

## **PLANNING COMMITTEE**

### **MINUTES OF MEETING HELD ON TUESDAY, 18 JUNE 2024**

#### **Present:**

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

Councillor David Cheetham  
Councillor Christine Gare  
Councillor William Jones  
Councillor Kathy Rouse

Councillor Andrew Cooper  
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
M E Derbyshire	Members ICT & Training 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**

1/24-

25 Councillor H Liggett. Councillor M Foster, substituted by Councillor W Jones.

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

2/24-

25 None.

#### **PLA/ Declarations of Predetermination**

3/24-

25 None.

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

4/24-

25 The minutes of the meeting held on Tuesday 14 May 2024 were approved as a true record.

#### **PLA/ NED/23/00899/FL - WESSINGTON**

5/24-

25 The report to the Committee explained that an Application had been submitted for the replacement of a Nissen Hut with a 6-bed holiday let (Conservation Area/Further Amended Plans/Amended Title) (Private Drainage System) at Amber Lodge, Amber Mill Farm, Amber Green, Wessington.

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

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

The proposed new building would be similar in design to the Nissen hut, which had been in place since the 1940s. Although the new building would be larger, it would be set back from the road and comparable in scale to the existing structure. The six-bed holiday let would result in more activity at the site. However, officers felt that subject to appropriate conditions, this additional activity would not have an unacceptable impact on the amenity of neighbouring properties.

Officers contended that the proposed new building would, on balance, respect the character of the landscape in which it would be located and preserve the character of the Conservation Area. The development would also enhance the visitor economy, by providing additional accommodation, close to the Peak District. Officers believed that this additional accommodation would add some limited weight in favour of the Application.

Officers concluded that the proposals would accord with the Development Plan. As there were no amenity or other issues that outweighed this, they felt it appropriate that the Application be approved.

Before the Committee considered the Application it heard from M Bagan, an objector to the Application and V Fell, the Applicant.

Committee considered the Application. It took into account the site's location within the Conservation Area and within a primary Area of Multiple Environmental Sensitivity (AMES). It considered the relevant Local and National Planning Policies. These included Local Plan Policy SS1, on Sustainable Development, Local Plan Policy SS9, requiring acceptable development in the countryside to respect the form, scale and character of the landscape and Local Plan Policy SDC3, requiring proposals for new development not to cause harm to the character, distinctiveness, or sensitivity of the landscape.

Committee also took into account Local Plan Policy SDC5, on development within Conservation Areas, the relevant policies of the Wessington Neighbourhood Plan and the 'Successful Places' Design Guidance 2013.

Members discussed the report. Some Members asked for clarification on the distance of the new building from neighbouring properties. Some Members expressed concern about the potential noise impact of the development. They reflected on the management provisions that would be put in place to help prevent this. They were also reminded of the legal provisions and enforcement action to deal with noise nuisance, which were separate to the Planning system.

In this context, Members discussed whether there would be scope to include the prevention of noise nuisance within the proposed Condition 11 for approval (Permitted Development Rights). Committee was informed that although this would be limited, it might be possible to impose restrictions on the use of hot tubs etc. outside of the building to help prevent late night noise. Members welcomed this and asked that the Planning Manager (Development Manager) make the necessary additions to the Condition.

At the conclusion of the discussion Councillor D Hanock and Councillor T Lacey moved and seconded a Motion to approve the Application.

The Motion was put to the vote and was agreed.

**RESOLVED -**

That the Application be 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 approved 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: STA\_0140\_01 J and STA\_0140\_03 J uploaded 2nd April 2024.
- 3 Before any development above DPC level starts, precise specifications (including the manufacturer, range and colour details where applicable) or samples of the materials to be used, shall be made available on site for inspection, and subsequent written approval, by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.
- 4 Notwithstanding the provisions of Part C, Class C3 "Dwelling House" to the Schedule of the Town and Country Planning (Use Classes) Order 2015, (or any Order revoking or re-enacting that Order), the premises shall be used for the purpose of holiday accommodation only and for no other purpose, including any other purpose within Class C3 of the Order.

The property shall not be occupied by any person(s) for a total period exceeding 28 days in any calendar year.

The owner shall maintain a register of occupiers for each calendar year including their names, addresses and length of stay, and a copy of the register shall be made available for inspection by the Local Planning Authority or its representative by 31st January each year.

- 5 Prior to the first use of the building, hereby permitted, a plan showing the provision of parking for 6 vehicles shall be submitted to and be approved in writing by the Local Planning Authority. The approved scheme of parking shall then be provided as agreed within 28 days of written approval being given and be retained for use as parking only thereafter and it shall not be used for any other purpose.

- 6 Prior to the first use of the building, hereby approved, for letting/holiday use a Management Plan (MP) shall be submitted to and be approved in writing by the Local Planning Authority.

The MP shall include, but not be limited to, a limit on the number of occupants that may occupy the premises at any one time, how any outdoor space is to be used, how noise and disturbance will be controlled and any other reasonable measures put in place to ensure the premises is operated appropriately, and the mechanisms for ensuring the MP is adhered to.

The premises shall then be used strictly in accordance with the agreed MP.

- 7 Prior to the first use of the premises, hereby approved, a scheme for all/any external lighting to be placed/erected or installed on the site or building shall be submitted to and be approved in writing by the Local Planning Authority.

The scheme should provide details of the chosen luminaires, their locations and any mitigating features such as dimmers, PIR sensors and timers. Dependent on the scale of proposed lighting, a lux contour plan may be required to demonstrate acceptable levels of light spill to any sensitive ecological zones/features. Guidelines can be found in Guidance Note 08/23 - Bats and Artificial Lighting at Night (BCT and ILP, 2023).

The agreed scheme shall then be implemented as approved and no other external lighting shall be installed/erected or placed on the site or building.

- 8 Notwithstanding any other submitted details, prior to the first use of the premises hereby approved, 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 be approved in writing by the Local Planning Authority. The approved scheme shall then be implemented in full prior to the first use of the building and be retained as such thereafter.

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

- 10 The development hereby permitted shall not be occupied until such time as the access drive (and any turning space) has been surfaced with tarmacadam, or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and, once provided, shall be so maintained in perpetuity.

- 11 Notwithstanding the provisions of Article 3(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any Order revoking and re-enacting that Order) no extensions (Part 1, Class A), dormer windows (Part 1, Class B), alterations to the roof (Part 1, Class C),

porches (Part 1, Class D), curtilage buildings (Part 1, Class E), satellite dishes (Part 1, Class H) or any other means of enclosure (Part 2, Class A) (other than as approved by condition 8 above) and renewable energy (Part 14, Class A) shall be erected/constructed/placed on the site/building without first obtaining planning permission.

### **Reasons for Conditions**

- 1 To comply with section 91 (as amended) of the Town and Country Planning Act 1990.
- 2 For clarity and the avoidance of doubt.
- 3 To protect the character of the conservation area and the valued landscape and in accordance with policies SS9, SDC3, SDC5 and SDC12 of the North East Derbyshire Local Plan and Wessington Neighbourhood Plan policies 2 and 3.
- 4 The occupation of the building as a permanent residential property would require further assessment and may not be suitable for permanent residential occupation in accordance with Policies SS9 and SDC12 of the North East Derbyshire Local Plan.
- 5 To maintain highway safety and to protect the character of the conservation area and the valued landscape and in accordance with policies SS9, SDC3, SDC5 and SDC12 of the North East Derbyshire Local Plan and Wessington Neighbourhood Plan policies 2, 3 and 5.
- 6 To protect the amenity of neighbouring properties in accordance with policy SDC12 of the North East Derbyshire Local Plan.
- 7 To protect nocturnal mammals, the character of the conservation area and the valued landscape all in accordance with policies SS9, SDC3, SDC4, SDC5 and SDC12 of the North East Derbyshire Local Plan and Wessington Neighbourhood Plan policies 2, 3 and 5.
- 8 To protect the character of the conservation area and the valued landscape and in accordance with policies SS9, SDC3, SDC5 and SDC12 of the North East Derbyshire Local Plan and Wessington Neighbourhood Plan policies 2 and 3.
- 9 To protect nesting birds in accordance with policy SDC4 of the North East Derbyshire Local Plan and Wessington Neighbourhood Plan policy 2.
- 10 To preserve highway safety in accordance with Wessington Neighbourhood Plan aspirational policy 1.
- 11 To protect the character of the conservation area and the valued landscape and in accordance with policies SS9, SDC3, SDC5 and SDC12 of the North East Derbyshire Local Plan and Wessington Neighbourhood Plan policies 2 and 3.

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

**6/24-**

**25**

The report to the committee explained there had been three appeals lodged, and one determined.

**PLA/ Matters of Urgency**

**7/24-**

**25**

None.