

## **PLANNING COMMITTEE**

### **MINUTES OF MEETING HELD ON TUESDAY, 14 MAY 2024**

#### **Present:**

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

Councillor David Cheetham  
Councillor Peter Elliott  
Councillor Christine Gare  
Councillor Heather Liggett  
Councillor Kathy Rouse

Councillor Andrew Cooper  
Councillor Mark Foster  
Councillor David Hancock  
Councillor Fran Petersen

#### **Also Present:**

D Thompson	Assistant Director of Planning
A Kirkham	Planning Manager - Development Management
G Cooper	Principal Planning Officer
L Kassell	Solicitor
A Bond	Governance Officer
N Ellis-Hall	Temporary Senior Governance Officer
J Hayden	Senior Scrutiny Officer
T Scott	Governance and Scrutiny Officer
A Maher	Governance Manager

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

**95/2**

**3-24** None.

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

**96/2**

**3-24** Councillor K Rouse declared an interest on Item 4. NED/24/00275/FL - CLAY CROSS as a Member of the Clay Cross Town Deal Board. She indicated that she would leave the meeting at the appropriate time and would not participate in the Committee's consideration or determination of the Application.

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

**97/2**

**3-24** The minutes of the meeting held on Tuesday 23 April 2024 were approved as a true record.

#### **PLA/ NED/24/00275/FL - CLAY CROSS**

**98/2**

**3-24** Councillor K Rouse left the meeting during the Committee's consideration of the Application.

The report to the Committee explained that an Application had been submitted to modify the existing Public Car Park, including the provision of a new access to it from the High Street (A61) at the Masterplan Site, covering land, roads and buildings to the North and West of Broadley's, Clay Cross.

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

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

Officers believed that the modifications would contribute to the overall regeneration plans for the Town Centre and to the Council's Local Plan objective to ensure that Clay Cross maintains its place as the main social and economic focus for the south of the District.

The modifications would allow vehicles to access the existing Car Park directly from the High Street. This would help to improve transport connectivity and the local economy, by making it easier for passing trade to visit retail and other businesses. The car park would also be upgraded to include disabled parking, which was closer to the town centre, and charging points for electric vehicles.

Although some of the surrounding grassed area would be lost as a result of the development, officers felt that this loss would be minimal. Most of the grassed areas and two mature trees would be retained under the proposals. Moreover, the development would also preserve the significance of the nearby Grade II listed building and respect the character of the Clay Cross Conservation Area.

Officers had concluded that the proposals accorded with the Council's Development Plan. As there were no amenity or other issues that would outweigh this, they felt that the Application should be approved.

Before the Committee considered the application it heard from Local Ward Member, Councillor G Morley and R O'Donoghue, the agent for the Application.

Committee considered the Application. It took into account the site's location partially within the Clay Cross Conservation Area and partially in an area designated in the Local Plan as town centre. It considered the relevant Local and National Planning Policies. These included Local Plan Policy SS1, requiring all developments to contribute to sustainable development, Local Plan policy SP2, on the role of Clay Cross in the south of the District and Local Plan Policy WC4, requiring developments to contribute to the vibrancy and economic health of the town centres.

Committee also took into account Local Plan Policy SDC5, on Development within Conservation Areas, Local Policy SD6 on Development affecting Listed Buildings and Local Plan Policy SD12 on High Quality Design and Place Making. In addition, Committee took into account the Clay Cross Regeneration Framework 2025, the Clay Cross Character Statement 2010 and the 'Successful Places' Design Guidance 2013

Members discussed the report. Some Members asked for clarification on the allocation of spaces within the car park and the location of the disabled spaces under the proposals. Some Member expressed concern about the relocation of the pedestrian crossing and the possible impact of the modifications on

pedestrian access. They were reminded in this context of the footpath improvements that would be put in place and in particular, how the relocated pedestrian crossing would be accommodated by widening the existing footway.

Some Members queried whether the proposed modifications would be an appropriate Development for the area, given the concerns which had been raised, especially over the proposed access from the A61. Other Members highlighted the role of the Development in the overall improvements to the Clay Cross Town Centre, and the contribution which the direct access from the High Street would make to this. They also contended that the Application was in line with the appropriate planning policies and stressed that the Committee should approve it on that basis.

At the conclusion of the discussion Councillor M Foster and Councillor D Hancock moved and seconded a Motion to approve the Application. Councillors M Foster, D Hancock and P Elliot requested that this be taken as a recorded vote.

The Motion was put to the vote and was agreed.

For

D Cheetham, P Elliot, M Foster, D Hancock (4)

Against

F Petersen (1)

Abstained

A Cooper, C Gare, L Hartshorne, H Liggett (4)

### RESOLVED -

That the Application be approved in line with officer recommendations, subject to conditions.

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

### **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 following submitted plans, unless otherwise specifically agreed in writing by the Local Planning Authority or otherwise required by any other condition in this decision notice:

- a) 06847-PL-B-0100 REV P05 (A61 Junction General Arrangement)
  - b) 06847-PL-B-0101 REV P04 (A61 Junction Engineering Plan)
  - c) 06847-PL-B-0105 REV P0 (Existing Site Plan)
  - d) 06847-PL-B-0120 REV P03 (A61 Junction Vehicle Tracking)
  - e) 06847-PL-B-3000 REV P03 (A61 Junction Landscaping)
  - f) 06847-PL-B-S38 REV P03 (A61 Junction Land Dedication Plan)
- 3 Notwithstanding the submitted details, before any above groundwork commences on the new access, a scheme of hard landscaping (including surfacing to the car park, footpaths, bollards, etc) along with a timetable for its implementation shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be completed as agreed.
- 4 The Development hereby approved shall not be brought into use until the highway improvements/offsite works/site access works comprising:
- a) A61 Junction Engineering Plan as shown on drawing no. 06847-PL-B-0101 Revision P04
  - b) A61 Junction General Arrangement as shown on drawing no. 06847-PL-B-0100 Revision P05
- 5 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 2.4m back from the near side edge of the adjoining carriageway, (measured perpendicularly), for a distance of 43m in each direction measured along the nearside edge of the adjoining carriageway and offset a distance of 0.6m 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.
- 6 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:
- a) 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);
  - b) Advisory routes for construction traffic;
  - c) Any temporary access to the site;
  - d) Locations for loading/unloading and storage of plant, waste, and construction materials;
  - e) Method of preventing mud and dust being carried onto the highway;
  - f) Arrangements for turning vehicles;
  - g) Arrangements to receive abnormal loads or unusually large vehicles;
  - h) Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.
- 7 Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme for the protection

of the retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority.

Specific issues to be dealt with in the TPP and AMS:

- a) Location and installation of services/ utilities/ drainage.
- b) Details of any construction within the RPA or that may impact on the retained trees.
- c) A full specification for the installation root barriers and root deflectors.
- d) A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing.
- e) Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area.
- f) details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires
- g) Boundary treatments within the RPA
- h) Methods to improve the rooting environment for retained and proposed trees and landscaping.

The development thereafter shall be implemented in strict accordance with the approved details.

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

**99/2**

**3-24**

Councillor K Rouse rejoined the meeting at this point.

The report to the Committee explained that an Application had been submitted for a residential development of 5 detached two storey dwellings and the creation of a new access on the site of the former Derbyshire County Council (DCC) Highways storage depot at Highways Storage Lane, Chesterfield Road, Grassmoor. The Application involved Amended Plans.

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

Members were reminded that the Application had been deferred at the last meeting of the Committee, so that the issues which had recently been raised by the Lead Local Flood Authority could be addressed.

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

The Application site was within the Settlement Development Limits for Grassmoor, where new residential developments would be acceptable in principle. These dwellings would complement the surrounding street scene and also respect the countryside 'edge' in this location. Officers contended that subject to suitable conditions the development would not have an unacceptable

impact on highway safety. Although there would be some residential cumulative impact on the wider road network, this would not be severe.

Committee heard that the necessary additional information had been supplied to address the issues raised by the Local Lead Flood Authority (LLFA) on the outfall from the site and expected surface water discharge. Members were informed that following on from this the LLFA had been re-consulted and had raised no objections to the proposed development, subject to conditions.

Officers had concluded that the proposals would accord with the Development Plan. As there were no technical or other issues that would outweigh this, they recommended that the Application should be approved.

Before the Committee considered the Application it heard from Local Ward Member, Councillor M Durrant and the Applicant C Hubbuck.

Committee considered the Application. It took into account the site's location on land previously used for a County Council Depot, within the Settlement Development Limit for Grassmoor. It considered the relevant Local and National Planning Policies. These included Local Plan Policy SS1 on Sustainable Development, Local Plan Policy SS7, on the development of unallocated land within settlements defined within Settlement Development Limits. Committee also considered Local Plan Policy SDC12, on High Quality Design and Place Making, Local Plan Policy SDC 11 on Flood Risk and Drainage and the overarching aims of the National Planning Policy Framework.

Members discussed the report. They considered the flood concerns which had been raised, both in terms of the site and on the highway. They were informed of the changes which had been made to original proposals and the impact which these changes would have. They discussed the Flood Risk Assessment (FRA) that had been carried out, which had concluded that a carefully designed surface water drainage scheme would be implemented to mitigate any flood risk. They reflected on the flooding which had occurred recently and how far this was comparable to similar flooding that had occurred elsewhere, due to exceptional weather events.

Some Members raised concerns about the possible impact of the Development on Road Safety. Committee was informed that a further amended plan had been drawn up, to ensure that the visibility splays were included in the Applicant's land ownership. Following on from this the Highway Authority had no objection to the proposed development, subject to the imposition of appropriate conditions.

At the conclusion of the discussion Councillor Elliot and Foster 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 Application be conditionally approved in line with officer recommendations.

That the the final wording of the conditions 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 Unless otherwise required by any condition contained in this decision notice the development hereby permitted shall be carried out in accordance with the details shown in the following plans:
  - a) PL\_01 Rev F (Amended Site Plan)
  - b) PL\_02 Rev A (Amended Site Location Plan)
  - c) PL\_03 Rev C (Amended House Type 1)
  - d) PL\_04 Rev C (Amended House Type 3)
  - e) PL\_06 Rev A (Amended House Type 2 - Rear plot)
- 3 Notwithstanding the submitted details, before development commences, details of the existing ground levels, proposed finished floor levels of the dwellings and the proposed finished ground levels of the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.
- 4 Before above groundwork starts, precise specifications (including the manufacturer, range, and colour details where applicable) or samples of the walling and roofing materials to be used, shall be made available on site for inspection, and subsequent written approval, by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.
- 5 Before above groundwork starts, a plan illustrating the position, design, and materials of hard landscaping in shared public areas (including driveway, turning area and parking 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 occupation of any dwelling and shall be retained as approved thereafter.
- 6 Before above groundwork 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 native plant species, size and density and planting locations and
  - d) an implementation programme.

- 7 All planting, seeding, or turfing in the approved scheme of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
- 8 Notwithstanding any submitted details, before above groundwork starts 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 prior to the occupation of each dwelling and shall be retained as approved thereafter.
- 9 Before above groundwork starts, a scheme for mitigating climate change through the sustainable design and construction of the dwellings including the provision of sources of renewable energy shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved climate change scheme shall be implemented in full and retained as such thereafter.
- 10 Construction works on the site and deliveries to the site shall be undertaken only between the hours of 07:30 to 18:00 Monday to Friday and 07.30 to 13:00 on Saturdays. There shall be no work undertaken on site or deliveries to the site on Sundays or bank/public holidays.
- 11 Development, other than that required to be carried out as part of an approved scheme of remediation, must not commence until;
  - 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:
    - a) the likely presence of potentially hazardous materials and substances,
    - b) their likely nature, extent, and scale,
    - c) whether or not they originated from the site,
    - d) a conceptual model of pollutant-receptor linkages,
    - e) 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,
    - f) details of a site investigation strategy (if potential contamination is identified) to effectively characterise the site based on the relevant information discovered by the desk study and justification for the use or not of appropriate guidance. The site investigation strategy shall, where necessary, include relevant soil, ground gas, surface and groundwater sampling/monitoring as identified by the desk-study strategy.



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

12 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 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.

13 No dwellings hereby approved shall be occupied until:

- a) The approved remediation works required by condition 12 above have been carried out in full in compliance with the approved methodology and best practice.
- b) If during the construction and/or demolition works associated with the development hereby approved any suspected areas of contamination are discovered, which have not previously been identified, then all works shall be suspended until the nature and extent of the contamination is assessed and a report submitted and approved in writing by the local planning authority and the local planning authority shall be notified as soon as is reasonably practicable of the discovery of any suspected areas of contamination. The suspect material shall be re-evaluated through the process described in condition 11(b) to 12 above and satisfy condition 13(a) above.
- c) Upon completion of the remediation works required by conditions 12 and 13(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:
- d) the site has achieved the approved remediation standard, together with the necessary waste management documentation shall be included.

14 No development shall commence until;

a) a scheme of intrusive site 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 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.

- 15 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.
- 16 The site shall be developed with separate systems of drainage for foul and surface water on and off site.
- 17 Before development starts, a scheme for the provision of foul 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.
- 18 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) Haigh Huddleston & Associates. April 2024. *Proposed Development off Chesterfield Road, Grassmoor*. E07/1624/MH/PW/8179.
  - b) And DEFRA's Non-statutory technical standards for sustainable drainage systems (March 2015), "including any subsequent amendments or updates to those documents as approved by the Flood Risk Management Team" have been submitted to and approved in writing by the Local Planning Authority.
- 19 No development shall take place until a detailed assessment has been provided to and approved in writing by the Local Planning Authority, to demonstrate that the proposed destination for surface water accords with the drainage hierarchy as set out in paragraph 56 Reference ID: 7-056-20220825 of the planning practice guidance.
- 20 Prior to commencement of the development, the applicant shall submit for approval to the LPA details indicating how additional surface water run-off from the site will be avoided during the construction phase. The applicant

may be required to provide collection, balancing and/or settlement systems for these flows. The approved system shall be operating to the satisfaction of the LPA, before the commencement of any works, which would lead to increased surface water run-off from site during the construction phase.

- 21 The Development hereby approved shall not be occupied until the access, parking and turning facilities have been provided as shown on drawing no. PL\_01 Rev F titled proposed site plan.
- 22 The development hereby approved shall not be occupied until visibility splays are provided from a point 0.6m above carriageway level at the centre of the access to the application site and 2.4m back from the near side edge of the adjoining carriageway, (measured perpendicularly), for a distance of 43m in each direction measured along the nearside edge of the adjoining carriageway and offset a distance of 0.6m 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.
- 23 The Development hereby approved shall not be occupied until pedestrian visibility splays of 2m x 2m measured perpendicularly back from the back of footway shall be provided on both sides of the access.

These splays shall thereafter be permanently kept free of all obstructions to visibility over 1m in height above the adjoining ground level.

- 24 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:

- a) satisfactory access and movement for existing occupiers of neighbouring properties during
  - b) construction);
  - c) Advisory routes for construction traffic;
  - d) Any temporary access to the site;
  - e) Locations for loading/unloading and storage of plant, waste, and construction materials;
  - f) Method of preventing mud and dust being carried onto the highway;
  - g) Arrangements for turning vehicles;
- 25 Prior to commencement of the development hereby permitted, details for the storage of refuse bins and collection of waste from the site, including any bin presentation areas, 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 facilities retained for the designated purposes at all times thereafter.
- 26 Prior to commencement of development, a strategy for achieving the

required biodiversity net gain shall be submitted to and approved in writing by the Local Planning Authority.

The strategy shall deliver the number of units specified in the Small Sites Metric submitted as part of the application (dated 20th February 2024). Sufficient information shall be provided with regards to habitat creation/enhancement prescriptions and 30-year objectives for management and monitoring. A schedule for submitting monitoring reports to the Local Planning Authority shall also be included.

The approved strategy shall be implemented in full and in accordance with the approved details and shall be retained in that manner thereafter.

- 27 No tree, scrub or hedgerow 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.
- 28 Prior to the commencement of works (including clearance of habitats and refugia piles) a Method Statement for Site Clearance shall be submitted to the Local Planning Authority to safeguard common reptiles and amphibians. This shall include reasonable avoidance measures, seasonal timings and instructions in the event animals are discovered. The Method Statement shall be implemented in full, and a short statement of compliance submitted at the end of site clearance works.
- 29 The Prior to building works commencing above foundation level, a Species 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:
  - a) universal nest boxes at ratio of 1:1, in line with British Standard 42021:2022.
  - b) integrated bat boxes in at least 2x dwellings.
  - c) insect bricks in at least 2x dwellings and / or towers in public open space.
  - d) fencing gaps 130 mm x 130 mm to maintain connectivity for hedgehogs in all gardens.

**PLA/ 100/ 23-24 Tree Preservation Order (TPO) 296/2023 - ECKINGTON**

The report to the Committee explained that an application for a TPO had been submitted in respect of a single Ash Tree situated adjacent to Eckington Friendship Club Berry Avenue Eckington.

Members were informed that the Council was required to take into account all 'Duly Made' objections and representations which had not been withdrawn, before

confirming the Provisional Order. The report explained that one Duly Made objection had to it had been received.

Members considered the report and the assessment of the Council's Principal Arboriculture Officer that there is a foreseeable threat to the tree if the Order was not confirmed.

**RESOLVED -**

That Tree Preservation Oder (TPO) 296/2023 in respect of the single Ash Tree situated adjacent to Eckington Friendship Club Berry Avenue Eckington be approved.

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

**101/**

**23-** The report to the committee explained that one appeal had been lodged and  
**24** determined.

**PLA/ Matters of Urgency**

**102/**

**23-** Committee was informed of the forthcoming training sessions for Planning  
**24** Committee Members and Substitute Members.