

## **PLANNING COMMITTEE**

### **MINUTES OF MEETING HELD ON TUESDAY, 1 OCTOBER 2024**

#### **Present:**

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

Councillor David Cheetham  
Councillor Peter Elliott  
Councillor William Jones  
Councillor Fran Petersen

Councillor Stephen Clough  
Councillor David Hancock  
Councillor Heather Liggett  
Councillor Kathy Rouse

#### **Also Present:**

D Thompson	Assistant Director of Planning
A Kirkham	Planning Manager - Development Management
A Lockett	Senior Planning Officer
S Wigglesworth	Senior Planning Officer
A Jafri	Planning Solicitor
N Ellis-Hall	Temporary Senior Governance Officer
T Fuller	Governance Officer

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

17/2

4-25 Apologies were received from Councillors C Gare, A Cooper, substituted by H Liggett, and M Foster, substituted by S Clough.

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

18/2

4-25 Councillor K Rouse declared an interest in Item 6 of the agenda, NED/24/00502 – Clay Cross, as a Local Ward Member. 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/ Declaration of Predetermination**

19/2

4-25 None.

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

20/2

4-25 RESOLVED –

That the minutes of the meeting held on 3 September 2024 were approved as a true record.

#### **PLA/ NED/24/00253/FL - ASHOVER**

21/2

4-25 The Chair of the Committee informed Members that he had agreed to defer item 5 on the Agenda, NED/24/00253/FL – ASHOVER. He had done this on the advice of Officers, to enable further work to take place. The Planning Manager

(Development Management) clarified that late comments had been received from the Derbyshire Wildlife Trust. As such, and with the support of Officers, the Applicant had asked for a deferral in order to resolve the comments.

**PLA/** **NED/24/00521/FL - PILSLEY**

**22/2**

**4-25**

With the agreement of the Chair, Item 7 - NED/24/00521/FL – PILSLEY, was taken next.

The report to Committee explained that an Application had been submitted for the construction of a two storey 5 bed detached dwelling at The Bungalow, Station Road, Pilsley. The Application had been referred to committee by Local Ward Member, Councillor A Cooper, who had raised some concerns about it.

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

Officers felt that the proposal, being a 5-bed dwelling, fits well with the planning policies aimed at supporting development within settlements. The report suggested that the design of the proposal fits into the existing street scene and secured the privacy and amenity of neighbouring properties. In this context, Officers considered that the proposal meets the guidelines contained within the Council's Successful Places Guidance. Whereas issues such as access to services were seen as private legal matters between landowners.

Officers concluded that the proposal meets the requirements of the policies of the North East Derbyshire Local Plan. They recommended, therefore, that the application be approved, subject to conditions and legal agreement.

Before the Committee considered the application it heard from Local Ward Member, Councillor A Cooper, L Booth and K Goodwin who spoke against the Application. It also heard from the Applicant, P Hartill.

Committee considered the application. It took into account the type of occupancy being applied for and its location on a narrow access track. It considered the relevant Local and National Planning Policies. These included Local Plan Policy SS7 concerning development within the settlement development limits, and Local Plan Policy SDC12 concerning high quality design and place making.

Members discussed the application. Committee welcomed the proposal being on a vacant site within the Pilsley settlement development limits. Some Members questioned the impact of the building works on the neighbouring properties using the access Lane, it was felt that conditions limiting the hours in which works could take place would be sufficient to address this. Some Members felt the proposal lacked adequate parking provisions but understood that it would take a fresh application to address this issue.

At the conclusion of the discussion Councillor D Hancock and Councillor S Clough moved and seconded a Motion to approve the Application. The motion was put to a vote and agreed.

## RESOLVED –

That the Application be approved, in line with Officer recommendations.

That the final wording of the conditions and legal agreement 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.
2. The development hereby approved shall be carried out in accordance with the details shown on drawing numbers: 2241-02D, 2241-3-D, 2241- 500 uploaded 27/6/2024; unless otherwise subsequently agreed through a formal submission under the Non Material Amendment procedures.
3. Before the commencement of the development hereby approved: a. A Phase I contaminated land assessment (desk-study) shall be undertaken and approved in writing by the local planning authority. b. The contaminated land assessment shall include a desk-study with details of the history of the site use including: • the likely presence of potentially hazardous 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 to the local planning authority for approval.
4. 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.
5. The dwelling hereby approved shall not be occupied until: a. The approved remediation works required by 4 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 reevaluated through the process described in 3b to 4 above and satisfy 5a above. c. Upon completion of the remediation works required by 4 and 5a above a validation report prepared by a competent person shall be submitted to and approved in writing by the local planning authority. The validation report shall include details of the remediation works and Quality Assurance/Quality Control results to show that the works have been carried out in full and in accordance with the approved methodology. Details of any validation sampling and analysis to show the site has achieved the approved remediation standard, together with the necessary waste management documentation shall be included.

6. 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.
7. 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.
8. Before above groundwork commences, precise specifications (including the manufacturer, range and colour details where applicable) or samples of the walling and roofing materials to be used, shall be made available on site for inspection, and subsequent written approval, by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.
9. Prior to building works commencing, a Biodiversity Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall indicate the locations and specifications of two or more of the following measures, which shall be implemented in full and maintained thereafter:
  - 1x external woodcrete / woodstone bat box
  - 1x integral bat brick
  - 1x external woodcrete / woodstone bird box
  - 1x integral universal nest brick
  - 1x insect brick / house / tower
  - Hedgehog gaps in fencing (130 mm x 130 mm)
  - Native and wildlife-attracting planting i.e., trees, hedgerow, shrubs and / or herbaceous perennials to provides resources for pollinators, birds and other wildlife. A statement of good practice including photographs should be submitted to the local

planning authority prior to the discharge of this condition, demonstrating that the enhancements have been selected and installed in accordance with the above.

10. Before above groundwork commences, the following shall be submitted to and approved in writing by the Local Planning Authority: a) a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, b) the details of any trees and hedgerows to be retained, together with measures for their protection during development, c) a schedule of proposed plant species, size and density and planting locations and d) an implementation programme.
11. 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.
12. Prior to the installation of any external lighting fixtures, a detailed lighting strategy shall be submitted to and approved in writing by the Local Planning Authority to safeguard bats and other nocturnal wildlife. This should provide details of the chosen luminaires, their locations and any mitigating features such as dimmers, PIR sensors and timers. Guidelines can be found in Guidance Note 08/23 - Bats and Artificial Lighting at Night (BCT and ILP, 2023). Such approved measures will be implemented in full.
13. 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.
14. The building and hard landscaping shall be carried out in accordance with levels details shown in drawing 2241- 02 D Proposed site plan received 27th June 2024 and the levels shall be retained as such thereafter.
15. Before development commences, a scheme of the disposal of surface water and foul sewage shall be submitted to and be approved in writing by the Local Planning Authority. The approved surface and foul water schemes shall be implemented in full prior to the first occupation of the dwelling hereby approved and retained as approved thereafter.
16. Notwithstanding any submitted details, before above groundwork commences, 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 first use of the dwelling and shall be retained as approved for the lifetime of the development.
17. The window(s) proposed in the east and west elevations at first floor level of the dwelling 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 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.

18. Before above groundwork commences, a scheme showing where bins will be stored on the property and presented at the highway shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall then be delivered as approved and retained as such thereafter.
19. The Development hereby approved shall not be occupied until the access, parking and turning facilities have been provided as shown on drawing 2241-02 D.

### **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 avoidance of doubt.
3. To protect future occupiers of the development, buildings, structures/services, ecosystems and controlled waters, including deep and shallow ground water.
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5. To protect future occupiers of the development, buildings, structures/services, ecosystems and controlled waters, including deep and shallow ground water.
6. 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.
7. 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.
8. In the interests of the appearance of the area and in accordance with Policies SS7 SDC12 of the North East Derbyshire Local Plan.
9. To deliver species enhancements in accordance with policy SDC4 and the NPPF.
10. In the interests of the appearance of the area and in accordance with policies SS7 and SDC12 of the North East Derbyshire Local Plan.
11. In the interests of the appearance of the area and in accordance with policies SS7 and SDC12 of the North East Derbyshire Local Plan.
12. To ensure the protection of habitat for bats and in accordance with policy SDC4 and the NPPF.
13. To ensure that nesting birds are not disturbed during development.
14. In the interests of the appearance of the area and in accordance with

- Policies SS7 and SDC12 of the North East Derbyshire Local Plan.
15. In the interests of satisfactory and sustainable drainage in accordance with Policy CSU4 of the North East Derbyshire Local Plan.
  16. In the interests of the appearance of the area and in accordance with Policies SS7 and SDC12 of the North East Derbyshire Local Plan.
  17. To protect the amenity of existing and future neighbouring residential occupiers and in accordance with Policies SS7 and SDC12 of the North East Derbyshire Local Plan.
  18. To ensure that waste bins are presented at the highway in a way which does not harm the amenity of surrounding neighbours and does not impact highway safety.
  19. To ensure conformity with submitted details.

**PLA/ NED/24/00502/FL - CLAY CROSS**

**23/2**

**4-25**

Councillor K Rouse left the meeting.

The report to Committee explained that an Application had been submitted for the change of use of the existing building from its current use for B2 General Industrial to mixed use, for use as cafe and as a hot food takeaway at Unit 10, Upper Mantle Close, Clay Cross. The Application had been referred to committee by Local Ward Member, Councillor K Rouse, due to the significance of the site.

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

Officers accepted that matters relating to design, amenity, highway safety and flood risk are satisfactory. However, they explained that the proposal lay on a site designated as a Principal Employment Area. In this context, the proposal was deemed as unacceptable as it would conflict with the Council's policy on delivering commercial development on appropriate sites. Additionally, the report contended that the lack of vacant premises surrounding the proposal should be taken as evidence that there is a demand for Use Class B2 sites in the area.

Officers concluded that the proposal would not accord with Local and National Planning Policies. They recommended, therefore, that the application be refused.

Before the Committee considered the application it heard from local business owner L Barnes who spoke in support of the Application as well as the Applicant, L Bell and the Agent, C Retford.

Committee considered the application. It took into account the changing needs and characteristics of Clay Cross. It considered the relevant Local and National Planning Policies. These included Local Plan Policy WC2 concerning Principal Employment Areas, and Local Plan Policy SP2 concerning Clay Cross. Committee also considered the social and economic effects of the café on the local area.

Members discussed the application. Committee acknowledged that permitting the change of use would be contrary to Local Planning Policy. The dangers of the precedent set, should permission be granted, were highlighted. However, some Members deemed that substantial weight should also be put on the social and

economic benefits of the proposal. It was felt that the café functioned as a hub for the community as it served workers from the industrial estate and several regular older customers on a daily basis. With this came several gains to the local area. For instance, the use of local suppliers, the amenity provided to the industrial estate and the employment of nine people. In this context, some Members suggested that the café could be seen as ancillary to the Principal Employment Area. It was highlighted that these benefits were not secured by the change of use of land as they were singular to the café in question. Committee agreed that personal permission should be given to the Applicant, in order to mitigate these concerns.

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

**RESOLVED –**

That the Application be approved, contrary to Officers recommendations.

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

Reason

The ancillary social and economic benefits to the area that would be provided under the Application.

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

**24/2**

**4-25** Councillor K Rouse returned to the meeting.

The report to Committee explained that three appeals had been lodged and one had been dismissed.

**PLA/ Matters of Urgency**

**25/2**

**4-25** None.