

PLANNING COMMITTEE

MINUTES OF MEETING HELD ON TUESDAY, 15 DECEMBER 2020

Present:

Councillor Diana Ruff (Chair) (in the Chair)
Councillor Jayne Barry (Vice-Chair)

Councillor William Armitage
Councillor Peter Elliott
Councillor Carol Huckerby
Councillor Alan Powell
Councillor Jacqueline Ridgway
Councillor Ross Shipman

Councillor Andrew Cooper
Councillor Mark Foster
Councillor Maureen Potts
Councillor Tracy Reader
Councillor Kathy Rouse

In Attendance: Councillor Barry Lewis (Spoke as a Ward Member on Application NED 20/00409/ Wingerworth)

Also Present:

R Purcell	Assistant Director - Planning
A Kirkham	Planning Manager - Development Management
A Lockett	Planning Officer
Cartwright	Senior Planning Officer
J Fieldsend	Legal Team Manager (non contentious)
N Calver	Governance Manager
M E Derbyshire	Members ICT & Training Officer
D Stanton	Governance Officer
A Maher	Senior Governance Officer

PLA/ Apologies for Absence and Substitutions

56/2

0-21 There were no apologies for absence. Councillor J Ridgway noted that she would be leaving the meeting at 3pm.

PLA/ Declarations of Interest

57/2

0-21 Councillor Reader declared an interest in Item 4a NED/20/00221/FL - Clay Cross in that she intended to speak on the application in her capacity as a Ward Councillor. She confirmed that following any questions from Members she would then take no further part in the committee's deliberations on this application.

PLA/ Minutes of Last Meeting

58/2

0-21 The minutes of the Planning Committee held on 17 November 2020 were approved as a correct record.

PLA/ NED/20/00221/FL - Clay Cross

59/2

0-21a The Planning Manager (Development Management) presented the report and drew Members attention to the late updates report and the report from the

Applicant's Ecologist. The application was being considered by the Committee at the request of Councillor T Reader due to possible concerns around flooding at Press Brook, highway safety and impact on services such as local schools and GP practices, in addition to the possible impact on historical mine works and a possible impact on wildlife. Representations were heard in objection from Ward Councillor T Reader, Mandy Bingham, Fenella Jones, Richard Bargh and Richard Eden. Representations were heard in support of the application from the Applicant's Agent, Darren Abbott (DLP Consultants).

Members had the opportunity to question speakers and officers. The application was discussed in length, including concerns over flooding on the site and the potential impact on other nearby sites, as well as the number of dwellings in the proposed application in relation to the emerging Local Plan. Officers noted that Flood Risk Assessments which had been submitted by both the Applicant and the Derbyshire Flood Team (as the lead Local Flood Authority and statutory consultee) were deemed acceptable and that the number of dwellings in the Local Plan is indicative and not a maximum number in relation to the site in question. Members also considered implications around air pollution and drainage.

RESOLVED –

(a) That the application be approved in line with Officer Recommendations, subject to final completion of a section 106 agreement.

(b) That determination of the final conditions for approval be delegated to the Planning Manager (Development).

1. The development hereby approved shall be started within 3 years from the date of this permission.

Reason: To comply with section 91 (as amended) of the Town and Country Planning Act 1990

2. The development hereby approved shall be carried out in accordance with the details shown on the following plans:-

- 19-03-P01 Rev F – Site Plan
- CLCC-BSP-ZZ-XX-DR-C-0002 REV P02 – Refuse Vehicle Swept Path Analysis
- INF_N0708(08)001A – Illustrative Landscape Masterplan
- INF_N0708(08)003A – Hard and Soft Landscape Palette Sheets
- RSE_4068_BIA REV V4 – BIA Visualisation
- 19-03-P30 – Sections to Press Brook
- 19-03-P-00 – Location Plan
- 19-03-P02 PLOT 1 BEAL (A1)
- 19-03-P03 PLOT 3 BEAL (A1)
- 19-03-P04 PLOT 7 BEAL (A1)
- 19-03-P05 PLOTS 8 AND 20 BEAL (A1)
- 19-03-P06 PLOTS 2 AND 29 PETWORTH (A1)
- 19-03-P07 REV A PLOT 4 LINDISFARNE (A1)
- 19-03-P09 REV A PLOT 27 LINDISFARNE (A1)
- 19-03-P10 PLOT 30 LINDISFARNE (A1)

- 19-03-P11 REV A PLOT 16 LINDISFARNE (A1)
- 19-03-P12 PLOT 35 LINDISFARNE (A1)
- 19-03-P13 PLOT 9 SUDBURY (A1)
- 19-03-P14 PLOT 10 SUDBURY (A1)
- 19-03-P14 PLOT 10 SUDBURY (A1)
- 19-03-P15 PLOT 11 CLAYDON (A1)
- 19-03-P16 PLOT 12 CLAYDON (A1)
- 19-03-P17 PLOT 15 CLAYDON (A1)
- 19-03-P18 REV A PLOT 14 DANBURY (A1)
- 19-03-P19 REV A PLOTS 21-22, 23-24 AND 25-26 2 BED AFFORDABLES
- 19-03-P20 PLOT 28 ROSEDENE (A1)
- 19-03-P21 PLOT 34 ROSEDENE (A1)
- 19-03-P22 PLOT 31 BUCKINGHAM (A1)
- 19-03-P23 PLOTS 5-6 HARDWICK (A1)
- 19-03-P24 PLOTS 17, 18, 32 AND 33 HARDWICK (A1)
- 19-03-P25 GARAGES (A1)
- 19-03-P26 REV C SITE SECTIONS (A1)
- 19-03-P27 PLOT MATERIALS SCHEDULE
- 19-03-P28 REV A BOUNDARY DETAILS (A1)
- 19-03-P29 REV A BOUNDARY TREATMENT PLAN (A1)
- ARBORICULTURAL ASSESSMENT
- BIODIVERSITY METRIC 2.0 CALCULATION TOOL.
- CLCC*BSP-ZZ-XX-RP-C-001-P02 FLOOD RISK ASSESSMENT
- ECOLOGICAL APPRAISAL
- HERITAGE STATEMENT
- TRANSPORT ASSESSMENT

Unless otherwise subsequently agreed through a formal submission under the non-material amendment procedures and unless otherwise required by any condition in this decision notice.

Reason: For Clarity and the avoidance of doubt.

Employment and Training

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

Reason: In the interests of creating sustainable development in accordance with policy GS1 of the North East Derbyshire Local Plan.

On-site Public Spaces

4. Prior to the first occupation of any dwelling a scheme for the delivery and future maintenance of all on site public open space, and a timetable for

implementation relative to the completion of dwellings hereby approved. Thereafter any approved scheme of open space shall be implemented in full in accordance with the approved timetable and shall be maintained in accordance with the approved scheme thereafter.

Reason: In the interest of the appearance of the area and in accordance with policies GS1 and H12 of the North East Derbyshire Local Plan

Sustainable Design, Character and Appearance

5. Notwithstanding the submitted details, before any above ground works commence, 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

Reason: In the interest of the appearance of the area and in accordance with policies GS1 and H12 of the North East Derbyshire Local Plan

6. All planting, seeding or turfing in the approved scheme of landscaping shall be carried out in the first planting and seeding season following the occupation of buildings or the completion of the development, whichever is the sooner. Any plants or trees which within a period of 5 years from the completion of development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interest of the appearance of the area and in accordance with policies GS1 and H12 of the North East Derbyshire Local Plan

7. Notwithstanding the submitted details, prior to any above ground works commencing, a plan to show the positions, design, materials, height and type of boundary treatments to be erected and/or retained including a timetable for implementation relative to the occupation of plot numbers shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in full in accordance with the approved timetable and retained as such thereafter.

Reason: In the interest of the appearance of the area and in accordance with policies GS1 and H12 of the North East Derbyshire Local Plan

8. The proposed finished floor levels of the dwellings and the proposed finished ground levels of the site shall be implemented in accordance with drawing 19-03-P01 revision E.

Reason: In the interest of the appearance of the area and in accordance

with policies GS1 and H12 of the North East Derbyshire Local Plan

9. Prior to first occupation of any dwelling, a scheme for the provision of public art on the site including a timetable for implementation shall be submitted to and approved in writing by the Local Planning Authority. The public art shall be implemented in full in accordance with the approved timetable and retained as such thereafter.

Reason: In the interest of the appearance of the area and in accordance with policies GS1 and H12 of the North East Derbyshire Local Plan

10. Before any above ground works commence a scheme for mitigating climate change through sustainable design and construction of the dwellings shall be submitted to and approved in writing by the LPA. Thereafter the approved climate change scheme shall be implemented in full and retained as such thereafter.

Reason: In the interests of creating sustainable development in accordance with policy GS1 of the North East Derbyshire Local Plan.

11. No part of the development shall be occupied until details of arrangements for the storage of bins and collection of waste have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained as such thereafter.

Reason: In the interests of highway safety and in accordance with policies T2, T9 and H12 of the North East Derbyshire Local Plan

Ecology

12. No vegetation clearance shall take place between 1st March and 31st August inclusive, unless preceded by a nesting bird survey undertaken by a competent ecologist. 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.

Reason: To safeguard the ecology of the site and ensure ecological interest is conserved in accordance with Policy NE6 of the North East Derbyshire Local Plan.

13. Prior to the start of construction (including site clearance), an Otter Mitigation Strategy shall be submitted to the LPA for approval. This shall specify measures to safeguard the functionality of Press Brook and protect individual animals. Measures shall include those listed below. The approved Strategy shall be implemented in full.

- Details of the 'wild' buffer of existing vegetation to be retained between Press Brook and the development.
- The buffer shall be protected with otter-proof fencing during construction and for the lifetime of the development.
- Excavations shall be covered overnight during construction or mammal

ramps shall be installed.

- No night-working on the site and no lighting of the buffer zone during construction
- Any necessary outfalls shall be carefully planned and in-channel works supervised by an ecologist. Vegetation removal must be minimised and replacement planting may be required to maintain the integrity of the buffer, dependent on advice from the ecologist.
- The buffer zone shall be maintained with low intervention management, with works limited to removal of garden waste/garden escapes/litter/fly tipping by maintenance contractors and where access allows. This shall be included within any Landscaping or Management Plans.

Reason: To safeguard the ecology of the site and ensure ecological interest is conserved in accordance with Policy NE6 of the North East Derbyshire Local Plan.

14. Prior to the start of construction (including site clearance), a Badger Mitigation Strategy shall be submitted to and approved in writing by the LPA. This shall specify the approach to deal with the known badger sett within the application area, including the implementation of temporary buffer zones, any update survey work and the requirements for licensing. The approved Strategy shall be implemented in full and confirmation of licence approval/site registration from Natural England shall be submitted to the LPA once available.

Reason: To safeguard the ecology of the site and ensure ecological interest is conserved in accordance with Policy NE6 of the North East Derbyshire Local Plan.

15. Prior to the installation of services, a detailed lighting strategy shall be submitted to and approved in writing by the LPA to safeguard the Press Brook corridor and the eastern orchard and maintain their value to nocturnal wildlife. The Strategy should provide details of the chosen luminaires, their locations and any mitigating features such as dimmers, PIR sensors and timers. Such approved measures will be implemented in full.

Reason: To safeguard the ecology of the site and ensure ecological interest is conserved in accordance with Policy NE6 of the North East Derbyshire Local Plan.

16. Prior to building works commencing above foundation level, a Biodiversity Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority. This shall provide enhancements on site, in addition to the biodiversity offsetting works required for this application. Measures shall be shown clearly on a Plan, including numbers, locations and specifications. Such approved measures shall be implemented in full and maintained thereafter, with photographs of the measures in situ submitted to the LPA to fully discharge the condition. Measures shall include (but are not limited to) the following:

- integrated bat boxes in 40% of dwellings.

- swift boxes in 40% of dwellings.
- insect bricks in 20% of dwellings.
- hedgehog gaps (130 mm x 130 mm) shall be provided in garden fencing.

Reason: To safeguard the ecology of the site and ensure ecological interest is conserved in accordance with Policy NE6 of the North East Derbyshire Local Plan.

17. Before the commencement of development a scheme to mitigate and compensate the net loss of biodiversity resulting from the development shall have been submitted to and approved in writing by the Local Planning Authority and shall include details for a combination of on-site mitigation and off-site compensation and timescales for implementation. The scheme shall thereafter be provided in accordance with the approved details and timescales or before 90% of the dwellings are occupied whichever is sooner.

Reason: To safeguard the ecology of the site and ensure ecological interest is conserved in accordance with Policy NE6 of the North East Derbyshire Local Plan.

Drainage

18. 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 first occupation of the dwellings and retained as such thereafter.

Reason: In the interests of ensuring proper drainage of the site in accordance with policy CSU4 of the North East Derbyshire Local Plan.

19. 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. Flood Risk Assessment & Drainage Strategy, Clay Lane, Clay Cross for Woodall Homes Ltd by BSP Consulting Referenced CLCC-BSP-ZZ-XX-RP-C-0001-P02 dated June 2020 Revision P02 and also including any subsequent amendments or updates to those documents as approved by the Flood Risk Management Team,
 - b. And DEFRA's Non-statutory technical standards for sustainable drainage systems (March 2015),
 - c. and including any additional details submitted relating to maintenance and accessing of the watercourse for the lifetime of the development have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development does not increase flood risk and that the principles of sustainable drainage are incorporated into this proposal, and sufficient detail of the construction, operation and maintenance/management of the sustainable drainage systems are provided to the Local Planning Authority, in advance of full planning

consent being granted.

20. 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 80 reference ID: 7-080-20150323 of the planning practice guidance.

Reason: To ensure that surface water from the development is directed towards the most appropriate waterbody in terms of flood risk and practicality by utilising the highest possible priority destination on the hierarchy of drainage options. The assessment should demonstrate with appropriate evidence that surface water runoff is discharged as high up as reasonably practicable in the following hierarchy.

- I. into the ground (infiltration);
- II. to a surface water body;
- III. to a surface water sewer, highway drain, or another drainage system;
- IV. to a combined sewer

21. 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.

Reason: To ensure surface water is managed appropriately during the construction phase of the development, so as not to increase the flood risk to adjacent land/properties or occupied properties within the development

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

Reason: To ensure that the drainage system is constructed to the national Non-statutory technical standards for sustainable drainage and CIRIA standards C753

Ground Conditions

23. No development shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:
 - All previous uses
 - Potential contaminants associated with those uses
 - A conceptual model of the site indicating sources, pathways and receptors
 - Potentially unacceptable risks arising from contamination at the site
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 170 of the National Planning Policy Framework.

24. Prior to any part of the permitted development being brought into use, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 170 of the NPPF.

25. If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 170 of the NPPF.

26. No development shall take place until a Written Scheme of Investigation for archaeological work has been submitted to and approved by the local planning authority in writing, and until any pre-start element of the approved scheme has been completed to the written satisfaction of the local planning authority. The scheme shall include an assessment of significance and research questions; and

1. The programme and methodology of site investigation and recording
2. The programme for post investigation assessment
3. Provision to be made for analysis of the site investigation and recording
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
5. Provision to be made for archive deposition of the analysis and records of the site investigation
6. Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation

Reason: So as to record and advance understanding of a heritage asset in accordance with The National Planning Policy Framework and Policy GS7 of the North East Derbyshire

27. No development shall take place other than in accordance with the archaeological Written Scheme of Investigation approved under condition 26.

Reason: So as to record and advance understanding of a heritage asset in accordance with The National Planning Policy Framework and Policy GS7 of the North East Derbyshire

28. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological Written Scheme of Investigation approved under condition 26 and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: So as to record and advance understanding of a heritage asset in accordance with The National Planning Policy Framework and Policy GS7 of the North East Derbyshire

29. No development shall commence until intrusive site investigations have been carried out on site to establish the exact situation in respect of coal mining legacy features (shallow coal workings; on-site mine entry). The findings of the intrusive site investigations shall be submitted to the Local Planning Authority for consideration and approval in writing. The intrusive site investigations shall be carried out in accordance with authoritative UK guidance.

Reason: To protect the environment and address any coal mining legacy issues and in accordance with Policy CSU6 of the North East Derbyshire Local Plan.

30. Where the findings of the intrusive site investigations (required by the condition above) identify that coal mining legacy on the site poses a risk to surface stability, no development shall commence until a detailed remediation scheme to protect the development from the effects of such land instability has been submitted to the Local Planning Authority for consideration and approval in writing, including the submission of a layout plan which identifies appropriate zones of influence for the mine entry on site, and the definition of suitable 'no-build' zones. Following approval, the remedial works shall be implemented on site in complete accordance with the approved details.

Reason: To protect the environment and address any coal mining legacy issues and in accordance with Policy CSU6 of the North East Derbyshire Local Plan.

31. Before development starts details of any development works within 15m, measured horizontally, from the outside face of the Tunnel extrados shall be submitted to and approved in writing by the Local planning Authority. The details shall include:

- The type and method of construction of foundations
- Any increase/decrease of loading on the Tunnel both temporary and permanent. Certified proof that the proposals shall have no detrimental effect upon the tunnel will be necessary.

Any proposal must not interfere with Network Rail's operational railway nor jeopardise the structural integrity of the Tunnel. The approved details shall be implemented in full prior to the first occupation of any dwelling.

Reason: In the interests of the safety, operational needs and integrity of the railway.

32. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted to and approved in writing by the Local Planning Authority the works shall only be carried out in accordance with the approved details.

Reason: In the interests of the safety, operational needs and integrity of the railway.

33. Where vibro-compaction machinery is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.

Reason: In the interests of the safety, operational needs and integrity of the railway.

34. Before development starts a Method statement shall be submitted to and approved in writing by the Local Planning Authority. This should include an outline of the proposed method of construction, risk assessment in relation to the railway and construction traffic management plan. Where appropriate an asset protection agreement will have to be entered into. This will be particularly relevant in relation to works around the tunnel air shaft. The development shall then be carried out in accordance with the approved method statement.

Reason: In the interests of the safety, operational needs and integrity of the railway.

Amenity

35. Construction works on site and deliveries to the site shall be undertaken only between the hours of 7:30am to 6pm Monday to Friday and 7:30am to 12pm on Saturday. There shall be no work undertaken on site or deliveries to the site undertaken on Sundays or public holidays.

Reason: To protect the amenity of all nearby property occupiers and users in accordance with policy H12 of the North East Derbyshire Local Plan.

Highways

36. Before development starts, a detailed scheme of highway improvement works in connection with the potential relocation of an existing speed hump fronting the site, together with a programme for the implementation and completion of the works shall be submitted to and approved in writing by the Local Planning Authority. No part of the development shall be brought into use until the required highway improvement works have been constructed in accordance with the approved details. For the avoidance of doubt the developer will be required to enter into a 1980 Highways Act S278 Agreement with the Highway Authority in order to comply with the requirements of this condition.

37. Before any construction operations commence a construction management plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include for:-

- Site accommodation
- The storage of plant and materials
- Parking of contractors and visitors vehicles associated with the construction activities
- Timing of deliveries to and from the site

The works shall be carried out thereafter in accordance with the approved plan.

38. Throughout the period of development, vehicle wheel cleaning facilities shall be provided and retained within the site. All construction vehicles shall have their wheels cleaned before leaving the site in order to prevent the deposition of mud and other extraneous material on the public highway.

39. Before development starts details of the temporary access for construction purposes shall be submitted to and approved in writing by the local planning authority.
40. No part of the development shall be occupied until a new estate street junction has been formed to Clay Lane (and appropriate frontage footway and tactile crossing) in accordance with the revised application drawings that shall be submitted to and approved in writing by the local planning authority. The access shall also be provided with visibility sightlines extending from a point 2.4m from the carriageway edge, measured along the centreline of the junction, for a distance of 43m in each direction, measured up to 1m into the nearside carriageway at the extremity of the splay. The land in advance of the sightlines being levelled, constructed as footway and not being included in any plot or other sub-division of the site.
41. Within 28 days, or other such period of time as may be agreed with the Local Planning Authority, of the permanent access being constructed all other means of access to Clay Lane (existing or temporary) shall be permanently closed and the existing vehicle crossover(s) reinstated with full height kerbs and appropriate footway / verge construction in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority.
42. Prior to any works exceeding demolition and site clearance construction details of the residential estate roads and footways (including layout, levels, gradients, surfacing and means of surface water drainage) shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior in accordance with the approved timetable. The applicant is advised to obtain construction approval from the Highway Authority prior to submission of any details in connection with this condition.
43. The carriageways and footways shall be constructed in accordance with the details approved under condition 36 above, up to and including binder course surfacing, to ensure that each dwelling, prior to occupation, has a properly consolidated and surfaced carriageway and footway between the dwelling and the existing public highway. Until final surfacing is completed, the footway binder course shall be provided in a manner to avoid any upstands to gullies, covers or other such obstructions within or abutting the footway. The carriageways and footways in front of each dwelling shall be completed with final surface course within twelve months (or three months in the case of a shared surface road) from the occupation of such dwelling.
44. The gradient of the new estate street access shall not exceed 1:30 for the first 10m into the site from the existing highway boundary and 1:20 thereafter.
45. The dwellings, the subject of the application, shall not be occupied until the estate street has been provided with suitable turning arrangements to enable service and delivery vehicles to turn. In the case where interim turning arrangements are constructed these must remain available until

any permanent estate street turning is available, in accordance with the approved estate street designs.

46. All private and shared driveways, and parking spaces within the site shall not be taken into use until provided with 2.4m x 25m, or other such dimensions as may be agreed with the Local Planning Authority, visibility splays, the area in advance maintained free from any obstruction exceeding 1m (600mm if vegetation) relative to the adjacent carriageway channel level and 2m x 2m x 45° pedestrian intervisibility splays on either side of the access at the back of the footway, the splay area being maintained throughout the life of the development clear of any object greater than 0.6m in height relative to footway level.
47. No part of the development shall be occupied until details have been submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of water from private areas/driveways onto the adoptable highway. The approved scheme shall be undertaken and completed prior to the first use of private areas/accesses and retained as such thereafter.
48. The dwellings the subject of the application, shall not be occupied until space has been provided within the site curtilage for parking (including cycle parking), located, designed, laid out and constructed all as agreed in writing with the Local Planning Authority and maintained throughout the life of the development free from any impediment to its designated use.
49. The garages hereby permitted / car spaces to be provided, shall be kept available for the parking of motor vehicles at all times. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and/or re-enacting that Order) the garage / car parking spaces hereby permitted shall be retained as such and shall not be used for any purpose other than the garaging of private motor vehicles associated with the residential occupation of the property without the grant of further specific planning permission from the Local Planning Authority.
50. The first 5m of the proposed access driveways shall not be surfaced with a loose material (i.e. unbound chippings or gravel etc).
51. No gates, chains or other barriers (or any part of their opening arc) shall be permitted to open outwards over the adjacent street - any gates, chain or barriers shall open inwards/ onto the site only.
52. Prior to the first occupation of any dwelling, details of the proposed arrangements for future management and maintenance of the streets shall be submitted to and approved in writing by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details or until such time as an agreement has been entered into under section 38 of the Highways Act 1980, if appropriate.

Informative

Network Rail:

Method Statements/Fail Safe/Possessions

Method statements may require to be submitted to Network Rail's Asset Protection Project Manager at the below address for approval prior to works commencing on site. This should include an outline of the proposed method of construction, risk assessment in relation to the railway and construction traffic management plan. Where appropriate an asset protection agreement will have to be entered into. As stated above, this will be particularly relevant in relation to works around the tunnel air shaft. Generally if excavations/piling/buildings are to be located within 10m of the railway boundary/assets a method statement should be submitted for NR approval.

ENCROACHMENT

The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail and its infrastructure or undermine or damage or adversely affect any railway land and structures. There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail air-space and no encroachment of foundations onto Network Rail land and soil. There must be no physical encroachment of any foundations onto Network Rail land. Any future maintenance must be conducted solely within the applicant's land ownership. Should the applicant require access to Network Rail land then must seek approval from the Network Rail Asset Protection Team. Any unauthorized access to Network Rail land or air-space is an act of trespass and we would remind the council that this is a criminal offence (s55 British Transport Commission Act 1949). Should the applicant be granted access to Network Rail land then they will be liable for all costs incurred in facilitating the proposal.

Footpath

The developer should ensure that Clay Cross footpath 13 be kept open and safe use during the development of the site. Should any damage occur to the footpath a result of the development work then the surface of the path and it's immediate surrounding should be returned to a condition at least equal to its current condition

PLA/ NED/20/00409/RM - Wingerworth

60/2

0-21

The Chair reminded the Committee that this was a reserved matters application and that the access point and number of dwellings had already been determined at appeal by the inspectorate and should not be discussed as part of this application.

The Planning Manager (Development Management) presented the report and drew Members attention to the late updates report (including a letter from the Agent) and the fact that no objection to the scheme had been received from Yorkshire Water. Representations were heard in objection from Ward Councillor Barry Lewis, and Tony Carter. Representations were heard in support of the application from the Applicant's Agent, Paul Hill (RPS Group).

Members had the opportunity to question speakers and officers. Officers confirmed that there were a number of outstanding matters still to be agreed in consultation with the Council on ecological enhancements and appropriate engineering solutions regarding surface water, and that the client's ongoing commitment to provide 40% affordable housing should provide reassurance to Members on the application.

RESOLVED –

(a) That the Reserved Matters application be approved in line with Officer Recommendations, with an additional condition to require the submitted tree protection measures to be implemented before development starts and be retained as such thereafter.

(b) That determination of the final conditions for approval be delegated to the Planning Manager (Development).

1. The development hereby approved shall be carried out in accordance with the amended plans, add in plan details, unless otherwise specifically agreed in writing by the Local Planning Authority or otherwise required by any other condition in this decision notice.
2. Within 28 days of the development, hereby approved commencing, species 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.
3. Notwithstanding any submitted details, within 28 days of the development hereby approved commencing details of the proposed attenuation basin, its means of construction and its contours, depths and extent, along with the landscaping of the basin and adjoining land and the provision of any other structures/features incorporated into it, along with a timetable for implementation, shall be submitted to and be approved in writing by the Local Planning Authority. The attenuation basin and all/any associated landscaping shall then be implemented as agreed and be retained as such thereafter.
4. Prior to the occupation of the 175th house, hereby approved, the agreed scheme of boundary treatments shall be implemented in full. Once implemented the agreed scheme shall be retained as such thereafter.

PLA/ NED/20/00795/FL - Darley Moor

61/2

0-21

The Planning Officer presented the report and drew Members attention to the late updates report. She noted that this was a retrospective application to vary the approved conditions. Representations were heard in objection from Keith Moore.

Members had the opportunity to question speakers and officers, and were reminded to consider only the application in front of them and not in comparison to that which has been previously approved. The application was discussed in length, including the size and character of the building. Following the discussion, Councillor M Foster moved a motion to refuse the application contrary to Officer's recommendations in that the application is considered unacceptable as by reason of its size, scale and height it would fail to respect the character and beauty of the countryside, protect or enhance the natural environment and be a prominent intrusion. As such, it would fail to comply with policies GS6 and BE1 of the North East Derbyshire Local Plan, policies SS9 and SDC3 of the North East Derbyshire Local Plan (2014-2034) Publication Draft, policies AP2 and AP13 of the Ashover Neighbourhood Plan and the policies contained in the National Planning Policy framework when read as a whole. This was seconded by Councillor Shipman.

RESOLVED –

That the application be refused, contrary to Officer Recommendations, for the reasons detailed above with the final wording delegated to the Planning Manager in consultation with the Chair and Vice Chair of the Committee

PLA/ 62/2 0-21 **NED/20/00921/FLH - Ashover**

The Planning Officer presented the report and drew Members attention to the late updates report. She noted that officers could not take responsibility for the photos which had been submitted by objectors and were shown during the speaker's submissions. Representations were heard in objection from Councillor Chris Miller (Ashover Parish Council), Mike Thomas, Sheila Kirby and Mrs J H Hardwick. Representations were heard in support of the application from the Applicant, Mike Weightman.

The application was discussed in length, including concerns regarding the impact on windows of neighbouring properties and the noise of the development. Members debated the conditions that could be added to the application to improve screening to neighbouring properties as well as conditioning the area of useable patio to reflect what has been previously approved.

RESOLVED –

(a) That the application be approved in line with Officer Recommendations, subject to the revised conditions as follows:

1. The development hereby approved shall be carried out in accordance with the details shown on drawing "Proposed Detached Garage Details Rev A" dated Nov 2020 and received on 26th Nov 2020 unless otherwise agreed through a formal submission under the non-material minor amendment procedures or as otherwise specifically required by other conditions contained within this decision notice.

2. Prior to the first use of the garage hereby approved, as such, a scheme of landscaping, including a timetable for its implementation, to allow for new boundary hedge planting/existing hedge growth and subsequent retention, as appropriate, shall be submitted to and be approved in writing by the Local Planning Authority. Specifically, the submitted scheme shall show, as a minimum,

the hedge on the eastern site boundary with Chapel Hill replanted where necessary and then kept, as a whole, at a minimum height of 2 metres above the height of the wall (when measured from the road side) and a new hedge planted on the western site boundary, allowed to grow and subsequently then be retained at a height 2 metres above the height of the boundary wall.

The agreed scheme shall then be implemented as agreed and be retained as such thereafter.

Reason: In the interests of enclosing the site in order to protect the amenity of residents of neighbouring properties.

3. Notwithstanding any other submitted details, prior to the first use of the green roof garden/patio terrace, as such, a wall shall be erected along the line of the "Steel Fence", as depicted on the submitted and otherwise approved drawings, to a height no greater than 1 metre. No other enclosing structure/wall or fence shall then be erected/placed or constructed beyond that point to any garage edge or on the edge of the garage itself. The area between the newly erected wall, as required by this condition, and the edge of the garage itself shall then not be used as a sitting out area, veranda, patio/garden, balcony or similar.

Reason: To ensure the area of extended garage beyond that approved by application NED/19/00255 is not used as an amenity area in the interest of protecting the amenity of occupiers of neighbouring residential properties.

4. Prior to the first use of the patio terrace/roof garden, as shown on the approved plans, as such, a scheme of all proposed external lighting for the patio terrace/roof garden shall be submitted to and be approved in writing by the Local Planning Authority. Subsequently only the external lighting so approved shall be installed/erected/placed within those areas and no other external lighting of any kind shall be installed/erected/placed within or on the patio terrace/roof garden.

(b) That determination of the final conditions for approval be delegated to the Planning Manager (Development) in consultation with the Chair of the Committee.

- (i) The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

- (ii) The development hereby approved shall be carried out in accordance with the details shown on drawing Proposed Detached Garage Details rev A received 26/11/2020; unless otherwise subsequently agreed through a formal submission under the Non Material Amendment procedures

Reason: for clarity and avoidance of doubt

- (iii) Before the first use of the garage hereby approved, the hedge on the eastern boundary with Chapel Hill shall be replanted where necessary and kept at a minimum height of 1.5m above the wall (on the road side) in perpetuity.

Reason: To maintain the privacy and amenity of neighbours in accordance with policy H5 of the North East Derbyshire Local Plan

- (iv) Before the first use of the garage hereby approved, the metal fence shown on the attached plans and located 2m back from the southern elevation of the garage shall be installed. This fence will be maintained in perpetuity and will prevent the 2m wide strip from being used for any other purpose than maintenance.

Reason: To maintain the privacy and amenity of neighbours in accordance with policy H5 of the North East Derbyshire Local Plan

- (v) The garage hereby approved shall be used solely for domestic purposes and shall not be used for any trade or business.
- (vi) For the avoidance of doubt and to avoid the establishment of a commercial activity in an unsuitable location in accordance with Policies E8 of the North East Derbyshire Local Plan.
- (vii) The garage hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Clover Lea and shall not be severed from the main house as a separate dwelling.

Reason: Insufficient amenity space is available to serve a further independent residential unit; in accordance with Policies H2 and H12 of the North East Derbyshire Local Plan

Informatives

In accordance with the provisions of Section 96A of the Town and Country Planning Act which came into force 1st October 2009, any amendments to the approved plan will require either a formal application for a non-material amendment (for which a fee of £34 would be required) or the submission of a full planning application for a revised scheme. Please discuss any proposed amendments with the Planning Officer.

PLA/ Planning Appeals - Lodged and Determined

**63/2
0-21**

The report to Committee gave details of those Planning Appeals which had been lodged and determined. Members heard that two appeals had been lodged, none had been allowed and that four had been dismissed. Members were asked to note that the fourth appeal which had been dismissed (Land Allocation Ltd – Approved by Committee decision) suggested that there was not a consistent process from inspectors which can make it difficult for Officers to give clear guidance to Members, and that in assessing large scale housing developments they would need to be quite clinical in evaluating the weight attached to different policies. The Planning Manager noted the possibility of getting independent advice on issues such as Highways safety in the future if Members deemed this was necessary.

RESOLVED -

The Committee noted the report.

PLA/ Matters of Urgency

64/2

0-21 There were no matters of urgency to consider.