

PLANNING COMMITTEE

MINUTES OF SPECIAL MEETING HELD ON 27 NOVEMBER 2018

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PLANNING COMMITTEE

MINUTES OF SPECIAL MEETING HELD ON 27 NOVEMBER 2018

Present:

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

Substitutes Present:

Councillor L Blanshard - acted as substitute for Councillor C Cupit

Councillor J Austen - acted as substitute for Councillor C Hunt

Also Present:

Adrian Kirkham	- Planning Manager – Development Management
Nigel Bryan	- Principal Planning Officer
Jim Fieldsend	- Team Leader Solicitor (non contentious)
Jenny Owen	- Legal Executive
Donna Cairns	- Senior Governance Officer

396 Apologies for Absence and Substitutions

Apologies for absence were received from Councillors S Boyle, C Cupit, A Holmes, C Hunt, S Peters and C Smith.

The meeting was advised that Councillor L Blanshard would act as substitute for Councillor L Cupit and Councillor J Austen would act as a substitute for Councillor C Hunt.

397 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.

398 Development Management Applications

The Committee considered Report No PM/16/18-19/AK of the Planning Manager – Development Management together with visual presentations for each of the following applications.

NED/18/00812/RM

Approval of reserved matters (layout and landscaping) for the erection of 28 dwellings pursuant to outline permission 15/00910/OL (Major Development)(Amended Plans) at land to the East of Prospect House, Highstairs Lane, Stretton for Wildgoose Homes.

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

Six 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 fact that consent had already been granted previously for access, scale and appearance so the matters under consideration only related to layout and landscaping. Therefore the primary consideration for the application was whether or not it complied with policies in chapters 2 (Natural Environment) and 3 (Built Environment) of the North East Derbyshire Local Plan and guidance within the National Planning Policy Framework. Particular regard was also given to the Inspector's conclusions in considering application 17/00768/RM.

It was moved and seconded that the application be approved in accordance with the officer recommendation. On being put to the vote the motion was lost.

Councillor Armitage moved that the application be refused contrary to officer recommendation on grounds which referred to the restriction of wildlife corridors within the site, objection to the hedgerow translocation, the objection of the parish council, the lack of drainage plans submitted, and inconsistent evidence on the protection provided for the trees on the boundary of the site, local residents' objections and the objection of the Woodland Trust.

In order to allow officers an opportunity to consider the motion and prepare advice for the Committee, the meeting was adjourned for 15 minutes.

The meeting recommenced at 12 Noon.

The Committee was advised to consider the evidence it had before them to support the view they may take on the application, particularly with reference to the reports received from the applicant and objectors regarding the protection of trees around the boundary of the application site.

It was moved by Councillor Butler and seconded by Councillor Laws that the application be deferred to enable the Council to obtain an independently commissioned survey on the trees close to the boundary of the site.

It was confirmed that the motion to refuse the application had not been seconded prior to the motion to defer the application which had been seconded. The motion to defer the application was therefore determined first.

Councillor Butler, who moved the motion to defer the application, sought to withdraw his motion. In accordance with Council Procedure Rule 12.8, the motion could only be withdrawn with the consent of the meeting and a seconder. The seconder, Councillor Laws, did not consent to the withdrawal of the motion.

The Committee proceeded to the vote.

RESOLVED – That application number NED/18/00812/RM be deferred in order to allow the Council to obtain an independently commissioned survey on the trees close to the boundary of the site.

NED/18/00801/FL

Application for the demolition of the existing dwelling and garage and the construction of two new detached dwellings with integral garages, creating one new vehicular access on to Highstairs Lane (Revised scheme of 18/00117/FL) at Erzamine, Highstairs Lane, Stretton for Mr H&J Rowles.

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 addressed.

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

The applicant and their agent 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 extant LP and the PDLP and guidance within the NPPF. Thereafter, it was assessed whether or not the development would respect the character of the area, protect residential amenity and ensure no adverse impact on highway safety.

It was moved and seconded that the application be granted, contrary to officer recommendation, subject to conditions delegated to the Planning Manager, on the following grounds:-

The development would have no visual impact on the countryside, it did not represent unacceptable overdevelopment and there was no adverse impact on the Highways network.

It was requested that subject to approval of the application, the requirement of suitable landscaping be included in the conditions. It was agreed that this amendment be included in the motion.

RESOLVED – That application number NED/18/00801/FL be approved, contrary to officer recommendation, on the grounds set out above, with the final wording of conditions delegated to the Planning Manager which were to include a condition requiring a suitable landscaping scheme.

- 1 The development hereby permitted shall be started within 3 years from the date of this permission.
- 2 The development hereby approved shall be carried out in accordance with the submitted plans, 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.
- 3 Before above ground work commences, precise 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.
- 4 Prior to the commencement of the development hereby approved the following shall be carried out:
 - A. The submission of a scheme of intrusive site investigations for shallow coal workings.
 - B. The approval in writing from the Local Planning Authority that the scheme required by A above is acceptable.
 - C. The undertaking of the scheme of intrusive site investigations as agreed;
 - D. The submission of a report of findings arising from the intrusive site investigations, including a plan showing their relationship to the layout of development;
 - E. The submission of a scheme of remedial works and/or mitigation measures for written approval from the Local Planning Authority, and,
 - F. The full implementation of the agreed remedial works and/or mitigation measures approved under E above.
- 5 Before the commencement of the development hereby approved:
 - a) A Phase I contaminated land assessment (desk-study) shall be undertaken and approved in writing by the local planning authority.
 - b) The contaminated land assessment shall include a desk-study with details of the history of the site use including:
 - o the likely presence of potentially hazardous materials and substances,
 - o their likely nature, extent and scale,
 - o whether or not they originated from the site,
 - o a conceptual model of pollutant-receptor linkages,
 - o an assessment of the potential risks to human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, ground waters and surface

waters, ecological systems, archaeological sites and ancient monuments,

- o details of a site investigation strategy (if potential contamination is identified) to effectively characterise the site based on the relevant information discovered by the desk study and justification for the use or not of appropriate guidance. The site investigation strategy shall, where necessary, include relevant soil, ground gas, surface and groundwater sampling/monitoring as identified by the deskstudy strategy.

The site investigation shall be carried out by a competent person in accordance with the current U.K. requirements for sampling and analysis. A report of the site investigation shall be submitted to the local planning authority for approval.

- 6 Before the commencement of the development hereby approved:

Where the site investigation identifies unacceptable levels of contamination, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be submitted to and approved in writing by the local planning authority. The submitted scheme shall have regard to CLR 11 and other relevant current guidance. The approved scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria and site management procedures. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

The developer shall give at least 14 days notice to the Local Planning Authority (Environmental Health Division) prior to commencing works in connection with the remediation scheme.

- 7 The dwellings hereby approved shall not be occupied until:

- a) The approved remediation works required by 6 above have been carried out in full in compliance with the approved methodology and best practice.
- b) If during the construction and/or demolition works associated with the development hereby approved any suspected areas of contamination are discovered, which have not previously been identified, then all works shall be suspended until the nature and extent of the contamination is assessed and a report submitted and approved in writing by the local planning authority and the local planning authority shall be notified as soon as is reasonably practicable of the discovery of any suspected areas of contamination. The suspect material shall be re-evaluated through the process described in 5b to 6 above and satisfy 7a above.
- c) Upon completion of the remediation works required by 6 and 7a above a validation report prepared by a competent person shall be submitted to and approved in writing by the local planning authority. The validation report shall include details of the remediation works and Quality Assurance/Quality Control results to show that the works have been carried out in full and in accordance with the approved methodology. Details of any validation

sampling and analysis to show the site has achieved the approved remediation standard, together with the necessary waste management documentation shall be included.

- 8 Before development starts, details of the existing ground levels, proposed finished floor levels of the dwellings and the proposed finished ground levels of the site, relative to a datum point which is to remain undisturbed during the development, 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 and the levels shall be retained as such thereafter.
- 9 Before above ground work commences, and notwithstanding information submitted with this application, 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.
- 10 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.
- 11 No development shall be commenced until a temporary access for construction purposes has been provided in accordance with a detailed design first submitted to and approved in writing by the Local Planning Authority. The access shall be retained in accordance with the approved scheme throughout the construction period, or such other period of time as may be agreed in writing by the Local Planning Authority, free from any impediment to its designated use.
- 12 Before any other operations are commenced, excluding construction of the temporary access referred to in Condition No 11 above, space shall be provided within the site for storage of plant and materials, site accommodation, loading, unloading and manoeuvring of goods vehicles, parking and manoeuvring of employees and visitors vehicles, laid out and constructed in accordance with detailed designs first submitted to and approved in writing by the Local Planning Authority. Once implemented the facilities shall be retained free from any impediment to their designated use throughout the construction period.
- 13 Prior to use of the new vehicular access to High Stairs Lane, the vis-splay as annotated on drawing 819 002 shall be implemented. Thereafter, the area in advance of the visibility sightlines shall be retained throughout the life of the development free of any object greater than 1m in height (0.6m in the case of vegetation) relative to adjoining nearside carriageway channel level.

- 14 The dwelling hereby approved shall not be occupied until the proposed parking and manoeuvring areas within the site, as identified on drawing 819 002, have been implemented in full. These facilities shall thereafter be retained for their identified use at all times.
- 15 There shall be no gates or other barriers within 5m of the nearside highway boundary and any gates shall open inwards only.
- 16 The proposed access drive to High Stairs Lane shall be no steeper than 1:14 for the first 5m from the nearside highway boundary and 1:10 thereafter.
- 17 No part of the development shall be occupied until details of arrangements for storage of bins and collection of waste have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and the facilities retained for the designated purposes at all times thereafter.
- 18 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 onto the highway. The approved scheme shall be undertaken and completed prior to the first use of the access and retained as such thereafter.
- 19 Prior to above ground work commencing, a plan to show the positions, design, materials, height and type of boundary treatment to be erected shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be completed before the first occupation of the dwellings hereby approved, and shall be maintained as approved thereafter.
- 20 Before development commences a scheme for the disposal of surface water and foul sewage 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.

NED/18/00420/FL

Application for new Agricultural Steel Barn (Amended Plan) – land to the West of Erzamine, Highstairs Lane, Stretton for Mr Riggott.

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

Three objectors exercised their right to attend the meeting and spoke against the application.

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 countryside, the amenity of neighbouring uses and highway safety issues.

Members expressed concern at the access to the site, with the possibility of vehicles stopping on the highway before gaining access to the site and therefore requested, if the application be approved, that a condition be included, requiring a scheme to ensure access can be gained to the site without vehicles stopping on the highway.

It was moved and seconded that the application be approved in accordance with the officer recommendation, but to include the condition regarding access to the site as outlined above.

On being put to the vote it was:-

RESOLVED – That application number NED/18/00420/FL be approved with the final wording of conditions delegated to the Planning Manager, but to include a condition requiring a scheme for site access allowing vehicles to be clear of the highway before stopping to gain access to the site to be agreed by the Local Planning Authority.

- 1 The development hereby permitted shall be started within 3 years from the date of this permission.
- 2 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 Elevations, Floor, Block and Location Plans (18:023-01 Rev C)
 - o Topographical and Site Section Plans (18:023-02)
- 3 Notwithstanding the approved plans, the building hereby approved shall be finished with timber boarding, details of which shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the design, finished appearance and colour of the timber boarding. The development shall then be carried out in accordance with the approved details.
- 4 The hedge along the northern boundary of the site shall be retained at a minimum height of 2.5m between the points A and B on the attached plan.
- 5 The access driveway to Highstairs Lane shall not be surfaced with a loose material (i.e. unbound chippings or gravel etc.) for the initial 5m measured back from the nearside highway boundary to ensure stone material is not transferred out of the site onto the public highway.
- 6 The building hereby approved shall not be occupied at any other time other than for the purposes ancillary to the agricultural use of Fern Lea, Main Road, Stretton.
- 7 The building hereby approved shall not be used for housing livestock.
- 8 Before development starts, intrusive site investigations shall be carried out in order to establish the exact situation regarding ground conditions on the site. In the event that site investigations confirm the need for remedial works to treat areas of shallow mine workings, details of the remedial action required to ensure

the safety and stability of the development shall be submitted to and approved in writing by the Local Planning Authority. The remedial works shall be carried out in full prior to construction commencing.

- 9 Notwithstanding the submitted details, before above ground work starts an amended site access scheme shall be submitted to and approved in writing by the Local Planning Authority. The amended scheme shall look to prevent vehicles from stopping on the public highway and illustrate the setback distance of the proposed gated access from Highstairs Lane. The approved scheme shall then be implemented in full and retained as such for the lifetime of the development.

399 Urgent Business

There was no urgent business considered at the meeting.
