

## **PLANNING COMMITTEE**

### **MINUTES OF MEETING HELD ON TUESDAY, 23 APRIL 2024**

#### **Present:**

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

Councillor David Cheetham  
Councillor Christine Gare  
Councillor Fran Petersen

Councillor Andrew Cooper  
Councillor Heather Liggett

#### **Also Present:**

D Thompson	Assistant Director of Planning
A Kirkham	Planning Manager - Development Management
G Cooper	Principal Planning Officer
L Kassell	Solicitor
J Hayden	Senior Scrutiny Officer
A Bond	Governance Officer
M E Derbyshire	Members ICT & Training Officer
A Maher	Governance Manager

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

**84/2**

**3-24** Councillors P Elliot, M Foster, D Hancock, and K Rouse.

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

**85/2**

**3-24** None.

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

**86/2**

**3-24** The minutes of the meeting held on Tuesday 19 March 2024 were approved as a true record.

#### **PLA/ NED/23/01081/FL - PILSLEY**

**87/2**

**3-24** The report to Committee explained that an Application had been submitted for the change of use of land to use as a residential caravan site for four Gypsy (*the preferred nomenclature of the Applicant, rather than the term Traveller*) households, together with the construction of a driveway, laying of hardstanding and the erection of an ancillary amenity building at land approximately fifty metres east of Padley Wood Lane, Pilsley.

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

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

Officers stated that the location was already being used as a caravan site for Gypsy/Traveller accommodation. Hard surfacing had been laid upon the field, fencing had been installed on either side of a new access point and caravans were in place.

Officers highlighted the contribution which the Development would make towards increasing Gypsy/Traveller accommodation in the District. They pointed out that although the Council could currently demonstrate that it had the required number of Gypsy / Traveller accommodation sites for the next five years, this did not preclude other sites from being established. In this context, they referred to the personal difficulties which the Applicant and their family had had in finding suitable Gypsy/Traveller accommodation sites locally and the problems which this had caused them.

Officers concluded that the benefits of providing additional Gypsy/Traveller accommodation would outweigh any other harm identified. They recommended, therefore, that the Application be approved, subject to appropriate conditions.

Before the Committee considered the Application it heard from Local Ward Member, Councillor K Gillott. It also heard from the Applicant, K Sykes, who spoke in support of the Application.

Committee considered the Application. It took into account the site's location in open countryside. It considered the relevant Local and National Planning Policies. These included the provisions of Local Plan Policy SS9, on the use of land in the countryside for Gypsy/Traveller accommodation, if it was in accordance with Local Plan Policy LC9 on the provision of Gypsy/Traveller sites.

Members discussed the Application. They discussed the improvements that would be required at the site. These included appropriate screening of the Development, replacing the current gravel entrance to the site and the installation of appropriate sanitation arrangements. They also heard about the measures to encourage biodiversity and to protect the nearby Local Wildlife site. Committee was informed how these issues would be addressed through the imposition of appropriate conditions.

Members discussed what weight ought to be given to the additional provision of Gypsy/Traveller accommodation in determining the Application. They took into account the officer assessment that the proposed Development would be in line with Local Plan Policy LC9 on the provision of Gypsy/Traveller sites and that it accords with the overall advice contained in the National Planning Policy Framework (NPPF) and in particular, the Planning Policy for Gypsy/Traveller Sites (PPTS).

At the conclusion of the discussion, Councillor T Lacey and L Hartshorne 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.

That the final wording of the conditions on the Application 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.
- 2 The development hereby approved shall be carried out in accordance with the details shown on the following drawings: Location Plan (dated 11.12.23), Post and Rail Fence (undated and unreferenced but as uploaded to the Council's web site dated 12.12.23), Drawing No.PBA4 (showing vertical wooden boarded fencing and as uploaded to the Council's web site dated 12.12.23), Site Layout Plan (showing a Bin Store and Treatment Plant, as uploaded to the Council's web site dated 01.03.24 and as given at Appendix A of this decision notice), the Amenity Block (dated October 2023 and as uploaded to the Council's web site dated 12.12.23) and the details set out in the submitted Design and Access Statement (dated 11.12.23) unless as otherwise required in conditions set out in this decision notice.
- 3 Permission is hereby granted for 4 caravan pitches only, laid out in accordance with the details shown on the approved Site Layout Plan. Each pitch shall only be used for the stationing and residential use of one static caravan, located as shown on the approved plan.

In addition, permission is hereby granted for the stationing of one touring caravan (i.e. a caravan capable of being towed on the highway by a vehicle) only in accordance with the details shown on the approved drawings. No residential occupation of the touring caravan is permitted at any time.

Twin unit caravans are not permitted.

- 4 Within 14 days of the date of this permission, details of arrangements to receive any abnormal loads or unusually large vehicles at the site shall be submitted to and be approved in writing by the Local Planning Authority. The approved details shall then be adhered to throughout the implementation period of the permission, hereby granted.
5. Permission is hereby granted for 4 pitches only for the sole use and occupation of travellers as defined in "Planning Policy for Traveller Sites (updated 19.12.2023)". Prior to the first, or any subsequent, occupation of any of the pitches, hereby approved, details of the pitch occupants shall be submitted to and be approved in writing by the Local Planning Authority. The pitch(es) shall then be occupied solely by the person(s) so agreed.
- 6 Prior to their first stationing on the site, hereby approved, the precise details/specifications of any/all caravans to be stationed there shall be submitted to and be approved in writing by the Local Planning Authority. The details/specifications shall include the size, type and design, including the sound insulation specification, of each caravan. Only those caravans so approved shall then be installed/placed on the site and no other caravans shall be located there.

- 7 Within 28 days of the date of this permission, details of the existing ground levels, the proposed finished levels of the hardstanding area and of the amenity building, hereby approved, and the proposed finished ground levels of the remainder of the site, relative to a datum point which is to remain undisturbed during the development, shall be submitted to and be 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.
- 8 Notwithstanding any other submitted details, only those fences/boundary treatments expressly shown on the approved Site Layout Plan, or as otherwise agreed by condition of this decision notice, shall be erected/placed or located on the site.

Notwithstanding the provisions of Article 3(1) of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), (or any Order revoking and re-enacting that Order) no other means of enclosure/boundary treatments shall be erected/constructed/placed on the site without first obtaining planning permission.

- 9 Notwithstanding any other submitted details, within 28 days of the date of this permission, details, and a timetable for their implementation, of the site entrance forward of the proposed amenity block towards Padley Wood Lane and any gates or other means of enclosure/planting proposed within the area shall be submitted to and be approved in writing by the Local Planning Authority. The agreed scheme shall then be implemented as approved and be retained as such thereafter.
- 10 Notwithstanding any other submitted details, prior to the first occupation of any caravan on the site, the following shall be submitted to and be 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 (indicating that all trees to be planted shall meet the definition of "heavy stock" in BS 3936-1 on first planting) and
  - d) an implementation programme.
- 11 All planting, seeding or turfing in the approved scheme of landscaping agreed under the terms of condition 7 above shall be carried out in the first planting and seeding season following the first occupation of any caravan on the site. Any trees or plants which within a period of 5 years from the first occupation of the fourth of the approved pitches, hereby approved, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.
- 12 Within 28 days of the date of this permission, detailed designs shall be submitted to and be approved in writing by the Local Planning Authority, for the storage of plant and materials, site accommodation, loading, unloading

and manoeuvring of goods vehicles, and parking and manoeuvring of employees and visitors vehicles. The approved scheme shall then be implemented within 7 days of any approval being given and it shall be retained free from any impediment to its use throughout the construction period of the site.

- 13 No more than 5no. cars and 4no. light goods vehicles/public carrier vehicles shall be parked/stored or retained on site at any one time. Within 28 days of the date of this permission, notwithstanding the details shown on the approved Site Layout Plan, a plan showing the location of parking for the 9no. vehicles (in total) shall be submitted to and be approved in writing by the Local Planning Authority. The vehicles shall then only be parked within the allotted areas and the remainder of the site shall be retained free from vehicle parking at all times.
- 14 Notwithstanding any other submitted details, prior to the first occupation of any caravan on the site, the access shall have been provided as shown on the Site Layout Plan with a width of a minimum of 5 metres, a gradient of no more than 1/20 for a distance of at least 10 metres behind the highway boundary and the first 5 metres of the driveway back from the highway boundary shall have been surfaced in a solid, hardbound material. Once installed as such, the access and driveway shall be retained as agreed thereafter.
- 15 Prior to the first occupation of any caravan on the site, visibility splays shall be 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 60 metres to the west and 50 metres to the east, 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.
- 16 No caravan, hereby approved, shall be occupied until the area identified on the approved plans for the storage of bins and the collection of waste in relation to the site have been provided in full. The approved facilities shall then be retained as such thereafter.
- 17 Notwithstanding the provisions of Article 3(1) of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), (or any Order revoking and re-enacting that Order) no development otherwise permitted by Part 5, Class B of the Order shall be erected/constructed/undertaken without first obtaining planning permission.
- 18 The site, hereby permitted, shall be used for residential uses only and not for any trade, business or commercial purposes.
- 19 No vehicle over 3.5 tonnes shall be stationed, parked or stored on the site, the subject of this permission.
- 20 Within 28 days of the date of this permission the precise materials that will

be used to clad the approved amenity block (walls and roofing) shall be submitted to and be approved in writing by the Local Planning Authority. The amenity block shall then be clad in accordance with the approved details prior to its first use as such and then be retained as agreed thereafter.

- 21 Before the first occupation of any caravan on the site, as hereby approved, details of the proposed package treatment drainage plant (TP), including its precise location and specification, shall be submitted to and be approved in writing by the Local Planning Authority. The TP shall then be installed as approved and be maintained as such thereafter.
- 22 Prior to the first occupation of any caravan on the site, hereby approved, details of the disposal of surface water drainage and any discharge to a public sewer(s) shall be submitted to and be approved in writing by the Local Planning Authority.

The approved scheme shall then be implemented as approved prior to the first occupation of any caravan on the site and be retained as such thereafter. There shall be no piped discharge of surface water from the site prior to the completion of all approved surface water drainage works.

- 23 Prior to the first occupation of any caravan on the site, a Biodiversity Enhancement and Management Plan (BEMP), including a timetable for its implementation and a schedule of future management, shall be submitted to, and be approved in writing by, the Local Planning Authority.

The scheme shall include, but not be limited to:

- (a) A description and location of habitat features to be retained, created, enhanced and managed. These should include native mixed bird-friendly hedgerows, native tree planting, flowering amenity lawn and wild bird seed mixes at margins.
- (b) The rationale for habitat choices and how these will benefit local species.
- (c) Appropriate management methods and practices.
- (d) Prescriptions for management actions, including a work schedule capable of being rolled forward in perpetuity.
- (e) Details of the body or organization responsible for implementation of the plan.
- (f) A monitoring schedule to assess the success of the habitat creation and enhancement measures at intervals of 1, 2, 3, and 5 years.
- (g) Monitoring reports to be sent to the Council at each of the intervals above.
- (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, including pole-mounted owl box(s) at the periphery and habitat piles.
- (j) Details of proposed lighting, if any is required, to demonstrate no lightspill to the adjacent Ancient Woodland.
- (k) Requirement for a statement of compliance upon completion of planting and enhancement works. (cont'd...)

The approved scheme shall then be implemented in full as agreed and then be retained and implemented thereafter in accordance with the approved details.

Within 1 month following the full implementation of the approved measures, photographs showing the approved features in situ shall be submitted to the Local Planning Authority.

- 24 Prior to the first occupation of any caravan on the site, hereby approved, a plan showing any/all external lighting that is to be installed/placed/erected in or on the site shall be submitted to and be approved in writing by the Local Planning Authority. Only the external lighting agreed as such shall then be installed/placed or erected on the site and no other external lighting shall be installed/placed or erected.

### **Reasons for Conditions**

- 1 To comply with the provision of Section 91 (as amended) of the Town and Country Planning Act 1990.
- 2 For clarity and the avoidance of any doubt
- 3 For clarity and the avoidance of any doubt, as this is specifically what the application was made for, as twin caravan units are not considered compatible with the site's countryside location and in the interest of the character and appearance of the site and the surrounding area.
- 4 In the interest of highway safety and in the interests of safe operation of the adopted highway in the lead into development during the construction phase of the development.
- 5 For clarify and the avoidance of doubt, as this is what the application has specifically sought and in the interest of the character and appearance of the site and the surrounding area.
- 6 For clarify and the avoidance of doubt, as no details have been submitted, in the interest of the character and appearance of the area and to protect the amenity of future occupants of the site.
- 7 As no details of levels have been submitted, to provide clarity and avoid any doubt and in the interest of the character and appearance of the area.
- 8 For clarify and the avoidance of doubt, as this is how the application was made, and in the interest of the character and appearance of the area and to protect the amenity of future occupants of the site.
- 9 As no details of how the area will be enclosed or details of the gate indicated on the submitted plans have been submitted and in the interest of the character and appearance of the area.
- 10 In the interest of the character and appearance of the area and as indicative landscaping only is shown on the submitted plans.

- 11 In the interest of the character and appearance of the area
- 12 In the interest of highway safety and to ensure that the public highway is not restricted in its use during the implementation phase of this permission.
- 13 For clarity and the avoidance of any doubt, as this is the number of vehicles prescribed on the application forms and to protect the character and appearance of the area by ensuring parking is undertaken in an acceptable location.
- 14 In the interest of highway safety.
- 15 In the interest of highway safety.
- 16 In the interest of highway safety and to provide appropriate waste collection facilities.
- 17 The site is located within a countryside location where the control of any future/further development should be controlled in the interest of protecting the character and appearance of the area.
- 18 For the avoidance of any doubt, others uses/activities may be incompatible with the site's rural character and to ensure the site is used sympathetically, compatible with its countryside location.
- 19 As the site is for residential use only, for the avoidance of any doubt, and to ensure the site is used sympathetically compatible with its rural and countryside location.
- 20 For clarity and the avoidance of any doubt as the materials originally proposed are considered incompatible with the rural location of the site.
- 21 For clarity, the avoidance of any doubt, no specific details have been submitted and to ensure the site is properly drained.
- 22 To ensure that no surface water discharges take place until proper provision has been made for its disposal and in the interest of sustainable drainage.
- 23 In the interest of providing a net biodiversity gain, the character of the area and in the interest of protecting nesting birds.
- 24 For clarity and the avoidance of any doubt, no detail shave been submitted, in the interest of protecting ecology on or near the site and to ensure that the site is lit in manner compatible with its rural location.

**PLA/** **NED/22/01090/FL - CLAY CROSS**  
**88/2**

**3-24** The report to Committee explained that a 'Section 73' Application had been submitted to vary Condition 4 (Parameters Plan) pursuant to planning approval



NED20/00532/OL, to rearrange the use of parcels 7, 8A, 9 and 11 at Egstow Park, Clay Cross. This was a major development, affecting the setting of a Listed Building and Public Rights of Way.

The Application had been referred to Planning Committee for determination by the Planning Manager (Development Management), due to the strategic importance of the Development.

Planning Committee was recommended to approve the Application. The report to Committee explained the reasons for this. Officers accepted that the proposal as a whole would result in the loss of some designated employment land, and so not accord with the Development Plan. However, they contended that there were other material matters in favour of approving the Application. These matters were the overall viability of delivering employment uses on the site, the greater benefits that the additional housing would bring and the certainty which the changes would give in terms of enabling the proposed link road to now be constructed. They concluded, therefore, that the Application should be approved, in order to allow the proposed changes to the parameters plan to take place.

Committee considered the Application and discussed the proposed changes. Some Members asked for and received clarification about the reasons for the loss of employment land as a result of the changes. Some Members sought clarification for specific changes of use and the impact these would have.

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

**RESOLVED** - That the Application be approved subject to conditions.

That the wording of the conditions and any amendments to the section 106 agreement be delegated to the Planning Manager (Development Management) in consultation with the Chair of Planning Committee: -

### **Conditions**

- 1 Applications for approval of reserved matters are required for each part of the site before development can start on that part of the site. The Application(s) for approval of reserved matters shall be made to the Local Planning Authority (LPA) before 10th August 2026. The development hereby permitted shall be started within three years from the date of approval of the last of the reserved matters to be approved.
- 2 Approval of the details of the layout, scale and appearance of the building(s) and the landscaping of the site (called "the reserved matters") for each part of the site shall be obtained from the Local Planning Authority in writing before any development is started on that part of the site.
- 3 The development hereby approved shall be restricted to the following land uses and maximum levels of development:
  - 825 dwellings including a minimum of 11% affordable units (25.2

hectares of residential)

- Employment generating uses (B1, B2 and B8 uses (5 hectares); a local centre A1, A2, A3, A4 and A5 (2 hectares); Hotel and/or care home (C1 and C2)) totalling 8 hectares (including the existing pub/restaurant)
  - Recreational uses and landscaping (totalling 21.5 hectares, including existing off-site public open space at the former Egstow Quarry)
  - Associated highway works including a link road from the A61 to the A6175 (the link road should be complete not later than occupation of the 661<sup>st</sup> dwelling)
- 4 Development shall proceed in accordance with the broad parameters identified in the Parameters Plan (7184-L23-A) and no buildings on Greenfield land to the north of the Derby Road site, heading toward Tupton, with the exception of those plots, which are 2.5 storeys in scale, outlined in red on drawing R9076-RPS-20-00-DRA-0235 Rev P01 dated June 2020 shall have accommodation over two-storeys.
  - 5 The phasing of the development in relation to the provision of affordable housing and highways infrastructure phasing programme for a link road from the A61 to the A6175 within the boundary of the site shall be completed within each phase of the development in accordance with the approved timescales hereby approved by 18/01205/DISCON.
  - 6 As part of the reserved matters application for the Biwater Works site, in accordance with condition 2, a plan shall be submitted to show that development does not/will not preclude the future provision of access to a potential off-site railway station. Thereafter, the means to ensure future access to the potential off-site railway station as agreed shall be safeguarded.
  - 7 The reserved matters submission for the residential development of the land to the north of the Derby Road site, as referenced in condition 4, shall include details and a timetable for delivering the pedestrian link to the boundary of Tupton Hall School for written approval by the Local Planning Authority. Thereafter, the pedestrian link shall be implemented in accordance with the approved timetable and be retained as such thereafter.
  - 8 On any particular phase of development, as defined on the phasing plan agreed under condition 5, no development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) for that phase has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following:
    - a) Risk assessment of potentially damaging construction activities.
    - b) Identification of "biodiversity protection zones".
    - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be

- provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
  - e) The times during construction when specialist ecologists need to be present on site to oversee works.
  - f) Responsible persons and lines of communication.
  - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
  - h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period on that phase in accordance with the approved details.

- 9 On any phase of development, as defined on the phasing plan agreed under condition 5, no development shall take place (including demolition, ground works, vegetation clearance) until an Ecological Mitigation and Management Plan for that phase has been submitted to, and been approved in writing by, the Local Planning Authority, The plan shall set out details of biodiversity mitigation, compensation and enhancement based on the recommendations within Chapter 5 of the Environmental Statement (June 2017).

- a) Description and evaluation of features to be managed.
- b) Aims and objectives of management.
- c) Appropriate management options for achieving aims and objectives
- d) Prescriptions for management actions.
- e) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period)
- f) Details of the body or organization responsible for implementation of the plan
- g) Ongoing monitoring and remedial measures
- h) A method statement to mitigate possible impacts on reptiles

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

The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the plan are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The approved plan as part of that phase will be implemented in accordance with the approved details.

- 10 Development shall not take place on any phase of development until an invasive non-native species strategy is submitted and approved by the local planning authority, detailing the containment, control and removal of Japanese knotweed and Himalayan balsam on that phase. The measures shall be carried out on that phase in accordance with the approved scheme.

- 11 No removal of hedgerows, trees, shrubs or brambles shall take place between 1st March and 31st August inclusive on any phase, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on that phase during this period, and details of measures to protect the nesting bird interest on the site, have first been submitted to for that phase and approved in writing by the local planning authority and then implemented as approved.
- 12 Development shall not take place on any phase until an external lighting strategy has been submitted to and been approved in writing by the Local Planning Authority for that Phase. The approved measures must be implemented in full and maintained as such thereafter.
- 13 All planting, seeding or turfing in the approved scheme of landscaping for each phase of development shall be completed prior to 85% of occupation of the dwellings in that phase and the landscaping for each individual plot shall be completed prior to the first occupation of that dwelling. 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.
- 14 The reserved matters details on any phase of development as agreed under condition 5, shall include a scheme for the provision and management of the amenity space within that phase and such scheme shall be submitted to and be approved in writing by the Local Planning Authority. The scheme shall include:
- provision of play equipment on site;
  - details of footpaths and access furniture;
  - provision of cycle-ways;
  - identified means of managing and maintenance of public open space;
  - indicative uses e.g. play equipment, community woodland, green space;
  - detailed landscaping within the public open space.
- Thereafter, the approved amenity space shall be laid out in accordance with the approved details for that phase and the agreed delivery timetable and managed as agreed thereafter.
- 15 Before development starts on each phase of the development as defined on the Phasing Plan agreed under condition 5, a plan to show the positions, design, materials, height and type of boundary treatment to be erected for each phase (as defined) shall be submitted to and approved in writing by the Local Planning Authority. The approved boundary treatment scheme for each building as part of the development hereby approved shall be carried out prior to the first occupation of that building and shall be retained as such thereafter.
- 16 Before development starts on each phase of the development hereby approved as defined on the Phasing Plan agreed under condition 5, details

of the existing ground levels, proposed finished floor levels of the buildings and the proposed finished ground levels of that phase, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter that phase of the development shall be constructed strictly in accordance with the approved levels and shall be retained as such thereafter.

- 17 Development shall not take place on any phase (excluding those that already benefit from reserved matters approval) until a Phase I contaminated land assessment (desk-study) for that phase is undertaken and approved in writing by the local planning authority.

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 materials and substances,
- 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, crops, livestock, pets, woodland and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments,
- details of a site investigation strategy (if potential contamination is identified) to effectively characterise the site based on the relevant information discovered by the desk study and justification for the use or not of appropriate guidance. The site investigation strategy shall, where necessary, include relevant soil, ground gas, surface and groundwater sampling/monitoring as identified by the desk-study strategy.

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

- 18 Development shall not take place on any phase until a detailed remediation scheme to bring that phase 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 where the site investigation identifies unacceptable levels of contamination. 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 for that phase. 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.

- 19 No dwelling or other building associated with the use hereby approved

within any phase shall be occupied until the approved remediation works required by 18 above for that phase have been carried out in full in compliance with the approved methodology and best practice.

- 20 If during the construction works associated with any phase of development hereby approved any suspected areas of contamination are discovered, which have not previously been identified, then all associated 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 conditions 17 and 18 above.
- 21 Upon completion of the remediation works for any phase required by conditions 18 and 19 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 for that phase. 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.
- 22 Works on site and deliveries to the site during the construction phases shall be undertaken only between the hours of 07:30 to 18:00 Monday to Friday and 07:30 to 12noon on Saturday. There shall be no work undertaken on site or deliveries to the site undertaken on Sundays or public holidays.
- 23 Condition no longer required, but numbering retained for clarity.
- 24 For every reserved matters application seeking to deliver a dwelling(s) associated with this outline approval a scheme of sound insulation shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be designed following the completion of a sound survey (where necessary) undertaken by a competent person. The scheme shall take account of the need to provide adequate ventilation, which will be by a means to be agreed with the LPA, where an open window would not achieve the following criteria. The scheme shall be designed to achieve the following criteria with the ventilation operating:
  - Bedrooms 30 dB LAeq (8 hour) (2300 hrs - 0700 hrs)
  - Living/Bedrooms 35 dB LAeq (16 hour) (0700 hrs - 2300 hrs)
  - All Other Habitable Rooms 40 dB LAeq (16 hour) (0700 hrs - 2300 hrs)
  - Bedrooms 45 dB LAmax to occur no more than 6 times per hour (2300 hrs - 0700 hrs)
  - Any outdoor amenity areas 55 dB LAeq (16 hour) (0700 hrs - 2300 hrs)

The scheme shall include full details of all fences/barriers needed to achieve the outdoor amenity criteria set out in this condition. The scheme as approved shall be implemented in full and retained thereafter.

- 25 Prior to the first occupation of any building on the Market Street part of the application site, the access as approved under permission 14/00586/RM, or other subsequent permission for the access so approved, shall be completed as approved.
- 26 Development shall not take place on any particular phase, as defined in the phasing programme subject of Condition 5 above, until a scheme for the safeguarding of footpaths or their temporary diversion is submitted to and approved in writing by the Local Planning Authority. If a temporary diversion is not required, footpaths shall be retained along their legal line at all times during and after construction works hereby approved.
- 27 Before commencing any works on a particular phase as defined on the phasing programme, the subject of Condition 5 above, a scheme shall be submitted to and approved in writing by the Local Planning Authority with details of the site compound for that phase. The scheme shall include details of site accommodation, storage of plant and materials, parking and manoeuvring areas for site operatives and visitors vehicles, loading/unloading and manoeuvring areas for the goods vehicles and wheel washing facilities. Thereafter, before any operations are commenced on that phase of the development, the scheme shall be implemented in accordance with the approved details and retained as such for the duration of works for that phase.
- 28 Before development commences on each phase of the development as defined on the phasing programme, the subject of Condition 5 above, a scheme for improvements to the pedestrian and cycle networks within that phase, along with a timetable for their implementation, shall be submitted to, and approved in writing by the Local Planning Authority. The approved scheme shall then be implemented in accordance with the agreed scheme of works and approved timetable and shall be retained as such thereafter.
- 29 Prior to occupation of any phase of the development a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include proposals to maximise the use of public footpaths, cycling and public transport. Thereafter the Travel Plan shall be implemented in accordance with delivery mechanisms included in the Plan.
- 30 Piling using penetrative methods shall not be carried out other than with the written consent of the local planning authority. If so agreed the development shall be carried out in accordance with the approved details.
- 31 No infiltration of surface water drainage into the ground at the site for any phase is permitted, other than with the written consent of the Local Planning Authority.
- 32 Development shall not commence until details of the means of protecting all waste water infrastructure, during all phases of the development, that is

laid within the site boundary has been submitted to and approved by the Local Planning Authority. If the required protection measures to be achieved via diversion or closure of any part of the infrastructure, the details shall include evidence that the diversion or closure has been agreed with the relevant statutory undertaker for that phase. Furthermore, construction in the relevant section(s) of the site shall not commence until the approved measures have been implemented to the satisfaction of the Local Planning Authority.

- 33 No piped discharge of surface water from the application site shall take place for each phase until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water that has been informed by confirming the viability and location of SuDS techniques as outlined within the Flood Risk Assessment have been completed in accordance with details submitted to and approved in writing by the Local Planning Authority.
- 34 Development shall not commence on any phase of the development until a scheme to ensure that on-site and off-site foul water sewerage, designed to serve the whole development, is of adequate capacity to ensure proper disposal to the receiving public sewer network has been submitted to and approved in writing with Local Planning Authority. The approved scheme shall be fully implemented and subsequently maintained, in accordance with the timing/phasing arrangements embodied within the scheme and the number and type of properties to be constructed within that phase, or within any other period or number of properties as may subsequently be agreed in writing, by the Local Planning Authority.
- 35 Development shall not take place on any phase until a detailed design and associated management and maintenance plan of surface water drainage for that phase, in accordance with the principles outlined within:
- a. Land at Clay Cross, Derbyshire - Flood risk Assessment and Drainage Strategy (Revision 1.0, by St Modwen Developments Ltd.) dated June 2017,
  - b. DEFRA Non-statutory technical standards for sustainable drainage systems (March 2015),
  - c. And Technical Note 'Response to LLFA Comments' dated 22 Feb 2018 and referenced 5122281-ATK-NE-ZZ-TN-D-0001.

have been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved detailed design for that phase prior to the first occupation of any building within that phase.

**PLA/ NED/23/00189/FL - GRASSMOOR**

**89/2**

**3-24**

With the agreement of the Chair, the Application was deferred until the next meeting of the Committee so that issues that had been raised recently by the Lead Local Flood Authority could be addressed.



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

**90/2**

**3-24** The report to Committee explained that one Appeal had been lodged, one Appeal had been allowed and one Appeal had been dismissed.

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

**91/2**

**3-24** None.

**PLA/ Exclusion of Public**

**92/2**

**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 & 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/ Section 106 Legal Agreements Update**

**93/2**

**3-24** Committee received an update on the current 'Section 106' Agreements, or agreements, reached between the Council as Planning Authority with developers to carry out specific work to help offset the impact of new developments on local people.

The report set out details of those agreements where the funding had now been secured. It also included information about Section 106 agreements where the funding had not yet been received or written-off and those where payments have yet to be made as the relevant trigger points for these payments had not yet occurred.

Members discussed the report. As part of this they received updates on specific agreements.

**RESOLVED -**

- (1) That the information contained within Appendices A, B and C of the report is noted.
- (2) That the contents of paragraphs 2.1 to 2.2 of the report is noted.
- (3) That the Committee receives further updates on the matter approximately every three months.

By Acclamation

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

**94/2**

**3-24** None.