

**PLANNING COMMITTEE**

**MINUTES OF MEETING HELD ON 15 JANUARY 2019**

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## PLANNING COMMITTEE

### MINUTES OF MEETING HELD ON 15 JANUARY 2019

#### **Present:**

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

#### Also Present:

Adrian Kirkham	- Planning Manager – Development Management
Phil Slater	- Principal Planning Officer
Jim Fieldsend	- Team Leader Solicitor (non contentious)
Donna Cairns	- Senior Governance Officer

#### **458 Apologies for Absence and Substitutions**

Apologies for absence were received from Councillor C D Huckerby.

#### **459 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.

Councillor B Barnes declared that he would not take part in Application No NED/18/00633/FL as he had publicly objected to the application prior to the meeting. Councillor Barnes spoke against the application and then moved to the public gallery and did not take part in the debate or the vote.

#### **460 Minutes of Last Meeting**

RESOLVED – That the Minutes of the special meeting of the Planning Committee held on the morning of 18 December 2018 and the Minutes of the scheduled meeting of the Planning Committee held on the afternoon of 18 December 2018 be approved as a correct record and signed by the Chair.

**461 Development Management Applications**

The Committee considered Report No PM/23/18-19/AK of the Planning Manager – Development Management together with visual presentations for each of the following applications.

With the consent of the meeting the applications were considered in the order set out below.

**NED/18/01074/OL**

Outline application with all matters reserved except access for the construction of 2 no dwellings (Amended Plan) at 168 Holymoore Road, Holymoorside, Chesterfield, S42 7DS for Mr Alan Borman.

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 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.

**RESOLVED** – That application number NED/18/01074/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, appearance of the two dwellings, 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 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.
- 4 Before the commencement of above ground works, a plan shall be submitted to and approved in writing by the Local Planning Authority to show the proposed boundary treatments throughout the site. The scheme shall be implemented in full in accordance with the approved scheme and shall be retained as such thereafter.

- 5 Before the commencement of above ground works, 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.
- 6 Before the commencement of construction works on the two dwellings hereby approved, details of the existing ground levels, proposed finished floor levels of the two dwellings 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.
- 7 The site shall be developed with separate systems of drainage for foul and surface water.
- 8 Before the commencement of construction works on the two dwellings hereby approved, a scheme for the provision of surface water drainage works including details of the soakaway 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.
- 9 Before the commencement of construction works on the two dwellings hereby approved, a scheme for the provision of foul 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.
- 10 Before any other operations are commenced, a new vehicular access shall be created to Holymoore Road in accordance the amended drawings numbered 18 728 Rev 1, received at this office on 12.12.2018. The area in advance of the visibility sightlines shown on the approved drawings shall thereafter be retained free of any object greater than 1m in height (0.6 in the case of vegetation) relative to the adjoining nearside carriageway channel level.
- 11 There shall be no gates or other barriers within 5m of the nearside highway boundary and any gates shall open inwards only.

**NED/18/00053/OL**

Application Outline application (all matters reserved) for 10 dwellings (Major Development/Departure from Development Plan) on land to the north west of 101 Birkinstyle Lane, Shirland for Mr R Hare.

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 policy terms, the impact of the principle of development on the character and appearance of the surrounding area and the impact of the proposed development upon highway safety, ecology and biodiversity along with the impact upon the safe drainage of the site, land contamination and stability issues.

**RESOLVED** – That application number NED/18/00053/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 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, the means of access 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 combined floor space of the development shall have a gross floor space not exceeding 1000sqm and/or be for the erection of no more than 10 dwellings.
- 4 The details to be submitted to and approved in writing by the Local Planning Authority as part of the reserved matters shall include the details of the existing ground levels, proposed finished floor levels of the dwellings and the proposed finished ground levels of the site. The development shall then be carried out in accordance with the approved details and retained as such thereafter.
- 5 Before the development hereby approved commences, a scheme to enhance and maximise employment and training opportunities during the construction stage of the project, including a timetable for implementation, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall then be implemented in full in accordance with the approved timetable.
- 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 the commencement of the development hereby approved a Phase I contaminated land assessment (desk-study) shall be undertaken and approved in writing by the local planning authority.

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 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.

- 8 Before commencement of the development hereby approved 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 where the site investigation identifies unacceptable levels of contamination. 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.

- 9 The dwellings hereby approved shall not be occupied until:
  - a) the approved remediation works required by condition 7 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 condition 7 to 8 above and to satisfy condition 9(a) above.
  - c) Upon completion of the remediation works required by condition 8 and 9(a) 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.

- 10 No development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site, in accordance with the principles outlined within:
  - a. AB Civils Design Drainage Strategy Report, Broom Close Developments, Land west of 101 Birkinstyle Lane, Shirland, Derbyshire- 1002-BS-AB (April 2018 by AB Civils Design
  - b. And DEFRA Non-statutory technical standards for sustainable drainage systems (March 2015),

have been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved detailed design prior to the use of the building commencing.

- 11 No development shall take place until a detailed assessment has been provided to and approved in writing by the Local Planning Authority to demonstrate that the proposed destination for surface water accords with the hierarchy in paragraph 80 of the planning practice guidance, and to obtain a full understanding of the springs within the site and any associated mitigation requirements.
- 12 No Reserved matters application to confirm the layout of the proposed development shall be approved until information confirming the viability and location of SuDS techniques as outlined within the Flood Risk Assessment has been provided to and approved in writing by the Local Planning Authority.
- 13 Prior to development commencing, a scheme for the disposal of 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.
- 14 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.
- 15 Before any other operations are commenced, excluding construction of the temporary access referred to in the condition 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.
- 16 Throughout the period of development vehicle wheel cleaning facilities shall be provided and retained within the site.

- 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 work on site (including clearance of refugia piles, vegetation or groundworks), a Reptile Method Statement shall be submitted to the Local Planning Authority. The statement shall include a precautionary method of works, reasonable avoidance measures and a watching brief. The approved Method Statement shall be implemented in full and be retained through the construction period. At the end of the site clearance works a short statement of compliance shall be submitted to the Local Planning Authority.
- 19 Prior to the commencement of development, a biodiversity enhancement strategy as outlined in the ecology report shall be submitted to and approved in writing by the Local Planning Authority to ensure no net loss for biodiversity and aim for a net gain. The measures shall include:
  - o details of bird and bat boxes (positions/specification/numbers).
  - o measures to maintain connectivity throughout the site for wildlife such as hedgehogs will be clearly shown on a plan, such as garden fencing raised above ground level or the inclusion of small gaps (130 mm x 130 mm), railings or hedgerows.
  - o ecologically beneficial landscaping.The approved measures shall be implemented in full and retained as such thereafter.
- 20 Prior to the submission of a reserved matters application, a scheme of intrusive site investigation shall be submitted to and approved in writing by the Local Planning Authority. The intrusive site investigations shall consider and identify any highwall associated with past surface mining operations and shallow coal workings. The approved site investigations shall be completed prior to the submission of any future reserved matters application.
- 21 Details to be submitted as part of a reserved matters application shall include the findings of the intrusive site investigations, the location of any highwall found within the site along with a scheme of remedial works relating to the shallow coal workings which shall be submitted to and approved in writing by the Local Planning Authority. The approved remedial works shall then be implemented in full prior to work commencing on site.

**NED/18/00633/FL**

Change of use of land to equestrian and retention of stables, hay shed, manure heap and gated access on land adjacent to Pasture House, Pasture Lane, Stonebroom for Mr John Cooper.

As a Ward Member Councillor B Barnes spoke against the application and then moved to the public gallery taking no part in the discussion or the vote.

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 about the filed heaps of manure and the risk of run-off polluting watercourses. Members were advised that the Council's Environmental Health Officer raised no objection but recommended that an Informative Note be included on any approval to advise the applicant of the importance of ensuring that any waste generated is managed in an appropriate manner.

**RESOLVED** – That application number NED/18/00633/FL be approved with the final wording of conditions delegated to the Planning Manager.

- 1 The equestrian development hereby approved shall be used solely for the use of residents of Pasture House, Pasture Lane, Stonebroom and those of their immediate family only and shall not be used for any commercial purposes (e.g. riding school, livery or DIY livery).
- 2 The site shall not be floodlit or illuminated in any way.
- 3 Only one loose horse box shall be kept on site at any one time. No further horse boxes, trailers, containers, caravans, other vehicles or storage areas shall be located or stored on the application site.

*Councillor Barnes returned to his seat to take part in the remainder of the meeting.*

**NED/18/01031/FLH**

Application for the demolition of existing conservatory and erection of first floor rear extension and new single storey rear extension at 7 Deerlands Road, Wingerworth for Mr Christopher Lilley.

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

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 and appearance of the site and its surrounding street scene and the impacts upon the amenity of neighbouring occupiers.

Members expressed concern about the impact on the amenity of the neighbouring property of the proposed first floor side elevation bedroom window and requested that the window be obscure glazed and hinged so that it opens to face the rear of the property.

**RESOLVED** – That application number NED/18/01031/FLH be approved with the final wording of conditions delegated to the Planning Manager, but to include a condition

requiring the first floor side elevation bedroom window to be obscure glazed and hinged so that it opens to face the rear of the property.

- 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 specifically agreed in writing by the Local Planning Authority or otherwise required by any other condition in this decision notice.
- 3 The proposed walling materials shall comprise of render and brick and roofing materials shall match those of the existing building as closely as possible.
- 4 The new upper storey window proposed in the south western (side facing) elevation of the dwelling (as shown on "elevation on C" - drawing number HED/588/18/C ) shall be fitted with obscure glazing and shall be only hinged on its south east (front of house/road side of window) side before the bedroom it serves is first brought into use as such. The obscure glazing shall be installed in order to provide a level of obscurity at least equivalent to levels 3, 4 or 5 on the Pilkington Glass scale and the glazing/method of opening shall be retained as such thereafter.

**462 Planning Appeals Lodged and Determined**

The Committee considered Report No PM/24/18-19/AK of the Planning Manager – Development Management.

The following appeals had been lodged:-

Mr And Mrs Baker - Erection of a 2 bedroom bungalow at 2 Snape Hill Close, Dronfield (18/00842/FL)

Mr M P Nightingale - Proposed change of use and conversion of former reservoir structure to a single dwelling at Land Opposite Barn Close House, Matlock Road, Walton (18/00781/FL)

Mr Robert Wilson - Application for a new dormer bungalow within existing farm grounds at Birch Hall Farm, Sylvia Road, Unstone (18/00642/FL)

Mr Simon Smith - Outline application with all matters reserved for 1no residential detached dwelling at Land Adjacent 8 Central Drive, Wingerworth (18/00908/OL)

The following appeals had been dismissed:-

Mr And Mrs Dring – Alterations and change of use of stone barn to one dwelling for the manager of Butts Quarry and their immediate family (affecting a public right of way) (Amended Plan) at Barn At Butts Quarry, Butts Road, Ashover (17/00504/FL). A claim for costs was dismissed.

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

The following appeal had been withdrawn:-

Miss C Vickers- Proposed erection of summerhouse to be used as a dog grooming business at 62 Burton Street, Wingerworth (18/00421/FL)

No appeals have been allowed.

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

**463 Urgent Business**

There was no urgent business considered at the meeting.

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PLAN MINS(0115)/MD