

PLANNING COMMITTEE**MINUTES OF MEETING HELD ON 5 NOVEMBER 2019****I N D E X**

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PLANNING COMMITTEE

MINUTES OF MEETING HELD ON 5 NOVEMBER 2019

Present:

Councillor D Ruff	Chair
Councillor P Antcliff	Vice-Chair
Councillor W Armitage	Councillor C Huckerby
“ J Barry	“ M Jones
“ S Clough	“ H Liggett
“ A Cooper	“ M Potts
“ P Elliott	“ A Powell
“ R Hall	“ T Reader
“ D Hancock	“ J Ridgway
“ E Hill	“ K Rouse

Substitutes Present:

Councillor M Jones - acted as substitute for Councillor C Hunt

Also Present:

Adrian Kirkham - Planning Manager – Development Management
Graeme Cooper - Principal Planning Officer
Phil Slater - Principal Planning Officer
Jim Fieldsend - Team Leader Solicitor (non contentious)
Alan Maher - Senior Governance Officer

318 Apologies for Absence and Substitutions

Apologies for absence were received from Councillor C Hunt.

The meeting was advised that Councillor M Jones would act as a substitute for Councillor C Hunt.

319 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 J Barry declared an interest in application NED/18/01170/OL and that she intended to withdraw from the meeting for the period when the application was being considered.

The Planning Manager – Development Management explained that he was acquainted with one of the objectors to Planning Application NED/18/01170/OL. He assured Committee that this would not influence his judgement or advice to the Committee. He had chosen to make the Committee aware of this in the interests of transparency.

320 Minutes of Last Meeting

RESOLVED – That the Minutes of the last meeting of the Planning Committee held on 1 October 2019 be approved as a correct record and signed by the Chair.

321 Development Management Applications

The Committee considered Report No PM/13/19-20/AK of the Planning Manager – Development Management together with visual presentations for each of the following applications.

NED/18/01170/OL

Councillor Barry left the meeting at this point.

The report to Committee explained that an outline planning application had been submitted for the erection of up to 250 dwellings (Major Development/Contrary to development plan/Affecting a Public Footpath)(Amended Plans)(Amended Title) on land east of Williamthorpe Road and south of Tibshelf Road, Holmewood for Mr Cliff Richards. The application had been referred to the Committee by Councillor N Barker, who had raised concerns about it.

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

Three supporters spoke in favour of the application.

Three of the agents exercised their right to attend the meeting and spoke in support of the application.

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

Committee considered the outline application. It recognised that the primary issue to be considered at this point was whether the principle of residential development on the site would be acceptable and sustainable. In particular, the Committee considered whether the technical constraints, most notably those relating to highway safety or the environmental impact, of the site could be overcome, with or without conditions, to enable an acceptable form of development to be undertaken.

Members discussed the application. Concerns were raised that the possible benefits of the development might be outweighed by the drawbacks. As part of this, Members heard about the likely impact of the proposed development on traffic levels, and local services, including education. Members also discussed the possible impact of the development on the environment and especially what it would mean for biodiversity. In addition, they considered how the application might affect the distinctive separate identity of local communities, if the current agricultural land between them was built upon.

RESOLVED – That application number NED/18/01170/OL be refused against officer recommendations, for the following reasons:-

- (1) The Application is considered to be unacceptable as the proposed housing would, by reason of its location, harm the landscape and rural character of the area and lead to a merging of settlements.

The development would form a prominent intrusion into the countryside and fail or enhance either the natural environment or local distinctiveness.

The benefits arising from the scheme would not outweigh this harm and so the development would be contrary to policy NE1 of the North East Derbyshire Local Plan and the National Policy Framework when read as a whole.

NED/19/00809/FL

Councillor Barry re-joined the meeting at this point.

The report to Committee explained that an application had been submitted to vary conditions 5 (method statement) and 7 (implementation plan and timetable) pursuant of 14/00901/FL (amended title/amended plans) on land to the rear of 14 to 22 Green Lane and 4 to 16 Park Avenue, Dronfield for Neil Twigg. The application had been referred to the Committee by Councillor P Parkin, who had raised concerns about it.

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

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

The agent exercised their right to attend the meeting and spoke in support of the application.

No supporters spoke in favour of the application.

The Committee considered the application. In particular, the Committee had regard to what impact any changes might have on highway access, parking provision and road safety.

Members discussed the application. As part of this, Committee explored the reasons for the proposed changes. They explored the potential impact of a change in conditions on local people, if construction traffic was redirected as a result of this. The possible dates when the proposed work could take place and the possible impact on road safety were also discussed.

RESOLVED – That application number NED/19/00809/FL be refused against officer recommendations, for the following reasons:-

- (1) The applications is unacceptable as the benefits set in the project do not outweigh the adverse impact that would be caused to highway safety; contrary to policy T2 of the North East Derbyshire Local Plan and the National Planning Policy Framework when read as a whole, and paragraphs 109 and 110 in particular.

NED/19/00577/FL

The report to Committee explained that an application had been submitted to change the use of land from agriculture to a natural burial ground including access, car park, landscaping and associated works at land south of Cricket Ground, High Street, Apperknowle for Mr Stephen Parkin – Peace Funerals, Gleadless Mount, Sheffield S12 2LN. The application had been referred to the Committee by Councillor A Dale, who had raised concerns about it.

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

Two applicants exercised their right to attend the meeting and spoke in support of the application.

No supporters spoke in favour of the application.

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.

The Committee considered the application. They took into account that the site was within the Green Belt. They also took into account that the National Planning Policy Framework (NPPF) (para 146 e) states that material changes of use of land that preserve openness and do not conflict with the Green Belt's purposes and would not be inappropriate.

Members discussed the application. They were informed that “cemeteries and burials grounds” do not conflict with the Green Belt's purpose and are allowed by the National Planning Policy Framework. Members discussed concerns about road safety and security concerns at the site. They also discussed potential biohazards and whether the topography of the site made it appropriate for the proposed use.

RESOLVED – That application number NED/19/00577/FL be approved in line with officer recommendations, with the final wording of conditions delegated to the Planning Manager - Development Management.

- 1 The development hereby permitted shall begin not later than 3 years from the date of this permission.
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan dated 14/03/2019
Landscape Masterplan - 1025/CAD/Fig 1.8 Rev A
Proposed Car Park Security Gate received 25th September 2019
Proposed Cemetery Access E759-CHG-EX-XX-DR-C-102 rev P1
Proposed Cemetery Access E759-CHG-EX-XX-DR-C-103 rev P1
Proposed Oak Framed Shelter Dwg 01

- 3 No development shall commence until details of the finished contours of the site have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the contours as approved.
- 4 No development shall commence until a detailed planting and seeding schedule for the areas of new tree and shrub planting, heritage orchard, grass and wildflowers areas as shown on the Landscape Masterplan - 1025/CAD/Fig 1.8 Rev A, together with a timetable for implementation, has been submitted to and approved in writing by the local planning authority. The planting and seeding as approved shall be implemented in accordance with the approved details and timetable and be retained as agreed thereafter.
- 5 No development shall commence until details for biodiversity enhancements on the site, to accord generally with the Preliminary Ecological Assessment and Outline Landscape and Ecology Management Plan, together with a timetable for implementation, have been submitted to and approved in writing by the local planning authority. The biodiversity enhancements shall be implemented in accordance with the approved details and timetable and be retained as such thereafter.
- 6 No development shall commence until a detailed landscape and ecological management plan (LEMP) has been submitted to and approved in writing by the local planning authority. The LEMP shall combine both the ecology and landscape disciplines and shall include the following:
 - (i) Description and evaluation of features to be managed;
 - (ii) Ecological trends and constraints on site that might influence management;
 - (iii) Aims and objectives of management;
 - (iv) Management options for achieving aims and objectives and monitoring methods,
 - (v) Prescriptions for management actions in the short term (construction phase) and medium term (operational phase), and long term options for the ongoing management of the site when no longer used for burials;
 - (vi) A work schedule including an annual work plan capable of being rolled forward for the operational phase;
 - (vii) Details of the body or organisation responsible for implementation of the plan.

The LEMP shall be operated in accordance with the details and management arrangements as approved.

- 7 Within one month of the date at which the site reaches capacity or becomes dormant or before a period of 40 years from the date of this permission, whichever is the sooner, a scheme for the ongoing long term maintenance and management of the site together with details of any restoration measures and timescales for implementation shall have been submitted to the local planning authority for written approval. The scheme shall be in general accordance with the measures to be set out in the "long term" phase of the LEMP. The site shall, thereafter, be restored and managed in accordance with the details as approved.

- 8 No site clearance, preparatory work or development shall take place until tree and hedgerow protection measures have been put in place in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority. The tree and hedgerow protection measures shall remain in place for the duration of the carrying out of any and all construction works on the site.
- 9 No development shall commence until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall provide for:
- (i) the parking of vehicles of site operatives and visitors;
 - (ii) loading and unloading of plant and materials;
 - (iii) storage of plant and materials used in constructing the development;
 - (iv) the erection and maintenance of security hoardings/fencing;
 - (v) wheel washing facilities;
 - (vi) measures to control the emission of dust and dirt during construction;
 - (vii) a scheme for recycling/disposing of waste resulting from construction works;
 - (viii) delivery and construction working hours;
 - (ix) access to the site for construction traffic.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 10 The hedgerows to the north west and north east boundaries of the site shall be retained (except those parts required for access) and shall be reinforced with additional planting to close gaps. The hedgerows shall thereafter be maintained to a height of 2.5 - 3.0m height measured from lowest adjacent ground level.
- 11 No development shall commence until construction details for the access, and proposed footway link between the site and the existing bus stop, including details of any drainage arrangements and together with a timetable for implementation, have been submitted to and approved in writing by the local planning authority. The access and footpath link shall be constructed in accordance with the approved details and timetable.
- 12 Prior to the first use of the site as a burial ground the access shall be laid out in accordance with the details and visibility sightlines indicated on drawing numbers E759-CHG-EX-XX-DR-C-102 Rev P1 and E759-CHG-EX-XX-DR-C-103 Rev P1 and the details approved in the above condition. The area in advance of the sightlines shall remain free from any obstructions to visibility over 1m high (600mm in the case of vegetation), relative to the nearside carriageway channel level, and be so maintained thereafter.
- 13 Prior to the first use of the site as a burial ground the parking and turning areas shall be laid out as shown on drawing numbers E759-CHG-EX-XX-DR-C-102 Rev P1 and E759-CHG-EX-XX-DR-C-103 Rev P1. The areas shall be surfaced and parking spaces marked out in accordance with details which shall first have been submitted to and approved in writing by the local planning authority. The car parking and turning areas shall be provided in accordance with the details as approved prior to the burial ground being taken into use.

- 14 The internal gate across the car park shall be provided prior to the burial ground being first brought into use, in accordance with details which shall first have been submitted to and approved in writing by the local planning authority. The gate shall, thereafter, be kept locked except at times of burials, events, and peak visiting times.
- 15 Prior to the burial ground being first brought into use the existing field gate opening to High Street shall be modified to provide pedestrian-only access, in accordance with details which shall first have been submitted to and approved in writing by the local planning authority. The pedestrian-only access shall thereafter be retained as such.
- 16 Apart from the gates referred to in conditions 14 and 15 above, there shall be no other gates, chains or barriers restricting the use of the access or parking area within 6m of the nearside highway boundary and any gates shall open inwards only.
- 17 Before the burial ground is first brought into use a scheme for litter picking, recycling and waste management/disposal shall have been submitted to and approved in writing by the local planning authority. The scheme shall include details of frequency for litter picking and waste removal. The scheme shall thereafter be operated in accordance with the approved details.
- 18 No burials of embalmed bodies shall take place at the site.
- 19 No more than 70 burials shall take place at the site within any calendar year.
- 20 Burials shall take place only within the areas indicated for such purpose on the Landscape Masterplan - 1025/CAD/Fig 1.8 Rev A.
- 21 Any stones marking burial plots shall be laid flat. There shall be no standing head stones.

NED/19/00453/FL

The report to Committee explained that an application had been submitted for a proposed two storey detached dwelling with detached garage /ancillary accommodation (revised scheme of previously withdrawn 18/01277/FL)(Amended Title/Amended Plans) at Carberry Wood, Kelstedge Lane, Kelstedge for Mr & Mrs Temperton. The application had been referred to Committee by Councillor W Armitage, who had raised concerns about it.

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

The agent exercised their right to attend the meeting and spoke in support of the application.

No supporters spoke in favour of the application.

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

Committee considered the application. In this context, they took into account the suitability of the proposed development in this location in policy terms, its effect on character and appearance of the site and the surrounding street scene, the impact upon the amenity of neighbouring residents and land uses, its ecological impact, land contamination, drainage and highway safety.

Members discussed the application. They discussed highway safety and whether the access would be adequate. They also discussed how the larger dwelling would relate to the neighbouring property, its visibility and its impact on the wider landscape.

RESOLVED – That application number NED/19/00453/FL be refused against officer recommendations, for the following reasons:-

The proposed development is considered unacceptable by reason of their size, scale, massing, character and location on the site the two buildings proposed would have an unacceptable and adverse impact on the character and appearance of the area and would be contrary to policies GS5, H12 and BE1 of the North East Derbyshire Local Plan, Policies AP1 and AP11 of the Ashover Neighbourhood Plan and the National Planning Policy Framework, when read as a whole.

NED/18/01281/FL

The report to Committee explained that an application had been submitted for the conversion of the former public house into 4 dwellings, with associated off street parking (Amended Title/amended Plans) Gladstone Arms, Morton Road, Pilsley for Mr Buldev Ubha.

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

Members were reminded that Committee had previously considered this application at its 30 July 2019 and decided to defer it in order to allow negotiations to take place on a number of matters as specified in the report.

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

One supporters exercised their right to attend the meeting and spoke in favour of the application.

The applicant's representative attended the meeting and spoke in support of the application.

Committee considered the application. It took into account the suitability of the proposal in the location in policy terms, its effect on the character of the site and the surrounding street scene, the privacy and amenity of neighbouring residential properties and land uses along with highway safety issues.

Members discussed the application. They noted that the application had been amended to address the concerns originally raised by the Committee. In particular, they noted that the applicant had reduced the number of units from 5 to 4, provided four parking spaces and improved site drainage. Members questioned various aspects of this and asked that these be addressed in the conditions imposed by the Planning Manager – Development Management.

RESOLVED – That application number NED/18/01281/FL be approved in line with the final wording of conditions delegated to the Planning Manager - Development Management.

- 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 PL/01 Rev A (Existing and Proposed Elevation and Floor Plans)
- 3 Prior to the first use of apartment 4 hereby approved the window shown on the approved plans to the bathroom on the building's south eastern 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. Any opening parts must be in the upper half of the window. The window shall then be retained as such for the lifetime of the development.
- 4 Prior to the first use of any of the apartments hereby approved, a 1.8m high screen fence shall be erected between the points A and B on the attached plan and retained as such for the lifetime of the development.
- 5 If, during the conversion works, any brickwork or slate repair work is necessary, this should be done in materials to match that of the existing building.
- 6 Notwithstanding the submitted details, before any external works start on the conversion hereby approved, detailed plans or specifications of the following, including the finished design, colour and appearance shall be submitted to and approved in writing by the Local Planning Authority:
 - o Replacement external doors;
 - o Replacement windows;
 - o Proposed rooflights.
- 7 Prior to the occupation of any apartment hereby approved, the improvements identified on the principle elevation to the new ground floor window of the building shall be implemented in accordance with the approved details outlined on the approved drawing PL/01 Rev A and in accordance with the details approved as part of condition 6 above. The approved details shall then be retained as such for the lifetime of the development.

- 8 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 new doors or window openings shall be installed in the building other than those shown on the approved plans.
- 9 Prior to the first occupation of any apartment hereby approved, the original signage and ventilation equipment of the public house shall be removed from the building. For the avoidance of doubt this shall include the removal of the external features illustrates on the approved plan, drawing number PL/01 Rev A.
- 10 Throughout the construction phase, 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.
- 11 Prior to occupation of any apartment, the existing vehicular access onto Morton Road shall be provided with a visibility sightline measured from a point 2.4 metres from the carriageway edge, measured along the centreline of the access, to the extremity of the site frontage abutting the highway in the south western direction, in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority. The area in advance of the visibility sightlines shall be retained throughout the life of the development free of any object greater than 1m in height relative to adjoining nearside carriageway channel level.
- 12 Notwithstanding the submitted site plan, before development starts a plan showing vehicle parking and manoeuvring areas and their surfacing shall be submitted to and approved in writing by the Local Planning Authority. Prior to the first use of any apartment the approved parking scheme shall be implemented in full and thereafter the areas provided shall not be used for any purpose other than the parking and manoeuvring of vehicles.
- 13 The apartments hereby approved shall not be occupied until details of arrangements for the storage 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 refuse facilities retained for the designated purposes at all times thereafter.
- 14 Prior to the first occupation of any 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 mitigation scheme shall then be implemented in full prior to the occupation of any apartment and retained as such thereafter.
- 15 Prior to the occupation of apartments 3 and 4 identified on the approved drawing PL/01 Rev A, a Mechanical Heat Recovery System as specified in the email from Thomas Wood, dated 4th July 2019 shall be installed in accordance with the manufacturers specification and shall be retained as such thereafter.

- 16 Prior to first occupation of apartment number 3 and 4, the openings onto Morton Road shall be fitted with acoustic glazing as specified in the email from Thomas Wood, dated 4th July 2019 and retained as such thereafter.
- 17 Notwithstanding the submitted details, before work starts on the conversion hereby approved, a scheme for the provision of surface water drainage from areas of hardstanding within the site 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.
- 18 Notwithstanding the submitted details, prior to work commencing on the external drainage works hereby approved by condition 17 above, details of the existing ground levels, proposed finished ground levels of the site, along with an off-site datum point 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 retained as such thereafter.
- 19 Notwithstanding the submitted details, prior to work commencing on the external drainage works hereby approved by condition 17 above, details of materials to be used in the construction of the parking spaces, illustrated on drawing PL/02 Rev A, shall be submitted to and approved in writing by the Local Planning Authority. The parking spaces shall be constructed from a porous material capable of reducing surface water run-off. The parking spaces shall then be implemented in accordance with the approved details and retained as such thereafter.

NED/19/00680/FLH

With the agreement of the Chair and Committee, it was agreed that consideration of the application be deferred so that further information could be obtained.

322 Planning Appeals Lodged and Determined

The Committee considered Report No PM/14/19-20/AK of the Planning Manager – Development Management.

No appeals had been lodged, dismissed or withdrawn.

The following appeal had been allowed:

Mr K Swain – Application for conversion of existing stable building to form 2 dwellings at K J S Fisheries, Field Lane, Killamarsh (18/01061/FL)

The Committee noted the appeal decision of the Planning Inspectorate attached as Appendix A to the report.

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

323 Urgent Business

There was no urgent business.

PLAN MINS(1105)/MD