

PLANNING COMMITTEE

MINUTES OF MEETING HELD ON TUESDAY, 26 APRIL 2022

Present:

Councillor Diana Ruff (Chair) (in the Chair)
Councillor Alan Powell (Vice-Chair)

Councillor William Armitage
Councillor Lilian Deighton
Councillor Mark Foster
Councillor Lee Hartshorne
Councillor Kathy Rouse

Councillor Andrew Cooper
Councillor Peter Elliott
Councillor Roger Hall
Councillor Maggie Jones
Councillor Pam Windley

Also Present:

S Sternberg	Assistant Director of Governance and Monitoring Officer
A Kirkham	Planning Manager - Development Management
E Cartwright	Senior Planning Officer
C Wilson	Senior Planning Officer
J Fieldsend	Legal Team Manager (non contentious)
A Maher	Interim Governance Manager

PLA/ Apologies for Absence and Substitutions

85/2

1-22 Apologies were received from Councillor D Hancock, who was substituted by Councillor P Windley. Apologies were received from Councillor H Liggett, who was substituted by Councillor L Deighton. Apologies were also received from Councillor J Ridgway.

PLA/ Declarations of Interest

86/2

1-22 There were no Declarations of Interest.

PLA/ Minutes of Last Meeting

87/2

1-22 The minutes of the meeting held on Tuesday 22 March 2022 were approved as a true record.

PLA/ NED/21/00707/FL - WINGERWORTH

88/2

1-22 The report to Committee explained that an Application had been submitted for a new Club House, along with associated parking, at Wingerworth Junior Sports Association, on Derby Road, Wingerworth. The Application involved amendments to the original Plans. It had been referred to Committee at the request of Ward Councillor, D Ruff, who had raised concerns about it.

Committee was recommended to approve the Application, subject to the conditions set out in the report.

The report to Committee explained why Members were asked to approve the

recommendations. Officers had concluded that it would be a well-designed appropriate development, which would re-purpose some of the existing temporary buildings and make a positive contribution to the quality of the local environment. They had also concluded that the development would be in line with both national and local planning policies, which would not impact adversely on the amenity of neighbouring properties or reduce highway safety in the surrounding area.

Before Members discussed the Application, the applicant, A Stopps, addressed the Committee in support of it. No one had registered to speak against the Application.

Planning Committee considered the Application. It took into account the Principle of Development and in particular, the location of the site within the defined Settlement Development Limit of Wingerworth and its position as part of the Strategic Site Allocation for 'The Avenue' development area. Committee also considered the relevant Planning Policies. These included Local Plan Policy SS1, supporting sustainable development through the re-use of previously developed land, Local Plan policy SS7, permitting appropriate developments within Settlement Development Limits and Local Plan Policy SS3, permitting appropriate developments which enhance existing open spaces, sport and recreation facilities.

Members discussed the Application. They reflected on how the Club House would be used and what could be done to minimise any impact on surrounding properties. They heard how if the Application was approved then conditions could be put in place to monitor the impact of private functions held there on the neighbouring community. Some Members made clear that they would welcome this.

Members also discussed the design of the proposed Club House and how this would compare favourably to the existing collection of structures on the site. Committee noted the traffic management arrangements that would be put in place to help ensure that visitors to the Club House parked on the site, rather than in the surrounding streets.

At the conclusion of the discussion Councillor D Ruff and P Elliot moved and seconded a motion to approve the Application, in line with officer recommendations and subject to an additional condition that permission to hold functions be restricted in the first instance to two years from completion of the Club House, so that their impact could be monitored. The motion was put to the vote and was agreed.

RESOLVED

- (1) That planning permission is conditionally approved, in accordance with officer recommendations, as specified in the report with an additional condition restricting the period for which the Club House be used for private functions to two years, in the first instance, in order to gauge the impact of this.
- (2) The final wording of the conditions be delegated to the Planning Manager (Development Management):-

Conditions

- 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 following 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:
 - Drawing No 021-007-AAD-01-ZZ-DR-A-0001-P03 Proposed Site Plan (date published 24.11.2021)
 - Drawing No 021-007-AAD-01-ZZ-DR-A-0002-P01 Proposed Plans (date published 26.05.2021)
 - Drawing No 021-007-AAD-01-ZZ-DR-0003-P01 Proposed Elevations (date published 26.05.2021)
 - Drawing No 021-007-AAD-01-ZZ-DR-0012-P01 Location Plan (date published 26.05.2021)
- 3 Notwithstanding the submitted details, before any above ground works start, 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 the submitted details, before development starts, details of the existing ground levels, proposed finished floor levels of the clubhouse and the proposed finished ground levels of any areas of the site affected by the development, hereby approved, 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.
- 5 Notwithstanding the submitted details before development starts, the following shall be submitted to and approved in writing by the Local Planning Authority:
 - a scheme of wildlife friendly landscaping, which shall include indications of all existing trees and hedgerows on the land,
 - the details of any trees and hedgerows to be retained, together with measures for their protection during development,
 - a schedule of proposed plant species, size and density and planting locations and
 - an implementation programme
- 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 Notwithstanding the submitted details, before the clubhouse hereby permitted is taken into use, details of any external lighting fixed to the building shall be submitted to and approved in writing by the Local Planning Authority. The approved lighting scheme shall be implemented in full and retained as such thereafter.
- 8 Before the first occupation of the clubhouse hereby permitted, all of the existing shipping containers and portakabins shall be removed from site except any previously identified on a plan and agreed in writing to be retained for use in the construction of the clubhouse, hereby approved.
- 9 The clubhouse hereby permitted shall only be used between the hours of 17:00 and 20:00 Monday to Friday and 09:00 - 22:00 Saturday, Sunday and Bank Holidays
- 10 The clubhouse hereby permitted shall not be rented out for any private functions after 06.05.2024
- 11 The clubhouse hereby permitted shall be used by club members, and their families, of Wingerworth JSA and visiting football teams and spectators only.
- 12 No development, including preparatory works, shall commence until space has been provided within the site for storage of plant and materials, site accommodation, loading, unloading and manoeuvring of goods vehicles, and parking and manoeuvring of employees and visitors vehicles, with this space laid out in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority. Once implemented, the approved facilities shall be retained free from any impediment to their designated use throughout the construction period.
- 13 The premises, the subject of the application, shall not be taken into use until space has been provided within the application site in accordance with the revised application drawings for the parking (each space measuring at least 2.4m x 5.5m) and manoeuvring of visitors vehicles, laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.
- 14 The secure cycle parking facilities hereby approved shall be fully implemented and made available for use prior to the premises being first taken into use and shall thereafter be retained for use at all times.
- 15 Any entrance gates shall be hung to open away from the highway and set back by a minimum distance of 5m as measured from the nearside edge of the carriageway.
- 16 Prior to the first use of the clubhouse hereby permitted, a Traffic Management Plan shall be submitted to and be approved in writing by the Local Planning Authority. The Traffic Management Plan (TMP) shall include

the following, but not be restricted to:

- An available and appointed steward on match days,
- A point of contact from Wingerworth JSA,
- A list of all the addresses along Hornbeam Drive who will have full contact details of the elected point of contact on match days, and
- Details of how and where to park sent out to all members and visiting clubs

The approved TMP shall then be implemented in full as agreed and be actioned for the lifetime of the development, hereby permitted.

- 17 No development shall commence until;
- a) A scheme of intrusive site investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and;
 - b) Any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed. This should include the submission of the approved site layout plan to illustrate the location/delineation of the high wall(s) at this site, if found, and how this relates to the approved development.

The intrusive site investigations and remedial works shall be carried out in accordance with the authorities UK guidance.

- 18 Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and completion of and remedial works and/or mitigation necessary to address the risk posed by past coal mining activity.
- 19 No building or other obstruction including landscaping features shall be located over or within 3 (three) metres either side of the centre line of both public sewers i.e. a protected strip width of 6 (six) meters, that crosses the site. If the required stand-off distances are to be achieved via diversion or closure of either sewers, the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker and that prior to construction in the affected area, the approved works have been undertaken.
- 20 The site shall be developed with separate systems of drainage for foul and surface water on and off site. The separate systems should extend to the points of discharge to be agreed.
- 21 No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning

Authority.

- 22 Notwithstanding the submitted details, before the first occupation of the Clubhouse hereby permitted, the following details should be provided and shown on a plan to be submitted to and approved in writing by the Local Planning Authority:
- Identify safety margins around pitches, this should include a minimum of 2 metres from all pitch perimeter lines.
 - Where pitches adjoin each other an additional 2 metres spectator area should be included, this should include 8 metres between pitches.
 - Identify run off areas, these should be free from obstructions and be of the same surface as the playing area.
 - The site operator must demonstrate that a risk assessment has been undertaken to ensure the run-off area is safe and does not pose a risk of harm to a player or spectator. This would also be the case of any built structure that is located outside of the 3 metres safety run-off area that could harm any player.
- 23 Notwithstanding the submitted details, before any above ground works start, a plan including levels and cross sections for spoil mounding and disposal on site shall be submitted to and approved by the Local Planning Authority. The approved levels/mounding shall then be implemented as approved and be retained as such thereafter.

PLA/ NED/21/01443/FL - DRONFIELD

89/2

1-22

The report to Committee explained that an Application had been submitted for the Change of Use a building at No.1 Chesterfield Road in Dronfield from an Office (Class E) to a Hot Food takeaway (Sui Generis). This change of use would involve the installation of a new extractor flue and other associated alterations. The building was located in a Conservation Area and the change would affect the setting of a nearby Listed Building.

The Application had been referred to Committee by Ward Councillor, P Parkin, who had raised concerns about it.

Planning Committee was recommended to approve the Application, subject to the conditions set out in the report.

The report to Committee explained why Members were asked to approve the recommendations. Officers had concluded that the proposed change of use, from Office to Hot Food takeaway, would be in line with both national and local planning policies. In particular, they felt that the external alterations, sensitively implemented, would be appropriate. The change would, they contended, give the building a viable new purpose, which would help to ensure its long term maintenance and preservation. They also felt that no valued local services would be lost if the Application was approved and that the change of use should not impact on the viability or vitality of the nearby Town Centre.

Before Members discussed the Application, Dronfield Town Councillor, M Hanrahan, addressed the Committee. He explained why the Town Council

opposed the Application. With the agreement of the Chair, Dronfield Town Councillor, S Birkett, also addressed the Committee. She set out the concerns about the Application, expressed to her by local residents. No one had registered to speak in support of the Application.

Planning Committee considered the Application. It took into account the Principle of Development and the location of the site within the defined Settlement Development Limit of Dronfield. It considered the relevant Planning policies. These included Local Plan policy SS7, permitting appropriate developments to take place within Settlement Development Limits. It considered Policy E4 of Dronfield Neighbourhood Plan and the circumstances in which hot food takeaways could be supported. Committee also took into account the heritage implications of the proposed change for the surrounding Conservation Area. In this context it noted Planning Policy SDC5 and the circumstances in which Development proposals within a Conservation Area would be permitted; and especially by preserving or enhancing the character or appearance of the area and its setting.

Members discussed the Application. They considered the possible noise, smell and other environmental problems that the change of use into a hot food takeaway might cause for neighbouring residential properties. Some Members queried what contribution the hot food takeaway would make to the town centre and whether it would be compatible with surrounding properties in the Conservation Area. Some Members also expressed concern that, if approved, the change of use might lead to an increase in unauthorised on-street car parking and highlighted the implications for highways safety which this might have.

At the conclusion of the discussion Councillor M Foster and W Armitage moved and seconded a motion to refuse the application, contrary to officer recommendations. The motion was put to the vote and was approved.

RESOLVED -

That the Application be rejected, contrary to Officer Recommendations.

Reasons

- A. The application is considered unacceptable as it seeks to establish a hot food take away both within a town centre and an area close to residential properties. The creation of a hot food take away in this location is considered inappropriate in that it fails to make a positive contribution to the viability and vitality of the town centre and is not compatible with, and prejudicial to, other land uses in the area. As such, it is contrary to policy SS7 of the North East Derbyshire Local Plan and policy E4 of the Dronfield Neighbourhood Plan.
- B. The site is located within the Dronfield Conservation Area and the application site is identified in the Dronfield Neighbourhood Plan as a Character Building. The alterations proposed to the building to create the proposed use would result in alterations that would adversely affect the building and impact detrimentally on the Conservation Area in general and the application building in particular. The harm caused is not outweighed

by public benefits. As such, the application is contrary to policies SS1, SDC5 and SDC9 of the North East Derbyshire Local Plan and policies E2, D2 and D3 of the Dronfield Neighbourhood Plan.

- C. The proposed hot food take away is located within the chevrons adjacent to a zebra crossing and an area characterised by on street parking restrictions. The provision of a hot food takeaway in the location proposed would encourage and lead to on street parking in a location that would adversely impact on highway safety contrary to policy ID3 of the North East Derbyshire Local Plan and the advice contained within the National Planning Policy Framework.
- D. The site is close to and primarily located below a number of nearby residential properties. The proposed use, by reason of the noise and smells that would result, would adversely impact on the amenity of the occupiers of those residential properties contrary to policy SS7 of the North East Derbyshire Local Plan and policy E4 of the Dronfield Neighbourhood Plan.

PLA/ Planning Appeals - Lodged and Determined

90/2

1-22

The report to Committee informed Members that one appeal had been lodged, one had been part allowed and part dismissed and three appeals had been dismissed.

PLA/ Matters of Urgency

91/2

1-22

None.