

**NOTES OF THE INQUORATE PLANNING MEETING
HELD ON TUESDAY 6th SEPTEMBER 2022 AT ST JOHN'S CHAPEL,
THE BUTTS , BELPER**

PRESENT: Councillors Harris and Watson and co-opted members H Jackson, G Mansell and W Mitchell

IN ATTENDANCE: Tina Faloon (Assistant Town Clerk)

APOLOGIES: Councillor Steve Kennedy

THIS MEETING WAS INQUORATE AND THEREFORE ANY RESPONSES CANNOT BE CONSIDERED AS A FORMAL RESPONSE FROM THE PLANNING COMMITTEE. HOWEVER ALL APPLICATIONS AS SUBMITTED WERE CONSIDERED BY THOSE MEMBERS PRESENT AND THE FOLLOWING SUGGESTED RESPONSES ARE SUBMITTED TO FULL COUNCIL TO AGREE A FORMAL RESPONSE TO BE FORWARDED TO THE PLANNING AUTHORITY.

PLANNING APPLICATIONS SUGGESTED RESPONSES;

**AVA/2022/0741 5 Sunny Hill, Milford, Belper, Derbyshire DE56 0QR.
Two storey side extension and associated works.**

Object to this application on the grounds that it is contra to the Neighbourhood Plan NPP 8 Protecting the Landscape Character of Milford and Makeney and NPP 11 Protecting Heritage Assets, because the details and specifications of external finishes set out in the written Design Statement do not accord with the details shown on the drawings.

**AVA/2022/0738 and AVA/2022/0738 Milford Mills Development, Derby Road Milford, Belper Derbyshire
Variation of condition 2 (revised design) and removal of condition 7 of AVA/2020/1199**

The Design and Access statement was welcomed for its ease of readability which benefits both Belper Town Council and the public. We value the fact that reference has been made therein to NPP 8 and NPP 13 and welcome the provision of lifts within the development.

However, we would like the developer to reflect on the requirements of NPP 12 Energy Efficiency, NPP 15 Increasing the use of renewable energy, NPP 17 Increasing the use of electric vehicles and the emerging details withing the Amber Valley Borough Council Local Plan.

**AVA/2022/0614 Milford Mills Development, Derby Road, Milford Belper Derbyshire
Listed building consent for proposed de-construction of the Derby Road stone wall to existing footpath level, followed by like-for-like re-building up to circa 3m in height (to tie in with adjacent pitched coping stone to the driveway of the grade**

2 listed Canteen building).

Object to this proposal because we can see no justification for choosing demolition of the outer curtilage wall rather than undertaking works to strengthen the existing wall. Part of the original structure and reading of the site will be lost and this will also increase the visibility of the new development in what is a very prominent site.

AVA/2022/0727 66 The Fleet Belper Derbyshire DE56 1NW

Proposed enclosed garage and adjacent covered parking space

AVA/2022/0732 The Cottage 66A The Fleet Belper Derbyshire DE56 1NW

Proposed garden studio to 66a The Fleet

AVA/2022/0647 66 The Fleet Belper Derbyshire DE56 1NW

Proposed outbuilding to provide a Pool and Gym / Workshop Area Our Ref:.. Our

Ref: AVA/2022/0703 66 The Fleet Belper Derbyshire DE56 1NW

Proposed timber machinery store and lean-to

Object on the grounds that the nature of these applications, which all relate to the same site, makes it very difficult to make informed comment.

A Masterplan for the site, which would also identify road access together with a block plan indicating all of the various applications is requested to establish the change in mass which is being proposed as well as showing the relationship between the new buildings on the site.

AVA/2022/0701 Wards Shoe Shop Ltd, 36 King Street, Belper, Derbyshire, DE56 1PL

Renovation of shop front, blocking and forming openings and replacement windows

Object on the grounds that it is not in line with NPP 5 1.c), which requires the use of a common palette of street furniture and signage. The specification of glazed tiles and brick bond does not accord with the painted wooden panels typical of this local street scene.

AVA/2018/0818 Belper Mills Complex, Bridge Foot, Belper, Derbyshire

Alteration, conversion and erection of buildings and associated change of use to buildings collectively known as 'Belper Mills', to include: East Mill- Conversion to form 117 residential apartments (C3), formation of an atrium through floors 1 to 6; alteration of loading bay; formation of public viewing platform to northwest tower (sui generis) and alteration to open-up ground floor pedestrian route adjacent to North Mill, one commercial unit (Classes A1, A3/A4) (total 190m²) at ground floor, with amended vehicular access to east elevation and 37 surface parking spaces on external deck. North Mill- Alteration, restoration, replacement and repair to windows, doors, external and internal walls and roof, alter 5 windows to door openings to south elevation, to retain as museum (Class D1) at ground and lower ground, and offices (Class B1) at first and upper floors, change of use ground floor unit to commercial (Classes A1, A3/A4), and ancillary uses. Workshops- alteration, restoration, replacement and repair of windows, walls and roof Strutt House - Alteration, restoration, replacement and repair of windows, external and internal walls and roof, alter 9 windows to doors on east elevation, to facilitate internal subdivision into 4 units for flexible commercial floorspace (Classes A1, A3/A4, B1 and D2) at ground, first and mezzanine levels. At Archway Bridge/Gangway restoration and repair external and internal walls and roof, alteration to ground floor structure to retain

in ancillary use to offices (Class B1); optional change of use first floor to ancillary use to venue (Class D2) associated with Strutt House (The proposal may affect the setting of a Listed Building) (The proposal represents a Departure from the Development Plan)

**AVA/2018/0819 Belper Mills Complex, Bridge Foot, Belper, Derbyshire
Listed Building Consent for the alteration, conversion and erection of buildings and associated change of use to buildings collectively known as 'Belper Mills', to include: East Mill- Conversion to form 117 residential apartments (C3), formation of an atrium through floors 1 to 6; alteration of loading bay; formation of public viewing platform to northwest tower (sui generis) and alteration to open-up ground floor pedestrian route adjacent to North Mill, one commercial unit (Classes A1, A3/A4) (total 190m2) at ground floor, with amended vehicular access to east elevation and 37 surface parking spaces on external deck. North Mill- Alteration, restoration, replacement and repair to windows, doors, external and internal walls and roof, alter 5 windows to door openings to south elevation, to retain as museum (Class D1) at ground and lower ground, and offices (Class B1) at first and upper floors, change of use ground floor unit to commercial (Classes A1, A3/A4), and ancillary uses. Workshops- alteration, restoration, replacement and repair of windows, walls and roof Strutt House - Alteration, restoration, replacement and repair of windows, external and internal walls and roof, alter 9 windows to doors on east elevation, to facilitate internal subdivision into 4 units for flexible commercial floorspace (Classes A1, A3/A4, B1 and D2) at ground, first and mezzanine levels. At Archway Bridge/Gangway restoration and repair external and internal walls and roof, alteration to ground floor structure to retain in ancillary use to offices (Class B1); optional change of use first floor to ancillary use to venue (Class D2) associated with Strutt House.**

We are disappointed that this application is very unhelpful and does not facilitate meaningful public engagement and democratic oversight. The applicant should have been required to list the variations to the original application in their submission so that changes are transparent.

We object to the significant amendment of removing the atrium as well as the removal of the gym. We are concerned that the use of internal spiral staircases will not meet the needs of the local population in line with NPP13, A mix of housing types, particularly in relation to the needs of older people and/or others with more limited mobility.

The internal layouts identify single bedrooms with no windows and double bedrooms with no provision for furniture. It is not felt that the accommodation proposed will respond to any usable needs identified in the Neighbourhood Plan.

Since the first draft application in 2018, the NP4B has been made and whilst supporting the redevelopment of the East Mill site as very important to the Town (NPP20 and NPP5) the Town Council has agreed that NPP11 Protecting Heritage Assets, NPP12 Energy Efficiency and High Quality Design, NPP15 Increasing the Use of Renewable Energy and NPP17 Increasing the Use of Electric Vehicles are important planning considerations.

The amended applications need to reflect this and emphasise the need to bring sustainable solutions to the restoration of heritage buildings.

NPP20 1.d) Redevelopment of the North and East Mills, states that public access to a viewing platform or similar must be provided and we are concerned to note that the viewing platform has now been removed from the plans.

**AVA/2022/0377 Land South Of Belper Meadows Sports Club, Bridge Street Belper, Derbyshire
Formation of new vehicular and pedestrian access into Belper Meadows Sports Club including access control gates**

Object on the grounds that the site is a designated Local Green Space, as defined in NPP14, there is no cogent argument for a through road access and there is a continued need for a pedestrian access parallel to the A6.

In addition, the proposal would have a detrimental impact on the planned development of 114 houses adjacent to the site.

The applicant should be required to provide a traffic use study to evidence their application.

**AVA/2022/0572 3 Wyver Lane, Belper, Derbyshire, DE56 2UB
Listed building consent for replacement of four windows and front door**

It is felt that a 4 pane window would be a preferable design to the 2 pane window proposed.

**AVA/2022/0586 Land Off Derwent Street, Derwent Street, Belper, Derbyshire
Outline planning application with all matters reserved except for access for the proposed redevelopment of land for residential purposes for 60 new dwellings as follows: (1) purpose-built, supported living accommodation for working adults in the over 55 age groups (C3 use); (2) extra care living for older people over 55 where the level of care is not intensive in nature (C2 use), or (3) age-appropriate housing for older people over 55 (C3 use).**

The application meets NPP13 requirements in terms of providing a mix of housing types, responds to the neighbourhood profile and is on a Brownfield site.

However, ee note that the plan, in its current form, will close off access to and from Derwent Street which has significant implications for the land to the West of this application which is likely to be developed in the future.

Local Plan Consultation Response

Draft response to Amber Valley Borough Council [AVBC] consultation on Preferred Spatial strategy for housing and economic growth and draft policies

Housing numbers

There is no clear explanation as to why when the plan states that the minimum need for extra housing in AVBC is only 401 homes but the proposal is to allow 1493 , the extra to allow for unmet need from other areas - none of which has been requested.

This should be reviewed in light of the data coming out from the 2021 census. Available since June 2022, this shows the national average population increase was 6.6% from the 2011 census. However, the AVBC area increase was only 3.2% and Derby was 5.1%. Interestingly, the largest age group - 62% of AVBC population, is the over 65's.

Identifying the HGS for AVBC

The previous public consultation report showed that development in the “4 urban areas including Belper” was the least popular option. Nonetheless this seems, without explanation, to have been decided to be the first proposal. A comment reviewing all current and emerging Neighbourhood Plans in AVBC would have given a more measured approach to public opinion.

After many years of inaction, Belper is currently making a significant contribution to the Borough's housing need. In years 1 to 5 of the Local Plan, a total of 488 homes are being built in Belper. These include Derwentside – 156, Belper Lane – 118, Milford Mills – 69, Nth Derwent St – 11, Lander Lane – 13. There are 5 other Belper sites with outline or pending approval: Old Ada Belfield -7, East Mill – 117, Land off Holbrook Rd -36, land off Thornhill Rd -14, South Derwent St - 60. An additional total of 235. This does not include 2 major brownfield sites identified in the Belper Neighbourhood Plan [NP4B] of Babington Hospital and the West Mill.

It would be appropriate to state that Belper is contributing its “fair share” to Housing need and consequently why no new HGS' s need to be allocated there.

This significant increase in housing will have an impact on infrastructure – have AVBC done an impact assessment on whether Belper or any of the urban areas can absorb a number of dwellings above the minimum need.

Green Belt

It is pleasing to find that there is no intention to use green belt in the allocations. This is now the opportunity to rectify the anomaly of the Pottery Farm/Bullsmoor Green Belt status. It has been recommended by Historic England [2016] and the AV green belt review [2018] and agreed by AVBC full council [March 2019] that parcels 77 and 78 meet the exceptional circumstance criteria to be included in the Green belt and this Local Plan is the opportunity to make the change.

World Heritage Site and Buffer Zone

The policy is less specific than previous drafts in identifying the need to protect the DVMWHS. It needs to be specifically named and identified as part of the landscape and heritage assets statement. This would be in line with the revised 2012 NPPF para 189 requirements.

Housing Need

It is commendable to see a policy which confirms the need for Affordable Housing. However, the policy just states that the level of viability is negotiable; there should be a range set of minimum and maximum negotiability if serious intent is to be evidenced. This should also not be open to developers to deal down after planning permission has

been granted.

The requirement for accessible homes and other buildings should be strengthened. Although we recognise that this is frequently in the Building regulations more than Planning Framework it needs to become much more common practice in granting planning permission. Given the new census data about the aging population of AVBC and the Housing Needs Assessment done for the NP4B anything which encourages the provision of smaller bedroomed, adapted and accessible homes is to be welcomed.

This new local plan could give an opportunity to monitor second homes, Airbnb and holiday homes in the area. At present there is no clear method of monitoring such properties. It is not known whether this is an increasing issue in the borough because the data is not collected.

Climate Change

On the whole we welcome the inclusion of the specific actions required on Climate Change and their wide-ranging nature.

We feel that there are 2 areas that should be given more emphasis, as, although they are covered in Building Regulations generally, they will become significantly more important going forward, both from a Climate Change adaptation perspective and in terms of provision of Affordable Housing.

- Approved Document L – Conservation of Fuel and Power. Section 1 deals with target efficiency of new builds regarding materials and construction and should be specifically mentioned in regard to insulation, to ensure energy efficient housing stock going forward.
- Approved Document O – Overheating Mitigation. As the last 3 years have shown, summer temperatures of 35°C or more are likely to become the new normal sooner rather than later. Building homes that are liveable at these temperatures is essential, to avoid the need for widespread additional air conditioning, which is inefficient, energy intensive and costly to run.

We are also concerned about the ‘escape’ clauses written into some of the policies, such as “where not viable”, “if not practical at the time of construction” and “wherever practical”. We feel that these statements, as written, provide too much room for developers to avoid taking action, and urge the Council to consider how developers can be more positively encouraged to build in measures.

Section 3 asks that developers complete a climate change assessment. We feel that a council owned document, that is comprehensive and can be added to or amended as Climate Change progresses, will be the best way to facilitate a common approach from developers.

Employment Land Review (ELR)

We welcome the recommendation, by BE Group, to remove Bullsmoor from the available employment land allocation due to the challenges of the World Heritage Site buffer zone and the ongoing uncertainty regarding Vaillant’s potential expansion needs. We would prefer that BE Group had noted in point 2.62, when reviewing AVBC’s Green Belt Amendments and Additional Site Allocations report, that Bullsmoor and the surrounding land was recommended for inclusion as an additional greenbelt site.

We are also in agreement with BE Group that a further review of Employment Land need in 5 years would be appropriate, as this will have allowed time for the post-Covid and post-Brexit ‘normal’ patterns to have established, in terms of working practices and employment sector growth or decline.

As a general comment on Employment Land, much is made throughout the BE Group report about the quality of employment land and spaces. AVBC should consider how to enable developers to upgrade and re-develop existing poor and underused locations, in

preference to releasing new greenfield sites.

We feel that AVBC are open to challenge on the process followed in the Employment Land review in several areas :

- 1.12 : AVBC failed to undertake the ELR jointly with the councils in the Housing Market Area, in order to meet a self-imposed March 2023 deadline. Given the importance of Derby as an employment area for Amber Valley residents, this seems to be an important omission in understanding working patterns going forward.
- 2.31 : BE Group note the removal from the public domain of the evidence base for the Local Plan that was withdrawn in 2019, meaning that they have incomplete data on which to base their conclusions. Given that this would have included the most up to date information, it makes the data used open to question.
- 3.6, 3.43 : We note that, over the next 20 years, the working age population is projected to be largely static, with most population growth in the over 65 age group, and that job losses are projected to be up to 1,900. Given these numbers, it seems unlikely that Historic Land Take-up calculations will tell the whole story, and BE Group should be asked to look at a measure that includes both actual take-up and population changes when calculating forward need.
- 3.68 : The review was undertaken using 2011 census data, which was 10 years out of date at the time of inclusion, with the 2021 census data becoming available in June 2022. An additional review of the relevant numbers should be undertaken as an addendum to the main report, to reflect the changes that Covid has made on working practices, and Brexit has made on the availability of skilled workforce. These will directly affect the space and nature requirements of employment land going forward.
- 6.17 : No direct contact appears to have been made to the owners of the West Mill site in Belper as part of the Call for Sites activity. Given the size, location and therefore importance of this site, to both Belper and the Borough, this would appear to be an important omission.
- Appendix 6: The Site Scoring System allocates most points under “Environmental Setting” for greenfield locations. This sits directly against AVBC’s stated intent to develop brownfield sites first and is an error in the detail given to BE Group prior to their assessing the available sites.

The next meeting will take place on Tuesday 4th October 2022 at 7.00 pm at St. John’s Chapel.

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