

PLANNING COMMITTEE**MINUTES OF SPECIAL MEETING HELD ON 3 SEPTEMBER 2019****I N D E X**

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PLANNING COMMITTEE

MINUTES OF SPECIAL MEETING HELD ON 3 SEPTEMBER 2019

Present:

Councillor D Ruff	Chair
Councillor P Antcliff	Vice-Chair
Councillor S Clough	Councillor C Huckerby
“ A Cooper	“ H Liggett
“ P Elliott	“ M Potts
“ R Hall	“ A Powell
“ D Hancock	“ K Rouse

Substitutes Present:

Councillor N Barker - acted as substitute for Councillor Hill
Councillor M Jones - acted as substitute for Councillor Hunt
Councillor J Birkin - acted as a substitute for Councillor Reader
Councillor O Gomez Reaney – acted as a substitute for Councillor Armitage

Also Present:

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

171 Apologies for Absence and Substitutions

Apologies for absence were received from Councillors W Armitage, J Barry, E Hill, C Hunt, T Reader, and J Ridgway.

The meeting was advised that Councillor Gomez Reaney would act as a substitute for Cllr Armitage, Cllr Barker would act as substitute for Cllr Hill, Cllr Jones would act as substitute for Cllr Hunt and Cllr Birkin would act as substitute for Cllr Reader.

172 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 Ruff, Chair of the Committee and Cllr Antcliff, Vice Chair of the Committee both declared an interest in the first application to be considered, 19/00376/OL and indicated that they would withdraw from the meeting for period when the application was being considered by the Committee. They both made it clear that they would neither take part in the discussions nor participate in the Committee's decision on the application. Cllr Ruff explained that she had registered to speak in opposition to the application. Once she had done that, she would leave the Chamber. Cllr Antcliff informed Members that she would now leave the meeting until the Committee had concluded its consideration of the application.

173 Election of Temporary Chair

In the absence of the Chair and Vice-Chair, Committee agreed that Cllr Alan Powell, chair the meeting during its consideration of Application 19/00376/OL.

174 Development Management Applications

The Committee considered Report No PM/8/19-20/AK of the Planning Manager – Development Management together with visual presentations for each of the following applications.

NED/19/00376/OL

The report to Committee explained that an outline planning application had been received for residential development of up to 67 dwellings on land at rear of 263 Nethermoor Road, Wingerworth for Land Allocation Ltd. The application had been referred to the Committee by Cllr Windley, who had raised concern 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 speak against the application. One of these was Cllr Ruff, who spoke in her capacity as a ward Member and then left the meeting.

The agent nor the applicant exercised their right to attend the meeting and to speak in support of the application. No supporters spoke in favour of the application.

Members were informed that only access to the site would be determined by this outline application. Other matters would be dealt with at a later date, if the outline application was approved.

Committee considered the application having regard to vehicular access to Derby Road being acceptable, along with wider highway implications in terms of capacity. In addition, there was a need to determine whether or not the principle of development was acceptable having regard to the policy background to the application (the Development Plan, extant and evolving) and the wider visual impact of the development on the character of the area, along with other relevant planning matters including, impacts on ecology, protected species, drainage and residential amenity.

The Committee raised concerns about the environmental implications of the proposed development on the potential harm which it might cause, by building in the countryside and in an area which currently separates two communities.

Members also expressed concern about the possible impact on the transport infrastructure. In this context, specific concerns were raised about the impact of the proposed development on road safety and how it would add, still further to the growth in traffic using volumes on the already congested A61 Derby Road.

At the conclusion of their discussion, the Committee:

RESOLVED – That officer recommendations on application number NED/19/00376/OL be rejected for the following reasons:

- (a) The application is considered unacceptable as the site is located in open countryside that performs the purpose of ensuring separation of local settlements. In this case, the proposal would result in the development of a green field that would have an overriding environmental harm that significantly and demonstrably outweighs any benefits deriving from the scheme, contrary to policies GS1, GS6 and NE1 of the North East Derbyshire Local Plan, Policies SS1, SS9, SDC3 of the North East Derbyshire Local Plan (2014-2034) and policy W2 of the Wingerworth Parish Neighbourhood Plan 2016-2033 and the NPPF when read as a whole.
- (b) The application is considered unacceptable as the proposal would access directly onto the already congested A61 where there is a recent history of highway accidents. The additional traffic that would be generated by this proposal would significantly impact on the local transport network (in terms of capacity and congestion), there would be an unacceptable impact on highway safety and the residual cumulative impacts on the road network would be severe contrary to policy T2 of the North East Derbyshire Local Plan and policy W17 of the Wingerworth Parish Neighbourhood Plan 2016-2033 and the NPPF when read as a whole.

NED/19/00527/FL

Councillor Ruff then resumed the Chair. Cllr Antcliff also re-joined the meeting of the Committee at this point.

The report to Committee explained that an application had been submitted for the erection of 10 dwellings with garages, access, drainage, landscaping and associated engineering works land to the South of Ankerbold House, Ankerbold Road, Old Tupton for Mr Evans – Evolution Construction Ltd. The application had been referred to the Committee by Cllr Hancock, who had raised concern about it.

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

No objectors spoke against the application.

Only the agent exercised their right to attend the meeting and speak 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, its effect on the character of the site and the surrounding area, the amenity of neighbouring uses and highway safety issues.

Members discussed the possible contribution of the scheme to traffic congestion along the A61 road, what had been agreed when outline planning permission had been originally granted and the changes to the final proposals, which reduced the overall number of dwellings to be constructed. At the conclusion of the discussion, the Committee:

RESOLVED – That in line with officer recommendations, application number NED/19/00527/FL be approved with the final wording of conditions delegated to the Planning Manager.

NED/18/00409/OL

The report to Committee explained that an outline application had been submitted for a proposed mixed use development including 5 dwellings and 9 commercial units (Major Development/Departure from development Plan) at Site B, Roman Road Systems, Rotherside Road, Eckington for Mr Paul Adams – Roman Road Systems. The application had been referred to the Committee by Cllr Ridgway, 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.

One objector spoke against the application. The agent spoke in favour of the application.

Committee considered the application. In this context, Members heard that a Site Inspection Group had visited the site, so that it could see first-hand its relationship with neighbouring properties, adjacent employment uses and the access arrangements to the sites.

Members discussed the application, including the proposed noise prevention measures, the state of the road and flooding risks. The Committee also considered whether the development would conform with the Local Plan, how long the site had been vacant and whether the development would be within the Greenbelt. At the conclusion of the discussion, the Committee:

RESOLVED – That in line with officer recommendations, application number NED/18/00409/OL be approved with the final wording of conditions delegated to the Planning Manager.

Time Limit

- 1 Applications for the approval of reserved matters are required before development can start and shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall be started within two years from the date of the approval of the last of the reserved matters to be approved.
- 2 Approval of the details of the layout, scale and appearance of the buildings, the means of access and the landscaping of the site (called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is started.
- 3 The application site shall be developed with a maximum of 5 dwellings.

- 4 The commercial units shall be restricted to Class B1 and for no other purpose of the Town and Country Planning (Use Classes) Order 1987, or in provision equivalent to that class in any statutory instrument revoking and re-enacting that Order with or without modification.
- 5 Prior to or as part of the submission made for the first of the first reserved matters required further to the granting of this permission a detailed Phasing Plan for the application site shall be submitted to and be approved in writing by the Local Planning Authority. The phasing plan shall specifically identify how the employment uses and buildings shall be constructed and made available for use ahead of the construction of all the new dwellings. The development shall then be carried out in accordance with the approved phasing plan.

Employment and Training

- 6 Before development hereby approved starts a scheme for the recruitment of employees for both the construction periods and post occupation of the development hereby approved, including a timetable for implementation shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme shall be operated as part of the development in accordance with the approved details.

Design, Character and Appearance

- 7 The details to be submitted to and approved in writing by the Local planning Authority as part of the reserved matters shall include a scheme for mitigating climate change through sustainable design and construction of the dwellings. Thereafter the approved scheme shall be implemented in full and retained as such thereafter.
- 8 The details to be submitted to and approved in writing by the Local Planning Authority as part of the reserved matters shall include details of the existing ground levels, proposed finished floor levels of the dwellings and the proposed finished ground levels of the site, relative to datum point which is to remain undisturbed during development. The development shall then be carried out in accordance with the approved details and the levels retained as such thereafter.
- 9 All planting, seeding or turfing in the approved scheme of landscaping shall be carried out in the first planting 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 a similar size and species, unless the Local Planning Authority gives written consent to any variation.
- 10 Before any above ground works commence details of the proposed boundary treatments throughout the site shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatments scheme shall include a timetable for implementation relative to the occupation of plot numbers. The scheme shall be implemented in full and retained as such thereafter.

- 11 Before any above ground works commence precise specifications of the roofing and walling materials shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full and retained as such thereafter.

Ecology

- 12 Prior to building works commencing above foundation level, a detailed lighting strategy shall be submitted to and approved in writing by the LPA to safeguard the adjacent Moss Brook corridor. This should provide details of the type of lighting and any mitigating features such as shields, hoods, timers etc. Dependent on the extent of new lighting, a plan showing lux levels of lightspill around the application area should be included. Guidelines can be found in Bats and Lighting in the UK (BCT, 2009). Such approved measures will be implemented in full prior to the first occupation of the buildings and retained as such thereafter.
- 13 Prior to building works commencing above foundation level, a Biodiversity Enhancement Strategy shall be submitted to and approved in writing by the Local Planning Authority to achieve a net gain in biodiversity in accordance with the NPPF 2018. Such approved measures should be implemented in full and maintained thereafter. Measures shall include:
- o details of bird and bat boxes will be clearly shown on a plan (positions/specification/numbers).
 - o hedgehog connectivity measures will be clearly shown on a plan, such as small fencing gaps (130 mm x 130 mm), railings or hedgerows.
 - o summary of ecologically beneficial landscaping (full details to be provided in Landscape Plans).

Drainage

- 14 No building or other obstruction including landscape features shall be located over or within :
- (i) 6 (six) metres either side of the centre line of the 2no. 950mm diameter public combined sewers i.e. a protected strip width of 12 (twelve) metres;
 - (ii) 5 (five) metres either side of the centre line of the 900mm diameter public combined sewer i .e. a protected strip width of 10 (ten) metres;
 - (iii) 3 (three) metres either side of the centre line of the 225mm diameter public combined sewer i .e.a protected strip width of 6 (six) metres;
 - (iv) 3 (three) metres either side of the centre line of the 150mm diameter public combined sewer i .e. a protected strip width of 6 (six) metres

If the required stand -off distances are to be achieved via diversion or closure of the sewers , the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker

- 15 The development shall be carried out in accordance with the details shown on the submitted Flood Risk Assessment prepared by Eastwood and Partners (Report 40336-002 dated April 2018)

- 16 No development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site, in accordance with the principles outlined within:
- a. Flood Risk Assessment, Pipworth Lane, Eckington (Eastwood & Partners Consulting Engineers, July 2018)
 - b. And DEFRA Non-statutory technical standards for sustainable drainage systems (March 2015), have been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved detailed design prior to the use of the buildings commencing.
- 17 The development hereby permitted shall be carried out in accordance with the supporting Flood Risk Assessment (reference 40336-002 dated July 2018) and in particular the following resilience measures detailed within:
- o All residential development shall be located in areas of Flood Zone 2 only;
 - o The finished floor levels of all residential development shall be set 600mm above the flood depths associated with the 1 in 100 year plus 30% climate change flood event;
 - o The finished floor levels of all 'less vulnerable' developments shall be set 400mm above the flood depths associated with the 1 in 100 year plus 20% climate change flood event;
 - o Flood resilient construction measures shall be incorporated throughout the development.
- The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the phasing arrangements embodied within the scheme.

Amenity

- 18 Construction works on site and deliveries to the site shall be undertaken only between the hours of 7:30 to 6pm Monday to Friday and 7:30 to 12pm on Saturday. There shall be no work undertaken on site or deliveries to the site undertaken on Sundays or public holidays.
- 19 The commercial units shall only be used between the hours of 08:00 and 18:00 on Monday to Friday inclusive and 08:00 and 13:00 on Saturdays. There shall be no working on Sundays and public holidays.
- 20 Any reserved matters application shall include details of the design and layout of the whole site (residential and commercial) and demonstrate compliance with the whole site criteria defined in Nova Acoustics 'Noise Impact Assessment and Residential Noise Survey of a Mixed Use Development The Land Off Rotherside Road Eckington Sheffield S21 4HL (Project Number: 2958JW; dated 3rd December 2018)'.
- 21 Prior to occupation of any dwelling the sound mitigation measures specified in the report prepared by Nova Acoustics 'Noise Impact Assessment and Residential Noise Survey of a Mixed Use Development The Land Off Rotherside Road Eckington Sheffield S21 4HL (Project Number: 2958JW; dated 3rd December 2018)' shall be implemented in full and the fence of the specification

defined in the above referenced report shall be constructed in full and retained thereafter.

Highways

- 22 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.
- 23 Throughout the period of development vehicle wheel cleaning facilities shall be provided and retained within the site. All construction vehicles shall have their wheels cleaned before leaving the site in order to prevent the deposition of mud and other extraneous material on the public highway.
- 24 Prior to any works commencing the applicant shall submit a detailed scheme for the bridge upgrade/replacement to be submitted to and approved in writing by the Local Planning Authority. The details shall include cross section, design calculations and details of construction and materials etc. The approved scheme shall be implemented in full in a timescale to be agreed with the Local Planning Authority and retained as such thereafter.
- 25 No part of the development shall be occupied until a road improvement scheme to widen sections of Pipworth Lane has been submitted and approved by the Local Planning Authority. The approved scheme shall be implemented in full prior to the first occupation of any residential dwelling and retained as such thereafter.
- 26 The details to be submitted to and approved in writing by the Local Planning Authority as part of the reserved matters shall include modification of the existing access to Pipworth Lane to be provided with visibility sightlines extending from a point 2.4 metres from the carriageway edge, measured along the centreline of the access, for a distance of 25 metres in each direction measured along the nearside carriageway edge. 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 (0.6m in the case of vegetation) relative to adjoining nearside carriageway channel level.
- 27 Prior to the occupation of any residential or commercial unit, the site shall be split with a permanent physical barrier to ensure the commercial traffic cannot gain access to Pipworth Lane and the residential traffic cannot gain access to Rotherside Road in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority.
- 28 No dwelling or commercial unit shall be occupied until details of the proposed parking and manoeuvring areas within the site have been submitted to, and approved in writing, by the Local Planning Authority. These facilities shall thereafter be retained for use at all times.

- 29 From the commencement of development there shall be no gates or other barriers within 10m of the nearside highway boundary and any gates shall open inwards only.
- 30 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.
- 31 Before development starts details shall be submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of water from the development onto the highway. The approved scheme shall be undertaken and completed prior to the first use of the access and retained as such thereafter.

Ground Conditions

- 32 Before the commencement of the development hereby approved:

Details of a site investigation strategy to effectively characterise the site based on the findings of the report prepared Eastwood & Partners 'Phase 1 Geotechnical and Geo-Environmental Site Investigation Land at Pipworth Lane Eckington for Mr Paul Adams (Project Ref: PR/AJK/KLG/40336-001 Issue 2; 20 December 2018) shall be submitted to and approved in writing by the Local Planning Authority. The site investigation shall be carried out by a competent person in accordance with the good practice guidance and a report of the site investigation shall be submitted to the local planning authority for approval.

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.

- 33 No building hereby approved shall be occupied until:
 - a) The approved remediation works required by 30 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, 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 the above referenced report and through the process described in 30 above and,

- b) Upon completion of the remediation works required by 30 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.

Lighting

- 34 Before first occupation of the commercial units hereby approved details of the external lighting scheme shall be submitted to and approved in writing by the local planning authority. The approved scheme shall have regard to the "Guidance Notes for the Reduction of Obtrusive Light GN01:2011" produced by the Institution of Lighting Professionals. The approved lighting scheme shall be implemented in full before the lighting is first used, and shall be retained thereafter.

NED/19/00362/FL

The report to Committee explained that an application had been submitted for a proposed 8-bed care home for children with physical and learning disabilities and associated bungalow accommodation at former Club Site, Oaks Farm Lane, Calow for Mr F Sissons. The application had been referred to the Committee by Cllr Kerry, who had raised concerns about it

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

The agent spoke in support of the application. No other supporters spoke in support of the application.

Committee considered the application. They 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 area, the amenity of neighbouring uses and highway safety issues.

Members discussed the application. In this context they heard about disputes about right of way issues across another site. Members recognised that access was not a

valid Planning reason for not approving the application. At the conclusion of the discussion, Committee:

RESOLVED – That in line with officer recommendations, application number NED/19/00362/FL be approved with the final wording of conditions delegated to the Planning Manager.

- 1 The development hereby approved 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 plans:-
 - o C606.4 SITE AND LOCATION PLAN
 - o C606.1 A PLANS AND ELEVATIONS

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.

- 3 Prior to any above ground works commencing, 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 scheme shall be implemented in full prior to the first occupation of the building.
- 4 Before any above ground works commence precise specifications or samples of the roofing and walling materials shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full and retained as such thereafter.
- 5 The buildings hereby approved shall not be occupied until:
 - a) The approved remediation works as identified in the GeoInvestigations Ltd report 'Remediation Strategy and Verification Plan for a Proposed Care Home at Oaks Farm Lane Calow (Ref: 422-R-01; dated July 2019)' have been carried out in full in compliance with the approved methodology.
 - b) If during the construction and/or demolition works associated with the development hereby approved any suspected areas of contamination are discovered, 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 phased approach recommended in good practice guidance for the assessment, investigation and management of potential land contamination and,
 - c) Upon completion of the remediation works required by (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.

- 6 At the commencement of operations 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.
- 7 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 application drawings for the parking and manoeuvring of residents, visitors, staff, service and delivery vehicles, laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.

NED/19/00570/DISCON

The report to Committee explained that an application for proposed discharge of condition 29 (Construction Management Plan/Traffic Management Plan) in respect of land off Ankerbold Road, Tupton for Northwood Group Limited. The application had been referred to the Committee by Councillor Hancock, who had raised concerns about it.

No objectors or supporters spoke either for or against the application.

The Committee considered the application. In particular, it took into account whether the details that had been submitted were sufficient to address the requirements set out under the relevant planning conditions; and especially whether the proposed traffic management plan would be appropriate.

Members discussed the application. In this context, they noted the assertion in the report that as there would be separate routes for incoming and exiting vehicles, this should reduce the instances of large vehicles meeting each other from opposite directions. At the conclusion of the discussion, Committee:

RESOLVED – That in line with officer recommendations, application number NED/19/00570/DISCON be approved with the final wording of conditions delegated to the Planning Manager.

175 Urgent Business

There was no urgent business.
