

# Public Document Pack



**North East  
Derbyshire**  
District Council

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Date: Monday, 10 June 2024

To: **Members of the Planning Committee**

Please attend a meeting of the Planning Committee to be held on **Tuesday, 18 June 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 Tony Lacey  
Councillor Heather Liggett  
Councillor Fran Petersen  
Councillor Kathy Rouse

**Please notify the Governance Manager, Alan Maher by 4.00 pm on Friday 14 June 2024 of any substitutions made for the meeting.**

**For further information about this meeting please contact: Alan Maher 01246 217391**

# **A G E N D A**

## **1 Apologies for Absence and Substitutions**

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

## **2 Declarations of Interest**

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

## **3 Declarations 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 the Last Meeting (Pages 4 - 16)**

To approve as a correct record and the Chair to sign the Minutes of Planning Committee held on 14 May 2024.

## **5 NED/23/00899/FL - WESSINGTON (Pages 17 - 32)**

Replacement of a Nissen Hut with a 6 bed holiday let (Conservation Area/Further Amended Plans/Amended Title) (Private Drainage System) at Amber Lodge, Amber Mill Farm, Amber Green, Wessington

(Planning Manager – Development Management)

## **6 Late Representations - Summary Update Report - NOW PUBLISHED (Page 33)**

(Planning Manager – Development Management)

## **7 Planning Appeals - Lodged and Determined (Pages 34 - 37)**

(Planning Manager – Development Management)

## **8 Matters of Urgency**

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



# North East Derbyshire District Council

## Access for All statement

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## **PLANNING COMMITTEE**

### **MINUTES OF MEETING HELD ON TUESDAY, 14 MAY 2024**

#### **Present:**

Councillor Lee Hartshorne (Chair) (in the Chair)

Councillor Tony Lacey (Vice-Chair)

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

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

#### **Also Present:**

D Thompson	Assistant Director of Planning
A Kirkham	Planning Manager - Development Management
G Cooper	Principal Planning Officer
L Kassell	Solicitor
A Bond	Governance Officer
N Ellis-Hall	Temporary Senior Governance Officer
J Hayden	Senior Scrutiny Officer
T Scott	Governance and Scrutiny Officer
A Maher	Governance Manager

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

**95/2**

**3-24** None.

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

**96/2**

**3-24** Councillor K Rouse declared an interest on Item 4. NED/24/00275/FL - CLAY CROSS as a Member of the Clay Cross Town Deal Board. 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/ Minutes of the Last Meeting**

**97/2**

**3-24** The minutes of the meeting held on Tuesday 23 April 2024 were approved as a true record.

#### **PLA/ NED/24/00275/FL - CLAY CROSS**

**98/2**

**3-24** Councillor K Rouse left the meeting during the Committee's consideration of the Application.

The report to the Committee explained that an Application had been submitted to modify the existing Public Car Park, including the provision of a new access to it from the High Street (A61) at the Masterplan Site, covering land, roads and buildings to the North and West of Broadley's, Clay Cross.

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

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

Officers believed that the modifications would contribute to the overall regeneration plans for the Town Centre and to the Council's Local Plan objective to ensure that Clay Cross maintains its place as the main social and economic focus for the south of the District.

The modifications would allow vehicles to access the existing Car Park directly from the High Street. This would help to improve transport connectivity and the local economy, by making it easier for passing trade to visit retail and other businesses. The car park would also be upgraded to include disabled parking, which was closer to the town centre, and charging points for electric vehicles.

Although some of the surrounding grassed area would be lost as a result of the development, officers felt that this loss would be minimal. Most of the grassed areas and two mature trees would be retained under the proposals. Moreover, the development would also preserve the significance of the nearby Grade II listed building and respect the character of the Clay Cross Conservation Area.

Officers had concluded that the proposals accorded with the Council's Development Plan. As there were no amenity or other issues that would outweigh this, they felt that the Application should be approved.

Before the Committee considered the application it heard from Local Ward Member, Councillor G Morley and R O'Donoghue, the agent for the Application.

Committee considered the Application. It took into account the site's location partially within the Clay Cross Conservation Area and partially in an area designated in the Local Plan as town centre. It considered the relevant Local and National Planning Policies. These included Local Plan Policy SS1, requiring all developments to contribute to sustainable development, Local Plan policy SP2, on the role of Clay Cross in the south of the District and Local Plan Policy WC4, requiring developments to contribute to the vibrancy and economic health of the town centres.

Committee also took into account Local Plan Policy SDC5, on Development within Conservation Areas, Local Policy SD6 on Development affecting Listed Buildings and Local Plan Policy SD12 on High Quality Design and Place Making. In addition, Committee took into account the Clay Cross Regeneration Framework 2025, the Clay Cross Character Statement 2010 and the 'Successful Places' Design Guidance 2013

Members discussed the report. Some Members asked for clarification on the allocation of spaces within the car park and the location of the disabled spaces under the proposals. Some Member expressed concern about the relocation of the pedestrian crossing and the possible impact of the modifications on

pedestrian access. They were reminded in this context of the footpath improvements that would be put in place and in particular, how the relocated pedestrian crossing would be accommodated by widening the existing footway.

Some Members queried whether the proposed modifications would be an appropriate Development for the area, given the concerns which had been raised, especially over the proposed access from the A61. Other Members highlighted the role of the Development in the overall improvements to the Clay Cross Town Centre, and the contribution which the direct access from the High Street would make to this. They also contended that the Application was in line with the appropriate planning policies and stressed that the Committee should approve it on that basis.

At the conclusion of the discussion Councillor M Foster and Councillor D Hancock moved and seconded a Motion to approve the Application. Councillors M Foster, D Hancock and P Elliot requested that this be taken as a recorded vote.

The Motion was put to the vote and was agreed.

For

D Cheetham, P Elliot, M Foster, D Hancock (4)

Against

F Petersen (1)

Abstained

A Cooper, C Gare, L Hartshorne, H Liggett (4)

#### **RESOLVED -**

That the Application be approved in line with officer recommendations, subject to conditions.

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

#### **Conditions**

- 1 The development hereby permitted shall be started within 3 years from the date of this permission.
- 2 The development hereby approved shall be carried out in accordance with the following submitted plans, unless otherwise specifically agreed in writing by the Local Planning Authority or otherwise required by any other condition in this decision notice:

- a) 06847-PL-B-0100 REV P05 (A61 Junction General Arrangement)
  - b) 06847-PL-B-0101 REV P04 (A61 Junction Engineering Plan)
  - c) 06847-PL-B-0105 REV P0 (Existing Site Plan)
  - d) 06847-PL-B-0120 REV P03 (A61 Junction Vehicle Tracking)
  - e) 06847-PL-B-3000 REV P03 (A61 Junction Landscaping)
  - f) 06847-PL-B-S38 REV P03 (A61 Junction Land Dedication Plan)
- 3 Notwithstanding the submitted details, before any above groundwork commences on the new access, a scheme of hard landscaping (including surfacing to the car park, footpaths, bollards, etc) along with a timetable for its implementation shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be completed as agreed.
- 4 The Development hereby approved shall not be brought into use until the highway improvements/offsite works/site access works comprising:
- a) A61 Junction Engineering Plan as shown on drawing no. 06847-PL-B-0101 Revision P04
  - b) A61 Junction General Arrangement as shown on drawing no. 06847-PL-B-0100 Revision P05
- 5 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 2.4m back from the near side edge of the adjoining carriageway, (measured perpendicularly), for a distance of 43m in each direction measured along the nearside edge of the adjoining carriageway and offset a distance of 0.6m 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.
- 6 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:
- a) 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);
  - b) Advisory routes for construction traffic;
  - c) Any temporary access to the site;
  - d) Locations for loading/unloading and storage of plant, waste, and construction materials;
  - e) Method of preventing mud and dust being carried onto the highway;
  - f) Arrangements for turning vehicles;
  - g) Arrangements to receive abnormal loads or unusually large vehicles;
  - h) Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.
- 7 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.

Specific issues to be dealt with in the TPP and AMS:

- a) Location and installation of services/ utilities/ drainage.
- b) Details of any construction within the RPA or that may impact on the retained trees.
- c) A full specification for the installation root barriers and root deflectors.
- d) A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing.
- e) Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area.
- f) 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
- g) Boundary treatments within the RPA
- h) Methods to improve the rooting environment for retained and proposed trees and landscaping.

The development thereafter shall be implemented in strict accordance with the approved details.

**PLA/ NED/23/00189/FL - GRASSMOOR**

**99/2**

**3-24** Councillor K Rouse rejoined the meeting at this point.

The report to the Committee explained that an Application had been submitted for a residential development of 5 detached two storey dwellings and the creation of a new access on the site of the former Derbyshire County Council (DCC) Highways storage depot at Highways Storage Lane, Chesterfield Road, Grassmoor. The Application involved Amended Plans.

The Application had been referred to Committee by Councillor C Cupit, who had raised concerns about it.

Members were reminded that the Application had been deferred at the last meeting of the Committee, so that the issues which had recently been raised by the Lead Local Flood Authority could be addressed.

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

The Application site was within the Settlement Development Limits for Grassmoor, where new residential developments would be acceptable in principle. These dwellings would complement the surrounding street scene and also respect the countryside 'edge' in this location. Officers contended that subject to suitable conditions the development would not have an unacceptable



impact on highway safety. Although there would be some residential cumulative impact on the wider road network, this would not be severe.

Committee heard that the necessary additional information had been supplied to address the issues raised by the Local Lead Flood Authority (LLFA) on the outfall from the site and expected surface water discharge. Members were informed that following on from this the LLFA had been re-consulted and had raised no objections to the proposed development, subject to conditions.

Officers had concluded that the proposals would accord with the Development Plan. As there were no technical or other issues that would outweigh this, they recommended that the Application should be approved.

Before the Committee considered the Application it heard from Local Ward Member, Councillor M Durrant and the Applicant C Hubbuck.

Committee considered the Application. It took into account the site's location on land previously used for a County Council Depot, within the Settlement Development Limit for Grassmoor. It considered the relevant Local and National Planning Policies. These included Local Plan Policy SS1 on Sustainable Development, Local Plan Policy SS7, on the development of unallocated land within settlements defined within Settlement Development Limits. Committee also considered Local Plan Policy SDC12, on High Quality Design and Place Making, Local Plan Policy SDC 11 on Flood Risk and Drainage and the overarching aims of the National Planning Policy Framework.

Members discussed the report. They considered the flood concerns which had been raised, both in terms of the site and on the highway. They were informed of the changes which had been made to original proposals and the impact which these changes would have. They discussed the Flood Risk Assessment (FRA) that had been carried out, which had concluded that a carefully designed surface water drainage scheme would be implemented to mitigate any flood risk. They reflected on the flooding which had occurred recently and how far this was comparable to similar flooding that had occurred elsewhere, due to exceptional weather events.

Some Members raised concerns about the possible impact of the Development on Road Safety. Committee was informed that a further amended plan had been drawn up, to ensure that the visibility splays were included in the Applicant's land ownership. Following on from this the Highway Authority had no objection to the proposed development, subject to the imposition of appropriate conditions.

At the conclusion of the discussion Councillor Elliot and Foster moved and seconded a motion to approve the Application. The Motion was put to the vote and was agreed.

#### RESOLVED -

That the Application be approved subject to conditions.

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

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

### **Conditions**

- 1 The development hereby permitted shall be started within 3 years from the date of this permission.
- 2 Unless otherwise required by any condition contained in this decision notice the development hereby permitted shall be carried out in accordance with the details shown in the following plans:
  - a) PL\_01 Rev F (Amended Site Plan)
  - b) PL\_02 Rev A (Amended Site Location Plan)
  - c) PL\_03 Rev C (Amended House Type 1)
  - d) PL\_04 Rev C (Amended House Type 3)
  - e) PL\_06 Rev A (Amended House Type 2 - Rear plot)
- 3 Notwithstanding the submitted details, before development commences, details of the existing ground levels, proposed finished floor levels of the dwellings and the proposed finished ground levels of the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.
- 4 Before above groundwork starts, 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.
- 5 Before above groundwork starts, a plan illustrating the position, design, and materials of hard landscaping in shared public areas (including driveway, turning area and parking areas) shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the occupation of any dwelling and shall be retained as approved thereafter.
- 6 Before above groundwork starts, 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 native plant species, size and density and planting locations and
  - d) an implementation programme.

- 7 All planting, seeding, or turfing in the approved scheme of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
- 8 Notwithstanding any submitted details, before above groundwork starts a plan to show the positions, design, materials, height, and type of boundary treatments to be erected and/or retained shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the occupation of each dwelling and shall be retained as approved thereafter.
- 9 Before above groundwork starts, a scheme for mitigating climate change through the sustainable design and construction of the dwellings including the provision of sources of renewable energy shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved climate change scheme shall be implemented in full and retained as such thereafter.
- 10 Construction works on the site and deliveries to the site shall be undertaken only between the hours of 07:30 to 18:00 Monday to Friday and 07.30 to 13:00 on Saturdays. There shall be no work undertaken on site or deliveries to the site on Sundays or bank/public holidays.
- 11 Development, other than that required to be carried out as part of an approved scheme of remediation, must not commence until;
  - 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:
    - a) the likely presence of potentially hazardous materials and substances,
    - b) their likely nature, extent, and scale,
    - c) whether or not they originated from the site,
    - d) a conceptual model of pollutant-receptor linkages,
    - e) 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,
    - f) 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.

12 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.

13 No dwellings hereby approved shall be occupied until:

- a) The approved remediation works required by condition 12 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 11(b) to 12 above and satisfy condition 13(a) above.
- c) Upon completion of the remediation works required by conditions 12 and 13(a) above a validation report prepared by a competent person shall be submitted to and approved in writing by the local planning authority. The validation report shall include details of the remediation works and Quality Assurance/Quality Control results to show that the works have been carried out in full and in accordance with the approved methodology. Details of any validation sampling and analysis to show:
- d) the site has achieved the approved remediation standard, together with the necessary waste management documentation shall be included.

14 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.

- 15 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.
- 16 The site shall be developed with separate systems of drainage for foul and surface water on and off site.
- 17 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.
- 18 No development shall take place until a detailed design and associated management and maintenance plan of the surface water drainage for the site, in accordance with the principles outlined within:
  - a) Haigh Huddleston & Associates. April 2024. *Proposed Development off Chesterfield Road, Grassmoor*. E07/1624/MH/PW/8179.
  - b) And DEFRA's Non-statutory technical standards for sustainable drainage systems (March 2015), "including any subsequent amendments or updates to those documents as approved by the Flood Risk Management Team" have been submitted to and approved in writing by the Local Planning Authority.
- 19 No development shall take place until a detailed assessment has been provided to and approved in writing by the Local Planning Authority, to demonstrate that the proposed destination for surface water accords with the drainage hierarchy as set out in paragraph 56 Reference ID: 7-056-20220825 of the planning practice guidance.
- 20 Prior to commencement of the development, the applicant shall submit for approval to the LPA details indicating how additional surface water run-off from the site will be avoided during the construction phase. The applicant

may be required to provide collection, balancing and/or settlement systems for these flows. The approved system shall be operating to the satisfaction of the LPA, before the commencement of any works, which would lead to increased surface water run-off from site during the construction phase.

- 21 The Development hereby approved shall not be occupied until the access, parking and turning facilities have been provided as shown on drawing no. PL\_01 Rev F titled proposed site plan.
- 22 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 43m in each direction measured along the nearside edge of the adjoining carriageway and offset a distance of 0.6m 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.
- 23 The Development hereby approved shall not be occupied 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 1m in height above the adjoining ground level.

- 24 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:

- a) satisfactory access and movement for existing occupiers of neighbouring properties during
  - b) construction);
  - c) Advisory routes for construction traffic;
  - d) Any temporary access to the site;
  - e) Locations for loading/unloading and storage of plant, waste, and construction materials;
  - f) Method of preventing mud and dust being carried onto the highway;
  - g) Arrangements for turning vehicles;
- 25 Prior to commencement of the development hereby permitted, details for the storage of refuse bins and collection of waste from the site, including any bin presentation areas, 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 facilities retained for the designated purposes at all times thereafter.
- 26 Prior to commencement of development, a strategy for achieving the

required biodiversity net gain shall be submitted to and approved in writing by the Local Planning Authority.

The strategy shall deliver the number of units specified in the Small Sites Metric submitted as part of the application (dated 20th February 2024). Sufficient information shall be provided with regards to habitat creation/enhancement prescriptions and 30-year objectives for management and monitoring. A schedule for submitting monitoring reports to the Local Planning Authority shall also be included.

The approved strategy shall be implemented in full and in accordance with the approved details and shall be retained in that manner thereafter.

- 27 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.
- 28 Prior to the commencement of works (including clearance of habitats and refugia piles) a Method Statement for Site Clearance shall be submitted to the Local Planning Authority to safeguard common reptiles and amphibians. This shall include reasonable avoidance measures, seasonal timings and instructions in the event animals are discovered. The Method Statement shall be implemented in full, and a short statement of compliance submitted at the end of site clearance works.
- 29 The Prior to building works commencing above foundation level, a Species Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority. Approved measures shall be implemented in full and maintained thereafter. The Plan shall clearly show positions, specifications, and numbers of features, which will include (but are not limited to) the following:
  - a) universal nest boxes at ratio of 1:1, in line with British Standard 42021:2022.
  - b) integrated bat boxes in at least 2x dwellings.
  - c) insect bricks in at least 2x dwellings and / or towers in public open space.
  - d) fencing gaps 130 mm x 130 mm to maintain connectivity for hedgehogs in all gardens.

**PLA/ 100/ 23-24 Tree Preservation Order (TPO) 296/2023 - ECKINGTON**

The report to the Committee explained that an application for a TPO had been submitted in respect of a single Ash Tree situated adjacent to Eckington Friendship Club Berry Avenue Eckington.

Members were informed that the Council was required to take into account all 'Duly Made' objections and representations which had not been withdrawn, before

confirming the Provisional Order. The report explained that one Duly Made objection had to it had been received.

Members considered the report and the assessment of the Council's Principal Arboriculture Officer that there is a foreseeable threat to the tree if the Order was not confirmed.

**RESOLVED -**

That Tree Preservation Oder (TPO) 296/2023 in respect of the single Ash Tree situated adjacent to Eckington Friendship Club Berry Avenue Eckington be approved.

**PLA/ 101/ Planning Appeals - Lodged and Determined**

**23- 24** The report to the committee explained that one appeal had been lodged and determined.

**PLA/ 102/ Matters of Urgency**

**23- 24** Committee was informed of the forthcoming training sessions for Planning Committee Members and Substitute Members.



## PLANNING COMMITTEE – 18<sup>th</sup> June 2024

**Reference Number:** 23/00899/FL

**Application expiry:** 30/06/2024

**Application Type:** FULL

**Proposal Description:** Replacement of Nissen Hut with 6 bed holiday let (Conservation Area/Further Amended Plans/Amended Title) (Private Drainage System)

**At:** Amber Lodge, Amber Mill Farm, Amber Green, Furnace, Alfreton, DE55 7LL

**For:** Vic Fells Oakerthorpe Holiday Village

**Third Party Reps:** Objections

**Parish:** Wessington

**Ward:** Shirland

**Report Author:** Alice Lockett/Adrian Kirkham

**Date of Report:** 06/06/24

**MAIN RECOMMENDATION:** GRANT permission subject to conditions

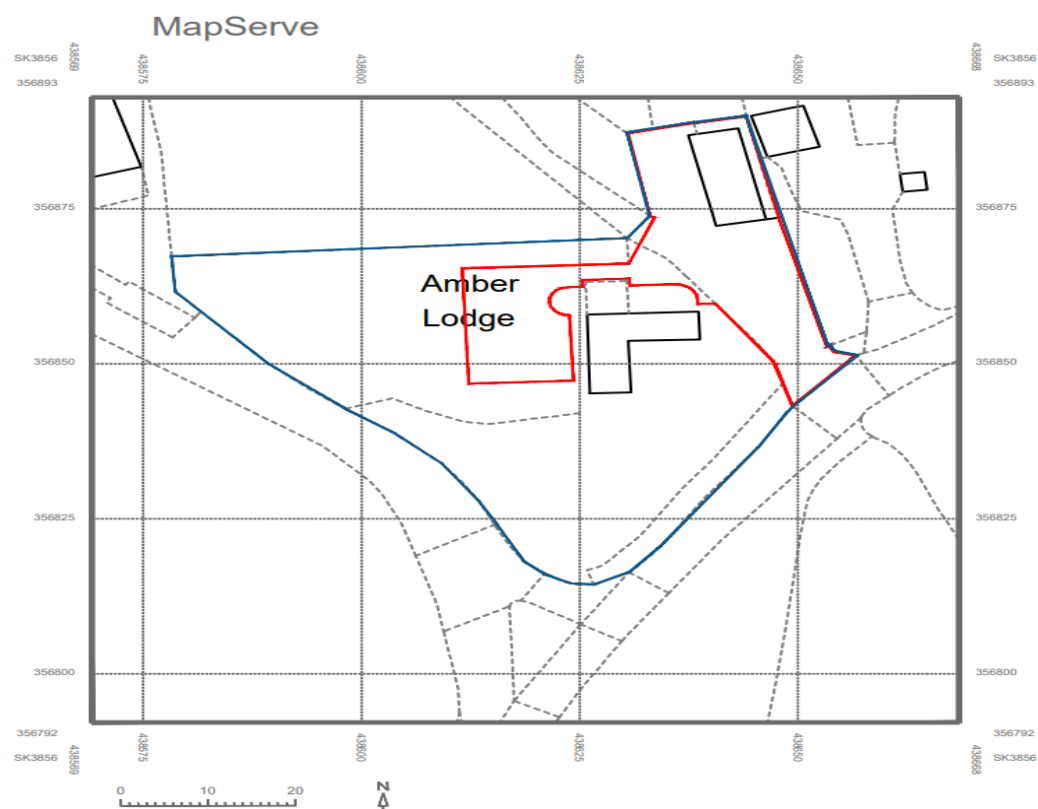


Figure 1: Location plan, with site edged in red (not to scale)

## **1.0 Reason for Report**

- 1.1 Cllr Cupit requested that the application be considered at committee for the following reasons:
- A. So members can consider and assess any potential impacts on the Conservation Area and on surrounding neighbouring amenity, and,
  - B. The lack of an appropriate amenity area included in the development.

## **2.0 Proposal and Background**

### **Site Description**

- 2.1 The application site comprises a former metal Nissen hut with characteristic semi-circular shape. It has been in use as a domestic garage for a number of years. The building originally had a brick frontage. As set out below, the site lies outside any settlement development limit, and so in countryside for planning purposes. It is also located within the Conservation Area (CA).
- 2.2 In around 2010 a pitched roof front gable and roof timbers were constructed over the metal hut along with a side extension. The applicant submitted 2 applications to regularise these works with the second application being approved in 2014 subject to a condition which required the front elevation to be clad in stone and the removal of the front facing window. A condition requiring approval of the stone was also included and this was discharged in 2017 and the side extension removed. However, the work to the front elevation was not carried out and the roof has not been completed.
- 2.3 The hut appears to have been in place since the 1940s and to have been installed in association with the nearby mill. The associated bungalow, Amber Lodge, was permitted in 1948 as a bungalow and timekeepers office to be used in association with the mill. An image taken from Google of the building in its current state (May 2023) is given below as Figure 2.

### **Proposal**

- 2.4 This application seeks permission to demolish the hut and replace it with a building to accommodate a 6 bedroomed holiday let, the design of which would reflect the semi-circular design of the Nissen Hut but which would have a basement housing 4 bedrooms. The building would be used for a holiday let as part of the wider Oakerthorpe Holiday Village.
- 2.5 Plans showing the proposed building are given at Figure 3.

## Amendments

- 2.6 Originally the application sought consent for a rendered L-shaped bungalow. This was amended following concerns about the impact of the building on the Conservation Area (CA).



Figure 2: The site as of May 2023 (Google image).

### 3.0 Relevant Planning History (not the full site history)

Reference	Decision	Closed Date	Description
48/00021/FL	Approved	03.02.1949	Bungalow and Timekeeper's Office
13/00088/FL	Refused	26.04.2013	Application for re-cladding and re-roofing of Nissen hut and re-roofing of store building (Conservation Area)
14/00342/FL	Conditionally Approved	06.06.2014	Resubmission of 13/00088/FL for reconstruction and re-roofing of existing Nissen hut with new frontage and doors together with retention of

			existing store shed (Conservation Area)
17/00413/DISCON	Discharged	31.05.2017	Application to discharge condition 3 (Material samples) relating to 14/00342/FL
22/00846/FLH	Refused	07.11.2022	Raise roof for a loft conversion with roof lights plus build a conservatory to the rear of the property (Conservation Area) (Amended Plans)
23/00206/FLH	Conditionally Approved	27.04.2023	Single storey extension to rear, plus installation of solar panels to front and side A elevations (Resubmission of previously refused 22/00846/FLH) (Conservation Area)

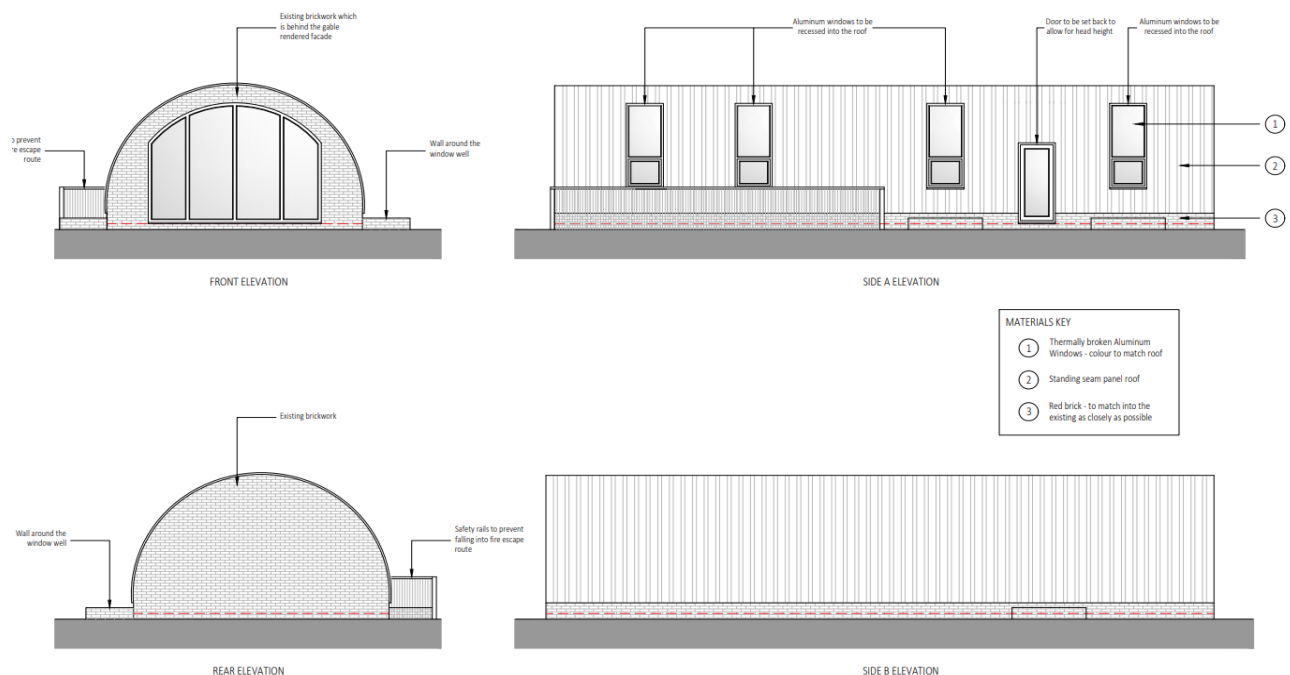


Figure 3: Proposed building (not to scale)

#### 4.0 Consultation Responses

- 4.1 Ward Member- Call in (see section 1 above).
- 4.2 Wessington Parish Council - No comment received.
- 4.3 Derbyshire Wildlife Trust – The requirement for ecological surveys is disproportionate in this case. Recommend approval subject to conditions.

- 4.4 Environmental Health Officer (EHO) - The EHO requested further information with regard to surrounding residential properties. Subsequently, the EHO has advised that providing reasonable controls are put in place regarding the use of the property and a restriction placed on external use in the evening then any concern regarding amenity is addressed. In respect of foul waste disposal this is normally a matter for Building Regulations.
- 4.5 DCC Highways - The site is served off an existing access off Amber Green. No site access alterations are proposed. Given the existing use of the site which includes a former mill, converted over the years into a series of dwellings, holiday lets, and offices, it is not considered the proposed development would lead to a significant intensification in turning movements on to the highway. As such, there has no objection subject to conditions.
- 4.6 NEDDC Drainage- No comments received.
- 4.7 Severn Trent Water- No comments received.

## **5.0 Representations**

- 5.1 The application was publicised by way of neighbour letters and the display of a site notice placed adjacent to the application site on a telegraph pole.
- 5.2 2 local residents have made representations, over 4 letters, objecting to the proposal. In summary the points made include:
- Concern about the impact on the conservation area of a new building in such an elevated and prominent position visible from the road when entering Toadhole Furnace from the A615
  - Concern about loss of the historic Nissen Hut
  - Impact of increased traffic and noise
  - Concern with regard to the noise generated from the existing holiday lets on the Oakerthorpe Holiday village complex and how this is currently managed.
  - Concern about the amount of outside activities such as hot tubs in the existing holiday let.
  - Concern at the size of the holiday let and potential noise.
  - It is not clear how the noise alarm would work.
  - No lighting plans are included in the application.

## **6.0 Relevant Policy and Strategic Context**

- 6.1 The Development Plan comprises the **North East Derbyshire Local Plan 2014-2034 (LP)** and the **Wessington Neighbourhood Plan (NP)**.
- 6.2 The most relevant policies are considered to be as follows:

### *Local Plan*

SS1: Sustainable Development  
SS9: Development in the Countryside  
SDC3: Landscape Character  
SDC4: Biodiversity and Geodiversity  
SDC5: Development within Conservation Areas  
SDC12: High Quality Design and Place Making

### *Neighbourhood Plan*

Policy 1: Sustainable Development and the Settlement Development Limit

Policy 2: Protecting the Natural Environment and Landscape Character

Policy 3: Design Principles

Policy 5: Protecting Heritage Assets

Aspirational Policy 1: Highway Safety

### **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 The “Successful Places” Interim Planning Guidance.

## **7.0 Planning Issues**

### *Policy Background*

- 7.1 The application site is located outside any settlement development limit and is therefore in the countryside for planning purposes. Here Local Plan (LP) Policy SS9 supports development where (inter alia) it involves a replacement building for the same use and one not significantly larger than the building it replaces or it involves the change of use, re-use, limited infilling or redevelopment of vacant, derelict or previously developed land which would not have a greater impact on the character of the countryside than the existing development. Policy 1 of the Wessington Neighbourhood Plan (NP) is in compliance with this LP policy.
- 7.2 Policy SS9 goes on to say that in all cases, where development is considered acceptable, it will be required to respect the form, scale and character of the landscape, through careful siting, scale, design and use of materials. LP Policy

SDC12 (Design) requires that all new development should be of a high-quality design and make a positive contribution to the quality of the local environment. Proposals for development will only be permitted if they respond positively to local character and context to preserve and, where possible, enhance the quality and local identity of existing communities and their surroundings.

- 7.3 NP Policy 3 also requires that proposals should demonstrate a high design quality. It goes on to say that well-designed buildings should be appropriate to their location and context – this may include innovative and contemporary design solutions provided these positively enhance the village character and local distinctiveness.
- 7.4 The site is located within a primary Area of Multiple Environmental Sensitivity (AMES). Here LP policy SDC3 only permits proposals for new development 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. Development 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).
- 7.5 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 makes it a statutory duty for local planning authorities in exercising their planning functions to pay special attention to the desirability of preserving or enhancing the character and appearance of CAs. Importantly, in this context, “preservation” means to cause no harm.
- 7.6 LP policy SDC5 permits development in CAs where it will preserve or enhance the character or appearance of the area and its setting. Development proposals will be considered in relation to how well the design and location of the proposal has taken account of: the development characteristics and context of the area, in terms of important buildings, spaces, landscapes, walls, trees, and views within, into or out of the area; and the form, scale, size and massing of nearby buildings, together with materials of construction.
- 7.7 LP policy WC5 supports proposals for visitor and tourism development where they would:
  - a. Enhance the tourism offer within towns and villages;
  - b. Assist in the restoration and enhancement of the Chesterfield Canal;
  - c. Support the promotion of the District’s industrial heritage;
  - d. Support links with the Peak District National Park;
  - e. Extend and/or upgrade the District’s Green Infrastructure and network of multi-user trails; or
  - f. Provide a viable and appropriate use for under-used buildings.

In all cases proposals will be expected to:

- a. Be well located in relation to the local transport network and accessible by public transport;
- b. Be of a scale that is compatible with the role of any nearby settlement;
- c. Ensure that visitor numbers can be accommodated without detriment to the environment or the vitality of existing centres;
- d. Respect local landscape character and the character and appearance of the open countryside;
- e. Respect the site's location through careful siting, scale, design and use of materials; and
- f. Not have a significant adverse impact on any environmental designation.

### *Principle of Development*

- 7.8 The existing building on the site is currently used in association with Amber Lodge and is used as a garage/domestic storage. As such, the site is previously developed.
- 7.9 In view of the above, the principle of the re-development of the site under LP policy SS9 is considered acceptable subject to an assessment as to whether the replacement building would have a greater impact on the character of the countryside than the development it is replacing and against the various strands of landscape, heritage and design planning policies as outlined above.

### *Design and impact on the character of the Landscape and Conservation Area (CA)*

- 7.10 Although located within the current curtilage of Amber Lodge, the building is considered more closely associated with the cluster of buildings which form Amber Mill to the north and east. These are stone and slate buildings dating from the 19<sup>th</sup> century which form the heart of the Toadhole Furnace CA. Further to the north are the buildings which form Amber Farm, some of which are listed. As a consequence, with the exception of Amber Lodge itself, the CA is characterised by 19<sup>th</sup> century stone and slate built buildings some of which have an industrial (Mill) background. A plan showing the outline of the conservation area (hatched yellow) and the application site (shown) is given below at figure 4.
- 7.11 It is considered that, whilst the Nissen Hut (in its original form), would not have been seen as a traditional building compatible with the overall character of the conservation area, it had some historical connection.
- 7.12 A limited Heritage Statement has been submitted to support the application setting out that the original building was built in the late 1940's and has most recently been used in association with the adjacent bungalow. It sets out that the new building will incorporate a basement and otherwise follow a design that is intended to replicate the original hut design.
- 7.13 The CA is dissected by the River Amber and is surrounded by agricultural fields to the north, south and east characteristic of its landscape classification and AMES



designation. To the west is Broom House Farm which comprises a number of large, modern agricultural buildings.

- 7.14 When entered from the south, Amber Lodge is the first building visible in the CA followed by the building, the subject of this application. Their rendered finish is not characteristic of the wider CA and Officers conclude neither building currently contributes positively to the CA. However, the building proposed for demolition has a more limited impact than Amber Lodge due to its ancillary nature and character, smaller scale, recessed location back from the road and its limited openings and associated activity. Its impact would have been further reduced if it had been clad in stone as required by the conditions of the 2014 permission.

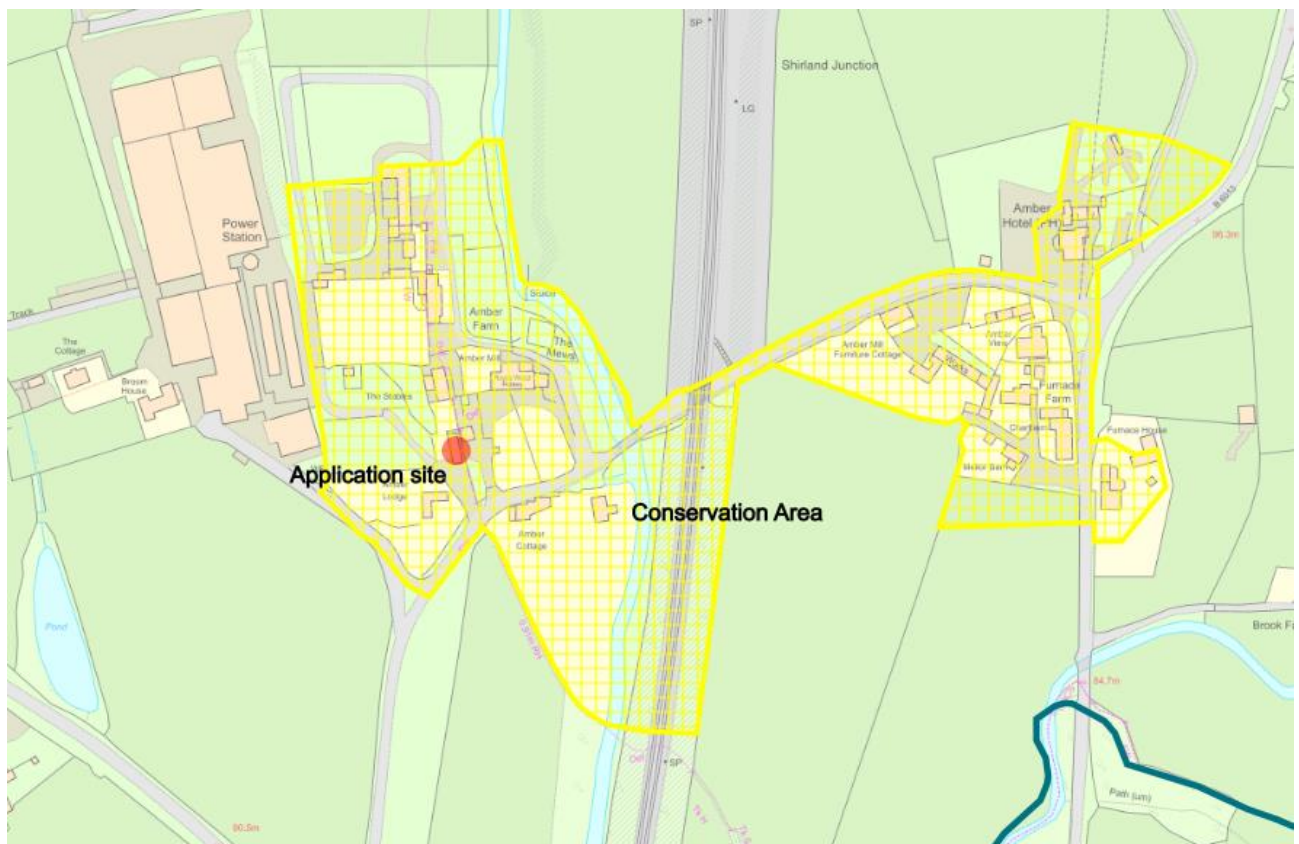


Figure 4: Application site shown and Conservation Area (hatched yellow)

- 7.15 Overall, the CA has a tranquil character. Although Amber Farm to the north of the application site is already in use as a collection of holiday lets, these are set back from the most public parts of the Conservation Area and so their impact on the CA and the wider AMES classified landscape is limited.
- 7.16 The proposal seeks permission to demolish the existing structure and replace it with a new building designed to reflect the semi-circular design of the Nissen hut but with an additional basement level. The new building would be approximately 5cm taller, 90cm wider and 80cm longer than the building it would replace. As such, the building

would be marginally larger (20%) than the existing (if the basement is included it will be approximately 112% larger).

- 7.17 The building would be constructed of a standing seam panel roof, with inset aluminium windows on the west side elevation. The southern elevation would be constructed of brick with a large picture window taking up most of the end gable and this would be clearly visible from the road and at the entrance to the CA.
- 7.18 Officers consider that, whilst larger than the existing, the new building would remain recessive in terms of its location set back from the road and be similar in scale to the building it would replace. The design would also reflect the recent history of the site and would not be unsympathetic to this part of the CA, which is dominated by the larger modern bungalow, Amber Lodge, next door. As such, Officers conclude that the new building would, on balance, respect the character of the landscape in which it would be located and preserve the character of the CA.

#### *Parking and Amenity*

- 7.19 The building is proposed to be used as a 6 bedroomed holiday let. This would be in addition to the use of Amber Lodge, potentially for holiday let purposes, which has permission to be extended and would, if that work was carried out, be a 5-bed unit.
- 7.20 A holiday let of this type has the potential to generate a significant number of cars and vehicle movements and it is likely that at least 2 vehicles would be associated with each letting and this could be as many as 1 vehicle per bedroom if, for instance, a group of friends were to use the building. Officers are of the view that it would not be possible to limit car movements to and from the site.
- 7.21 The parking for both properties is proposed to be the west of Amber Lodge, on an area of existing hardstanding (see Figure 5 below) which is an area large enough to park the cars and which would be well screened from view both from the road and the adjacent public right of way to the west by hedges within the garden of Amber Lodge and by the building(s).
- 7.22 In noting the comments of the statutory consultee, the Highway Authority, Officers consider that there would be no adverse impact on highway safety from the proposal and that cars could be parked such that they do not adversely impact the character of the area or the amenity of adjoining residents.
- 7.23 Officers note and accept that the new use would intensify the activity on the site. Residential neighbours to the application site have expressed reservations about the impact of visitors using the outside spaces on the amenity of the surrounding residential properties. They have stated that in their opinion the existing holiday lets already cause disturbance particularly when they are hosting parties of adults.

- 7.24 The proposed building is approximately 16m from The Stables and 27m from Amber Mill, closer than the existing holiday lets at Amber Lodge and the Amber Farm complex to the north (see figure 6 below).



Figure 5: The site showing the area of existing hardstanding (Google image)

- 7.25 The introduction of another 6-bed unit would be likely to impact on the amenity of the residential neighbours. The applicant has explained that noisy parties are fined their deposits and he is willing to use electronic means of monitoring noise. Officers consider that controlling the use of the premises through planning restrictions would not be able to restrict the use such that no additional impact will be caused. However, in accord with the general advice of the EHO, Planning Officers consider that controls over the number of occupants of the premises, boundary treatments, lighting and the



parking of vehicles could be addressed through the imposition of a planning condition such that any impacts are maintained at an acceptable level. It is not considered, however, that any misuse of the outside space, an area west of the building, could be controlled by planning condition, although that would not mean other legislation could not be used to deter inappropriate behaviours.

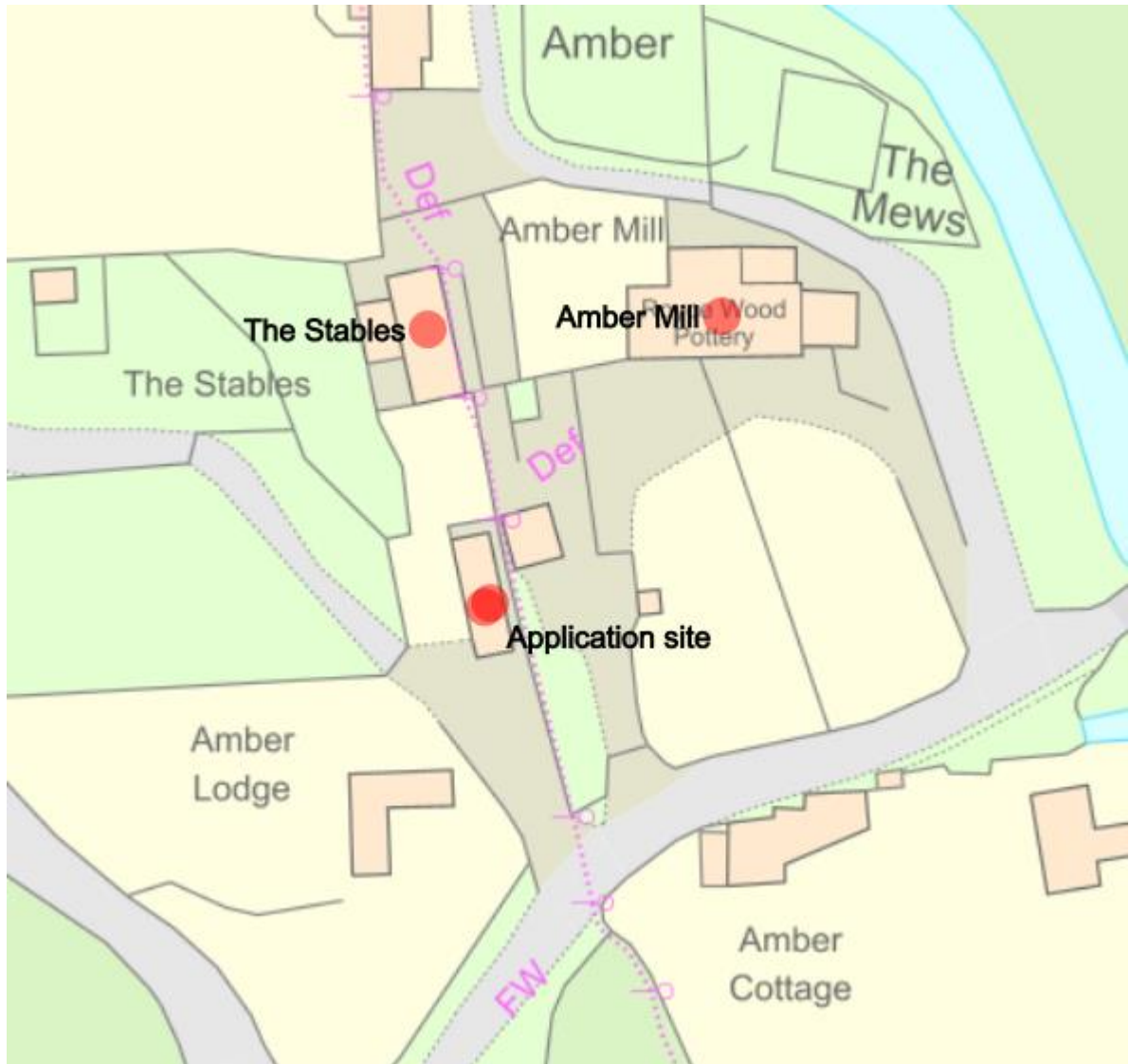


Figure 6: Application Site and the location of adjoining properties

#### *Fall back*

- 7.26 The applicant does have a fall-back position which is to finish the re-roofing of the existing building and to carry out the cladding of the gable end in stone, as conditioned. The building would have a permitted use in connection with the use of Amber Lodge and this may include an ancillary residential occupation. In terms both

of an existing building occupying the site and a domestic use, therefore, there is an accepted fallback position which carries weight in the planning balance.

#### *Tourism Development*

- 7.27 No evidence has been put forward as to how the proposal would meet the requirements of LP policy WC5. However, Officers are of the view that the use of the property as a holiday let would enhance the local tourism offer and also tie to the nearby Peak District as set out in policy WC5. This adds weight in favour of the proposal.

#### *Highway Safety Considerations*

- 7.28 The comment from the DCC Highways Team is noted and the view that the quantum of development would not result in traffic of a quantity which would impact the safety of the highway.
- 7.29 Officers agree with this overall conclusion on this issue.

#### *Ecological Considerations*

- 7.30 Derbyshire Wildlife Trust (DWT), as consultee, has confirmed that, due to the nature of the existing structure, requiring ecological surveys would be disproportionate. DWT recommend that permission can be granted subject to conditions.

#### *Other matters*

- 7.31 The comments made by the EHO on foul drainage are noted. This is a matter that is controlled by other legislation in this case and so is neutral in the planning balance.

### **8.0 Summary and Conclusion**

- 8.1 Local and national planning policy aims to protect the countryside and heritage assets, such as CAs, from inappropriate and harmful development. Specifically, development in CAs should preserve or enhance the CA.
- 8.2 In this case, the applicant has permission to rearrange the existing building and construct the gables and form a pitched roof over the existing hut. The works have not been fully completed. It is considered that were that work to be completed, the building would have a neutral impact on the CA.
- 8.3 The proposal seeks to demolish the building and replace it with a structure which reflects the semi-circular design of the original Nissen Hut that occupied the site, but which would be larger and have a basement to form a 6-bedroom holiday let.

- 8.4 The redevelopment of the site in the form proposed is considered compatible with Development Plan policy, most notably policy SS9 of the Local Plan. It is also considered that the proposed design would preserve the CA, and not impact adversely the character of the area. These factors all weigh in favour of the proposal.
- 8.5 The use proposed would intensify activity at the Amber Lodge site. However, noting the extant use of the building and by the appropriate use of conditions it is considered that the impact on neighbouring amenity would not be unacceptable.
- 8.6 There would be some positive benefit to the local economy from the holiday activity and this adds some limited weight in favour of the application.
- 8.7 The matters of highway safety, ecology and drainage are neutral matters adding no further weight in favour of or against the scheme.
- 8.8 Therefore, Officers conclude that the proposal is, on balance, acceptable, and in accord with the Development Plan when reading it as a whole and there are no other matters to outweigh that conclusion.

## **9.0 Recommendation**

- 9.1 That the application is **APPROVED** subject to conditions with their wording finally delegated to the Planning Manager (Development Management) but to include (at least) the following:
- 1 The development hereby permitted shall be started within 3 years from the date of this permission.
  - 2 The development hereby approved shall be carried out in accordance with the details shown on drawing numbers [ADD DRAWINGS]
  - 3 Before any development above DPC level starts, precise specifications (including the manufacturer, range and colour details where applicable) or samples of the 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.
  - 4 Notwithstanding the provisions of Part C, Class C3 “Dwelling House” to the Schedule of the Town and Country Planning (Use Classes) Order 2015, (or any Order revoking or re-enacting that Order), the premises shall be used for the purpose of holiday accommodation only and for no other purpose, including any other purpose within Class C3 of the Order.

The property shall not be occupied by any person(s) for a total period exceeding 28 days in any calendar year.

The owner shall maintain a register of occupiers for each calendar year including their names, addresses and length of stay, and a copy of the register shall be made available for inspection by the Local Planning Authority or its representative by 31st January each year.

- 5 Prior to the first use of the building, hereby permitted, a plan showing the provision of parking for 6 vehicles shall be submitted to and be approved in writing by the Local Planning Authority. The approved scheme of parking shall then be provided as agreed within 28 days of written approval being given and be retained for use as parking only thereafter and it shall not be used for any other purpose.
- 6 Prior to the first use of the building, hereby approved, for letting/holiday use a Management Plan (MP) shall be submitted to and be approved in writing by the Local Planning Authority.

The MP shall include, but not be limited to, a limit on the number of occupants that may occupy the premises at any one time, how any outdoor space is to be used and any other reasonable measures put in place to ensure the premises is operated appropriately, and the mechanisms for ensuring the MP is adhered to.

The premises shall then be used strictly in accordance with the agreed MP.

- 7 Prior to the first use of the premises, hereby approved, a scheme for all/any external lighting to be placed/erected or installed on the site or building shall be submitted to and be approved in writing by the Local Planning Authority.

The scheme 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 light spill to any sensitive ecological zones/features. Guidelines can be found in Guidance Note 08/23 - Bats and Artificial Lighting at Night (BCT and ILP, 2023).

The agreed scheme shall then be implemented as approved and no other external lighting shall be installed/erected or placed on the site or building.

- 8 Notwithstanding any other submitted details, prior to the first use of the premises, hereby approved, a plan., including a timetable for implementation, to show the positions, design, materials, height and type of boundary treatments to be erected and/or retained shall be submitted to and be approved in writing by the Local Planning Authority.

The approved scheme shall then be implemented in full as agreed and be retained as such thereafter.

- 9 No stripping, demolition works or vegetation clearance shall take place between 1st March and 31st August inclusive, unless preceded by a nesting bird survey undertaken by a competent ecologist no more than 48 hours prior to clearance. If nesting birds are present, an appropriate exclusion zone will be implemented and monitored until the chicks have fledged. No works shall be undertaken within exclusion zones whilst nesting birds are present.
- 10 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 5 metres behind the highway boundary and, once provided, shall be so maintained in perpetuity.
- 11 Notwithstanding the provisions of Article 3(1) of the Town and Country Planning (General Permitted Development) Order 2015, (or any Order revoking and re-enacting that Order) no extensions (Part 1 Class A), dormer windows (Part 1 Class B), alterations to the roof (Part 1 Class C), porches (Part 1 Class D), curtilage buildings (Part 1 Class E), satellite dishes (Part 1 Class H) or any other means of enclosure (Part 2 Class A) (other than as approved by condition 8 above) and renewable energy (Class Part 14 Class A) shall be erected/constructed/placed on the site without first obtaining planning permission.



## **Planning Committee 18<sup>th</sup> June 2024**

### **SUMMARY OF LATE COMMENTS/REPORT UPDATE**

The aim of this report is to seek to avoid the need for lengthy verbal updates that Planning Officers have sometimes needed to provide in the past at the Planning Committee. In consultation with the Chair, it has been decided that on the evening before committee a summary of all the late comments/representations received so far will be emailed to the Committee Members by the Governance Team.

It is possible that verbal updates will still be required at the meeting as sometimes comments are received at the last minute or Officers may wish to amend their recommendations: however Officers will seek to keep verbal updates to a minimum.

At the meeting Officers will only refer briefly to any key points of the case in the summary that has been emailed, as well as providing the usual verbal update for any additional last minute items.

If Members have any queries about the comments or the application itself please feel free to contact the relevant case officer given beneath the title of each summary below.

**PARISH:** Wessington

**APPLICATION:** 23/00899/FL

**CASE OFFICER:** Adrian Kirkham

**1. SOURCE OF COMMENTS:** Mr Bagan (neighbour)

**DATE RECEIVED:** 17/6/2024

**SUMMARY:**

We discussed section 7.25 which details noisy parties and the inference from this section is that the applicant would control it. I am therefore surprised that this has been omitted from section 6 of the Recommendations Section, in relation to the Management Plan (MP). The MP discusses occupants, use of outdoor space and “reasonable measures put in place to ensure the premises is operated appropriately”. I would be hoping that noise control would be specifically detailed here rather than under this rather unclear description.

You agreed with this and are looking to add this specifically to section 6.

**OFFICER COMMENTS:**

Officers are of the view that specific reference to noise could be added to the items covered by the management plan required in condition 6 if members are minded to approve the application.

## **North East Derbyshire District Council**

### **Planning Committee**

**18 June 2024**

## **Planning Appeals Lodged and Determined**

### **Report of the Planning Manager – Development Management**

This report is public

#### **Purpose of the Report**

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

#### **1 Report Details**

##### **1.1 Appeals Lodged**

The following appeals have been lodged: -

**Mr John Lomas - Single storey rear extension, roof extension between garages, and retention of patio and pergola (Amended Title/Amended Plans) at Blakelow Cottage Holestone Gate Road Holestone Moor Ashover Chesterfield S45 0JS (23/00900/FLH)**

Planning Officer – (AP) Susan Wraith [Susan.Wraith@ne-derbyshire.gov.uk](mailto:Susan.Wraith@ne-derbyshire.gov.uk)

**Mr and Mrs P Rhodes - Change of use of field to sustainable energy, construction of barn and retention of concrete hardstanding at The Old Rectory 1 Swathwick Lane Wingerworth Chesterfield S42 6QW (22/00740/FL)**

Planning Officer – (AP) Susan Wraith [Susan.Wraith@ne-derbyshire.gov.uk](mailto:Susan.Wraith@ne-derbyshire.gov.uk)

**Elizabeth Wood - Temporary Planning Permission for siting a mobile farm shop and cafe, creation of a new access and parking (Private Drainage System) at Land To The West Side Of The Cutthorpe Institute Main Road Cutthorpe (23/00610/FL)**

Planning Officer – (AP) Susan Wraith [Susan.Wraith@ne-derbyshire.gov.uk](mailto:Susan.Wraith@ne-derbyshire.gov.uk)

## 1.2 **Appeals Allowed**

The following appeal has been allowed: -

**Mr Elvin Majchrzak - Removal of outbuildings, construction of garage/workshop, creation of farm track access with gate into land adjacent and associated hedge and tree works at Holly Tree House Westfield Lane Middle Handley Sheffield S21 5RY (22/00834/FL)**

Planning Officer – Colin Wilson [Colin.Wilson@ne-derbyshire.gov.uk](mailto:Colin.Wilson@ne-derbyshire.gov.uk)

## 1.3 **Enforcement Appeals Allowed**

**23/00029/ENFNOT – Appeal against Enforcement Notice for a material change of use of the land from agriculture to Residential, subdivision of garage/workshop, construction of extension to rear, clock tower to roof and associated outbuildings at Annexe Hagg Hill Hall Hagg Hill New Tupton Chesterfield S42 6JU (23/00232/LB)**

Planning officer – Susan Wraith [Susan.Wraith@ne-derbyshire.gov.uk](mailto:Susan.Wraith@ne-derbyshire.gov.uk)

## 1.4 **Appeal Dismissed**

**Cornerstone Telecommunications - Prior Notification for a proposed 5G telecoms installation including the removal of the existing 15m tree mast, 4 no. cabinets and associated ancillary equipment. Installation of a replacement 23.3m monopole supporting 4 no. antennas, 3 no. equipment cabinets and associated ancillary equipment at Telecommunications Mast 34582 Fanshaw Gate Lane Holmesfield (22/01184/TCN56)**

Planning Officer – Colin Wilson [Colin.Wilson@ne-derbyshire.gov.uk](mailto:Colin.Wilson@ne-derbyshire.gov.uk)

**Mr Paul Wilson - Demolition of existing dwelling and new build of a two storey replacement dwelling (Amended Plans) at Grand View Main Road Stretton Alfreton DE55 6EW (23/00346/FL)**

Planning Officer – Kerry Hallam [Kerry.Hallam@ne-derbyshire.gov.uk](mailto:Kerry.Hallam@ne-derbyshire.gov.uk)

## 1.5 **Appeals Withdrawn**

No appeals have been withdrawn.

## **2 Conclusions and Reasons for Recommendation**

2.1 N/a.

## **3 Consultation and Equality Impact**

3.1 N/a.

## **4 Alternative Options and Reasons for Rejection**

4.1 N/a.

## **5 Implications**

### **5.1 Finance and Risk Implications**

N/a.

### **5.2 Legal Implications including Data Protection**

N/a.

### **5.3 Human Resources Implications**

N/a.

## **6 Recommendations**

6.1 N/a.

## **7 Decision Information**

<b>Is the decision a Key Decision?</b> 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:  <b>NEDDC:</b> <b>Revenue - £100,000</b> <input type="checkbox"/> <b>Capital - £250,000</b> <input type="checkbox"/> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i>	No
<b>Is the decision subject to Call-In?</b> (Only Key Decisions are subject to Call-In)	No
<b>District Wards Significantly Affected</b>	None
<b>Consultation:</b>	Yes

<b>Leader / Deputy Leader</b> <input type="checkbox"/> <b>Cabinet</b> <input type="checkbox"/> <b>SMT</b> <input type="checkbox"/> <b>Relevant Service Manager</b> <input type="checkbox"/> <b>Members</b> <input type="checkbox"/> <b>Public</b> <input type="checkbox"/> <b>Other</b> <input type="checkbox"/>	Details:
<b>Links to Council Plan priorities, including Climate Change, Equalities, and Economics and Health implications.</b>	

## 8 Document Information

Appendix No	Title
<b>Background Papers</b> (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) you must provide copies of the background papers)	
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