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**North East
Derbyshire
District Council**

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Date: Monday, 9 March 2026

To: **Members of the Planning Committee**

Please attend a meeting of the Planning Committee to be held on Tuesday, 17 March 2026, at 2.00 pm in Council Chamber at the District Council Offices, 2013 Mill Lane, Wingerworth, Chesterfield, S42 6NG.

The meeting will be live streamed from [The Council's YouTube Channel](#).

Yours sincerely

A handwritten signature in black ink that reads "Sarah Steuberg".

Assistant Director of Governance and Monitoring Officer

Members of The Committee

Councillor L Hartshorne (Chair)
Councillor N Baker
Councillor A Cooper
Councillor C Gare
Councillor H Liggett
Councillor K Rouse

Councillor T Lacey (Vice-Chair)
Councillor D Cheetham
Councillor P Elliott
Councillor W Jones
Councillor F Petersen

Any substitutions must be notified to the [Governance Manager](#) in advance by midday the working day before the meeting.

AGENDA

Public Session

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 - 7)

To approve as a correct record and the Chair to sign the Minutes of Planning Committee held on 9 December 2025.

5 NED/25/00488/FL - KILLAMARSH EAST (Pages 8 - 19)

Application to Discharge a Planning Obligation under Section 106A of the Town and Country Planning Act, relating to the financial contributions towards affordable housing contributions, off-site public open space contributions, and off-site public open space maintenance contributions at S & A Parsons Building Contractors Ltd, Mansfield Road, Killamarsh S21 2BW

(Planning Manager – Development Management)

6 NED/25/01014/FL - GRASSMOOR (Pages 20 - 32)

Conversion of house (Use Class C3) into children's home (Use Class C2) at 2 Durham Avenue, Grassmoor, Chesterfield, S42 5DL.

(Planning Manager – Development Management)

7 NED/25/00866/FLH - PILSLEY & MORTON (Pages 33 - 40)

Two storey side and single storey rear extension at 12 Bacchus Way, Morton, Alfreton, DE55 6HR.

(Planning Manager – Development Management)

8 Late Representations - Summary Update Report (To Follow)

(Planning Manager – Development Management)

9 Planning Appeals - Lodged and Determined (Pages 41 - 45)

(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.

Access for All statement

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PLANNING COMMITTEE

MINUTES OF MEETING HELD ON TUESDAY, 9 DECEMBER 2025

Present:

Councillor Lee Hartshorne (Chair) (in the Chair)

Councillor Tony Lacey (Vice-Chair)

Councillor Andrew Cooper
Councillor Christine Gare
Councillor Heather Liggett
Councillor Kathy Rouse

Councillor Peter Elliott
Councillor William Jones
Councillor Fran Petersen
Councillor Richard Welton

Also Present:

D Thompson	Assistant Director of Planning
A Kirkham	Planning Manager - Development Management
A Smith	Legal Services Manager and Deputy Monitoring Officer
C Wilson	Senior Planning Officer
T Fuller	Senior Governance Officer
M E Derbyshire	Members ICT & Training Officer

PLA/ Apologies for Absence and Substitutions

44/2

5-26 Apologies for absence had been received from Councillors D Cheetham and M Foster.

Councillor R Welton attended as a substitute for Councillor M Foster.

PLA/ Declarations of Interest

45/2

5-26 Regarding item **NED/25/00703/FL – Pilsley & Morton**, as the application was within Pilsley and Morton Ward, which Councillor A Cooper represented, Councillor Cooper would speak as Ward Councillor then leave the room and would not participate in the Committee's consideration or determination of the application.

PLA/ Declaration of Predetermination

46/2

5-26 There were no declarations of predetermination.

PLA/ Minutes of Last Meeting

47/2

5-26 **RESOLVED** – That the Minutes of the meeting held on 4 November 2025 were approved as a true record.

PLA/ NED/25/00703/MFL - PILSLEY & MORTON

48/2

5-26 The Committee considered an application that had been submitted for a Battery Energy Storage System (BESS) with an import/export capacity of up to 50MW and including associated infrastructure, engineering works, drainage, cabling,

landscaping and access (Major Development/Affecting Public Rights of Way) (Amended Title) at Hallgate Farm, Hallgate Lane, Pilsley, Chesterfield, S45 8HN. The application had been referred to Committee by Local Ward Member, Councillor K Gillott, who had raised some concerns. An update report had been circulated which set out late representations regarding the application.

The recommendation by officers was to approve the application. The report to Committee explained the reasons for this.

The report highlighted that the proposal was supported in principle by both local and national planning policy. It was stressed that the public benefits of the proposal, in helping to manage energy supply and demand, supported the transition to net zero, and reduced reliance on fossil fuels should be attributed significant weight. Additionally, the scheme served to protect and enhance the District's natural environment and increase both the quantity and quality of biodiversity and geodiversity.

Whilst it was accepted that the scheme would have a localised impact on public rights of way and visual amenity, it was suggested that these would be mitigated against and, therefore, there was no significant adverse impact. It was also accepted that the proposal represented limited harm to the significance of a designated heritage asset and provision of agricultural land. However, officers suggested that the benefits in terms of energy security and progress toward Net Zero outweighed the harm. The report also highlighted that the development would not have a significant adverse effect on the amenity or safety of local residents.

Officers concluded that the benefits of the proposal clearly outweigh the harm. They recommended, therefore, that the application be approved subject to conditions.

Before the Committee considered the application it heard from local Ward Member, Councillor Andrew Cooper, and supporters, Martin Blunden and Claire Davies. Committee also heard from Stuart Hammond who spoke on behalf of the applicant.

Committee considered the application. It took into account the relevant Local and National Planning Policies. This included Local Plan Policy SDC 10, concerning renewable and low carbon energy generation, and National Planning Policy Framework (NPPF) paragraph 8(c), concerning adapting to climate change.

Committee discussed the application. Some Members raised concerns regarding the recycling of batteries across the 40-year lifetime of the scheme. However, it was felt that for the proposal the benefits outweighed the harm. Some Members suggested that the benefits extended to positives for the rural economy. Some Members suggested that it would be good to see further community engagement and as much biodiversity net gain (BNG) as possible but overall supported the proposal.

At the conclusion of the discussion Councillor F Petersen and Councillor W Jones moved and seconded a Motion to approve the application, in line with officer recommendation, subject to conditions. The Motion was put to a vote and

approved.

RESOLVED – That planning permission be **conditionally approved** subject to the conditions and informatives set out in the report with the final wording of the conditions delegated to the Planning Manager (Development Manager).

PLA/ NED/25/00039/FL - TUPTON

49/2

5-26

The Committee considered an application that had been submitted for the demolition of the existing dwelling and construction of two new dwellings, and creation of a new vehicular access (Amended Plans/ Amended Title) at Holmfield, Ankerbold Road, Old Tupton, Chesterfield, S42 6BX. The application had been referred to Committee by Local Ward Member, Councillor D Hancock, who had raised some concerns.

The recommendation by officers was to approve the application. The report to Committee explained the reasons for this.

Officers highlighted that the proposal represented an acceptable form of development within the defined Settlement Development Limits (SDL) of Tupton. The report suggested that the proposed development would represent an acceptable visual addition to the surroundings, would satisfactorily protect the residential amenity and would not result in any unacceptable highway safety harm.

Officers concluded that the proposal would represent a form of development that accords with the relevant Policies contained in the North East Derbyshire Local Plan and the NPPF. They recommended, therefore, that the application be approved subject to conditions.

Before the Committee considered the application it heard from local Ward Member, Councillor David Hancock, and objectors, Richard Moore, Katherine Moore and Pamela Moody.

Committee considered the application. It took into account the relevant Local and National Planning Policies. This included Local Plan Policy SDC12, concerning high quality design and place making, and Local Plan Policy SS7, concerning development on unallocated land within settlement with defined settlement development limits.

Committee discussed the application. Some Members suggested that the amenity of neighbouring properties would be significantly impacted. Some Members suggested that whilst there was an impact on amenity, it was not significant or material enough to refuse the application. Some Members supported the proposal as it contributed to housing need and lay within the SDL of Tupton.

At the conclusion of the discussion Councillor K Rouse and Councillor T Lacey moved and seconded a Motion to approve the application, in line with officer recommendation, subject to conditions. The Motion was put to a vote and approved.

RESOLVED – That planning permission be **conditionally approved** subject to

the conditions and informatives set out in the report with the final wording of the conditions delegated to the Planning Manager (Development Manager).

PLA/ Planning Appeals - Lodged and Determined

50/2

5-26

The Committee considered a report which set out planning appeals that had been lodged and determined. The report set out that five appeals had been lodged, no appeals had been allowed, two appeals had been dismissed, and no appeals had been withdrawn. The relevant applications the appeals were in respect of was set out in the report.

PLA/ Matters of Urgency

51/2

5-26

None.

PLANNING COMMITTEE – 17th March 2026

Reference Number: 25/00488/FL

Application expiry: 20.03..2026

Application Type: FULL

Proposal Description: Application to Discharge a Planning Obligation under Section 106A of the Town and Country Planning Act, relating to the financial contributions towards affordable housing contributions, off-site public open space contributions, and off-site public open space maintenance contributions

At: S And A Parsons Building Contractors Ltd, Mansfield Road, Killamarsh S21 2BW

For: Derbyshire Property Holdings Ltd

Third Party Reps: 15 objections

Parish: Killamarsh

Ward: Killamarsh East Ward

Report Author: Phil Slater

Date of Report: 09 February 2026

MAIN RECOMMENDATION: Approve the removal of s106 financial contributions



Figure 1: Site plan, with site edged in red

1.0 Reason for Report

- 1.1 Councillor Hartshorne requested this submission be determined by Planning Committee due to the need to assess whether the revised contributions would mitigate the impact of the development.

2.0 Proposal and Background

Site Description

- 2.1 The application site comprises approximately 0.82 hectares of land situated within the settlement of High Moor, between Killamarsh and Woodall, and positioned immediately north of Woodall Road. The site is broadly level and bounded by residential curtilages to the west, open land to the north and a commercial property to the east. It was previously occupied by industrial buildings, now demolished, and has since been redeveloped to provide a residential scheme of 22 dwellings granted permission under application 17/00509/FL.
- 2.2 The residential development is substantially complete with the majority of dwellings occupied. There are two of the 22 plots that have not yet been constructed, and these two plots remain vacant on the site.

Proposal

- 2.3 The applicant, Derbyshire Property Holdings Ltd (DPH), has submitted an application under Section 106A of the Town and Country Planning Act 1990 seeking to discharge the financial obligations contained within the 2019 section 106 Agreement associated with the permission for the approved 22-unit residential development. These obligations relate to affordable housing contributions, off-site open space contributions, and open space maintenance payments.
- 2.4 The s106 monies are as follows:-
- £192,000 towards Affordable Housing
 - £24,313.60 towards the enhancement and improvement of existing play facilities at High Moor Recreation Ground
 - £7,140.27 towards maintenance of the enhanced play facilities.
- 2.5 The applicant's case is that the completed development is not financially viable with the S106 obligations in place. To support this, they have provided a detailed viability assessment (Aspinall Verdi, June 2025). That assessment argues that, based on both (a) the actual build costs and sales achieved, and (b) retrospective viability at the time the original S106 was signed in 2019, the scheme generates a significant financial deficit. The report concludes that the project was never viable, and therefore the 2019 obligations "no longer serve a useful planning purpose."

Amendments

- 2.6 Following an initial report from the Council's independent viability consultant (CP Viability) Ltd) the applicant has submitted nearly 700 invoices to demonstrate that their actual build costs are far higher than those within the CP viability report .
- 2.7 Further correspondence was submitted from the developers Monitoring Surveyor stating that these costs are true and factual records of the construction expenditure incurred during his involvement.
- 2.8 The Monitoring Surveyor NJG submitted a further review of 366 invoices, representing around 26% of the total invoice files, covering over £1.33m of expenditure. They found that all sampled invoices were genuine, correctly recorded in the applicant's cost summary (subject to minor clerical issues), and attributable to the project.
- 2.9 The Aspinall Verdi Report was submitted to the Council after they were instructed by the applicant's contractor (ASGF Construction) to carry out an independent audit of the project's invoices and expenditure for the Mansfield Road, Killamarsh development. The purpose was to check whether the invoices used in the applicant's viability appraisal represent genuine project costs. This report was authorised by a RICS accredited surveyor.

3.0 Relevant Planning History (not the full site history)

- 3.1 17/00509/FL - Proposed demolition of warehousing and erection of 22 dwellings with associated amenity space, roads and parking and a pump station on land (Major Development/Departure from Development Plan)(Amended Plans)(Further Amended Plans). Conditionally approved subject to S106 Agreement.
- 3.2 19/01060/DISCON - Discharge of conditions 3, 9, 10, 11, 12, 14, 15, 16, 19, 21, 22 and 23 of previously approved 17/00509/FL for residential development. Conditions discharged
- 3.3 19/01109/AMEND - Non-material amendment to planning application 17/00509/FL to change condition 17 from a pre-commencement condition to a pre-occupancy condition. Approved.
- 3.4 20/01099/FL - Application to vary condition 2 (Permitted plans) of application 17/00509/FL (Major Development/Departure from Development Plan). Conditionally approved.
- 3.5 20/01100/AMEND - Application for non material amendment to planning approval 17/00509/FL for plot 4 to change the boundary treatment. Approved.

- 3.6 22/01176/AMEND - Non material amendment pursuant of 20/01099/FL to reduce Plot 16 footprint and new retaining wall to be installed in front of the existing built retaining wall (amended title). Approved.
- 3.7 23/00102/FL - Section 73 application to vary Condition 2 pursuant of planning approval 20/01099/FL (Major Development/Departure from Development Plan). Conditionally approved.

4.0 Consultation Reponses

- 4.1 **Ward member** – no comments received.
- 4.2 **Parish Council** - The Parish Council strongly objects to the application to discharge the Section 106 obligations relating to affordable housing and open-space financial contributions for the following reasons:-

Failure to meet existing obligations – The Council states that the developer has not complied with the legally binding commitments set out in the original permission, which were intended to secure community benefits and mitigate the impact of the development

Concerns regarding incomplete and unsafe site conditions – The Parish Council reports numerous ongoing issues raised by residents, including incomplete plots, damaged or unfinished roads, kerbs and footpaths, lack of required landscaping and public open space, unresolved drainage and sewerage matters, incomplete boundary fencing and unfinished parking areas. These matters are said to be causing safety risks and detracting from residential amenity.

Breach of community commitments – note that the site was reportedly sold at a reduced cost to reflect the Section 106 requirements, including provision for community infrastructure such as children’s play space. Argue that removing the obligations now would undermine commitments originally made to the community.

Precedent and loss of trust – The Parish Council expresses concern that approving the discharge would set an unwelcome precedent, signaling to other developers that obligations can be avoided. They highlight the risk of further eroding public confidence in the planning system if commitments are not upheld.

5.0 Representations

- 5.1 The application was publicised by way of neighbour letters and the display of a site notice.
- 5.2 15 local residents have made representations raising the following comments objecting to the proposed development:

The following issues raised by residents relate directly to the Section 106 agreement, and are material to the determination of an application under Section 106A:

a. Compliance with Existing Section 106 Obligations

- The Section 106 agreement for application 17/00509/FL required financial contributions towards: Off site Public Open Space (POS) improvements; POS maintenance; Affordable Housing
- Residents state these payments were triggered upon occupation of the 10th dwelling and have not been made.
- Concerns that the developer may not have notified the Council of the 1st and 10th occupations as required.

b. Ongoing Need for the S106 Obligations

- Residents highlight that the POS contribution remains necessary, with eight children living on the estate and further children regularly visiting.
- The lack of local play provision reinforces the need for retention of the S106 open space contribution.

c. Attempts to Discharge or Avoid Obligations

- Strong community concern that the developer is seeking to discharge obligations that were part of the original planning balance, and a legally binding commitment.
- Several residents state that the 106 agreement formed part of their expectation when purchasing homes and should remain enforceable.

d. Viability Assessment Concerns

- Residents dispute elements of the viability information submitted to support the S106A request, including use of outdated or inaccurate market data; Incorrect assumptions regarding property sales and completion status; comparisons that do not reflect appropriate local developments and a belief that delays were caused by the developer's own construction issues, rather than viability pressures.

e. Procedural Matters Related to S106

- Difficulty obtaining the S106 document within the 21-day consultation timeframe.
- Questions regarding redacted names on the Certificate of Notice relating to enforceability.

f. Requests for Enforcement of the S106

- Numerous residents request that the Council refuse the S106A application, and enforce the existing S106 obligations, including recovery of financial contributions.

5.3 The following matters concern the implementation of the planning permission, compliance with planning conditions, site management, or construction standards. These are not material to this application made under Section 106A which relates solely to the legal agreement:

a. Unfinished Physical Works

- Incomplete road and footpath surfacing.
- Missing boundary treatments and unfinished fencing.
- Incomplete landscaping across the site.
- Plots 14 and 16 unbuilt.
- Unadopted roads and drainage (Section 38 / Section 104 issues).
- Incorrect finished floor levels and associated water ingress

b. Health and Safety Concerns

- Uneven pavements, raised drainage covers, and other trip hazards.
- Temporary Heras fencing in place of permanent boundaries.
- Presence of construction materials, skips, and temporary fencing.
- Vehicle damage caused by unfinished kerbs or surfacing

c. Residential Amenity and Environmental Issues

- Children unable to play safely due to hazards.
- Poor appearance of the estate, including rubble, weeds, and incomplete areas.
- Concerns about overshadowing, loss of privacy or overlooking from adjacent warehouse structures.

d. Build Quality and Property Specific Issues

- High number of snags and unresolved defects.
- Structural issues requiring repeated remedial work.
- Flooding or water ingress associated with construction levels

e. Communication and Site Management

- Lack of response from the developer or contractors.
- Poor communication through systems such as Clixifix.
- Residents reporting long delays for required works.

f. Property Values and Sales

- Difficulty selling homes and reduced marketability due to the unfinished estate.
- Financial loss reported by some residents.

g. Accuracy of Plans and Statements

- Discrepancies in site layout plans.
- Disagreement with statements that the development is “complete” in the context of physical construction.

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

LC2: Affordable Housing

ID1: Infrastructure Delivery and Developer Contributions

ID10: Open Space, Sports and Recreation Facilities

National Planning Policy Framework (NPPF)

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

6.2 The Planning Practice Guidance (PPG) provides guidance on viability and decision taking. It sets out the standardised inputs to viability assessment and the principles for carrying out a viability assessment. Viability assessment is a process of assessing whether a site is financially viable, by looking at whether the value generated by a development is more than the cost of developing it. This includes looking at the key elements of gross development value, costs, land value, landowner premium, and developer return.

7.0 Planning Issues

The applicant's case

7.1 The applicant, Derbyshire Property Holdings Ltd (DPH), has submitted an application under Section 106A of the Town and Country Planning Act 1990 seeking to discharge the financial obligations contained within the 2019 Section 106 Agreement for the approved residential development at Mansfield Road, Killamarsh. These obligations relate to affordable housing contributions, off site open space contributions, and open space maintenance payments.

7.2 The applicant's case is that the completed development is not financially viable with the S106 obligations in place. To support this, they have provided a detailed viability assessment (Aspinall Verdi, June 2025). That assessment argues that, based on both (a) the actual build costs and sales achieved, and (b) retrospective viability at the time the original S106 was signed in 2019, the scheme generates a significant financial deficit. The report concludes that the project was never viable, and therefore the 2019 obligations "no longer serve a useful planning purpose".

7.3 The Aspinall Verdi's analysis states that:

- Total sales (GDV) are £6.188m, whereas total costs exceed £7.9m, resulting in a deficit of approx. -£1.73m, even before S106 contributions.

- A backdated 2019 appraisal also produces a deficit of –£1.84m, meaning the scheme would not have been viable at the time the obligations were agreed.
- The Benchmark Land Value (BLV) is assessed at £1.54m based on 2019 existing use assumptions, contributing significantly to the negative viability position.

These results underpin the applicant’s argument that no S106 contributions can be supported, and that they are therefore eligible to seek removal of the obligations more than five years after the original agreement.

- 7.4 This application is not a planning application, but a request made under Section 106A of the Town and Country Planning Act 1990 to remove the financial contributions secured in the 2019 Section 106 agreement for the Mansfield Road development. It should be considered as such and so many of the comments made are not relevant to its consideration as set out above in section 5 above. The applicant argues, on the basis of their submitted viability assessment, that the scheme is not financially viable and that the obligations no longer serve a useful planning purpose. Unlike a planning application, a Section 106A request does not reconsider the development itself; the Council must instead decide whether the obligation remains necessary and reasonable in planning terms in its own right.

Independent Assessment

- 7.5 Officers have engaged the services of a viability consultant (CP Viability Ltd) to independently review the applicant’s submission. This review was carried out to check whether the development should be released from its agreed 2019 Section 106 contributions. The applicant claimed the scheme is unviable due to high construction and finance costs and a high land value. However, after examining the evidence, the independent assessor found these figures were not fully justified and did not reflect realistic market conditions. Using verified cost assumptions and an appropriate benchmark land value, the review concluded that the development can still viably support the full S106 obligations.
- 7.6 Following the CP Viability report the applicant submitted nearly 700 invoices to demonstrate that their actual build costs are far higher than previously understood.
- 7.7 CP Viability identified several problems such as many invoices didn’t mention the site and a large number of invoices were addressed to “Fenwood Estates” with no reference to the application site which means it is impossible to confirm whether all the invoices actually relate to this development. In addition, some invoices are handwritten or poorly referenced and linking the invoices to the applicant’s costs spreadsheet is extremely difficult.
- 7.8 CP Viability recommended that the Council should seek formal confirmation from an independent monitoring surveyor (e.g., the funder’s cost monitor) that the costs are genuine and relate to this site.

7.9 The CP Viability report had reviewed sample batches of invoices rather than every one. The report:

- Accepted the applicant's updated construction costs, where evidence seemed consistent
- Accepted abnormal costs, but only at the lower evidenced figure (£427,283 rather than £488,575)
- Accepted professional fees at £228,135, which appeared reasonable
- Rejected contingency (because contingencies are only for future risk, not costs already incurred)
- Did not accept the very high finance costs, because they result from an inflated land price — and national guidance says councils must not be penalised by a developer overpaying for land

7.10 CP Viability concluded that using the corrected and evidenced build costs; the appropriate benchmark land value (£355,000 not the price the developer actually paid) and adjusted, more realistic finance assumptions the scheme shows a small financial loss even before adding any s106 contributions. This means that the *scheme cannot viably support any s106 payments.*

7.11 However, the conclusion depended entirely on an independent verification being achieved that the costs submitted by the applicant related solely to the site. CP Viability made it very clear that the *Council should only accept a zero S106 position if a bank-appointed monitoring surveyor confirms the accuracy of the costs.* Without this, the evidence was not sufficiently reliable.

Costs verification

7.12 Officers requested that the applicant provide written confirmation from the applicant's bank appointed monitoring surveyor regarding the accuracy of the costs as recommended by CP Viability.

7.13 In response Nathan Green, a Chartered Surveyor formerly employed by ASGF Construction, wrote to the Council to explain that A Shade Greener Finance Ltd funded the development and appointed ASGF Construction as the monitoring surveyor between October 2021 and July 2025. Nathan Green was personally responsible for monitoring the construction expenditure during this period, including reviewing historic costs dating back to 2019 when works first began. He confirmed that the costs he reviewed and reported on at the time are the same as those presented in the Aspinall Verdi viability report dated 10 June 2025. He further stated that, to the best of his knowledge, these costs were true and factual records of the construction expenditure incurred during his involvement.

7.14 In response to this CP Viability commented that A Shade Greener Finance Ltd has shared directors with ASGF Construction Limited and also Derbyshire Property Holdings Ltd. The funder, the construction company and the developer are therefore

all linked to one another, so this could not be considered to be an arm's length situation.

- 7.15 Mr Green expressed concern that the level of scrutiny being applied was beyond what is required for a planning viability review, suggesting it risked becoming a full financial audit, which he considered disproportionate. He noted that both Aspinall Verdi and CP Viability had adopted costs within standard benchmark ranges, and that the latest CPV appraisal already shows a loss of £22,317 before any developer profit. He highlighted that applying a typical developer profit (15–20% of GDV) would increase the viability gap to approximately £950,000–£1.26 million, questioning whether any uncertainty in the cost evidence could reasonably account for such a difference
- 7.16 He concludes by reaffirming that the developer had provided transparent and consistent cost information since 2022 in line with the Planning Practice Guidance, and asked whether a formally verified statement from his practice would satisfy the Council.
- 7.17 In response to this, Officers requested that as an alternative way forward, a RICS accredited surveyor from the chartered surveying practice Mr. Green now works for (NJG Limited) independently reviewed the costs so that officers have a confirmation from another source.
- 7.18 Further to this, NJG reviewed 366 invoices, representing around 26% of the total invoice files, covering over £1.33m of expenditure. They found that all sampled invoices were genuine, correctly recorded in the applicant's cost summary (subject to minor clerical issues), and attributable to the project. They identified some under-reporting of costs, such as missed items in batched invoices and developer-funded expenditure not carried into the contractor's summary, meaning actual costs may be slightly higher than those presented.
- 7.19 Overall, NJG conclude that the invoice evidence is robust and provides a reliable basis for the build cost figures used in both the applicant's and CPV's viability assessments.
- 7.20 Officers expressed concern that the NJG expenditure report was signed by the company director, who had had previous involvement with the development. For the purposes of establishing a clear and independent audit trail, the Council had expected the cost verification to be undertaken, or at least signed off, by a RICS-accredited surveyor with no prior connection to the scheme.
- 7.21 Officers acknowledged that the viability position was at that point largely resolved, with only the question of independent cost verification outstanding. The absence of a bank appointed monitoring surveyor remained the central issue, particularly given existing links between individuals involved in the project. The Council also recognised that the cost of appointing a forensic accountant may be disproportionate, and so Council Officers were willing to explore alternative, lower cost options.

7.22 On this basis, Officers suggested that Aspinall Verdi (AV) could be re-engaged, with a surveyor who has had *no prior involvement* in the case asked to confirm that the costs submitted are a true reflection of expenditure.

Costs audit

7.23 Further to this request, Aspinall Verdi were instructed, as such, by the applicant's contractor (ASGF Construction) to carry out an independent audit of the project's invoices and expenditure for the development. The purpose was to check whether the invoices used in the applicant's viability appraisal represented genuine project costs.

7.24 Aspinall Verdi reviewed the applicant's invoice summary and carried out a random audit of 76 invoices drawn from the full set of project documentation. Only minor inconsistencies were found, and these were largely resolved following clarification from the contractor. Six historic invoices could not be located in the summary (£2,805), but these related to earlier phases of work and would, if anything, increase total costs rather than reduce them. The report has been signed by the Managing Director of Aspinall Verdi who is a RICS accredited surveyor who has undertaken an independent audit of costs associated with the scheme.

7.25 Aspinall Verdi conclude that the invoices provided all related to the scheme, that the cost summary had been prepared to a reasonable standard, and that the build costs relied upon in the viability assessment were robust. The report was signed by a RICS accredited surveyor as requested.

Other Considerations

7.26 A number of objections have been received from residents. The material concerns relating to the Section 106A application centre on the developer's alleged non-payment of the financial contributions required under the original agreement, the continuing need for those obligations and the accuracy and reliability of the viability evidence submitted in support of the request to discharge them. Residents also raise procedural issues regarding notification and accessibility of the S106 document, and request that the Council enforce the existing legal obligations. These are considered above.

7.27 A range of other concerns have been raised regarding the unfinished state of the development, site safety, landscaping, road and drainage works, and compliance with planning conditions; however, these matters relate to the implementation of the planning permission and are not material to the determination of a Section 106A application.

8.0 Summary and Conclusion

- 8.1 Having reviewed the full range of cost information, together with the independent assessments undertaken, Officers consider that, on balance, the evidence submitted, along with the independent validation provided, demonstrates that the construction costs presented are reasonable, consistently evidenced, and broadly reflective of the development as built. Although minor discrepancies have been identified, none materially undermine the overall cost position.
- 8.2 This is consistent with the approach to viability set out in the Planning Practice Guidance (PPG). The PPG requires viability assessments to use evidence-based, standardised inputs—including verified build costs, abnormal costs, and benchmark land value—and emphasises that councils should not be penalised where a developer has overpaid for land. The independent verification process undertaken in this case reflects the PPG’s requirement for transparent and robust scrutiny. Furthermore, the PPG acknowledges that, in limited circumstances, site-specific viability assessments may justify revisiting obligations where evidenced costs differ from plan-stage assumptions. The verified cost evidence demonstrates that the scheme would operate at a loss even before any S106 contributions are applied, meaning the obligations would no longer serve a useful planning purpose.
- 8.3 On this basis, and having applied appropriate scrutiny, it is concluded that the cost evidence can be accepted, and that the scheme cannot viably support any s106 payments and that the submission’s request should be allowed.

9.0 Recommendation

- 9.1 That no section 106 monies now be paid in respect of the relevant s106 agreement.

PLANNING COMMITTEE – 17th March 2026

Reference Number: 25/01014/FL

Application expiry: 3/2/2026

Application Type: FULL

Proposal Description: Conversion of house (Use Class C3) into children's home (Use Class C2)

At: 2 Durham Avenue, Grassmoor, Chesterfield, S42 5DL

For: Ms Angela Bir

Third Party Reps: 12 comments received (11 objection 1 support)

Parish: Grassmoor, Hasland and Winsick

Ward: Grassmoor

Report Author: Alice Lockett

Date of Report: 11 February 2026

MAIN RECOMMENDATION: Grant permission, subject to conditions



Figure 1: Location plan, with site edged in red

1. Reason for Report

1.1 Cllr Durrant called in the application for consideration by Planning Committee for the following reasons:

- Residential amenity (Policies SDC12 & SDC13)
The change from C3 to C2 raises legitimate questions around noise, disturbance, and compatibility with the immediate residential setting, which I feel would benefit from Member scrutiny.
- Character and function of the area (Policies SS1 & SS7):
Given the sensitivity of the location and the operational nature of a staffed C2 use, I believe it is appropriate for Committee to consider whether the development aligns with local character and sustainable development principles. While the Highways response is noted, I want to raise the concern of on street parking which I am not convinced has been effectively explored. The street in question does have a lot of residents and so there can be a lot of cars already parked on the road so the pressures of on street parking I believe are a legitimate material concern that would benefit from member scrutiny.

2. Proposal and Background

Site Description

- 2.1. The application site is a late 20th century two storey detached dwelling located to the west of Durham Avenue, a residential street in Grassmoor. The site is bounded by 4 Durham Avenue to the south and the rear gardens of 45 and 47 Norfolk Avenue to the north. To the west, the garden backs on to Barnes Park.
- 2.2. The dwelling is currently occupied by a family comprising parents and an adult son. A second son also lived in the property until recently.

Proposal

- 2.3. This application seeks permission for the conversion of the dwelling to a children's home to provide accommodation for up to 3 children aged between 8 and 17. The children's home would be staffed by two staff, who would change shifts at 10- 10.30pm and 7.30 – 8am, and a Registered Manager would be onsite between 9am and 5pm Monday to Friday. It is anticipated that two visits from social workers will take place every six weeks, by appointment only, and last for approximately one hour. A therapist would also attend the home once a week for a couple of hours, again by appointment only.

Amendments

- 2.4. A noise management plan has been submitted. An amended block plan was submitted showing parking for 4 vehicles on the front of the property.

3. Relevant Planning History (not the full site history)

Reference	Decision	Decision Date	Description
02/00522/FL	CA	30.05.2002	Erection of UPVC conservatory to the rear
85/00492/FL	CA	25.12.1998	Residential Development (outline).
87/00437/FL	CP	25.12.1998	Construction of 17 houses, 34 bungalows and some garages.
25/01036/LDC	PCO		Application for a Lawful Development Certificate for proposed use of a (3a) dwelling house as a children home (C2) for up to three children, with a manager and two carers.

4. Consultation Responses

- 4.1. Ward member- see call in comments above
- 4.2. Parish Council – No comment received
- 4.3. Highways- No objection
- 4.4. Environmental Health Officer- No objection, following receipt of revised noise management plan 13/2/2026

5. Representations

- 5.1. The application was publicised by way of neighbour letters and the display of a site notice. The site notice was placed on a lamp post directly across the street from the application site on 22nd December 2025.
- 5.2. 11 no. local residents have made representations raising the following comments objecting to the proposed development:

a) Material Planning Considerations

Residential Amenity (noise, disturbance, privacy, character)

- Increased noise and disturbance affecting elderly and vulnerable residents. (Supported by representations.)
- Loss of privacy due to increased activity near private garden areas and entrances.
- Potential impact on neighbourhood character due to increased comings and goings.

Parking, Highway Safety, and Access

- Existing parking congestion around Norfolk Avenue junction would be exacerbated.
- On-street parking pressures likely to increase due to staff, visitors and professionals.

Suitability of the Location for the Proposed Use

- Area consists largely of elderly residents and young families; concerns about compatibility with proposed use.

Impact on Vulnerable Populations

- Concerns relating to stress, disturbance and perceived safety impacts on elderly and housebound residents.

Loss of Family Housing Stock

- Conversion would remove a family dwelling within a residential area.

b) Non-Material Considerations

Impact on Property Values

- Fears regarding reduced house prices or saleability.

Concerns About Behaviour of Children in Care

- Worries about trauma-related behaviours; not a material planning matter.

Private Restrictive Covenants

- References to covenants preventing business use are legal matters outside planning.

Personal Safety Fears

- Concerns about strangers entering homes or anxiety unrelated to planning impacts.

Adequacy of Notification Procedures

- Issues raised about lamp post notices vs letters. (*Officer comment: the application was advertised in accordance with the Council's Statement of*

Community Involvement)

Perceived Fairness or Motives

- Claims regarding business motives or lack of representation.

- 5.3. 1 no. local resident has submitted a comment in support of the proposed development in precis as follows:

I live at the opposite end of Durham Avenue to the proposed Children's Home of No.2, I can't really see a problem! Plenty of families have 2 and 3 children and I remember a few children in my year at Comprehensive school (1973 - 78) living in the children's home in Edwinstowe, Notts. Most noise would be from cars calling at the home which happens at most homes. There is unlikely to be much noise anyway! Barnes Park with Football and Cricket clubs and kids play area, the Grassmoor School opposite probably make 10-fold the noise.

6.Relevant Policy and Strategic Context

6.1. North East Derbyshire Local Plan 2014-2034 (LP)

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

- SS7 Development on Unallocated Land within Settlement with defined Settlement Development Limit
- LC4 Type and Mix of Housing
- SDC12 High Quality Design and Place Making

6.2. National Planning Policy Framework (NPPF)

- 6.3. Part 5 of the NPPF deals with the delivery of a sufficient supply of homes. Paragraph 63 reads: Within this context of establishing need, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. These groups should include (but are not limited to) those who require affordable housing; families with children; older people (including those who require retirement housing, housing-with-care and care homes); students; people with disabilities; service families; travellers; people who rent their homes and people wishing to commission or build their own homes. (Officer emphasis)

6.4. Other Material Planning Considerations

- 6.5. Planning for accommodation for looked after children Statement made on 23 May 2023 by Minister of State for Housing and Planning

- 6.6. The following statement is also considered relevant to the determination of this application:

“The planning system should not be a barrier to providing homes for the most vulnerable children in society. When care is the best choice for a child, it is important that the care system provides stable, loving homes close to children’s communities. These need to be the right homes, in the right places with access to good schools and community support. It is not acceptable that some children are living far from where they would call home (without a clear child protection reason for this), separated from the people they know and love.

Today we use this joint statement to remind Local Planning Authorities that, as set out in paragraph 63 of the National Planning Policy Framework, local planning authorities should assess the size, type and tenure of housing needed for different groups in the community and assessed and reflected in planning policies. Local planning authorities should consider whether it is appropriate to include accommodation for children in need of social services care as part of that assessment.

Local planning authorities should give due weight to and be supportive of applications, where appropriate, for all types of accommodation for looked after children in their area that reflect local needs and all parties in the development process should work together closely to facilitate the timely delivery of such vital accommodation for children across the country. It is important that prospective applicants talk to local planning authorities about whether their service is needed in that locality, using the location assessment (a regulatory requirement and part of the Ofsted registration process set out in paragraph 15.1 of the Guide to the Children’s Homes Regulations) to demonstrate this.

7. Planning Issues

Principle of Development

- 7.1. Policy LC4 of the North East Derbyshire Local Plan relates to the type and mix of housing within the District. In relation to specialist housing, the Policy states that the Council will support specialist housing provision, across all tenures, including extra care schemes, nursing homes and residential facilities, in appropriate locations, close to services and facilities.
- 7.2. Officers consider that Policy LC4 sets out clear support for the type of supported living accommodation that is proposed in the application, the subject of this report. Moreover, in this case, the application site is situated within the defined Settlement Development Limits for Grassmoor. Grassmoor is identified in the Local Plan as Level 2 settlement and is described as having a good level of sustainability.
- 7.3. Policy SS7 supports development provided it is appropriate in scale, design and location to the character and function of the settlement, does not result in the loss of a valued facility or service, is compatible with, and does not prejudice any intended use of adjacent sites and land uses; and accords with other policies of the Plan.

- 7.4. The ministerial statement set out in the “Policy” section above states that: It is important that prospective applicants talk to local planning authorities about whether their service is needed in that locality, using the location assessment (a regulatory requirement and part of the Ofsted registration process set out in paragraph 15.1 of the Guide to the Children’s Homes Regulations) to demonstrate this.
- 7.5. In November 2024 the Council asked Derbyshire County Council Children’s Services if they required care homes such as this. They responded, “we have fewer children’s homes across our footprint than other authorities. We do have children placed at a distance and therefore any new provision from private organisations could be useful to increase supply in a more local area”. Officers have asked for an update on this situation but have not yet received one but contend that this advice remains material.
- 7.6. However, in a report to DCC Cabinet on 30th January 2025 it was noted that: “The most recent Placement Sufficiency Statement highlights the growing demand for placements and the Council’s capacity to meet these needs, benchmarked against regional and national comparators. - Age Profile: The largest age group of Children in Care (CIC) was 10–15 years old, a cohort that has seen the fastest growth in admissions over the past five years. - Population Growth: Derbyshire’s CIC population increased by 38% between 2018 and 2023, reaching 995 children. As of the 19th of December 2024, this figure has increased further to 1030 children in care.”
- 7.7. The same report goes on to say “Nationally, the number of CIC has risen steadily, with 83,630 children in care as of the 31st of March 2024 a 9% increase in five years. Contributing factors include family breakdowns, domestic violence, mental health issues, and substance abuse.”
- 7.8. It is therefore considered that the need for such facilities is proven and material to the determination of this application lending its support in principle.

Visual Consideration

- 7.9. In this case, the applicant seeks to change the use of the existing building only and no new buildings, structures extensions or changes to the external appearance of the building are proposed.
- 7.10. The applicant does propose to remove an area of planting to the front of the property to deliver additional parking capacity. This would provide 4 parking spaces. It is considered that this work would not harm the character of the area which already has a number of dwellings with the front gardens fully paved for parking.
- 7.11. Consequently, Officers are satisfied that the proposal would not result in any material visual change or harm to the overall character and appearance of the area

Movement to and from the site

7.12. In terms of the activity associated with the proposed change of use, Officers note that there would be comings and goings from the premises to facilitate the proposed changes in shift etc, including for residential support workers. In addition, whilst on the whole children are expected to attend school and services outside the home, there would potentially be other visitors, such as those providing specialist education and therapy, attending and leaving the site. Additional activity would include the residential use of the properties within the defined private amenity spaces for the site.

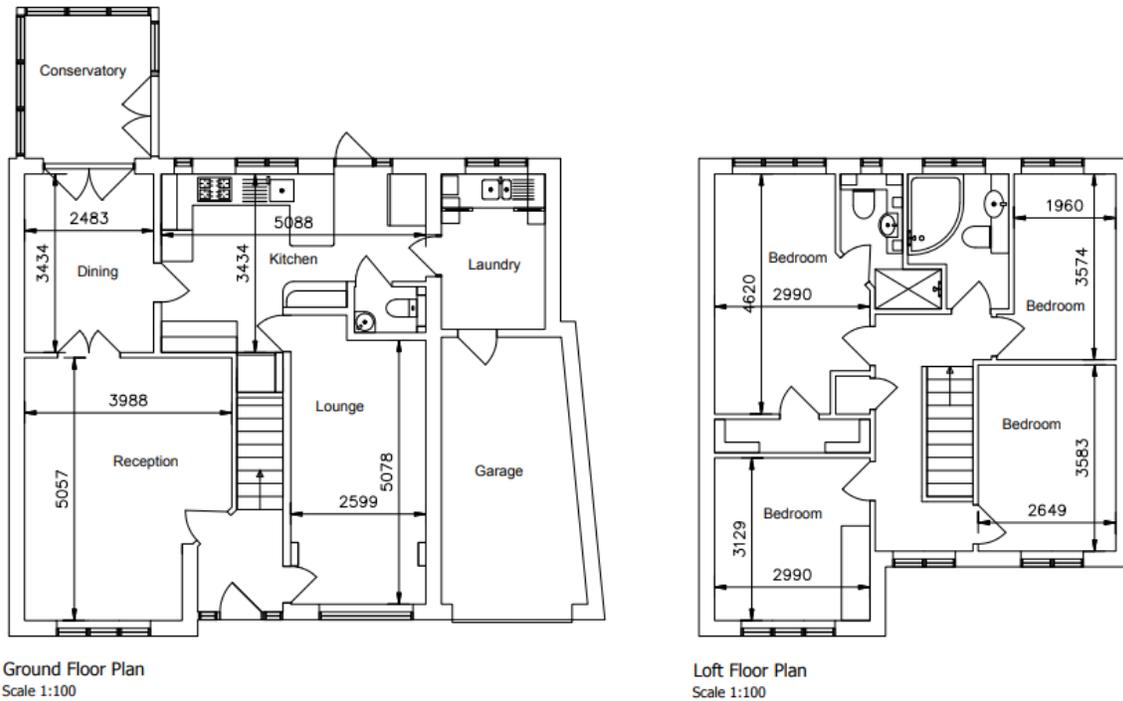


Figure 2: existing floor plan

- 7.13. The application building is currently a 4-bed dwelling with two reception rooms, lounge, dining room, conservatory, kitchen, laundry and garage (see Figure 2 above). There is space to park 3 cars on the drive to the front of the building and a further car in the garage, although currently the garage is used for storage.
- 7.14. The proposed layout shows one of the bedrooms converted to a therapy room and the lounge for staff sleep over and office.
- 7.15. The site has a 119m² garden which backs onto the recreation ground the west.
- 7.16. The building would be used to care for up to 3 children. This would require 2 members of staff on site during the day (shift pattern of 7.30am to 10.30pm) and two at night (10pm to 8am). A registered manager would also be on site during normal working hours. It is expected that the children will attend school but that they may receive visits

from social workers (two visits every six weeks of duration of 1 hour) and other therapists (once per week for 2 hours).

- 7.17. There is space to park 4 cars on the drive at the front of the property adjoining the street and there is a further garage parking space. This means there would be adequate on site parking to accommodate shift changes, the manager's vehicle and at least 1 other visitor. In addition, as the surrounding streets are of a quiet residential nature, on street parking is also available. It is therefore considered that there is sufficient space to park vehicles and as a consequence the vehicle activity of the proposal would not contribute to additional on street parking and the parking amenity of neighbours would be retained.
- 7.18. The planning statement confirms that visits would be booked to ensure that parking was available to minimise the impact on the surrounding streets.
- 7.19. Due to the low staffing levels and small number of visits required, combined with the residential nature of the surrounding area where comings and goings of residents and delivery vehicles would be considered normal, it is considered that the comings and goings of the staff would not be cause significant harm to the character and amenity of the area.
- 7.20. The site is within 5 minutes' walking distance of the park, the primary school, bus stops and shops on North Wingfield Road making it particularly suitable for the care of children in mainstream school and meaning that they would not require car transport to those facilities.
- 7.21. Overall, therefore, officers are of the view that the proposal would not have a harmful impact on the character of the area.
- 7.22. Notwithstanding this, the Council's Environmental Health Officer has requested a Noise Management Plan. This has been submitted by the applicant and the EHO has confirmed that it is acceptable. As such, in view of this, it is considered that the Council, through conditioning the implementation of the noise management plan would have greater control over noise emitted from the site than it would have in the case of a normal family home. This, therefore, weighs in favour of the proposal.

Other Material Considerations

- 7.23. In reaching this recommendation, Officers, on behalf of the Council, have had due regard to its obligations under section 149 of the Equality Act 2010. It is not considered that the proposal would result in any adverse impacts on persons with protected characteristics such as age and disability which have been raised as concerns in the representations received by the Council. The development would not give rise to differential impacts, and no Equality Impact Assessment is required in this instance.

7.24. The change of use to a children's care home would result in the loss of one open market dwelling. However, Officers consider that this is heavily outweighed by the provision of specialist housing in accordance with policy LC4 and, in any case, the loss (or gain) of 1 dwelling is not considered to have a significant impact on the Council's overall housing supply numbers.

Highways

7.25. With regard to trip and subsequent traffic generation, it is understood that:

- The children will be in full time education with daily school trips
 - Visitors to the children will be undertaken at a frequency of one visit at any time
 - Social work visits will occur every 6 weeks
 - Therapist will visit once a week
 - 2 Staff members will operate from the site from 7.30am to 10.30pm and 2 Night Staff from 10pm to 8am, providing half an hour handover time, with 1 Manager on site from 9am to 5pm

7.26. The applicant has submitted a revised drawing showing space to park 4 cars in spaces 2.4m x 5.5m. It is considered that the parking provision will be utilised by the two staff members and manager during the day. Shift changes which occur at 7.30-8am and 10-10.30pm may result in maximum four parked vehicles all of which can be accommodated on site. Any additional parking demand will be undertaken in either the garage or along the public highway.

7.27. Provision of the additional parking spaces may require the applicant to widen the drop kerb which serves the site. Although this has not been included in the application, the highway authority has confirmed there would be no objection to this work taking place.

7.28. The NPPF states that "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios."

7.29. Due to the scale of the development and the manner of its organization, the Highway Authority concludes that there would not be an unacceptable impact on Highway Safety or a severe impact on congestion. Officers agree with that conclusion and, as such, there are considered no justifiable grounds on which a highway objection could be maintained.

Flood Risk and Drainage

7.30. The site falls in Flood Zone 1 with the lowest probability of flooding as the application is for a change of use, no sequential test was required. The site is therefore not considered to be at risk from, or a risk to flooding.

Biodiversity

7.31. As no extensions or other buildings are proposed the proposal will not impact any habitat and, as such, it is considered to be exempt from the mandatory biodiversity net gain requirements. There is also no need to mitigate against species loss.

8. Summary and Conclusion

- 8.1. Local and national planning policy aim to provide adequate specialist housing. In this case a dwelling is proposed to be used as a specialist care home for children with disabilities. It is expected that up to 3 children will be cared for in the property.
- 8.2. The dwelling, which will not be altered, is well suited to the use due to its proximity to local services including parks, schools and medical services. This weighs in favour of the scheme.
- 8.3. Adequate parking will be provided at the front of the property to allow staff and visitors to park off the road and Officers are of the view that the comings and goings associated with the proposal will not have a harmful impact on the residential character of the area. This weighs in favour of the scheme.
- 8.4. Overall officers are of the view that the proposal will not harm the character of the area or the amenity of adjoining residents. This too weighs in favour of the scheme.
- 8.5. Officers are therefore of the view that the proposal meets the requirements of policies of the Development Plan and there are no other material matters that outweighs this conclusion.

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):-

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 details shown on drawing numbers BR01 THE LOCATION PLAN BR03 EXISTING FLOOR BR04 PROPOSED FLOOR PLANS; submitted 9/12/2025 BR02 rev A BLOCK PLAN uploaded 20/2/2026	For Clarity and avoidance of doubt	N/A
3.	The mitigation measures detailed in section 3 in the revised noise management plan by Gabriela Smith dated 12/2/2026 and uploaded 13 th February 2026 shall be implemented in full on first occupation of the building for the use hereby approved and the approved measures shall remain in force thereafter.	To protect the amenity of neighbours in accordance with policies SDC12 and SDC13 of the North East Derbyshire Local Plan	
4.	The residential care home, hereby approved, shall house no more than 3 children aged between 8 and 17 at any one time.	In the interests of the character and amenity of the neighbourhood and in accordance with policies SS7 and SDC12 of the North East Derbyshire Local Plan.	
5.	Before the first use of the care home, hereby approved, the parking layout shown on drawing BR02 rev A BLOCK PLAN uploaded on 20/2/2026 shall be delivered in full and then be retained as such thereafter	In the interests of Highway Safety and the amenity of neighbours and in accordance with policy SDC12 of the North East Derbyshire Local Plan	

Informatives:

- a) DISCON
- b) NMA
- c) BNG2

PLANNING COMMITTEE – MARCH 2026

Reference Number: 25/00866/FLH

Application expiry: 03/04/26

Application Type: HOUSEHOLDER

Proposal Description: Two storey side and single storey rear extension

At: 12 Bacchus Way Morton Alfreton, DE55 6HR.

For: M. Cupit

Third Party Reps: None

Parish: Morton

Ward: Pilsley and Morton

Report Author: Curtis Rouse

Date of Report: February 2026

MAIN RECOMMENDATION: Grant permission, subject to conditions



Figure 1: Location plan © Crown copyright and database rights 2026 OS AC0000823323 for NEDDC

1.0 Reason for Report

- 1.1 The applicant is a relative of Cllr Cupit, meaning under the Council's constitution, this item needs to come before planning committee.

2.0 Proposal and Background

Site Description

- 2.1 The application site includes a semi-detached dwelling. The front of the property is set back from the main road with its own access point which also includes frontage parking. There is garden space to the rear and side of the property.
- 2.2 The dwelling is located within a cul de sac and the surrounding homes are a mix of detached and semi-detached, with individual plots and gardens.
- 2.3 The rear garden includes a timber outbuilding at the rear boundary, a small patio space, and a conservatory extension.

Proposal

- 2.4 This application seeks permission for a two-storey side extension, and a single storey rear extension as is illustrated in Figure 2 below.



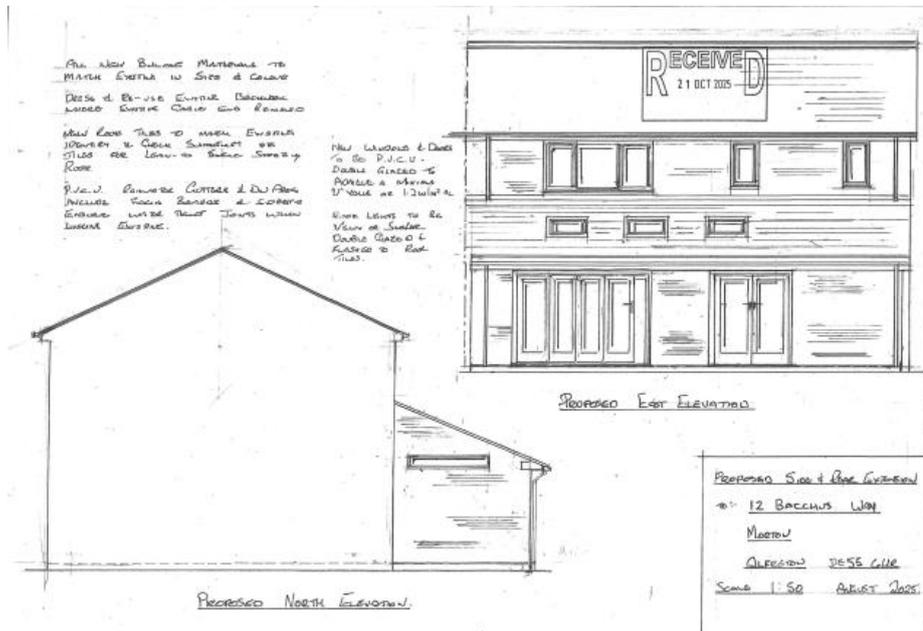


Figure 2: Proposed plans and proposed site plan.

- 2.5 The proposed two-storey side extension will be constructed from matching materials and measures 7m high, and 7.4m long, and 4m wide.
- 2.6 The proposed single-storey rear extension will be constructed from matching materials and will have a lean-to roof. It measures 3.7m high, 9.6m long, and 3m wide.

Amendments

- 2.7 No amendments have been submitted.

3.0 Relevant Planning History

3.1 81/00868/FL - Kitchen extension (Conditionally Approved)

3.2 84/00694/FL – Garage (Conditionally Approved)

4.0 Consultation Responses

4.1 **Ward member:** Raised no comments.

4.2 **Parish Council:** Raised no comments.

4.3 **DCC Highways:** ‘The Highway Authority has been consulted and advises that the proposal falls within the scope of its Standing Advice issued to the Local Planning Authority. The application should therefore be assessed and determined in accordance with that advice’.

5.0 Representations

5.1 The application was publicised by way of neighbour letters and the display of a site notice. A site notice was placed on a lamp post adjacent to the application site which expired on 12.01.2026.

5.2 No representations from residents have been submitted.

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:

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

LC5 Residential Extensions

SDC12 High Quality Design and Place Making

National Planning Policy Framework (NPPF)

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

Other Material Planning Considerations

6.3 Successful Places Guidance.

7.0 Planning Issues

Principle of Development

7.1 The application site is located within the Settlement Development Limits for Morton as laid out in the Local Plan.

- 7.2 Within settlements, Local Plan policy LC5 supports extensions and alterations, providing that they respect the scale, proportions, materials and overall design and character of the existing property; do not harm the street scene or local area, including the loss of characteristic boundary features and landscaping; avoid significant loss of privacy and amenity for the residents of neighbouring properties; and do not significantly and demonstrably harm highway safety.
- 7.3 In view of the above, the principle of development is considered acceptable, subject to an assessment against the various strands of planning policy as outlined above.

Street Scene and Design Considerations

- 7.4 As stated above, Local Plan Policy LC5 supports extensions and alterations providing they respect the scale, proportions, materials and overall design and character of the existing property; do not harm the street scene or local area, including the loss of characteristic boundary features and landscaping.
- 7.5 Local Plan Policy SDC12 also supports high-quality design. Development should respond positively to local character and context to preserve and, where possible, enhance the quality and local identity of existing communities and their surroundings.
- 7.6 An assessment of each element of the scheme is undertaken below.

Proposed rear extension

- 7.7 The proposed development will replace an existing rear conservatory with a new lean-to extension that will run the entire length of the host dwelling, including the new area that will result from the side extension. The proposed materials will be matching the host dwelling. It measures 3.7m high, 9.6m long, and 3m wide.
- 7.8 The applicant's rear garden currently consists of a large garden with a detached timber outbuilding at the rear boundary, a small patio area near the host dwelling, and an existing rear conservatory.
- 7.9 The development will not be visible from Station Road, Bacchus Way or any other public areas. Officers are therefore satisfied that the proposed development would not have a detrimental impact to the site and the surrounding street scene.
- 7.10 For the reasons set out above, the proposed rear extension will respect the scale, proportions, and character of the host dwelling. Additionally, the rear proposal is not seen from Bacchus Way, or the wider area resulting in no impact to the street scene or wider area.

Proposed side extension

- 7.11 Regarding the side extension, its height to eaves (5.1m) and overall height (7.1m) is the same as the host dwelling.
- 7.12 The proposed side extension will be aligned with that of the host dwelling because it does not extend beyond the front or rear build lines, the window placements, although different, will lead to an improvement of the visual

character of the dwelling and are reasonably proportioned. The proposed materials are also matching.

- 7.13 There are two public rights of way to the South (NE13/4/1 and NE/13/5/1). They are located approx. 90m and 96m respectively. They run away from the site and afford no views of the site, or the proposed extensions. Outside of these rights of ways, there is a wooded area to the West that does afford views to the site. The proposed extensions would be read in the context of the wider settlement and in the context of existing development. It is for this reason officers conclude there will be no harm to public vantage points.
- 7.14 Overall, despite the involved changes and limited public views of the proposal, officers conclude that the side extension would be of a scale, design and proportions which respect the existing character of the property and the surrounding street scene.

Privacy and Amenity Considerations

- 7.15 Local Plan Policy LC5 states that development should avoid a significant loss of privacy and amenity for the residents of neighbouring properties.
- 7.16 The properties most likely impacted by the proposed development are 14 Bacchus Way (located North), 11 Bacchus Way (located East), and 551 Station Road, Morton (located South). The impact on each property is considered below.

Impact on 14 Bacchus Way

- 7.17 Regarding No.14, the proposed side extension will not impact on this neighbour because it does not extend beyond the front or rear build line. It is also compliant with the horizontal 45-degree rule as outlined in page 77 of successful places. Because of this, it would afford no additional overlooking or overshadowing.
- 7.18 The rear extension however would sit close to the boundary with No.14 and replace an existing conservatory. No.14 already has a rear extension which projects a similar distance to the proposed extension. The proposed rear extension would include one new high-level window side facing window (sitting 2m high from ground level), which would allow light in and will not afford any significantly harmful overlooking into the conservatory extension at No.14. Additionally, there is a 2m high fence boundary in place on the site meaning most of the height of the lean-to will be mitigated with the apex of the lean-to being the most noticeable aspect of the rear development.
- 7.19 The proposed extension would not project further from the host dwelling than the existing conservatory or the conservatory extension on the adjoining property. For these reasons, the proposed extension would be no more harmful than the current situation.
- 7.20 Officers conclude that the proposed extension, whilst having a different roof design than the current conservatory, would not result in a significant loss of privacy and amenity for the residents of No.14.

Impact on 11 Bacchus Way

- 7.21 Regarding no.11, the rear extension is not within view of this neighbour and therefore has no impact.

- 7.22 As for the proposed side extension, it would include new windows on the ground and upper floor which would face east towards No.11. Although there would be new windows, they afford similar views to the existing ground and upper floor windows in the original dwelling. It is for this reason that officers are of the opinion that there will be no significantly harmful overlooking over and above what is presently existing on site.
- 7.23 Furthermore, this neighbour is located East of the host dwelling meaning it will suffer no additional overshadowing in the morning or afternoon. Officers note there is likely to be a small increase in the evening owing to the separation distance of approx. 15m, but officers do not believe this is significantly harmful enough to warrant refusal.

Impact on 551 Station Road

- 7.24 Regarding 551 Station Road, the closest point of the proposed rear extension will be approximately 17m away from the closest point of the rear elevation of this neighbour and would be approx. 10.6m from this opening to the boundary of the application site. This is compliant with the Successful Places Guidance on rear to side elevation wall separation distances (see page 76 successful places).
- 7.25 With regards to openings facing this neighbour, 2 ground floors and a split-level landing (non habitable) window are proposed which will face south towards No. 551. Ground floor openings will cause no significantly harmful overlooking back towards No. 551.
- 7.26 Due to the separation and the fact that the extensions would sit to the north of No. 551, officers are satisfied that there would be no harmful overshadowing issues and officers do not consider that this would result in an overbearing impact on residents at No. 551.
- 7.27 Overall in terms of privacy and amenity impact, Officers consider that the proposed development would avoid any significant loss of privacy and amenity for the residents of neighbouring properties.

Highway Safety Considerations

- 7.28 The development is at the rear and side of the property and as such does not alter the existing onsite parking or access arrangements. However, the proposal does include the removal of a garage from site, but this does not form part of this application.
- 7.29 The existing dwelling contains 3 bedrooms, and the proposed dwelling also contains 3 bedrooms. The development will increase the size of the bedrooms, but not the number of bedrooms.
- 7.30 DCC Standing Advice requires a 3-bed dwelling to be provided with 2-off street parking spaces. The current parking arrangement provides enough space for enough parking, and the proposed development will not result in a decrease in the number of available parking spaces on site.
- 7.31 As such Officers conclude that there will be sufficient on-site parking and the proposed development would not lead to an unacceptable impact on highway

safety or result in any residual cumulative impacts on the surrounding road network.

8.0 Summary and Conclusion

8.1 It is considered that the principle of the proposed development is acceptable. The design and appearance are appropriate and would not result in any harmful impact on the character or street scene. The proposal would also not give rise to any unacceptable effects on the privacy and amenity of neighbouring occupants. Overall, the development accords with the relevant policies of the Development Plan. Officers therefore recommend that planning permission be granted, subject to the following conditions.

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):-

Conditions

No	Condition	Reason
1.	The development hereby permitted shall be started within three years from the date of this permission.	To comply with the provision of Section 91 (as amended) of the Town and Country Planning Act 1990.
2.	<p>The development hereby approved shall be carried out in accordance with the details shown on the following drawing numbers</p> <ul style="list-style-type: none"> • Existing and Proposed Plans; date scanned 21.10.25 • Existing and Proposed Roof Plans; date scanned 15.12.25 • Existing and Proposed Ground Floor Plans; date scanned 15.12.25 Existing and Proposed First Floor Plans; date scanned 15.12.25 • Block and Location Plans; dated scanned 21.10.25 <p>Unless otherwise subsequently agreed through a formal submission under the Non-Material Amendment procedures.</p>	For Clarity and avoidance of doubt.

Informatives

NMA

- a) Low Coal Risk
- b) BNG note 2

North East Derbyshire District Council

Planning Committee

17 March 2026

Planning Appeals – Lodged and Determined

Report of the Planning Manager – Development Management

Classification: This report is public

Report By: Joanne Edwards

Contact Officer: Joanne Edwards 01246 217163

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: -

Miss Katie Fellows - Application for proposed works to change the existing front garden into a driveway for two cars. This also includes a dropped kerb at the front of the property for access at 2 Hollins Cottages Hollins, Old Brampton (25/00368/FLH)

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

Mr S Perez - Application for proposed erection of an Agricultural Building for grain storage with access and track at Land Opposite Stoneycroft Road And The Poplars, Matlock Road, Walton (25/00373/FL)

Planning Officer – Colin Wilson colin.wilson@ne-derbyshire.gov.uk

Levi Jones and Ellen Burniston - Application to discharge condition 10 (Plot B window details) pursuant to planning application 23/00013/FL at 179A Stubley Lane, Dronfield Woodhouse (25/00907/DISCON)

Planning Officer – Colin Wilson colin.wilson@ne-derbyshire.gov.uk

Mr D Hinchliffe - Application for Single storey lightweight glazed porch to the front of the property at Little Orchards Farm, Horsleygate Lane, Holmesfield (25/00710/FLH)

Planning Officer – Colin Wilson colin.wilson@ne-derbyshire.gov.uk

Mr Marco Difelice - Application for proposed dropped kerb and driveway at 15A Strettea Lane, Higham (25/00873/FLH)

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

2.2 Appeals Allowed

The following appeals have been allowed:-

Mr Taylor - Construction of subterranean garage accessed through existing outbuilding with subterranean link to Birley Hay Farmhouse and restoration of adjoining retaining wall. (Listed Building)(Conservation Area)(Affecting public footpath)(Amended Plans) at Birley Hay Farm, Geer Lane, Birley Hay, Ridgeway (23/00938/LB)

Mr Taylor – Construction of subterranean garage accessed through existing outbuilding with subterranean link to Birley Hay Farmhouse and restoration of adjoining retaining wall (Listed Building)(Conservation Area)(Affecting public footpath)(Amended Plans) at Birley Hay Farm, Geer Lane, Birley Hay, Ridgeway (23/00937/FLH)

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

Mr D Atkinson - Retrospective application for retention of garage and store at Marsh Green Hall, Marsh Green Lane, Ashover (25/00072/FL)

Planning Officer – Susan Wraith susan.wraith@ne-derbyshire.gov.uk

Application for costs was Refused.

Appeal Part Allowed

The following appeal has been part allowed:-

Mr D Atkinson - Application for Lawful Development Certificate for the existing Use of land for domestic garden, drives and yarding and for any purpose incidental to the enjoyment of the dwellinghouse under Section 191 of the TCPA 1990 (Amended Title) at Marsh Green Hall, Marsh Green Lane, Ashover (24/00828/LDC)

Planning Officer – Susan Wraith susan.wraith@ne-derbyshire.gov.uk

Application for costs was Refused.

2.3 **Appeals Dismissed**

The following appeals have been dismissed:-

Mr Joseph Allen - Erection of a self-build two-storey detached dwelling with basement and integral garage (resubmission of withdrawn application 24/00428/FL) at Land Adjacent 62 Gosforth Lane, Dronfield (25/00116/FL)

Planning Officer – Kerry Wright kerry.wright@ne-derbyshire.gov.uk

Mr Robert Abbott - Two-storey side extension at Abbott Farm, Doehole Lane, Brackenfield (25/00543/FLH)

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

Miss Ashleigh Boyce - Construction and operation of a micro energy storage project at Land North Of The Electricity Substation, Baslow Road, Holymoorside (25/00649/FL)

Planning Officer – Colin Wilson colin.wilson@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
<p>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)</p>	