

**PLANNING COMMITTEE**

**MINUTES OF MEETING HELD ON 12 FEBRUARY 2019**

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**PLANNING COMMITTEE**

**MINUTES OF MEETING HELD ON 12 FEBRUARY 2019**

**Present:**

Councillor H Laws .....	Chair
Councillor P Antcliff	Councillor P Elliott
“ W Armitage	“ C D Huckerby
“ S Boyle	“ A Powell
“ G Butler	“ K Rouse
“ A Cooper	“ C Smith*
“ C Cupit	

\* Councillor C Smith was present from Minute No 550 - application number NED/18/01023FL.

**Substitutes Present:**

Councillor J Austen - acted as substitute for Councillor B Barnes  
Councillor L Robinson - acted as substitute for Councillor S Peters

**Also Present:**

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

**547 Apologies for Absence and Substitutions**

Apologies for absence were received from Councillors B Barnes, A Holmes, C Hunt and S Peters.

The meeting was advised that Councillors J Austen and L Robinson would act as substitutes for Councillors B Barnes and S Peters respectively.

**548 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.

**549 Minutes of Last Meeting**

**RESOLVED** – That the Minutes of the last meeting of the Planning Committee held on 15 January 2019 be approved as a correct record and signed by the Chair.

**550 Development Management Applications**

The Committee considered Report No PM/25/18-19/AK of the Planning Manager – Development Management together with visual presentations for each of the following applications.

**NED/18/01212/FL**

Conversion, with alterations and extension, of existing stone store to create one, one bedroom dwelling with associated garden and parking areas at land 50m west of 1 and 2, Overton Lodge, Jetting Street, Milltown, Ashover for Mr Barltrop.

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, its effect on the character and appearance of the site and the surrounding countryside, designated as a Special Landscape Area, the amenity of neighbouring land uses, impact on heritage assets, its ecological impact and highway safety issues.

**RESOLVED** – That application number NED/18/01212/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 18-017-001 Rev A (Site Location Plan)
  - o 18-017-002 Rev A (Existing Site Plan)
  - o 18-017-003 Rev B (Proposed Site Plan)
  - o 18-017-005 Rev B (Proposed Building Plans and Elevations)
  - o 18-017-004 (Existing Building Plans and Elevations)
  - o 18-017-006 (Existing and Proposed Sections)
  - o 18-017-007 (Existing Site Topographical Survey)
- 3 Prior to work commencing on the kitchen extension hereby approved as part of the wider conversion, 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 materials to be used shall match those of the original building as closely as possible. The development shall then be carried out in accordance with the approved details.
- 4 Stonework repairs of the main building shall match that of the existing building as closely as possible.

- 5 Notwithstanding the submitted details, before the occupation of the dwelling hereby approved, a working drawing shall be submitted to and approved in writing by the Local Planning Authority showing the rainwater goods to be used. The rainwater goods shall be of an appropriate traditional design and supported by brackets. The work shall then be carried out and retained in accordance with the approved details.
- 6 Prior to the occupation of the dwelling hereby approved, details of the proposed rooflights to be used shall be submitted to and approved in writing by the Local Planning Authority. The rooflights shall be of an appropriate conservation design. The rooflights shall then be installed and retained in accordance with the approved details.
- 7 Windows and doors shall be set back 100mm from the face of the stonework and shall be constructed in painted timber and retained as such thereafter.
- 8 All electricity and gas meter cupboards shall be incorporated within the building.
- 9 Before development starts on the external appearance of the building, details of the mortar mix to be used shall be submitted to and approved in writing by the Local Planning Authority. The mortar to be used shall be an appropriate lime mortar mix finished slightly recessed from the stonework of the building. A sample area of pointing/repointing shall be provided and approved prior to the commencement of any external works. The approved mortar mix shall then be used on the entire development hereby approved and retained as such for the lifetime of the development.
- 10 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 windows and doors shall be installed in any elevation other than those shown on the approved plans.
- 11 Notwithstanding the provisions of Article 3(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any Order revoking or re-enacting that Order) no extensions (Part 1, Class A), dormer windows (Part 1, Class B), alterations to the roof (Part 1, Class C), porches (Part 1, Class D), curtilage buildings (Part 1, Class E), hard surfaces (Part 1, Class F), chimneys/flues/soil/vent pipes (Part 1, Class G), satellite dishes (Part 1, Class H) and means of enclosure (Part 2, Class A) shall be erected/constructed without first obtaining planning permission.
- 12 Notwithstanding the submitted details, before the occupation of the dwelling hereby approved, the following shall be submitted to and approved in writing by the Local Planning Authority:
  - a) a scheme of native landscaping, which shall include any existing landscaping,
  - b) the details of any landscaping to be retained, together with measures for their protection during development,
  - c) a schedule of proposed native plant species, size and density and planting locations and

- d) an implementation programme.
- 13 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.
- 14 Notwithstanding the submitted details, before the occupation of the dwelling hereby approved a plan to show the exact positions, design, materials and type of boundary treatments 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 dwelling and shall be retained as approved for the lifetime of the development.
- 15 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 surface water drainage scheme shall look to incorporate sustainable drainage methods where possible. The approved scheme shall be implemented in full before the development is brought into use and shall be retained as such thereafter.
- 16 Before the occupation of the dwelling hereby approved, the area shown on the approved plans (drawing 18-017-003 Rev B) as reserved for parking, 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.
- 17 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.

- 18 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.

- 19 The dwellings hereby approved shall not be occupied until:
- a) The approved remediation works required by 18 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 17(b) to 18 above and satisfy 18(a) above.
  - c) Upon completion of the remediation works required by 18 and 19(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.

- 20 Prior to the commencement of any further works, a bat and bird box plan shall be submitted to and approved in writing by the Local Planning Authority. This shall include the incorporation of:
- o 2 Schwegler 1FR or similar integral boxes within the proposed northern extension (on north-east and north-western elevations).
  - o 2 tree-mounted Schwegler 2F with double front panel on trees immediately to the rear of the building.
  - o 1 sparrow terrace on any elevation except south.

Within 30 days of mitigation measures being installed, photographic evidence of the installed boxes shall be submitted to the Local Planning Authority. The approved bat and bird box shall be installed on site prior to the first use of the dwelling hereby approved and retained as such thereafter for the lifetime of the development.

- 21 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.

**NED/18/01023/FL**

Application for dormer bungalow (Amended Plan) at 116 Eckington Road, Coal Aston, Dronfield S18 3AY for Mr Neil Vaughan.

One objector exercised their right to attend the meeting and spoke against 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/18/01023/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:
  - Revision B received at this office on 11.12.2018.

- 3 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)] [curtilage buildings (Part 1 Class E)] [means of enclosure (Part 1 Class E)] [hard surfaces (Part 1 Class F)] [means of enclosure (Part 2 Class A)] shall be [erected/constructed] without first obtaining planning permission.
- 4 Before above ground works start, 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 occupation of the dwelling hereby approved and shall be retained as approved thereafter.
- 5 Before above ground works start, 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.
- 6 Before above ground works start, 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.
- 7 Notwithstanding the submitted details, the lowest part of the rooflight window proposed in the south facing rear elevation of the dwelling, serving Bedroom 3, shall be positioned at least 1.7m from the internal floor level of the room it serves and retained as such thereafter.
- 8 Before above ground works commence, 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
- 9 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.
- 10 Before construction work commences on the dwelling hereby approved, the proposed vehicular access to Eckington Road (NC) shall be created in



accordance with the application drawings, laid out, constructed and maintained in perpetuity free from any impediment to its designated use.

- 11 There shall be no gates or other barriers located across the access of the site.
- 12 Before first occupation of the dwelling hereby approved, 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.
- 13 Before development starts, a scheme for the provision of 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.
- 14 Before development starts, 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.
- 15 Prior to the commencement of the development hereby approved, a scheme of intrusive site investigations shall be submitted to and approved by the Local Planning Authority. The scheme shall be undertaken in accordance with approved details. A report of findings arising from the intrusive site investigations and a scheme of remedial works shall then be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved remedial works shall be implemented in full.
- 16 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:
    - the likely presence of potentially hazardous materials and substances,
    - their likely nature, extent and scale,
    - whether or not they originated from the site,
    - a conceptual model of pollutant-receptor linkages,
    - 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,
    - 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.

- 17 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.

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

- a) The approved remediation works required by 17 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 16b to 17 above and satisfy 18a above.
- c) Upon completion of the remediation works required by 17 and 18a 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/18/01126/FL and NED/18/01142/LB**

Proposed single storey sun room side extension and single storey kitchen extension (Listed Building) (Amended Plans) at Common Bank House, Fallgate, Milltown, Ashover for Mr and Mrs Wortley.

and

Listed Building Consent application for proposed single storey sun room side extension and single storey side kitchen extension (Amended Plans) at Common Bank House, Fallgate, Milltown, Ashover for Mr and Mrs Wortley.

The Committee considered the above two applications together.

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 householder application having regard to the suitability of the proposal in terms of its effect on the character of the site and surrounding area, the amenity of neighbouring uses and highway safety. With regards to the Listed Building Consent, Members considered the impact of the proposal on the special architecture and historic interest of the building and its setting.

It was moved and seconded that both the householder application and the Listed Building Consent be approved, contrary to the officer recommendations, on the grounds that the proposals did not have a detrimental effect on the listed building. It was proposed within the motion that the imposition of conditions be delegated to the Planning Manager, but to include conditions requiring the building materials used in the extensions to be sympathetic to the character of the building.

The motion to approve the householder application was put to the vote and the vote was tied. The Chair exercised his casting vote to vote against the motion which therefore was lost.

The motion to approve the Listed Building Consent was put to the vote and the vote was tied. The Chair exercised his casting vote to vote against the motion which therefore was lost.

The Officer Recommendations to refuse the householder application and the Listed Building Consent were moved and seconded.

The motion to refuse the householder application was put to the vote and the vote was tied. The Chair exercised his casting vote to vote in favour of the motion. It was therefore:

**RESOLVED** – That application number NED/18/01126/FL (Householder Application) be refused for the following reason:

Local Plan Policy states that proposals for alterations to a listed building must demonstrate that the historic form, detailing and character and of the building should be retained. Furthermore the National Planning Policy Framework states that proposals should either conserve or enhance designated heritage assets. The proposed extensions and loss of historic fabric cause harm to the listed building which is not outweighed by any public benefits and to grant planning permission would be contrary to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Section 16 of the National Planning Policy Framework and Local Plan Policy BE1, BE7 and H5 of the North East Derbyshire Local Plan and Policies SDC6 and SDC12 of Publication Draft Local Plan 2014-2034.

The motion to refuse the Listed Building Consent was put to the vote and the vote was tied. The Chair exercised his casting vote to vote in favour of the motion. It was therefore:

**RESOLVED** – That application number NED/18/01142/LB (Listed Building Consent) be refused for the following reason:

Local Plan Policy states that proposals for alterations to a listed building must demonstrate that the historic form, detailing and character and of the building should be retained. Furthermore the National Planning Policy Framework states that proposals should either conserve or enhance designated heritage assets. The proposed extensions and loss of historic fabric cause harm to the listed building which is not outweighed by any public benefits and to grant listed building consent would be contrary to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Section 16 of the National Planning Policy Framework and Local Plan Policy BE7 of the North East Derbyshire Local Plan and Policy SDC6 of Publication Draft Local Plan 2014-2034

## **551 Planning Appeals Lodged and Determined**

The Committee considered Report No PM/26/18-19/AK of the Planning Manager – Development Management.

The following appeals had been lodged:-

Mr And Mrs S Hamilton - Construction of a single-storey rear extension at Springwell Cottage, Wilday Green Lane, Barlow (18/01099/FLH)

Mrs Margaret Simpson - Outline application with all matters reserved for the construction of 1no 3bed dwelling (Revised scheme of 17/01325/OL) at Land West of Stables and Smithy Brook Farm, Smithy Moor, Stretton (18/00466/OL)

The following appeal had been allowed:-

Mrs Smith – Application for determination of a high hedges complaint relating to evergreen vegetation at 65 Holymoor Road, Holymoorside (17/00957/HHC)

The following appeal had been dismissed:-

Mr Todd – Application for change of use from C3 (Residential) to a mixed (Sui Generis) use including weddings, private functions and events (Listed Building/Conservation Area) (17/01332/FL) AND Application for listed building consent for alterations associated with change of use from C3 (Residential) to a mixed (Sui Generis) use (Listed Building/Conservation Area) (17/01333/LB) at Barlow Woodseats Hall, Johnnygate Lane, Barlow. A claim for costs was dismissed

The following appeal had been withdrawn:-

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

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

**552 Urgent Business**

There was no urgent business considered at the meeting.

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