

PLANNING COMMITTEE

MINUTES OF MEETING HELD ON 11 FEBRUARY 2020

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PLANNING COMMITTEE

MINUTES OF MEETING HELD ON 11 FEBRUARY 2020

Present:

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

Substitutes Present:

Councillor M Foster - acted as substitute for Councillor A Powell

Also Present:

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

503 Apologies for Absence and Substitutions

Apologies for absence were received from Councillors P Elliott and A Powell.

The meeting was advised that Councillor M Foster would act as substitute for Councillor A Powell.

504 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 interests were declared at the meeting.

505 Minutes of Last Meeting

RESOLVED – That the Minutes of the last meeting of the Planning Committee held on 7 January 2020 be approved as a correct record and signed by the Chair.

506 Development Management Applications

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

NED/19/01147/FL

The report to Committee explained that an application had been submitted to vary condition 5 (Construction Traffic Management Plan) and 7 (timetable to Green Lane access) pursuant of 14/00901/FL at land to the rear of 14 to 22 Green Lane and 4 to 16 Park Avenue, Dronfield for Neil Twigg. The application had been referred to the Committee by Councillor P Parkin, who had raised concerns about it.

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

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

No supporters spoke in favour of the application.

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

Committee considered the application. It recognised that the main planning consideration to be taken into account would be the impact of any changes on highways safety. Committee noted that it had considered and rejected the application to vary these conditions in November 2019. This decision, it was explained, had been appealed to the Planning Inspectorate.

Members discussed the report. In this context, they explored the potential impact of a change in conditions on local people. The timescales for the proposed delivery work and the possible implications for road safety were also discussed. As part of their discussion, Members heard about other works which had taken place, which had required the closure of the adjacent path as well as traffic congestion allegedly linked to local businesses.

RESOLVED – That application number NED/19/01147/FL be refused, contrary to Officer Recommendations, for the following reasons:-

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

NED/19/00673/FL

Councillor C Huckerby attended the Committee for this item

The report to Committee explained that an application had been received for the development of seven dwellings with associated access and landscaping (Amended Title/Amended Plans) at 94B Main Road, Morton for Wibb Builders Limited. The application had been referred to the Committee by Councillor A Cooper, who had raised concerns about it.

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

Neither the agent nor the applicant attended the meeting.

No supporters spoke in favour of the application.

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

Committee considered the application. As part of this, it assessed the suitability of the proposal in the location in policy terms, its effect on character and appearance of the site and the surrounding street scene, as well as the impact upon the amenity of neighbouring residents and land uses. It also took into account the ecological impact, land contamination, drainage and highway safety.

Members discussed the application. They noted that Committee had deferred consideration on the application at its last meeting, in order to obtain the additional information required by Members to make a determination on it. In this context, Members discussed how domestic waste from the development would be collected and whether any traffic problems associated with the development could be mitigated through appropriate conditions, such as better signage and traffic calming measures

RESOLVED – That application number NED/19/00673FL be approved in line with officer recommendations, subject to additional conditions in respect of traffic signage and calming and an upgrade to condition 9 to require ‘wheel washing’ of construction and other vehicles accessing the site, with the final wording of conditions delegated to the Planning Manager - Development Management.

- 1 The development hereby permitted shall be started within 3 years from the date of this permission.

- 2 The development hereby approved shall be carried out in accordance with the details shown on the following drawings unless otherwise subsequently agreed through a formal submission under the Non Material Amendment procedures and unless otherwise required by any condition contained in this decision notice:
 - o 100 Rev B (Existing Site Layout, Block Plan & Location Plan)
 - o 101 Rev F (Proposed Site Layout & Location Plan)
 - o 102 Rev B (Proposed Layouts & Elevations - Plots 1 & 2)
 - o 103 Rev A (Proposed Layouts & Elevations - Plot 3)
 - o 104 Rev B (Proposed Layouts & Elevations - Plots 4, 5 & 7)
 - o 105 Rev A (Proposed Layouts & Elevations - Plot 6)
 - o HAS/16-006/51 (Width Measurements for Existing Site Access Track)
 - o HAS/16-006/52 (Width Measurements for Existing Site Access Track)
 - o HAS/16-006/54 (RCV Access Swept Path Assessment)
 - o HAS/16-006/55 (RCV Driveway Swept Path Assessment)

- o HAS/16-006/56 (RCV Internal Swept Path Assessment)
- o HAS/16-006/57 (Potential 14x240L Container Refuse Collection Point)

- 3 Before above ground works start, precise specifications or samples of the walling and roofing materials to be used 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.
- 4 Before development starts, details of the existing ground levels, proposed finished floor levels of the dwellings and the proposed finished ground levels of the site 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.
- 5 Before above ground works start, the following shall be submitted to and approved in writing by the Local Planning Authority:
 - a) a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land,
 - b) the details of any trees and hedgerows to be retained, together with measures for their protection during development,
 - c) a schedule of proposed plant species, size and density and planting locations and
 - d) an implementation programme.
- 6 All planting, seeding or turfing in the approved scheme of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
- 7 Before above ground works start, a plan to show the positions, design, materials, height and type of boundary treatment to be erected shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be completed prior to the occupation of that dwelling and shall be retained as approved unless otherwise agreed in writing by the Local Planning Authority.
- 8 The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use. Planning Practice Guidance and section H of the Building Regulations 2010 detail surface water disposal hierarchy. The disposal of surface water by means of soakaways should be considered as the primary method. If this is not practical and there is no watercourse is available as an alternative other sustainable methods should also be explored. If these are found unsuitable, satisfactory evidence will need to be submitted, before a discharge to the public sewerage system is considered.

- 9 Before development commences, a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The statement shall provide for:
- a) the parking of vehicles of site operatives and visitors;
 - b) loading and unloading of plant and materials;
 - c) storage of plant and materials used in constructing the development;
 - d) details of any site accommodation;
 - e) construction working hours;
 - f) details of warning signs;
 - g) details of wheel washing facilities and
 - h) details of how delivery vehicles will be managed into and out of the site along the access track, including timetable to avoid school drop off and collection times, details of the use of banksman, etc.

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

- 10 Before the commencement of any part of the development (excluding Condition 9 above), the existing access to Morton Road shall be modified in accordance with the revised application drawings, laid out, constructed and provided with visibility splays of 2.4 metres x 40 metres in the easterly direction and 2.4 metres x 37 metres in the westerly direction, the area in advance of the sightlines being maintained clear of any object greater than 1 metre in height relative to the adjoining nearside carriageway channel level.
- 11 No dwelling shall be occupied until space has been laid out within the site in accordance with the revised application drawing for cars to be parked, including the replacement parking, and for vehicles to turn so that they may enter and leave the site in a forward gear. Once provided, the spaces shall be maintained free from any impediment to their designated use for the life of the development.
- 12 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order) the garages hereby permitted shall be retained as such and shall not be used for any purpose other than the garaging of private motor vehicles associated with the residential occupation of the property without the grant of further specific planning permission from the Local Planning Authority.
- 13 There shall be no gates or other barriers on the access road or within the development.
- 14 The access to Morton Road shall be no steeper than 1:20 for the first 5 metres from the nearside highway boundary and 1:14 thereafter.
- 15 Prior to the first use of any dwelling hereby approved, the refuse collection area illustrated on drawing HAS/16-006/57, dated 20 January 2020, shall be implemented in full in accordance with the approved details and retained for the designated purpose at all times thereafter.
- 16 Prior to occupation of any dwelling the subject of this application, the developer shall submit and have approved, in writing, by the Local Planning Authority in consultation with the Highway Authority, a scheme for the provision and

installation of bollards within existing highway at either side of the access. The approved scheme of bollards shall be installed/implemented prior to the first occupation of any dwelling and retained as approved thereafter.

- 17 No dwelling shall be occupied until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the Local Planning Authority. The street shall thereafter be maintained in accordance with the approved management and maintenance details until such time as a private management and maintenance company has been established.
- 18 Notwithstanding the submitted details, prior to the first use of any dwelling hereby approved, details of a 900mm wide pedestrian route along the western edge of the access shall be submitted to and approved in writing by the Local Planning Authority. The approved pedestrian route shall be implemented in full and retained for the designated purpose at all times thereafter.
- 19 Prior to the occupation of the first dwelling on the site, a scheme of pedestrian safety signage and traffic calming measures that are to be installed/erected along the access road into the site from the highway shall be submitted to and be approved in writing by the Local Planning Authority. The approved scheme shall then be implemented in full prior to the first occupation of any of the dwellings on the site and be retained as approved for the lifetime of the development.
- 20 Prior to building works commencing above foundation level, an Ecological Mitigation and Enhancement Plan shall be submitted to and approved in writing to the Local Planning Authority. Mitigation and enhancement measure shall include (but not be limited to):
 - o Details of tree/hedgerow planting, including species composition and densities (native species shall be used where possible),
 - o Location and extent of features such as boundary hedgerows, with appropriate protection measures,
 - o Details of any other habitat creation, including planting schedules where relevant,
 - o Location, number and type of bird and bat boxes/bricks; and
 - o Details of the location, number and design of hedgehog gaps in fencing.The approved Ecological Mitigation and Enhancement measures shall then be implemented prior to the occupation of each dwelling and fully implemented prior to the occupation of the 7th dwelling. The approved scheme shall be retained as approved thereafter.
- 21 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:
 - o the likely presence of potentially hazardous materials and substances,
 - o their likely nature, extent and scale,
 - o whether or not they originated from the site,
 - o a conceptual model of pollutant-receptor linkages,

- o 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,
- o 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.

22 Before the commencement of the development hereby approved:

Where the site investigation (as required by Condition 21 above) 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.

23 No dwelling hereby approved shall be occupied until:

- a) The approved remediation works required by condition 22 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 condition 21(b) to 22 above and satisfy condition (a) above.
- c) Upon completion of the remediation works required by condition 21 and 22(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.

Councillor Huckerby left the meeting at this point.

NED/19/00988/FL

The report to Committee explained that application had been received for the construction of a detached 2 bed bungalow (revised scheme of 18/00685/FL) (Amended Plans) at 17 Green Lea, Dronfield Woodhouse, Dronfield S18 8YA for Mr & Mrs Kavanagh. The application had been referred to the Committee by Councillors M Foster and R Hall, who had both 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.

The applicants did not speak in favour of the application, but did answer questions from Committee members.

No supporters spoke in favour of the application.

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

Committee considered the application. In particular, it had 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 and the amenity of neighbouring uses, as well as highway safety issues.

Members discussed the application. They heard concerns about the impact of the proposals on local residents and of similar developments which had taken place in the local area. They also discussed parking at the proposed development, heard about its dimensions and the density of existing and future developments on the estate.

RESOLVED – That application number NED/19/00988/FL be refused in line with officer recommendations.

1. The application is considered to be unacceptable as, due to the size, design and location of the proposed dwelling, it would represent a cramped form of development that intrudes into the open and undeveloped aspect of the street, is at odds with the existing dwellings and be incongruous in the locality adversely impacting the character and appearance of the area.

As such, the development is contrary to policies GS1, GS5, BE1 and H12 of the North East Derbyshire Local Plan, policies SS1, SS7 and SDC12 of the North East Derbyshire Local Plan (Publication Draft) (2014 -2034), policies HOU1 and

D3 of the Dronfield Neighbourhood Plan and the policies of the NPPF when read as a whole.

2. The application would result in an unacceptable level of amenity space being retained to serve the existing dwelling (No.17) and so fail to retain an adequate level of amenity for an existing user contrary to policies GS5 and H12 of the North East Derbyshire Local Plan, policy SDC12 of the North East Derbyshire Local Plan (Publication Draft) (2014 -2034), policy D3 of the Dronfield Neighbourhood Plan and the policies of the NPPF when read as a whole.

NED/19/01082/FL

The report to Committee explained that an application had been submitted for the redevelopment of large bungalow and outbuildings for five small bungalows and related infrastructure at Woodside, Hackney Lane, Barlow for Mr Derek Mapp. The application had been referred to the Committee by Councillor C Huckerby, who had raised concerns about it.

The Agent for the applicant exercised their right to attend the meeting and spoke in support of the application. The applicant did not attend.

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

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

Committee considered the application, having regard to whether the proposal was appropriate or inappropriate development in the Green Belt. Committee also considered the possible grounds for allowing the development, even if it was judged to be inappropriate.

Members discussed the application. They noted that the site was located in the countryside, adjoining a Special Landscape Area (SLA). As such, the impact of the development on the countryside and the SLA would have to be assessed and evaluated properly. They discussed the proposed building materials, its impact on the neighbouring area and the potential impact on the wider Greenbelt if the application was approved.

RESOLVED – That application number NED/19/01082/FL be refused in line with officer recommendations.

The development is considered unacceptable as it comprises inappropriate development in the Green Belt. The development would have a negative effect upon the openness of the Green Belt by reason of both spatial and visual harm and would conflict with the Green Belt purpose of safeguarding the countryside from encroachment. It would also cause a significant degree of visual harm to the rural character and appearance of the countryside and adjacent Special Landscape Area due to the uncharacteristic pattern of development proposed and the loss of roadside trees. There are no considerations that clearly outweigh the harm and very special circumstances have not been demonstrated. The proposal fails to accord with policies GS2, GS6, H3, NE1 and NE2 of the North East Derbyshire Local Plan and national policy for the protection of Green Belts, for protecting and enhancing the natural

environment and recognising and responding to the intrinsic character and beauty of the countryside as set out in the National Planning Policy Framework.

507 Planning Appeals Lodged and Determined

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

The following appeals had been lodged:-

Mr And Mrs Linell - Application to convert triple garage together with single storey side extension to form dwelling at Highbrook, Far Lane, Barlow (19/00540/FL)

Mr & Mrs Temperton - Proposed two storey detached dwelling with detached garage/ancillary accommodation (revised scheme of previously withdrawn 18/01277/FL) (Amended Title/Amended Plans) at Carbery Wood, Kelstedge Lane, Brockhurst, (19/00453/FL)

Mr A Cox - Green 4 Developments Ltd - Outline application (all matters other than access reserved for further approval) for the erection of 24 dwellings, new access and provision of open space (Revised scheme of NED/17/01243/OL)(Major Development)(Departure from Development Plan)(Affecting the setting of a Listed Building/Conservation Area) (Amended Plan) (Amended Title) at Land North Of 92 Chesterfield Road, Shirland (19/00056/OL)

C/O Neil Twigg- Application to vary conditions 5 (Method statement) and 7 (Implementation Plan and Timetable) pursuant of 14/00901/FL (Amended title/Amended plans) at Land To The Rear Of 14 To 22 Green Lane And 4 To 16 Park Avenue, Dronfield (19/00809/FL)

The following appeal had been allowed:-

Keepmoat Homes Ltd – 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 Title/Plans) at Land North Of Pilsley Road And West Of Coney Green Road, Clay Cross (16/01260/OL)

A claim for costs was dismissed

The following appeal had been dismissed:-

Ms M Brown – Application for replacement of 6no Windows (Conservation Area) at Ashover Post Office, Moor Road, Ashover (19/00403/FL)

No appeals had been withdrawn.

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

508 Urgent Business

There was no urgent business for the Committee to consider.

PLAN MINS(0211)/MD