

PLANNING COMMITTEE

MINUTES OF MEETING HELD ON TUESDAY, 14 DECEMBER 2021

Present:

Councillor Diana Ruff (Chair) (in the Chair)
Councillor Alan Powell (Vice-Chair)

Councillor William Armitage
Councillor Peter Elliott
Councillor Lee Hartshorne
Councillor Heather Liggett
Councillor Stephen Clough
Councillor Pam Windley

Councillor Andrew Cooper
Councillor Mark Foster
Councillor David Hancock
Councillor Kathy Rouse
Councillor Nigel Barker

Also Present:

R Purcell	Assistant Director of Planning
A Kirkham	Planning Manager - Development Management
E Cartwright	Senior Planning Officer
A Lockett	Senior Planning Officer
P Slater	Principal Planning Officer
J Fieldsend	Legal Team Manager (non contentious)
N Calver	Governance Manager
A Maher	Senior Governance Officer
M E Derbyshire	Members ICT & Training Officer

PLA/ Apologies for Absence and Substitutions

46/2

- 1-22** Apologies were received from Cllr R Hall, who was substituted by Cllr S Clough and Cllr J Ridgway, who was substituted by Cllr N Barker. Councillor D Hancock attended the meeting during the morning. He was substituted by Cllr P Windley after the Committee's recess for lunch. Apologies were also received from Cllr M Jones.

PLA/ Declarations of Interest

47/2

- 1-22** Cllr A Cooper declared an interest on Item 6 (NED/21/00885/FL). He confirmed that he intended to speak on the application, but that he would take no part in the Committee's subsequent consideration or determination of the Application.

PLA/ Minutes of Last Meeting

48/2

- 1-22** The minutes of the meeting, held on Tuesday 16 November 2021, were approved as a true record.

PLA/ NED/20/01013/FL - APPERKNOWLE

49/2

- 1-22** The report to Committee explained that an Application had been submitted for the change of use of amenity land into parking spaces, at various locations in Apperknowle. The Application had been submitted by the Council's Housing

Management Company, Rykneld Homes Limited (RHL). Members were reminded that Planning Committee was required to consider and determine on applications submitted by the Local Authority, when objections to them had been made.

Committee was recommended to approve the Application, subject to the conditions set out in the report.

The report to Committee explained why Members were asked to agree the recommendations. Officers felt that it would be an appropriate development. The proposed conversion of amenity land into additional parking spaces for the local community in Apperknowle would be in line with the Council's Local Plan policies and the National Planning Policy Framework (NPPF). Officers contended that the change of use would not harm the character of the area or the amenity of neighbouring residential properties. Planning officers were also satisfied that the change of use would not have an adverse impact on highway safety.

Members were informed that no one had registered to speak on the Application.

Committee considered the Application. It took into account the relevant Planning Issues. These included Principle of Development and the location of the amenity sites to be converted into parking spaces within the Defined Settlement Limit for Apperknowle. It took into account the relevant Local Plan policies. Committee considered the impact of the proposal on the character of the local area. It took into account the impact on the residential amenity of local people and the implications for highway safety.

Members discussed the Application. They received clarification on the materials to be used to provide parking spaces and its durability. Members also heard that Highway Authority did not object to the proposed development, subject to the imposition of appropriate conditions

At the conclusion of the discussion Committee, by acclamation, approved the Application, subject to the conditions set out in the report, in line with officer recommendations.

RESOLVED -

- (a) That planning permission is conditionally approved in accordance with officer recommendations.
- (b) That the final wording of the conditions is 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 The development hereby approved shall be carried out in accordance with the details shown on the following drawings unless otherwise subsequently agreed through a formal submission under the Non-Material Amendment procedures and unless otherwise required by any condition contained in

this decision notice: Amended Drawing Number P-LOC-SN-DET-W-REVA (uploaded to the Council's website on 21.10.21) and Amended Drawing Number AP-LOC-SN-DET-W-REVA (uploaded to the Council's website on 26.10.2021).

- 3 Before above ground works start, a plan to show the positions, design, materials, height and type of any boundary treatments to be erected shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be completed before first use of the parking spaces hereby approved and shall be retained as approved thereafter.
- 4 Before above ground works start, details of the existing ground levels, proposed finished levels of the proposed parking spaces, and the proposed finished ground levels adjacent to the parking spaces, 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.
- 5 Before above ground works start, precise specifications or samples of the surfacing materials to be used 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.

PLA/ NED/21/00627/FL - CLAY CROSS

50/2

1-22 The report to Committee explained that an Application had been submitted to vary Condition 2 (approved plans) of the existing planning permission, granted for a development on the site, at land opposite to 22 to 44 Clay Lane in Clay Cross (NED/20/00221/FL). The variation would change the road alignment and configure the housing plot positions on the development. The Application had been referred to the Committee at the request of Cllr R Shipman, who had raised concerns about it.

Committee was recommended to approve the Application, subject to the conditions set out in the report. It was also recommended that the existing Section 106 Agreement – or the agreement, reached between the Council as Planning Authority and the developer in order to help offset the impact on local people – be carried forward.

The report to Committee explained why Members were asked to agree the recommendations. Officers emphasised that the Application would only involve minor changes to an approved development. Committee was reminded that under Section 73 of the Town and Country Planning Act 1990 changes could be made to an existing planning permission, as long as these would not make the development fundamentally different to the one which had been approved. Officers confirmed that the proposed minor changes would not significantly alter the approved development. This remained acceptable in principle and was in accordance with the overall objectives of the Local Plan.

Before Members discussed the application, those registered to speak were asked to address the Committee. Cllr R Shipman, M Allen and R Eden objected to the Application. The Agent, S Betts, spoke in support of it.

Committee considered the Application. It took into account the relevant Planning Issues. These included the Principle of Development and the existing permission to develop the site. Committee considered the design and layout implications of the proposed minor changes. It also took into account the implications for heritage assets, ecology and the trees covered by the Tree Preservation Order on the site.

Members discussed the Application. They were reminded that the Application related solely to the proposed minor amendments. It did not relate to the original decision to grant planning permission for the overall development on the site.

Members discussed the concerns which had been raised about flood risks and the implications for the current Application. In particular, Members noted the concerns which had now been raised about possible flood risks on the site by the Lead Local Flood Authority (LLFA). Committee discussed these risks. It was informed that the Developer had agreed to install a tank to take water from the neighbouring brook in order to help mitigate them.

Members were informed that the LLFA had considered the Application and confirmed that the proposed minor changes would not increase the level of risk above those which existed under the existing approved application- either on the management of surface water or the flood risk on or off the site.

Committee discussed the information on flood risks which had been presented to it when the original application had been approved and the additional information that had emerged since then. Some Members expressed regret that this additional information had not been available when the Committee had considered the original application. Some Members also felt that the different information had created uncertainty and needed to be clarified, so that the Committee could be sure the proposals for minor changes would not increase these risks.

At the conclusion of the discussion Councillor D Ruff and Councillor A Powell moved and seconded a motion to approve the Application, subject to the conditions set out in the report, in line with officer recommendations. The motion was put to the vote and was defeated.

Councillor D Hancock and Councillor W Armitage then moved and seconded a motion to defer consideration of the Application, so that information about the flood risks and the impact of the proposed minor amendments would have on them could be provided to the Committee.

The motion was put to the vote and was agreed.

RESOLVED -

- (1) That Application NED/21/00627/FL is deferred, so that an appropriate clarification of the information about flood risks on the site can be reported to the Committee, when considering and determining the Application and proposed minor changes to the existing planning permission for the site.

PLA/ NED/21/00885/FL - PILSLEY

51/2

1-22 Councillor A Cooper left the meeting at this point.

The report to Committee explained that an Application had been submitted for the demolition of a former social club building at Rupert Street in Lower Pilsley. Three sustainable, detached, self-build homes would be constructed and associated alterations would be made to the existing access to the site.

The Application had been referred to Committee by Local Ward Member, Councillor A Cooper, who had raised concerns about it.

Committee was recommended to approve the Application, subject to the conditions set out in the report.

The report to Committee explained why Members were asked to approve the recommendations. Officers had concluded that the proposed development would accord with relevant planning policies. The new houses would be in keeping with the character and appearance of the surrounding street scene. Officers believed that the proposed development would not be detrimental to neighbouring properties or the amenity of local people.

Before Members discussed the Application those registered to speak were asked to address the Committee. Councillor A Cooper, speaking as Local Ward Member and J Worthy expressed concerns about it. The Applicants, G Hooper and J Hooper spoke in support of it.

Committee considered the Application. It took into account the relevant Planning Issues. It considered the Principle of Development and the site's location outside but adjacent to the Settlement Limit of Pilsley on Previously Developed Land, within the countryside. Committee took into account the impact of the development on the character of the Area, the privacy and amenity of neighbouring properties and Highway Safety. It also took account ecological, drainage and land contamination issues and the impact on parking.

Members discussed the Application. They considered the location of the site adjacent to a Cricket Ground and the implications of this for the Cricket Club and the residents of the new properties, especially when Cricket matches were in progress. Members discussed and emphasised the importance of a good relationship between the Club and homeowners. They considered the safety arrangements that would be put in place and whether any additional measures might be required.

At the conclusion of the discussion Councillor P Elliot and Councillor and W Armitage moved a motion to approve the Application, in line with officer recommendations. The motion was put to the vote and was agreed.

RESOLVED -

- (a) That planning permission is conditionally approved in accordance with officer recommendations.

(b) That the final wording of the delegations be granted 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. The development hereby approved shall be carried out in accordance with the following submitted plans, unless otherwise subsequently agreed through a formal submission under the Non Material Amendment procedures and unless otherwise required by any condition contained in this decision notice:
 - Drawing No PMWI-114 Rev 02 Site Cricket Mitigation Plan (published 12.10.2021)
 - Drawing No PMWI-109 Rev 02 Site Levels Plan (published 12.10.2021)
 - Drawing No PMWI-108 Rev 02 Site Boundary Plan (published 12.10.2021)
 - Drawing No PMWI-107 Rev 02 Proposed Landscape Plan (published 12.10.2021)
 - Drawing No PMWI-102 Rev 02 Proposed Site Layout Plan (published 12.10.2021)
 - Drawing No PMWI-113 Rev 01 Site Bat Mitigation Plan (published 20.08.2021)
 - Drawing No PMWI/101 Rev 01 Location Plan A3 (published 09.07.2021)
 - Drawing No PMWI/103 Rev 01 Street Scene/Site Sections (published 09.07.2021)
 - Drawing No PMWI/104 Rev 01 Proposed Plot No.1 House Plans & Elevations (published 09.07.2021)
 - Drawing No PMWI/105 Rev 01 Proposed Plot No.2 House Plans & Elevations (published 09.07.2021)
 - Drawing No PMWI/106 Rev 01 Proposed Plot No.3 House Plans & Elevations (published 09.07.2021)
 - Drawing No PMWI/116 Rev 116 Site Contamination Plan (published 09.07.2021)
 - Drawing No PMWI/111 Rev 01 Site Soil & Waste Drainage Plan (published 09.07.2021)
3. The development hereby permitted consists of solely self-build dwellings as defined in the Custom Housebuilding Act 2015
4. The three self-build dwellings hereby approved shall be occupied by the

applicants for a minimum of 3 years after construction.

5. The existing Hawthorn hedgerow to the east of the site adjacent to Rupert Street shall be retained throughout the lifetime of the development
6. All planting, seeding and turfing shown on Drawing No PMWI-107 Rev 02 Proposed Landscape Plan (published 12.10.2021) 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
7. The first floor window proposed in the north (facing) side elevation of the Plot 3 shall be fitted with obscure glazing and shall be of a non-opening design prior to the dwelling hereby approved being brought into use. The obscure glazing shall be installed in order to provide of level of obscurity at least equivalent to level(s) 3 on the Pilkington Glass scale and the glazing shall be retained as such thereafter.
8. The facilities as shown within Drawing No PMWI/116 Rev 116 Site Contamination Plan (published 09.07.2021) shall be retained free from any impediment to their designated throughout the construction period.
9. Throughout the period of development vehicle wheel cleaning facilities shall be provided and retained within the site. All construction vehicles shall have their wheels cleaned before leaving the site in order to prevent the deposition of mud and other extraneous material on the public highway.
10. Before any other operations are commenced the sites existing vehicular access to Rupert Street shall be modified in accordance with the application drawings and provided with visibility sightlines extending from a point 2.4 metres from the carriageway edge, measured along the centreline of the access, for a distance of 43 metres in each direction measured along the nearside carriageway edge. The area in advance of the visibility sightlines shall be retained throughout the life of the development free of any object greater than 1m in height (0.6m in the case of vegetation) relative to the adjoining nearside carriageway channel level.
11. The premises, the subject of the application, shall not be occupied until space has been provided within the site curtilage for the parking and manoeuvring of residents vehicles (each space measuring a minimum of 2.4m x 5.5m), located, designed, laid out and constructed all as agreed in writing with the Local Planning Authority and maintained throughout the life of the development free from any impediment to its designated use.

12. There shall be no gates or other barriers within 10m of the nearside highway boundary and any gates shall open inwards only, unless otherwise agreed in writing by the Local Planning Authority.
13. The modified access drive to Rupert Street shall be no steeper than 1:14 for the first 10m from the nearside highway boundary and 1:10 thereafter.
14. No part of the development shall be occupied until details of arrangements for storage of bins and collection of waste have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and the facilities retained for the designated purposes at all times thereafter.
15. Prior to the first occupation of the dwelling(s) hereby approved, any made ground on the site shall be removed or a contamination investigation and risk assessment of that part of the site shall be carried out by a competent person in accordance with current guidance and in accordance with a scheme which has been approved by the Local Planning Authority, to demonstrate that the site is suitable for the use hereby approved. Where the site investigation and risk assessment shows that contamination remediation is required, a remediation scheme shall be prepared and submitted to the Local Planning Authority for written approval; the approved remediation scheme shall be implemented as approved and a verification report shall be submitted to and approved in writing demonstrating that the remediation has been carried out successfully prior to the first occupation of the [dwelling(s)] hereby approved.
16. Where any suspected areas of contamination are discovered during the development of the site, the process of site investigation and risk assessment as identified in condition 15 above shall be carried out by a competent person in accordance with current guidance and in accordance with a scheme which has been approved by the Local Planning Authority, to demonstrate that that part of the site is suitable for the use hereby approved.
17. In the event that it is proposed to import soil onto site in connection with the development, the soil to be imported shall be sampled at source and analysed in a laboratory that is accredited under the MCERTS Chemical Testing of Soil Scheme for all parameters previously agreed in writing with the Local Planning Authority, the results of which shall be submitted to and shall be approved in writing with the Local Planning Authority.
18. Licensing, mitigation and enhancement measures for bats detailed in Section 4 of the Bat Survey report (Armstrong Ecology, May 2021) and the Site Bat Mitigation Plan (Drawing no: PMWI/113 Rev. 01) shall be implemented in full and maintained thereafter, unless agreed in writing with the LPA or Natural England. A copy of the bat licence shall be submitted to the LPA once granted by Natural England.
19. 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. 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.

20. The site shall be developed with separate systems of drainage for foul and surface water on and off site. The separate systems should extend to the points of discharge to be agreed.
21. There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to:- a) evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical; b) evidence of existing positive drainage to public sewer and the current points of connection; and c) the means of restricting the discharge to public sewer to the existing rate less a minimum 30% reduction, based on the existing peak discharge rate during a 1 in 1 year storm event, to allow for climate change.
22. Works on site and deliveries to the site shall be undertaken only between the hours of 7.30am to 6pm Monday to Friday and 7.30am to 12pm on Saturday. There shall be no work undertaken on site or deliveries to the site undertaken on Sundays or public holidays.
23. Prior to the first occupation of any of the three dwellings hereby approved the 2m high ball strike fence as shown within Drawing No PMWI-114 Rev 02 Site Cricket Mitigation Plan (published 12.10.2021) shall be erected and be maintained throughout the life of the development
24. During cricket games there shall be no access to the parts of the Plot 1 and Plot 2 that remain in the ball strike zone as identified within Drawing No PMWI-114 Rev 02 Site Cricket Mitigation Plan (published 12.10.2021).

With the agreement of the Chair, Committee then recessed for lunch. Following the recess, Councillor A Cooper re-joined the meeting. Councillor M Foster entered the meeting. Councillor P Windley substituted for Councillor D Hancock for the remainder of the meeting.

PLA/ NED/21/00976/FL - KILLAMARSH

52/2

- 1-22** The report to Committee explained that an Application had been submitted for the development of fifty dwellings, along with associated roads, parking and garages at land between the old canal and the north side of Primrose Lane in Killamarsh. This would be a major development and a departure from the Development Plan. The Application was a re-submission of an earlier Application for the proposed development of fifty dwellings (NED/20/00919/FL), which had been refused.

The Application had been referred to Committee by Local Ward Member, Councillor S Clough, who had raised concerns about it.

Committee was recommended to approve the Application, subject to the conditions set out in the report and a Section 106 Agreement – or an agreement, reached between the Council as Planning Authority and the developer in order to help offset the impact on local people.

The report to Committee explained why Members were asked to agree the recommendations. Officers considered the site a sustainable location for additional housing. It lay within the defined Settlement Development Limits for Killamarsh and had been designated for housing by the Local Plan. The officers contended that, on the whole, the proposed development was of good design and would be in keeping with the character and appearance of the surrounding area. They had concluded that the development would not be detrimental to the amenity or privacy of neighbouring residents. They had also concluded that there would be no unacceptable impact on highway safety.

Before Members discussed the Application those registered to speak were asked to address the Committee. Cllr T Lacey, speaking as Local Ward Member, E Cookson and D Grzona objected to the Application. The Planning Agent, M Edgar, spoke in support of it.

Committee considered the Application. It took into account the relevant Planning issues. It considered the Principle of Development, the location of the site within the Settlement Development Limits for Killamarsh and its designation as a housing site by the Local Plan. Committee also took into account environmental issues, including the relative proximity of the site to a hazardous installation. It considered the Design and Layout of the proposed development and in particular, the density of buildings to be constructed on the site. It considered the potential impact on neighbours, as well as ground stability, drainage and the impact on ecology. It took into account the provision of affordable housing and what health and other infrastructure improvements might be required.

Members discussed the Application. They reflected on the reasons why the original development proposal had been rejected and whether it would now be appropriate to approve the development. They discussed car parking on the site and the concerns which had been raised about traffic congestion. Members heard about the traffic assessment which had now taken place. Committee was reminded that the absence of a traffic assessment had been highlighted previously as an issue of concern.

Members discussed the number of properties to be built on the site. Concern was expressed by some Members that this was higher than the housing allocation figure set out in the Local Plan. Officers explained how this was only an indicative figure, reflecting a previous decision to grant permission to build 30 properties on the site. It was not intended to be a prescribed maximum number of properties that could be built there.

Some Members felt that the proposed number of properties in the development would be too high. They considered the case made for maximising the use of the available land by constructing a larger number of properties on the site. They also considered the concerns which had been expressed about the sustainability of the development and the adverse impact this might have on the local area.

At the conclusion of the discussion Councillor M Foster and Councillor W Armitage moved and seconded a motion to refuse the Application, contrary to officer recommendations. The motion was put to the vote and was approved

RESOLVED -

That application for planning permission is refused, contrary to officer recommendations.

Reasons

- 1 The application is considered unacceptable as it represents the development of a greenfield site and the proposals for a development of 50 dwellings would exceed the 30 dwellings set out in the North East Derbyshire Local Plan 2014-2034 housing allocation. It would therefore constitute development that is not sustainable and which would adversely affect the character of the area and so to grant permission would be contrary to policies SS1 and LC1 of the North East Derbyshire Local Plan 2014-2034
- 2 The development of the site for 50 dwellings would introduce additional vehicles movements that would be severely harmful to and impact on highway safety. To grant permission would, therefore, be contrary to policy ID3 (of the North East Derbyshire Local Plan 2014-2034)

PLA/ NED/21/01025/FL - ASHOVER

53/2

- 1-22** The report to Committee explained that an Application had been submitted to regularise the construction of 2 private ponds (Amended Title) on land to the south-east of Siberia Cottages, Sydnope Hill, Darley Moor. The Application had been submitted by local Ward Member, Councillor W Armitage, who had raised concerns about it.

Committee was recommended to approve the Application, subject to the conditions set out in the report.

The report to Committee explained why Members were asked to agree the recommendations. Committee heard that the dimensions and shape of the previously approved ponds had been changed. Officers felt that this would not cause significant harm to the character, quality or distinctiveness of the landscape. The construction of the ponds had resulted in a net gain in habitat and biodiversity, when compared to the former arable field.

Before Members considered the Application those registered to speak were asked to address the Committee. The Applicant, P Kelly, the Agent, J Church and the Ecology Consultant to the Agent, S Brain, all spoke in support of the Application.

Committee considered the Application. It took into account the Planning Issues. In particular, it considered the Principle of Development on the site and how this had been established when the original planning permission had been granted. It took into account the changes in size and configuration of the two ponds. It considered Local Plan policies and the scope for new developments in a countryside setting.

Members discussed the application. They discussed the use of the pond for private fishing. They heard about the bio diversity which had been achieved through the ponds. Members considered the location of the ponds and the distance from neighbouring properties. They heard about the tree planting and other landscaping work at the site. Committee also discussed the use of the ponds for private fishing by a disabled family member and his friends. Members also considered the concerns which had been raised by the resident of a neighbouring property and what impact the development would have on the privacy and amenity of this property.

At the conclusion of the discussion Councillor P Elliot and Councillor D Ruff moved and seconded a motion to approve the application in line with officer recommendations. The motion was put to the vote and was approved.

RESOLVED -

- (1) That planning permission is conditionally approved, in accordance with officer recommendations.
- (2) That the final wording of the delegations be granted to the Planning Manager (Development Management)

Conditions

- (1) The development hereby approved shall be carried out in accordance with the following plans referenced unless otherwise specifically agreed in writing by the Local Planning Authority or otherwise required by any other condition in this decision notice:
 - Site Location Plan – JC/K63/1 (date stamped 14/08/2021)
 - Drawing No 9 Topographical Survey of Ecological Wildlife Ponds (date stamped 14/08/2021)
 - Drawing No. PK01 Landscaping Details – Specimen trees and shrub screening (date stamped 14/08/2021)
 - Drawing TR-01 Rev V1 Wildflower and Grassland Location included in within the Ecological Addendum Version 1 (date stamped 24/11/2021)
- (2) The measures for biodiversity enhancement as set out in the submitted Ecological Addendum including for grassland enhancement, the establishment of kingfisher nest sites and the sowing of a pollinator mix shall be completed in full by 31st June 2022. The grassland and pollinator enhancement should target all areas highlighted in blue on the map taken from page 8 of DWT letter included in the Ecological Addendum and the bund (marked N) using seed mixes EM5 and EM8 from Emorsgate and N7f from Naturescape (or mixes of equivalent diversity) as well as the kingfisher bund. The enhancement should be undertaken in the autumn following scarification of areas to be seeded. Confirmation of the

completion of the enhancement works and details of subsequent management of the grassland and bund must be submitted to the Local Planning Authority for approval.

- (3) Within 3 months of permission being granted, further enhancement measures around the larger pond including the establishing marginal trees (Willows are recommended) as a shelterbelt of trees along its northern and western edges and slowly introducing some hardier aquatic species such as amphibious bistort, floating water-lily (*Nymphaoides peltata*) along with an implementation programme shall be submitted to and approved by the Local Planning Authority. The approved further enhancement measures shall be implemented in full and in accordance with the approved details.
- (4) If within a period of two years from the date of this decision any tree or trees planted as replacement for it, is removed, uprooted or destroyed, or dies, or becomes, in the opinion of the Local Planning Authority seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives it written approval to any variation.
- (5) The larger of the two ponds hereby approved shall not be stocked with fish in connection with any commercial angling activities.
- (6) The smaller of the two ponds hereby approved shall not be stocked with any fish.
- (7) With the exception of use of the parking space to the north of the building subject to application number 21/01026/FL (if approved). No vehicles shall be parked within the field as identified with the red line location plan.

PLA/ NED/21/01026/FL - ASHOVER

54/2

1-22 The report to Committee explained that an Application had been submitted to vary Condition 2 of Planning Application 18/00177/FL, to allow for an increased footprint, alter the height of the roof, verge detailing, amended doorway positions, proposed fenestration and changes to the internal layout. This was a re-submission of Application 20/00795/FL (Amended Title) at land to the south east of Siberia Cottages, Sydnope Hill, Darley Moor.

The Application had been submitted by local Ward Member, Councillor W Armitage, who had raised concerns about it.

Committee was asked to approve the Application, subject to the conditions set out in the report.

The report to Committee explained why Members were asked to approve the recommendations. Officers contended that the proposal met the requirements of the Local Plan, the Ashover Neighbourhood Plan and the overarching aims of the National Planning Policy Framework. They had concluded that the changes to the scale, character and appearance of the original building would not have an unacceptable impact on the character of the countryside, or on nearby residential properties and land uses.

Before Members considered the Application those registered to speak were asked to address the Committee. The Applicant, P Kelly, the Agent, J Church and the Ecology Consultant to the Agent, S Brain all spoke in support of the Application.

Committee considered the application. It took into account the relevant Planning Issues, It considered the Principle of Development and noted that the Application only related to the scale and detailing of the building. It considered the impact on the neighbouring countryside and view of the landscape. It took account implications of the development for the privacy and amenity of neighbouring properties, highways safety and biodiversity.

Members discussed the application. They heard how the building was of a high quality design which would have a limited visual impact on the surrounding landscape. Members were reminded of the extensive tree planting which had taken place and discussed its compatibility with the surrounding landscape. They heard how the building would continue to be used for storage and leisure purposes. They discussed the location of the nearest neighbouring properties and considered whether the development would have an impact on them.

At the conclusion of the discussion Councillor P Elliot and Councillor D Ruff moved and seconded a motion to agree the Application, in line with officer recommendations. The motion was put to the vote and was approved.

RESOLVED -

- (1) That planning permission is conditionally approved in accordance with officer recommendations.
- (2) That the final wording of the delegations be granted to the Planning Manager (Development Management)

Conditions

1. 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:
 - Drwg.no PK/MH/10, Plans and Elevations (date stamped 16/08/2021)
 - Drwg.no PK01, Block Plan (date stamped 16/08/2021)
 - Drwg.no JC/K63/701/B, Revised Block Plan (date stamped 16/08/2021)
2. All planting, seeding or turfing in the approved scheme of landscaping shall be carried out in the first planting and seeing 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.

3. No external lighting shall be installed on the building hereby approved and the building shall not in any way be artificially illuminated.
4. Within 6 months of this decision, the approved biodiversity enhancement strategy shall be implemented in accordance with the approved details and retained as such for the lifetime of the development.

PLA/ Planning Appeals - Lodged and Determined

55/2

- 1-22** The report to Committee informed Members that three appeals had been lodged, one appeal had been allowed and one appeal had been partly allowed and partly refused.

PLA/ Matters of Urgency

56/2

- 1-22** None.