

PLANNING COMMITTEE**MINUTES OF MEETING HELD ON 9 APRIL 2019****I N D E X**

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PLANNING COMMITTEE

MINUTES OF MEETING HELD ON 9 APRIL 2019

Present:

Councillor H Laws	Chair
Councillor B Barnes	Vice-Chair
Councillor P Antcliff	Councillor C Hunt
“ W Armitage	“ A Powell
“ G Butler	“ B Ridgway
“ A Cooper	“ K Rouse
“ R Hall	“ C Smith
“ A Holmes	

Substitutes Present:

Councillor J Austen - acted as substitute for Councillor S Boyle
Councillor J Barry - acted as substitute for Councillor S Peters

Also Present:

Adrian Kirkham - Planning Manager – Development Management
Phil Slater - Principal Planning Officer
Richard Cooper - Planning Policy Officer
Graeme Cooper - Senior Planning Officer
Sue Wraith - Planning Officer
Jim Fieldsend - Team Leader Solicitor (non contentious)
Donna Cairns - Senior Governance Officer (BDC)

671 Apologies for Absence and Substitutions

Apologies for absence were received from Councillors S Boyle, C Cupit, P Elliott, C D Huckerby and S Peters.

The meeting was advised that Councillors J Austen and J Barry would act as substitutes for Councillors S Boyle and S Peters respectively.

672 Declarations of Interest

Members were requested to declare the existence and nature of any disclosable pecuniary interests and/or other interests, not already on their register of interests, in any item on the agenda and withdraw from the meeting at the appropriate time.

No declarations were made of the meeting.

673 Minutes of Last Meeting

RESOLVED – That the Minutes of the last meeting of the Planning Committee held on 12 March 2019 be approved as a correct record and signed by the Chair.

674 Development Management Applications

The Committee considered Report No PM/29/18-19/AK of the Planning Manager – Development Management together with visual presentations for each of the following applications.

NED/17/00269/FL

Outline application (with all matters reserved) for the variation of conditions 5 and 7 (Affordable Housing) pursuant to 14/01290/FL (Major Development) at land to the west side of Chesterfield Road, Holmewood for Mr S & G Dore.

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

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

Members considered the application having regard to whether the conditions that require 20% affordable housing in the original consent granted were reasonable in the current circumstances and whether it would be appropriate to substitute revised conditions requiring 6% affordable housing and to reduce the level of education contribution.

RESOLVED – That application number NED/17/00269/FL be approved subject to conditions and with modification to the s106 legal agreement, and that the final wording of those conditions and the modification of the s106 legal agreement be delegated to the Planning Manager.

NED/19/00133/FL

Change of use to the keeping of horses and erection of stable building on concrete base (Amended Title) on land south of Jetting Cottage and Jetting Forge, Fallgate, Milltown for Mr Mark Barltrop.

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

Members considered the application having regard to the suitability of the proposal in the location in policy terms, its effect on the character of the site and the surrounding countryside designated as a Special Landscape Area, any ecological impacts, potential heritage impacts, the amenity of neighbouring uses and highway safety issues.

RESOLVED – That application number NED/19/00133/FL be approved with the final wording of conditions delegated to the Planning Manager.

- 1 The development hereby permitted shall be started within 3 years from the date of this permission.
- 2 The development hereby approved shall be carried out in accordance with the details shown on the following drawings unless otherwise subsequently agreed

through a formal submission under the Non Material Amendment procedures and unless otherwise required by any condition contained in this decision notice:

- o Proposed Site Plan
- o Building Layout Plan
- o Building Elevations for Proposed Horse Stable
- o Existing Site Plan
- o Location Plan

- 3 The stables and equestrian development hereby approved shall be used solely for the use of residents of Plot 5, Jetting Street immediately to the north of the site (edged in red on the plan included in this decision) and those of their immediate family only and shall not be used for any commercial purposes (e.g. riding school, livery or DIY livery).
- 4 The site shall not be floodlit or illuminated in any way.
- 5 No horse boxes, trailers, containers, caravans, other vehicles or storage areas shall be located or stored on the application site.

NED/18/00798/FL

Application for a winery building and associated hard standing (Revised scheme of 15/00287/FL) on land approximately 150m to the east of Stanford, Back Lane, Wessington for Mr B Lewis.

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

Members considered the application having regard to the suitability of the proposal in the location in policy terms, its effect on the character of the site and the surrounding special landscape area, the amenity of neighbouring uses, its ecological impact on a designated wildlife site and highway safety issues.

RESOLVED – That application number NED/18/00798/FL be approved with the final wording of conditions delegated to the Planning Manager.

- 1 The development hereby permitted shall be started within 3 years from the date of this permission.
- 2 The development hereby approved shall be carried out in accordance with the details shown on the following drawings unless otherwise subsequently agreed through a formal submission under the Non Material Amendment procedures and unless otherwise required by any condition contained in this decision notice:
 - o 100/020 Rev A (Preliminary Landscape Plan)
 - o 100/010 Rev D (Indicative Drawing Details)
 - o 100/001 Rev A (Site Location Plan)
- 3 The building and hard standing hereby permitted shall be removed from the site within 3 months of it ceasing to be used for the purposes of agriculture, and, within 6 months of the removal of the building and the associated hard standing, the land shall be restored in accordance with a scheme of works that shall have been first submitted to and approved in writing by the Local Planning Authority.

- 4 Notwithstanding the submitted details, before above ground works start precise specifications (including the manufacturer, range and colour details where applicable) or samples of the walling and roofing materials to be used, shall be made available on site for inspection, and subsequent written approval, by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.
- 5 Notwithstanding the submitted details, before development starts details of the final design of the cesspool foul drainage system shall be submitted to and approved in writing by the Local Planning Authority. The details to be submitted shall include the design, capacity, location and specification of the cesspool system. The approved cesspool system shall then be installed in full and retained for the lifetime of the development in accordance with the approved details prior to the first use of the winery building hereby approved.
- 6 Before development commences a scheme for the disposal of surface water 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.
- 7 Notwithstanding the submitted details, 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 along with wheel washing facilities, parking and manoeuvring of employees and visitors vehicles, laid out and constructed in accordance with the detailed design first submitted to and approved by the Local Planning Authority. Once implemented the facilities hereby approved shall be retained free from any impediment to their designated use throughout the construction period.
- 8 Before any other operations are commenced the existing access to Back Lane shall be modified and provided with a minimum width of 4.8m together 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 101 metres to the west and 84 metres to the east, measured along the nearside carriageway edge. The land 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.
- 9 The proposed access drive to Back Lane shall be no steeper than 1:14 for the first 5m from the nearside highway boundary and 1:10 thereafter.
- 10 Notwithstanding the submitted details, before above ground works start a plan showing vehicle parking and manoeuvring areas and their surfacing shall be submitted to and approved in writing by the Local Planning Authority. Before the first use of the building hereby approved, the approved scheme shall be completed, surfaced and demarcated, and thereafter, the area shall be kept free of obstruction and available for the parking of vehicles associated with the development.
- 11 There shall be no gates or other barriers within 5m of the nearside highway boundary and any gates shall open inwards only.

- 12 Before development starts on any part of the access arrangements, 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 then be undertaken and completed prior to the first use of the access and retained as such thereafter.
- 13 If during construction works associated with the development hereby approved, any areas suspected of being contaminated are discovered, 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. The assessment shall take the form of a Phase I Contaminated land assessment (desk-study) and shall detail the site investigation strategy required to deal with the contamination identified. Any investigation required shall be undertaken in accordance with the scheme submitted and shall comply with current Government Guidance. The local planning authority shall be notified as soon as is reasonably practicable of the discovery of any suspected areas of contamination.

Upon completion of the remediation works carried out in accordance with the site investigation strategy; 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.

- 14 The approved Management Plan (Produced by WDEC) Version 1.1, dated March 2019 shall be implemented in full for the lifetime of the Plan. All measures shall be implemented in accordance with the timescales within the Plan. All compliance statements and monitoring reports shall be submitted to the Local Planning Authority and any necessary revisions to the Plan shall be agreed in writing by the Local Planning Authority.
- 15 No hedgerow removal shall take place between 1st March and 31st August inclusive, unless preceded by a nesting bird survey undertaken by a competent ecologist. If nesting birds are present, an appropriate exclusion zone will be implemented and monitored until the chicks have fledged. No works shall be undertaken within the exclusion zones whilst nesting birds are present.
- 16 Prior to building works commencing above foundation level, a detailed lighting strategy shall be submitted to and approved in writing by the Local Planning Authority to safeguard bats and other nocturnal wildlife. This should provide details of the chosen luminaires and any mitigating features such as dimmers, PIR sensors and timers. A lux contour plan should be provided to demonstrate acceptable levels of light spill to any sensitive ecological zones/features. Guidelines can be found in Guidance Note 08/18 - Bats and Artificial Lighting in the UK (BCT and ILP, 2018). Such approved measures will be implemented in full prior to the first use of the building hereby approved.

- 17 Before development starts, details of a temporary protective fence to prevent the accidental spillage of spoil or stored materials and to prevent the inadvertent tracking across the retained grassland by machinery associated with the construction of the proposal (or the new fence line if appropriate) shall be submitted to and approved in writing by the Local Planning Authority. The approved temporary fencing scheme shall then be implemented in full and retained throughout the construction phase or until the first use of the building hereby approved.
- 18 The disposal of spoil shall occur off site and no materials or spoil shall be spread onto the retained grassland on site.
- 19 Before development starts a scheme of bat, bird and bee/insect mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. The details to be submitted shall include the number, models and exact location of the mitigation features. The approved mitigation measures shall then be implemented in full prior to the first use of the winery building hereby approved and retained as such for the lifetime of the development.

NED/16/01260/OL

Application for outline planning permission for the development of up to 84 residential dwellings (Use Class C3) with access for determination and all other matters reserved for future determination (Major Development) (Departure from Development Plan) (amended plans/amended title) on Plot L, Coney Green Business Park, Clay Cross for Keepmoat Homes Ltd.

Members were advised the site was located within Pilsley Parish.

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 for the applicant exercised their right to attend the meeting and spoke in support of the application.

Members considered the application having regard to the suitability of the proposal in this 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.

RESOLVED – That application number NED/16/01260/OL be refused for the following reason:

The application site is on land allocated for employment uses under saved policy E6(a) of the adopted Local Plan (2005). On such sites Local Plan Policy E7 indicates that planning permission will not be granted for the change of use of (land or) buildings from employment purposes, unless the Local Planning Authority is satisfied that adequate local supplies of employment land and premises remain.

In this instance the local level of supply is limited and lacks flexibility against additional future losses. Therefore there is no justification for the loss of this site in these terms and, if this site was lost to potential employment development it would significantly compromise the prospects for employment in the local and wider area.

The application also fails to satisfy the relevant tests set out on the NPPF as the Council can demonstrate an adequate supply of housing land locally and there is a reasonable prospect of an application coming forward for the use allocated in an emerging Local Plan.

To grant permission is therefore contrary to policies E6 and E7 of the adopted Local Plan (2005), policy WC2 of the Publication Draft Local Plan and the policies of the NPPF when read as a whole.

675 Planning Appeals Lodged and Determined

The Committee considered Report No PM/30/18-19/AK of the Planning Manager – Development Management.

The following appeals had been lodged:-

Mr and Mrs Kavanagh- Proposal of a new single storey 3bed dwelling to the rear garden of 17 green Lea with associated landscape and access at 17 Green Lea, Dronfield Woodhouse (18/00685/FL)

Mr Robert Hadfield- Construction of a two-storey side extension, first floor extension over existing single-storey part of dwelling and erection of porch to front elevation at Brindwood House, Millthorpe Lane, Holmesfield (18/01221/FLH)

Midlands Biomass Solutions Ltd - Erection of timber drying facility and change of use of agricultural building for associated storage purposes with improvements to access track (Amended Details) at Averill Farm, Evershill Lane, Morton (18/00359/FL)

The following appeals had been dismissed :-

Mr Richard Akitt – Construction of bungalow (revised scheme of 17/00943/FL) on land adjacent at 43 Gosforth Lane, Dronfield, (18/00616/FL)

Executors of Mrs K Purdy – Erection of two detached stone built dwellings with attached garages on the land to the east (Conservation area) (Affecting Setting) at Barn At 1 Stone Close, Coal Aston, Dronfield (18/00309/FL)

Mr Mallett– Conversion of existing stables to 1no dwelling at Barn At Stable Mallett, Main Road, Holmesfield (18/00683/FL)

A claim for costs was dismissed.

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

Mr And Mrs Baker – Erection of a 2 bedroom bungalow at 2 Snape Hill Close, Dronfield (18/00842/FL)

Mr Robert Wilson – Application for a new dormer bungalow within existing farm grounds at Birch Hall Farm, Sylvia Road, Unstone (18/00642/FL)

No appeals had been allowed or withdrawn.

The Planning Manager advised Members that Decision Notices for every appeal are supplied to the relevant Ward Members and the Chair and Vice-Chair of the Planning Committee. The Planning Department can provide copies of any Decision Notice mentioned in the report to Members on request. They are also publicly available online.

The Planning Manager also provided an update to Members on the Council's performance in relation to the timely determination of planning applications and the percentage of both major and non-major appeals over a rolling two year period.

It was noted that the Council was performing well in determining applications on time. Members were reminded of their role in ensuring this performance standard was met particularly in considering calling in applications and requesting further information at Committee. In relation to performance regarding appeals, the Council was performing well in relation to appeals on non-major applications however, for major applications, the performance was marginal.

Members discussed the importance of ensuring any decision to refuse an application was based on clear planning grounds that could be supported at appeal. Members were also reminded that when an inspector at appeal also concludes that the Council has behaved unreasonably a costs award may be made. A recent costs award had been for a substantial amount.

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

676 Urgent Business

There was no urgent business considered at the meeting.

The Chair thanked Members for the hard work during the year and all the Officers supporting the work of the Committee.