

## **PLANNING COMMITTEE**

### **MINUTES OF MEETING HELD ON TUESDAY, 22 SEPTEMBER 2020 AT 10 AM**

#### **Present:**

Councillor Diana Ruff (Chair) (in the Chair)

Councillor William Armitage  
Councillor Mark Foster  
Councillor Alan Powell  
Councillor Kathy Rouse  
Councillor Heather Liggett  
Councillor Maggie Jones

Councillor Andrew Cooper  
Councillor Carol Huckerby  
Councillor Tracy Reader  
Councillor Stephen Clough  
Councillor Lee Hartshorne  
Councillor Pam Windley

#### **Also Present:**

R Purcell	Assistant Director - Planning
E Cartwright	Senior Planning Officer
J Fieldsend	Legal Team Manager (non contentious)
N Calver	Governance Manager
A Maher	Senior Governance Officer
M E Derbyshire	Members ICT & Training Officer
A Bryan	PA to Cabinet and Civic Officer

#### **PLA/ Apologies for Absence and Substitutions**

**28/2**

**0-21**

Apologies were received from Councillor Jayne Barry, who was substituted by Councillor Lee Hartshorne, Councillor Peter Elliot, who was substituted by Councillor Heather Liggett, Councillor Mo Potts who was substituted by Councillor Steve Clough. Councillor Jacqueline Ridgway, who was substituted by Councillor Margaret Jones and Councillor Ross Shipman, who was substituted by Councillor Pam Windley.

#### **PLA/ Declarations of Interest**

**29/2**

**0-21**

No declarations of interest were received.

#### **PLA/ NED/19/01202/FL - Land to rear of Hamhill Close and 14 to 19 John Street, Hepthorne Lane**

**0-**

**21a**

The report to Committee explained that an application had been received for the construction of 4 detached four-bedroom dwellings with garages on land to the rear of Hamhill Close and 14 To 19 John Street, accessed from Station Road Hepthorne Lane, North Wingfield, for Mr Featherstone (D.F. Blasting Contractors, C/O Mitchell Proctor). The proposed development would be a departure from the Development Plan and affect a Public Right of Way.

The report explained that the application had been referred to Planning Committee by the Local Ward Members, Councillor Nigel Barker and Councillor Jayne Barry, who had raised concerns about it.

Two Parish Councillors spoke against the application. One of these was Councillor Nigel Barker, in his capacity as a North Wingfield Parish Councillor.

The Agent spoke in support of the application.

No supporters spoke in favour of the application.

Committee considered the application. It took into account the relevant Planning issues in reaching its determination on the application. These included the sustainability of the development, its possible impact on the character of the area, the impact on neighbouring properties and the effect on the natural environment. It also took into account highways issues and how the proposed development might impact on drainage conditions.

Members discussed the application. In particular, they discussed the maintenance arrangements for the road to the proposed development. Committee noted that the road would not be 'adopted' and as such would not be maintained by Derbyshire County Council as the Highways Authority. They considered the role which the proposed Management Company for the site should play in maintaining it.

Members concluded that appropriate arrangements ought to be put in place to ensure that the road was kept in an ongoing good state of repair and asked that these arrangements ought to be made a condition as for approval for the application. They also asked for conditions about the pre-installation of the substructure of the road, prior to construction and a requirement for additional landscaping to be imposed.

RESOLVED -

- (a) That the application be approved, in line with officer recommendations,
  - (b) That a condition be imposed requiring details of the future management and maintenance of the road to be submitted;
  - (c) That conditions requiring root protection for trees on and surrounding the site, additional landscaping the installation of the substructure of the road be in place before construction of the properties commences.
  - (d) That the detailed conditions be finalised by the Assistant Director of Planning, in consultation with the Chair of the Committee.
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- 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 submitted plans drawing numbers 19-770-01,02 and 03 dated September 2019 unless otherwise specifically agreed in writing by the Local Planning Authority or otherwise required by any other condition in this decision notice.

3. Notwithstanding the 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 be implemented in full before the occupation of the dwellings is hereby approved.
4. Notwithstanding any submitted details before any above ground works commence, 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. Unless otherwise agreed in writing by the Local Planning Authority.
5. No development shall commence until intrusive site investigations have been carried out on site to establish the exact situation in respect of both shallow and areas of opencast coal mining legacy. The findings of the intrusive site investigations shall be submitted to the Local Planning Authority for consideration and approval in writing. The intrusive site investigations shall be carried out in accordance with authoritative UK guidance.
6. Where the findings of the intrusive site investigations (required by condition 5 above) identify that coal mining legacy on the site poses a risk to surface stability, no development shall commence until a detailed remediation and mitigation scheme to protect the development from the effects of such land instability has been submitted to the Local Planning Authority for consideration and approval in writing. Following approval, the remedial works shall be implemented on site in complete accordance with the approved details.
7. Before any other operations are commenced, detailed designs shall be submitted to the Local Planning Authority for written approval indicating the repair, improvement and resurfacing of the vehicular access route between Station Road and the application site. The dwellings hereby permitted shall not be occupied until these works have been completed in accordance with the approved details.
8. Before any other operations are commenced, excluding Condition No 7 above, space shall be provided within the site for storage of plant and materials, construction 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.
9. 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.

10. Prior to the first occupation of a dwelling on the site the junction of the access with Station Road shall be provided with visibility sightlines extending from a point 2.4m back from the nearside carriageway edge measured from the centreline of the access, for a distance of 47m in each direction measured along the nearside carriageway edge, or in accordance with such other scheme as may subsequently be submitted to an approved by the Local Planning Authority. The area in advance of the visibility sightlines shall be retained permanently clear of any object greater than 1m in height (0.6m in the case of vegetation) 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 drawing No DL-1145-01-HW-001 for the parking and 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.
12. 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.
13. The development shall be carried out in strict accordance with the Ecological Mitigation and Compensation Management Plan including the species Working Method Statements, with any amendments agreed in writing.
14. A landscape and biodiversity enhancement and management plan (LBEMP) shall be submitted to, and be approved in writing by, the LPA prior to the commencement of the development. The LBEMP should combine both the ecology and landscape disciplines and include the following:-
  - a) Description and location of features to be created, planted, enhanced and managed.
  - b) Aims and objectives of management.
  - d) Appropriate management methods and practices to achieve aims and objectives.
  - e) Prescriptions for management actions.
  - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a ten-year period).
  - g) Details of the body or organization responsible for implementation of the plan.
  - h) Ongoing monitoring visits, targets and remedial measures when conservation aims and objectives of the plan are not being met.
  - i) Locations of bat boxes, bird boxes, hedgehog holes and habitat piles (include specifications/installation guidance/numbers).

The LBEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The approved plan will be implemented in accordance with the approved details.

15. The site shall be developed with separate systems of drainage for foul and surface water on and off site. There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include , but not be exclusive to:
  - i) evidence that other means of surface water drainage have been properly considered and why they have been discounted; and
  - ii) the means of discharging to the public sewer network at a rate to be agreed by the Local Planning Authority in consultation with the statutory sewerage undertaker. (To ensure that no surface water discharges take place until proper provision has been made for its disposal).
16. No development shall take place until a detailed design and associated management and maintenance plan of the surface water drainage for the site, in accordance with the principles outlined within:
  - a. The proposed drainage strategy
  - b. And DEFRA's Non-statutory technical standards for sustainable drainage systems (March 2015), have been submitted to and approved in writing by the Local Planning Authority.
17. No development shall take place until a detailed assessment has been provided to and approved in writing by the Local Planning Authority, to demonstrate that the proposed destination for surface water accords with the drainage hierarchy as set out in paragraph 80 reference ID: 7-080-20150323 of the planning practice guidance.
18. Prior to commencement of the development, the applicant shall submit for approval to the LPA details indicating how additional surface water run-off from the site will be avoided during the construction phase. The applicant may be required to provide collection, balancing and/or settlement systems for these flows. The approved system shall be operating to the satisfaction of the LPA, before the commencement of any works, which would lead to increased surface water run-off from site during the construction phase.
19. Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority. This must demonstrate that the drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls).

**PLA/ NED/20/00500/FL - 11 Wellington Park, Shirland**

**31/2**

**0-21**

The report to Committee explained that an application had been received for the change of use of a double garage to a beauty salon at 11, Wellington Park, Shirland for Mr Glen Gent.

The report explained that the application had been referred to the Committee for determination by a local Ward Councillor, Heather Liggett, who had raised concerns about it.

A Parish Councillor spoke against the application.

Eight objectors spoke against the application.

The partner of the Applicant spoke in support of the application

No supporters spoke in favour of the application.

Planning Committee was referred to the recent late comments report, which had been issued on the afternoon prior to the meeting.

Committee considered the application. As part of this, it took into account the relevant Planning issues in reaching its determination on the application. These included the impact on the characteristic and appearance of the surrounding area, the implications on the privacy and amenity considerations for neighbouring residents and Highways Safety.

Members discussed the application. They discussed the potential benefits for the applicant and the proposed working arrangements that would be put in place. They considered the likely volume of customers using the proposed facility, both during the period of the Coronavirus (Covid-19) outbreak and afterwards. Members also discussed concerns that the change of use might create additional traffic and parking problems and the impact that these would have on the local community.

**RESOLVED -**

(a) That the application be refused contrary to officer recommendations.

(b) That the reasons for refusal focus on the adverse impact on the residential amenity as a result of the parking problems, increased traffic, disturbance caused and reduction in the privacy of neighbouring properties.

**PLA/ NED/20/00435/FLH - 13 Westthorpe Road, Killamarsh**

**32/2**

**0-21**

The report to Committee explained that an application had been received for the erection of a detached garage in the rear garden of 13 Westthorpe Road, Killamarsh S21 1ET for Mr R Ley.

The report explained that a ward Member had requested that the application be determined by the Planning Committee, as they had raised concerns about it.

A Ward Councillor, Councillor Mo Potts, spoke against the application

One local resident spoke in objection to the application

No one spoke in support of the application.

Committee considered the application. As part of this, it took into account the relevant planning issues in reaching its determination on the application. In this context, it considered the impact of the proposed development on the character of the area, privacy and amenity considerations, and whether the building would have a detrimental impact on neighbouring occupiers and uses. Committee also considered the highway safety implications of the proposals.

Member discussed the application. In particular, they considered, the size of the proposed building and its appearance. They also discussed whether it would be an appropriate development in a residential area and the possible impact on neighbouring properties, including an increased volume of traffic.

**RESOLVED -**

- (a) That the application be refused, contrary to officer recommendations;
- (b) That the reasons for refusal focus on two grounds of the adverse impact on residential amenity of neighbouring properties as a result of the amount of cars and activity that could be generated , and that the size of the building in this areas was detrimental to the residential character of the area.

**PLA/ Matters of Urgency**

**33/2**

**0-21**

There were no Matters of Urgency for the Committee to consider.