4.8 **DCC Planning Policy Team** raised no comments.
- 4.9 **DCC Minerals Team** raised no comments.
- 4.10 **DCC Archaeologist** notes the submitted GPR and Magnetometry Survey and is of the view that there will be no archaeological impacts and as such raises no objection.
- 4.11 **NEDDC Planning Policy and Environment Team – Trees** raised no comments.
- 4.12 **Natural England (NE)** raised no objection subject to appropriate mitigation being secured to retain and incorporate key geological boulders into the proposal and information boards provided advising visitors of the status and protection of the SSSI.
- 4.13 Specifically, NE note that the SSSI contains an exposure of the Ashover Old Vein, together with mine dump material of mineralogical interest. The main mineral is fluorite and fluorite originating from the bottom of the quarry can enclose unusual bright crystals of unaltered marcasite. Of particular interest are coatings of smithsonite and greenockite, which are presumably derived from decomposition of adjacent sphalerite. The greenockite is iridescent and can include the cubic dimorph hawleyite, which is unknown elsewhere in Britain. The geological interest of the site is finite and irreplaceable. Sites with a unique or finite geological resource are particularly sensitive because they are often small and the important interest features are typically restricted in volume. Visitors who carry out specimen collection damage could destroy the interest features for which the SSSI has been notified and have a significant impact on the purposes of designation. Visitors need to be well informed of the protected status of the site and how to avoid potential damage.
- 4.14 If planning permission is granted the LPA is required under Section 28I (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. NE should be allowed a period of 21 days to comment prior to any work commencing on site. [*Officer note:*

the intention of Officers is to delay the formal granting of permission until the 21 days consultation period with NE has concluded.]

- 4.15 **Derbyshire Wildlife Trust (DWT)** reviewed the submitted Ecological Appraisal, prepared by FPDR dated March 2024. The report provides results from various surveys undertaken on site in 2021 and 2022. Whilst some time has passed since these reports were carried out the presence of priority species and habitats was confirmed and we consider that update surveys are unlikely to alter the impact assessment for the scheme.
- 4.16 The application area is located within Fall Hill Quarry Site of Special Scientific Interest (SSSI) which is designated for its geological interest. Whilst not designated for its value to nature conservation, priority habitats were recorded and the site supports various priority species, as well as a range of more common wildlife. Whilst not currently designated as a Local Wildlife Site (LWS), the presence of such habitats and species would also mean that the site qualifies as an LWS under several selection criteria.
- 4.17 Surveys confirmed that the site is of value to foraging bats, dingy skipper, small heath and an assemblage of breeding birds. Existing records also confirm that the site is used / has been used by common toad, common frog and smooth newt. Furthermore, reptiles and hedgehogs have been recorded in the locality, despite not being confirmed on site. Both GCN and badgers (i.e. sett) have been confirmed as likely absent from the application area.
- 4.18 The proposed development will be located in the north west corner of the quarry on Open Mosaic Habitat and Calcareous grassland, both of which are used as a priority species dingy skipper and small heath. Partial compensation is proposed through the inclusion of a brown roof, created from the substrate within the footprint of works and the landscaping will also retain / emulate the existing landscape features. However, the impacts of the proposals have not been quantified. Whilst DWT acknowledge the proposed measures to reduce impacts, a biodiversity metric has not been submitted, which is somewhat surprising given the ecological value of the site.
- 4.19 The proposal is exempt from the mandatory 10% Biodiversity Net Gain, however a measurable gain should still be demonstrated. DWT acknowledge some of the measures to minimise impacts, there is no evidence to demonstrate that a measurable gain will be achieved or that adverse impacts to the priority habitats and species on site will be fully mitigated, in line with the NPPF 2023, The NERC Act 2006 (amended by The Environment Act 2021), Policy SDC4 of the North-East Derbyshire Local Plan (2014-2034) and Policy AP16 of the Ashover Parish Neighbourhood Plan 2016-2033 (May 2017). DWT therefore advise the LPA to seek a metric to quantify losses and gains, in order to address this and inform a mitigation strategy for the site. Providing a net gain can be demonstrated, a detailed Landscape and Biodiversity Enhancement and Management Plan (LBEMP) will be

essential to secure long-term management of the site. A CEMP: Biodiversity and sensitive lighting plan should also be secured via condition.

- 4.20 A Biodiversity Metric Appraisal has been submitted by the applicant indicating a net gain on site in biodiversity terms. However, the final comments of DWT were not available at the time of drafting this report and will be reported to members prior to planning committee.
- 4.21 **Health and Safety Executive** raised no comments.
- 4.22 **Derbyshire Police** note that the proposed development has an opportunity to tackle historical misuse associated with the site. The officer has reviewed historic incidents and canvassed the Safer Neighbourhood Team. It is noted that there are very low levels of data for Fall Hill. Very few incidents of note have been reported in the area, other than the tragic drowning of a person back in 2009. Since 2009 there has been infrequent reports of trespass on the site. This is of course within the landscape of a very quiet village which would not regularly or routinely attract a police presence, consequently I accept those residing very close to the site will have better picture of day-to-day occurrences. On the broader principle of residential occupation being an asset to isolated sites, I would tend to agree with supporting information that the development as proposed would, on balance, be of benefit to community safety if the lake is to be retained, which, as far as I'm aware, still presents the same risks as in 2009.
- 4.23 **NEDDC Anti-Social Behaviour Officer** notes that Ashover is a low anti-social behaviour area. It was noted that there are no anti-social behaviour issues on file and trespassing would not be a Community Safety issue.
- 4.24 **Peak and Northern Footpaths Society** raised no comments.
- 4.25 **Ramblers Association** raised no comments.
- 4.26 **DCC Rights of Way Officer** raised no comments.
- 4.27 **Severn Trent Water Authority** raised no comments.
- 4.28 **Councils Drainage Engineer** raised no comments.
- 4.29 The **Lead Local Flood Authority** note that the application site is in a Flood Zone 1. Whilst the details of surface water drainage are minimal officers have no concerns subject to the inclusion of a standard surface water drainage condition.

5.0 Representations

- 5.1 The application was publicised by way of the display of a site notices. Two site notices were placed adjacent to the application site, one on the site entrance and the other on a public footpath sign to south east.
- 5.2 Two representations have been received from local residents making the following comments/concerns to the proposal:
- Concern the site would be used for a commercial enterprise
 - If a commercial operation it would increase traffic movements
 - Commercial use would have a negative impact on the environment from increase in numbers of visitors, increased noise and light from the site
 - Commercial activity has chance of spoiling a peaceful corner of the parish which is home to many different species, flora and fauna
 - Concern permission has already been refused previously [*officer note: planning permission has never been sought for a dwelling on this site*]
 - Concern house would become a form of hotel
 - Site is part of a regionally important geological RIGS site
 - Concern about noise from amplified nature of the site
 - Visitor accommodation appears to be exempted from the high building standards which are proposed for the main dwelling – these elevated building techniques should apply to the entire build
- 5.3 One representation makes the following supporting comments:
- Reduction of trespass and fly tipping on site
 - A simple private dwelling is supported

6.0 Relevant Policy and Strategic Context

North East Derbyshire Local Plan 2014-2034 (LP)

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

SS1	Sustainable Development
SS2	Spatial Strategy and the Distribution of Development
SS9	Development in the Countryside
SDC2	Trees, Woodland and Hedgerows
SDC3	Landscape Character
SDC4	Biodiversity and Geodiversity
SDC7	Scheduled Monuments and Archaeology
SDC11	Flood Risk and Drainage
SDC12	High Quality Design and Place Making
SDC13	Environmental Quality
SDC14	Land potentially affected by Contamination or Instability

Ashover Neighbourhood Plan (ANP)

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

AP2 Development Proposals outside the Limits to Development
AP11 Design
AP13 Landscape Character
AP15 Important Trees and Hedgerows
AP19 Dark Skies
AP20 Traffic
AP21 Footpaths, Cycleways and Bridgeways

National Planning Policy Framework (NPPF)

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

- 6.4 Specifically para 84 states that *“Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:*

a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;
b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;
c) the development would re-use redundant or disused buildings and enhance its immediate setting;
d) the development would involve the subdivision of an existing residential building;
or
e) the design is of exceptional quality, in that it:
- is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
- would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.”

- 6.5 Para 138 states that *“Local planning authorities should ensure that they have access to, and make appropriate use of, tools and processes for assessing and improving the design of development. The primary means of doing so should be through the preparation and use of local design codes, in line with the National Model Design Code. For assessing proposals there is a range of tools including workshops to engage the local community, design advice and review arrangements, and assessment frameworks such as Building for a Healthy Life. These are of most*

benefit if used as early as possible in the evolution of schemes, and are particularly important for significant projects such as large scale housing and mixed use developments. In assessing applications, local planning authorities should have regard to the outcome from these processes, including any recommendations made by design review panels."

Other Material Planning Considerations

- 6.4 Successful Places Interim Planning Guidance, adopted December 2013.

7.0 Planning Issues

Principle of Development

- 7.1 Policy SS9 of the Local Plan states that development proposals in countryside locations outside the Settlement Development Limits will be approved where it can be demonstrated to fall within one or more of the listed categories. The proposed development does not in officer opinion meet any of the categories listed in the policy.
- 7.2 Policy AP2 of the ANP states that land outside the settlements of Ashover, Kelstedge and Littlemoor will be considered as a countryside location. In the countryside, development proposals will be carefully controlled and limited to that which:
- a) support the rural economy and need to be in the countryside.
 - b) provide affordable housing to meet a demonstrable need on a rural exception site that is adjacent to the most up to date Settlement Development Limits. These developments may include an element of market housing where it can be demonstrated that it is necessary to make the affordable housing viable.
 - c) re-use redundant or underused buildings.

In all cases development will not be seriously intrusive in the countryside and will respect the character of existing settlements and their setting.

- 7.3 Paragraph 84(e) of the NPPF, which reads: "*Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:*
- a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;*
 - b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;*
 - c) the development would re-use redundant or disused buildings and enhance its immediate setting;*

d) the development would involve the subdivision of an existing residential building; or
e) the design is of exceptional quality, in that it:
- is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
- would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area."

- 7.4 In regard to whether the proposed dwelling would be 'isolated' or not in planning terms, there is no such definition within the Development Plan or NPPF. Whether a new dwelling is isolated or not is a planning judgement for the decision maker. Several judgements (Braintree¹ and Bramshill²) have confirmed the interpretation of the concept of "isolated homes in the countryside" is that set out in the Braintree judgement, and that this requires the decision maker to consider whether the development would be physically isolated, in the sense of being isolated from "a settlement" rather than being isolated from "other dwellings".
- 7.5 The application site is located to the north west of the former Fall Hill quarry away from any defined settlement or village location. The nearest properties are Meadow House to the east and Fallgate Mill to the south. Ashover is the nearest defined settlement which is approx. 700m away to the north west. However, Fallgate is identified in the Local Plan as a 'very small village/hamlet' which would be in excess of 200m from the proposed dwelling. Overall, Officers conclude that the dwelling would be isolated in planning terms and as such, subject to whether the proposal would meet one of the listed provisos contained in Paragraph 84(e) of the NPPF, in principle a dwelling in this location would be acceptable.

Design and Landscape Considerations

- 7.6 The applicant is seeking permission for a dwelling, which the applicant believes would accord with paragraph 84(e) of the NPPF which is detailed in full above. The test here is that the proposed dwelling must be isolated in planning terms and the design must be of exceptional quality in that it is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.
- 7.7 The landscape setting in this location is Peak Fringe & Lower Derwent, Wooded Slopes and Valleys of an industrial landscape character in the form of a former quarry where policy SDC3 of the Local Plan states that "*proposals for new development will only be permitted where they would not cause significant harm to the character, quality, distinctiveness or sensitivity of the landscape, or to important features or views, or other perceptual qualities such as tranquillity.*" The site is within a Primary Area of Multiple Environmental Sensitivity (AMES) where proposals

¹ Braintree District Council v Secretary of State for Communities and Local Government[2018]

² Bramshill v Secretary of State for Communities and Local Government EWCA Civ 320

should be “*informed by, and be sympathetic to, the distinctive landscape areas identified in the Derbyshire Landscape Character Assessment and the Areas of Multiple Environmental Sensitivity (AMES), or any successor document(s), and contribute, where appropriate, to the conservation and enhancement, or restoration and re-creation of the local landscape taking into account its wider landscape character type.*”

- 7.8 Together with the above policy, the Local Plan includes policy SDC12 which states that all new development should be of a high-quality design and make a positive contribution to the quality of the local environment. Proposals should respond positively to local character and context; create good design which is well-related to its site and surroundings in terms of its layout, form, height, massing, scale, plot size, elevational treatment, materials, streetscape, and rooflines which effectively integrate buildings into their local setting; include well designed and strong boundary and landscape features; and include measures to promote environmental sustainability.
- 7.9 The applicant has taken part in two Design Review Panels (DRP) submitted a detailed Design and Access (D&A) Statement and plans to support the proposal. The D&A includes a full appraisal of the site context, evaluation of constraints and opportunities, the design evolution and response to DRP meetings. In line with paragraph 138 of the NPPF, Officers consider that the outcome of the DRP should carry weight in the decision-making process.
- 7.10 In ‘exceptional’ design terms, the proposal is for a lifetime home and its design is a landscape first approach. The applicant considers that the new dwelling in its architecture and landscape architecture is truly outstanding. The quarry site is a dramatic, manmade landscape with the vision of “Mineral House” is to retain this unique sense of place and the relationship between nature and the manmade quarry. The design is of a high-quality contemporary design which is sensitive and responsive to its setting. It directly intertwines architecture, engineering, landscape architecture and ecological habitat creation. The proposal would also be seen as an educational resource for students from Liverpool and Keele Universities. The design team considers that the proposal would be seen as an exemplar development in NED and the wider County.
- 7.11 The application site is a former quarry, located in the parish of Ashover. The proposal is for a substantial two storey contemporary house with guest annexes. Figure 2 below shows two cross section views of the proposed dwelling. the main house would include 3 bedrooms and accommodation over two levels, including an integral garage. The annexes will be to the side and rear of the property and include bedrooms, living accommodation and guest parking is provided adjacent to the annexe. Access is taken from Hockley Lane using the existing quarry access. A new gateway and pavilion will frame the site entrance.



Figure 2: Elevational plans of Mineral House

- 7.12 The plans illustrate that the proposed dwelling will sit on a plateau to the north west of the former quarry, as seen in Figure 3 below. Indicative visuals have been provided by the applicant illustrating the siting of the proposed dwelling and its relationship with the surrounding area.



Figure 3: Proposed cross section of application site

- 7.13 Since 2022 the applicant has engaged with Officers and undertaken two DRP's with Design Midlands. The latter review notes that the design concept is drawn from a

landscape first, architecture second approach, and the special and unique character and quality of the site. The DRP note that the revised position of the dwelling to the rear of the site enables it to sit within the site topography and better respond to views into and out of the site. The DRP commented on the quality and contribution the building would make on views into the site, especially from the public right of way. The house is linear in form and references the strata of the site and a 'conceal and reveal' approach is proposed for the scheme. The DRP considered changes undertaken to the scheme, from the initial DRP meeting, are positive and the scheme overall to be thoughtful, coherent and convincing. The DRP commented that the proposal should provide glimpsed views of the dwelling which would hint at the exceptional design of the house, which would contribute positively to the experience for those using the footpath. Full comments from the DRP are available to view online.

- 7.14 In response to the DRP comments, the applicant submitted an updated Design and Access statement along with amended landscape plans. The revised details sought to address the DRP comments relating to the sense of arrival at the development and design of the central courtyard, clarifying and developing the approach to views from the proposed dwelling, further details of green and blue infrastructure and how the dwelling would be used as a learning tool.
- 7.15 As a result of the DRP, the applicant has prepared storyboard sketches to provide clarity as to how the entrance to the site will be formed and how the dwelling can be enjoyed from outside the site. The sketch below in Figure 4 illustrates a revised gatehouse, dry stone walling and vertical fin metal gates allowing for views into the site. All this is considered to create a sense of arrival and hint at the design of the dwelling within.



Figure 4: Sketch view from Hockley Lane looking back towards the application site

- 7.16 Additionally, the courtyard design has been updated to amend the layout, mix of materials and soften the entrance into the space. Two interpretation boards are also proposed adjacent to the dwelling and another on the public right of way which overlooks the lagoon. The content of the boards could include information such as: the mining history of the site, the unique geology found within the site, the site ecology and its management, the design concept, Passivhaus design principles and the construction used within the building. Details of which can be controlled by way of condition. A full response to the DRP can be found online.
- 7.17 Overall, Officers consider that the detailed concept, design, site conditions and DRP comments align to support the conclusion that the scheme would meet the test of being of an exceptional design that is truly outstanding, reflecting the highest standards in architecture helping to raise standards of design more generally in rural areas and would significantly enhance its immediate former quarry setting, and be sensitive to the defining characteristics of the local area. Furthermore, the proposed development is informed by and sympathetic to the AMES and be of the highest quality of design which would not cause significant harm to the character, quality, distinctiveness or sensitivity of the landscape, or to important features or views, or other perceptual qualities such as tranquillity.

Ecological/SSSI Considerations

- 7.18 The application site is designated SSSI site covering the application site and land further to the north west. Land to the north and north west is identified as a Priority Habitat and the nearest Local Wildlife Site is Stars Wood & Milltown Quarry located approx. 130m to the south of the application site.
- 7.19 Policy SDC4 of the Local Plan states that *“the Council will protect and enhance the District’s natural environment and seek to increase the quantity and quality of biodiversity and geodiversity.”* This includes protecting and promoting the enhancement of sites such as this SSSI.
- 7.20 The proposal is exempt from the Biodiversity Net Gain (BNG) requirements due to it having been submitted to the LPA on 26th March 2024, prior to the BNG requirements coming into effect for small sites such as this.
- 7.21 The applicant has submitted an Ecological Appraisal and Arboricultural Assessment, prepared by FPCR both dated March 2024. The Ecological Appraisal considers the sites statutory status as an SSSI, general habitats found on site, badgers, bats, amphibians and reptiles. The Arboricultural Assessment looks at the existing tree planting, the impact of development on the trees, tree protection measures, new tree planting and future tree management.
- 7.22 Natural England (NE) have raised no objection to the proposal, subject to appropriate mitigation being secured to retain and incorporate key geological

boulders into the proposal and information boards provided advising visitors of the status and protection of the SSSI.

- 7.23 Derbyshire Wildlife Trust (DWT) have requested evidence that the proposal would provide a measurable gain will be achieved or that adverse impacts to the priority habitats and species on site will be fully mitigated in line with national and local requirements. DWT advise that metric to quantify the loss/gain on site is submitted in order to inform a mitigation strategy for the proposal. A Biodiversity Metric Appraisal has been submitted confirming a net on site increase in biodiversity. DWT's final comments on this appraisal and any suggested conditions were not available at the time of drafting this report to members, but will be reported prior to planning committee.
- 7.24 The Councils Tree Officer raised no comments to the proposal.
- 7.25 In view of the above, Officers consider that the proposed development will protect and enhance the natural environment, increasing the quantity and quality of biodiversity and geodiversity on site. Furthermore, the proposal will protect and enhance on site tree planting for their wildlife, landscape and amenity value. Therefore, subject to conditions, there is no good reason to preclude development.

Privacy and Amenity Considerations

- 7.26 Local Plan policy SDC12 states that new developments should “protect the amenity of existing occupiers and create a good quality of amenity for future occupants of land or buildings including in relation to privacy, overlooking, overshadowing and/or any overbearing impacts.”
- 7.27 The proposed dwelling is located within Fall Hill Quarry with the nearest properties being Meadow House approx. 170m to the east and Fallgate Mill approx. 120m to the south on the opposite side of Hockley Lane.
- 7.28 Derbyshire Police note that the proposed development has an opportunity to tackle historical misuse associated with the site. They are of the view that the proposed development would be a benefit to community safety. Furthermore, the Councils Anti-Social Behaviour Officer raised no objection to the proposal.
- 7.29 Officers are of the view that due to the isolated position of the proposed dwelling and location of nearby dwellings, that the proposed development would not result in any loss of privacy, overlooking, overshadowing and/or any overbearing impacts.
- 7.30 The proposal does however have opportunity to impact the amenity of nearby residential properties from potential noise disturbance due to its position in an amphitheater setting of the former quarry. However, the Councils EHO has not raised any concerns in relation to noise and due to the separation distance between

the dwellings and proposed use of the site Officers are of the view that the proposal would protect the amenity of existing occupiers.

- 7.31 With regards to the impact on future residents, the site is relatively isolated in nature from the road and public rights of way, with the only opportunity to gain views into the site achievable from the public right of way which is in an elevated position to the east of the application site. However, these views are so distant, and any views would not be into any private amenity areas of the proposed dwelling, as such Officers are satisfied that the impact on future residents would be acceptable.

Highway Safety Considerations

- 7.32 The proposed development would see the formation of a new dwelling, with guest accommodation. A single point of access is proposed from Hockley Lane utilising the existing access into the site which historically served the former quarry. The proposed access would include gates set back from the road and a driveway leads into the site to a parking area.
- 7.33 Site access visibility splay drawings have been provided illustrating an 80m visibility splay in both directions along Hockley Lane which is subject to the national speed limit.
- 7.34 The Highways Authority (HA) have been consulted and note that Hockley Lane is subject to the national speed limit. The HA consider that the width of the access is acceptable to serve the proposed dwelling. The HA consider that there is sufficient visibility from the proposed access. The HA are also satisfied that the site can accommodate a fire tender and there is sufficient parking and turning proposed. As such, subject to conditions relating to the provision of visibility splays in line with the approved plans, a construction management plan being agreed and the first 5m of the access being constructed of a solid bound material the HA have no objection to the proposal.
- 7.35 Overall, Officers conclude that the proposed development would not lead to an unacceptable impact on highway safety and the residual cumulative impact on the wider road network would not be severe.

Drainage Considerations

- 7.36 The site falls in Flood Zone 1 with the lowest probability of flooding. Part of the application site is identified as being at low risk of surface water flooding.
- 7.37 The application documents confirm that foul water will connect to the mains drains on Hockley Lane. Surface water will be fed into a new pond and in turn into the existing quarry lagoon. The proposed plans include brown roofs and rainwater harvesting via rainwater tank.

- 7.38 Severn Trent Water have raised no objection to the proposal.
- 7.39 The Council's Drainage Engineer raised no comments to the proposal.
- 7.40 LLFA raised no objection to the proposal, subject to a standard surface water drainage condition being included in any decision.
- 7.41 Officers conclude that the proposed development would not lead to a net increase in surface water run off for the lifetime of the development and surface water managed at source on site avoiding disposal to the sewer network. As such, the proposal would accord with Local Plan policy SDC11.

Land Contamination/Land Stability Considerations

- 7.42 The application site is a former quarry and not within a Development High Risk area.
- 7.43 A Geophysical Report and Electromagnetic Survey prepared by Geosciences dated November 2022 and December 2022 respectively have been submitted. Read together the reports survey the existing below ground site conditions. Below ground obstructions are noted and further investigation works will be required to inform the build.
- 7.44 The Council's Environmental Health Officer (EHO) raised no objection subject to conditions relating the submission of land contamination reports and any necessary remediation requirements.
- 7.45 The County Council Minerals Team raised no comments to the proposal and there was no requirement to consult the Coal Authority.
- 7.46 Officers conclude that, subject to conditions, there are no technical reasons relating to land contamination or land stability that would preclude development.

Other Considerations

- 7.47 A Sustainability Statement prepared by Ecospheric, dated March 2024, has been submitted to accompany the planning application. The report outlines that the proposed dwelling would achieve a Passivhaus Plus standard. It would deliver 'true' zero operational carbon project making it one of the most sustainable low carbon buildings in the country. Heat Pump technology and water recovery is proposed. The report concludes that the proposed development would stand as an exemplar of how built environments can harmonise with nature while significantly reducing their carbon impact. Through the integration of cutting-edge technologies and methodologies, this project is set to transcend conventional building standards, offering a blueprint for low-carbon living that is both innovative and achievable.

- 7.48 Residents have raised concern to the potential use of the dwelling and the associated guest annexes as a commercial venture. The applicant has confirmed that the proposal included two, one-bedroom annexes which include a bedroom, kitchen, living space and bathroom. It is the applicant's intention to allow occasional use of these annexes for family and visitors who have an interest in the geological and architectural merits of the site. Whilst Officers note the concerns of nearby residents, it is not considered that the use of these two annexes would be harmful to the amenity of the site and the surrounding area, and in particular the residents near to the application site due to the nature of the proposed development and separation distances provided. The proposed annexes can be controlled by way of condition to prevent them from being sold off.
- 7.49 It is noted by Officers that the proposed dwelling would be a 'self build' dwelling, and accordingly this matter should be controlled by way of unilateral undertaking agreement which is a legal agreement to control the self/custom build use.
- 7.50 If members are minded to grant permission, the LPA is required under Section 281 (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, the Authority has taken account of Natural England's (NE) advice. NE should be allowed a period of 21 days to comment prior to any work commencing on site. As such, a decision cannot be issued until the 21 day consultation period with NE has concluded.

8.0 Summary and Conclusion

- 8.1 The Local Plan and Ashover Neighborhood Plan do not support isolated dwellings in the countryside, but the NPPF at paragraph 84 supports such development if it meets the listed provisos. In this instance, the proposed dwelling is considered to be isolated in planning terms.
- 8.2 Further to the above, Officers consider that the overall design of the scheme, supported by an independent design review, would represent exceptional design that is truly outstanding and be sensitive to the defining characteristics of the former quarry setting and the local area which is a primary AMES.
- 8.3 The proposed development would in officer opinion, protect and enhance the natural environment, including the SSSI status of the site, increasing the quantity and quality of biodiversity and geodiversity on site. Furthermore, the proposal will protect and enhance on site tree planting for their wildlife, landscape and amenity value.
- 8.4 Officers conclude that the proposed development would provide a family home with 2x1 bed annexes which would be used by paying visitors and family. Officers conclude that the proposed development would not have an undue impact on existing and future residents.

- 8.5 In highway safety terms, no objection has been received from the County Council's Highways Authority and, subject to conditions, it is Officers view that the proposed development would not lead to an unacceptable impact on highway safety and the residual cumulative impact on the wider road network would not be severe.
- 8.6 Technical matters relating to land contamination, sustainability measures, drainage and ecology can be addressed by way of conditions.
- 8.7 A Unilateral Undertaking would control the use of the dwelling as a self/custom build dwelling ensuring it is not sold off in the first 3 years. It would also add a single dwelling to the self/custom build supply.
- 8.8 In view of the above, Officers are of the view that the proposed development should be recommended for approval, subject to the completion of a Unilateral Undertaking and conditions listed below.

9.0 Recommendation

- 9.1 That planning permission is **CONDITIONALLY APPROVED** subject to the following conditions, and the **prior agreement of a Unilateral Undertaking** covering the self-build requirements and the occupation of the annexes, with the final wording delegated to the Planning Manager (Development Management):-

Conditions

General Conditions

- 1) The development hereby permitted shall be started within 3 years from the date of this permission.

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

- 2) The development hereby approved shall be carried out in accordance with the following submitted plans;

- 08752-FPCR-XX-XX-DR-A-0001 P03 (Location Plan)
- 08752-FPCR-XX-XX-DR-A-0002 P06 (Proposed Ground Floor Plan)
- 08752-FPCR-XX-XX-DR-A-0003 P04 (Proposed First Floor Plan)
- 08752-FPCR-XX-XX-DR-A-0004 P04 (Proposed Roof Plan)
- 08752-FPCR-XX-XX-DR-A-0005 P05 (Site Section Elevation AA & BB)
- 08752-FPCR-XX-XX-DR-A-0006 P05 (Site Section Elevation CC & DD)
- 08752-FPCR-XX-XX-DR-A-0007 P05 (Site Section Elevation EE & FF)
- 08752-FPCR-XX-XX-DR-A-0008 P03 (Site Section ZZ)
- 08752-FPCR-XX-XX-DR-A-0050 P03 (Fire Strategy – Ground Floor Plan)
- 08752-FPCR-XX-XX-DR-A-0051 P03 (Fire Strategy – First Floor Plan)

- 8752-L-01 REV C (Landscape Plan – Brown Roof)
- 8752-L-02 REV C (Landscape Plan – Roof Garden)
- 8752-L-03 REV C (Landscape Plan – Ground Level)

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.]

Limitations of Use

- 3) Notwithstanding the provisions of Part C, Class C3 “Dwelling House” to the Schedule of the Town and Country Planning (Use Classes) Order 1987, (or any Order revoking or re-enacting that Order), the guest annexes hereby approved shall be used for the purpose of self-contained educational (geological/architectural) accommodation, holiday accommodation and/or for ancillary accommodation only.

The property shall not be occupied by any persons for a total period exceeding 28 days in any calendar year and the owner shall maintain a register of occupiers for each calendar year including names, addresses and length of stay, and a copy of the register shall be kept for inspection by the Local Planning Authority.

The accommodation shall not be sold off, sub-let or used as a separate unit of accommodation.

[Reason: The creation of an independent unit of accommodation in this location is contrary to the provisions of the Development Plan and would lead to unacceptable impacts on neighbouring properties.]

Construction

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

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

- 5) Notwithstanding the submitted details, before development commences details of the existing ground levels, proposed finished floor levels of the dwelling and associated structures, and the proposed finished ground levels of the site, relative to a datum point which is to remain undisturbed during the development, shall be submitted to and approved in writing by the Local Planning Authority.

The development shall then be carried out in accordance with the approved details and the levels shall be retained as such thereafter.

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

- 6) The proposed dwelling hereby approved shall be constructed to a Passivhaus Plus standard, all in accordance with the approved Design and Access Statement and Ecospheric Sustainability Report. Prior to the occupation of the dwelling a Passivhaus Plus certification, prepared by a suitably qualified professional, shall be submitted to the Local Planning Authority.

[Reason: In the interest of exceptional design that is truly outstanding, reflecting the highest standards in architecture helping to raise standards of design in North East Derbyshire and to ensure the proposal would significantly enhance its immediate former quarry setting, and be sensitive to the defining characteristics of the local area. All in accordance with Para 84 of the NPPF.]

- 7) Notwithstanding the submitted details, before above groundwork commences, a plan to show the positions, design, materials, height and type of boundary treatment to be erected, along with a timetable for its implementation, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall then be completed as agreed and then retained as such thereafter.

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

Landscaping

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

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

- 9) All planting, seeding or turfing in the approved scheme of landscaping shall be carried out in the first planting and seeding season following the occupation of

the buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

Sustainability

- 10) Notwithstanding the submitted details, before above groundwork commences, a scheme for mitigating climate change through sustainable design, including (but not limited to) the provision of sources of renewable energy, EV charging points, etc. including a timetable for its implementation, shall be submitted to and be approved in writing by the Local Planning Authority. Thereafter the approved climate change scheme shall be implemented in full as agreed and be retained as such thereafter.

[Reason: In the interest of delivering sustainable development and to ensure a high standard of design is achieved in line with Passivhaus requirements.]

Highways

- 11) The Development hereby approved shall not be occupied until the access, parking and turning facilities have been provided as shown on Proposed Ground Floor Plan drawing no. 08752-FPCR-XX-XX-DR-A-0002 Revision P06

[Reason: In the interests of highway safety.]

- 12) The 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;
- Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

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

- 13) 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 2.4m back from the near side edge of the adjoining carriageway, (measured perpendicularly), for a distance of 80m in each direction measured along the nearside edge of the adjoining carriageway and offset a distance of 1.0m 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 interest of highway safety.]

- 14) The development hereby permitted shall not be occupied until such time as the access drive (and any turning space) has been surfaced with tarmacadam, or similar hard bound material (not loose aggregate) for a distance of at least 5m behind the highway boundary and, once provided, shall be so maintained in perpetuity.

[Reason: To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) in the interests of highway safety and in accordance with the National Planning Policy Framework (2023)]

Land Contamination

- 15) Prior to development commencing a Phase I contaminated land assessment (desk-study) shall be undertaken and approved in writing by the local planning authority.
- b. The contaminated land assessment shall include a desk-study with details of the history of the site use including:
- the likely presence of potentially hazardous materials and substances,
 - their likely nature, extent and scale,
 - whether or not they originated from the site,
 - a conceptual model of pollutant-receptor linkages,
 - an assessment of the potential risks to human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments,
 - details of a site investigation strategy (if potential contamination is identified) to effectively characterise the site based on the relevant information discovered by the desk study and justification for the use or not of appropriate guidance. The site investigation strategy shall, where necessary, include relevant soil, ground gas, surface and groundwater sampling/monitoring as identified by the desk-study strategy.

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

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

16) Before the commencement of the development hereby approved:

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

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

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

17) The dwelling hereby approved shall not be occupied until:

- a. The approved remediation works required by condition (15)2 above have been carried out in full in compliance with the approved methodology and best practice.
- b. If during the construction and/or demolition works associated with the development hereby approved any suspected areas of contamination are discovered, which have not previously been identified, then all works shall be suspended until the nature and extent of the contamination is assessed and a report submitted and approved in writing by the local planning authority and the local planning authority shall be notified as soon as is reasonably practicable of the discovery of any suspected areas of contamination. The suspect material shall be re-evaluated through the process described in condition (15)1b to (16)2 above and satisfy condition (16)3a above.
- c. Upon completion of the remediation works required by condition (15)2 and (16)3a above a validation report prepared by a competent person shall be

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

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

Natural England

- 18) Prior to the occupation of the dwelling hereby approved, the details of interpretation/information boards shall be submitted to and approved by the Local Planning Authority. The details to be submitted shall include the overall design, number, position and timetable for implementation of the boards. The approved boards shall then be implemented in full in accordance with the approved timetable and retained for the lifetime of the development.

[Reason: In order to mitigate the impacts of the proposed development and to prevent damage or destruction to Fall Hill Quarry which is a designated SSSI.]

- 19) Before development commences on site, a comprehensive survey of the existing geological boulders impacted by the proposed development shall be submitted to and approved by the Local Planning Authority. The survey shall identify all key geological boulders which will be retained, removed and/or incorporated into the design process. The development shall then progress in accordance with the approved details and all boulders shall be retained in the agreed position for the lifetime of the development.

[Reason: In order to mitigate the impacts of the proposed development and to prevent damage or destruction to Fall Hill Quarry which is a designated SSSI.]

Drainage

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

[Reason: In the interests of the satisfactory drainage of the site.]

- 21) Before development starts, a scheme for the provision of foul drainage works shall be submitted to and approved in writing by the Local Planning Authority.

The approved scheme shall be implemented in full before the development is brought into use and shall be maintained as such thereafter.

[Reason: In the interests of the satisfactory drainage of the site.]

PLANNING COMMITTEE – 1st October 2024

Reference Number: 24/00502/FL

Application expiry: 15/10/2024

Application Type: FULL

Proposal Description: Change the use of the existing building from its current use for B2 General Industrial to mixed use for use as cafe (Class E(b)) and as a hot food takeaway (Sui Generis).

At: Unit 10, Upper Mantle Close, Clay Cross, Chesterfield, S45 9NU

For: Ms L Bell

Third Party Reps: 3 support

Parish: Clay Cross

Ward: Clay Cross North Ward

Report Author: Steven Wigglesworth

Date of Report: 19th September 2024

MAIN RECOMMENDATION: Refuse

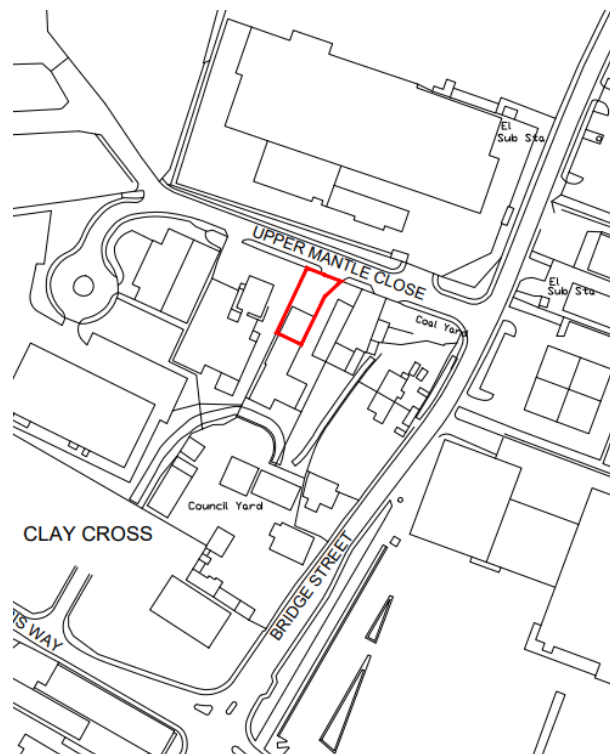


Figure 1: Location plan, with site edged in red

1.0 Reason for Report

- 1.1 Cllr K Rouse requested that the application be considered at committee for the following reasons:
- The application has features that make it more suited for consideration by the planning committee including that the proposal may be contrary to policy and therefore an approval may require the decision maker to consider the weight to give material considerations if these may outweigh the conflict with Local Plan Policies.
 - Clay Cross continues to undergo rapid change and it has been appropriate from time to time to review and change land usage designations to keep pace with the evolving nature of my village. The land opposite the existing Lillybelles cafe, for example, was initially designated as suitable for industrial usage but was then subsequently changed to residential usage as the vision for Clay Cross changed.
 - Finally, because this decision may involve deviating from existing local policies I believe that such decisions, whether for or against the application, are better considered in the public forum that is the Planning Committee rather than in private under delegated powers so that residents of Clay Cross can see what was said and why a decision was reached.
 - Significant amount of local interest.
 - Cllr C Cupit also requested that the application be called in to allow the Council's planning committee to fully debate and consider the planning merits of the designation of this unit in the Council's Planning Policies and the balance of the social and economic benefits this change could have to the community.

2.0 Proposal and Background

Site Description

- 2.1 The site is located in Clay Cross, outside the town centre, on a Principal Employment Site (policy WC2 – CC/02: Bridge Street/Upper Mantle Close) on Upper Mantle Close. It is surrounded by other industrial buildings. The proposed café would be created in an existing industrial unit last used for storage. The town centre boundary lies approximately 74m to the south east at the retail site with Tesco and other retailers.
- 2.2 On officers first visit the site was already being converted with a floor installed, counters and windows being installed, at which time it was advised that development was at the occupier's own risk and that the proposal was contrary to Local Plan policy WC2.
- 2.3 On officers 2nd visit on 9th August the café as proposed was almost complete and already trading from the site. At that stage it appeared all but the external extraction flues had been installed.

2.4 The building is a typical industrial building of portal frame construction clad with sheets which are finished dark green, the building is on a sloping part of the site. There are parking spaces in front of the building which would serve the proposed café.

2.5 The café shares the access with other industrial units.

Proposal

2.6 The proposal is to convert the building into a mixed-use comprising Café (use class E (b) with hot food takeaway (sui generis). The works have been undertaken and this application is for its retention.

2.7 This would include external alteration to create a ramped access, install a glazed entrance and a flue. The roller shutter doors would be retained, and when opened provide a large opening which opens up onto the seating area of the café.

2.8 The GIA (Gross Internal Area) floorspace of the proposed café is approximately 136m², with the seating area comprising approx. 64m².

2.9 The café is reported to have 10 tables (approx. 50 covers)

2.10 The opening hours are:

- 0730-16:30 Monday to Friday
- 0730-12:30 Saturday
- Closed Sunday and Bank holidays

2.11 6 no. parking spaces are shown with one designated as a disabled space.

Amendments

2.12 No amendments have been received however additional supporting material has been provided and a vacant unit study report.

3.0 Relevant Planning History (not the full site history)

02/00277/FL	CA	12.06.2002	Proposed erection of extension and erection of a 1.94m high boundary wall and sliding gate (amended title) (amended plan).
-------------	----	------------	--

(Officers note - the building subject of this application was permitted for storage, specifically storage of animal feed.)

(Officers note - this application was not for the unit subject of this application. It did however note on the submitted plans that the building subject of the current application was in use for bus repairs.)

4.0 Consultation Responses

- 4.1 **NEDDC Clay Cross North Ward member** – Called into Planning committee as considered it a decision more appropriate to be taken by members. This decision may involve deviating from existing local planning policies, and this is better considered in the public forum of Planning Committee. Clay Cross continues to undergo rapid change and it has been appropriate from time to time to review and change land usage designations to keep pace with the evolving nature of the village. The land opposite the existing Lillybelles cafe, for example, was initially designated as suitable for industrial usage but was then subsequently changed to residential usage as the vision for Clay Cross changed. The value of the business as an employer is emphasized.
- 4.2 **DCC Councilor for Clay Cross North division and NEDDC Shirland Ward member** – Supports the application and also requested the application to be called in. This is the essential transfer of an already successful cafe business. Understanding that the proposal is allocated for B2 industrial use, the proposed development would still support the general planning aim of securing employment use for the site as it employs 7 staff at its current location and is looking to secure these jobs and grow the business further. The business also provides an important social and community hub. Considers the material considerations outweigh the conflict with the policies of the development plan.
- 4.3 **NEDDC Pilsley and Morton Ward Member** – Supports the application. The Lillybelles business was previously situated on Coney Green. The owners of the site gave the business notice to vacate the premises. The proposed site is designated a Principal Employment Area site (CC/02) in the Local Plan. As such it is protected for use class B2, Use Class B8 and Use Class E(g).

The proposed use of the building as a cafe and hot food takeaway, is therefore at risk of being refused unless Planning Committee conclude that material considerations indicate a decision should be made other than in accordance with the development plan. Such reasons exist including - The Local Plan (para 6.30, page 90) acknowledges the potential for there to be loss of employment land but set out to control that loss. And in doing so the Local Plan Provides for this application to be granted and so it should not be refused simply because employment land might be lost.

Further, The Local Plan explains that the purposes of this classification is to protect sites that provide an important contribution to the local and strategic portfolio of employment sites. In particular, it is designed to safeguard such sites from potential redevelopment or change of use to a non employment usage such as housing or traditional retail. Para 6.3 also recognizes that the council will support development proposals in Principal Employment Areas which are ancillary to, or support the economic viability of employment sites and the local economy. It gives an example of such ancillary development including workplace nurseries and catering facilities and other sui generis uses which create jobs. The proposal fits with these considerations and therefore the requested change of use is consistent with the purposes of the Local Plan Designation as a Principal Employment Area.

Granting permission would be consistent with other planning committee decisions in Clay Cross including permitting residential development on land opposite Jacksons Bakery at Coney Green and the more recent changes to the Biwaters Strategic Site. Also the Police Station has been approved within the boundary of the CC/02 these decisions reflect the ongoing changes to the councils vision for Clay Cross, the committee would therefore not be setting a precedent but rather it would be consistent with those recent decisions.

Also it would not prejudice the neighbouring employment activities since it would be the only café with both inhouse and takeaway facilities in that area. The application is also consistent with the Local Plans wider vision for Clay Cross within aims to maintain Clay Cross in its role as the main social and economic focus for the south of the district. The proposal, being located just outside the boundary of the town center would add to the vibrancy and the economic health of the area. It provides a social hub aswell.

- 4.4 **Parish Council** – has not commented.
- 4.5 **The Coal Authority** – No comments.
- 4.6 **DCC Highways** – No objection subject to conditions relating to the access, parking and turning facilities.
- 4.7 **Environmental Health** – No objection
- 4.8 **Planning policy and environment team (PPET)** – The site is located in a Principal Employment Area. The Local Plan's glossary defines 'ancillary uses / operations' as 'a subsidiary or secondary use or operation closely associated with the main use of a building or piece of land'. The café / takeaway use does not comply with Part 1 of Policy WC2 which protects the site for B2, B8 and E(g) uses. Given that the café / takeaway would be the sole use of the site and would not be ancillary to any other employment use it is considered that it would not also accord with Part 2.a of Policy WC2.

5.0 Representations

- 5.1 Petition with an undisclosed number of signatures (approx. 14 pages). However the petition does not raise any material planning comments it just provides support for the relocated site.
- 5.2 **Three representations** have been received in support of the application they raise the following grounds for support.
- a) The business supplies many local workers in the area with pick up and delivery service that will be lost if the application is not allowed.
 - b) The café is a hub for the older generation.
 - c) The business is taking a run down building that was just used for storage and turning it into a place for the community.
 - d) The business has been given notice to move out of its existing premises at Coney Green.
 - e) Provides employment for 7 staff.
 - f) Provides a catering service for parties etc.

6.0 Relevant Policy and Strategic Context

North East Derbyshire Local Plan 2014-2034 (LP)

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

SS1	Sustainable Development
SS2	Spatial Strategy and the Distribution of Development
SS7	Development on Unallocated Land within Settlement with defined - Settlement Development Limits
WC2	Principal Employment Areas
WC4	Retail Hierarchy and Town Centre Uses
SP2	Clay Cross
SDC11	Flood Risk and Drainage
SDC12	High Quality Design and Place Making
SDC13	Environmental Quality
ID3	Sustainable Travel

The relevant parts of WC2 are provided below for reference -

Policy WC2: Principal Employment Areas

1. The following sites as shown on the Policies Map are protected for general industrial uses (Use Class B2), storage and distribution uses (Use Class B8) and office, industrial and research and development uses (Use Class E(g)):

Clay Cross/Danesmoor

- CC/01: Coney Green Industrial Estate
- CC/02: Bridge Street Industrial Estate/Upper Mantle Close
- CC/03: Pilsley Road
- SS4: Former Biwaters Site

2. Within the above areas proposals for other employment generating uses (not falling within Use Classes B2, B8 and E(g)) will only be permitted where the proposed use:

- a. Would be ancillary to the main use on site; and
- b. Would not prejudice the future functioning or viability of employment uses on the site or nearby employment sites by reason of conflicting activities, access arrangements or movements of traffic or people.

National Planning Policy Framework (NPPF)

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

Other Material Planning Considerations

- 6.4 Successful Places Interim Planning Guidance, adopted December 2013

7.0 Planning Issues

Principle of Development

- 7.1 The application site is situated within the defined Settlement Development Limit of Clay Cross, and forms part of the Bridge Street/Upper Mantle Close industrial estate which is designated as a Principal Employment Area under policy WC2 of the Local Plan.
- 7.2 Local Plan Policy SS7 is supportive of development proposals within Settlement Development Limits, provided that the development is appropriate in scale, design and location to the character and function of the settlement, is compatible with, and does not prejudice any intended use of adjacent sites and land uses and accords with other policies of the plan.
- 7.3 WC4 does restrict the location of town centre uses where the proposed site is within 500m of the Town Centre and where the floor space of the proposal exceeds a 280m² threshold as it places the need for impact assessment and a sequential test. This proposal is within 500m of the town centre but does not exceed the floorspace

threshold. Therefore, the provision at WC4(6) is applicable which explains small scale retail and other town centre use developments, serving the day to day needs of local communities will be permitted within settlement development limits where they are below the local thresholds for impact assessment.

- 7.4 Local Plan Policy WC2 sets out the council's approach to the protection of the Principal Employment Areas within the District. It aims to protect these areas for general industrial (Use Class B2), storage and distribution uses (Use Class B8), and office, light industrial and research and development uses (Use Class E(g)).
- 7.5 Part 2 of the Policy WC2 allows other employment generating uses (i.e. those not falling within Use Classes B2, B8 and E(g)) to be permitted where the proposed use: would be ancillary to the main use on the site; and would not prejudice the future functioning or viability of employment uses on the site or nearby employment sites by reason of conflicting activities, access arrangements or movements of traffic or people.
- 7.6 The Local Plan's glossary defines 'ancillary uses / operations' as 'a subsidiary or secondary use or operation closely associated with the main use of a building or piece of land'.
- 7.7 The café / takeaway is a mixed use comprising an E(b) / Sui Generis use and as such does not comply with Part 1 of Policy WC2 which protects the site for B2, B8 and E(g) uses. Given that the café / takeaway would be the sole use of the site and would not be ancillary to any other employment use, it also would not accord with the provisions in Part 2.a of Policy WC2 and is therefore contrary to Local Plan policy WC2.
- 7.8 The sites identified in policy WC2 are so noted due to the important contribution the sites make to the local and strategic portfolio of B Class employment and it seeks to retain them for this purpose rather than for other peripheral commercial uses not directly falling within the normal commercial and employment uses. Importantly it provides areas where such uses can operate without the risk of causing undue noise and disturbance to neighboring uses.
- 7.9 Conversely, policy WC3 General Employment Areas identifies those other employment sites where other non B-class employment generating uses (in line with our Local Plan definitions of Employment Use and Economic Development and the current NPPF definition for Economic Development) and potentially including uses such as the proposed mixed use will be acceptable (also subject to WC4). This was to allow for and strategically plan for the wider definition of economic development that was introduced with the NPPF.
- 7.10 If the site was located in a 'General Employment Area' rather than a 'Principal Employment Area' such a use may be provided for in the development plan.

However it is situated on a WC2 Principal Employment Area where such uses have been precluded for strategic reasons.

7.11 The proposal being in a WC2 Principal Employment Area is therefore contrary to the policies of the development plan and unacceptable in principle. Unless there are material considerations that outweigh this conflict with the development plan, and which could not be easily replicated, then the proposal represents significant harm to policy WC2 and should be refused.

7.12 Amenity Considerations and environmental quality.

7.13 Being within the heart of an industrial site it is surrounded by industrial uses. There is not considered to be any impact on the amenity or function of the surrounding business. The proposed flue will undoubtedly create some noise and odour, but given the sites location in an industrial site, this is not considered to create any significant amenity issues. The proposal insofar as it relates to amenity and noise and odour impact is considered to comply with SDC12 and SDC13.

7.14 Flood Risk Considerations

7.15 The proposed development is within a Flood Zone 1 (land assessed as having less than 1 in 1,000 annual probability of river flooding) and has a low risk of fluvial flooding.

7.16 However the site also carries a high risk of surface water flooding. This relates to the external parts of the site, the building itself does not show as being at risk of flooding. As the change of use, on a site less than 1 hectare and the proposal does not include a change of use to a more vulnerable use this does not require the application to be supported by a flood risk assessment. The agent has commented that as the development does not propose to increase the existing impermeable area on the site that the site will drain as it currently does.

7.17 In summary, Officers consider that as the unit is an existing building and there are no changes to the hard surfacing that it would be unlikely to increase the surface water flooding and would be acceptable from a flood risk perspective.

7.18 Highway Safety

7.19 There is an existing access serving the site and other industrial units on this plot and the local Highway Authority have confirmed that the existing access is suitable to serve the proposed use.

7.20 There is an under provision of parking by as much as six spaces however the local highway authority have also taken into account that Lower Mantle Close itself is low trafficked with some on street parking available and also due to the short term and local nature of the businesses customer base the parking deficit is unlikely to have a

significant or severe impact on the surrounding highway network. The local highway authority have therefore raised no objection, subject to conditions and officers consider the proposal is acceptable in highways terms, subject to imposing the suggested condition.

7.21 Other material considerations

7.22 As set out above officers consider that the principle of the proposal is contrary to the policies of the development plan, specifically Local Plan Policy WC2.

7.23 The National Planning Policy Guidance (NPPG) (para 006) explains - To the extent that development plan policies are material to an application for planning permission the decision must be taken in accordance with the development plan unless there are material considerations that indicate otherwise.

7.24 The proposed use will provide employment for approximately 7 employees, this in comparison to its last stated use for vehicle storage may be an increase in employment and offer a more active business which interacts with surrounding businesses and suppliers, therefore better for the economy than the previous occupation of the site.

7.25 The applicant and representations have put forward the point that the business was previously operating from a WC2 site at the Jacksons Bakery site at Coney Green. Having considered the planning history, and discussed it with the planning agent, there was a canteen approved as part of the Jacksons Bakery permission. However officers consider the canteen permitted did not amount to an independent café (such as Lillybelles), it would have been ancillary to the commercial bakery. Therefore, officers consider that the previous site of the café at Coney Green was operating without the benefit of planning permission. As Lillybelles Café only operated at Coney Green from 2019 it had also not operated for long enough to accrue any lawfulness by passage of time.

7.26 The planning agent has advised that Jacksons (Bakery) also previously operated a café from the Coney Green premises (prior to Lillybelles), which was open to the public. However officers consider that Jacksons use of that part of the building as a café (even trading to the public) would have been ancillary to the commercial bakery use and operating within the parameters of the existing permission. Therefore the fact the business Lillybells Cafe operated from a WC2 site for the last 4-5 years does not add any significant weight in favour of the proposal.

7.27 Officers have asked the applicant whether sites within or close to the town centre of Clay Cross were considered before this location and officers within the Economic Development section have provided a list of 9 town centre premises identified as vacant. The applicant has provided a detailed analysis of these vacant premises in the town centre, ruling out all but two sites as most were not currently being marketed and finding that the remaining two were not large enough to meet their minimum operating space of 120m². There has not been a robust explanation

provided of why the applicant has a 120m² minimum floorspace requirement, which is just based on the amount of floor space they occupied at the previous site at the Jacksons Bakery site in Coney Green. Whilst this size could be considered their existing baseline requirement, the previous site operated without the benefit of planning permission.

- 7.28 In the opinion of officers, this significantly diminishes the weight that such a baseline requirement can be given. Therefore, to rule out existing premises that are available in the town centre and of similar size at 90m² does not weigh in favour of allowing the current proposal. In addition, the methodology used discounts properties that are not currently being marketed, but from a planning perspective the issue is that there are vacant premises in a location where the principle of this use would be supported. More generally, officers consider that the search for alternative premises should not be limited to town centre locations alone and should have included premises that could be suitable for the proposed use and are not located in a Principal Employment Area (WC2). The applicant has been asked to update their study on this matter, but this information so far has not been provided.
- 7.29 The applicant contends that the business is an existing successful business and local employer of approx. 7 staff. Loss of the business would result in a negative economic impact from loss of the employment but also loss of the business they provide to their suppliers aswell as the social aspect of the group of customers that frequent their business. However, Officers consider that the applicant has not provided sufficient evidence to demonstrate that the same economic benefits could not be accrued through the redevelopment of vacant sites within the town centre or other sites that are not within Principal Employment Areas.
- 7.30 Officers also asked how long the site had been vacant and this has been reported to be 2 years with the last reported use being storage of vehicles. The building was permitted in approx. 2002 for storage of animal feed. The point that the premises has been vacant for 2 years suggests to officers that demand at this present time may be low. However, the information provided by the applicant finds no vacant premises on Upper Mantle Close, which suggests to officers that that significant weight should still be given to the protection of this area for more intensive employment generating uses than the use being considered in this application. Officers have asked for evidence of marketing the property but none has been provided, which does not help their case.
- 7.31 The ward members and the agent in their statements have pointed out that the proposed use will serve the wider industrial site, in some respect providing a use that is therefore complimentary to the Principal Employment Area. The question this raises is that the site is so close to the town center that other nearby retail or food outlets such as Tesco could likely already provide the café and food outlets function.

- 7.32 In addition, the evidence from the Economic Development team suggests to officers that the café could be located in one of the vacant town centre premises, which would achieve similar benefits as well as contributing to the regeneration of central Clay Cross. Without evidence of marketing of the site for uses that would comply with policy WC2, it is considered that the harm arising from the loss of an employment generating use (as defined within the policy) outweighs the benefits arising from this scheme, which could potentially be greater in alternative and vacant premises within reasonably close proximity.
- 7.33 The ward members have mentioned a range of other planning decisions in Clay Cross suggesting that granting permission would be consistent with other planning committee decisions in Clay Cross, including permitting residential development on land opposite Jacksons Bakery at Coney Green and the more recent changes to the Biwaters Strategic Site. Also the Police Station has been approved within the boundary of the CC/02 and that these decisions reflect the ongoing changes to the councils vision for Clay Cross.
- 7.34 Officers note that the Police Station was found to be compliant with policy WC2 as an office (use class E(g)), the Biwaters Site is not a WC2 site, it is a strategic site and it has its own policy SS4 which allows for mixed use development, and the details of the Coney Green development pre-dates the current Local Plan. It is also the case that planning applications need to be determined on their own merits and whilst precedents can be set which can harm policy, officers are not aware so far of any decisions having been made which undermine the function/strength of Local Plan Policy WC2.
- 7.35 The agent has set out these following points which they wish to be considered:-
- The development procures supplies and ingredients from local businesses, i.e., local bakers, local butchers, etc.
 - The development serves other local businesses, including catering contracts for major employers in the North East Derbyshire and surrounding areas.
 - The development has a loyal customer base, including employees from surrounding local businesses, and the local community.
 - Furthermore, the proposed development will make use of a vacant building which has previously been used for equipment storage and served no employment of economic purpose. In fact, the proposed development will provide a new catering offering to the surrounding nearby employment sites, and thus contributing to the long-term viability of employment uses within the surrounding area, by attracting new customers.
- 7.36 Officers consider the material considerations put forward in support of the proposal do not outweigh the conflict with Local Plan Policy WC2, for the reasons set out

previously in this report i.e. these benefits could be achieved through the re-use of identified vacant sites within the town centre or potentially other sites that are not within a Principle Employment Area.

8.0 Summary and Conclusion

- 8.1 Having taken into account the policies of the development plan and all the material considerations, it is considered that the proposed use, on a site designated as a Principal Employment Area allocated by policy WC2, is not acceptable as it would prejudice the Council's policy on delivering commercial development on appropriate sites. Officers note that matters relating to design, amenity, highway safety and flood risk are deemed to be acceptable however overall the development would not accord with Local and National Planning Policy.

9.0 Recommendation

- 9.1 REFUSE Permission for the following reason:-

1. The application site is situated within the CC/02 Bridge Street/Upper Mantle Close Principal Employment Area.

Local Plan Policy WC2 sets out the council's approach to protecting the Principal Employment Areas within the District. The policy protects these areas for general industrial use (Use Class B2), storage and distribution uses (Use Class B8), and office, light industrial and research and development uses (Use Class E (g)).

Proposals for other employment generating uses will only be permitted in Principal Employment Areas where they would both be ancillary to the main use on the application site and would not prejudice the future of functioning or viability of employment use on the site, or nearby employment sites.

The proposal is for a change of use to a mixed use comprising a Café and Hot Food Takeaway and would be the sole use of the site and not ancillary. As such the proposals would be contrary to Policy WC2 which aims to protect these areas and would result in the loss of the unit to a mixed use.

Having considered other material considerations these do not outweigh the harm caused to the development plan and so the application is unacceptable and contrary to policy WC2 of the North East Derbyshire Local Plan.

PLANNING COMMITTEE – 1 October 2023

Reference Number: 24/00521/FL

Application expiry: 13/10/2024

Application Type: FULL

Proposal Description: Construction of two storey 5 bed detached dwelling

At: The Bungalow, Station Road Pilsley, Chesterfield

For: Mr Peter Hartill

Third Party Reps: 12

Parish: Pilsley

Ward: Pilsley and Morton

Report Author: Alice Lockett

Date of Report: 12/09/24

MAIN RECOMMENDATION: Grant permission, subject to conditions & legal agreement



Figure 1 Location Plan

1.0 REASON FOR THE REPORT

1.1 The application was called in by councillor Cooper for the following reasons:

- Size and scale of the house
- The design of the proposed build is out of character with the area
- The apparent lack of parking on site for such a large dwelling is a major concern. This is likely to cause problems on the very narrow lane for other residents if people visiting park on the lane.
- If the house were to be positioned further back and more space could be provided for parking then this would help enormously.

2.0 PROPOSAL AND BACKGROUND

Site Description

- 2.1 The application comprises a parcel of land located to the south of Station Road, Pilsley which is accessed via a private track between No 60 and 62. The track is roughly surfaced and serves a number of residential dwellings.
- 2.2 The application site is a plot of land which is overgrown in appearance. The site is situated within the defined settlement development limit for Pilsley.

Proposal

- 2.3 This application seeks permission for the construction of a two storey, 5-bedroom dwelling. The proposed dwelling seeks consent for multi-generational living over two floors.
- 2.4 The application site has an extant outline permission (reference: 22/00543/OL) for one dwelling, but due to slight changes in the extent of the red line site area proposed, a new full application is required resulting in this application being considered by the Local Planning Authority.

Amendments

- 2.5 None.

3.0 RELEVANT PLANNING HISTORY

Reference	Decision	Decision Date	Description
-----------	----------	---------------	-------------

17/00731/OL	CA	04.10.2017	Outline planning application (with all matters reserved) for 1no dwelling at land adjacent (Amended/Additional Information)
22/00543/OL	CA	22.07.2022	Outline application (all matters reserved) for one dwelling on land adjacent

4.0 CONSULTATION RESPONSE

- 4.1 **The Coal Authority:** no objections to this planning application, subject to the imposition of the Conditions (7 & 8) as per the approved consent: 22/00543/OL.
- 4.2 **Environmental Health Officer:** I can confirm that my comments in regards outline application 22/00543/OL apply. The proposed development is within influencing distance of an area which, according to our records, has been used for opencast quarrying. I therefore recommend the following conditions (see recommendation below).
- 4.3 **Derbyshire Wildlife Trust:** We have checked our Biological Records Database and can confirm the following:
- No records of protected species are present on or adjacent to site
 - No notable habitats have been recorded to date on or adjacent to site
 - The site is not covered by a statutory or non-statutory nature conservation designation
- 4.4 Furthermore, the site is exempt from mandatory biodiversity net gain. Based on the proposals and the information submitted, we advise that the application is considered low impact and unlikely to have a substantive adverse effect on biodiversity. We consider the following conditions appropriate to secure biodiversity enhancements at this site: (see recommendation below)
- 4.5 **NEDDC Streetscene:** Don't recall any recent complaints about people presenting bins on Station Road. The access road is inaccessible to the Council's refuse vehicle so residents have to present their bins down to the junction with Station Road. Overall, no objection to the proposed development.
- 4.6 **Severn Trent Water:** No comments received.
- 4.7 **Yorkshire Water:** No comments received.

- 4.8 **Highways Authority (HA):** Derbyshire County Council, HA has no objection subject to conditions.
- 4.9 It is noted this site benefits from an outline application, which sought the construction of one dwelling (all matters reserved). This permission remains extant. It was previously demonstrated the applicant has a right of way over the private track leading from Station Road, along with acceptable emerging visibility from the existing access off Station Road.
- 4.10 The applicant is proposing four car parking spaces, on the proposed site plan, whilst constrained the HA is satisfied these are achievable, and vehicles can exit on to the public highway in a forward gear. In view of the above, the HA has **no objections** subject to conditions covering parking and turning details, and a bin collection strategy.
- 4.11 **Pilsley Parish Council:** Objection for the following reasons:
- Impact on Local Character:
- 4.12 The proposed development is located on a narrow dead-end lane leading from Station Road, which is characterized by its semi-rural nature. The lane has a narrow, unpaved road surface and largely undeveloped land to the southern side, offering views over open countryside. This development, with five bedrooms and multiple windows and doors on each elevation, is out of scale and character with the surrounding detached dwellings. The introduction of such a large structure will significantly alter the semi-rural ambiance and aesthetic of the area. (*Officer comment: these are dealt with in section 7 below*)
- Traffic and Safety Concerns:
- 4.13 The proposed development will increase the level of traffic on the narrow, unlit lane. Currently, the lane is quiet with little traffic, maintaining the area's tranquility. The application suggests that up to five unrelated couples could potentially reside in the property, leading to substantial parking demands, further exacerbated by visitors and deliveries. This level of vehicular activity is more akin to a commercial operation rather than a private residence, potentially posing safety hazards for pedestrians and existing residents. (*Officer comment: the application is for a 5 bedroomed dwelling, the applicant has clarified that his family will live in it- issues with regard to parking are dealt with in section 7 below*)
- Infrastructure Strain
- 4.14 The lane's current infrastructure is insufficient to support the increased activity. It is in poor condition and not designed to accommodate the regular vehicular movements that the proposed development would generate. This would likely lead to further deterioration of the road surface and increased maintenance burdens on the local council and residents.

(Officer comment: the lane is privately owned and it is a matter for the landowners as to whether they wish to improve or maintain the road surface. These private legal matters are not material planning concerns).

Noise and Disturbance:

- 4.15 The proposed development will introduce a significant increase in noise and disturbance, contrasting starkly with the current quiet, semi-rural character of the lane. The increase in occupancy and associated activities will disrupt the peace and tranquility that residents currently enjoy. *(Officer comment, as outline in section 7 below the site already has outline planning permission for a dwelling, albeit on a slightly narrower site, it is considered that as the site is within the settlement development limits it is an appropriate and sustainable site for a new dwelling. Issues regarding the privacy and amenity of neighbours are also dealt with below)*

Incompatibility with Local Plans: *(Officer comment: these are dealt with in section 7 below)*

- 4.16 The scale and nature of the proposed development appear incompatible with the existing local planning guidelines aimed at preserving the character and quality of life in semi-rural areas like Pilsley. Approving this application could set a precedent for future developments that further erode the local character.
- 4.17 In conclusion, the proposed development is unsuitable for this location due to its adverse impact on the local character, infrastructure, and quality of life for existing residents. I urge the planning committee to reject this application to preserve the integrity and tranquility of our community.

5.0 REPRESENTATIONS

- 5.1 A duplicated objection letter was received from 11 local residents with the following comments:

- Do not in principle object to people trying to build a house for multigenerational living and would welcome a new owner/occupier

Concerns regarding principle *(Officer comment: these are dealt with in section 7 below)*

- The application appears to be for a House of Multiple Occupation *(Officer comment- this is not the case- the house is for multigenerational living as outlined in the D&A statement and the clarification email uploaded 5th August 2024)*
- Issues/Inaccuracies with the D&A statement *(Officer comment: the applicant has submitted an email with clarity about the use of the house)*

Concerns regarding design/siting (*Officer comment: these are dealt with in section 7 below*)

- The size of the house is too large for the plot and would have an overbearing impact on neighbouring properties
- The house would impact privacy or neighbours
- The east elevation is particularly close to the boundary
- Garden facilities are inadequate for the size of the property
- Normal self builds have windows on front and back not sides.

Concerns regarding parking, access and use of the lane (*Officer comment: these are dealt with in section 7 below*)

- Insufficient parking
- The unmade lane is not sufficient for the number of dwellings down there
- The lane is privately owned and residents have to repair the damage
- Other development sites have not been built but should be taken into account.
- Drainage and service routes are not shown clearly on the application-easements and permissions need to be evident (*Officer comment: drainage, water and electricity are shown coming from Rouse Street to the rear of the property- private issues such as these are not planning considerations*)
- Adequate waste control does not seem to be planned for.
- More bins will create problems at the bottom of the lane on bin day (*Officer comment: NEDDC Street scene have been consulted, they have no complaints on record of issues with bins and are happy to collect from the end of the lane, a condition requiring a bin presentation area would be included if the application is approved*).

Other concerns

- The house could be turned into an HMO or supported living. (*Officer comment: this is not what is being applied for, nevertheless use of the house for supported living would require planning permission*)
- The design has unusual features such as a snail haven and bug hotel (*Officer comment: this is part of the biodiversity enhancement proposed*)
- The house will have an absent landlord/ The applicant has not committed to residing in the building (*Officer comment: this is not the case, any permission will be subject to a legal agreement that the building will meet the Self and Custom Build requirements*)
- One other objection was received with similar concerns to the above and also stating that the objector (a neighbour) would not grant access for sewerage etc.
(*Officer comment: access rights for sewerage etc. are a private legal matter and is not a material planning consideration*)

6.0 RELEVANT POLICY AND STRATEGIC CONTEXT

- 6.1 The Development Plan comprises the North East Derbyshire Local Plan. The most relevant policies in this case are as follows:

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

SS1 Sustainable Development

SS2 Spatial Strategy and the Distribution of Development

SS7 Development on Unallocated Land within Settlement with defined Settlement Development Limits

LC4 Type and Mix of Housing

SDC4 Biodiversity and Geodiversity

SDC11 Flood Risk and Drainage

SDC12 High Quality Design and Place Making

National Planning Policy Framework (NPPF)

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

Other Material Planning Considerations

- 6.3 Successful Places Interim Planning Guidance, adopted December 2013

7.0 PLANNING ISSUES

Principle of Development

- 7.1 The application site is located within the settlement development limits for Pilsley here local plan policy SS7 supports development provided that it is appropriate in scale, design and location to the character and function of the settlement, does not result in the loss of a valued facility or service, is compatible with, and does not prejudice any intended use of adjacent sites and land uses; and accords with other policies of the Plan.
- 7.2 Policy SDC12 states that all new development should be of high-quality design and make a positive contribution to the quality of the local environment. Proposals for development will only be permitted provided that they: Respond positively to local character and context to preserve and, where possible, enhance the quality and local identity of existing communities and their surroundings; Create good design which is well-related to its site and surroundings in terms of its layout, form, height, massing, scale, plot size, elevational treatment, materials, streetscape, and rooflines which effectively integrate buildings into their local setting. Policy SDC12 also requires that developments protect the amenity of existing occupiers and create a good quality of amenity for future

occupants of land or buildings including in relation to privacy, overlooking, overshadowing and/or any overbearing impacts.

- 7.3 The site was granted outline permission in 2022 (22/00543/OL) for one dwelling and this permission remains extant, although a valid reserved matters application has not yet been submitted to and approved by the Local Planning Authority (Officer note: the applicant has until 22/7/2025 to do this). Following accurate surveys of the site it has been found that the red line of the outline application was not accurately plotted by the applicant. As a consequence, a new full application has been submitted with a new red line which makes the site approximately 1.5m wider than the outline site has been proposed.
- 7.4 Notwithstanding this, the applicant could submit a Reserved Matters application for a dwelling on the smaller site area, so it is considered by Officers that the site is sustainable and principle of a dwelling here is considered by Officers to be acceptable.

Proposal

- 7.5 This application is for a detached 5 bedroomed dwelling with parking to front and garden to rear. The proposed dwelling would provide accommodation across two levels.
- 7.6 The applicant confirmed that he intends to inhabit the property with family members, creating multigenerational living. This clarifies the statements made in the submitted Design and Access statement.
- 7.7 It is expected that up to 6 adult family members will occupy the house, but that there is also space for a carer to live in if necessary.
- 7.8 The application has been submitted as “self and custom build” housing and will be subject to a legal agreement securing this. “Self-build and custom housebuilding” is defined in the Self and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) as *“the building or completion by individuals... or persons working with or for individuals..., of houses to be occupied as homes by those individuals”*.

Design and impact on the street scene.

- 7.9 The application site is rectangular in shape and measures approximately 45m in length by 12m wide, with it connected to Station Road by an unmade track which also serves a number of other properties to the north. The land to the southeast of the site has been divided into similar rectangular plots, a number of which have or have had planning permission for dwellings. However, the site adjacent to the south east has no planning history. To the northeast is the garden of The Bungalow. The boundary of

the site is approximately 17m from the southeast elevation of The Bungalow.



Figure 2: photos of streetscene and other dwellings on the lane.

- 7.10 The existing dwellings served by the access track are a mixture of double and single storey dwellings with rooms in the roofspace. They are finished in brick or brick and render, with concrete or slate effect roofing materials. It is therefore considered that the character of the area in this location is mixed.
- 7.11 The proposed dwelling is a 2-storey house, with up to 5 bedrooms (two of these being on the ground floor).

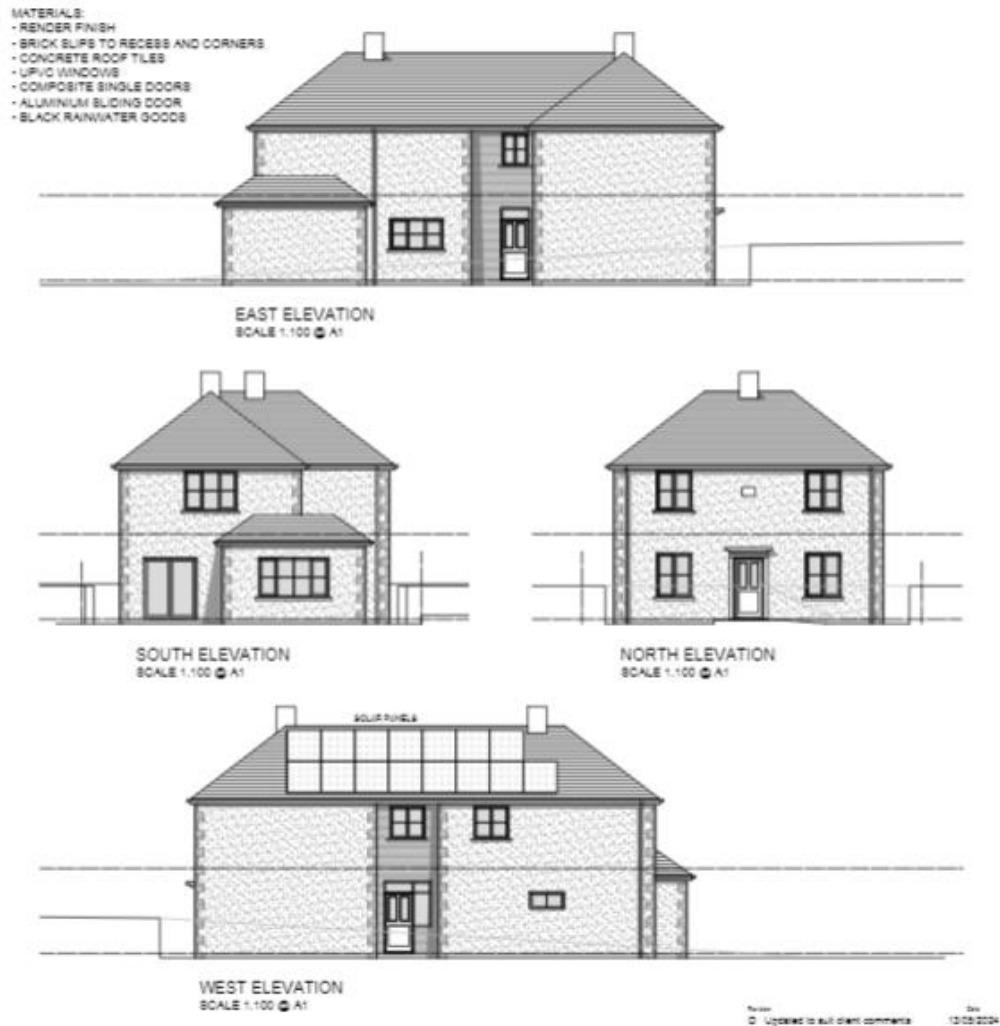


Figure 3: Proposed elevations

- 7.12 The front elevation (which will face north) is proposed to have the appearance of a double fronted hipped roof house. Behind the front block there would be a narrower hipped roof 2-two storey off-shot with a single-storey living room to the rear.

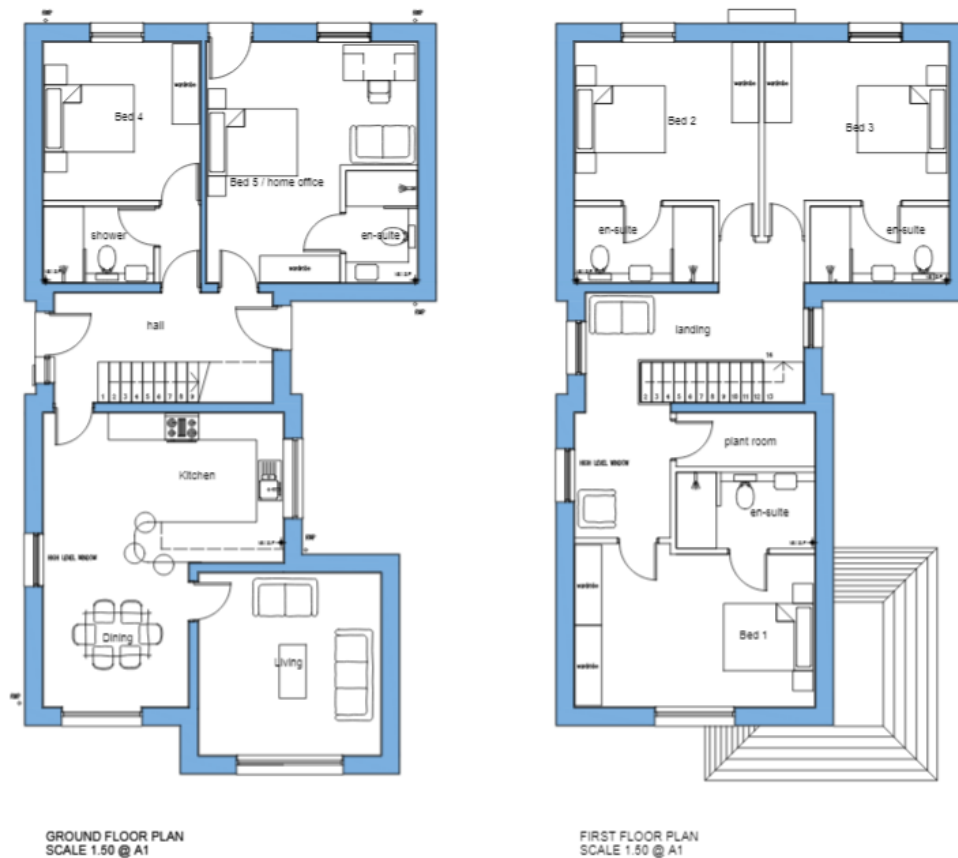


Figure 4 Proposed floor plan.

- 7.13 Proposed materials are render with brick slips to recesses and corners, concrete roof tiles are proposed with black rainwater goods, upvc windows, composite doors and aluminum sliding doors to the rear. These materials are similar to other constructed and approved, but not yet constructed, dwellings on the lane.
- 7.14 The proposed dwelling will be set approximately 14m back from the access track, with parking for at least 4 cars to the front of the property, one of these spaces being outside the gates to provide space for delivery vehicles etc.
- 7.15 To the rear a 161m² private garden is proposed, which more than adequately meets the minimum requirements set out in the Council's Successful Places Guidance, which for the size of the property would be 90m².
- 7.16 The sufficient parking and large private garden suggests to Officers that the proposed dwelling fits within the plot and is not considered to be overdevelopment.

- 7.17 It is considered appropriate that a condition to secure the finished floor levels is included to ensure that the building is constructed as described in the drawings and is not taller than proposed.

Impact on Neighbours

- 7.18 The site to the southeast (land to rear of 19 Rouse Street) of the application site was granted permission for a dwelling in 2018, the house has not been built and there is no evidence that the permission is still extant. However, it is considered prudent to treat this as a permitted dwelling and will be referred to as such in the assessment below.
- 7.19 Due to the distance between the two sites, the proposed dwelling is sited so that it would not impact light to the ground floor rear windows of the permitted dwelling.
- 7.20 The proposed dwelling is a sufficient distance from The Bungalow to the north that it would not impact light to windows of that dwelling. Due to the orientation, the proposed dwelling may cause a modest amount of overshadowing of the Bungalow's garden, but this would not be the area most closely associated with the dwelling and the remaining garden is sufficiently large for the overshadowing not to harm the overall enjoyment of this space.
- 7.21 The first-floor side facing windows of the proposed dwelling serve a landing and as such could reasonably be conditioned to be obscurely glazed and non-opening. This means that there will be no direct overlooking of the gardens of The Bungalow or the permitted dwelling to each side. The rear first floor window proposed would not afford overlooking of the more private areas of garden to The Bungalow and the permitted dwellings on each side.
- 7.22 An objection comment has been received from the neighbour at 60A Station Road which is adjacent to the access track and, according to the certificates signed by the applicant is an owner of the access track. The grounds for objections are the damage to the access track and objections to providing services over his property, these are private legal matters between the objector and the applicant. These are not material planning considerations that should be afforded weight in the determination of this application.
- 7.23 The objector also discusses issues with refuse bins. Officers are not aware of any complaints having been reported to the Council's Street Scene department. A condition requiring identification of bin storage and collection points could be included in any decision issued by the Local Planning Authority, to mirror that of the outline permission. Officers note that if these collection areas are on shared land, this would be a private legal matter

between the relevant parties, and is not a material planning considerations that should be afforded weight in the determination of this application.

- 7.24 Overall, it is considered by Officers that the proposed dwelling meets the requirements of Council's Successful Places Guidance and is sited so as to minimise the impacts on neighbouring residents due to its siting and design, and as such the proposal meets the requirements of policies SS7 and SDC12 of the North East Derbyshire Local Plan with regard to design and the privacy and amenity of neighbours.

Highways Considerations

- 7.25 The application site is located on a private lane and as such it is set approximately 31m from the adopted public highway. Due to the cul-de-sac nature the lane it is trafficked at a low level and due to the poor surface conditions traffic travels at low speeds. The proposal illustrates that at least 4 cars can be accommodated within the site boundary, this meets the Highway Authority recommendations for a 5 bedroomed house.
- 7.26 The NPPF at paragraph 115 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. It is considered by Officers that the impact on the highway from this proposal would not be severe. The Highway Authority have not objected. As such, it is considered that the proposal meets the requirements of policy SDC12 of the Local Plan and the NPPF.
- 7.27 The condition and maintenance of the lane is a private matter between its owners and as such is not a matter material to the determination of this application.

Land Contamination and Stability including Coal Risk Assessment

- 7.28 The site is located in an area which is at high risk from Coal Mining Legacy and in an area which has been used for open cast quarrying. As a consequence, the Coal Authority has requested a condition requiring intrusive investigations before work begins and the Council's Environmental Health Officer has requested contaminated land conditions. It is considered that there are no technical reasons why the development could not be delivered subject to conditions being included in any decision to cover the appropriate mitigation measures.

Flood Risk

- 7.29 The site is located within flood zone 1 and is not a risk from other sources of flooding. As such it is considered that the sequential test is not required and the proposal is not considered to be at risk from, or a risk to flooding.

Biodiversity

- 7.30 The application has been submitted as a self and custom build development. As such it is exempt from the mandatory 10% biodiversity net gain conditions introduced under the Environment Act 2021. Any permission will be subject to a legal agreement securing the use as a self and custom build dwelling.
- 7.31 Notwithstanding this, some biodiversity enhancements have been proposed, such as the bug hotel and habitat pile on site for former pig pen.
- 7.32 Derbyshire Wildlife trust have been consulted and have no objections subject to securing species enhancements through an enhancement plan condition. As such it is considered that, subject to ecological enhancement conditions, the proposal meets the requirements of policy SDC4 of the Local Plan.

8.0 SUMMARY AND CONCLUSIONS

- 8.1 Local and national planning policies aim to support development within settlements. In this case a 5 bedroomed dwelling is proposed. The building is designed and sited such that it fits well within its plot providing sufficient parking and amenity space.
- 8.2 The design fits into an already mixed street scene and due to siting and design the building would not harm the privacy and amenity of neighbours.
- 8.3 As such it is considered by Officers that the proposal meets the guidelines contained in the Council's Successful Places Guidance. Issues with regard to access to services etc. are private legal matters between landowners.
- 8.4 It is therefore considered that the proposal meets the requirements of the policies of the North East Derbyshire Local Plan and it is therefore recommended that the application be approved, subject to the conditions.

9.0 RECOMMENDATION

- 9.1 That planning permission is **CONDITIONALLY APPROVED subject to the following conditions**, and the **prior agreement of a legal agreement** covering the self-build requirements, with the final wording delegated to the Planning Manager (Development Management):-

Conditions:			
No	Condition	Reason	Pre-commencement agreement
1.	The development hereby permitted shall be started within three years from the date of this permission.	To comply with the provision of Section 91 (as amended) of the Town and Country Planning Act 1990.	
2.	The development hereby approved shall be carried out in accordance with the details shown on drawing numbers: 2241-02D, 2241-3-D, 2241-500 uploaded 27/6/2024; unless otherwise subsequently agreed through a formal submission under the Non Material Amendment procedures.	For Clarity and avoidance of doubt	
3.	<p>Before the commencement of the development hereby approved:</p> <p>a. A Phase I contaminated land assessment (desk-study) shall be undertaken and approved in writing by the local planning authority.</p> <p>b. The contaminated land assessment shall include a desk-study with details of the history of the site use including:</p> <ul style="list-style-type: none"> • the likely presence of potentially hazardous materials and substances, • their likely nature, extent and scale, • whether or not they originated from the site, • a conceptual model of pollutant-receptor linkages, • an assessment of the potential risks to human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments, 	To protect future occupiers of the development, buildings, structures/services, ecosystems and controlled waters, including deep and shallow ground water.	

	<ul style="list-style-type: none"> • details of a site investigation strategy (if potential contamination is identified) to effectively characterise the site based on the relevant information discovered by the desk study and justification for the use or not of appropriate guidance. The site investigation strategy shall, where necessary, include relevant soil, ground gas, surface and groundwater sampling/monitoring as identified by the desk-study strategy The site investigation shall be carried out by a competent person in accordance with the current U.K. requirements for sampling and analysis. A report of the site investigation shall be submitted to the local planning authority for approval. 		
4.	<p>Before the commencement of the development hereby approved: Where the site investigation identifies unacceptable levels of contamination, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be submitted to and approved in writing by the local planning authority. The submitted scheme shall have regard to relevant current guidance. The approved scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria and site management procedures. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.</p>	To protect future occupiers of the development, buildings, structures/services, ecosystems and controlled waters, including deep and shallow ground water.	Agreed

	<p>The developer shall give at least 14 days notice to the Local Planning Authority (Environmental Health Division) prior to commencing works in connection with the remediation scheme.</p>		
5.	<p>The dwelling hereby approved shall not be occupied until:</p> <p>a. The approved remediation works required by 4 above have been carried out in full in compliance with the approved methodology and best practice.</p> <p>b. If during the construction and/or demolition works associated with the development hereby approved any suspected areas of contamination are discovered, which have not previously been identified, then all works shall be suspended until the nature and extent of the contamination is assessed and a report submitted and approved in writing by the local planning authority and the local planning authority shall be notified as soon as is reasonably practicable of the discovery of any suspected areas of contamination. The suspect material shall be re-evaluated through the process described in 3b to 4 above and satisfy 5a above.</p> <p>c. Upon completion of the remediation works required by 4 and 5a above a validation report prepared by a competent person shall be submitted to and approved in writing by the local planning authority. The validation report shall include details of the remediation works and Quality Assurance/Quality Control results to show that the works have been carried out in full and in accordance with the approved methodology. Details of any validation sampling and</p>	<p>To protect future occupiers of the development, buildings, structures/services, ecosystems and controlled waters, including deep and shallow ground water.</p>	<p>Agreed</p>

	analysis to show the site has achieved the approved remediation standard, together with the necessary waste management documentation shall be included.		
6.	<p>No development shall commence until;</p> <p>a) a scheme of intrusive site investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and;</p> <p>b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed. The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.</p>	<p>The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 183 and 184 of the National Planning Policy Framework.</p>	Agreed
7.	<p>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</p>	<p>The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining</p>	N/A

	intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.	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.	
8.	Before above ground work commences, precise specifications (including the manufacturer, range and colour details where applicable) or samples of the walling and roofing materials to be used, shall be made available on site for inspection, and subsequent written approval, by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.	In the interests of the appearance of the area and in accordance with Policies SS7 SDC12 of the North East Derbyshire Local Plan.	
9.	<p>Prior to building works commencing, a Biodiversity Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall indicate the locations and specifications of two or more of the following measures, which shall be implemented in full and maintained thereafter:</p> <ul style="list-style-type: none"> • 1x external woodcrete / woodstone bat box • 1x integral bat brick • 1x external woodcrete / woodstone bird box • 1x integral universal nest brick 	To deliver species enhancements in accordance with policy SDC4 and the NPPF	Agreed

	<ul style="list-style-type: none"> • 1x insect brick / house / tower • Hedgehog gaps in fencing (130 mm x 130 mm) • Native and wildlife-attracting planting i.e., trees, hedgerow, shrubs and / or herbaceous perennials to provides resources for pollinators, birds and other wildlife. <p>A statement of good practice including photographs should be submitted to the local planning authority prior to the discharge of this condition, demonstrating that the enhancements have been selected and installed in accordance with the above.</p>		
10.	<p>Before above groundwork commences, the following shall be submitted to and approved in writing by the Local Planning Authority:</p> <ul style="list-style-type: none"> a) a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, b) the details of any trees and hedgerows to be retained, together with measures for their protection during development, c) a schedule of proposed plant species, size and density and planting locations and d) an implementation programme. 	In the interests of the appearance of the area and in accordance with policies SS7 and SDC12 of the North East Derbyshire Local Plan	Agreed
11.	All planting, seeding or turfing in the approved scheme of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or	In the interests of the appearance of the area and in accordance with policies SS7 and SDC12 of the North East Derbyshire Local Plan.	

	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.		
12.	Prior to the installation of any external lighting fixtures, a detailed lighting strategy shall be submitted to and approved in writing by the Local Planning Authority to safeguard bats and other nocturnal wildlife. This should provide details of the chosen luminaires, their locations and any mitigating features such as dimmers, PIR sensors and timers. Guidelines can be found in Guidance Note 08/23 - Bats and Artificial Lighting at Night (BCT and ILP, 2023). Such approved measures will be implemented in full.	To ensure the protection of habitat for bats and in accordance with policy SDC4 and the NPPF.	N/A
13.	No tree, scrub or hedgerow 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.	To ensure that nesting birds are not disturbed during development.	N/A
14.	The building and hard landscaping shall be carried out in accordance with levels details shown in drawing 2241-02 D Proposed site plan received 27 th June 2024 and the levels shall be retained as such thereafter.	In the interests of the appearance of the area and in accordance with Policies SS7 and SDC12 of the North East Derbyshire Local Plan.	N/A
15.	Before development commences, a scheme of the disposal of surface water and foul sewage shall be	In the interests of satisfactory and sustainable drainage	Agreed

	submitted to and be approved in writing by the Local Planning Authority. The approved surface and foul water schemes shall be implemented in full prior to the first occupation of the dwelling hereby approved and retained as approved thereafter.	in accordance with Policy CSU4 of the North East Derbyshire Local Plan.	
16.	Notwithstanding any submitted details, before above groundwork commences, 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 prior to the first use of the dwelling and shall be retained as approved for the lifetime of the development.	In the interests of the appearance of the area and in accordance with Policies SS7 and SDC12 of the North East Derbyshire Local Plan.	Agreed
17.	The window(s) proposed in the east and west elevations at first floor level of the dwelling 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 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.	To protect the amenity of existing and future neighbouring residential occupiers and in accordance with Policies SS7 and SDC12 of the North East Derbyshire Local Plan.	N/A
18.	Before above groundwork commences, a scheme showing where bins will be stored on the property and presented at the highway shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall	To ensure that waste bins are presented at the highway in a way which does not harm the amenity of surrounding neighbours and does	Agreed

	then be delivered as approved and retained as such thereafter.	not impact highway safety.	
19.	The Development hereby approved shall not be occupied until the access, parking and turning facilities have been provided as shown on drawing 2241-02 D.	To ensure conformity with submitted details.	N/A

Planning Committee 1st October 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: Clay Cross

APPLICATION: 24/00502/FL

CASE OFFICER: Steven Wigglesworth

1. SOURCE OF COMMENTS: Councillor Kevin Gillott

DATE RECEIVED: 28th September 2024

SUMMARY:

I write further to my previous submission regarding this application. Sadly, due to a long-standing prearranged commitment I am unable to attend the meeting on 1st October to support this application in person and my absence should not be seen as a discourtesy to the Committee or a lessening in my support for the application. I would still urge the Committee to grant the application.

I also wish to thank the report writer for the fair way in which they have laid out the issues involved in this application.

Had I been able to attend the meeting I would have reiterate my previous comments that whilst this application may be contrary to Policy WC2 there are material considerations that outweigh any harm to that policy and which make this application acceptable to be granted. In particular, I would cite:

- The Local Plan itself recognises that there are circumstances when the loss of a site within a Principal Employment Area is acceptable.
- The site has been vacant for over 2 years, which as the report recognises, raises questions about the future demand/need for such sites in Clay Cross.

As such it suggest that the loss of this site will not harm the councils policy regarding principle employment areas.

- Lillybelles provides employment for 9 local women and were the application to be refused the business would close with the immediate loss of that employment. It is better to preserve that employment rather than close this business when there is no guarantee that a permitted usage business will take up occupation of the site.
- One of the USPs of Lillybelles as a café is it's edge of town location with easy access by car that require no walking for people with mobility issues and for passing trade. It is both a café and takeaway business. There is clearly a local demand for a facility of this nature as evidenced by the number of names on the petition in support submitted to the Council. It is also very different in nature from the Tesco supermarket café and it particular its menu range. It is, therefore, different from the town centre cafés and, as the report details, none of the
- the size needed to sustain both the café/takeaway side of the business and the outside catering.
- Were Lillybelles to take up occupation of a town centre site not only would it risk losing its own identity and customer base but it would become a competitor to existing cafes which could see one or more close if sufficient of the current Lillybelles clientele go elsewhere than to Clay Cross with their trade, leaving insufficient footfall to sustain an additional business in the town centre.
- Lillybelles provides a social activity and is not just a cafe for many of its customers and this impact on the wellbeing of the local community should not be underestimated.

OFFICER COMMENTS:

Officers note the comments and consider it does not raise any new material considerations.

2. SOURCE OF COMMENTS: Planning Agent – Inspire Design and Development

DATE RECEIVED: 26th September 2024

SUMMARY:

An addendum to the Vacant Unit Study has been supplied (this is available on the electronic file in full). This addendum seeks to expand the study area to assess vacant commercial property across the WC3 Policy Areas, and other areas within the Clay Cross Settlement Boundary. Like the Vacant Unit Study, this report seeks to provide a review of commercially available property within Clay Cross which could be considered as alternative options which would or would not be considered suitable for the applicant's intended use. The Methodology used is the same as the submitted Vacant Unit Study. Its conclusions and recommendations as set out in the study are as follows –

This Addendum has been prepared to provide additional information to the Local Planning Authority following submission of the Vacant Unit Study (LB-1760-01-VUS-

001). The Addendum seeks to expand the search of vacant and commercially available property within Clay Cross which could be considered as an alternative to the applicant's preferred site off Upper Mantle Close.

The assessment used the same methodology, as set out within Section 2 of LB-1760-01-VUS-001) which used online property portals such as Zoopla, On the Market, and Right Move for property within the Settlement Boundary of Clay Cross and Holmegate, as defined by the Local Plan for North East Derbyshire Policy Map 4, Inset I, the study sought to establish commercially available property which could be considered appropriate or not appropriate for the applicant's business needs.

No commercially available property was found within the Policy WC3 General Employment Areas of Clay Cross. Therefore, it is considered that it would not be achievable for the applicant to relocate to a property within these less restrictive policy areas.

Of the four other properties commercially available, none were considered appropriate for the applicant's business needs due to excessive or restrictive floorspace, or unsustainable rental costs. Some sites were also noted to be within the Policy WC2 Principal Employment Areas and would therefore result in similar use restrictions to that of the applicant's Upper Mantle Close premises.

It is therefore considered that with wider study area demonstrates further that there are no reasonable alternative sites in which the applicant could have relocated their business which would provide a similar floorspace and rental expenditure to that of their previous premises on Coney Green Road. Given the current levels of vacant commercial property within the Coney Green WC2 area, and SS4 Biwaters site, it is also clear the proposed development would not be detrimental to the loss of land allocated for B8 and B2 Light Industrial use as set out in Policy WC2.

OFFICER COMMENTS:

Officers note the comments and consider it does not change our position on the conflict with Local Plan Policy WC2 and the weight of the other material considerations to consider. Again we don't agree entirely with the methodology, or conclusions, and find some of the reasons for ruling out premises not fully justified. For example number of parking spaces, or rigidly sticking to the 120m2 floorspace baseline requirement on the basis that this is the same as they had at the previous site. In addition this only gives a current snapshot of what is currently available, using their methodology. The time constraints on the applicant finding alternative premises are related to their unfortunate circumstance of having been given notice at the existing premises by their landlord. However this time constraint is not considered to carry any significant weight to allowing a non conforming use to occupy an industrial unit. Furthermore the reported absence of any commercially available property in the WC2 General Employment Areas further demonstrates high demand for such industrial units in clay cross, which is not considered to help their case.

PARISH: Pilsley

APPLICATION: 24/00521/FL

CASE OFFICER: Alice Lockett

3. SOURCE OF COMMENTS: Cllr Gillott

DATE RECEIVED: 30/09/2024

SUMMARY:

Although I made no comment regarding this application I would wish to make the following late representations. Because of a pre-existing, long-term, commitment I am unable to attend the meeting on 1st October to make them in person.

I have been contacted by constituents who expressed concerns about this application. Those concerns are based on their recent experience with a previous application for a property known as “Garden House” and their fear that this application may result in a property similar to that which was determined to be unsuited for this area.

However, having read the application and spoken to the planning officer concerned I am reassured that this is an application for a residential property that will be occupied by multiple generations of the same family. However, I believe that it may be appropriate for this point to be expressly stated at Tuesday’s meeting so that both the Committee members and others present at the meeting are aware of this fact and of the need for any change of use to create a “Garden House” type property to require a fresh planning application.

I also recognise that the site has previously been granted planning permission for residential development.

As such I accept that an application for a residential development is likely to be granted but I would ask the Committee to take note of the concerns of the residents regarding the detailed layout of the building as stated in their own correspondence. In particular, I would ask you ask the Committee on my behalf to give consideration to the sufficiency of the proposed onsite parking for a property of this size.

On the basis that the Committee is likely to grant the application I would also support the conditions proposed in the report.

OFFICER COMMENTS:

Officers note the above comments and reiterate that the application is for a dwelling to be occupied by a multigenerational family.

North East Derbyshire District Council

Planning Committee

1 October 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: -

Mr Mark Rugman - Application for dropped kerbs at the Clay Lane boundary of the land (2 Clay Lane) to provide vehicle access to the land which will provide off-road parking for owners of 6 Clay Lane (Amended plans/Additional information) at 6 Clay Lane Clay Cross (24/00359/FLH)

Planning Officer – Ken Huckle kenneth.huckle@ne-derbyshire.gov.uk

Mr Duncan Fuller - Application for demolition of stables and workshop, rear and side extensions forward of existing dwelling, alterations to openings, terraces and associated landscaping (resubmission of application 23/00825/FL) at The Cottage, Oxton Rakes Road, Oxton Rakes, Barlow (24/00343/FLH)

Planning Officer – Ken Huckle kenneth.huckle@ne-derbyshire.gov.uk

Mr Tony Johnson - Application for proposed two storey front extension including new basement area with alterations to fenestration at Rosings Hundall, Apperknowle (24/00403/FLH)

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

1.2 Appeal Allowed

No appeals have been allowed.

1.3 **Appeal Dismissed**

The following appeal has been dismissed: -

Mr William Whitehead And Mrs Linda Allen - Application to fell 1no Sycamore tree T1 within NEDDC Tree Preservation Order 274 at The Old Reading Room Main Road, Heath (22/01088/TPO)

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

1.4 **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