

PLANNING COMMITTEE

MINUTES OF MEETING HELD ON TUESDAY, 28 JUNE 2022

Present:

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

Councillor William Armitage
Councillor Peter Elliott
Councillor Roger Hall
Councillor David Hancock
Councillor Heather Liggett

Councillor Andrew Cooper
Councillor Mark Foster
Councillor Lee Hartshorne
Councillor Maggie Jones
Councillor Kathy Rouse

Also Present:

A Kirkham	Planning Manager - Development Management
J Owen	Chartered Legal Executive
A Maher	Interim Governance Manager
A Bond	Governance Officer

PLA/ Apologies for Absence and Substitutions

**9/22-
23**

There were no apologies for absence.

PLA/ Declarations of Interest

**10/2
2-23**

There were no Declarations of Interest.

PLA/ Minutes of the Last Meeting

**11/2
2-23**

The minutes of the meeting held on 31 May 2022 were approved a true record.

PLA/ NED/22/00248/FL - ASHOVER

**12/2
2-23**

The report to Committee explained that a retrospective Section 73 Application had been submitted to revise Condition 2 (Approved Drawings), pursuant to NED 20/00079/FL at Crofton Vale, Alton Lane, Littlemoor, Ashover. The application had been referred to Committee by Councillor W Armitage, who had raised concerns about it.

Planning 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 believed that the changes to the height of the building, the first floor windows and to the front and rear elevations, had not significantly impacted on the character of the area or on the neighbouring properties. Consequently, they felt that retrospective planning permission for the changes, subject to the conditions set out in the report, should be approved.

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

Planning Committee considered the Application. It took into account the Principle of Development and in particular, the site's location within the Settlement Development Limits (SDL) for Littlemoor. It considered Policy SS8 of the Local Plan that supports development which respects the form and character of the existing settlement and surrounding landscape, through careful siting, design and use of materials. Committee took into account Policy SDC12, which requires that all new developments be of high quality design and make a positive contribution to the quality of the local environment. It also considered the relevant Ashover Neighbourhood Plan Policies.

Members discussed the Application. They heard how the amended plans and what had been constructed only involved minimal alteration from the previously approved plans. They heard about the 200 millimetre (20 centimetre) increase in the ridge height and the other variations. Members were also informed how the previously approved materials were used in its construction. They reflected on whether the minimal alterations to the scale and design of the building which had now been constructed had had a detrimental impact on the character of the area.

At the conclusion of the discussion Councillor P Elliot and Councillor A Cooper moved and seconded a motion to approve the Application, in line with officer recommendations. The motion was put to the vote and agreed by the Committee

RESOLVED -

- (1) That the Application be conditionally approved, in line with officer recommendations.
- (2) That the final wording of the conditions be delegated to the Planning Manager (Development Management).

Conditions

1. The development hereby approved shall be carried out in accordance with the submitted plans:

Existing Site Plan – Ref: 026 18 A001
Proposed Site Plan - Ref: 026 18 A002 Rev A
Site Section - Ref: 004-22 A005
Proposed Plans - Ref: 004-22 A101
Proposed Elevations - Ref: 004-22 A103
Landscaping and tree protection - Ref: 026 18 A007
Stone Head, Cils, Quoins – Ref: 026 18 A104

unless otherwise specifically agreed through a formal submission under the Non-Material Amendment procedures and unless otherwise required by any other condition in this decision notice.

2. All planting, seeding or turfing in the approved scheme of landscaping (landscaping and tree protection - Ref: 026 18 A007) 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.

3. The premises, the subject of the application, shall not be occupied until space has been provided within the application site in accordance with the application drawings for the parking and manoeuvring of residents' and visitors' vehicles, laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.
4. Prior to the first occupation of the dwelling 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 hereby approved.
5. 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 5 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.
6. 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.

Notes

The Highway Authority recommends that the first 5m of the proposed access driveway should not be surfaced with a loose material (i.e. unbound chippings or gravel etc). In the event that loose material is transferred to the highway and is regarded as a hazard or nuisance to highway users, the Authority reserves the right to take any necessary action against the householder.

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.

In the unlikely event of bats being found during the development all works should cease immediately and advice sought from a professional ecologist.

PLA/ **NED/21/00690/FL - KILLAMARSH**

13/2

2-23

The report to Committee explained that an application had been submitted for the conversion of an existing stable block into a three-bedroom dwelling at stables to the west of Walnut Drive, off Field Lane, Killamarsh. The Application had been referred to Committee by local ward councillors M Potts and S Clough, who had raised concerns about it.

Planning 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.

Members heard how the converted stable block would be used by the applicants, who wished to live there so that they could provide ongoing surveillance of the site. Only limited external alterations would be required to carry out the conversion, primarily the raising of the roof. Officers had concluded that the development would comply with Planning Policy. The Council's Development Plan and the National Planning Policy Framework (NPPF) both supported the appropriate re-use of existing agricultural buildings, which, they contended, this would be. As such, the development would not be inappropriate and there were no technical reasons why permission ought not to be granted.

Planning Committee then considered the Application. No one had registered to speak on it. Committee took into account the Principle of Development and in particular, the site's location within the Green Belt. Committee took into account Local Plan Policy SS10. This allows for the conversion of existing buildings within the Green Belt which preserve openness and do not conflict with Green Belt purposes. Committee considered Policies SS9 and SDC3, on the need for developments outside of defined settlement limits to be in keeping with their countryside locations and other relevant planning policies.

Members discussed the Application. Some Members raised concern about the Green Belt location of the site and whether the development would be in line with Local Plan policy SDC 1, on the appropriate re-use of a building in the Green Belt and countryside. Some Members queried what utility services would be provided to the converted building and asked that these be specified as a condition if the Application was to be approved. They also sought and received clarification about what future stabling arrangements would be put in place. Committee heard how the Applicant had currently designated another building on the site for this purpose.

At the conclusion of the discussion Councillor D Hancock and Councillor W Armitage moved and seconded a motion to approve the application subject to an additional condition requiring the provision of utility services to the converted property.

RESOLVED -

- (1) That the Application be conditionally approved, in line with officer recommendations and subject to an additional condition requiring utility services to be provided to the converted property.
- (2) That the final wording of the conditions be delegated to the Planning Manager (Development Management).

Conditions

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby approved shall be carried out in accordance with the proposed/amended plans referenced 20-01: Location Plan; 20-07b: Elevations as Proposed; 20-03C Block Plan as Proposed and 20-06b Layout as Proposed.
- 3 Before the development, hereby approved, starts, precise specifications (including the manufacturer, range and colour details where applicable) or samples of the walling and roofing materials to be used, shall be made available on site for inspection, and subsequent written approval, by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.
- 4 The dwelling, hereby approved, shall not be first occupied until space has been provided within the dwelling curtilage for the parking, loading and unloading, manoeuvring and turning of service and delivery vehicles and space for the manoeuvring of residents and any visitors vehicles, all located, designed, laid out and constructed as agreed in writing with the Local Planning Authority. The areas so designated shall then be retained for those specific uses alone thereafter.
- 5 The dwelling, hereby approved, shall only be occupied in association with the land outlined in red and blue on the approved plans and it shall not be occupied as an independent dwelling house or sold off separately from the land or the buildings that occupy it.
- 6 Prior to the first occupation of the dwelling, hereby approved, a bin storage and a bin dwell area for use on refuse collection days shall be provided in accord with a scheme submitted to and approved in writing by the Local Planning Authority. The scheme so approved shall then be retained as agreed thereafter.
- 7 Any gates where fitted shall open inwards into the site only.
- 8 Before the commencement of the development hereby approved:
 - a) A phase I land contamination assessment (desk-study) shall be undertaken and approved in writing by the Local Planning Authority.

b) The land contamination assessment shall include a desk-study with details of the history of the site use including details of a site investigation strategy (if potential contamination is identified) to effectively characterise the site based on the relevant information discovered by the desk study and justification for the use or not of appropriate guidance. The site investigation strategy shall, where necessary, include relevant soil, ground gas, surface and groundwater sampling/monitoring as identified by the desk-study strategy

The site investigation shall be carried out by a competent person in accordance with the current U.K. requirements for sampling and analysis. A report of the site investigation shall be submitted to the local planning authority for approval.

9 Before the commencement of the development hereby approved:

Where the site investigation identifies unacceptable levels of contamination, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be submitted to and approved in writing by the local planning authority. The submitted scheme shall have regard to CLR 11 and other relevant current guidance. The approved scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria and site management procedures. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

10 The dwelling, hereby approved, shall not be occupied until:

a) The approved remediation works required by condition 9 above have been carried out in full in compliance with the approved methodology and best practice.

b) If during the construction and/or demolition works associated with the development hereby approved any suspected areas of contamination are discovered, which have not previously been identified, then all works shall be suspended until the nature and extent of the contamination is assessed and a report submitted and approved in writing by the local planning authority and the Local Planning Authority shall be notified as soon as is reasonably practicable of the discovery of any suspected areas of contamination. The suspect material shall be re-evaluated through the process described in condition(s) 8b to 9 above and satisfy condition 10a above.

c) Upon completion of the remediation works required by condition 9 and 10a above a validation report prepared by a competent person shall be submitted to and approved in writing by the local planning authority.

11 The validation report shall include details of the remediation works and Quality Assurance/Quality Control results to show that the works have been carried out in full and in accordance with the approved methodology. Details of any validation sampling and analysis to show the site has

achieved the approved remediation standard, together with the necessary waste management documentation shall be included.

- 12 Prior to the first use of the dwelling, hereby approved, a plan showing the garden area to be used in connection with the dwelling shall be submitted to and be approved in writing by the Local Planning Authority. The garden shall then be confined to the approved area only.
- 13 Before any development, hereby approved, starts, the following shall be submitted to and be approved in writing by the Local Planning Authority:
 - o a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land,
 - o the details of any trees and hedgerows to be retained, together with measures for their protection during development,
 - o a schedule of proposed plant species, size and density and planting locations and;
 - o an implementation programme.
- 14 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.
- 15 Prior to the first occupation of the dwelling, hereby approved, details of the bat and bird boxes to be installed on the building to be converted, and/or the remainder of the land holding, and a timetable for their installation, shall be submitted to and be approved in writing by the Local Planning Authority. Details shall be presented on a plan and include the specific types of features/box, their location and number. The agreed scheme shall then be implemented in full and be maintained, as such, thereafter.
- 16 Prior to any work, hereby approved, commencing, a plan detailing all and any works of alteration and/or reconstruction shall be submitted to and be approved in writing by the Local Planning Authority. No other works of alteration or reconstruction shall then take place other than as shown on the agreed plan.
- 17 Prior to any works, hereby approved, commencing, details of all the services that will be provided on site, including water, electricity and gas, and the means by which they will be provided, including details of all/any trenching etc., shall be submitted to and be approved in writing by the Local Planning Authority. The services shall then be provided in accord with the approved details.
- 18 Notwithstanding the provisions of Article 3(1) of the Town and Country Planning (General Permitted Development) Order 2015, (or any Order revoking and re-enacting that Order) no extensions (Part 1 Class A),

dormer windows (Part 1 Class B), alterations to the roof (Part 1 Class C), porches (Part 1 Class D), curtilage buildings (Part 1 Class E) or swimming pool(s) (Part 1 Class E) shall be erected/constructed without first obtaining planning permission.

- 19 Prior to the first use of the dwelling, hereby approved, details of all/any external lighting to be installed/placed/erected on the dwelling or within the curtilage serving it shall be submitted to and be approved in writing by the Local Planning Authority. The agreed lighting shall then be installed in accord with the agreed scheme and no other external lighting shall be placed/erected/installed on the site.

PLA/ NED/21/00582/FL - ASHOVER

14/2

2-23

The report to Committee explained that an Application had been submitted for a proposed two bedroom cottage at Matlock Farm Park, Jagers Lane, Darley Moor, Matlock. The application had been referred to Committee by Councillor C Renwick, who had raised issues about it.

Planning Committee was recommended to reject the Application.

The report to Committee explained why Members were recommended to do this. In particular, officers were concerned about the position and design of the proposed dwelling. They felt that as the site forms part of the Dark Peak National Character Area and Landscape Character Type Enclosed Moorland, and had been identified as a Secondary Area of Multiple Environmental Sensitivity (AMES), it should be considered as most sensitive to development. Officers had concluded, therefore that the justification for the dwelling would not outweigh the landscape harm it would cause.

Before Members discussed the Application those registered to speak were asked to address the Committee. Cllr C Renwick and D Moulton, on behalf of the Applicant, both 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 whether it would be in line with Local Plan Policy SS1 on sustainable development and the contribution to the local economy by business expansion and growth. It also took into account Local Plan Policy SS9 on the circumstances in which development in the countryside would be appropriate and Local Plan Policy SDC3, which requires new developments not to cause significant harm to the landscape or important views. Committee also took into account other Parish, District and National Planning Policies.

Members discussed the Application. They reflected on the economic contribution the Farm makes to the District as a tourist attraction. They considered the role of the proposed dwelling and the additional site security that it was intended to enable. They discussed what might use may then be made of the caravan that is currently used for this purpose. Some Members suggested that the new building would comply with Planning Policy LC6, which seeks to ensure that new developments in the countryside are based on the essential needs of local businesses. To this end, they also felt it important that the property should be tied

to the business and not sold on.

Members considered how its landscape impact might be softened through the use of appropriate screening. They also discussed what materials might be used. Some Members felt that the building would not cause unacceptable harm to this sensitive site and that the Application should be approved.

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

RESOLVED -

- (1) That the Application be approved conditionally, contrary to officer recommendations.
- (2) That the final wording of the conditions be determined by the Planning Manager (Development Management).

Reasons

That the benefits to the local business and the District's Visitor Economy of approving the dwelling in this location outweighed the minimal damage to the landscape

PLA/ Planning Appeals - Lodged and Determined

15/2

2-23

The report to Committee informed Members that two appeals had been lodged. No appeals had been allowed. Two appeals had been dismissed.

PLA/ Matters of Urgency (Public)

16/2

2-23

None.

PLA/ Exclusion of Public

17/2

2-23

RESOLVED -

That the public be excluded from the meeting during the discussion of the following item of business to avoid the disclosure to them of exempt information as defined in Paragraphs 2, 3 and 5, Part 1 of Schedule 12A to the Local Government Act 1972, (as amended by the Local Government (Access to Information) (Variation) Order 2006).

PLA/ Section 106 (Legal) Agreements Update

18/2

2-23

Committee received an update on the current 'Section 106' Agreements, or agreements, reached between the Council as Planning Authority with developers to carry out specific work to help offset the impact of new developments on local people.

The report set out details of those agreements where the funding had now been

secured. It also included information about Section 106 agreements where the funding had not yet been received or written-off.

Committee discussed specific Section 106 agreements. Members sought clarity about what further action which had been made on these agreements and payments that had been made since Committee had last received an update, which in some instances was not apparent from the information provided.

RESOLVED -

- (1) That the information contained within Appendices A, B and C of the report is noted.
- (2) That the contents of paragraphs 1.1 to 1.6 of the report is noted and endorsed.

PLA/ **Matters of Urgency (Private)**
19/2
2-23 None.