

## **PLANNING COMMITTEE**

### **MINUTES OF MEETING HELD ON TUESDAY, 5 DECEMBER 2023**

#### **Present:**

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

Councillor David Cheetham  
Councillor Peter Elliott  
Councillor Mark Foster  
Councillor Heather Liggett  
Councillor Kathy Rouse

Councillor Andrew Cooper  
Councillor Stuart Fawcett  
Councillor David Hancock  
Councillor Fran Petersen

#### **Also Present:**

D Thompson	Assistant Director of Planning
A Kirkham	Planning Manager - Development Management
P Slater	Principal Planning Officer
K Hallam	Senior Planning Officer
K Huckle	Planning Officer
A Maher	Governance Manager
A Bond	Governance Officer
L Ingram	Legal Team Manager & Deputy Monitoring Officer
M E Derbyshire	Members ICT & Training Officer

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

**48/2**

**3-24** None.

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

**49/2**

**3-24** There were no Declarations of Interest. In relation to Item 4: NED/23/00373/FL-KILLAMARSH, Councillor T Lacey made clear that he had not been involved in the social media campaign in support of the Application and that he intended to participate in the Committee's consideration and determination on it.

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

**50/2**

**3-24** The minutes of the meeting held on Tuesday 7 November 2023 were approved as a true record, subject to clarification on Minute PLA/39/23-24: Apologies for Absence and Substitutions, that Councillor S Fawcett had been substituted by Councillor M Durrant, rather than by Councillor D Cheetham.

#### **PLA/ NED/22/01196/FL - UNSTONE**

**51/2**

**3-24** The report to Committee explained that an Application had been submitted for a new development comprising 38 homes, with integrated landscaping and Sustainable Drainage System (SuDS), new access road, relocation of the existing bus stop and parking on land between Unstone Junior School and Unstone Plant Centre, Main Road, Unstone. The Application, which involved Amended Plans,

was classed as a Major Development.

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

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

Members heard that the proposed development would consist solely of affordable properties. These affordable properties would be of a high quality and suitable for flexible living and home working. The development was intended to benefit local ecology and in particular, was expected to result in a net gain in terms of biodiversity on the site. The site would be close to existing public transport and future sustainable transport routes, including a cycle route.

Officers contended that the Application would accord with the Development Plan, and be in line with Local Plan Policy LC3, which allowed for limited affordable new housing to be built within the Green Belt in order to meet local needs. Officers felt that the development would have only a limited impact on the surrounding countryside and noted that the site was adjacent to an existing sustainable settlement. The developer was prepared to make a financial contribution through a 'Section 106' agreement with the Council, to local healthcare, education, and off-site play provision, in order to mitigate the impact on the local area. As there were no technical matters that could not be addressed through appropriate conditions, officers had concluded that the Application should be approved.

Before the Committee considered the Application it heard from Local Ward Member, Councillor A Dale, P Scott, I Wright and J Oldroyd, who objected to the Application. Planning Committee also heard from the Agent for the Application, C Bond, who spoke in support of it.

Committee considered the Application. It took into account the site's location within the Green Belt and outside of any defined Settlement Development Limits, It considered the design of the proposed dwellings and their compatibility with the local area. Committee took into account the relevant local and national planning policies. These included Policy SS9, restricting development in the Countryside, Local Plan Policy SS10 on appropriate development in the Green Belt, and Local Plan Policy LC3, on the specific criteria for when the construction of limited affordable housing within the Green Belt to meet local needs would be permissible. Committee also took into account Local Plan Policy LC4, on the type and mixture of Housing, Local Plan Policy SDC12 on High Quality Design and Place-making and the overarching aims of the National Planning Policy Framework.

Members discussed the Application. Some Members queried whether the proposed development would be appropriate for a Green Belt location. They contended that the development would not be in line with all of the specific criteria set out in Local Plan Policy LC3, for when it would be permissible to build affordable housing within the Green Belt in order to meet local needs. Specific reference was made to criterion a of the policy and whether the housing would meet a proven need for Unstone rather than a wider more general need and that the housing needs survey submitted identified only that there was the need for 7

units in Unstone.

They felt that this would not be compliant with the policy.

Reference was also made to a Planning Appeal decisions elsewhere in the country where the issue of harm to the Green Belt was discussed.

Other Members felt that the proposed development would be in line the relevant Local and National Planning Policies, including Local Plan Policy LC3 and that the Application should be approved.

At the conclusion of the discussion, Councillor M Foster and Councillor P Elliot moved and seconded a motion to refuse the Application on the grounds that it would not be compliant with Local Plan Policy LC3 (c) and Paragraph 149(f) of the National Planning Policy Framework.

The Motion was put to the vote and was defeated.

Councillor T Lacey and D Cheetham then moved and seconded a Motion that the Application be approved 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, subject to the prior completion of a Section 106 Agreement to address the issues specifically set out in the report and to provide entirely for affordable housing.

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

#### Section 106 Heads of Terms:

Affordable housing.

Public open space - £39,716.80 towards existing off-site provision with a 10 year maintenance fee of £15,546.19.

Health care - NHS chesterfield Royal Hospital - £82,887.

Education - £308,363.77 for the provision additional education facilities for 11 Secondary with Post 16 pupil(s) at Dronfield Henry Fanshawe School

#### **Conditions (Subject to wording of the resolution as set out above)**

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 details shown on the following plans:-

0519/ROG/6756 – Topographic Survey  
624\_D100 – Demolition Plan  
624\_P1000 A Proposed Site Location Plan

624\_P1001 Proposed Site layout Plan  
624\_SK051 Site Layout (1:1250 @ A1)  
RBA-UMR-101 F Site Plan

624\_P100 Proposed-T1-Lower Ground/Ground Floor Plans  
624\_P101 Proposed-T1-First Floor/Roof Plans  
624\_P102 Proposed T2A Ground Floor Plan  
624\_P103 Proposed T2A First Floor/Roof Plan  
624\_P104 Proposed T2B Ground Floor Plan  
624\_P105 Proposed T2B First Floor/Roof Plan  
624\_P106 Proposed T3A Ground Floor Plan  
624\_P107 Proposed T3A First Floor/Roof Plan  
624\_P108 Proposed T3B Ground Floor Plan  
624\_P109 Proposed T3B First Floor/Roof Plan

624\_P1100 Proposed-Site Plan-Lower Level-T3-Ground Floor  
624\_P1101 Proposed-Site Plan-Lower Level-T3-First Floor  
624\_P1102 Proposed-Site Plan-Upper Level-T2-Ground Floor/T1  
Basement  
624\_P1103 Proposed-Site Plan-Upper Level-T2-First Floor/T1-Ground  
Floor  
624\_P1104 Proposed-Site Plan-Upper Level-T1-First Floor  
624\_P1105 Proposed Site Plan- Roof Level  
624\_P1200 Proposed-Site Elevation-Main Road

624\_P1300 Proposed Site Section AA  
624\_P200 Proposed Elevations – T1  
624\_P201 Proposed Elevations T2a  
624\_P202 Proposed Elevations T2b  
624\_P203 Proposed Elevations T3a  
624\_P204 Proposed Elevations T3b

624\_P400 Proposed-House Types-01-2b4p  
624\_P401 Proposed-House Types-02-3b5p-End Terrace  
624\_P402 Proposed-House Types-02-3b5p-Mid Terrace  
624\_P403 Proposed-House Types-03-2b4p  
624\_P404 Proposed-House Types-04-3b5p-End Terrace  
624\_P405 Proposed-House Types-04-3b5p-Mid Terrace  
624\_P406 Proposed-House Types-05-2b3p-WCA  
624\_P407 Proposed-House Types-06&07-2b3p

RBA-UMR-111 G General Arrangement Plan 01  
RBA-UMR-112 G General Arrangement Plan 02  
RBA-UMR-113 G General Arrangement Plan 03

RBA-UMR-121 D Proposed Levels 01  
RBA-UMR-122 D Proposed Levels 02  
RBA-UMR-123 D Proposed Levels 03  
RBA-UMR-131 C Furniture Proposals Plan 01  
RBA-UMR-132 C Furniture Proposals Plan 02  
RBA-UMR-133 C Furniture Proposals Plan 03

RBA-UMR-211 C SuDS Detail Plan 01  
RBA-UMR-212 C SuDS Detail Plan 02  
RBA-UMR-213 B SuDS Detail Plan 03  
RBA-UMR-311 B Planting Strategy Plan 01  
RBA-UMR-312 B Planting Strategy Plan 02  
RBA-UMR-313 B Planting Strategy Plan 03

RBA-UMR-551 B Proposed Sections 01  
RBA-UMR-552 B Proposed Sections 02  
RBA-UMR-553 B Proposed Sections 03  
RBA-UMR-711 D Landscape Strategy

RBA-UMR-712 C Access and Circulation Strategy  
RBA-UMR-713 D Sustainable Drainage Strategy (SuDS)  
RBA-UMR-715 F Boundary Treatment Strategy  
RBA-UMR-717 B Landscape Character  
RBA-UMR-718 B Key landscape Zones

MNR 01 Tree Survey  
MNR 03 Tree Constraints Plan  
MNR 04 Tree Protection Plan

1281-01-CE-XX-ZZ-SK-C-4010 P6 Site Entrance Layout Study Full Bus  
Layby (dated 18/10/2023)  
1281-01-CIV-XX-XX-D-H-40007 P1 Site Entrance Visibility Splays

J3130-R2-SYHA Acoustic Report Rev 2  
Archaeological Desk  
Archaeological Evaluation Report September 2023  
610-2023-118-01 Stage 1 Road Safety Audit 20 March 2023  
Biodiversity Metric  
Biodiversity Impact Assessment  
Arboricultural Impact Assessment  
SuDS Surface Water Design Statement  
RBA-UMR-851 Landscape Appraisal rev B  
Transport Assessment  
Sustainability Appraisal  
Preliminary Ecological Appraisal  
Geo-Environmental Report  
Gas Monitoring Report  
Flood Risk Assessment  
Design and Access Statement  
Adoptable Highway Drainage and Foul Drainage Strategy (November  
2022)

### **Employment and Training**

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

Reason: In the interests of creating sustainable development in accordance with policy SS1 of the North East Derbyshire Local Plan

### **On-Site Public Spaces**

4. Prior to the first occupation of any dwelling, hereby approved, a scheme for the delivery and future maintenance of all on site public open space, and a timetable for its implementation relative to the completion of dwellings hereby approved, shall be submitted to and be approved in writing by the Local Planning Authority. Thereafter the approved scheme shall be implemented in full as agreed and then the public open space shall be maintained as such thereafter.

Reason: In the interest of the appearance of the area and in accordance with policies SS1 and SDC12 of the North East Derbyshire Local Plan

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

5. 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 buildings or the completion of the development, whichever is the sooner. Any plants or trees which within a period of 5 years from the completion of 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.

Reason: In the interest of the appearance of the area and in accordance with policies SS1, LC4, and SDC12 of the North East Derbyshire Local Plan

6. Before any above ground works commence, precise specifications (including the manufacturer, range and colour details where applicable) or samples of the walling and roofing materials to be used, shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

Reason: In the interest of the appearance of the area and in accordance with policies SS1, LC4, and SDC12 of the North East Derbyshire Local Plan.

7. Before development starts details of the accessible and adaptable dwellings (to at least M4(2) of the Building Regulations 2015 or any

subsequent government standard.) shall be submitted to and approved in writing by the Local Planning Authority. At least 20% of the units shall meet this standard, and be implemented in accordance with the approved details. Once provided the dwellings so identified shall be retained as such thereafter.

Reason: In the interests of creating sustainable development in accordance with policies SS1 and LC4 of the North East Derbyshire Local Plan.

8. Before development starts the submitted tree protection measures shall be installed in full as set out in the MNR 04 Tree Protection Plan and the methodologies described within the Arboricultural Impact Assessment and then be retained as such during the entire period of construction.

Reason: In the interest of the appearance of the area and in accordance with policies SS1, LC4, and SDC12 of the North East Derbyshire Local Plan.

9. The boundary treatments shall be implemented in accordance with RBA-UMR-715 F Boundary Treatment Strategy. The respective boundary treatments shall be installed in full on occupation of each respective plot and be retained as such thereafter.

Reason: In the interest of the appearance of the area and in accordance with policies SS1, LC4, and SDC12 of the North East Derbyshire Local Plan.

10. The proposed finished floor levels of the dwellings, hereby approved, and the proposed finished ground levels of the site shall be implemented in accordance with drawings RBA-UMR-121 D Proposed Levels 01; A-UMR-122 D Proposed Levels 02; RBA-UMR-123 D Proposed Levels 03.

Reason: In the interest of the appearance of the area and in accordance with policies SS1, LC4, and SDC12 of the North East Derbyshire Local Plan.

11. The development shall be carried out in accordance with the Sustainability Appraisal and then be retained as such thereafter.

Reason: In the interests of creating sustainable development in accordance with policy SS1 of the North East Derbyshire Local Plan.

## **Highways**

12. The Development hereby approved shall not be occupied until the parking and turning facilities have been provided as shown on drawing no. RBA-UMR-101 Revision F titled Site Plan.

Reason: In the interests of highway safety and in accordance with policy ID3 of the North East Derbyshire Local Plan

13. The development hereby approved shall not be occupied until the highway improvements/offsite works/site access works as shown on drawing no. 1281-01-CEXX-ZZ-SK-C-4010 Rev P06 titled Site Entrance Layout Study Full Bus Layby, have been constructed and completed.

Reason: In the interests of highway safety and in accordance with policy ID3 of the North East Derbyshire Local Plan

14. No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays detailed on Site Entrance Visibility Splays drawing no. 1281-01-CIV-XX-XX-D-H-40007 Revision P01 have been provided at the site access. These shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway and retained as such thereafter.

Reason: In the interests of highway safety and in accordance with policy ID3 of the North East Derbyshire Local Plan.

15. The development hereby approved shall not be occupied until the means of access for vehicles, pedestrians and cyclists have been constructed and completed in full as shown on drawing no. 1281-01-CEXX-ZZ-SK-C-4010 Rev P06 titled Site Entrance Layout Study Full Bus Layby and retained as such thereafter.

Reason: In the interests of highway safety and in accordance with policy ID3 of the North East Derbyshire Local Plan.

16. Prior to 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
- Highway Condition survey;
- 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 policy ID3 of the North East Derbyshire Local Plan.

## **Ecology**

17. No development shall take place (including ground works, vegetation



clearance and movement of plant, machinery and materials) until a Construction Environmental Management Plan (CEMP: Biodiversity), and a timetable for its implementation, has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall be based on recommendations in Section 5 of the Preliminary Ecological Appraisal (Weddle Landscape Design, Revision A September 2022) and include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of “biodiversity protection zones”.
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction.
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs. The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

The agreed details shall then be implemented as approved.

Reason: Reason: To safeguard the ecology of the site and ensure ecological interest is conserved in accordance with Policy SDC4 of the North East Derbyshire Local Plan.

18. A Landscape and Biodiversity Enhancement and Management Plan (LBEMP) , including a timetable for its implementation, shall be submitted to, and be approved in writing by, the LPA prior to the commencement of the development. The aim of the LBEMP is to enhance and sympathetically manage the biodiversity value of onsite habitats, in accordance with the proposals set out in the submitted Biodiversity Metric (Weddle Landscape Design, 05.01.23) and to achieve no less than a +13.26 % net gain. The LBEMP should combine both the ecology and landscape disciplines and shall be suitable to provide to the management body responsible for the site. It shall include the following:-

- a) Description and location of features to be retained, created, enhanced and managed, as per the approved biodiversity metric.
- b) Aims and objectives of management, in line with desired habitat conditions detailed in the metric.
- c) Appropriate management methods and practices to achieve aims and objectives.
- d) Prescriptions for management actions.
- e) Preparation of a work schedule (including a 30-year work plan capable of being rolled forward in perpetuity).
- f) Details of the body or organization responsible for implementation of

- the plan. g) A monitoring schedule to assess the success of the habitat creation and enhancement measures at intervals of 1, 2, 3, 4, 5, 10, 15, 20, 25 and 30 years. h) A set of remedial measures to be applied if conservation aims and objectives of the plan are not being met.
- i) Detailed habitat enhancements for wildlife, in line with British Standard BS 42021:2022.
  - j) Requirement for a statement of compliance upon completion of planting and enhancement works.

The LBEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The approved plan shall then be implemented in accordance with the approved details and be retained as such thereafter..

## **Drainage**

- 19. The development shall be carried out in accordance with the details shown on the submitted report, "Adoptable Highway Drainage and Foul Drainage Strategy' 1281-01 prepared by Civic Engineers, dated 22/11/22". The approved scheme shall be implemented in full prior to the first occupation of the dwellings and 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.
  
- 20. No development shall take place until a detailed design and associated management and maintenance plan of the surface water drainage for the site, including a timetable for implementation, in accordance with the principles outlined within:
  - a. Flood Risk Assessment prepared by KRS Environmental Ltd, Reference KRS.0284.003. R.001.C, dated April 2022.
  - b. Adoptable Highway Drainage and Foul Drainage Strategy prepared by Civic Engineers, Reference SYHA – Unstone, Derbyshire, dated 22 November 2022.
  - c. SuDS Surface Water Design Statement prepared by Robert Bray Associates, referenced RBA-UMR-802 B, dated 28th August 2022, "including any subsequent amendments or updates to those documents as approved by the Flood Risk Management Team".
  - d. And DEFRA's Non-statutory technical standards for sustainable drainage systems (March 2015), has been submitted to and approved in writing by the Local Planning Authority.

The agreed scheme shall then be implemented as agreed.

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

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

Reason: To ensure surface water is managed appropriately during the construction phase of the development, so as not to increase the flood risk to adjacent land/properties or occupied properties within the development and in accordance with policy SDC11 of the North East Derbyshire Local Plan

22. The attenuation basins, hereby approved, shall not be brought into use until such a time as it/they is/are fully designed and constructed in line with CIRIA SuDS manual C753 and to the agreed specifications, and an associated management and maintenance plan, in line with CIRIA SuDS Manual C753 is submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed attenuation pond does not increase flood risk, that the principles of sustainable drainage are incorporated into the proposal, the system is operational prior to first use and that maintenance and management of the sustainable drainage systems is secured for the future and in accordance with policy SDC11 of the North East Derbyshire Local Plan.

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

Reason: : To ensure that the drainage system is constructed to the national Non-statutory technical standards for sustainable drainage and CIRIA standards C753 and in accordance with policy SDC11 of the North East Derbyshire Local Plan .

### **Ground Conditions**

24. Before the commencement of construction works, including any demolition in connection with the development hereby approved, a construction environmental management plan, including a timetable for its implementation, to minimise the impacts of noise and airborne dust from the site during construction and demolition periods shall be submitted to and be approved in writing by the Local Planning Authority. The construction phase of development shall then be undertaken in accordance with the approved scheme.

Reason: To protect future occupiers of the development, buildings, structures/services, ecosystems and controlled waters, including deep and shallow ground water.

### **Amenity**

25. Construction works on site and deliveries to the site shall be undertaken only between the hours of 07:30am to 18:00pm Monday to Friday and 7:30am to 13:00pm on Saturday. There shall be no work undertaken on site or deliveries to the site undertaken on Sundays or public holidays.

Reason: To protect the amenity of nearby property occupiers and users in accordance with policy SDC12 of the North East Derbyshire Local Plan.

26. Prior to the first occupation of any dwelling on the site, a lighting scheme for the stepped walkways., hereby approved, 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 retained as such thereafter.

Reason: in the interest of crime prevention and in accordance with policy SDC12 of the North East Derbyshire Local Plan.

27. Prior to the first occupation of the any dwelling hereby approved a scheme of sound insulation shall be submitted to and approved in writing the Local Planning Authority. The scheme shall be designed following the completion of a sound survey undertaken by a competent person. The scheme shall take account of the need to provide adequate ventilation, which will be by mechanical means where an open window would not achieve the following criteria. Unless otherwise agreed, the scheme shall be designed to achieve the following criteria with the ventilation operating:

Bedrooms 30 dB LAeq (15 Minutes) (2300 hrs – 0700 hrs)

Living/Bedrooms 35 dB LAeq (15 Minutes) (0700 hrs – 2300 hrs)

All Other Habitable Rooms 40 dB LAeq (15 Minutes) (0700 hrs – 2300 hrs)

All Habitable Rooms 45 dB LAm<sub>ax</sub> to occur no more than 6 times per night (2300 hrs – 0700 hrs)

Any outdoor amenity areas 55 dB LAeq (1 hour) (0700 hrs – 2300 hrs)

The scheme as approved shall be validated by a competent person and a validation report submitted to and approved in writing by the local planning authority] The approved scheme shall then be implemented in full as agreed in each dwelling to which it relates and be retained as such thereafter.

Reason: To protect the aural amenity of future occupiers of the dwellings in accordance with Policies SDC12 and SDC13 of the North East Derbyshire Local Plan.

**PLA/ NED/23/00373/FL - KILLAMARSH**

**52/2**

**3-24**

The report to Committee explained that an Application had been submitted for the Change of Use from Retail Shop to Micro Pub, including a two-storey side extension, at 44 Cherry Tree Drive, Killamarsh. This was a resubmission of a previous refused application and involved revised proposals.

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

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

Officers contended that the proposed change of use to a Micro Pub and construction of a two-storey side extension would be an acceptable form of development. Although officers acknowledged that there would be potential for greater noise and disturbance as a result of this, they felt that any risk could be controlled through the imposition of appropriate planning conditions. The risk could also be controlled as part of any application for the Micro Pub to serve alcohol on the premises. Members were reminded that such licensing applications were separate to the Planning process.

Before Committee considered the Application it heard from J Groves, Agent for the Application, who spoke in support of it. No one had registered to speak against the Application.

Committee considered the Application. It took into account its location within the Settlement Development Limits for Killamarsh. It considered the relevant Local and National Planning Policies. These included Local Policy SS1 on Sustainable Development and Local Plan Policy SS2, on the Distribution of Development. In this context, Committee was reminded that the Policy seeks to support and enhance the role for Killamarsh and the District's other 'Level 1' towns, by supporting their ability to sustain services and facilities through new development.

Planning Committee took into account Local Plan Policy SS7 on appropriate development Local Plan Policies ID4 and ID5 on the maintenance of Social Infrastructure and Local Plan Policy SD12, High Quality Design and Place making. Committee also took into account the overarching aims of the National Planning Policy Framework.

Members discussed the report. As part of this, they received confirmation that the site for the proposed extension was owned by the Applicant. Some Members raised concerns about the possible noise impact of the change of use. Other Members felt that these concerns could be addressed through the imposition of appropriate conditions and through the separate process for licensing premises to sell alcohol. Some Members raised concerns about the possible impact of the change of use on parking in the surrounding area. Members were informed that the Highway Authority had concluded that the proposed change of use would not result in a greater demand for parking than at the moment.

At the conclusion of the discussion Councillor D Hancock and Councillor K Rouse moved and seconded a Motion that the Application be approved, in line with

officer recommendations. The Application was put to the vote and was approved.

### RESOLVED -

That 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 submitted site location plan (2142), proposed floor plans (02 Rev A) and proposed elevations (03 Rev A) unless otherwise specifically agreed in writing by the Local Planning Authority or otherwise required by any other condition in this decision notice.

Reason- For clarity and the avoidance of doubt.

3. The proposed materials shall match those of the existing building as closely as possible.

Reason - In the interests of the appearance of the area and in accordance with Policies SDC12 of the North East Derbyshire Local Plan

4. The first floor windows proposed in the northern and western elevation of the extension shall be fitted with obscure glazing and any part of the window(s) that is less than 1.7m above the floor of the room in which it is installed shall be non-opening, prior to the extension/dwelling hereby approved being brought into use. The obscure glazing shall be installed in order to provide of level of obscurity at least equivalent to level 3 on the Pilkington Glass scale and the glazing shall be retained as such thereafter.

Reason - To protect the amenity of adjacent residential occupiers and in accordance with Policies SDC12 of the North East Derbyshire Local Plan.

5. Before the development starts, details of the precise design and location of a 1.8m high acoustic barrier shall be submitted to and approved in writing by the Local Planning Authority. Prior to the first use of the premises hereby approved, the acoustic fencing shall be installed in accordance with the approved details and shall be retained as such thereafter.

Reason - To protect the amenity of adjacent residential occupiers and in accordance with Policies SDC12 of the North East Derbyshire Local Plan.

6. Prior to the premises being bought into use, a validation report shall be submitted to and approved in writing by the Local Planning Authority to demonstrate that the upgrades to the party wall and floor construction as per 5.2 and 5.3 of the noise assessment, have been implemented. The upgrades shall be retained as such for the lifetime of the development.

Reason - To protect the amenity of adjacent residential occupiers and in accordance with Policies SDC12 of the North East Derbyshire Local Plan.

7. There shall be no provision of external heating or external music.

Reason - To protect the amenity of adjacent residential occupiers and in accordance with Policies SDC12 of the North East Derbyshire Local Plan.

8. The premises, hereby approved, shall only be open to the public between the hours of 16:00-22:00 Monday to Friday, 13:00-22:00 Saturdays and 13:00-21:30 Sundays.

Reason - To protect the amenity of adjacent residential occupiers and in accordance with Policies SDC12 of the North East Derbyshire Local Plan.

9. The outdoor space associated with the premises, hereby approved, shall only be used in association with it, between the hours of 13:00 and 21:00.

Reason - To protect the amenity of adjacent residential occupiers and in accordance with Policies SDC12 of the North East Derbyshire Local Plan.

10. The first floor of the extension, hereby approved, shall be used solely for the purposes of general storage and admin ancillary to the approved and shall be used for no other purpose for the lifetime of the development.

Reason: To protect the amenity of adjacent residential occupiers and in accordance with Policies SDC12 of the North East Derbyshire Local Plan.

11. No development shall commence until;

- a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the proposed development by past shallow and surface (opencast) 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 - 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.

12. 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 - 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.

**Informatives:**

- a) DISCON
- b) NMA
- c) Coal
- d) Cadent
- e) Bins
- f) Licensing

**PLA/ NED/23/00743/FLH - DRONFIELD**

**53/2  
3-24**

The report to Committee explained that an Application had been submitted for a single storey side extension and the raising of the existing roof, incorporating one Velux window to accommodate bedrooms, at 14 Trent Grove, Dronfield. The Application had been referred to Committee by Local Ward Member, Councillor M Foster, who had raised concerns about it.

Planning Committee was recommended to approve the Application. The report to Committee explained that the proposals would accord with the Development Plan. Officers believed there were no reasons that would outweigh this conclusion, or specific issues which could not be addressed by imposing appropriate conditions.

Before the Committee considered the Application it heard from C Stacey, who spoke against the Application and The Applicant, J Kemp, who spoke in support of it.

Committee considered the Application. As part of this, it took into account the Relevant Local and National Planning Policies. In particular, Local Plan Policy LC5, Residential Extensions, Local Plan Policy SD12, High Quality Design and Place Making Dronfield Neighbourhood Plan Policy D3, Good Design. Committee also took into account the overarching aims of the National Planning Policy Framework and the Successful Places Interim Planning Guidance, adopted in December 2013.



Members discussed the Application. They reflected on the concerns raised about the impact which the development would have on the privacy of the neighbouring single-storey property. Some Members felt that these concerns could be addressed by installing opaque glass on the second-storey windows of the proposed extension and limiting its opening. Committee received confirmation that this requirement could be included in the proposed conditions. Some Members also felt that the windows should be so configured that they could not be opened in ways that looked directly into the rooms of the neighbouring property. They asked that this requirement be included in the conditions for approving the Application.

At the conclusion of the discussion Councillor D Hancock and Councillor S Fawcett 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 officer recommendations and subject to an additional condition requiring restricted opening hinges to be used on the upper-storey extension windows.

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

- 1 The development hereby permitted shall be started within 3 years from the date of this permission.
- 2 The development hereby approved shall be carried out in accordance with the details shown on drawing numbers 01A, 02D, 03B, 04B and 05C received 24/08/2023.
- 3 The window proposed to the first floor rear elevation (the window proposed in the east elevation to bedroom 1) shall be installed as per the design shown on the approved drawing, be of a side-opening design and obscurely glazed. The obscure glazing shall be installed in order to provide a level of obscurity at least equivalent to levels 4 or 5 on the Pilkington Glass scale. Once installed the windows and glazing shall then be maintained as such thereafter (i.e. as two paned, side-opening and obscurely glazed).

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

**54/2**

**3-24**

The report to Committee explained that four appeals had been lodged and one appeal had been allowed. No appeals had been dismissed.

#### **PLA/ Matters of Urgency (Public)**

**55/2**

**3-24**

None.

**PLA/ Exclusion of Public**

**56/2**

**3-24** 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 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 2008).

**PLA/ Review of Appeal Decision at Land South West of Uppertorpe Road, Killamarsh**

**57/2**

**3-24**

The report to Committee explained the results of the Appeal Decision on Application NED18/01003/OL for development at land to the South West of Uppertorpe Road, Killamarsh. Members were reminded of the Committee's original decision on this Application and the reasons for the Planning Inspector's Appeal Decision on it.

RESOLVED –

That Planning Committee noted the report.

**PLA/ Matters of Urgency (Private)**

**58/2**

**3-24** None.