

COMMITTEE UPDATE SHEET

SUPPLEMENTARY REPORT OF THE PLANNING MANAGER

This sheet is to be read in conjunction with the main report.

Agenda Item No: 6 Planning Applications to be determined

Planning Site Visits held on 27 July 2018 commencing at 10:00hours.

PRESENT:-

Members: Councillors PM Bowmer, J Clifton, Pat Cooper, Paul Cooper, D McGregor, R Turner (Vice Chair), KF Walker, D Watson and J Wilson.

Officer: Peter Sawdon

APOLOGIES

Apologies were received from Councillors T Alexander, T Munro (Chair), K Reid and P Smith.

SITES VISITED

1) Whaley Moor Farm (17/00546/OUT)

2) Brick Yard Farm, Slayley Lane, Barlborough (17/00539/FUL)

The meeting concluded at 11:30 hours

Summary of representations received after the preparation of the original main Committee Report and any recommendation based thereon.

Agenda item No: 6.1: Whaley Moor Farm (17/00546/OUT)

Since the submission of the officer report, the applicant has requested that a decision on this application be deferred for the following reasons:

- i. There is no reference [in the officer report] to the green space being provided for public use;
- ii. There is no reference [in the officer report] to the pre-application meetings in early 2016 that resulted in positive comments that encouraged the application; and
- iii. There are new comments raised [in the officer report] about issues such as the design of the frontage of the restored farmhouse and impact on the amenity of neighbours that we have not seen before and have not had an opportunity to respond to.

Officers have advised the applicant a deferral is not warranted because (i) there is no public open space proposed in the application; (ii) prior to the submission of this application (2017) officers offered advice that stated clearly the proposals were contrary to adopted policies and would be difficult to support, which is also not mentioned in the officer report; and (iii) neighbourliness is not a reason for refusal and it is now for members to determine whether

they agree with officers or the applicant on the acceptability of the design of the restored farm house.

Nonetheless, it is of course open to members to defer a decision on this application if they wish to give further consideration to these matters noting that the applicant strongly disagrees with the assessment of design and impacts on the Conservation Area in the officer report. In this respect, members may also wish to note that this application seeks approval of the details of external appearance, scale, layout and access and these items are not reserved matters in this case.

Derbyshire Wildlife Trust

The Wildlife Trust have provided comments on the Bat Method Statement (BL-Ecology, 2018) and the Precautionary Method Statement for Amphibians, Reptiles, Badgers and Birds (BL-Ecology, 2018) submitted by the applicant to address the outstanding ecological issues referred to in the officer report. The Wildlife Trust advise these documents are well detailed and the mitigation measures set out in these documents should be secured by condition if permission were to be granted for the current application.

Revised National Planning Policy Framework

The revised NPPF was published in July 2018 (after the officer report was published) but the updated policies do not significantly alter the arguments set out in the officer report. For example, the most relevant heritage conservation policies now say:

Paragraph 192: In determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 193: When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 196: Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Policies on rural housing remain unchanged compared to the analysis in the officer report but have new paragraph numbers (77-79). There is also a renewed emphasis on design quality in the revised NPPF and an amendment to the *presumption in favour of sustainable development*, which for decision-taking now means:

- approving development proposals that accord with an up-to-date development plan without delay; or

- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

In this case, it is considered that the saved Local Plan policies which are most important for determining this application are up to date and the revisions to the NPPF do not materially alter the reasons for refusal of this application as set out in the officer report.

Recommendation:

Consequently, the original officer recommendation of refusal remains unchanged other than making reference to the revised NPPF as below. Therefore, the current application is recommended for refusal for the following reasons:

1. **The development proposes a design not obviously well related to the local vernacular and the northern portion appears overly dense, prominent in the public realm and leads to an erosion of the perception of openness of this section of the Conservation Area. Such effects conflict with the requirements of Local Plan Policy GEN2, CON1 and CON4, the emphasis within paragraph 193 of the revised Framework and S72 of the Listed Buildings and Conservation Areas Act 1990 to ensure *‘special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.’***
2. **Whaley is an isolated hamlet with little access to day to day services. There are no education facilities within the settlement, users of the development will be highly car dependent and there is insufficient pedestrian access to other settlements nearby due to the absence of pavement and narrow, unlit roads. Consequently, the application site is not in a location that is suitable for the scale of residential development proposed in this location and there is no evidence that the proposed affordable housing would meet an identified local need. Moreover, the Council can demonstrate 5 years supply of deliverable housing sites and as such, the proposed housing is not needed to make up a shortfall in terms of meeting objectively assessed housing need in the District. Taking all these factors into account, the current proposals constitute an unsustainable form of development situated within an unsustainable location and any benefits of granting planning permission for the current application would be demonstrably and significantly outweighed by the adverse impacts of doing so when taking into account policies in the Development Plan and the revised National Planning Framework as a whole.**

Agenda Item No. 6.2: Brick Yard Farm, Slayley Lane, Barlborough (17/00539/FUL)

Since the publication of the officer report, Derbyshire County Council have commented on the application and have no objections subject to conditions. Highways England are still reviewing their stated requirement for alterations to the Treble Bob roundabout prior to the proposed development being taken into use.

Revised National Planning Policy Framework

The revised NPPF was published in July 2018 (after the officer report was published) but the updated policies do not significantly alter the arguments set out in the officer report. For example, the most relevant economic development policies now say:

Paragraph 80: Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. This is particularly important where Britain can be a global leader in driving innovation, and in areas with high levels of productivity, which should be able to capitalise on their performance and potential.

Paragraph 84. Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.

Recommendation:

Consequently, the original officer recommendation of conditional approval remains unchanged other than conditions suggested by the County Council have been added to the conditions set out in precis form in the officer report, which are now also set out in full, below. It is therefore recommended that the current application be APPROVED subject to the following conditions:

Conditions

1. The development shall be begun before the expiration of three years from the date of this permission.
2. The development shall be carried out in complete accordance with the following approved plans, Drawing No.s:
 - P17-0895 09A Location Plan
 - P17-0895 13B Ground Floor

- P17-0895 14B First Floor
- P17-0895 15C Elevations
- P17-0895 16B Sections
- P17-0895 17B GF Perspective
- P17-0895 18B FF Perspective
- P17-0895 19 Floor Areas
- P17-0895 23F Proposed Layout

3. Before construction commences on the erection of any building beyond the construction of the foundations for that building, a schedule of wall and roof materials shall first have been submitted to and approved in writing by the Local Planning Authority.
4. Prior to the erection of the proposed retaining walls / introduction of gabions on site, precise details of site levels as existing and as proposed and sectional details of the gabions and retaining walls shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter, the development shall be carried out as approved.
5. Prior to the erection of any fences, railings or other similar items, the details of these shall be submitted to and approved in writing by the local planning authority. Thereafter, these items shall be constructed as approved prior to the development hereby permitted being taken into use.
6. Prior to the development hereby permitted being brought into use, full details of soft landscape works, including a programme for implementation, measures to encourage biodiversity, tree and hedgerow planting, and suitable mitigation for birds and reptiles, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the works shall be carried out as approved.
7. Prior to the installation of any external lighting except street lighting a detailed scheme shall have first been submitted to and approved in writing with the Local Planning Authority. The scheme shall be implemented as approved and shall be designed to minimise light spillage outside of the site, it is designed to serve and into the sky.
8. No goods, material or waste shall be stored outside the building(s) except in accordance with a scheme which shall have first been submitted to and approved in writing by the Local Planning Authority and implemented as agreed. The submitted scheme shall include details of the height of storage and measures to contain and screen the material.
9. Sound from the entire commercial development shall, not exceed the residual noise level of 49dB LAR (1hr) daytime (7:00-23:00) and 43dB LAR (15min) night-time (23:00-7:00) corrected for acoustic features, measured at or calculated to, a position representing any residential boundary which may suffer a loss of aural amenity from sound associated with the development. The measurements and assessment shall be made in accordance with BS4142: 2014 Methods for rating and assessing industrial and commercial sound.
10. The jet wash shall only be used during daytime hours 08:00-19:00 Monday to Saturday and not at all on Sundays or Bank Holidays.

11. Any external plant equipment must comply with the design criteria in Table 12 of the Noise Impact Assessment (Ref 12359.01.v2 April 2018).
12. The workshop building shall be constructed with sound insulation in accordance with the recommendations within sections 4.15 and 4.17 of the Noise Impact Assessment (Ref 12359.01.v2 April 2018).
13. Prior to the start of development, a dust management plan for the construction phase and prior to the buildings being brought into use, a dust management plan for the operational phases of the development must be submitted and approved in writing by the Local Planning Authority and then implemented in full during construction and whilst the site is operational.
14. Drainage systems on the site including:
 - i. The proposed separate systems of drainage on site and off site
 - ii. The proposed amount of domestic foul water to be discharged to the public foul sewer
 - iii. The proposed amount of curtilage surface water to be discharged to the public surface water sewer at a restricted rate of 14.6 (fourteen point six) litres/second
 - iv. The proposed use of the petrol/oil separator

shall be carried out broadly in accordance with the details submitted on drawing BARL - AWP - ZZ - XX - DR - C - 0200 (revision P3) dated 14/02/2018 that has been prepared by Alan Wood & Partners.

15. Before the site is taken into use, a new access junction shall be formed to Chesterfield Road broadly in accordance with application drawing number: LTP/2439/T2/01.02 Rev B, shall be laid out and constructed, lined, signed, drained and lit to adoptable criteria.
16. The premises, the subject of the application, shall not be taken into use until a footway has been provided between the application site access roundabout and the bus stop shelter on Chesterfield Road to the north east of the site, laid out and constructed in accordance Derbyshire County Council's specification for adopted roads.
17. The premises, the subject of the application, shall not be taken into use until space has been provided within the application site in accordance with the approved drawings for the parking and turning of domestic and commercial vehicles, laid out and surfaced in a solid, bound material and maintained throughout the life of the development free from any impediment to its designated use.
18. No part of the development permitted by this consent shall be occupied until a revised Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall set out proposals (including a timetable) to promote travel by sustainable modes which are acceptable to the Local Planning Authority. The Travel Plan shall be implemented in accordance with the timetable set out in that plan unless otherwise agreed in writing by the Local Planning Authority. Reports demonstrating progress in promoting sustainable transport measures shall be submitted annually on each anniversary of the date of the planning consent to the Local Planning Authority for approval for a period of five years from first occupation of the development permitted by this consent.

19. No development within the application area shall be occupied or otherwise brought into use until the works to the A616/A619 roundabout as broadly indicated on drawing number LTP/2439/T1/05.02 Rev A, subject to detailed design, have been completed to the satisfaction of the Local Highway Authority through consultation with Highways England and open to traffic unless an alternative mechanism for facilitating improvements to this junction has been agreed with the Local Planning Authority through consultation with the Local Highway Authority and Highways England.
20. A detailed remediation scheme to address ground contamination issues including landfill gas and its potential for migration beyond the site, including all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures shall be submitted to the Local Planning Authority prior to commencement of the development hereby permitted.
21. The remediation scheme approved in accordance with condition 20 above, must be carried out in accordance with its terms, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority. The verification report will also provide for any long term monitoring of pollutant linkages, maintenance and arrangements for contingency action as approved in writing by the Local Planning Authority.

22. In the event that it is proposed to import soil onto site in connection with the development, the proposed soil shall be sampled at source and analysed in a laboratory that is accredited under the MCERTS Chemical testing of Soil Scheme for all parameters requested (where this is available), the results of which shall be submitted to the Local Planning Authority for approval. Only the soil approved in writing by the LPA shall be used on site.
23. Piling or any other foundation designs using penetrative methods shall not be permitted unless it has been demonstrated to the Local Planning Authority and agreed in writing, that there is no resultant unacceptable risk to groundwater.