

PLANNING COMMITTEE**MINUTES OF MEETING HELD ON 1 OCTOBER 2019****I N D E X**

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PLANNING COMMITTEE

MINUTES OF MEETING HELD ON 1 OCTOBER 2019

Present:

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

Substitutes Present:

Councillor M Jones - acted as substitute for Councillor C Hunt
Councillor P Windley - acted as substitute for Councillor D Hancock

Also Present:

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

275 Apologies for Absence and Substitutions

Apologies for absence were received from Councillors J Barry, D Hancock and C Hunt.

The meeting was advised that Councillors M Jones and P Windley would act as substitutes for Councillors C Hunt and D Hancock who had given apologies.

276 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.

Cllr Liggett declared an interest in applications NED/19/00647/FL, NED/19/00648/FL, NED/19/00649/FL and NED/19/00651/LB. Cllr Liggett explained that she had registered to speak in opposition to the applications and intended to withdraw from the meeting for the period when the applications were being considered.

277 Minutes of Last Meeting

RESOLVED – That the Minutes of the meeting of Special Planning Committee held on the morning of 3 September 2019, and the Minutes of the scheduled Planning Committee in the afternoon of 3 September 2019 be approved as a correct record and signed by the Chair.

278 Development Management Applications

The Committee considered Report No PM/11/19-20/AK of the Planning Manager – Development Management together with visual presentations for each of the following applications. With the agreement of the Chair, the order in which the applications would be considered was altered from that set out in the report.

NED/18/01195/FL

The report to Committee explained that a planning application had been submitted for the demolition of an existing house, attached barn, and outbuildings to the north and south and the erection of one replacement house (Amended Plans)(Amended Title) at Grange Farm, Cowley Lane, Holmesfield, Dronfield for Mr & Mrs Oates. The application had been referred to the Committee by the Planning Manager – Development Management, to allow for a full consideration of the relevant policy issues.

Members were reminded that Committee had considered this application at its last meeting. During its discussion of the application, concern had been raised about the potential impact of the increased size of the new dwelling. Members had noted the concerns of the Parish Council that by approving this application a precedent might be set for similar applications for large developments effecting the Green Belt in the future. The Committee subsequently resolved to defer consideration of the application, so that it could obtain the additional information required in to make a determination on 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.

No objectors spoke against the application.

The applicant and the agent exercised their right to attend the meeting and both spoke in support of the application. No supporters spoke in favour of the application.

Committee considered the application having regard to the suitability of the proposal in the location in policy terms, most notably its impact on the Green Belt, its effect on the character of the site and the surrounding area, impact on the privacy and amenity of neighbours, and highway safety issues.

Members discussed the application and how under the revised plans the scale of the replacement house had been reduced. In particular, Committee heard that the proposed replacement building would now represent a 20-25% increase in volume – although the applicants believed that the increase would be less than this. Under the original plans, the new building would have been 30% greater by volume than that

which it replaced. Members felt that with the revised plans, the proposed development would help to improve the area and be appropriate for the Green Belt given its reduced size. There was a consensus that it should now be supported.

RESOLVED – That application number NED/18/01195/FL be approved in line with officer recommendations, with the final wording of conditions delegated to the Planning Manager – Development Management.

NED/18/00858/FL

The report to Committee explained that an application had been submitted for the demolition of a current dwelling, replacement with a new two storey dwelling with improvements to access at Peglant Cottage, Matlock Road, Ashover, Chesterfield for Mr & Mrs Sandhu. The application had been referred to the Committee by Councillor Armitage, 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 and were advised of further late comments which was circulated on the day of the meeting.

No objectors spoke against the application.

The agent exercised their right to attend the meeting and spoke in support of the application. No other supporters spoke in favour of the application

Committee considered the application. They took into account the effect of the development upon the character and appearance of the countryside and Special Landscape Area when compared to the existing situation.

Members discussed the application. In this context, they questioned the likely increase in volume size of the replacement building and the landscaping arrangements. Members also discussed the visibility to the entrance to the property and noted that as a condition of approval, overgrown vegetation would need to be cut back.

RESOLVED – That application number NED/18/00858/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:

- | | |
|------------|-----------------------------------|
| 1969-001 | Site Location Plan |
| 1969-003 B | Site Block Plan as Proposed |
| 1969-004 B | Plans as Proposed |
| 1969-005 B | Elevation and Section as Proposed |
| 1969-006 B | Elevations as Proposed |

- 3 Notwithstanding the details shown on the approved plans, the dwelling shall not be built above damp proof course level until the following details have been submitted to and been approved in writing by the Local Planning Authority:
 - i. Type of stone for the external elevations and coursing;
 - ii. Roofing materials;
 - iii. Doors, door surrounds, garage door and windows (including heads and cills);
 - iv. Eaves and verges;
 - v. Materials for all hard surfaces;
 - vi. All and any other external materials.

- 4 No works shall be undertaken above damp proof course level until a scheme of landscaping has been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for new planting including to the northern boundary of the site; and shall include details of all existing trees and hedgerows on the land, identifying those to be retained. All planting, seeding and/or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of the dwelling; and any trees, shrubs and plants which, within a period of 5 years from the implementation of the scheme die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species.

- 5 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 development hereby approved.

- 6 The dry stone walls to the site boundaries shall be rebuilt and/or repaired prior to the first occupation of the dwelling. Thereafter the dry stone boundary walls shall be retained as such.

- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any order revoking and re-enacting that Order, with or without modification, no enlargement, improvement or other alteration of the dwellinghouse or buildings incidental to the enjoyment of the dwelling, hereby approved, within Classes A, B, C, D and E of Schedule 2 Part 1 shall be undertaken/erected/provided or installed other than as expressly authorised by this permission.

- 8 Before the first occupation of the dwelling, hereby approved, the existing access to Matlock Road shall be modified in accordance with the application drawings, laid out, constructed in a hard bound material and provided with visibility splays extending from a point 2.4m back from the carriageway edge, measured along the centre line of the access, to the extremities of the site frontage abutting the highway in both directions. The area in advance of the sightlines shall be maintained clear of any object greater than 1m in height (0.6m in the case of vegetation) relative to the adjoining nearside carriageway channel level.

- 9 Space shall be laid out, surfaced and provided within the application site in accordance with the application drawings for the parking and manoeuvring of residents' vehicles prior to the dwelling, hereby approved, being first occupied. Thereafter the space(s) shall be retained and maintained free from any impediment to its designated use.
- 10 There shall be no gates or other barriers within 6m of the nearside highway boundary and any gates shall open inwards only.
- 11 Before the first occupation of the dwelling, hereby approved, ecological enhancement measures shall have been provided in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority. The agreed details shall then be retained as approved thereafter.
- 12 Prior to the first occupation of the dwelling, hereby approved, a detailed external lighting strategy shall be submitted to and be approved in writing by the Local Planning Authority. The scheme shall include details of the type of lighting, its positioning and any mitigating features such as shields, hoods, timers etc. The approved lighting scheme shall then be implemented in full prior to the first use of the replacement dwelling and retained as such thereafter for the lifetime of the development. No other external lighting shall be installed/placed or installed on the dwelling hereby approved.
- 13 Notwithstanding any details shown on the approved plans, the dwelling shall not be built above damp proof course level until details of the existing ground levels, proposed finished floor levels of the dwelling and any other buildings to be constructed and the proposed finished ground levels of the site, relative to a datum point which is to remain undisturbed during the course of 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.
- 14 Notwithstanding any details shown on the approved plans, the garage, hereby approved, shall not be built above damp proof course level until full details of the design and layout of the structure, and its finished floor level, have been submitted to approved in writing by the Local Planning Authority. The garage shall then be constructed as agreed.
- 15 No building demolition works or clearance of any habitats that might support nesting birds shall take place between 1st March and 31st August inclusive, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period, and details of measures to protect the nesting bird interest on the site, have first been submitted to and approved in writing by the local planning authority and then implemented as approved.

NED/19/00649/FL and NED/19/000651/FL

The report to Committee explained that two, linked, planning applications had been submitted. The first application NED/19/00649/FL proposed change of use of a public house to 3 dwellings including demolition of extensions to rear (Conservation Area) at

Crown Inn, Main Road, Higham, Alfreton DE55 6EH for Rita Williams. The second application sought Listed Building consent for change of use of public house to 3 dwellings including demolition of extensions to rear (Conservation Area) at Crown Inn, Main Road, Higham, Alfreton DE55 6EH for Rita Williams. The application had been referred to the Committee by Councillor Liggett, who had raised concerns about it.

Three objectors exercised their right to attend the meeting and speak against the applications.

The agent exercised their right to attend the meeting and spoke in support of the applications. No other supporters spoke in favour of the applications.

The Committee considered the applications. They had regard to the loss of the public house, impact upon the character of the Conservation Area and Listed Building, the amenity of neighbouring uses and highway safety.

Members discussed the applications. There was considerable sympathy for the impact which the loss of the public house has had on the local community. They also discussed the attempts made to retain the building for use as a public house, which had not been successful. They noted the ongoing closure of public houses around the country because of changing consumer habits which had impacted on their financial viability. The Committee also considered the current state of the building and how the proposal would help to ensure its future as a listed building.

RESOLVED – That application number NED/19/00649/FL and application number NED/000651/LB be approved in line with officer recommendations, with the final wording of conditions delegated to the Planning Manager – Development Management.

NED/19/00649/FL

- 1 The development hereby permitted shall be started within three years from the date of this permission.
- 2 The development hereby approved shall be carried out in accordance with the drawing numbers 19-747-04 Rev A19-474-03 and 19-747-10D, unless otherwise specifically agreed in writing by the Local Planning Authority or otherwise required by any other condition in this decision notice.
- 3 Before the development, hereby approved, starts a sample of the stone to be used shall be made available on site for inspection and for approval in writing by the Local Planning Authority.

Any stonework repairs shall be constructed with an outer face of new or reclaimed coal measures sandstone or gritstone to match the existing stonework in course depth, overall size, colour, texture and tooling. Unless the existing masonry is tooled the new stone shall be left with a natural split face.

- 4 Before development starts, the following shall be submitted to and approved in writing by the Local Planning Authority:
 - o a scheme of landscaping for private and open areas, which shall include indications of all existing trees and hedgerows on the land,
 - o the details of any trees and hedgerows to be retained, together with measures for their protection during development,
 - o a schedule of proposed plant species, size and density and planting locations and
 - o an implementation programme.
- 5 All planting, seeding or turfing in the approved scheme of landscaping shall be carried out in the first planting and seeding season following the first occupation of the first dwelling hereby approved 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.
- 6 Notwithstanding any submitted details, before development starts a plan to show the positions, design, materials, height and type of boundary treatments to be erected and/or retained shall be submitted to and approved in writing by the Local Planning Authority, along with a timetable for their installation. The approved scheme shall then be implemented in full as agreed and be retained as approved thereafter.
- 7 Before any other operations are commenced, space shall be provided within the site for the 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.
- 8 The dwellings, hereby approved, shall not be occupied until space has been provided within the application site in accordance with the application drawings for the parking of residents' vehicles, laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.
- 9 The dwellings, hereby approved, shall not be occupied until space has been provided within the application site in accordance with the approved drawings for the manoeuvring of residents', service and delivery vehicles, laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.
- 10 There shall be no gates or other barriers within 6m of the nearside highway boundary and any gates shall open inwards only.
- 11 No part of the development shall be occupied until details of arrangements for the storage of bins and collection of waste, including a timetable for their

implementation, 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 as agreed thereafter.

NED/19/00651/LB

- 1 The development hereby permitted shall be started within three years from the date of this permission.
- 2 The development hereby approved shall be carried out in accordance with the Drawing number 19-747-04 Rev A19-474-03 and 19-747-10D, unless otherwise specifically agreed in writing by the Local Planning Authority or otherwise required by any other condition in this decision notice.
- 3 Before the development, hereby approved, starts a sample of the stone to be used shall be made available on site for inspection and for approval in writing by the Local Planning Authority. Any stonework repairs shall be constructed with an outer face of new or reclaimed coal measures sandstone or gritstone to match the existing stonework in course depth, overall size, colour, texture and tooling. Unless the existing masonry is tooled the new stone shall be left with a natural split face.
- 4 Before development starts, details of the mortar mix to be used shall be submitted to and approved in writing by the Local Planning Authority. The mortar used shall be a lime mortar and the pointing shall be brushed back from the surface of the stonework. A 1m² sample panel of pointing is to be made available on site for approval in writing by the Local Planning Authority prior to the commencement of works. The approved sample panel shall then be retained on site for the duration of the works.
- 5 Before development starts, details of any repair or replacement of the traditional cast iron/timber rainwater goods shall be submitted to and approved in writing by the Local Planning Authority. The work shall then be carried out in accordance with the approved details and be retained as such thereafter.
- 6 All plumbing and service pipework, soil and vent pipes, electricity and gas meter cupboards and heating flues shall be incorporated within the building unless specifically agreed in writing by the Local Planning Authority.
- 7 Before development starts details of a contract for the phasing of demolition shall be submitted to and approved in writing by the Local Planning Authority. The demolition of the existing extensions shall only be undertaken as part of the approved phased contract for the demolition of the extension and outbuildings, where the conversion of the listed building will immediately follow the demolition.

NED/19/00647/FL

The report to Committee explained that an application had been received to remove condition 13 of planning application 10/00571/FL to remove restrictions regarding person or persons who may occupy the dwelling (Conservation Area/Affecting the setting of a Listed Building) at Crown Inn, Main Road, Higham, Alfreton DE55 6EH for

Rita Williams. The application had been referred to the Committee by Councillor Liggett, 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.

Committee considered the application. They took into account whether the condition still had a function in order to make the development acceptable. They were informed that consideration needed to be given to its reasonableness, its necessity to control development, relevance and enforceability. Matters relating to impact upon designated Heritage Assets, character of the area and residential amenity were not considerations requiring revisiting given the condition was imposed to make the development acceptable on highway matters.

Members discussed the application. They accepted that as Committee had now given permission for the building to be used for housing, rather than as a public house, then it would be appropriate to remove condition 13 regarding the person or persons who can occupy the dwelling.

RESOLVED – That application number NED/19/00647/FL be approved in line with officer recommendations, with the final wording of conditions delegated to the Planning Manager – Development Management.

- 1 The dwelling hereby approved shall not be occupied in accordance with this permission until it has been demonstrated that the public house use of The Crown Inn has ceased to be used as such through the implementation of the conversion works approved under planning reference 19/00649/FL and in accordance with a timetable phasing the redevelopment of the whole site, incorporating planning permissions NED/19/00649/FL, NED/19/00647/FL and NED/19/00648/FL, which shall have been submitted to and approved in writing by the Local Planning Authority. The phasing programme shall then be implemented as agreed.
- 2 The landscaping scheme as approved under 13/00769/DISCON shall be carried out in the first planting and seeding season following the first occupation of the dwelling 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 other of similar size and species, unless the Local Planning authority gives written consent to any variation.
- 3 All hedgerows to the north, east and south shall be retained in accordance with details agreed under 13/00769/DISCON.
- 4 Prior to the first occupation of the dwelling hereby approved space shall be provided within the application site in accordance with the application drawings for the parking and manoeuvring of residents vehicles, laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.

- 5 The stone and slate materials to be used in the construction of the dwelling shall be in accordance with those approved under 13/00769/DISCON.
- 6 The finished floor levels of the dwelling shall strictly be in accordance with the details approved under 13/00769/DISCON.
- 7 The rainwater goods are to be cast iron/timber of a traditional profile and supported by brackets. The work shall then be carried out and retained in accordance with the details approved under 13/00769/DISCON.
- 8 The mortar used shall be a lime mortar and the pointing shall be in accordance with the details as submitted and approved under 13/00769/DISCON. The mortar mix shall be 1 part lime to 3 parts sand.
- 9 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 extension (Part 1, Class A); dormer windows (Part 1, Class B); alterations to the roof (Part 1, Class C) or curtilage buildings (Par 1, Class E); shall be erected/constructed without first obtaining planning permission.
- 10 Other than those shown on the approved plans and 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 further windows or doors shall be installed in the building.
- 11 Prior to the first occupation of the dwelling hereby approved a new pedestrian footpath from the public highway to the new dwelling shall be provided in accordance with the details approved under 13/00769/DISCON and retained as such for the lifetime of the development.
- 12 Notwithstanding any submitted details, before the first occupation of the dwelling hereby approved, a plan, along with a timetable for implementation, to show the positions, design, materials, height and type of boundary treatments to be erected and/or retained shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall specifically indicate the provision of a fence to the site's southern boundary. The agreed scheme shall then be implemented as agreed and be retained as approved thereafter.

NED/19/00648/FL

The report to Committee explained that an application had been received to build a pair of semi-detached dwellings (Conservation Area/Affecting the setting of a Listed Building)(Amended Plans) at Crown Inn, Main Road, Higham, Alfreton DE55 6EH for Rita Williams. The application had been referred to the Committee by Councillor Liggett, who had raised concerns about it.

Three objectors exercised their right to attend the meeting and spoke against the application. One of the objectors was Cllr Liggett, who left the meeting after she had spoken.

The agent exercised their right to attend the meeting and spoke in support of the application. No supporters spoke in favour of the application.

Committee considered the application. They had regard to the impact upon the character of the Conservation Area and Listed Building, the amenity of neighbouring uses and highway safety. The main issue when considering a proposal affecting a listed building is the impact the proposal will have on the special architectural and historic interest of the building and its setting.

Members discussed the application. In particular, they discussed the potential impact of the development on a neighbouring property and how it could be mitigated. In this context, the Agent for the applicant made it clear that they would be prepared to address this through the construction of an appropriate sized fence to help protect the privacy of the neighbouring property.

RESOLVED – That application number NED/19/00648/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 be started within three years from the date of this permission.
- 2 The construction of the dwellings, hereby approved, shall not commence until the submission of a time table for redevelopment of the whole site, incorporating planning permissions NED/19/00649/FL, NED/19/00647/FL and NED/19/00648/FL, has been submitted to and approved in writing by the Local Planning Authority. The timetable shall prioritise the conversion of the listed building before construction of any dwellings. The development, hereby approved, shall not commence until the works to the listed building, involving the strip out and commencement of the conversion works as approved under planning application 19/00649/FL, has been undertaken.
- 3 The development hereby approved shall be carried out in accordance with the amended plans drawing numbers 19-747-10D and 19-747-05A, unless otherwise specifically agreed in writing by the Local Planning Authority or otherwise required by any other condition in this decision notice.
- 4 Before any above ground work commences, precise specifications 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.
- 5 Before any above ground works commence a working drawing shall be submitted to and be approved in writing by the Local Planning Authority showing the rainwater goods to be used. The rainwater goods are to be cast iron/timber of a traditional profile and supported by brackets. The work shall then be carried out in accordance with the agreed details and then be retained in accordance with the approved details.
- 6 The mortar to be used shall be 1 part lime to 3 parts sand and the pointing shall be in accordance with the attached advisory leaflet 'Reporting of Brick and

Stonework'.

- 7 Before any above ground works commence, details of the existing ground levels, proposed finished floor levels of the dwellings and the proposed finished ground levels of the site, relative to a datum point which is to remain undisturbed during the development, shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details and the levels shall then be retained as such thereafter.
- 8 Before the dwellings hereby approved are first occupied, the following shall be submitted to and be approved in writing by the Local Planning Authority:
 - o a scheme of landscaping for private and open areas, which shall include indications of all existing trees and hedgerows on the land,
 - o the details of any trees and hedgerows to be retained, together with measures for their protection during development,
 - o a schedule of proposed plant species, size and density and planting locations and
 - o 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 Notwithstanding any submitted details, before any above ground works commence a plan to show the positions, design, materials, height and type of boundary treatments to be erected and/or retained shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall then be implemented in full before the first occupation of either dwelling hereby approved and it shall then be retained as agreed.
- 11 Before any other operations are commenced, 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.
- 12 The premises, the subject of the application, shall not be occupied until space has been provided within the application site in accordance with the application drawings for the parking of residents' vehicles, laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.
- 13 The dwellings, the subject of the application, shall not be occupied until space has been provided within the application site in accordance with the approved drawings for the manoeuvring of residents', service and delivery vehicles, laid

out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.

- 14 There shall be no gates or other barriers within 6m of the nearside highway boundary and any gates shall open inwards only.
- 15 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.

- 16 Before the commencement of the development hereby approved:

a) A Phase I land contamination assessment (desk-study) shall be undertaken and approved in writing by the local planning authority.

b) The land contamination 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) 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 2 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 1b to 2 above and satisfy 3a above.
 - c) Upon completion of the remediation works required by 2 and 3a 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.
- 19 No development shall take place until a written scheme of investigation (WSI) for archaeological work has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives; and;
- The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works.
- The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.
- 20 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), porches (Part 1 Class D), curtilage buildings (Part 1 Class E), means of enclosure (Part 1 Class E), hard surfaces (Part 1 Class F) satellite dish(Part 1 Class H) or other means of enclosure (Part 2 Class A) shall be erected/constructed without first obtaining planning permission.

- 21 Prior to the first use/occupation of the specific dwelling (plot 5) the window proposed to serve the upper floor bathroom of plot 5 (as shown on drawing 19-747-10D) shall be fitted with obscure glazing and shall be hinged on its eastern (internal left) side only. The obscure glazing shall be installed in order to provide of level of obscurity at least equivalent to levels 4 or 5 on the Pilkington Glass scale and the window/glazing shall then be retained as installed as such thereafter.

279 Planning Appeals Lodged and Determined

The Committee considered Report No PM/12/19-20/AK of the Planning Manager – Development Management.

The following appeal had been lodged:-

Mr S Helliwell – Construction of vehicular access, domestic access track and private parking area (Resubmission of 18/00377/FL) at Land Approximately 100M South East Of Greenfield House, Hungerhill Lane, Stonedge (18/01245/FL)

The following appeal had been part allowed/part dismissed:-

Mr Paul Cropper – Application for 2no Velux windows and re-roofing with Solar PV roofing slates (Conservation Area) at The Barn, Corner Farm, Main Road, Higham (19/00424/FLH)

The following appeals had been dismissed:-

Mr Andrew Thompson – Application for new 3 bedroom dwelling, including new access and driveway (Conservation Area/ Affecting setting of a listed building) at 3 Church Street, Eckington (18/01168/FL)

Mr David Wilson, Mr William Wilson and Zafeen Ltd – Outline application (all matters reserved except access) for residential development and associated infrastructure (Major Development/Departure from development plan/Affecting a public right of way) at Land To The East Of Little Morton Road, North Wingfield (18/00505/OL)

No appeals had been allowed or withdrawn.

The Planning Manager – Development Management drew Members attention the decision of the Planning Inspector on a number of appeals. What was clear from these decisions is that less weight was now being given to specific grounds for rejecting planning applications than in the past.

Members discussed the appeals process, how the inspector's decisions can be challenged and the reasons why the weight given by the Planning Inspectorate to certain issues when considering appeals against decisions had altered. Members noted the financial cost to the Council if decisions to reject planning applications are overturned on appeal. Members also thanked the Planning Manager – Development Management for his hard work in defending planning decisions against appeals

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

280 Urgent Business

There were no items of urgent business to be discussed at the meeting.

PLAN MINS(1001)/MD