

**PLANNING COMMITTEE**

**MINUTES OF MEETING HELD ON 30 OCTOBER 2018**

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## PLANNING COMMITTEE

### MINUTES OF MEETING HELD ON 30 OCTOBER 2018

#### **Present:**

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

#### Substitutes Present:

Councillor J Ridgway - acted as substitute for Councillor S Boyle

#### Also Present:

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

#### **311 Apologies for Absence and Substitutions**

Apologies for absence were received from Councillors S Boyle and C Cupit.

The meeting was advised that Councillor J Ridgway would act as a substitute for Councillor S Boyle.

#### **312 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 of interest were made at this meeting.

#### **313 Minutes of Last Meeting**

RESOLVED – That the Minutes of the special meeting of the Planning Committee held on the morning of 2 October 2018 and the Minutes of the scheduled meeting of Planning Committee held in the afternoon of 2 October 2018 be approved as a correct record and signed by the Chair.

**314 Development Management Applications**

The Committee considered Report No PM/13/18-19/AK of the Planning Manager – Development Management together with visual presentations for each of the following applications.

**NED/18/00359/FL**

Erection of timber drying facility and change of use of agricultural building for associated storage purposes with improvements to access track on land at Averill Farm, Evershill Lane, Morton for Midlands Biomass Solutions Ltd. (Amended Details).

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 queries relating to the proposed conditions which were addressed at the meeting.

Three objectors 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 suitability of the proposal in the location in policy terms, its effect on the character of the site and the surrounding area, the amenity of neighbouring uses and highway safety issues.

Members discussed concerns relating to the detail of the proposed conditions restricting vehicle movements to and from the site and the facility's operating hours and also the impact of the development on neighbouring properties and the landscape.

**RESOLVED** – That application number NED/18/00359/FL be refused contrary to officer recommendation, on the following grounds:-

- 1 The application is considered to be unacceptable as the application site is located in the countryside where new development is strictly controlled. The development would fail to protect or enhance the natural environment, result in a prominent intrusion into the countryside and impact adversely on the character of the area by reason of the new use proposed and its scale and the size, scale and massing of the proposed buildings (including the proposed chimney). The development would therefore be contrary to policies GS1, GS6, GS7, NE1 and E9 of the North East Derbyshire Local Plan and policies SS1, SS9 and SDC3 of the North East Derbyshire Local Plan Publication Draft and the NPPF when read as whole.
- 2 The application is considered to be unacceptable as the operation of the site and specifically the deliveries and general comings and goings to and from the site would have an unacceptable adverse impact on the amenity of the occupiers of the nearby residential properties (including Morton Grange Nursing Home). The development is therefore contrary to policy GS6 of the North East Derbyshire Local Plan and policy SDC12 of the North East Derbyshire Local Plan Publication Draft and the NPPF when read as whole.

**NED/18/00518/FL**

Erection of 2 dwellings with ancillary access, parking and landscaping works (Amended Plans) on land at 24 Slacks Lane, Pilsley for Mr Adrian Goodall.

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

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

Members considered the application having regard to whether or not the principle of residential development was supported in the location having regard to the policies within the extant Local Plan and the Publication Draft Local Plan (PDLP), and guidance within the National Planning Policy Framework. Thereafter, it was considered whether or not the development would respect the character of the area and residential amenity, along with highway considerations.

**RESOLVED** – That application number NED/18/00518/FL be refused on the following grounds:-

Requisite visibility to access the site cannot be achieved in a north-easterly direction. An intensification in use of the sub-standard access by two additional properties would be detrimental to highway safety. As a result the application is considered contrary to policy T2 of the North East Derbyshire Local Plan (adopted 2005) and guidance within the National Planning Policy Framework (notably paragraph 108).

**NED/18/00059/OL**

Outline application with all matters reserved other than access for residential development of land (Major Development/ Departure from the development plan/ affecting a public footpath) on land east of 3 and 4 Carlyle Road, Stonebroom for Mr P Spencer.

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 whether or not the principle of residential development was supported in the location having regard to the policies within the Local Plan, both adopted and publication draft, and guidance within the National Planning Policy Framework. Thereafter, it was considered whether or not the development would respect the character of the area and residential amenity, along with whether or not there were any technical reasons e.g. highways, ecology or drainage impacts; that would prevent the granting of permission.

**RESOLVED** – That application number NED/18/00059/OL be approved with the final wording of conditions delegated to the Planning Manager.

- 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 the approval of the

last of the reserved matters to be approved.

- 2 Approval of the details of the layout, scale and appearance of the building(s) 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 The development hereby approved shall be carried out in accordance with the following drawing

PA/18-002 EX 81 01 (site plans)

PA/18-002 SK81 101A (with regard to access only)

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.

- 4 The combined floorspace of the development shall have a gross floor space not exceeding 1000sqm and be for the erection of no more than 9 dwellings.
- 5 No clearance of hedgerow or buildings shall take place between 1st March and 31st August inclusive, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and details of measures to protect the nesting bird interest on the site have first been submitted to and approved in writing by the Local Planning Authority and then implemented as approved.
- 6 Prior to above ground works commencing, a Biodiversity Enhancement Strategy (BES) shall be submitted to and be approved in writing by the Local Planning Authority. The BES shall then be implemented in full as approved and then be retained as such thereafter.

The BES shall include:

- o details of bird and bat boxes will be clearly shown on a plan (positions/specification/numbers).
- o hedgehog connectivity measures will be clearly shown on a plan, such as small fencing gaps (130 mm x 130 mm), railings or hedgerows.
- o summary of ecologically beneficial landscaping, to include no net loss of hedgerow (full details to be provided in Landscape Plans).

- 7 Site clearance work shall proceed in accordance with the method detailed in Section 4.3.4 of the Preliminary Ecological Appraisal (Peak Ecology, July 2018).
- 8 The proposed access to Carlyle Road extension shall be laid out and constructed in accordance with drawing number: PA/18-002 SK81 101A prior to any operations apart from site clearance commencing. The access shall be provided with 2.4m x 43m and 2.4m x 38m visibility splays to the west and east respectively, the sightlines extending to the external tangent points of the nearside carriageway edge in either direction, the area in advance of the sightlines forming part of the new street.
- 9 The details required by condition 2 above shall incorporate details indicating space within the application site for the storage of plant and materials, site

accommodation, parking and manoeuvring of site operatives and visitors vehicles, loading and unloading of goods vehicles associated with all proposed construction operations. The approved details shall then be laid out, constructed and maintained as agreed throughout the entire period when construction is taking place free from any impediment to their designated use.

- 10 The details required by condition 2 above shall include details indicating space within the site for the parking and turning of residents and visitors vehicles including delivery vehicles. The agreed details shall then be laid out and constructed in accordance with the approved design and maintained free from any impediment to their designated use thereafter.
- 11 There shall be no gates or other barriers at the site access within 5m of the nearside highway boundary and any gates shall open inwards only.
- 12 Within 28 days of the development, hereby approved, commencing a scheme for the provision of surface water drainage works, including details of any balancing and off-site works, shall be submitted to and be approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full before the first occupation of any dwelling hereby approved and be retained as such thereafter.
- 13 Within 28 days of development, hereby approved, commencing a scheme for the provision of foul drainage works shall be submitted to and be approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full before the first occupation of any dwelling hereby approved and be retained as such thereafter.
- 14 Prior to the commencement of construction of the dwellings hereby approved, the Made Ground on the site of the existing structure shall have been removed or a contamination investigation and risk assessment of that part of the site shall have been carried out by an appropriately qualified 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 proposed development. If that 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 so approved and a full verification report shall have been submitted to demonstrate that remediation has been carried out successfully prior to the occupation of any of the dwellings hereby approved.
- 15 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority and an investigation with risk assessment must be undertaken in accordance with current guidance and approved in writing by the Local Planning Authority and where remediation is necessary a remediation scheme must be prepared in accordance with current guidance which is subject to the approval in writing of the Local Planning Authority. Any approved remediation shall be implemented as approved and a full verification report shall have been submitted to demonstrate that remediation has been carried out successfully prior to the occupation of any dwelling.

- 16 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 previously agreed in writing with the Local Planning Authority, the results of which shall be submitted to the Local Planning Authority for consideration. Only the soil approved in writing by the Local Planning Authority shall be used on site.

**315 Planning Appeals Lodged and Determined**

The Committee considered Report No PM/14/18-19/AK of the Planning Manager – Development Management.

The following appeals have been lodged:-

Mr Smith – Application to modify the S106 Agreement (08/00679/FL) by deletion of Sections 3.1 and 3.2 at Broomhall Farm, 125 - 127 High Street, Eckington (17/01224/FL)

Mr Mahmood – Application for change of use from retail shop to cafe with take away (Conservation Area/Affecting the Setting of a Listed Building) at 7 Northgate House, Market Street, Eckington (18/00216/FL)

The following appeal has been dismissed:-

Ms Hailey – Application with all matters reserved for construction of 1no dwelling at Land South Of South View, Top Road, Hardwick Wood, Wingerworth (17/01080/OL)

No appeals have been allowed or withdrawn.

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

**316 Section 106 Agreements**

The Committee considered Report No PM/15/18-19/AK of the Planning Manager – Development Management.

An update on the payment arising from the development at Ridgeway Craft Centre was requested which the Planning Manager undertook to provide to the Ward Member.

RESOLVED –

- (1) That the information contained within Appendices A and B is noted;
- (2) That the contents of the report are noted and endorsed;
- (3) That the issue continue to be reported to Planning Committee on a quarterly basis (approximately).

**317 Urgent Business**

There was no urgent business considered at this meeting.

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PLAN MINS(1030)/MD