

PLANNING COMMITTEE

MINUTES OF MEETING HELD ON TUESDAY, 22 MARCH 2022

Present:

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

Councillor William Armitage
Councillor Mark Foster
Councillor Lee Hartshorne
Councillor Jacqueline Ridgway

Councillor Andrew Cooper
Councillor Roger Hall
Councillor Heather Liggett
Councillor Kathy Rouse

Also Present:

A Kirkham	Planning Manager - Development Management
G Cooper	Principal Planning Officer
J Owen	Chartered Legal Executive
N Calver	Governance Manager
M E Derbyshire	Members ICT & Training Officer
A Maher	Senior Governance Officer

PLA/ Apologies for Absence and Substitutions **79/2**

1-22 Apologies were received from Councillors P Elliot, D Hancock and M Jones.

PLA/ Declarations of Interest **80/2**

1-22 There were no Declarations of Interest.

PLA/ Minutes of Last Meeting **81/2**

1-22 The minutes of the meeting held on 22 February 2022 were approved as a true record.

PLA/ NED/21/01488/FL - ASHOVER **82/2**

1-22 The report to Committee explained that an Application had been submitted for an extension to the Peak Edge Hotel, Darley Road, in Ashover. The extension would allow for 29 additional rooms. It would also involve various alterations to the adjacent landscape, with the creation of a new biodiversity area. The Application was classed as a major development and the original plans had been amended. The Application had been referred to Committee at the request of Councillor M E Thacker, 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 felt that the proposed development would be in line with both national and local planning policies. These policies support, in principle,

developments that enable established businesses in the countryside to expand.

Committee also heard that the Applicant would not seek to implement fully the existing planning permission to build 20 holiday lodges on the site if the proposed extension was agreed, Officers felt that these lodges would have a greater impact on the site and surrounding area than the proposed extension. They had concluded, therefore, that approving the current Application would ensure the better outcome.

Before Members discussed the Application, those registered to speak were asked to address the Committee. The Applicant S Perez and the Agent, C Stainton, spoke in support of the Application. No one had registered to speak against it.

Committee considered the Application. It took into account the Principle of Development and in particular, Local Policy SS1, covering sustainable development in support of the local economy and Local Policy SS9, covering development in the countryside. Committee also took into account Policy SDX3, requiring that new developments should not to cause significant harm to the landscape. Committee considered the size and design of the proposed extension and its location on the site. It took into account the impact on adjacent residential properties, neighbouring land uses and the heritage implications for the nearby Scheduled Monument.

Members discussed the Application. They considered the impact of the proposed development on the site. They reflected on the possible impact if the existing planning permissions to construct holiday lodges on the site was implemented. They considered the implications for the amenity of neighbouring properties and the ways in which these would mitigated. They discussed what impact the further development might have on the highways network and reflected on the incremental growth of the hotel business on the site over time.

At the conclusion of the discussion Councillor D Ruff and W Armitage moved and seconded a motion to conditionally approve the Application, in line with officer recommendations. The motion was put to the vote and approved.

RESOLVED

- (1) That planning permission is conditionally approved, in accordance with officer recommendations and subject to the prior agreement to a Unilateral Undertaking Agreement (in respect of the lodge development, as specified in the report.
- (2) The final wording of the conditions be 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.

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

2) The development hereby approved shall be carried out in accordance with the 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:

- 11902-SELF-ZZ-DR-A-001 Rev C (Site Location Plan & Existing Site Plan)
- 1902-SELF-ZZ-DR-A-004 Rev G (Proposed Site Plan)
- 1902-SELF-ZZ-DR-A-005 Rev B (Proposed Hotel Extension Plans)
- 1902-SELF-ZZ-DR-A-006 Rev B (Proposed Hotel Extension Elevations)
- 1902-SELF-ZZ-DR-A-007 Rev B (Proposed Spa Plans)
- 1902-SELF-ZZ-DR-A-008 Rev B (Proposed Spa Elevations)
- 1902-SELF-ZZ-DR-A-009 Rev B (Proposed Sections)
- 1902-SELF-ZZ-DR-A-010 Rev C (Proposed Site Elevations)
- 1902-SELF-ZZ-DR-A-012 (Materiality and Elevations Treatments)

[Reason: For clarity and the avoidance of doubt.]

Construction/Design Details

3) Notwithstanding the submitted details, before development commences, details of the existing ground levels, proposed finished floor levels of the extension and the proposed finished ground levels of the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

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

4) Notwithstanding the submitted details, before above ground work commences, precise specifications or samples of walling and roofing 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.

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

5) Before above ground work commences, a plan to show the position, design, materials, height and type of boundary treatment to be erected shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be completed prior to the first use of the extension hereby approved and retained as such thereafter.

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

Landscaping

- 6) Notwithstanding the submitted Landscape Masterplan, before above ground work commences, the following shall be submitted to and approved in writing by the Local Planning Authority:
- a) A scheme of landscaping, which shall include indications of all existing trees and hedgerows on the site;
 - b) The details of any trees and hedgerows to be retained, together with measures for their protection during development;
 - c) A schedule of proposed native plant species, size and density and planting locations and
 - d) An implementation programme.

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

- 7) All planting, seeding or turfing in the approved scheme of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

[Reason: In the interest of the character and appearance of the site and the surrounding street scene.]

Employment

- 8) Before the development hereby approved commences, a scheme to enhance and maximise employment and training opportunities during the construction stage of the project, including a timetable for implementation, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall then be implemented in full in accordance with the approved timetable.

[Reason: In the interests of creating sustainable development in accordance with policy SS1 of the North East Derbyshire Local Plan and in the interest of the overarching aims of the Council.]

Public Art

- 9) Before above ground work commences, a scheme for the provision of public art on the site including a timetable for implementation of the scheme shall be submitted to and approved in writing by the Local Planning Authority. The public art shall thereafter be completed in full in accordance with the approved scheme and timetable and shall be retained as such thereafter.

[Reason: In the interests of providing public art.]

Climate Change

- 10) Before the development hereby approved commences a scheme for mitigating climate change through the sustainable design and construction of the hotel extension/spa including the provision of sources of renewable energy shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved climate change scheme shall be implemented in full and retained as such thereafter.

[Reason: In the interest of delivering sustainable development and in accordance with the North East Derbyshire Interim Sustainable Buildings Policy, policies SS1 and SDC12 of the North East Derbyshire Local Plan and the National Planning Policy Framework.]

Environmental Health

- 11) Construction works on the site and deliveries to the site shall be undertaken only between the hours of 07.30am to 6pm Monday to Friday and 7.30am to 1pm on Saturday. There shall be no work undertaken on site or deliveries to the site on Sundays or public holidays.

[Reason: In the interest of highway safety, the amenity of neighbouring residents and hotel guests.]

- 12) No external heating systems shall be provided to balcony areas.

[Reason: In the interest of the amenity of neighbouring residents and to protect the surrounding countryside setting.]

- 13) Before above ground work commences, a noise assessment, detailed design of the required external plant and HVAC equipment required in association with the approved development, along with a noise control scheme shall be submitted to and approved in writing by the Local Planning Authority. The approved external plant and any noise control measures shall be implemented in accordance with the approved details and retained as such thereafter.

[Reason: In the interest of the amenity of neighbouring residents and hotel guests.]

Land Contamination

- 14) If any unexpected, visibly contaminated, or odorous material is encountered during redevelopment (given any previous desk study, site investigation and/or remediation work), works shall cease and remediation proposals for the material shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the remediation works shall be implemented in full and works recommenced.

[Reason: To protect the environment and address any contamination issues.]

Ecology

- 15) The development shall be carried out in accordance with the submitted Biodiversity Net Gain Assessment (The Biodiversity Impact Assessment, Weddle Landscape Design, January 2022). The on-site habitat creation and enhancement shall be provided in accordance with the details in the Assessment and within a timetable that shall form part of the information submitted in the Landscape and Ecological Management Plan. The Assessment shall be subject to change based on the results of an update grassland survey of land outside the managed hotel grounds currently classified as 'other neutral grassland'. The survey shall be carried out between May and August after a period without grazing and the biodiversity metric shall be updated as necessary if the grassland type or condition requires amending. The proposed habitat creation and enhancement shall subsequently be amended as required to ensure a net gain is still achieved and the final proposals approved in writing by the LPA and retained in perpetuity.

[Reason: In the interest of protecting wildlife and providing a net biodiversity gain. All in the interests of policies SDC2 and SDC4 of the North East Derbyshire Local Plan.]

- 16) A Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority prior to the first use of any part of the development. The LEMP shall cover all retained, enhanced and created habitats, as identified in the submitted Biodiversity Net Gain Assessment (The Biodiversity Impact Assessment, Weddle Landscape Design, January 2022). The content of the LEMP shall include the following;
- a) Description and evaluation of features to be managed;
 - b) Ecological trends and constraints on site that might influence management;
 - c) Aims and objectives of management;
 - d) Appropriate management options for achieving aims and objectives;
 - e) Prescriptions for management actions;
 - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a thirty-year period);
 - g) Details of the body or organization responsible for implementation of the plan;
 - h) Ongoing monitoring and remedial measures.
 - i) Enhancement measures in Section 5.3 of the Preliminary Ecological Appraisal (Weddle Landscape Design Rev A, December 2021).

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from

monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan shall be implemented in accordance with the approved details and retained as such thereafter.

[Reason: In the interest of protecting wildlife and providing a net biodiversity gain. All in the interests of policies SDC2 and SDC4 of the North East Derbyshire Local Plan.]

17) No development shall take place (including ground works or vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of “biodiversity protection zones”.
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

[Reason: In the interest of protecting wildlife and providing a net biodiversity gain. All in the interests of policies SDC2 and SDC4 of the North East Derbyshire Local Plan.]

18) All works shall proceed in accordance with the Outline Great Crested Newt Mitigation Strategy (Weddle Landscape Design, January 2022), which shall be implemented in full.

[Reason: In the interest of protecting Great Crested Newts, all in accordance with policies SDC2 and SDC4 of the North East Derbyshire Local Plan.]

19) Prior to the first occupation of any element of the development, hereby approved, a detailed lighting strategy shall be submitted to and approved in writing by the Local Planning Authority to safeguard surrounding habitats for nocturnal wildlife and to reduce obtrusive light on sensitive receptors. The scheme should provide details of the

chosen luminaires, their locations and any mitigating features such as dimmers, PIR sensors and timers. Dependent on the scale of proposed lighting, a lux contour plan may be required to demonstrate acceptable levels of light spill to any sensitive ecological zones/features and receptors. Guidelines can be found in Guidance Note 08/18 - Bats and Artificial Lighting in the UK (BCT and ILP, 2018) and “Guidance Notes for the Reduction of Obtrusive Light GN01:2011” produced by the Institution of Lighting Professionals. Such approved measures will be implemented in full and retained as such thereafter.

[Reason: In the interest of protecting wildlife and in order to protect the amenity of neighbouring residents and in the interest of protecting the Dark Skies in this location.]

Drainage

20) No development shall take place until a detailed design and associated management and maintenance plan of the surface water drainage for the site, in accordance with the principles outlined within:

- a. Existing plans Prepared by Self Architects Drawing No. 11902-SELF-ZZ-M3-A-002.REV A, Date December 21.
- b. Proposed Site Plan. Drawing NO.11902-SELF-ZZ-M3-A-004 Rev D December 2021
- c. Flood Risk Assessment And Drainage Strategy Report Prepared by HBL Associates. REF:19439-HBL-XX-XX-PEH-DR-0001.REV-Dec 2021.
- d. Phase 1 Site investigation Report Prepared by HBL FOR 30TH November 2021 REF-600.14.01, Version-1.1.
- e. And DEFRA’s Non-statutory technical standards for sustainable drainage systems (March 2015),

have been submitted to and approved in writing by the Local Planning Authority.

[Reason: To ensure that the proposed development does not increase flood risk and that the principles of sustainable drainage are incorporated into this proposal, and sufficient detail of the construction, operation and maintenance/management of the sustainable drainage systems are provided to the Local Planning Authority, in advance of full planning consent being granted.]

21) No development shall take place until a detailed assessment has been provided to and approved in writing by the Local Planning Authority, to demonstrate that the proposed destination for surface water accords with the drainage hierarchy as set out in paragraph 80 reference ID: 7-080-20150323 of the planning practice guidance or any subsequent guidance which supersedes this.

[Reason: To ensure that surface water from the development is directed towards the most appropriate waterbody in terms of flood risk and practicality by utilising the highest possible priority destination on

the hierarchy of drainage options. The assessment should demonstrate with appropriate evidence that surface water runoff is discharged as high up as reasonably practicable in the following hierarchy:

I. into the ground (infiltration);

II. to a surface water body;

III. to a surface water sewer, highway drain, or another drainage system;

IV. to a combined sewer.

And to ensure that development will be safe from flood risk including from groundwater and natural springs.]

- 22) Prior to commencement of the development, the applicant shall submit for approval to the LPA details indicating how additional surface water run-off from the site will be avoided during the construction phase. The applicant may be required to provide collection, balancing and/or settlement systems for these flows. The approved system shall be operating to the satisfaction of the LPA, before the commencement of any works, which would lead to increased surface water run-off from site during the construction phase.

[Reason: To ensure surface water is managed appropriately during the construction phase of the development, so as not to increase the flood risk to adjacent land/properties or occupied properties within the development.]

- 23) The proposed Filter drains should not be brought into use until such a time as it is fully designed and constructed in line with CIRIA SuDS manual C753 and to the agreed specifications. An associated management and maintenance plan, in line with CIRIA SuDS Manual C753 is submitted to and approved in writing by the Local Planning Authority.

[Reason: To ensure that the proposed surface water drainage system does not increase flood risk, that the principles of sustainable drainage are incorporated into the proposal, the system is operational prior to first use and that maintenance and management of the sustainable drainage systems is secured for the future.]

- 24) Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority. This must demonstrate that the drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls).

[Reason: To ensure that the drainage system is constructed to the national Non-statutory technical standards for sustainable drainage and CIRIA standards C753.]

- 25) The development hereby permitted shall not be commenced until such

time as a scheme of foul drainage has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

[Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 174 of the National Planning Policy Framework.]

Highway Safety

26) No development, including preparatory works, shall commence until space has been provided within the site for storage of plant and materials, site accommodation, loading, unloading and manoeuvring of goods vehicles, and parking and manoeuvring of employees and visitors vehicles, with this space laid out in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority. Once implemented, the approved facilities shall be retained free from any impediment to their designated use throughout the construction period.

27) Throughout the period of construction vehicle wheel cleaning facilities shall be provided and retained within the site. All construction vehicles shall have their wheels cleaned on a hard surface before leaving the site in order to prevent the deposition of mud or other extraneous material on the public highway.

[Reasons: In the interest of highway safety, all in accordance with Policies ID3 of the North East Derbyshire Local Plan.]

Informatives:

- a) DISCON
- b) NMA
- c) Pursuant to Sections 149 and 151 of the Highways Act 1980, steps shall be taken to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.
- d) LLFA Advisory/Informative Notes. As per letter dated 31 January 2022.
- e) Environment Agency: Please note their comments in the letter dated 15 February 2022 in relation to dealing with swimming pool water. Additional permits and licensing may be required.
- f) Under the Private Water Supply (England) Regulations the developer and water supplier must develop a Water Safety Plan of supply supply(which takes account of all supply users) to include as a minimum:
 - 1. A plan / schematic of the water supply (or reference to the one contained in this report if it is considered accurate).
 - 2. A written description of the water supply (or reference to the one

contained in this report if it is considered accurate).

3. A maintenance schedule for the water supply and any treatment systems, including infrastructure checks and storage tanks inspection and cleaning.

4. A record of maintenance on the water supply and any treatment systems, including infrastructure checks and storage tanks inspection and cleaning.

5. Copies of instructions for key equipment including treatment system validation certificates.

6. An emergency plan for the provision of an alternative water supply in the case of insufficiency (i.e., procedure for use of an alternative source, bowsers etc.)

7. A competent person or company should be appointed to manage the supply for maintenance, repairs and general supply management.

PLA/ Planning Appeals - Lodged and Determined

83/2

1-22 The report to Committee informed Members that 3 appeals had been lodged. None been withdrawn or dismissed.

PLA/ Matters of Urgency

84/2

1-22 None.