

## **PLANNING COMMITTEE**

### **MINUTES OF MEETING HELD ON TUESDAY, 25 JULY 2023**

#### **Present:**

Councillor Lee Hartshorne (Chair) (in the Chair)  
Councillor Tony Lacey (Vice-Chair)

Councillor David Cheetham  
Councillor Peter Elliott  
Councillor Mark Foster  
Councillor Christine Gare  
Councillor Kathy Rouse

Councillor Andrew Cooper  
Councillor Stuart Fawcett  
Councillor David Hancock  
Councillor Heather Liggett

#### **Also Present:**

|            |  |
|------------|--|
| D Thompson | Assistant Director of Planning                 |
| G Cooper   | Principal Planning Officer                     |
| P Slater   | Principal Planning Officer                     |
| K Hallam   | Senior Planning Officer                        |
| K Huckle   | Planning Officer                               |
| C Rouse    | Planning Officer                               |
| L Ingram   | Legal Team Manager & Deputy Monitoring Officer |
| A Bond     | Governance Officer                             |
| T Scott    | Governance and Scrutiny Officer                |
| A Maher    | Governance Manager                             |

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

**9/23-  
24**

Councillor N Morley, substituted by Councillor C Gare.

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

**10/2  
3-24**

None.

#### **PLA/ Minutes of the Last Meeting**

**11/2**

**3-24** The Minutes of the meeting held on Tuesday 6 June 2023 were approved as a true record.

#### **PLA/ NED/23/00139/FL - WINGERWORTH**

**12/2**

**3-24** The report to Committee explained that an Application had been submitted for the construction of two dwellings at 24 Longedge Lane, Wingerworth. This was a resubmission of application NED/22/01124/FL, with amended plans and additional information.

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

Officers felt that the construction of two additional detached houses on the site

would be acceptable in planning terms. They recognised that concerns had been raised that the Application would lead to the 'massing' of buildings on the site, and the implications which this might have on the surrounding area. However, officers had concluded that their scale and design would be in keeping with the street scene and that they would also not detract from the nearby listed buildings. They felt that there were no matters that would outweigh the predominance of the Local Plan and the Wingerworth Neighbourhood Plan. Consequently, officers recommended that the Application should be approved, subject to the conditions set out in the report.

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

Committee considered the Application. It took into account the site's location within the Settlement Development Limit for Wingerworth. Committee considered the relevant national and local planning policies. These included Local Plan Policy SS7, on sustainable development within Settlement Development Limits, Local Plan Policy SD12, on the quality, distinctive and functional design of developments and Local Plan Policy SDC3, requiring new developments not to harm the character, quality, distinctiveness, or sensitivity of the landscape, or important features and views. Committee also took into account the relevant Policies of the Wingerworth Neighbourhood Plan.

Members discussed the Application. They reflected on the size of the new dwellings and what impact they would have on the amenity of the neighbouring properties. Some Members were concerned that the proposed development would have an unacceptable impact on the surrounding street scene. Other Members noted the officer conclusion that this would be an acceptable development in planning terms. At the conclusion of the discussion Councillor L Hartshorne and Councillor K Rouse moved and seconded a Motion to approve the Application. The motion was put to the vote and was approved.

#### RESOLVED -

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

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

#### CONDITIONS

- 1) The development hereby permitted shall be started within three 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 amended submitted plans:

- SITE LOCATION PLAN; Published 23 Feb 2023
- Drawing no. 1001 Revision 003 SITE LAYOUT; Published 31 May

2023

- Drawing no. 1002 Revision 003 STREET VIEW; Published 31 May 2023
- Drawing no. 1003 Revision 002 PLOT 1 LAYOUT AND ELEVATIONS; Published 25 Apr 2023
- Drawing no. 1004 Revision 002 PLOT 2 LAYOUT AND ELEVATIONS; Published 25 Apr 2023
- Drawing no. 1006 Revision 000 TREE MAINTENANCE DURING CONSTRUCTION; Published 22 Jun 2023

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.

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

- 3) Notwithstanding the submitted details, before development starts, details of the existing ground levels, proposed finished floor levels of the dwellings and the proposed finished ground levels of the site, relative to a datum point which is to remain undisturbed during the development, shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details and the levels shall be retained as such thereafter.

*[Reason: In the interests of the character and appearance of the area.]*

- 4) Before above ground work commences, 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.

*[Reason: In the interests of the character and appearance of the area.]*

- 5) Before development starts, a scheme for mitigating climate change through the sustainable design and construction of the dwellings including the provision of sources of renewable energy. 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.]*

- 6) Notwithstanding the submitted details, before above ground works commence a plan to show the positions, design, materials, height and type of boundary treatments to be erected and/or retained shall be submitted to and approved in writing by the Local Planning Authority.

The approved scheme shall be implemented in full before the development hereby permitted is commenced.

*[Reason: In the interests of the character and appearance of the area.]*

- 7) Notwithstanding the submitted details, before above ground works commence details of the type, layout and materials to be used on hard landscaped areas shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full prior to the occupation of each dwelling.

*[Reason: In the interests of the character and appearance of the area.]*

- 8) Before development starts, the following shall be submitted to and approved in writing by the Local Planning Authority:
- a) a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land,
  - b) the details of any trees and hedgerows to be retained, together with measures for their protection during development,
  - c) a schedule of proposed plant species, size and density and planting locations and
  - d) an implementation programme.

*[Reason: In the interests of the character and appearance of the area.]*

- 9) 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 interests of the character and appearance of the area.]*

- 10) 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.

*[Reason: In the interest of satisfactory and sustainable drainage in accordance with policy SDC11 of the North East Derbyshire Local Plan.]*

- 11) Before development starts a scheme for the provision of surface water drainage works shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full before the development is brought into use and shall be retained as such thereafter.

*[Reason: In the interest of satisfactory and sustainable drainage in*

*accordance with policy SDC11 of the North East Derbyshire Local Plan.]*

12) No development shall commence until;

- a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and;
- b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

*[Reason: The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 183 and 184 of the National Planning Policy Framework. and in accordance with Policy SDC14 of the North East Derbyshire Local Plan.]*

13) Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

*[Reason: To ensure the safety and stability of the development, in accordance with paragraphs 183 and 184 of the National Planning Policy Framework. and in accordance with Policy SDC14 of the North East Derbyshire Local Plan.]*

14) Before the commencement of the development hereby approved:

- a. A Phase I contaminated land assessment (desk-study) shall be undertaken and approved in writing by the local planning authority.
- b. The contaminated land assessment shall include a desk-study with details of the history of the site use including:
  - the likely presence of potentially hazardous gas,
  - their likely nature, extent and scale,
  - whether or not they originated from the site,
  - a conceptual model of pollutant-receptor linkages,
  - an assessment of the potential risks to human health, property (existing or proposed) including buildings, 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 ground gas 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.

*[Reason: To protect future occupiers of the development, buildings, structures/services, ecosystems and controlled waters, including deep and shallow ground water. And in accordance with Policies SDC13 and SDC14 of the North East Derbyshire Local Plan.]*

15) Before the commencement of the development hereby approved:

Where the site investigation identifies unacceptable levels of risk from ground gas, 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 LCRM 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.

The developer shall give at least 14 days notice to the Local Planning Authority (Environmental Health Division) prior to commencing works in connection with the remediation scheme.

*[Reason: To protect future occupiers of the development, buildings, structures/services, ecosystems and controlled waters, including deep and shallow ground water. And in accordance with Policies SDC13 and SDC14 of the North East Derbyshire Local Plan.]*

16) No dwelling/s hereby approved shall be occupied until:

a. The approved remediation works required by condition 14 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 14(b) to condition 15 above and satisfy condition 16(a) above.

c. Upon completion of the remediation works required by condition 15 and 16(a) above a validation report prepared by a competent person shall be submitted to and approved in writing by the local planning authority. The validation report shall include details of the remediation works and Quality Assurance/Quality Control results to show that the works have been carried out in full and in accordance with the approved methodology. Details of any validation sampling and analysis to show the site has achieved the approved remediation standard, together with the necessary waste management documentation shall be included.

*[Reason: To protect future occupiers of the development, buildings, structures/services, ecosystems and controlled waters, including deep and shallow ground water. And in accordance with Policies SDC13 and SDC14 of the North East Derbyshire Local Plan.]*

17) 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.

The developer shall give at least 14 days notice to the Local Planning Authority (Environmental Health Division) prior to commencing works in connection with the remediation scheme.

*[Reason: To protect future occupiers of the development, buildings, structures/services, ecosystems and controlled waters, including deep and shallow ground water. And in accordance with Policies SDC13 and SDC14 of the North East Derbyshire Local Plan.]*

18) 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 interests of highways safety and to protect the amenity*

*of neighbouring users, all in accordance with Policies SS7 and SDC12 of the North East Derbyshire Local Plan.]*

- 19) Before any other operations are commenced, space shall be provided within the site for storage of plant and materials, site accommodation, loading, unloading and manoeuvring of goods vehicles, parking and manoeuvring of employees and visitors vehicles, laid out and constructed in accordance with detailed designs first submitted to and approved in writing by the Local Planning Authority. Once implemented the facilities shall be retained free from any impediment to their designated use throughout the construction period.

*[Reason: In the interests of highway safety and in accordance with Policies SDC12 of the North East Derbyshire Local Plan.]*

- 20) The premises, the subjects of the application, shall not be occupied until the access, parking and turning facilities have been provided as shown on the revised application drawing - Site Plan 1001 Rev 003. Each access shall be provided with maximum visibility sightlines in both directions, measured from a point located centrally and 2.4m back into each access. The area's 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.

*[Reason: In the interests of highway safety and in accordance with Policies SDC12 of the North East Derbyshire Local Plan.]*

- 21) The existing vehicular accesses to Longedge Lane shall be permanently closed with physical barrier's and the existing vehicle crossover's reinstated as footway / verge in a manner to be agreed in writing with the Local Planning Authority in consultation with the County Highway Authority.

*[Reason: In the interests of highway safety and in accordance with Policies SDC12 of the North East Derbyshire Local Plan.]*

- 22) There shall be no gates or other barriers within 5m of the nearside highway boundary and any gates shall open inwards only.

*[Reason: In the interests of highway safety and in accordance with Policies SDC12 of the North East Derbyshire Local Plan.]*

- 23) Prior to occupation of any dwelling hereby approved, a dwell area for bins should be provided, clear of the public highway, for use on refuse collection days. Bin storage should not obstruct the private drive access, parking or turning provision.

*[Reason: In the interests of highway safety and in accordance with Policies SDC12 of the North East Derbyshire Local Plan.]*

- 24) Prior to building works commencing above foundation level, a

Biodiversity Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority. Approved measures shall be implemented in full and maintained thereafter. The Plan shall clearly show positions, specifications and numbers of features, which will include (but are not limited to) the following:

- universal nest boxes at ratio of 1:1, in line with British Standard 42021:2022.
- integrated bat boxes.
- insect bricks.
- fencing gaps 130 mm x 130 mm to maintain connectivity for hedgehogs.
- summary of ecologically beneficial landscaping (full details to be provided in Landscape Plans).

*[Reason: In the interests of the protection and enhancement of biodiversity in accordance with policy SDC4 of the North East Derbyshire Local Plan.]*

- 25) Before development starts, an Arboricultural Method Statement shall be submitted and approved by the local planning authority which details the methodology for the implementation of any aspect of development which is likely to detrimentally affect the retained trees, and explains how this damage will be avoided in accordance with BS 5837 (2012) – Trees in Relation to Design, Demolition and Construction. The development shall then be carried out in accordance with the approved details.

*[Reason: In the interests of the protection of existing trees in accordance with policy SDC2 of the North East Derbyshire Local Plan.]*

**Informative notes:**

- a) DISCON
- b) NMA
- c) Provision of bins
- d) Environmental Health

The proposed development is situated within a Smoke Control Area. This has legal implications for the type of solid fuel appliance which may be installed in the proposed development and types of solid fuel which may be burnt in these appliances. Further information is available at <https://www.gov.uk/smoke-control-area-rules>.

- e) Coal Authority

Under the Coal Industry Act 1994 any intrusive activities, including initial site investigation boreholes, and/or any subsequent treatment of coal mine workings/coal mine entries for ground stability purposes require the prior written permission of The Coal Authority, since such activities can have serious public health and safety implications. Failure to obtain permission will result in trespass, with the potential for court action. In the event that you are proposing to undertake such work in the Forest of Dean local authority area our permission may not be required; it is recommended that you check with us prior to commencing any works. Application forms for Coal Authority

permission and further guidance can be obtained from The Coal Authority's website at: <https://www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property>

#### Highways

- f) Planning permission does not give you approval to work on the public highway. To carry works associated with this planning permission, separate approval must first be obtained from Derbyshire County Council as Highway Authority - this will take the form of a section 184 licence (Highways Act 1980). It is strongly recommended that you make contact with the County Council at the earliest opportunity to allow time for the process to be completed. Information and relevant application forms, regarding the undertaking of access works within highway limits, are available via the County Council's website [www.derbyshire.gov.uk](http://www.derbyshire.gov.uk). email [highways.hub@derbyshire.gov.uk](mailto:highways.hub@derbyshire.gov.uk) or telephone 01629 533190.
- g) Pursuant to Section 127 of the Highways Act 1980, no work may commence within the limits of the public highway to close any redundant accesses and to reinstate the footway / verge without the formal written Agreement of the County Council as Highway Authority. It must be ensured that public transport services in the vicinity of the site are not adversely affected by the development works. Advice regarding the technical, legal, administrative and financial processes involved in Section 127 Agreements may be obtained by contacting this Authority via email – [highways.hub@derbyshire.gov.uk](mailto:highways.hub@derbyshire.gov.uk). The applicant is advised to allow approximately 12 weeks in any programme of works to obtain a Section 127 Agreement.
- h) The Highway Authority recommends that the first 5m of the proposed accesses / driveway's 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 landowner.
- i) Where the site curtilage slopes down towards the public highway provisions within Section 163 of the Highways Act 1980 requires measures to be taken to ensure that surface water run-off from within the site is not permitted to discharge across the footway margin. This usually takes the form of a dished channel or gulley laid across the access immediately behind the back edge of the highway, discharging to a drain or soakaway within the site.

#### **PLA/ NED/23/00025/FL - CLAY CROSS**

**13/2**

**3-24**

The report to Committee explained that an Application had been submitted for the change of use of land to the south-west of Holmgate Community Centre, Mill Lane, Holmgate, Clay Cross, for use as a 'Glamping' site. The Application had been referred to Committee by Councillor C Cupit, who had raised concerns about it.

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

Officers contended that the proposed Glamping Site would be an appropriate Tourism development for the location. Because of the siting, scale, design and proposed use of materials they had concluded that the Development would be respectful to the landscape character of the surrounding countryside area. They also concluded that it would not significantly harm the setting of the nearby Grade II listed buildings.

Although a range of issues had been identified, including noise nuisance, screening, fire risks and light pollution, these could be addressed by imposing appropriate conditions. Officers felt that there were no matters to outweigh the predominance of the Local Plan in determining the Application. On that basis they recommended that the Application should be approved, subject to the conditions set out in the report.

Before the Committee considered the Application it heard from T Watson and A Thomas, who spoke against the Application. It also heard from L Hoggard and A Holmes, the Applicants, who spoke in support of it.

Committee considered the Application. It took into account the site's location outside of the Settlement Development Limits for Clay Cross in the countryside. It considered the relevant local and national Planning policies. These included Local Plan Policy SS9, on appropriate developments to increase visitor accommodation in the countryside, Local Plan Policy WC5, on visitor and tourism development in the countryside and Local Plan Policy SDC3, requiring developments not to cause significant harm to the character of the landscape.

Members discussed the Application. They reflected on what impact the proposed Development would have on the landscape character and on the surrounding area and highways. They also considered the potential economic benefits of the development, by providing new tourist accommodation in the area, while still enabling pastoral farming to take place on the site.

Some Members were concerned that the Glamping Site would operate all year round and that this would have an adverse impact on neighbouring properties. In this context, Committee was informed the proposed new and revised conditions had been agreed by the Applicant, specifying when the Site would be used and to address other issues which had been raised. These new and revised conditions had been included in the Late Representations report at Item 10 on the Agenda.

At the conclusion of the discussion Councillor S Fawcett and T Lacey moved and seconded a Motion to approve the Application. The Motion was put to the vote and was agreed.

#### RESOLVED -

That the Application be conditionally approved, in line with officer recommendations, as set out in the report and encompassing the revised conditions set out in Late Representations Report to Committee.

That 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 submitted plans:

- LOCATION PLAN Drawing No. 221010-01-01; Published 19th January 2023
- PROPOSED LAYOUT PLAN Drawing No. 221010-01-03; Published 19th January 2023
- ADDITIONAL PARKING PLAN Drawing No. N/A; Published 16<sup>th</sup> June 2023
- VISABILITY SPLAY Drawing No. N/A; Published 13th June 2023
- GRILL CABIN 16.5 + 16.5 FACADE (A3) Drawing No. N/A; Published 11th January 2023
- SHOWER CABIN PLAN AND ELEVATIONS Drawing No. N/A; Published 24th January 2023
- GRILL CABIN FLOOR PLAN Drawing No. N/A; Published 24th January 2023
- RECEPTION PLAN AND ELEVATIONS Drawing No. N/A; Published 24th January 2023
- PEAKY GRANDE AND DUO FLOORPLANS WITH DECKING Drawing No. N/A; Published 24th January 2023
- PEAKY DUO ELEVATION Drawing No. N/A; Published 24th January 2023
- PEAKY GRANDE ELEVATIONS Drawing No. N/A; Published 24th January 2023

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.

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

### Highways

- 3) No part of the development hereby permitted shall be occupied until such time as the access arrangements have been provided in accordance with the submitted drawing dated 16/06/2023 and titled ADDITIONAL PARKING PLAN on the Planning Portal has been implemented in full.

*[Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with the National Planning Policy Framework (2021).]*

- 4) No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4 metres by 45 metres have been provided at the site access. These shall thereafter be

permanently maintained with nothing within those greater than 1m in height (0.6m in the case of vegetation) relative to the adjoining nearside carriageway channel level.

*[Reason: To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network, in the interests of general highway safety, and in accordance with the National Planning Policy Framework (2021).]*

- 5) Notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no gates, barriers, bollards, chains or other such obstructions shall be erected to the vehicular access.

*[Reason: To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway in accordance with the National Planning Policy Framework (2021).]*

- 6) The development hereby permitted shall not come in to use until such time as the parking and turning facilities have been provided, hard surfaced and demarcated in accordance with the submitted drawing dated 16/06/2023 and titled ADDITIONAL PARKING PLAN on the Planning Portal. Thereafter the onsite parking provision shall be so maintained in perpetuity.

*[Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally and in the interests of highway safety and in accordance with the National Planning Policy Framework (2021).]*

#### Environmental Health

- 7) Other than within the approved Grill Cabin building hereby approved, there shall be no external fires or BBQ's anywhere else within the application site at any time.

*[Reason: In the interest of the amenity of nearby residential occupiers, neighbouring land uses and air quality of the area.]*

- 8) Before development commences, a Noise Management Scheme shall be submitted to and approved by the Local Planning Authority. The scheme shall include and not be limited to requiring a manager to be on site at all times and there being a no noise policy from 22:00 and 08:00. The approved Noise Management Scheme shall then be implemented in full and adhered to throughout the lifetime of the development.

*[Reason: In the interest of the amenity of nearby residential occupiers and neighbouring land uses.]*

9) Revised Condition 9

Before development commences, a scheme for the provision of foul and surface water drainage works shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full before the development is brought into use and shall be maintained as such thereafter.

*[Reason: In the interests of satisfactory drainage and to protect ground water and surface water from pollution.]*

Cycle Storage

- 10) Before development commences, a scheme of cycle storage shall be submitted to and approved in writing by the Local Planning Authority. The approved cycle storage facility shall be implemented in full prior to the first use of the site and retained free from any impediment for the lifetime of the development.

*[Reason: In the interest of the character and appearance of the site and the surrounding landscape setting, and to ensure adequate cycle storage facilities are available.]*

Refuse/Recycling Details

- 11) Before development commences, details of the proposed refuse/recycling storage area shall be submitted to and approved in writing by the Local Planning Authority. The approved refuse/recycling storage area shall be implemented in full prior to the first use of the site and retained free from any impediment for the lifetime of the development.

*[Reason: In the interest of the character and appearance of the site and the surrounding landscape setting.]*

Ecology and Landscaping

- 12) Before development commences, the following shall be submitted to and approved in writing by the Local Planning Authority:
- a) a scheme of native, species rich, landscaping, which shall include indications of all existing trees and hedgerows on the land,
  - b) the details of any trees and hedgerows to be retained, together with measures for their protection during development,
  - c) a schedule of proposed 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 landscape setting.]*

- 13) 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 landscape setting.]*

- 14) Before development commences, a Biodiversity Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority. the details shall include, and not be limited to, bird and bat mitigation, insect bricks, ecologically beneficial landscaping, etc. The approved Biodiversity Enhancement Plan shall be implemented in full prior to the first use of the site and all features retained as approved for the lifetime of the development.

*[Reason: In the interests of the protection and enhancement of biodiversity in accordance with policy SDC4 of the North East Derbyshire Local Plan.]*

- 15) Notwithstanding the submitted details, prior to the first use of the development hereby approved, a scheme of external lighting shall be submitted to and approved in writing by the Local Planning Authority. the approved lighting scheme shall be implemented in full and retained as such for the lifetime of the development. No additional external lighting over and above those details agreed by this condition shall be installed on site without the prior approval of the Local Planning Authority.

*[Reason: In the interest of the character and appearance of the surrounding countryside setting and to protect nocturnal mammals.]*

### **Informative Notes**

- a) DISCON
- b) NMA  
Highways
- c) The Local Highway Authority has no objection to the above subject to the applicant obtaining a section 184 license. Applicant is required to obtain the permission of Derbyshire Highways details can be found at [www.derbyshire.gov.uk/transport-roads/roads-traffic/licences-enforcements/vehicular-access/vehicle-accesses-crossovers-and-dropped-kerbs.aspx](http://www.derbyshire.gov.uk/transport-roads/roads-traffic/licences-enforcements/vehicular-access/vehicle-accesses-crossovers-and-dropped-kerbs.aspx) or email [highways.hub@derbyshire.gov.uk](mailto:highways.hub@derbyshire.gov.uk) before commencing any works on the highway.  
Environment Agency

The applicant/occupants should phone Floodline on 0345 988 1188 to register for a flood warning, or visit <https://www.gov.uk/sign-up-for-flood-warnings>. It's a free service that provides warnings of flooding from rivers, the sea and groundwater, direct by telephone, email or text message. Anyone can sign up. Flood warnings can give people valuable time to prepare for flooding – time that allows them to move themselves, their families and precious items to safety. Flood warnings can also save lives

and enable the emergency services to prepare and help communities. For practical advice on preparing for a flood, visit <https://www.gov.uk/prepare-for-flooding>. To get help during a flood, visit <https://www.gov.uk/help-during-flood>. For advice on what do after a flood, visit <https://www.gov.uk/after-flood>

#### New Condition 16

Notwithstanding the submitted details, before above ground work commences, precise specification (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.

#### New Condition 17

No touring caravan shall occupy any of the 6 touring caravan pitches that form part of the development hereby approved for a period longer than 28 days in a calendar year, no more than 14 of which shall be consecutive. Touring caravans shall be capable of being towed onto the site by car and no static caravans shall be stationed on the application site at any time and the use shall not take place between 1<sup>st</sup> November and 31<sup>st</sup> March inclusive in any year, and no caravans shall remain on the site during that period.

The site owner/operator shall maintain a register of all of the occupiers of each of the touring caravan pitches and make the register available for inspection in accordance with a written timescale provided by the Local Planning Authority. The register shall include details of names, home addresses and length of stay.

#### New Condition 18

Notwithstanding the provisions of Part C, Class C3 "Dwelling House" to the Schedule of the Town and Country Planning (Use Classes) Order 1987, (or any Order revoking or re-enacting that Order), the glamping lodges/pods hereby approved shall be used for the purpose of holiday accommodation only and for no other purpose, including any other purpose within Class C3 of the Order.

The lodges/pods shall not be occupied by any persons for a total period exceeding 28 days in any calendar year, no more than 14 of which shall be consecutive.

The owner of the site shall maintain a register of occupiers for each calendar year including names, addresses and length of stay, and a copy of the register shall be made available to the Local Planning Authority on request.

#### **PLA/ NED/22/01036/OL - DRONFIELD**

**14/2**

**3-24**

The report to Committee explained that an Application had been submitted for the demolition of the existing buildings and the erection of a Class 'E' Foodstore, together with car parking, access, servicing and other associated works at Wreakes Lane, Dronfield. The Application had been referred to Planning Committee as it would be a Major Development of strategic importance.

Planning Committee was recommended to approve the Application, subject to

conditions. The report to Committee explained the reasons for this.

Members heard that the site lay within the Wreakes Lane Employment Area, which had been designated as a Principal Employment Area for the District. Although officers recognised that placing a retail store there would be contrary to the Development Plan, they had concluded that this change of use would be justified, given the need to provide additional retail capacity in Dronfield. Members were informed that there were no technical objections to the scheme, which could not be overcome by imposing suitable conditions. No neighbouring properties would be adversely affected by the Development and it would not have an unacceptable impact on highway safety.

Committee heard that no one had registered to speak on the Application.

Committee considered the Application. It took into account the site's location in a Principal Employment Area. It considered the local and national planning policies. These included Local Plan Policy SS2 on the provision of employment land, Local Plan Policy WC2, on the retention of District's B-class employment base, Local Plan Policy WC4, on Retail Hierarchy and Town Centre uses. Committee also took into account the presumption within the National Planning Policy in favour of sustainable development to achieve a strong, competitive economy and to ensure the vitality of town centres, as well as the relevant policies of the Dronfield Neighbourhood Plan.

Members discussed the Application. They reflected on the benefits of using the site for a new retail store rather than retaining it for employment use. Members discussed the possible road traffic impact of the development. Some Members suggested that it would be appropriate for a 'Pelican' or 'Puffin' pedestrian crossing to be installed to help ensure road safety and felt that this should be a condition for approving the Application. The officers explained that this proposed condition could be raised with the Applicant. If the additional condition was not agreed by them then the matter would be referred back to Committee for further consideration.

At the conclusion of the discussion Councillor D Cheetham and K Rouse moved and seconded a Motion to approve the Application, with a Delegation to the Planning Manager (Development Manager) to seek the installation of a Pelican or Puffin crossing to access the site at Wreakes Lane as an additional condition for approval. The Motion was put to the vote and was agreed.

#### RESOLVED -

That the Application be conditionally approved, in line with officer recommendations and subject to a Section 106 Agreement with the Developer and the agreement of an additional condition on the installation of a Pelican or Puffin pedestrian crossing to and from the site.

That the final wording of the Conditions and Section 106 Agreement be delegated to the Planning Manager (Development Management).

#### **S106 Heads of Terms**

- The Travel Plan monitoring fee is: £1,265.00 pa x five years, total £6,325.00.
  - Bus taster tickets : 28 Day Stagecoach Silver Megarider 1 no. per employee at £72 each. Therefore for a total number of 40 employees this would be £2,880.00
- S106 Total = £9205

## Conditions

1. Applications for approval of reserved matters are required before development can start and shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall be started within two years from the date of the approval of the last of the reserved matters to be approved.

To conform with Section 91 (1) of the Town and Country Planning Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).

2. Approval of the details of the appearance of the building(s) and the landscaping of the site (called the “reserved matters”) shall be obtained from the Local Planning Authority in writing before any development is started.

REASON: The application is made in outline only and to conform with section 92 (2) of the Town and Country Planning Act 1990 (as amended).

3. The development hereby approved shall be carried out in accordance with the details shown on the following plans and documents:-

- B035432-TTE-00-XX-PL-D-003 REV P03 Proposed Site Access General Arrangement with Additional Ametek Access.
- Stage 1 Road Safety Audit
- Flood Risk Assessment dated 11/10/2022
- Framework Travel Plan revision 01 dated March 2023
- Ecological Appraisal B029838 v1
- Transport Assessment received 08/11/2022
- 7236 / 20 The Location Plan
- 7236 / 21 Proposed Site Plan
- 7236 / 22 Proposed plan and Roof Plan
- 7236/24 Section –Proposed
- 7236/25 Section – Proposed
- Bat Survey
- Design and Access Statement
- Planning Statement

REASON: For clarity and the avoidance of doubt

## Employment and Training

4. Before the development hereby approved commences, a scheme to enhance and maximise employment and training opportunities during the construction

stage (and post 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.'

### **Design, Character and Appearance**

5. The details included in the reserved matters shall include a a scheme for mitigating, climate change through the sustainable design and construction of the retail unit hereby approved, including the provision of sources of renewable energy shall be submitted to and approved in writing by the local Planning Authority. Thereafter the approved scheme shall be implemented in full prior to the first occupation of the retail unit and shall be retained as such thereafter.

REASON: in the interests of mitigating climate change and in accordance with policies SS1, and SDC12.

6. Before any above ground construction starts details of the boundary treatments of the site shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme of boundary treatments shall be completed in full prior to the first operation of the retail unit hereby approved and shall be retained as such thereafter.

REASON: In the interests of the appearance of the area and in accordance with policy SDC12 of the North East Derbyshire Local Plan.

7. Before any above ground construction starts , 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 and in accordance with Policy SDC12 of the North East Derbyshire Local Plan.

8. Prior to the first use of the building, hereby approved, a scheme for external CCTV coverage of all car parking and publicly accessible areas shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the first use of the building, hereby approved, and be retained as such thereafter.

REASON: In the interests of crime prevention and the amenity of the area in accordance with policy SDC12 of the North East Derbyshire Local Plan.

9. Prior to the first use of the building details of the vehicular barrier to close off the site when the store is closed shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the first use of the building and be retained as such thereafter.

REASON: In the interests of crime prevention and the amenity of the area in accordance with policy SDC12 of the North East Derbyshire Local Plan.

## **Land Contamination and Ground Stability**

10. Before the commencement of the development hereby approved the site investigation strategy as identified in the Desk Study report Ref E13429/1 submitted with the application shall be undertaken by a competent person in accordance with the current UK requirements for sampling and analysis.

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

The developer shall give at least 14 days notice to the Local Planning Authority (Environmental Health Division) prior to commencing works in connection with the remediation scheme.

REASON: To protect future occupiers of the development, buildings, structures/services, ecosystems and controlled waters, including deep and shallow ground water in accordance with Policy SDC13 of the North East Derbyshire Local Plan.

11. No buildings hereby approved shall be occupied until:

a) The approved remediation works required by 10 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, 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 the Phase I contaminated land assessment (desk-study) ref E13429/1 submitted with the application and through the process described in 10 above.

c) Upon completion of the remediation works required by 10 above a validation report prepared by a competent person shall be submitted to and approved in writing by the local planning authority. The validation report shall include details of the remediation works and Quality Assurance/Quality Control results to show that the works have been carried out in full and in accordance with the approved methodology. Details of any validation sampling and analysis to show the site has achieved the approved remediation standard, together with the necessary waste management documentation shall be

included.

REASON: To protect future occupiers of the development, buildings, structures/services, ecosystems and controlled waters, including deep and shallow ground water in accordance with Policy SDC13 of the North East Derbyshire Local Plan.

12. No development shall commence (excluding the demolition of existing structures and site clearance) until;

a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past shallow coal mining activity; and

b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

REASON: In order to ensure the safety and stability of the development, in accordance with paragraphs 183 and 184 of the National Planning Policy Framework.

13. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

REASON: In order to ensure the safety and stability of the development, in accordance with paragraphs 183 and 184 of the National Planning Policy Framework.

### **Drainage**

14. The development shall be carried out in accordance with the details shown on the submitted report "Flood Risk Assessment' 7870 (rev P03) prepared by MJM, dated 11/10/22" and the approved details shall be implemented in full prior to the first use of the building and be retained as such thereafter.

REASON: In the interests of satisfactory drainage of the site and in accordance with Policy SDC11 of the North East Derbyshire Local Plan

15. Before development starts, a scheme for the provision of surface water drainage works shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall also ensure that all surface water from

access and car park areas is passed through interceptors. The approved scheme shall then be implemented in full before the development, hereby approved, is first brought into use and shall be maintained as such thereafter

REASON: In the interests of satisfactory drainage of the site and in accordance with Policy SDC11 of the North East Derbyshire Local Plan

16. 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. MJM Consulting Engineers. (11/10/2022) Flood Risk Assessment, version P03, Nutter, K. (2023). Email to Philip Slater, 13 March, and Nutter, K. (2023). Email to Philip Slater, 19 May, including any subsequent amendments or updates to those documents as approved by the Flood Risk Management Team,
  - b. And DEFRA's Non-statutory technical standards for sustainable drainage systems (March 2015)
- has been submitted to and been approved in writing by the Local Planning Authority. The agreed scheme shall then be implemented as agreed and be retained a such thereafter.

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. In accordance with Policy SDC11 of the North East Derbyshire Local Plan.

17. Prior to commencement of the development, the applicant shall submit for approval in writing 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 then be operating as agreed before the commencement of any works.

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. In accordance with Policy SDC11 of the North East Derbyshire Local Plan.

18. Prior to the first use of the development, hereby approved, a verification report carried out by a qualified drainage engineer must be submitted to and be approved in writing 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. In accordance with Policy SDC11 of the North East

Derbyshire Local Plan.

## **Ecology**

19. No vegetation clearance shall take place between 1st March and 31st August inclusive, unless preceded by a nesting bird survey undertaken by a competent ecologist no more than 48 hours prior to clearance. If nesting birds are present, an appropriate exclusion zone will be implemented and monitored until the chicks have fledged. No works shall be undertaken within exclusion zones whilst nesting birds are present.

REASON: In the interests of protecting wildlife and in accordance with policies SDC4 of the North East Derbyshire Local Plan

20. Prior to any building works, hereby approved, commencing above foundation level, a Biodiversity Enhancement Plan, including a timetable for its implementation, shall be submitted to and be approved in writing by the Local Planning Authority. The approved scheme shall then be implemented in full as agreed and be maintained thereafter. The Plan shall clearly show positions, specifications and numbers of features, which will include (but are not limited to) the following:

- integral, external and/or tree-mounted nest boxes.
- integral, external and/or tree-mounted bat boxes.
- insect bricks or blocks.
- boundary fencing gaps 130 mm x 130 mm to maintain connectivity for hedgehogs.
- summary of ecologically beneficial landscaping (full details to be provided in Landscape Plans).
- details of sensitive lighting to western boundary

REASON: In the interests of protecting wildlife and in accordance with policies SDC4 of the North East Derbyshire Local Plan

## **Highways**

21. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on Drawing No. B035432-TTE-00-XX-PL-C-003-P03 have been implemented in full.

REASON: in the interests of highway safety and in accordance with Policies SDC12 and ID3 of the North East Derbyshire Local Plan.

22. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with the Proposed Site Plan drawing number 7236/21 Rev G Thereafter the onsite parking provision shall be retained in perpetuity.

REASON: In the interests of highway safety and in accordance with Policies SDC12 and ID3 of the North East Derbyshire Local Plan.

23. The development hereby approved shall not be brought into use until visibility splays are provided from a point 0.6m above carriageway level at the centre of

the access to the application site and 2.4 metres back from the near side edge of the adjoining carriageway, (measured perpendicularly), for a distance of 54.6 metres in a southerly direction and 53.3 metres in a northern direction measured along the nearside edge of the adjoining carriageway and offset a distance of 0.6 metres from the edge of the carriageway. These splays shall thereafter be permanently kept free of all obstructions to visibility over 0.6m in height above carriageway level.

REASON: In the interests of highway safety and in accordance with Policies SDC12 and ID3 of the North East Derbyshire Local Plan.

24. The development hereby approved shall not be brought into use until sheltered, secure and accessible bicycle and motorcycle parking has been provided in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority. The storage area shall be maintained for this purpose thereafter.

REASON: To promote sustainable travel and healthy communities and in accordance with Policies SDC12 and ID3 of the North East Derbyshire Local Plan

25. Notwithstanding the submitted details, the development hereby approved shall not be brought into use until an updated Travel Plan has been submitted to and approved in writing to the Local Planning Authority that promotes sustainable forms of travel to the development site and this has been approved in writing by the Local Planning Authority. The submitted details shall use Modeshift STARS Business to carry out this process and include mechanisms for monitoring and review over the life of the development and timescales for implementation. The approved Travel Plan shall be implemented, monitored and reviewed in accordance with the approved details.

REASON: In the interests of highway safety and in accordance with Policies SDC12 and ID3 of the North East Derbyshire Local Plan.

26. Prior to the commencement of the development, hereby permitted, details of a construction management plan shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the demolition/construction period. The plan/statement shall include but not be restricted to:
- Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
  - Advisory routes for construction traffic;
  - Any temporary access to the site;
  - Locations for loading/unloading and storage of plant, waste and construction materials;
  - Method of preventing mud and dust being carried onto the highway;
  - Arrangements for turning vehicles;
  - Arrangements to receive abnormal loads or unusually large vehicles;
  - Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

REASON: In the interests of highway safety and in accordance with Policies SDC12 and ID3 of the North East Derbyshire Local Plan.

## Notes

### **Alterations to Vehicular Access**

1. The Local Highway Authority has no objection to the above subject to the applicant obtaining a section 184 license. The construction of a new access will require the extension of a verge and/or footway crossing from the carriageway under the Highways Act 1980 - Section 184 and the Applicant is required to obtain the permission of Derbyshire Highways details can be found at [www.derbyshire.gov.uk/transport-roads/roads-traffic/licences-enforcements/vehicular-access/vehicle-accesses-crossovers-and-dropped-kerbs.aspx](http://www.derbyshire.gov.uk/transport-roads/roads-traffic/licences-enforcements/vehicular-access/vehicle-accesses-crossovers-and-dropped-kerbs.aspx) or email [highways.hub@derbyshire.gov.uk](mailto:highways.hub@derbyshire.gov.uk) before commencing any works on the highway.

### **Works on the Public Highway**

2. The development hereby approved includes the carrying out of work on the adopted highway. You are advised that before undertaking work on the adopted highway you must enter into a highway agreement under Section 278 of the Highways Act 1980 with the County Council, which would specify the works and the terms and conditions under which they are to be carried out.

Contact the Highway Authority's Implementation team at [development.implementation@derbyshire.gov.uk](mailto:development.implementation@derbyshire.gov.uk) allowing sufficient time for the preparation and signing of the Agreement. You will be required to pay fees to cover the Council's costs in undertaking the following actions:

Drafting the Agreement

A Monitoring Fee

Approving the highway details

Inspecting the highway works

Planning permission is not permission to work in the highway. A Highway Agreement under Section 278 of the Highways Act 1980 must be completed, the bond secured and the Highway Authority's technical approval and inspection fees paid before any drawings will be considered and approved.

The development hereby approved and any associated highway works required, is likely to impact on the operation of the highway network during its construction (and any demolition required). You are advised to contact the Highway Authorities Network Management Team at [www.derbyshire.gov.uk/transport-roads/roads-traffic/roadworks/roadworks.aspx](http://www.derbyshire.gov.uk/transport-roads/roads-traffic/roadworks/roadworks.aspx) before undertaking any work, to discuss any temporary traffic management measures required, such as footway, Public Right of Way, carriageway closures or temporary parking restrictions a minimum of eight weeks prior to any activity on site to enable Temporary Traffic Regulation Orders to be prepared and a programme of Temporary Traffic Management measures to be agreed.

## **Travel Plan**

The proposed development will require a Travel Plan as part of the transport mitigation package (together with a Monitoring Fee and Default Payment) and the Applicant/Developer is required to enter into a legally binding Planning Obligation Agreement with the County Council to secure the Travel Plan.

Derbyshire County Council has published guidance on how it expects travel plans to be prepared, this guidance is freely available from the County Councils website. As part of this process the applicant must register for Modeshift STARS and ensure that their targets have been uploaded so that progress on the implementation of the Travel Plan can be monitored.

Modeshift STARS Business is a nationally accredited scheme which assists in the effective delivery of travel plans, applicant can register at [www.modeshiftstars.org](http://www.modeshiftstars.org)

## **Construction Management Plan (CMP)**

It is expected that contractors are registered with the Considerate Constructors scheme and comply with the code of conduct in full, but particularly reference is made to “respecting the community” this says:

Constructors should give utmost consideration to their impact on neighbours and the public

- Informing, respecting and showing courtesy to those affected by the work;
- Minimising the impact of deliveries, parking and work on the public highway;
- Contributing to and supporting the local community and economy; and
- Working to create a positive and enduring impression, and promoting the Code.

The CMP should clearly identify how the principal contractor will engage with the local community; this should be tailored to local circumstances. Contractors should also confirm how they will manage any local concerns and complaints and provide an agreed Service Level Agreement for responding to said issues.

Contractors should ensure that courtesy boards are provided, and information shared with the local community relating to the timing of operations and contact details for the site coordinator in the event of any difficulties. This does not offer any relief to obligations under existing Legislation.

### **PLA/ NED/23/00381/FL - BRACKENFIELD**

**15/2**

**3-24**

The report to Committee explained that an Application had been submitted for the conversion and change of use of an Outbuilding, with extensions, to form a two-storey dwelling at Carr Lane Farm, White Carr Lane, Brackenfied. The proposed

dwelling would have Velux roof lights and a Private Drainage System.

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

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

Officers had concluded that the dwelling would be an unacceptable development in this countryside location. The extent of the proposed works would go beyond what could be considered as a conversion of an existing property. Officers felt that that this would have an unacceptable impact on the rural character of the area and so the Application should be refused.

Before the Committee considered the Application it heard from T Stubbins, the Agent for the Application, M Poole and B J Poole, the Applicants, who spoke in support of the Application. No one had registered to speak against the Application.

Committee considered the Application. It took into account the site's location in the countryside, outside of the Settlement Development Limit (SDL) for Brackenfield. Committee considered the relevant national and local planning policies. These included Local Plan Policy SS9, on development in the countryside, Local Plan Policy SDC1, on the re-use and conversion of buildings in the Green Belt and Countryside and Local Plan SDC12, requiring new developments to be of high-quality design and to make a positive contribution to the quality of the local environment.

Committee also considered Local Plan Policy SD3, requiring new developments not to significantly harm the character, quality and sensitivity of the landscape and Paragraph 80 of the National Planning Policy Framework, on the circumstances when isolated homes in the countryside would be appropriate. They also considered the relevant policies of the Brackenfield Neighbourhood Plan.

Members discussed the Application. They reflected on the site's location with a primary Area of Multiple Environmental Sensitivity (AMES). They considered the size of the proposed dwelling and its potential impact on the landscape. Some Members thought that the proposed development would enable a building to be converted for use as a home and should be welcomed. Other Members were concerned that the new building would be significantly larger than the existing structure, which would harm the character of the area, and felt that the Application should be rejected.

At the conclusion of the discussion Councillor K Rouse and Councillor H Liggett moved and seconded a Motion to refuse the Application, in line with officer recommendations. The Motion was put to the vote and was approved.

#### RESOLVED -

That the Application be refused, in line with officer recommendations.

That the final wording for the refusal of the Application be determined by the

Planning Manager (Development Management).

Reasons

The application site is located within the Countryside and outside of a defined Settlement Development Limit.

The application is considered unacceptable by reason of the extent of the works, the works would go beyond what could be considered as a conversion and would have an unacceptable impact on the rural character of the area and the proposals would fail to respect, conserve, and enhance the distinctive local landscape area.

As such, the proposals would be contrary to policies SS1, SS9, SDC3 and SDC12 of the North East Derbyshire Local Plan, policies CH1, CH2 and H1 of the Brackenfield Neighbourhood Plan and the National Planning Policy Framework when read as a whole.

**PLA/ NED/23/00155/FL - DRONFIELD**

**16/2**

**3-24**

The report to Committee explained that an Application had been submitted to construct a single storey rear extension and to raise part of the existing roof to accommodate a bedroom ensuite area, with a side facing dormer, Velux roof windows and a Juliet balcony to the rear of 80 Shakespeare Crescent, Dronfield.

Members were informed that the proposal had been submitted by a relative of a contractor working for the Council, who has authority for making recommendations on planning applications and appeals. Committee was required under the Council's Constitution to consider the Application, as an objection to the Development had been received from a neighbour.

Committee was recommended to approve the Application. The report to Committee explained the reasons for this. The proposal was in accord with the Development Plan for the District. Officers felt that the single storey extension would be of an appropriate design, as would the proposed alterations to the rear.

Members discussed the Application. As part of this they considered the concerns which had been raised by the objector about the loss of amenity if their property was overlooked by windows. It was explained that a requirement for opaque glazing to be used on the windows was proposed as a condition for approving the Application.

At the conclusion of the discussion Councillor T Lacey and Councillor D Cheetham 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 -**

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

That the final wording of the conditions be determined by the Planning Manager (Development Management.)

## Conditions

### 1. T1 (Full Condition)

The development hereby permitted shall be started within three years from the date of this permission.

**T1R Reason** - To comply with the provision of Section 91 (as amended) of the Town and Country Planning Act 1990.

### 2. T5 (Submitted Plans)

The development hereby approved shall be carried out in accordance with the details shown on drawings received 17/02/2023; unless otherwise subsequently agreed through a formal submission under the Non Material Amendment procedures

**T5R Reason-** For clarity and the avoidance of doubt.

### 3. Glazing

The rear window proposed on the first floor side elevation facing number 82 Shakespeare Crescent and the two side windows facing 82 in the single story rear extension shall be made non-opening and obscure glazed, and shall be maintained as such whilst a window is installed in this position

**Reason** – In the interests of the privacy and amenity of the residents of 82 Shakespeare Crescent.

## PLA/ NED/23/00457/FL - WINGERWORTH

17/2

3-24

The report to Committee explained that an Application had been submitted for a single storey extension and loft conversion, with the creation of a low-level garden retaining wall to form a patio area at 38 Central Drive, Wingerworth.

As required by the Constitution, the Application had been referred to Committee for determination as the Applicant was an employee of the Council, working with the Planning Service team.

Members discussed the Application. They were informed that no comments or representations had been received on the Application. They considered the scope and scale of the proposed development and reflected on how these compared to neighbouring properties. At the conclusion of the discussion Councillor P Elliot and Councillor D Hancock moved and seconded a Motion to approve the Application. The Motion was put to the Vote and was agreed.

### RESOLVED -

That the Application be conditionally approved.

That the final wording of the conditions be determined by the Planning Manager – Development.

Conditions

**T1 (Full Condition)**

The development hereby permitted shall be started within three years from the date of this permission.

**T1R Reason** - To comply with the provision of Section 91 (as amended) of the Town and Country Planning Act 1990.

**T5 (Submitted Plans)**

The development hereby approved shall be carried out in accordance with the details shown on drawing numbers PL\_01 A received 06/06/2023; unless otherwise subsequently agreed through a formal submission under the Non Material Amendment procedures.

**T5R Reason-** For clarity and the avoidance of doubt.

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

**18/2**

**3-24**

The report to Committee explained that three Appeals had been lodged, two Appeals had been allowed and two Appeals had been dismissed.

**PLA/ Matters of Urgency**

**19/2**

**3-24**

None.