

**PLANNING COMMITTEE**

**MINUTES OF MEETING HELD ON 31 JULY 2018**

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## PLANNING COMMITTEE

### MINUTES OF MEETING HELD ON 31 JULY 2018

#### **Present:**

Councillor H Laws .....	Chair
Councillor B Barnes .....	Vice-Chair
Councillor P Antcliff	Councillor A Holmes
“ W Armitage	“ C D Huckerby
“ S Boyle	“ C Hunt
“ G Butler	“ A Powell
“ C Cupit	“ K Rouse
“ P Elliott	“ C Smith

#### Substitutes Present:

Councillor B Lewis - acted as substitute for Councillor

#### Also Present:

Adrian Kirkham	- Planning Manager – Development Management
Nigel Bryan	- Principal Planning Officer
Jenny Owen	- Legal Executive
Donna Cairns	- Senior Governance Officer

#### **154 Apologies for Absence and Substitutions**

Apologies for absence were received from Councillors A Cooper, R Hall, S Peters and B Ridgway.

The meeting was advised that Councillor B Lewis would act as substitutes for Councillor R Hall.

#### **155 Declarations of Interest**

Members were requested to declare the existence and nature of any disclosable pecuniary interests and/or other interests, not already on their register of interests, in any item on the agenda and withdraw from the meeting at the appropriate time.

No declarations were made at the meeting.

#### **156 Minutes of Last Meeting**

RESOLVED – That the Minutes of the last meeting of the Planning Committee held on 26 June 2018 be approved as a correct record and signed by the Chair.

**157 Development Management Applications**

The Committee considered Report No PM/06/18-19/AK of the Planning Manager – Development Management together with visual presentations for each of the following applications.

**NED/18/00291/RM**

Reserved matters application for approval of access, appearance, landscaping, layout and scale relating to outline permission NED/15/01302/OL for a residential development of 5 dwellings (Departure from Development Plan) on and south of Jetting Cottage and Jetting Forge, Fallgate, Milltown, Ashover for Mr Philip Barltrop – Stenfold Resources Ltd.

The Committee was directed to the recent late comments/update report which had been issued the afternoon prior to the meeting.

The agent for the applicant exercised their right to attend the meeting and spoke in support of the application.

Members considered the application having regard to its design, any impact on the character of the surrounding area, the amenity of neighbouring uses and highway safety issues.

Members requested that the proposed conditions be amended to restrict the addition of dormer windows or any alterations to the roofs of the dwellings.

**RESOLVED** – That application number NED/18/00291/RM be approved with the final wording of the conditions delegated to the Planning Manager but to include within condition 4 the addition of restrictions on dormer windows and alterations to the roofs of the approved dwellings.

- 1 The development hereby approved shall be carried out in accordance with the details shown on the following drawings unless otherwise subsequently agreed through a formal submission under the Non Material Amendment procedures and unless otherwise required by any condition contained in this decision notice:

15-041-P0002 Rev C	Site Plan
FGH.MW.0001 E	Planting Plan
15-041-P010	Bin Presentation Area
15-041-P007A	Plot 5
15-041-P006A	Plots 3 and 4
15-041-P005A	Plots 1 and 2
15-041-P011	Contractors Compound
16544-240 Rev F	Drainage Layout
15-041-P008	Surface Water Drainage Layout
16544-210 rev B	Levels plan

- 2 Before above ground work starts, precise specifications or samples of the walling and roofing materials to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.
- 3 Before the dwellings are occupied, the area shown on the approved plans as reserved for parking, garaging, circulation and standing of vehicles shall be provided in accordance with the approved details. Thereafter the area shall be used for those purposes only and maintained free from any impediment to its designated use.
- 4 Notwithstanding the provisions of Article 3(1) of the Town and Country Planning (General Permitted Development) Order 2015, (or any Order revoking and re-enacting that Order) no extensions (Part 1 Class A), no additions to the roof (Part 1 Class B), no alterations to the roof (Part 1 Class C) or curtilage buildings (Part 1 Class E) shall be erected or constructed without first obtaining planning permission.

**NED/18/00384/OL**

Outline application for the construction of a two storey dwelling with integral garage (matters relating to access and layout under consideration and matters relating to appearance, landscaping and scale reserved) for Mr Perez (Amended Plans) (Amended Title).

The agent for the application exercised their right to attend the meeting and spoke in support of the application.

Members considered the application having regard to the suitability of the proposal in the location in policy terms, its effect on the character of the site and the surrounding Special Landscape Area, the impact upon local heritage assets, the ecological impacts, the amenity of neighbouring users and highway safety.

**RESOLVED** – That application number NED/18/00384/OL be approved contrary to officer's recommendation for the reasons as set out below; with the final wording of conditions delegated to the Planning Management but to include provision for adequate screening of the site.

The Committee considered that the development accorded with the policies of the Development Plan, represented sustainable development and was sympathetic development in the countryside. The Committee considered that it provided an acceptable level of amenity for new residents and that the loss of the heritage asset was outweighed by the benefits of the scheme. It was also considered to be acceptable from a highway safety position.

- 1 Applications for approval of reserved matters are required before development can start and shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall be started within two years from the date of approval of the last of the reserved matters to be approved.

- 2 Approval of the details of the scale and appearance of the building and the landscaping of the site (called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is started.
- 3 Before development starts, details of the existing ground levels, proposed finished floor levels of the dwelling and the proposed finished ground levels of the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.
- 4 Before development starts, a scheme for mitigating climate change through the sustainable design and construction of the dwelling shall be submitted to and approved in writing by the Local Planning Authority. The approved climate change scheme shall then be implemented in full and retained as such for the lifetime of the development.
- 5 Before development starts, a scheme for the provision of foul and surface water 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 development is brought into use and shall be retained as such thereafter.
- 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 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.
- 7 Before any other operations are commenced a new vehicular and pedestrian access shall be created onto Jetting Street (Non Classified) in accordance with the revised application drawings, laid out, constructed and provided with 2.4m x 18m visibility splays in both directions, the area in advance of the sightlines being maintained throughout the life of the development clear of any object greater than 1 m in height (0.6m in the case of vegetation) relative to adjoining nearside carriageway channel level.
- 8 The premises, the subject of the application, shall not be occupied taken into use until space has been provided within the application site in accordance with the revised application drawings for the parking of two vehicles, laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.
- 9 There shall be no gates or other barriers within 5m of the nearside highway boundary.
- 10 Notwithstanding condition 5 above, before the commencement of any operations on site, a scheme for the disposal of highway surface water via a positive gravity-fed system, discharging to an outfall on public sewer, highway drain or watercourse, shall be submitted to and approved by the Local Planning Authority. The approved scheme shall then be implemented in full and retained as such for the lifetime of the development.

- 11 Prior to the first occupation of the dwelling hereby approved, any made ground on the site shall be removed or a contamination investigation and risk assessment of that part of the site shall be carried out by a competent person in accordance with current guidance and in accordance with a scheme which has been approved by the local planning authority, to demonstrate that the site is suitable for the use hereby approved. Where the site investigation and risk assessment shows that contamination remediation is required, a remediation scheme shall be prepared and submitted to the local planning authority for written approval; the approved remediation scheme shall be implemented as approved and a verification report shall be submitted to and approved in writing demonstrating that the remediation has been carried out successfully prior to the first occupation of the dwelling hereby approved.
- 12 Where any suspected areas of contamination are discovered during the development of the site, the process of site investigation and risk assessment as identified in condition 11 above shall be carried out by a competent person in accordance with current guidance and in accordance with a scheme which has been approved by the local planning authority, to demonstrate that that part of the site is suitable for the use hereby approved.
- 13 In the event that it is proposed to import soil onto site in connection with the development, the soil to be imported shall be sampled at source and analysed in a laboratory that is accredited under the MCERTS Chemical Testing of Soil Scheme for all parameters previously agreed in writing with the local planning authority, the results of which shall be submitted to and shall be approved in writing with the Local Planning Authority.
- 14 Prior to the commencement of development, a detailed lighting strategy shall be submitted to and approved in writing by the Local Planning Authority to safeguard bats. The scheme shall include details of the type of lighting and any mitigating features such as shields, hoods, timers etc. Given the sensitive setting of the site in optimal bat habitat and within/adjacent to a Local Wildlife Site, a plan showing lux levels of light spill around the application area should also be included. Guidelines can be found in Bats and Lighting in the UK (BCT, 2009). The approved lighting scheme shall then be implemented in full and retained as such thereafter for the lifetime of the development.
- 15 Prior to the commencement of development, details of ecological enhancement measures that shall include details of bird and bat boxes (positions/specification/numbers) shall be submitted to and approved in writing by the Local Planning Authority. A minimum of 1 x integral bat box (e.g. Schwegler 1FR) and 1 x sparrow terrace shall be included in the scheme. The approved enhancement measures shall then be implemented in full and retained as such for the lifetime of the development.
- 16 No development shall take place until a Written Scheme of Investigation for historic building recording has been submitted to and approved by the local planning authority in writing, until all on-site elements of the approved scheme have been completed to the written satisfaction of the local planning authority, and until the provision to be made for analysis, reporting, publication and dissemination of the results and archive deposition has been secured. The

Written Scheme of Investigation shall include an assessment of significance and research questions; and

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

- 17 No development shall take place other than in accordance with the archaeological Written Scheme of Investigation approved under condition 16 above.
- 18 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 18 above and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

**NED/18/00107/RM**

Application for approval of the reserved matters for access, appearance, landscaping, layout and scale for the erection of 32 dwellings (pursuant to outline permission 11/00602/OL) at Fox Hall, Green Lane, Pilsley for A Rock Construction Limited (Major Development) (Amended Plans).

The Committee was directed to the recent late comments/update report which had been issued the afternoon prior to the meeting and were advised of further late comments which were summarised for Members at the meeting.

One objector exercised their right to attend the meeting and spoke against the application.

The agent for the applicant exercised their right to attend the meeting and spoke in support of the application.

Members considered the application having regard to the matters relating to the approval of all reserved matters, which included access, appearance, landscaping, layout and scale of the proposed development. This related to the suitability of the proposal in policy terms, its effect on the character of the site and the surrounding area, the impact upon the amenity of neighbouring land uses and residents and specifics about the safety of the proposed access into the site and proposed new footpath link along Green Lane, leading to Rupert Street.

Members discussed the need for mitigation of the impact of the development on the residential amenity of the neighbouring properties at 14-16 Acres Road and it was moved that the application be approved with a condition added to require that the boundary fence or wall boundary at this location be 2 metres high.

**RESOLVED** – That application number NED/18/00107/RM be approved with the final wording of the conditions delegated to the Planning Manager but to include the requirement for the boundary fencing/walling between the site and 14-16 Acres Road to be 2 metres high.

1 The development hereby approved shall be carried out in accordance with the details shown on the following drawings unless otherwise subsequently agreed through a formal submission under the Non Material Amendment procedures and unless otherwise required by any condition contained in this decision notice:

- o 17-040-LP (Location Plan)
- o 17-040-P00 (Existing Site Layout and Levels Plan)
- o 17-040-P01 Rev K (Proposed Site Layout)
- o 17-040-P02 Rev B (Proposed Site Levels Plan)
- o 17-040-P03 Rev F (Proposed Site Boundary Treatments Plan)
- o 17-040-P04 Rev E (Proposed Landscaping Plan)
- o 17-040-P05 Rev A (Proposed Construction Site Containment Plan)
- o 17-040-P06 Rev B (Proposed Sectional Site Elevations)
- o 17-040-P07 Rev D (Proposed Bat and Bird Nest Box Plan)
- o 17-040-P08 Rev B (Open Green Space Plan)
- o 17-040-P09 (Proposed Site Entrance Plan)
- o 17-040-SK20 Rev A (Comparison of Site Layouts - Design Development)
- o 17-040-HT1 Rev B (House Type One - Floor Plans and Elevations)
- o 17-040-HT2 (House Type Two - Floor Plans and Elevations)
- o 17-040-HT2 Mirror (House Type Two (Mirrored) - Floor Plans and Elevations)
- o 17-040-HT3 Rev B (House Type Three - Floor Plans and Elevations)
- o 17-040-HT3 Mirror (House Type Three (Mirrored) - Floor Plans and Elevations)
- o 17-040-HT4 Rev A (House Type Four - Floor Plans and Elevations)
- o 17-040-HT5 Rev A (House Type Five - Floor Plans and Elevations)
- o 17-040-HT6 Rev B (House Type Six - Floor Plans and Elevations)
- o 17-040-HT7 Rev B (House Type Seven - Floor Plans and Elevations)
- o 17-040-HT8 Rev C (House Type Eight - Floor Plans and Elevations)
- o 17-040-HT9 Rev B (House Type Nine - Floor Plans and Elevations)
- o 17-040-HT10 Rev B (House Type Ten - Floor Plans and Elevations)
- o 17-040-HT12 Rev A (House Type Twelve - Floor Plans and Elevations)
- o 17-040-HT12 Mirror (House Type Twelve (Mirrored) - Floor Plans and Elevations)
- o 17-040-G1 Rev A (Detached Double Garage - Floor Plans and Elevations)
- o ARB/3725/Y/200 (Arboricultural Layout)
- o ARC-1320-01-H1-001 (Site Visibility Splay)
- o ARC-1320-HW-01-002 (Footway Details)
- o TPP/3725/Y/300 (Tree Protection Plan)

2 Before the occupation of plot 11 hereby approved, the window shown on the approved plans to the first floor en-suite shower room on the dwellings north elevation shall be fitted with obscure glazing. The obscure glazing shall be of an obscurity equivalent to at least Level 4 of the Pilkington obscure glazing range. The window shall be of a non-opening design or alternatively any opening parts must be more than 1.7m above the floor level of the room in which the window is installed. The window shall then be retained as such thereafter at all times.



- 3 Notwithstanding the provisions of Article 3(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any Order revoking and re-enacting that Order) no dormer windows (Part 1, Class B) or alterations to the roof (Part 1, Class C) shall be erected/constructed on Plots 17 to 20 without first obtaining planning permission from the Local Planning Authority.
- 4 With exception of the approved scheme of boundary treatments and notwithstanding the provisions of Article 3(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any Order revoking and re-enacting that Order) no fencing, walls or other means of enclosure (Part 2, Class A) shall be erected/constructed on Plots 24-32 without first obtaining planning permission from the Local Planning Authority.
- 5 Notwithstanding the submitted details, before development starts a revised management scheme for the eastern hedgerow shall be submitted to and approved by the Local Planning Authority. Thereafter the hedgerow shall be managed in accordance with the approved details.
- 6 Notwithstanding condition 24 on the outline permission, no development shall take place including any works of demolition until a construction management plan or construction method statement has been submitted to and been approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The statement shall provide for:
  - i. Parking of vehicles for site operatives and visitors
  - ii. routes for construction traffic
  - iii. construction compound / arrangements for turning vehicles
  - iv. method of prevention of debris being carried onto highway
  - v. proposed temporary traffic restrictions
  - vi. roadside hoarding / site access security measures
- 7 Before any other operations are commenced (excluding demolition or site clearance) a new estate street junction shall be formed to Green Lane, in accordance with drawing numbers 17-040-P01 Rev K and 17-040-P09 Rev A. The access/junction shall be laid out a minimum of 5.5m wide and be provided with a 2.4m x 43m visibility splay to the west (for eastbound vehicles) and a 2.4m x 69m visibility splay to the east (for westbound vehicles), the area in advance of the sightlines being cleared of any obstructions to visibility and laid out as part of the street, not part of any adjoining plot.
- 8 No development shall take place (other than demolition/site clearance) until construction details of the residential estate road and footways (including layout, levels, gradients, construction and means of surface water drainage) have been submitted to and approved in writing by the Local Planning Authority. The applicant is advised to obtain technical approval from the Highway Authority before submitting details to comply with this condition.
- 9 The carriageways and footways shall be constructed in accordance with the details approved under condition 8 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, footways and footpaths in front of each dwelling shall be completed with final surface course within twelve months from the occupation of such dwelling, unless otherwise agreed in writing by the Local Planning Authority.

- 10 Notwithstanding the details submitted to and approved as part of this reserved matters application, individual driveways/shared driveways shall be provided with 2.4m x 25m visibility splays in each direction to the new estate street, or other such dimension as may be agreed in writing with the Local Planning Authority, the area in advance of the sightlines remaining free from any obstructions to visibility over 1m high (600mm in the case of vegetation), relative to the nearside carriageway channel level and maintained as such thereafter for the life of the development.
- 11 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, all as may be agreed in writing with the Local Planning Authority. In the case where interim turning arrangements are constructed these must remain available until any permanent estate street turning is constructed, in accordance with the approved estate street designs.
- 12 Notwithstanding condition 19 on the outline approval, prior to the commencement of the development details shall be submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of water from the development/development plots onto the adjoining street. The approved scheme shall be completed prior to the first use of the access and retained as such thereafter.
- 13 No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and maintenance company has been established.
- 14 Notwithstanding the requirements of condition 2 above, prior to the first occupation of the dwelling, hereby approved, on plot 11, the northern boundary to that plot with numbers 14 and 16, Acres Road, shall be formed/enclosed by a wall/fence/other means of enclosure to a height of 2 metres in accordance with a scheme of walling/fencing/enclosure that shall have been first submitted to and approved in writing by the Local Planning Authority. The approved scheme of boundary treatment shall then be retained as such thereafter.

**NED/18/00421/FL**

Proposed erection of summerhouse to be used as a dog grooming business at 62 Burton Street Wingerworth Chesterfield for Miss C Vickers.

One objector exercised their right to attend the meeting and spoke against the application.

Members considered the application having regard to whether the proposed development was in conformity with the Development Plan and the NPPF in promoting sustainable development, which included strands of environmental, social and economic benefits which were to be read as mutually dependant and as one. The key policy considerations were delivering sustainable development, and safeguarding the character of the local area and to not have any severe impacts upon highway safety.

Contrary to the officer recommendation, Members agreed that the planning permission only be granted on a temporary basis for 12 months on the ground that this would allow for the impacts of the business to be monitored and also the alteration of any other conditions as necessary.

**RESOLVED** – That application number NED/18/00421/FL be granted temporary planning permission for 12 months subject to the following conditions:-

- 1 The use hereby permitted is for a temporary period of 1 year only and shall cease and the land be restored to its former condition on or before 1st August 2019 unless otherwise approved by the Local Planning Authority under a subsequent planning consent.
- 2 The development hereby approved shall be carried out in accordance with the submitted plans, unless otherwise specifically agreed in writing by the Local Planning Authority or otherwise required by any other condition in this decision notice.
- 3 The summerhouse and associated dog grooming business shall be ancillary to the main dwelling 62 Burton Street and only the occupiers of said dwelling shall work in the dog grooming business. No other person shall be employed at or operate in association with the business hereby approved.
- 4 No dog shall be groomed at the premises unless it has a pre-arranged appointment to be so groomed. The applicant shall operate a strict booking system (i.e. no on spec callers) limiting the number of clients to one on site at any one time with a maximum of three dogs visiting the site in any one 24 hour period.
- 5 The use hereby permitted shall only be operated between the hours of 9.00 and 17.00 Monday to Friday.
- 6 No dogs associated with the permitted use shall be kept on the premises overnight between 17.00 and 09.00 the following day.

### **158 Planning Appeals Lodged and Determined**

The Committee considered Report No PM/07/18-19/AK of the Planning Manager – Development Management.

The following appeals had been lodged:-

Mr Jeremy White – Application for proposed demolition of garden centre buildings and the erection of one dwellinghouse (Revised scheme of 16/00398/FL) (Conservation

Area) at Land To The Rear Of The Fieldings Greenway Northridge And Four Winds, High Lane, Ridgeway (17/00081/FL)

Mr Steven Ducker – Application to raise the ridge height of the dwelling and install two dormer windows to create a second floor bedroom at 17 Arundel Close, Dronfield Woodhouse (18/00142/FLH)

The following appeals had been dismissed:-

Mrs S Wilmot – Outline application (with all matters reserved) for 24 dwellings (Major Development/Departure from Development Plan) at Land East Of Fold House Farm, Mickley Lane, Stretton (17/00423/OL)

Mr Robert Gray – Application for construction of a detached triple garage with feed store (Conservation Area) at Warren House Farm, Main Road, Marsh Lane (17/01032/FLH)

The following appeals were part allowed/part dismissed:-

Wildgoose Homes – Application for approval of reserved matters (layout, scale, appearance and landscaping) for the erection of 28 dwellings pursuant to outline permission 15/00910/FL (Major Development) (Amended Plans) at Land To The East Of Prospect House, Highstairs Lane, Stretton (17/00768/RM). A claim for costs was refused.

Members noted that the reason for the refusal of the claim for costs and the importance of reasons for refusing an application being ‘complete, specific and relevant to the application’.

No appeals had been allowed or withdrawn.

RESOLVED – That the report setting out the appeals lodged and determined within the previous month be noted.

**159 Urgent Business**

There was no urgent business to be discussed.

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