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**North East
Derbyshire**
District Council

Contact: Amy Bryan

Tel: 01246 217391

Email: amy.bryan2@ne-derbyshire.gov.uk

Date: Monday, 28 October 2024

To: **Members of the Planning Committee**

Please attend a meeting of the Planning Committee to be held on **Tuesday, 5 November 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 Governance Manager, Amy Bryan by 4.00 pm on Friday 1 November 2024 of any substitutions made for the meeting.

For further information about this meeting please contact: Amy Bryan 01246 217391

AGENDA

1 Apologies for Absence and Substitutions

To receive any apologies for absence and notices of substitutions from Members.

2 Declarations of Interest

Members are requested to declare the existence and nature of any disclosable pecuniary interests and/or other interests, not already on their register of interests, in any item on the agenda and withdraw from the meeting at the appropriate time.

3 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 4 - 11)

To approve as a correct record and the Chair to sign the Minutes of Planning Committee held on 1 October 2024.

5 NED/24/00253/FL - ASHOVER (Pages 12 - 39)

Erection of a self-build dwelling plus associated hard and soft landscaping (Amended Details) at Fall Hill Quarry, Ashover.

(Planning Manager – Development Management)

6 NED/24/00601/FL - SHIRLAND & HIGHAM (Pages 40 - 60)

Removal of existing garages and hardstanding, and erection of 5 affordable bungalows with associated landscaping, shared drive and car parking (Amended Plans) (Amended Title) on land at Byron Grove, Stonebroom.

(Planning Manager – Development Management)

7 NED/24/00642/FL - SHIRLAND & HIGHAM (Pages 61 - 81)

Erection of new Community Hall with pre-school facility and food bank, associated car parking and play area (Amended Plans) on land adjacent to 42 Cleveland Road, Stonebroom.

(Planning Manager – Development Management)

8 Late Representations - Summary Update Report - TO FOLLOW

(Planning Manager – Development Management)

9 **Planning Appeals - Lodged and Determined** (Pages 82 - 85)

(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.



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PLANNING COMMITTEE

MINUTES OF MEETING HELD ON TUESDAY, 1 OCTOBER 2024

Present:

Councillor Lee Hartshorne (Chair) (in the Chair)

Councillor Tony Lacey (Vice-Chair)

Councillor David Cheetham

Councillor Peter Elliott

Councillor William Jones

Councillor Fran Petersen

Councillor Stephen Clough

Councillor David Hancock

Councillor Heather Liggett

Councillor Kathy Rouse

Also Present:

D Thompson

A Kirkham

A Lockett

S Wigglesworth

A Jafri

N Ellis-Hall

T Fuller

Assistant Director of Planning

Planning Manager - Development Management

Senior Planning Officer

Senior Planning Officer

Planning Solicitor

Temporary Senior Governance Officer

Governance Officer

PLA/ Apologies for Absence and Substitutions

17/2

4-25 Apologies were received from Councillors C Gare, A Cooper, substituted by H Liggett, and M Foster, substituted by S Clough.

PLA/ Declarations of Interest

18/2

4-25 Councillor K Rouse declared an interest in Item 6 of the agenda, NED/24/00502 – Clay Cross, as a Local Ward Member. She indicated that she 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

19/2

4-25 None.

PLA/ Minutes of Last Meeting

20/2

4-25 RESOLVED –

That the minutes of the meeting held on 3 September 2024 were approved as a true record.

PLA/ NED/24/00253/FL - ASHOVER

21/2

4-25 The Chair of the Committee informed Members that he had agreed to defer item 5 on the Agenda, NED/24/00253/FL – ASHOVER. He had done this on the advice of Officers, to enable further work to take place. The Planning Manager

(Development Management) clarified that late comments had been received from the Derbyshire Wildlife Trust. As such, and with the support of Officers, the Applicant had asked for a deferral in order to resolve the comments.

PLA/ NED/24/00521/FL - PILSLEY

22/2

4-25

With the agreement of the Chair, Item 7 - NED/24/00521/FL – PILSLEY, was taken next.

The report to Committee explained that an Application had been submitted for the construction of a two storey 5 bed detached dwelling at The Bungalow, Station Road, Pilsley. The Application had been referred to committee by Local Ward Member, Councillor A Cooper, who had raised some concerns about it.

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

Officers felt that the proposal, being a 5-bed dwelling, fits well with the planning policies aimed at supporting development within settlements. The report suggested that the design of the proposal fits into the existing street scene and secured the privacy and amenity of neighbouring properties. In this context, Officers considered that the proposal meets the guidelines contained within the Council's Successful Places Guidance. Whereas issues such as access to services were seen as private legal matters between landowners.

Officers concluded that the proposal meets the requirements of the policies of the North East Derbyshire Local Plan. They recommended, therefore, that the application be approved, subject to conditions and legal agreement.

Before the Committee considered the application it heard from Local Ward Member, Councillor A Cooper, L Booth and K Goodwin who spoke against the Application. It also heard from the Applicant, P Hartill.

Committee considered the application. It took into account the type of occupancy being applied for and its location on a narrow access track. It considered the relevant Local and National Planning Policies. These included Local Plan Policy SS7 concerning development within the settlement development limits, and Local Plan Policy SDC12 concerning high quality design and place making.

Members discussed the application. Committee welcomed the proposal being on a vacant site within the Pilsley settlement development limits. Some Members questioned the impact of the building works on the neighbouring properties using the access Lane, it was felt that conditions limiting the hours in which works could take place would be sufficient to address this. Some Members felt the proposal lacked adequate parking provisions but understood that it would take a fresh application to address this issue.

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, in line with Officer recommendations.

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

Conditions

1. The development hereby permitted shall be started within three years from the date of this permission.
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.
3. Before the commencement of the development hereby approved: a. A Phase I contaminated land assessment (desk-study) shall be undertaken and approved in writing by the local planning authority. b. The contaminated land assessment shall include a desk-study with details of the history of the site use including: • the likely presence of potentially hazardous 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.
4. 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.
5. The dwelling hereby approved shall not be occupied until: a. The approved remediation works required by 4 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 reevaluated through the process described in 3b to 4 above and satisfy 5a above. 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 analysis to show the site has achieved the approved remediation standard, together with the necessary waste management documentation shall be included.

6. No development shall commence until; 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; 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.
7. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.
8. 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.
9. 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:
 - 1x external woodcrete / woodstone bat box
 - 1x integral bat brick
 - 1x external woodcrete / woodstone bird box
 - 1x integral universal nest brick
 - 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. 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.

10. 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.
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 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.
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.
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 27th June 2024 and the levels shall be retained as such thereafter.
15. Before development commences, a scheme of the disposal of surface water and foul sewage shall be 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.
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.
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.

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 then be delivered as approved and retained as such thereafter.
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.

Reasons for conditions.

1. To comply with the provision of Section 91 (as amended) of the Town and Country Planning Act 1990.
2. For Clarity and avoidance of doubt.
3. To protect future occupiers of the development, buildings, structures/services, ecosystems and controlled waters, including deep and shallow ground water.
4. To protect future occupiers of the development, buildings, structures/services, ecosystems and controlled waters, including deep and shallow ground water.
5. To protect future occupiers of the development, buildings, structures/services, ecosystems and controlled waters, including deep and shallow ground water.
6. 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.
7. 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.
8. In the interests of the appearance of the area and in accordance with Policies SS7 SDC12 of the North East Derbyshire Local Plan.
9. To deliver species enhancements in accordance with policy SDC4 and the NPPF.
10. In the interests of the appearance of the area and in accordance with policies SS7 and SDC12 of the North East Derbyshire Local Plan.
11. In the interests of the appearance of the area and in accordance with policies SS7 and SDC12 of the North East Derbyshire Local Plan.
12. To ensure the protection of habitat for bats and in accordance with policy SDC4 and the NPPF.
13. To ensure that nesting birds are not disturbed during development.
14. In the interests of the appearance of the area and in accordance with

- Policies SS7 and SDC12 of the North East Derbyshire Local Plan.
15. In the interests of satisfactory and sustainable drainage in accordance with Policy CSU4 of the North East Derbyshire Local Plan.
 16. In the interests of the appearance of the area and in accordance with Policies SS7 and SDC12 of the North East Derbyshire Local Plan.
 17. 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.
 18. To ensure that waste bins are presented at the highway in a way which does not harm the amenity of surrounding neighbours and does not impact highway safety.
 19. To ensure conformity with submitted details.

PLA/ NED/24/00502/FL - CLAY CROSS

23/2

4-25

Councillor K Rouse left the meeting.

The report to Committee explained that an Application had been submitted for the 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. The Application had been referred to committee by Local Ward Member, Councillor K Rouse, 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 matters relating to design, amenity, highway safety and flood risk are satisfactory. However, they explained that the proposal lay on a site designated as a Principal Employment Area. In this context, the proposal was deemed as unacceptable as it would conflict with the Council's policy on delivering commercial development on appropriate sites. Additionally, the report contended that the lack of vacant premises surrounding the proposal should be taken as evidence that there is a demand for Use Class B2 sites in the area.

Officers concluded that the proposal would not accord with Local and National Planning Policies. They recommended, therefore, that the application be refused.

Before the Committee considered the application it heard from local business owner L Barnes who spoke in support of the Application as well as the Applicant, L Bell and the Agent, C Retford.

Committee considered the application. It took into account the changing needs and characteristics of Clay Cross. It considered the relevant Local and National Planning Policies. These included Local Plan Policy WC2 concerning Principal Employment Areas, and Local Plan Policy SP2 concerning Clay Cross. Committee also considered the social and economic effects of the café on the local area.

Members discussed the application. Committee acknowledged that permitting the change of use would be contrary to Local Planning Policy. The dangers of the precedent set, should permission be granted, were highlighted. However, some Members deemed that substantial weight should also be put on the social and

economic benefits of the proposal. It was felt that the café functioned as a hub for the community as it served workers from the industrial estate and several regular older customers on a daily basis. With this came several gains to the local area. For instance, the use of local suppliers, the amenity provided to the industrial estate and the employment of nine people. In this context, some Members suggested that the café could be seen as ancillary to the Principal Employment Area. It was highlighted that these benefits were not secured by the change of use of land as they were singular to the café in question. Committee agreed that personal permission should be given to the Applicant, in order to mitigate these concerns.

At the conclusion of the discussion Councillor H Liggett and Councillor D Hancock 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 Officers recommendations.

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

Reason

The ancillary social and economic benefits to the area that would be provided under the Application.

PLA/ Planning Appeals - Lodged and Determined

24/2

4-25 Councillor K Rouse returned to the meeting.

The report to Committee explained that three appeals had been lodged and one had been dismissed.

PLA/ Matters of Urgency

25/2

4-25 None.

PLANNING COMMITTEE – 5th November 2024

Reference Number: 24/00253/FL

Application expiry: 08/11/24

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: October 2024

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

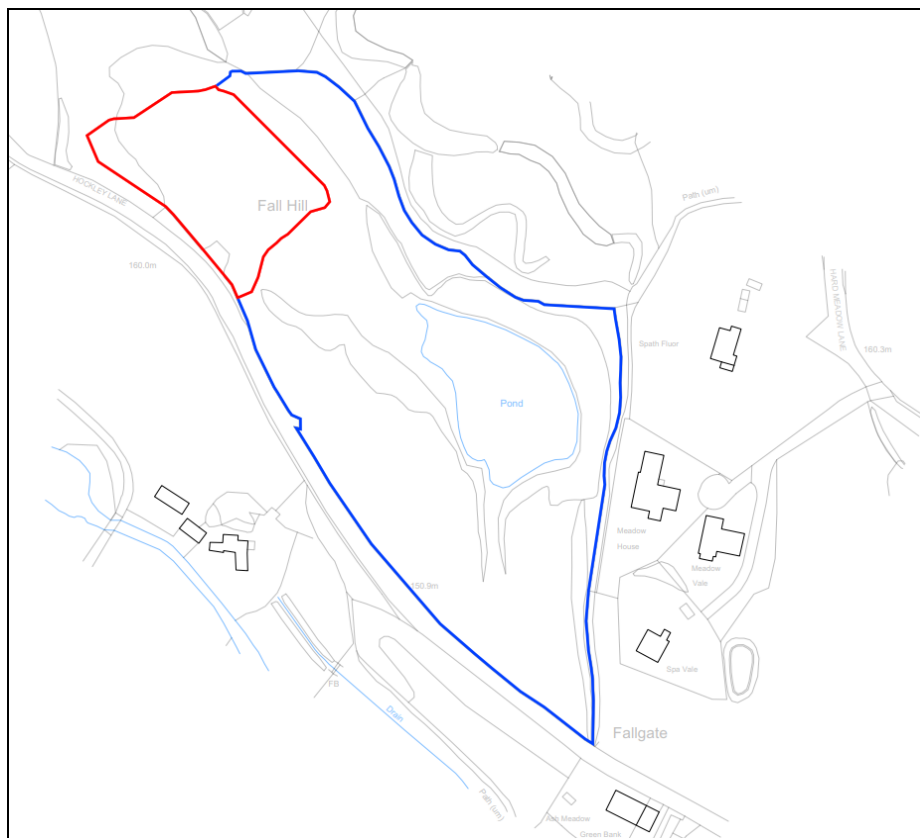


Figure 1: Location plan, with site edged in red

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 it's 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. DWT considered, in comments dated 26/09/24, that additional information was required due to there not being quantifiable evidence submitted to demonstrate that the losses will be satisfactorily offset by the management measures proposed.
- 4.21 Following on from the DWT comments the applicant has submitted an Ecological Technical Note – Priority Habitat Enhancements dated October 2024, prepared by FPCR along with an updated Biodiversity Metric confirming there would be no net loss of on site habitat.
- 4.22 DWT reviewed the Technical Note and updated metric. A net gain of +0.55 units (2.56%) is predicted. DWT consider that their comments have been addressed and they have reasonable confidence that an overall gain can be achieved, despite some losses in area. This will in turn ensure that adequate habitat for the Priority butterflies remains and is managed well for the future. Therefore, subject to conditions relating to Landscape and Ecological Management Plan (LEMP), defining the domestic curtilage and mechanism to manage/monitor of the LEMP.
- 4.23 **Health and Safety Executive** raised no comments.
- 4.24 **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.
- 4.25 **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.
- 4.26 **Peak and Northern Footpaths Society** raised no comments.
- 4.27 **Ramblers Association** raised no comments.

- 4.28 **DCC Rights of Way Officer** raised no comments.
- 4.29 **Severn Trent Water Authority** raised no comments.
- 4.30 **Councils Drainage Engineer** raised no comments.
- 4.31 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
- ID3 Sustainable Travel

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

- 6.6 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 of 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

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

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 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 annex. 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 DRPs 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.

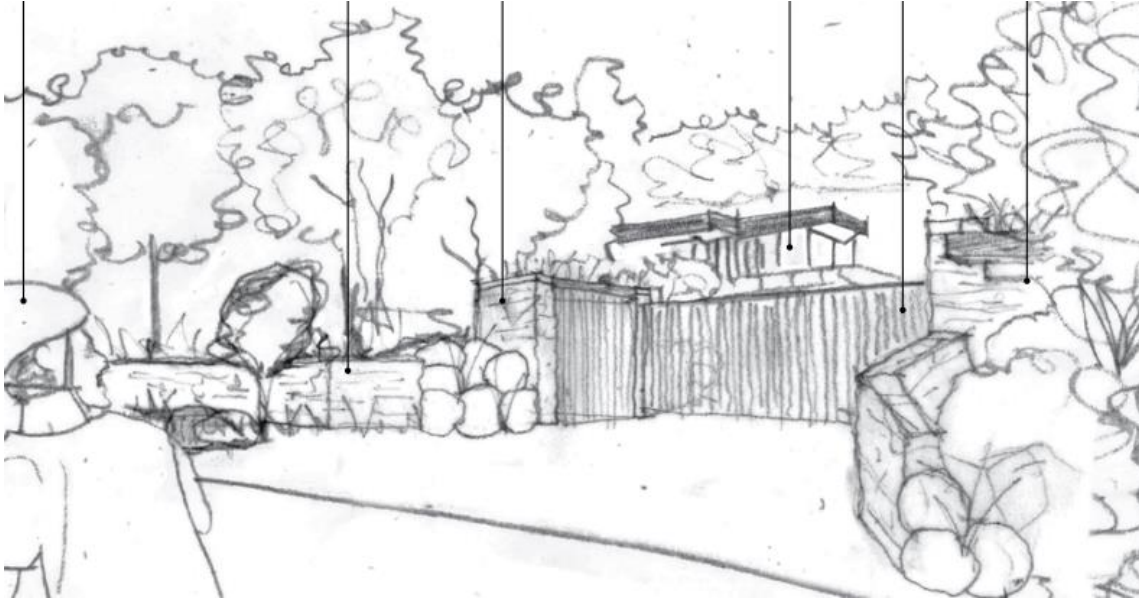


Figure 4: Sketch view from Hockley Lane looking back towards the application site

- 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 Policy AP19 of the Ashover Neighbourhood Plan confirms that any development must limit the impact of light pollution from artificial externally visible light sources. Officers consider this to be a dark skies location and that any external lighting can be controlled accordingly by way of condition to protect and enhance the natural environment in this sensitive location.
- 7.18 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

- 7.19 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.
- 7.20 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.
- 7.21 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.
- 7.22 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.
- 7.23 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.
- 7.24 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.
- 7.25 An updated Biodiversity Metric Appraisal and Ecology Technical Note – Priority Habitat Enhancements statement have been submitted confirming the proposal would achieve enhancements and deliver quantifiable gains. Furthermore, the metric tool confirms there would be a site wide post-development biodiversity value gain and enhancements to priority habitat.
- 7.26 DWT confirm that the additional information provided by the applicant illustrates a 2.56% net gain predicted. DWT consider that their comments have been addressed and they have reasonable confidence that an overall gain can be achieved, despite some losses in area. Therefore no objection is raised subject to conditions relating to LEMP, defining the domestic curtilage and mechanism to manage/monitor of the LEMP.

- 7.27 The Councils Tree Officer raised no comments to the proposal.
- 7.28 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

- 7.29 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.”
- 7.30 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.
- 7.31 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.
- 7.32 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.
- 7.33 The proposal does however have opportunity to impact the amenity of nearby residential properties from potential noise disturbance due to its position of the dwelling and additional accommodation provided 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 and not be detrimentally harmful to neighbouring land uses and properties due to the separation distances involved.
- 7.34 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

- 7.35 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.
- 7.36 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.
- 7.37 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.
- 7.38 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

- 7.39 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.
- 7.40 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.
- 7.41 Severn Trent Water have raised no objection to the proposal.
- 7.42 The Councils Drainage Engineer raised no comments to the proposal.
- 7.43 LLFA raised no objection to the proposal, subject to a standard surface water drainage condition being included in any decision.
- 7.44 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

- 7.45 The application site is a former quarry and not within a Development High Risk area.
- 7.46 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.
- 7.47 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.
- 7.48 The County Council Minerals Team raised no comments to the proposal and there was no requirement to consult the Coal Authority.
- 7.49 Officers conclude that, subject to conditions, there are no technical reasons relating to land contamination or land stability that would preclude development.

Other Considerations

- 7.50 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.
- 7.51 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.

- 7.52 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 legal agreement which is a legal agreement to control the self/custom build use.
- 7.53 If members are minded to grant permission, 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, 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 legal agreement 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 legal agreement and conditions listed below.

9.0 Recommendation

9.1 That planning permission is **CONDITIONALLY APPROVED** subject to the following conditions, and the **prior completion of a legal agreement** 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 to the dwelling hereby approved 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 from the dwelling hereby approved.

[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.]

Dark Skies & Bats

- 22) Before above groundwork commences, a detailed external lighting strategy, including a timetable for its implementation, shall be submitted to and be approved in writing by the Local Planning Authority. This should provide details of the chosen luminaires, their locations and any mitigating features such as dimmers, PIR sensors and timers. Dependent on the scale of proposed lighting, a lux contour plan may be required to demonstrate acceptable levels of lightspill to any sensitive ecological zones/features. Guidelines can be found in Guidance Note 08/23 - Bats and Artificial Lighting at Night (BCT and ILP, 2023). The approved measures shall then be implemented in full and no other external lighting shall be installed, erected or placed on the site.

[Reason: In the interests of protecting the natural environment and to protect nocturnal mammals.]

Ecology

- 23) A site wide Landscape and Ecological Management Plan (LEMP), including a timetable for its implementation, shall be submitted to, and be approved in writing by, the Local Planning Authority prior to the commencement of the development, hereby approved. The aim of the LEMP is to enhance and sympathetically manage the biodiversity value of onsite habitats, in accordance with the proposals set out in the submitted Ecological Technical Note – Priority Habitat Enhancements (FPCR, October 2024) and Biodiversity Metric update (date scanned 18/10/24) to achieve no less than a +2.56% net gain in habitat units. The LEMP should combine both the ecology and landscape disciplines and shall be suitable to provide to the management body responsible for the site. It shall include the following:-

- a) Description and location of features to be retained, created, enhanced and managed, as per the approved biodiversity metric. This shall also include habitats included within the curtilage such as green roof, ponds, etc
- b) Aims and objectives of management, in line with desired habitat conditions detailed in the metric.
- c) Appropriate management methods and practices to achieve aims and objectives.
- d) Prescriptions for management actions.
- e) Preparation of a work schedule (including a 30-year work plan capable of being rolled forward in perpetuity).
- f) Details of the body or organisation responsible for implementation of the plan.
- g) A monitoring schedule to assess the success of the habitat creation and enhancement measures at intervals of 1, 2, 3, 4, 5, 10, 15, 20 and 30 years which shall include the submission of a short statement to be submitted to the LPA at each interval confirming that monitoring of the habitats has taken place by a qualified ecologist.

- h) A set of remedial measures to be applied if conservation aims and objectives of the plan are not being met.
- i) Detailed habitat enhancements for wildlife.
- j) Requirement for a statement of compliance upon completion of planting and enhancement works.

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

[Reason: In the interests of protecting the natural environment and ensure a measurable biodiversity gain.]

- 24) Before development commences, a plan shall be submitted in writing to the Local Planning Authority defining the extent of domestic curtilage associated with the dwelling hereby approved. The extent of domestic curtilage shall be restricted tightly around the dwelling and associated garden/hardstanding area. Thereafter the approved domestic curtilage shall be restricted solely to the area outlined in red on the approved plan.

[Reason: In the interests of protecting the natural environment and to prevent an inappropriate urban intrusion.]

PLANNING COMMITTEE – 5th November 2024.

Reference Number: 24/00601/FL

Application expiry: 18/11/2024

Application Type: FULL

Proposal Description: Removal of existing garages and hardstanding, and erection of 5 affordable bungalows with associated landscaping, shared drive and car parking (Amended Plans) (Amended Title)

At: Garage Site, Byron Grove, Stonebroom

For: Rykneld Homes Ltd

Third Party Reps: 2 objections

Parish: Shirland and Higham

Ward: Shirland and Higham

Report Author: Steven Wigglesworth

Date of Report: 17 October 2024

MAIN RECOMMENDATION: Grant permission, subject to conditions



Figure 1: Location plan, with site edged in red

1.0 Reason for Report

- 1.1.1 The applicant is Rykneld Homes, the Council's arm's length housing arm, and there have been objections received to the application meaning it cannot be dealt with under Officer delegated powers.

2.0 Proposal and Background

Site Description

- 2.1 The site is in Stonebroom, within the settlement development limits (see Figure 1 above). The Neighbourhood Plan identifies the area as the 'Stonebroom Crescent' character area. The site is accessed via a narrow track, approximately 2.8m wide for a length of approximately 31m, this runs between no.10 and no.12 Byron Grove. There is a mix of hedgerow and fencing either side of the access. The site itself is approximately 0.23 ha in area, located between the back gardens of Byron Grove, Cleveland Road and Kingsley Crescent, with one boundary onto open fields. The site currently has areas of open grass, with signs up stating no ball games and there are approximately 10 garages on the site.
- 2.2 There are no notable trees on the site.
- 2.3 No.10 Byron Grove has its vehicular access/drive from their property onto the land comprising the site. The same property currently has no vehicular access to the front, and the garden fronting Byron Grove is formed with a mature hedgerow.
- 2.4 The dwellings on Byron Grove are semidetached and a mix of buff brick/red brick and render with most of the roofs clad with pan tiles. Most of the dwellings have hipped roofs with the dwelling at the head of the culdesac being the exception.
- 2.5 Off site, opposite the access on the other side of Byron Grove is a pedestrian access onto an area designated as Urban Green Space.
- 2.6 The site is generally level.

Proposal

- 2.7 As submitted the applicant proposed the demolition of the garages and removal of the hardstanding and the erection of 7 no. affordable dwellings taking the form of bungalows.

Amendments

- 2.12 Following Officer concerns the scheme has been amended to seek consent for 5 no. dwellings (See Figure 2 below), all bungalows, comprising 2 pairs of semidetached dwellings and a detached dwelling.

The amended plans include –

- Block Plan 2021-711-1-01G
- Bungalow Type 1 2021-711-1-02D
- Bungalow Type 2 2021-711-1-03D
- M4(3) Bungalow 2021-711-1-04E
- Swept Path Analysis for refuse vehicle – 12444-TRCK/01 A

The dwellings are all two bed roomed, showing a single bedroom and a double bedroom, therefore in terms of their size they are considered three person dwellings. They have two parking spaces per dwelling.



Figure 2 - Proposed Block Plan 2021-711-1-01G

3.0 Relevant Planning History (not the full site history)

3.1 None relevant on the file.

4.0 Consultation Responses

- 4.1 NEDDC Streetscene - NEDDC operate an alternate week collection scheme where one week household waste in black bins is collected and the next green waste from the green bins and recycling in the burgundy bins is collected. The bins must be presented at the kerbside on the day of collection by the residents at 6.30 am and then returned to the storage point after emptying. All individual properties must have enough storage space for a black, green and a burgundy 240L bin.
- 4.2 Access is required for an RCV which has a GVW of 32t with a 22.8m turning circle, allowances should be made in the construction of highways for this vehicle and the need to consider its maneuverability. There are concerns over the accessibility of the development and a vehicle track for a 32t vehicle is required. There are concerns about other aspects of the development which may affect accessibility such as parked vehicles on Byron Grove & the hedges of 10 & 12 Byron Grove which boarder the development which may impede access.
- 4.3 As the size of the development is not one which would typically be adopted by DCC, an indemnity would normally be required to access the development with the refuse vehicles. This would involve an agreement being negotiated with a clause entitling the Council to terminate house to house collections immediately on written notice as appropriate, and for the residents to present their waste and recycling for collection at another point designated by the Council.
- 4.4 Should the development not be accessible to the refuse vehicles, the developer will need to provide a bin presentation point located as close to the existing highway off Byron Grove as possible. This collection point would need to be approved and large enough to present up to 14 bins. Residents would be expected to take their bins to the collection point.
- 4.5 DCC Highways – No objection subject to conditions. Prior to receipt of the amended plans the comments included - Site Access The single track site access is substandard, but already provides access to the garages. Due to the limited speed of traffic on Byron Grove the visibility splays from the access are acceptable. Trip Generation Proposal will not worsen highway conditions and will not result in a significant increase in vehicle movements from the site compared to the site's fallback position Internal Layout – Request swept vehicle paths of the largest vehicle that would enter and exit the site, demonstrating they can enter and exit the site in a forward gear.
- 4.6 Derbyshire Wildlife Trust – No objection subject to conditions and some revision to the BNG calculations, in particular the classifications that have been used.
- 4.7 Environmental Health Officer – No objection subject to conditions. Due to proximity of the site to residential properties conditions are required to protect amenity and ensure that any land contamination resulting from demolition is addressed.

4.8 The Coal Authority – No objection subject to conditions.

4.9 Severn Trent Water Ltd – No response to date

4.10 Shirland And Higham Parish Council - The Parish Council are concerned about the access and egress from this site and the effect on parking in the surrounding area. Access for emergency service vehicles and the refuse collection vehicle is of great concern.

4.11 Ward Councillor(S) – No response to date.

5.0 Representations

5.1 Two representations have been received. They both object to the scheme and raise the following issues –

- No 16 Byron Grove. Objects to the loss of garage plot, which they currently rent and enjoy the use of. The garage is not one of the Council owned/built garages.
- No 10. Are concerned that they will lose part of their garden including the front, rear and side. They are also concerned that they will not be able to access their property as the current access is to the rear off the hard standing on the site. Vehicular access onto the road is important and there are concerns about access to the site during construction as well as in the finished scheme. There is no on road parking and in general consider the proposal will have a detrimental impact on Byron Grove.

6.0 Relevant Policy and Strategic Context

6.1 The following policies of the Development Plan are material to the determination of this application:

North East Derbyshire Local Plan 2014-2034 (LP)

SS1 Sustainable Development

SS2 Spatial Strategy and the Distribution of Development

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

LC 2 Affordable Housing

LC4 Type and Mix of Housing

SDC2 Trees, Woodlands and Hedgerows

SDC3 Landscape Character

SDC4 Biodiversity and Geodiversity

SDC10 Decentralised, Renewable and Low Carbon Energy Generation

SDC11 Flood Risk and Drainage

SDC12 High Quality Design and Place Making

SDC13 Environmental Quality

SDC14 Land potentially affected by Contamination or Instability

SDC15 Developments near Hazardous Uses
ID2 Provision and Safeguarding of Transport Infrastructure
ID3 Sustainable Travel
ID4 New Social Infrastructure
ID5 Loss of Existing Social Infrastructure
ID10 Open Space, Sports and recreation Facilities

Shirland and Higham Neighbourhood Plan

Policy 1 Sustainable Development
Policy 2 Infill Development
Policy 3 Protecting the Landscape Character
Policy 4 Protecting and Enhancing the Natural Environment
Policy 7 Achieving High Quality Design
Policy 8 Renewable Energy, Energy Efficiency and Low Carbon Technologies
Policy 9a Housing Mix and Type
Policy 9b Affordable Housing

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 (IPG), adopted December 2013

7.0 Planning Issues

Principle of Development

- 7.1 The site is located within the settlement development limits of Stonebroom which is a level 2 settlement within the Local Plan, meaning it is a settlement with a good level of sustainability. Local Plan Policy SS2(3) explains that level 2 settlements are areas on which to focus new housing development. Policy SS7 is permissive of new housing development of an appropriate scale, design and location, provided it does not result in the loss of a valued facility or service.
- 7.2 In the representations there are concerns raised about the loss of the garage site. However, the Neighbourhood Plan, in particular Policy 7: Achieving High Quality Design (part 12), explains that in the 'Stonebroom Crescent' character area proposals should [inter alia] repurpose underused garages and car park courtyards.
- 7.3 Therefore, Officers consider that the loss of the garaging (although of some value locally) is acceptable in planning terms because it is in accordance with the policies of the Development Plan and, in particular, Policy 7 of the Neighbourhood Plan.

- 7.4 The objectives of Neighborhood Plan Policy 9 are also noted with an emphasis on 4 bedroomed houses in Stonebroom and bungalows.
- 7.5 This development is proposed by an affordable housing provider to offset some of the loss of bungalows from the potential redevelopment of a larger site nearby. Therefore, the provision of the 2 bedroomed bungalows is supported by Neighborhood Plan Policy 9.
- 7.6 The principle of redeveloping the site for housing is, therefore, considered acceptable, subject to other more detailed criteria which will be discussed in the various sections below.
- 7.7 Although the application is described as affordable housing and made by an affordable housing provider, because of its location within a settlement there is no actual policy requirement for these dwellings to be restricted to being just affordable housing.

Design

- 7.8 The originally submitted scheme was not considered acceptable to Officers for various design reasons and as it was considered to represent a cramped form of development on the plot.
- 7.9 It showed poor outlook from dwellings onto blank elevations, with some failing the 45-degree tests as detailed in the "Successful Places" design guidance. Close boarded fencing also featured in the outlook from these dwellings and fronted onto the public realm and the layout was considered car dominated. There were also design concerns with complicated roof forms and poor articulation between the various sections and concerns about how the site could be accessed by refuse/emergency vehicles.
- 7.10 The amended scheme shows a much-improved layout with 5 dwellings fitting comfortably onto the site. Some parking is now off road to the side of the units and the detached house type has been redesigned and reorientated creating a simpler form and design.
- 7.11 A plan showing the swept paths for a refuse vehicle manoeuvring on the site has also been submitted demonstrating that such vehicles can enter and exit the site in a forward gear.
- 7.12 The amended scheme also includes environmental enhancements to achieve some renewable energy with solar panels to the roofs of the buildings as appropriate. This can be secured by way of planning condition, with the panels needing to be inset into the roofs, be of dark panels on dark frames and non-reflective.

- 7.13 It is considered that the proposal, as amended, offers an acceptable design that will not harm the character of the area in accord with Development Plan policies

Privacy and Amenity Considerations

- 7.14 The amended scheme achieves an adequate level of amenity for future occupants, The size of the dwellings meets (and marginally exceeds) the National Space Standards for such dwellings (which is 61m²) and the size of the gardens/private amenity space, as set out in the “Successful Places” guidance of 50m², is also exceeded.
- 7.15 The outlook from the dwellings will be acceptable with the fronts of plots 1 and 2 looking towards plot 5 slightly angled away, with a separation distance of nearly 19m being retained.
- 7.16 There is also a range of tree and hedgerow planting on the site which will add character to the site with a condition required to secure the final landscaping.
- 7.17 There will be no unacceptable impact on the amenity of neighbouring dwellings. The outlook will alter from looking towards the garage site towards dwellings but the new units are all single storey and so will not unacceptably affect privacy or amenity.
- 7.18 Some residents may lose an existing garage space. However, given the Neighbourhood Plan objective in policy 7, (12) a), to repurpose garage sites, and the fact that many of the existing dwellings in the vicinity already have their own driveways, providing adequate parking, and onstreet parking is available on the wider estate, the loss of the garages is not given significant weight by Officers. Its loss is otherwise a private matter between the parties.
- 7.19 Planning Committee should note that No.10 Byron Grove retains its access from the site and the proposal does not take land from No.10.
- 7.20 It is noted the EHO has recommended conditions in relation to protecting residential amenity during the construction phase in relation to the timing of works and the control of noise, dust, odour.
- 7.21 It is concluded that the proposal will provide adequate amenity to both future and existing residents.

Highway Safety Considerations

- 7.22 Each dwelling would be provided with 2 parking spaces which is adequate for two bedroomed dwellings.
- 7.23 The access to the site is narrow, and single track, but currently serves the garage site. There is no scope to widen the access track because it is tight between two

other properties. The visibility splay at the access is considered to be acceptable because the traffic will be travelling slowly on Byron Grove.

- 7.24 The Local Highway Authority (LHA) has explained in its consultation response that having taken into account the existing use of the site and other information it is its view that the proposal would not result in a significant increase in vehicle movements.
- 7.25 Swept paths have also been provided to demonstrate that the largest vehicle that would need to access the site can adequately enter and exit the site in a forward gear. The vehicle shown is a refuse vehicle.
- 7.26 Overall, the LHA has no objection subject to conditions and it is concluded that there would not be an unacceptable impact on highway safety and the residual cumulative impact on the wider road network would not be severe.

Drainage Considerations and Flood Risk

- 7.27 The site falls in Flood Zone 1 with the lowest probability of flooding. A flood risk assessment has therefore not been required to support this application.

Land Contamination/Land Stability Considerations

- 7.28 The site is within a development high risk area in respect of coal legacy. As such, the application is supported by a Coal Mining Risk Assessment Report. This has been reviewed by the Coal Authority and the EHO and conditions recommended for further investigations and appropriate remedial work.
- 7.29 Officers conclude that there are no technical reasons relating to land contamination or land stability that would preclude development.

Ecological Considerations

- 7.30 Biodiversity survey and reports have been submitted in support of the application. Derbyshire Wildlife Trust (DWT) has no objections subject to conditions.
- 7.31 The site was not found to be suitable for protected species with the exception of the hedgerow boundaries as their potential use by nesting birds.
- 7.32 DWT have commented that the submitted reports need updating slightly and to reflect the amended scheme but they do conclude, in any case, that the necessary 10% net gain can be achieved.

Trees

- 7.33 The application is supported by a comprehensive arboricultural report. The Tree Survey identifies two trees (T6 and T7) within the site and these are located along the northeastern boundary of the site, common with the rear gardens of properties along Kingsley Crescent. T6 is an Elder (*Sambucus nigra*), measuring 5 metres in height, and T7 is a young Ash (*Fraxinus excelsior*), measuring 5 metres in height. The arboricultural consultant has determined the quality of both T6 and T7 as low (Category C).
- 7.34 Officers agree with the assessment, which includes the removal of T6 and T7. Their loss would be readily compensated by extensive shrub and tree planting as set out in the submitted landscaping scheme.

Environmental Management

- 7.35 Officers have negotiated solar panels onto the roof of the proposed buildings, and these can be secured by planning condition. However, an environmental management condition can be used to pick up other mitigation measures, such as electric vehicle charging points.

Conclusion

- 8.1 Subject to conditions, the proposal is considered to be in accordance with the policies of the development plan and it will offer new housing, within the settlement development limits, on a currently underutilised garage.
- 8.2 There are no technical reasons to resist the application and the amenity of existing future occupiers will be safeguarded.

9.0 Recommendation

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

Conditions

No	Condition	Reason	Pre-commencement agreement
1.	Standard time limit	.	N/A
2.	Development in complete accordance with the amended plans – Block Plan 2021-711-1-01G,		N/A

	<p>Bungalow Type 1 2021-711-1-02D Bungalow Type 2 2021-711-1-03D M4(3) Bungalow 2021-711-1-04E Swept Path Analysis for refuse vehicle – 12444-TRCK/01 A</p> <p>and specifications, subject to the following conditions or modifications.</p>		
3.	<p>No above ground development shall commence (excluding the demolition of existing structures) until;</p> <p>a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past shallow coal mining activity; and b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.</p> <p>The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.</p>	Coal Authority	Asked 14/10/2024
4.	<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 intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.</p>	Coal Authority	na
5.	<p>During the phases of site clearance and construction there should be no clearance of vegetation by burning, or disposal of other materials by burning owing to the proximity of neighbouring sensitive receptors.</p>	EHO - To protect the amenity of the locality, especially for people living and/or working nearby.	na
6.	<p>Development other than that required to be carried out as part of an approved scheme of remediation</p>	EHO – To ensure the development	

	<p>shall not commence until:</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, • 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 <p>The site investigation shall be carried out by a competent person in accordance with the current U.K. requirements for sampling and analysis. A report of the site investigation shall be submitted to the local planning authority for approval.</p>	<p>adequately deals with any potential contamination of the site and To protect future occupiers of the development, buildings, structures/services, ecosystems and controlled waters, including deep and shallow ground water.</p>	
7.	<p>Before the commencement of the development hereby approved:</p> <p>Where the site investigation identifies</p>	<p>EHO – To ensure the development adequately deals with any potential</p>	

	<p>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> <p>The developer shall give at least 14 days notice to the Local Planning Authority (Environmental Health Division) prior to commencing works in connection with the remediation scheme.</p>	<p>contamination of the site and To protect future occupiers of the development, buildings, structures/services, ecosystems and controlled waters, including deep and shallow ground water.</p>	
8.	<p>No dwellings hereby approved shall be occupied until:</p> <p>a) The approved remediation works required by 7 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 6b to 7 above and satisfy 8a above.</p> <p>c) Upon completion of the remediation works</p>	<p>EHO – To ensure the development adequately deals with any potential contamination of the site and To protect future occupiers of the development, buildings, structures/services, ecosystems and controlled waters, including deep and shallow ground water.</p>	

	<p>required by 7 and 8a above a validation report prepared by a competent person shall be submitted to and approved in writing by the local planning authority. The validation report shall include details of the remediation works and Quality Assurance/Quality Control results to show that the works have been carried out in full and in accordance with the approved methodology. Details of any validation sampling and analysis to show the site has achieved the approved remediation standard, together with the necessary waste management documentation shall be included.</p>		
9.	<p>Construction works on the site and deliveries to the site shall be undertaken only between the hours of 07.30am to 6pm Monday to Friday and 7.30am to 1pm on Saturday. There shall be no work undertaken on site or deliveries to the site on any Sunday or public holiday.</p>	EHO	
	<p>Before the commencement of construction works including any demolition in connection with the development hereby approved, a programme of measures to minimise the spread of airborne dust from the site during construction and demolition periods, shall be submitted to and approved in writing by the Local Planning Authority and include a dust risk assessment. The development shall be undertaken in accordance with the approved scheme.</p>	EHO	
10.	<p>Nesting Birds</p> <p>No building demolition or 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.</p>	<p>DWT - The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent</p>	na

		<p>for a development does not provide a defence against prosecution under this act. (Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is certain that nesting birds are not present).</p>	
11.	<p><u>Lighting</u></p> <p>Prior to the installation of any external lighting fixtures, a detailed lighting plan and strategy, including a timetable for its implementation, shall be submitted to and be approved in writing by the LPA. This should provide details of the chosen luminaires, their locations and any mitigating features such as dimmers, PIR sensors and timers. Dependent on the scale of the proposed lighting, a lux contour plan may be required to demonstrate acceptable levels of lightspill to any sensitive ecological zones/features. Guidelines can be found in Guidance Note 08/23 - Bats and Artificial Lighting at Night (BCT and ILP, 2023). The approved plan and strategy shall then be implemented in full as such, retained as agreed</p>	DWT - In the interests of the biodiversity of the site.	na

	thereafter and no other external light features shall be installed, placed or erected on the site.		
12.	<p><u>Herptiles</u></p> <p>The Reasonable Avoidance Measures outlined within section 6.7 of the Preliminary Ecological Appraisal (JM Ecology, July 2024) shall be adhered to and implemented in full to safeguard common herptiles during the course of site clearance and development works.</p>	DWT	na
13.	<p><u>Badger / Hedgehog</u></p> <p>The Reasonable Avoidance Measures outlined within section 6.8 of the Preliminary Ecological Appraisal (JM Ecology, July 2024) shall be adhered to and implemented in full to safeguard common herptiles during the course of site clearance and development works.</p>	DWT	na
14.	<p><u>Habitat Management and Monitoring Plan</u></p> <p>A Habitat Management and Monitoring Plan (HMMP) shall be submitted to, and be approved in writing by, the LPA prior to the commencement of the development. This shall identify the habitats to be retained, created and / or enhanced on the site and specify the appropriate management prescriptions to secure the predicted condition targets, as per the approved biodiversity metric for the application. The HMMP shall also set out a monitoring schedule to ensure targets are met and remedial actions to take if not. Guidance on producing a HMMP can be found here: https://www.gov.uk/guidance/creating-a-habitat-management-and-monitoring-plan-for-biodiversity-net-gain</p> <p>The approved HMMP shall then be implemented as agreed and be delivered as approved thereafter.</p>	DWT	Asked 14/10/2024
15.	<p><u>Species Enhancement Plan</u></p> <p>Prior to building works commencing above foundation level, a Species Enhancement Plan shall be submitted to and be approved in writing by the Local Planning Authority. The approved measures shall</p>	DWT	na

	<p>then be implemented in full as agreed and be maintained as such thereafter. The Plan shall clearly show the positions, specifications and numbers of features, which will include (but are not limited to) the following: • universal nest boxes at ratio of 1:1, in line with British Standard 42021:2022. • integrated bat boxes in 30% of dwellings. • insect bricks in 30% dwellings and / or towers in public open space. • fencing gaps 130 mm x 130 mm to maintain connectivity for hedgehogs in all gardens. 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. The enhancements should be implemented in accordance with the approved details and all features retained in that manner thereafter.</p>		
16.	<p>The solar panels shall be inset into the roof (so they are flush with the roof covering), be of black panels, with black frames, non-reflective and be installed prior to the first occupation of the dwelling to which they relate be permanently so maintained thereafter.</p>	LPA	na
17.	<p>Before the development hereby approved starts, a scheme for mitigating climate change through sustainable design, including (but not limited to) the provision of sources of renewable energy, EV charging points, etc. including a timetable for its implementation, shall be submitted to and be approved in writing by the Local Planning Authority. Thereafter the approved climate change scheme shall be implemented in full as agreed and be retained as such thereafter.</p>	LPA	Asked 15/10/2024
18.	<p>Prior to any above ground works commencing 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.</p>	LPA	
19.	<p>Prior to the completion or first occupation of the</p>	To comply with the	

	<p>development hereby approved, whichever is the sooner; full details of all proposed tree planting shall be submitted to and be approved in writing by the Local Planning Authority. This will include planting and maintenance specifications, including cross-section drawings, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period. All tree planting shall be carried out in accordance with those details and at those times.</p> <p>Any trees that are found to be dead, dying, severely damaged or diseased within five years of the completion of the building works OR five years of the carrying out of the landscaping scheme (whichever is later), shall be replaced in the next planting season by specimens of similar size and species in the first suitable planting season.</p>	<p>duties indicated in Section 197 of the Town and Country Planning Act 1990 to safeguard and enhance the amenity of the area, to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality in accordance with NEDDC Policy SDC2: Trees, Woodland and Hedgerows</p>	
20.	<p>Before development starts, the following shall be submitted to and approved in writing by the Local Planning Authority:</p> <ol 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. <p>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</p>	<p>In the interests of the appearance of the area and in accordance with policies of the North East Derbyshire Local Plan and the Neighbourhood Plan.</p>	

	written consent to any variation.		
21.	No development shall commence until full details of the ground floor level of the proposed dwelling in relation to existing and finished ground levels and relative to a fixed datum have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.	In the interests of the appearance of the area and in accordance with Policies SDC12 of the North East Derbyshire Local Plan	pre
22.	The Development hereby approved shall not be occupied until the access, parking and turning facilities have been provided as shown on Site Block Plan, drawing no. 2021-711-1-01G	To ensure conformity with submitted details.	
23.	The development hereby approved shall not be occupied until visibility splays are provided from a point 0.6m above carriageway level at the centre of the access to the application site and 2.4 metres back from the near side edge of the adjoining carriageway, (measured perpendicularly), for a distance of 10 metres to the right (toward the end of the road) and a distance of 17 metres to the left measured along the nearside edge of the adjoining carriageway and offset a distance of 0.6 metres from the edge of the carriageway. These splays shall thereafter be permanently kept free of all obstructions to visibility over 0.6m in height above carriageway level.	In the interests of highway safety.	
24.	No individual dwelling in the development hereby approved shall not be occupied until sheltered, secure and accessible bicycle parking has been provided in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority. The storage area shall be maintained for this purpose thereafter.	To promote sustainable travel and healthy communities	
25.	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	In the interests of safe operation of the adopted highway in the lead into development	pre

	<p>period. The plan/statement shall include but not be restricted to:</p> <ul style="list-style-type: none"> • Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction); • Advisory routes for construction traffic; • Any temporary access to the site; • Locations for loading/unloading and storage of plant, waste and construction materials; • Method of preventing mud and dust being carried onto the highway; • Arrangements for turning vehicles; • Arrangements to receive abnormal loads or unusually large vehicles; • Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses. <p>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.</p>	<p>both during the demolition and construction phase of the development.</p>	
26.	<p>Foul drainage shall connect to the mains.</p>	<p>To secure the detail submitted and ensure the proposal is in accordance with the NPPG.</p>	

Informatives:

- a) BNG (as appropriate)
- b) DISCON
- c) NMA
- d) Provision of bins
- e) Highways as suggested
- f) The proposed development is situated within a Smoke Control Area. This has legal implications for the type of solid fuel appliance which may be installed in

the proposed development and types of solid fuel which may be burnt in these appliances. Further information is available at <https://www.gov.uk/smoke-control-area-rules>

- g) The following British Standards should be referred to:
 - a) BS: 3882:2015 Specification for topsoil
 - b) BS: 3998:2010 Tree work – Recommendations
 - c) BS: 3936-1:1992 Nursery Stock - Part 1: Specification for trees and shrubs
 - d) BS: 4428:1989 Code of practice for general landscaping operations (excluding hard surfaces)
 - e) BS: 4043:1989 Recommendations for Transplanting root-balled trees
 - f) BS: 5837 (2012) Trees in relation to demolition, design and construction - Recommendations
 - g) BS: 7370-4:1993 Grounds maintenance part 4. Recommendations for maintenance of soft landscape (other than amenity turf).
 - h) BS: 8545:2014 Trees: from nursery to independence in the landscape - Recommendations
 - i) BS: 8601:2013 Specification for subsoil and requirements for use

PLANNING COMMITTEE – 5th November 2024

Reference Number: 24/00642/FL

Application expiry: 18/11/2024

Application Type: FULL

Proposal Description: Erection of new Community Hall with pre-school facility and food bank, associated car parking and play area (Amended Plans)

At: Land Adjacent To 42, Cleveland Road, Stonebroom

For: Rykneld Homes Limited

Third Party Reps: 4 objections

Parish: Shirland and Higham

Ward: Shirland

Report Author: Steven Wigglesworth

Date of Report: 23 October 2024

MAIN RECOMMENDATION: Grant permission, subject to conditions



Figure 1: Location plan, with site edged in red

1.0 Reason for Report

The applicant is Rykneld Homes and there have been objections received to the application. As such, the application cannot be determined under Officer delegated powers.

2.0 Proposal and Background

Site Description

- 2.1 The site is located in Stonebroom, within the settlement development limits. The Neighbourhood Plan identifies the area as the 'Stonebroom Crescent' character Area.
- 2.2 The site would be accessed off Cleveland Road and at present comprises outdoor amenity spaces associated with the Flats 12, 14, 16, 18 Queensway. There is also a gated access from the amenity land to the rest of the site which is rough grass between 40 & 42 Cleveland Road and 20 & 15 Birkenstyle Avenue. It appears that although now fenced off, the rough grass part of the site comprises what was formerly part of the gardens of 40 and 42 Cleveland Road.
- 2.3 The site is in a residential area surrounded by dwellings.
- 2.4 There are mature trees on or adjoining the site, including a mature Sycamore, Silver Birch and Rowan as well as mature hedgerows of mixed species.
- 2.5 The site is generally level but with Cleveland Road being at a higher level.
- 2.6 The buildings in the vicinity are a mix of construction, including red brick with plain clay (rosemary) tiles on Birkenstyle Avenue and buff brick with pantiles and most of the dwellings have hipped roofs. The nearby flats have dual pitched roofs and are constructed of redbrick with concrete tile roof.
- 2.7 The existing community hall (reported to be in use as a pre-school) is 40m to the west. It does not have a vehicular access and is accessed via a footway off the Bungalows area (a continuation of Cleveland Road). It is noted that in the Neighbourhood Plan this facility is noted/identified as a preschool.
- 2.8 The site includes some areas identified as being at risk of flooding from surface waters, the risk identified is low.

Proposal

- 2.9 This application seeks planning permission for a community centre. The community centre would be primarily used as a pre-school with a foodbank also operating from the site.

2.10 The applicants have explained the opening hours for the pre school would be –

Monday to Friday 0800-1700, with the children in the building from 0900-1500, with the additional hours being for preparation, cleaning and staff planning meetings. The facility would not operate at weekends. The foodbank is stated to be open between 0900-1700 on Wednesdays only.

Amendments

2.11 The application was amended to address design issues, to reduce the buildings massing and improve its general design and aesthetic. The amended scheme also addresses highways comments by removing a parking space which was close to the proposed access.

2.12 The amended scheme comprises the following and is shown in Figure 2 below:

- 2021-711-2-01C Site Block Plan
- 2021-711-2-02C Community Hall Plans, Elevation & Section
- 2021-711-2-0 Site location plan



Figure 2 - Extract from amended Block Plan 2021-711-2-01C

3.0 Relevant Planning History (not the full site history)

3.1 None relevant on file.

4.0 Consultation Responses

4.1 The Coal Authority (CA) – The site falls within a low risk area and therefore there are no objections.

4.2 Highways Section (LHA) – 17/10/2024 The applicant has submitted a revised site block plan which omits a car parking space near the site access junction. As such the LHA are satisfied with the proposal subject to conditions.

Based on the analysis of the information submitted and a review of Local and National policy the LHA concludes that there would not be an unacceptable impact on highway safety or a severe impact on congestion.

4.3 Derbyshire County Council (Flood Risk Team (LLFA)) – Objection – It is not possible to provide an informed comment until such a time that the applicant has submitted the following further information. • Site plan and impermeable area • Topographic survey of the site • Appropriate evidence to support how the site will drain (photographs / maps / a confirmation letter from a water company) • Basic calculations of the greenfield/brownfield runoff and discharge rates • A quick storage estimate to show the required storage volume of surface water on site and an indication of the likely location • Calculations should include allowances for the current Environment Agency guidance for climate change and urban creep. • Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate (as per National Planning Policy Framework 175). A range of sustainable drainage techniques must be considered prior to or in conjunction with the planning layout. • How the sustainable drainage systems integrate with the open space and green infrastructure should be described and what multifunctional benefits they provide should be stated, as per paragraph 59 of planning practice guidance (Aug 2022).

4.4 Derbyshire Wildlife Trust – No objections subject to conditions.

4.5 Environmental Health Officer – Following receipt of further noise impact assessment information, which included amongst other things details of noise when the windows are ajar, there are conditions suggested for amongst other things to ensure no amplified sound, but even with this there are still concerns in relation to noise and the impact on neighbouring properties. The applicant has submitted further information for the EHO's consideration on these matters. Any further comment will be presented to Planning Committee.

- 4.6 Environment Agency – No comments as the development falls within flood zone 1 and there are no fluvial flood risk concerns associated with the site. There are no other environmental constraints associated with the application.
- 4.7 NEDDC Structural Engineers – No response to date.
- 4.8 Severn Trent Water Ltd – No response to date.
- 4.9 Shirland and Higham Parish Council –18/10/2024 offered the following comments - The Parish Council are concerned about the number of off-street parking spaces proposed and the vehicle movements on and off site.
- 4.10 Ward Councillor(s) – No response to date.

5.0 Representations

- 5.1 A total of 5 letters of objection have been received, 3 are in the form of a circular letter, but raise individual specific concerns, 2 are from the same Author, as such, there is a total of 4 objectors. Together the objections raise the following issues: –
- Concern that green space is being removed for a car park
 - Community hall should remain in its current location and become the food bank and the new building just a pre school.
 - Will increase traffic and therefore also pollution and danger.
 - Would not be able to utilize existing washlines which serve the existing flats as these are located on the development site.
 - Window cleaner will no longer be able to access the rear of the properties.
 - Impact on environment
 - Impact on noise levels and pollution
 - Impact on character and appearance of the area
 - Impact on privacy
 - Modern design will not fit with the character of the area
 - Harm to outlook from the flat as they have currently enjoyed an outlook onto open green space.

6.0 Relevant Policy and Strategic Context

- 6.1 The Development Plan comprises the Local and Neighborhood Plans. The following policies are material to the determination of this application:

North East Derbyshire Local Plan 2014-2034 (LP)

SS1 Sustainable Development

SS2 Spatial Strategy and the Distribution of Development

SS7 Development on Unallocated Land within Settlement with defined Settlement Development Limits
SDC2 Trees, Woodlands and Hedgerows
SDC3 Landscape Character
SDC4 Biodiversity and Geodiversity
SDC10 Decentralised, Renewable and Low Carbon Energy Generation
SDC11 Flood Risk and Drainage
SDC12 High Quality Design and Place Making
SDC13 Environmental Quality
SDC14 Land potentially affected by Contamination or Instability
SDC15 Developments near Hazardous Uses
ID2 Provision and Safeguarding of Transport Infrastructure
ID3 Sustainable Travel
ID4 New Social Infrastructure
ID5 Loss of Existing Social Infrastructure
ID10 Open Space, Sports and recreation Facilities

Shirland and Higham Neighbourhood Plan

Policy 1 Sustainable Development
Policy 2 Infill Development
Policy 3 Protecting the Landscape Character
Policy 4 Protecting and Enhancing the Natural Environment
Policy 5 Designation of local green spaces
Policy 7 Achieving High Quality Design
Policy 8 Renewable Energy, Energy Efficiency and Low Carbon Technologies
Policy10 Protecting or enhancing the provision of community facilities

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 Design Interim Planning Guidance (IPG), adopted December 2013

7.0 Planning Issues

Principle of Development

- 7.1 The proposal seeks consent for a Community Centre that will provide a mixed-use building for use as a preschool and food bank. It is intended to be an enhanced replacement for the existing preschool building which is accessed off the Bungalows part of Cleveland Road, and which has no vehicular access. The existing preschool

is identified in the Neighbourhood Plan. Its removal is not part of this application and, it is understood it is intended to form part of a larger forthcoming application.

- 7.2 The site is within the settlement development limits of Stonebroom and so in principle the new community facility is acceptable in principle in accordance with Local Plan policies SS1, SS2, SS7.
- 7.3 Policy ID4 is specific to new social infrastructure and this is permissive provided that the development will be accessible by public transport, walking and cycling unless they are meeting a specific local need and where possible are provided in multi-use, flexible and adaptable buildings, or co-located with other social infrastructure which encourage dual use and increase public access.
- 7.4 Given the building is ultimately intended to be a replacement for the existing preschool, it is considered the building is identified for a specific local need and, as it is approximately 40m from its existing location, clearly capable of serving the same community. It is also considered to have better accessibility than the existing facility as it has dedicated parking and a vehicular access. The new building would also create a multi-use facility which adds weight in favour of the application.
- 7.5 Neighbourhood Plan Policy 10 Protecting and enhancing the provision of community facilities is also supportive of new proposals where they can be satisfactorily accommodated in terms of highway safety and residential amenity.
- 7.6 Therefore, in principle, the new building is considered compatible with Development Plan policies. However, they also require new buildings to be compatible with the area in which they are located and incorporate sustainable design features. These issues are discussed below.

Design

- 7.7 As submitted, Officers were concerned about the massing of the building, the materials proposed and the building's design. For example, there was a wide gable proposed and the resultant roof form gave the building poor massing which would have detracted from the character and appearance of the area.
- 7.8 Further to that, amended plans (Figure 3 below) have been submitted which redesign the building. The massing is much improved by breaking the building up so it appears as a number of more traditional width gables and different materials are proposed. The amended design also has other enhancements including showing the location for solar panels.



Figure 3 - Amended Design

7.9 The amended scheme is much improved and achieves a high standard of design that is considered will not detract from the character, appearance or amenity of the area.

Highways

7.10 The Highway Authority (LHA) has not objected to the amended scheme. Some minor revisions were required to improve the proposal in highway safety terms by omitting a parking space that was too close to the access. Otherwise, the scheme, subject to conditions, is considered to be acceptable in highways terms.

7.11 It is noted that in the representations received, highway safety issues have been raised. However, given the HA's comments officers conclude the proposal is acceptable in this respect.

7.12 Subject to conditions 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.

Privacy and Amenity Considerations

7.13 As submitted, due to the design and massing of the original proposal, Officers were concerned about the impact on the outlook of the nearby properties. However, the amended scheme improves the design and reduces this massing significantly and it is not considered to represent harm to outlook.



Figure 4- Visual representation of original proposal.



Figure 5 - Visual representation of amended proposal.

7.14 The proposal does result in a loss of amenity space for a number of existing properties because it uses land that was formerly gardens (now already fenced off, and so no longer garden) and also the outdoor amenity spaces associated with the flats. However, these properties will be left with adequate gardens/outdoor amenity space that meets the minimum requirements of Successful Places for outdoor amenity space (Standard is 25m² per flat). For example, the flats at 16-18 Queensway (four flats) will share a total of approx. 127 m² and of this No 16 appears to retain approximately 44m², a larger space than the rest (which reflects the existing arrangement). This leaves 83m² shared between 3, so each of those would retain 27m² (exceeding the 25m² minimum). The three smaller garden spaces are only 5m deep but given in total the area exceeds the minimum standard, there will be enough space provided. No.14 and No.12 Queensway have their amenity spaces to the north of those properties and this is not affected by this proposal with similar space is retained to their fronts.

7.15 No 16 directly faces the proposed community centre building. This is at a distance of approximately 20m to the main body of the building.

7.16 The corner of No.14 Queensway is only 3.9m from the proposed Community Centre building. This distance (as well as design reasons) led officers to seek a reduction in the massing of the building. This has been achieved in the amended scheme.

7.17 It is also noted that the distance between No 42 Cleveland Road and the proposed building is approximately 10m. The amended scheme will result in two gables, with a lower flat roof between, being relatively close to the boundary. There is however a

close boarded fence to the garden boundary such that there will be no overlooking. The gables are single storey and not excessive in their width, so not considered to be harmful or overbearing, albeit visible from the relevant garden.

- 7.18 It is noted that there are points raised in the submitted representations about loss of green space, gardens and loss of space for washing lines. Whilst officers note these points, given the compliance of the scheme with the guidance set out in Successful Places these concerns are not considered overriding as alternative facilities are otherwise available and specifically, the flats will still be left with adequate space to install a replacement washing line (see above).
- 7.19 There are also amenity issues raised in this report in the trees section in relation to the proposed tree planning, casting shadows over the garden areas of the flats on Queensway. This issue can be addressed via a condition to agree tree planting/landscaping.

Noise

- 7.20 The application is supported by a noise impact assessment. This considered the impact of noise from the proposed building and from associated apparatus, including air conditioning units.
- 7.21 The Environmental Health Officer (EHO) raised a number of queries in relation to the proposal, including a suggestion for a condition to require the windows to remain closed when the building was in use. This was considered impracticable and, as an alternative, Officers sought calculations related to noise when the windows would be opened. This information has been received and the EHO reconsulted. Concerns remain and so, to address this, conditions are proposed which would require no amplified sound to be played/relayed on the premises and the provision of an acoustic fence. Some final concerns remain about the impact of the building and its use on neighbouring properties, particularly those on Birkenstyle Avenue. The planning agent has provided a further response on this issue and this has been provided to the EHO for further comment. At the point of finalising this report Officers await further comments.
- 7.22 The pre-school is intended to operate on Monday to Friday between 0800-1700 and the foodbank on Wednesday. Unless otherwise restricted, the building could be used for other activities outside that time. In view of the issues raised about noise and disturbance it is considered appropriate to control the hours of operation in the interests of amenity of the neighbouring properties by planning condition to 07:30 and 18:00 on Monday to Fridays only. This would allow for maintenance and cleaning outside those times but otherwise control the building's use to times during the week which would not unacceptably impact on the amenity of residential occupiers nearby.

7.23 Notwithstanding the potential for final comments to be received from the EHO Officers consider that through a combination of a limit on operating times, a restriction on amplified sound, sound attenuation in connection with any plant and the provision of an acoustic fence, the amenity of adjoining residents can be acceptably protected.

Trees

7.24 There are trees on the site and hedgerows and a tree survey has been submitted in support of the proposal.

7.25 The Tree Survey identifies two significant trees (T1 and T2) within the site and these are located immediately west of the proposed access and directly south of the rear gardens of properties on Queensway. Other trees within the site are identified as either trees of low quality or trees unsuitable for retention. Trees of low quality or unsuitable for retention should not represent an obstruction to the proposed development.

7.26 T1 is described as a mature Sycamore (*Acer pseudoplatanus*) of moderate quality. T2 is described as a mature Silver Birch (*Betula pendula*) of moderate quality. Every effort should be made to retain trees of moderate or good quality unless there is overriding justification to remove them. 1.3.2 within the Arboricultural Report describes how existing tarmac within the RPAs of T1 and T2 shall be retained and overlaid with new tarmac. The existing tarmac should protect the underlying roots of T1 and T2 sufficiently whilst the development is undertaken, and the process of laying new tarmac over the existing should avoid any potentially injurious activity within the RPAs of T1 and T2 by avoiding the need to remove the existing tarmac.

7.27 The submitted block plan indicates potential planting along the boundary of the rear gardens on Queensway. Officers consider that extensive planting along this boundary to form a line of trees is probably unsuitable. It is necessary to reduce the size of the rear gardens of properties along Queensway to enable the access and additional parking. However, the proposed planting of trees along the boundary would result in significant shade from the east. The retention of T1 and T2 will already continue to cast shade from the south and the built forms of the properties lie directly west of the rear gardens. Officers are concerned that this will result in an enclosed and cramped feeling to the rear gardens as they become overstood by the proposed tree planting along the rear boundary. This will undoubtedly increase future pressures for the removal of these trees as the amount of shade cast into rear gardens increases with their growth. Officers therefore recommend that new trees are planted elsewhere within the site, or off site.

7.28 In conclusion Officers consider that subject to conditions to secure tree protection and agree a landscaping scheme that the impact on trees and hedgerows is acceptable.

Flood Risk

- 7.29 The site falls in Flood Zone 1, an area with the lowest probability of flooding. A section of the site is identified as at low risk of surface water flooding.
- 7.30 The LLFA (Lead Local Flood Authority) objected to the proposal initially as it did not include a flood risk assessment and is located in an area with a risk of flooding from surface water.
- 7.31 In response to this a Flood Risk Assessment (FRA) has been submitted. The submitted FRA assesses the risk and designs appropriate mitigation to deal surface water flooding. A planning condition can be used to ensure that the development is in complete accordance with the submitted FRA.
- 7.32 It is noted that at the time of writing the report no further comments from the LLFA have been received. Officers will report any updates on this to planning committee but otherwise consider the updated FRA adequately addresses this matter.

Biodiversity

- 7.33 Derbyshire Wildlife Trust (DWT), as the Council's specialist consultee on this matter, have scrutinised the application raising no objection.
- 7.34 DWT explain that records of swift and hedgehog are present in the immediate locality with constraints limited to nesting birds in the hedgerows and trees and potentially hedgehogs in hedgerow bases. It is noted that these can be mitigated through seasonal constraints to hedgerow removal, hedges should be removed outside the nesting bird season but avoiding the core months of hibernation for hedgehogs, in September or October or the end of February / early March. Conditions are recommended to include a timing condition for vegetation clearance to safeguard hedgehogs and nesting birds, biodiversity enhancement measures and a habitat management and monitoring plan. DWT also support the recommendations for species enhancements as per the submitted details, although it is recommended that integral swift / universal bricks should be used rather than sparrow terraces because the universal bricks can be used by a variety of species (including sparrows) and have a greater rate of uptake than terraces.
- 7.35 In relation to BNG (Biodiversity net gain) the proposal represents a net gain of 16.65% habitat units and 10.56% hedgerow units. This complies with the relevant BNG requirements.

Environmental Management

- 7.36 Officers have negotiated solar panels onto the roof of the proposed building, and these can be secured by planning condition. However, an environmental

management condition can be used to pick up other mitigation measures in this regard, such as electric vehicle charging points.

Conclusion

- 7.37 The application site is located within settlement limits where new development is generally supported. Adding further weight in favour of the development is that it is a facility offering substantial community benefits as a school and associated community facility.
- 7.38 The site is located in close proximity to other properties. However, through a revised design and when setting the scheme against the requirements of the Council's Design Guidance, it is concluded the new building is compatible with the area in which it would be located and would not compromise the amenity of adjoining residents.
- 7.39 Issues of noise can be dealt with by condition and any impact on the natural environment is adequately addressed and therefore are of neutral weight.
- 7.40 Overall, subject to conditions the proposal is considered to be in accordance with the policies of the Development Plan and recommended for approval.

9.0 Recommendation

- 9.1 That planning permission is **CONDITIONALLY APPROVED subject to the following conditions**, with the final wording delegated to the Planning Manager (Development Management) and no further objection being raised by the LLFA):-

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.	N/A
2.	The development hereby approved shall be carried out in accordance with the amended plans '2021-711-2-01C Site Block Plan' '2021-711-2-02C Community Hall Plans, Elevation & Section', '2021-711-2-0 Site location plan' and	For clarity and avoidance of doubt and to achieve a satisfactory detailed design.	N/A

	specifications		
3.	The premises shall only be used between the hours of 07:30 and 1800 on Monday to Friday. There shall be no use of the building on Saturdays, Sundays and public holidays.	In the interests of the amenity of the area, and in accordance with Policies SDC12 of the North East Derbyshire Local Plan and Policy 10 of the Neighbourhood Plan as well as the NPPF.	
4.	There shall be no amplified sound used at the premises whatsoever throughout the lifetime of the development hereby approved.	In the interests of the amenity of the area, and in accordance with Policies SDC12 of the North East Derbyshire Local Plan and Policy 10 of the Neighbourhood Plan as well as the NPPF.	
5.	Prior to commencing development, details of an acoustic fence, including a timetable for its implementation and a specification of the fence (including reference to noise reduction capability), shall be submitted to and be approved in writing by the LPA. The fence shall be designed to mitigate the impact of the development on the surrounding properties. The agreed details shall be implemented as agreed and be permanently so maintained.	To protect the residential amenity of the neighbouring properties.	
6.	Installation of air conditioning units – noise levels from Air conditioning units hereby approved shall not exceed XXX measured at the boundary of neighbouring properties throughout the lifetime of the development.	To protect the residential amenity of the neighbouring properties.	
7.	<u>Vegetation Clearance</u> Site clearance shall be undertaken in a manner by which to safeguard hedgehogs and nesting birds. Hedgerow removal must avoid the core hibernation period (November-February). It should also avoid the	In the interests of the biodiversity of the area particularly nesting birds and hedgehogs.	

	<p>bird breeding season (March-August), where possible. Optimal months for removal are September, October and late Feb/early March. If removal is required between March and August, it should be preceded by a nesting bird check. Hedgerow bases shall be checked by hand for hedgehogs prior to cutting and removal, along with any leaf piles, dense vegetation or other general debris that could be used for shelter. Materials shall be removed offsite or to a location such as a skip, other container or raised pallets. If a hedgehog is discovered during clearance, it shall be moved immediately and carefully with gloved hands to an area of shelter such as beneath adjacent hedgerow/bushes. A short statement of compliance shall be submitted to the LPA upon completion of clearance works to discharge this condition.</p>		
8.	<p><u>Species Enhancements</u> Prior to the completion of development, the following biodiversity enhancement measures shall be implemented: • 1No. integral bat box at apex of western gable • 3No. integral universal bird brick at eaves level (avoiding southern elevations) • 1No. hedgehog box within base of retained hedgerow • hedgehog gaps (130 mm x 130 mm) in any new fencing. Once implemented the measures shall then be retained a such thereafter. Evidence that these measures have been implemented should be submitted to the Local Planning Authority for approval within one month of completion of development.</p>		
9.	<p><u>HMMP</u> A Habitat Management and Monitoring Plan (HMMP) shall be submitted to, and be approved in writing by, the LPA prior to the commencement of the development. This shall identify the habitats to be retained, created and / or enhanced on the site and specify the appropriate management prescriptions to secure the predicted condition targets, as per the approved biodiversity metric for the application. The HMMP shall also set out a monitoring schedule to ensure targets are met and remedial actions to take if not.</p>		

10.	Should the developer during excavation and construction works of the said development site find any area of the site where it is suspected that the land is contaminated then all works shall stop, and the local planning authority notified immediately. An investigation and risk assessment shall be undertaken and where remediation is necessary a remediation scheme shall be prepared in accordance with current good practice and legislation and submitted to and approved by the Local Planning Authority, and the approved remediation shall thereafter be implemented. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority	EHO - As the existing site has properties built circa the 1950s surrounding proposed development area, there is potential for contamination to be discovered during the proposed works from possible deposited unused materials (e.g. asbestos).	
11.	Prior to commencing development a management plan for controlling construction noise and dust during the development of the site shall be submitted to the Authority for approval in writing, Once approved the development shall not be carried out other than in accordance with the management plan.	EHO	
12.	Construction work shall only be carried out between the hours of 7:30 am to 6:00 pm Monday to Friday and 9:00 am to 1:00 pm on a Saturday. Construction work shall not be carried out on Sundays or Public Holidays. The term 'construction work' shall include mobile and fixed plant/machinery, (e.g. generators) the use of radios and the delivery of any construction materials.	EHO	
13.	The development shall not be carried out other than in complete accordance with the submitted 'Flood Risk Assessment and SuDS Statement v01' (P24230-HWA-ZZ-XX-RP-C-5000 October 2024)		
14.	The Development hereby approved shall not be brought into use until the access, parking and turning facilities have been provided as shown on Drawing No. 2021-711-2-01C titled 'site block	To ensure conformity with submitted details, in the interests of highway safety and adequate provision of	

	plan'.	parking and maneuvering space.	
15.	Notwithstanding the submitted plans, the proposed access shall have a width of a minimum of 6 metres, a gradient of no more than 1:12 for a distance of at least 5 metres behind the highway boundary and shall be surfaced in a bound material with a dropped crossing arrangement. The access once provided shall be so maintained at all times.	To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with the National Planning Policy Framework.	
16.	The development hereby approved shall not be brought into use until visibility splays are provided from a point 0.6m above carriageway level at the centre of the access to the application site and 2.4 metres back from the near side edge of the adjoining carriageway, (measured perpendicularly), for a distance of 43 metres in each direction measured along the nearside edge of the adjoining carriageway and offset a distance of 0.6 metres from the edge of the carriageway. These splays shall thereafter be permanently kept free of all obstructions to visibility over 0.6m in height above carriageway level.	In the interests of highway safety.	
17.	The Development hereby approved shall not be brought into use until pedestrian visibility splays of 2m x 2m measured perpendicularly back from the back of footway shall be provided on both sides of the access. These splays shall thereafter be permanently kept free of all obstructions to visibility over 0.6m in height above the adjoining ground level.	To ensure motorists have clear and unrestricted views of approaching pedestrians when pulling out onto the adopted highway, in the interest of highway safety.	
18.	Prior to commencement of the development hereby permitted details of a construction management plan shall be submitted to and	In the interests of safe operation of the adopted highway in the lead into development both during	

	<p>approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the demolition/construction period. The plan/statement shall include but not be restricted to:</p> <p>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.</p>	<p>the demolition and construction phase of the development.</p>	
<p>19.</p>	<p>Tree Protection Condition: Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>Specific issues to be dealt with in the TPP and AMS:</p> <ul style="list-style-type: none"> a) Location and installation of services/ utilities/ drainage. b) Methods of demolition within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees. c) Details of construction within the RPA or that may impact on the retained trees. d) a full specification for the installation of boundary treatment works. e) a full specification for the construction of 	<p>Required prior to commencement of development to satisfy the Local Planning Authority that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality, in accordance with NEDDC Policy SDC2: Trees, Woodland and Hedgerows and pursuant to section 197 of the Town and Country Planning Act 1990.</p>	

	<p>any roads, parking areas and driveways, including details of the no-dig specification and extent of the areas of the roads, parking areas and driveways to be constructed using a no-dig specification. Details shall include relevant sections through them.</p> <ul style="list-style-type: none"> f) A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing. g) a specification for scaffolding and ground protection within tree protection zones. h) Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area. i) details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires j) Boundary treatments within the RPA. k) Arboricultural supervision and inspection by a suitably qualified tree specialist. l) Reporting of inspection and supervision. m) Methods to improve the rooting environment for retained and proposed trees and landscaping. <p>The development thereafter shall be implemented in strict accordance with the approved details.</p>		
20.	<p>Landscaping Condition: Prior to completion or first occupation of the development hereby approved, whichever is the sooner; details of treatment of all parts on the site not covered by buildings shall be submitted to and approved in writing by the Local Planning Authority. The site shall be landscaped strictly in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. Details</p>	<p>Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and bio-diversity benefits and to maximise the quality and usability of open spaces within the</p>	

	<p>shall include:</p> <ul style="list-style-type: none"> a) a scaled plan showing vegetation to be retained and trees and plants to be planted: b) proposed hardstanding and boundary treatment: c) a schedule detailing sizes and numbers of all proposed trees/plants. d) Sufficient specification to ensure successful establishment and survival of new planting. <p>There shall be no excavation or raising or lowering of levels within the prescribed root protection area of retained trees unless agreed in writing by the Local Planning Authority. Any new tree(s) that die(s), are/is removed, become(s) severely damaged or diseased shall be replaced and any new planting (other than trees) which dies, is removed, becomes severely damaged or diseased within five years of planting shall be replaced. Replacement planting shall be in accordance with the approved details (unless the Local Planning Authority gives its written consent to any variation).</p>	<p>development, and to enhance its setting within the immediate locality in accordance with NEDDC Policy SDC2: Trees, Woodland and Hedgerows.</p>	
21.	<p>Prior to any above ground works commencing 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.</p>	<p>To ensure a satisfactory detailed design that will not harm the character and appearance of the area.</p>	Pre
22.	<p>Solar panels as indicated on the approved plans shall be inset into the roof (so they are flush with the roof covering), black panels, with black frames, non reflective and shall be installed prior to occupation of the building hereby approved and shall be permanently so maintained.</p>	<p>In accordance with the polices of the development plan including Local Plan Policy SS1, SDC12, SDC10 and Neighborhood Plan Policy 8 and the NPPF.</p>	
23.	<p>Before the development hereby approved starts, a scheme for mitigating climate change through</p>	<p>In accordance with the polices of the</p>	pre

	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.	development plan including Local Plan Policy SS1, SDC12, SDC10 and Neighborhood Plan Policy 8 and the NPPF.	
24.	No development shall commence until full details of the ground floor level of the proposed building in relation to existing and finished ground levels and relative to a fixed datum have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.	In the interests of the appearance of the area and in accordance with Policies SDC12 of the North East Derbyshire Local Plan	
25.	Foul drainage shall connect to the mains.	To secure the detail submitted and ensure the proposal is in accordance with the NPPG.	
26.	Boundary Treatments		

Informatives:

- a) DISCON
- b) NMA
- c) Provision of bins
- d) LLFA informatives as stated 20th September 2024
- e) Highways informatives as stated in their response of the 17 October 2024
- f) Radon Gas as suggested by the EHO.
- g) BNG

North East Derbyshire District Council

Planning Committee

5 November 2024

Planning Appeals – Lodged and Determined

Report of the Planning Manager – Development Management

Classification: This report is public

Report By: **Katie Spelman**

Contact Officer: **Katie Spelman 01246 217172**

PURPOSE / SUMMARY

To inform the Committee of the appeals lodged and determined.

RECOMMENDATIONS

None.

IMPLICATIONS

Finance and Risk: Yes No

Details:

On Behalf of the Section 151 Officer

Legal (including Data Protection): Yes No

Details:

On Behalf of the Solicitor to the Council

Staffing: Yes No

Details:

On behalf of the Head of Paid Service

DECISION INFORMATION

Decision Information	
<p>Is the decision a Key Decision? A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds:</p> <p>NEDDC: Revenue - £125,000 <input type="checkbox"/> Capital - £310,000 <input type="checkbox"/> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i></p>	No
<p>Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)</p>	No
<p>District Wards Significantly Affected</p>	None
Equality Impact Assessment (EIA) details:	
<p>Stage 1 screening undertaken</p> <ul style="list-style-type: none"> Completed EIA stage 1 to be appended if not required to do a stage 2 	Not required as the report is for information only.
<p>Stage 2 full assessment undertaken</p> <ul style="list-style-type: none"> Completed EIA stage 2 needs to be appended to the report 	No, not applicable
<p>Consultation: Leader / Deputy Leader <input type="checkbox"/> Cabinet <input type="checkbox"/> SMT <input type="checkbox"/> Relevant Service Manager <input type="checkbox"/> Members <input type="checkbox"/> Public <input type="checkbox"/> Other <input type="checkbox"/></p>	Yes Details:

Links to Council Plan priorities, including Climate Change, Economic and Health implications.

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REPORT DETAILS

1 Background

1.1 To inform the Committee of the appeals lodged and determined.

2. Details of Proposal or Information

2.1 Appeals Lodged

The following appeals have been lodged: -

Mr Adrian Bailey - Reconstruction of a former Blacksmiths Workshop to create a Dwelling house (Package treatment plant)(Affecting a Public Right of Way). (24/00282/FL)

Planning Officer – Steven Wigglesworth steven.wigglesworth@ne-derbyshire.gov.uk

Mrs Duckenfield - Erection of two storey dwelling (Affecting the setting of a Listed Building) (Additional information) (24/00101/FL)

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

Ylem Energy Ltd - Construction and operation of a battery energy storage system (BESS) and ancillary infrastructure, including creation of new access (amended plans) (additional information). (24/00035/FL)

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

2.2 Appeal Allowed

No appeals have been allowed.

2.3 Appeal Dismissed

The following appeal has been dismissed: -

Mr J Smith - Demolition of existing bungalow and erection of 2no semi detached two storey dwellings and 1no detached two storey dwelling (Revised scheme of 22/01216/FL) (23/00621/FL)

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

Mr R Hubbuck - Retention of two storey rear extension and single storey side extension (24/00023/FLH)

Planning officer – Stephen.kimberley@ne-derbyshire.gov.uk

Mr Neil Goldsbrough - Convert part of the loft space into a bedroom by raising ridge height and installaton of windows (Conservation Area) (24/00145/FLH)

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

2.4 Appeals Withdrawn

No appeals have been withdrawn.

3 Reasons for Recommendation

3.1 The report is to inform the Planning Committee of appeals lodged and determined.

4 Alternative Options and Reasons for Rejection

4.1 There are no alternative options as this report is for information only.

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 you must provide copies of the background papers)	