

PLANNING COMMITTEE

MINUTES OF MEETING HELD ON 27 NOVEMBER 2018

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PLANNING COMMITTEE

MINUTES OF MEETING HELD ON 27 NOVEMBER 2018

Present:

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

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
Philip Slater	- Principal Planning Officer
Jim Fieldsend	- Team Leader Solicitor (non contentious)
Jenny Owen	- Legal Executive
Donna Cairns	- Senior Governance Officer

400 Apologies for Absence and Substitutions

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

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

401 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.

402 Minutes of Last Meeting

RESOLVED – That the Minutes of the last meeting of the Planning Committee held on 30 October 2018 be approved as a correct record and signed by the Chair.

403 Development Management Applications

The Committee considered Report No PM/17/18-19/AK of the Planning Manager – Development Management together with visual presentations for each of the following applications.

NED/18/00762/FL

Application to remove existing flat roof and create new first floor for proposed dwelling with new flat roof and reduction in size of A2 unit to allow creation of new access to the proposed dwelling (Conservation Area) (Amended Plans) at 48 High Street, Clay Cross for Mr Rudolph Willett.

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 Conservation Area, the privacy and amenity of neighbouring uses and highway safety issues.

RESOLVED – That application number NED/18/00762/FL be approved with the final wording of conditions delegated to the Planning Manager.

- 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 Location Plan (dated 25th July 2018)
 - o 101 (Proposed Site Block Plan)
 - o 102 Rev A (Proposed Site Plan)
 - o 104 Rev C (Proposed First Floor Plan)
 - o 105 Rev C (Proposed Roof Plan)
 - o 106 Rev C (Proposed Elevation and Part Section Plan)
- 3 Prior to the first use of the apartment hereby approved the window shown on the approved plans to the bathroom on the dwellings south 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.
- 4 The apartment hereby approved shall not be occupied until space has been laid out within the site in accordance with the approved drawing (101 Proposed Site Block Plan) for vehicular turning and parking. Thereafter these facilities shall be retained in accordance with those details at all times.
- 5 Prior to the completion of the apartment hereby approved, a scheme of bird and bat mitigation shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the type, location and number of

bat and bird boxes to be provided on the building. The approved scheme shall then be implemented in full prior to the occupation of the apartment and retained as such thereafter.

- 6 Within 30 days of the date of this approval, a scheme of sound insulation shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall take account of the need to provide adequate ventilation, which will be by mechanical means where an open window scenario will not meet the limits set out in this condition. The scheme shall achieve the following criteria:

- Bedrooms 30 dB LAeq (15 Minutes) (2300 hrs - 0700 hrs)
- Living/Bedrooms 35 dB LAeq (15 Minutes) (0700 hrs - 2300 hrs)
- All Other Habitable Rooms 40 dB LAeq (15 Minutes) (0700 hrs - 2300 hrs)
- All Habitable Rooms 45 dB LAmax to occur no more than 6 times per hour

Before any apartment is first occupied the scheme shall be validated by a competent person and a validation report submitted to and approved in writing by the local planning authority. Thereafter the approved scheme shall be implemented in full and retained as such thereafter.

Councillor B Ridgway requested that his vote against approving the application be recorded in the Minutes. Councillor B Ridgway objected to the failure of the retail part of the premises to include disability access and considered this to be a breach of equalities legislation.

NED/18/00831/FL

Proposed erection of 2 new dwellings (Amended Plans) on land opposite 21-29 on the south side of Egstow, Street, Clay Cross for Mr Paul Marshall (PSM Homes Ltd).

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

Members considered the application having regard to the impact on the character of the area, residential amenity and highway safety; having regard to the planning history of the site and pertinent Local Plan policies and National Policy Guidance.

RESOLVED – That application number NED/18/00831/FL be approved with the final wording of conditions delegated to the Planning Manager.

- 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 below plans

JG/PSM/018/029/01 REV F
Site location plan

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 Notwithstanding any submitted details, before development starts a plan to show the positions, design, materials, height and type of boundary treatments to be erected and/or retained shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full before the occupation of the dwelling hereby approved and it shall be retained as approved unless otherwise agreed in writing by the Local Planning Authority.
- 5 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.
- 6 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) dormer windows (Part 1 Class B) alterations to the roof (Part 1 Class C) or curtilage buildings (Part 1 Class E) shall be constructed without first obtaining planning permission.
- 7 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 windows shall be installed at or above first floor level without first obtaining planning permission
- 8 No dwelling shall be occupied until a 1m parallel visibility sightline has been provided around the perimeter of Plot 1 has been provided, the area in advance of the sightline being kept clear, in perpetuity, of any obstructions in excess of 1m (0.6m in the case of vegetation), measured above the adjacent carriageway channel level.
- 9 Before construction works commence on the proposed dwellings, 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.
- 10 No dwellings shall be occupied until space has been laid out within the site in accordance with drawing JG/PSM/018/029/01 REV F for 2 cars to be parked within the site per dwelling. These facilities shall thereafter be retained for use at all times.

- 11 Before above ground work 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.
- 12 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 an intrusive 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 desk-study 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.

- 13 Before the commencement of the development hereby approved:

Where a 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.

14 None of the dwellings hereby approved shall be developed until:

- a) The approved remediation works required by 13 above have been carried out in full in compliance with the approved methodology and best practice. If during the works new areas of contamination are discovered, which have not previously been identified, then the additional contamination shall be re-evaluated through the process described in 12b to 13 above and,
- b) Upon completion of the remediation works required by 13 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.

NED/18/01006/FL

Change of use from Public House to residential dwelling with alterations to openings and new glass balustrade to front (revised scheme of 18/00690/FL)(Amended Plans) at the Barrack Hotel, Barrack Road, Apperknowle for Chris Sinclair.

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 was circulated on the day of the meeting/were read out at the meeting.

Councillor R Smith, a Ward Member, attended the meeting and spoke against the application.

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 area, impact on the privacy and amenity of neighbours, and highway safety issues.

RESOLVED – That application number NED/18/01006/FL be refused contrary to officer recommendation on the following grounds:-

The application is considered to be unacceptable as the change of use of the premises to a dwelling would result in the loss of an accessible local community facility that was still needed and there is not adequate alternative facilities provided in a location equally accessible by public transport, walking and cycling in the vicinity of the application site and so contrary to Policies GS1 and SH8 of the North East Derbyshire Local Plan and Policy ID5 of the North East Derbyshire Local Plan (2014-2034) Publication Draft, and the National Planning Policy Framework when read as a whole.

The Team Leader Solicitor (non-contentious) moved to the public gallery whilst the following application was considered as he knew the applicant in a personal capacity.

NED/18/00621/FL

Application for a hand car wash at 27-39 West Street, Eckington for Mr David Knight.

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, impact on the privacy and amenity of neighbours, and highway safety issues.

Members expressed concerns about the potential impact of external lighting of the site, on the amenity of residents of neighbouring properties, and therefore requested a condition be included for all arrangements for the provision of external lighting on the site be submitted and approved by the Authority, delegated to the Planning Manager.

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

An amendment to the motion was moved and seconded to require an alteration to the conditions as set out in the officer recommendation, limiting the opening hours of the car wash to 9.00 am – 5.00 pm Monday to Saturday and 9.00 am – 4.00 pm on Sundays and Bank Holidays. On being put to the vote, the amendment was lost.

The motion was then put to the vote.

RESOLVED – That application number NED/18/00621/FL be approved with the final wording of conditions delegated to the Planning Manager and to include a condition requiring the submission and approval of external lighting on this application site.

- 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 approved amended drawings numbered DK 2018/01 (received at this office on 12.09.2018), 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 Prior to the first of use of the hand car wash hereby approved, the recommendations contained within noise assessment (produce by NoiseAssess and received at this office on 28.10.2018) shall be implemented in full, including the provision of an acoustic fence at the western boundary of the site. The measures identified in the report shall be retained as such thereafter.
- 4 The hand car wash hereby approved shall not be open to customers outside the following times; 09:00 - 18:00 Mondays to Saturdays, and 9:00 - 17:00 on Sundays and Bank Holidays.

- 5 The site shall be developed with separate systems of drainage for foul and surface water on and off site.
- 6 Surface water run-off from the forecourt of petrol stations, areas used for the delivery of fuel, areas used for and immediately adjacent to vehicle washing facilities and /or other similar areas where detergent is likely to be used shall not discharge to any public surface water sewer network. Surface water from such areas must pass through an oil, petrol and grit interceptor /separator of adequate design that has been submitted to and approved by the Local Planning Authority, before discharge to the public foul or combined sewer network.
- 7 Prior to the first use of the development, hereby approved, as such details of all external lighting that is to be either retained on the site or introduced (the "lighting scheme") to serve the new use shall be submitted to and be approved in writing by the Local Planning Authority. The approved scheme shall have regard to the "Guidance Notes for the Reduction of Obtrusive Light GN01" produced by the Institute of Lighting Professionals. The approved lighting scheme shall then be implemented as agreed and then be retained as such thereafter. No other external lighting shall be installed or placed on the site.

404 Planning Appeals Lodged and Determined

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

No appeals have been lodged, allowed or withdrawn.

The following appeals have been dismissed:-

Mr Cooper – Application for prior approval of proposed change of use of agricultural building to 1no dwellinghouse with associated operational development at Land And Buildings Known As Springslane Farm On The South Side Of Lindway Lane, Brackenfield (18/00311/CUPDMB)

Mr Pratt – Application for conversion of police office and extension to front at Police House, Town End, Shirland (17/01288/FL)

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

405 Urgent Business

There was no urgent business considered at the meeting.