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## MINUTES

Meeting: **Planning Committee**

Date: Friday 17 June 2016 at 10.00 am

Venue: Board Room, Aldern House, Baslow Road, Bakewell

Chair: Mr P Ancell

Present: Cllr D Birkinshaw, Cllr P Brady, Cllr C Carr, Cllr D Chapman,  
Mr R Helliwell, Cllr H Laws, Ms S McGuire, Cllr J Macrae,  
Cllr Mrs K Potter and Cllr Mrs J A Twigg

Cllr A McCloy attended to observe and speak but not vote.

Apologies for absence: Cllr N Gibson, Cllr Mrs C Howe and Cllr Mrs L C Roberts.

### **84/16 MINUTES OF PREVIOUS MEETING HELD ON**

The minutes of the last meeting of the Planning Committee held on 13 May 2016 were approved as a correct record.

### **85/16 MEMBERS DECLARATIONS OF INTEREST**

Items 6

Cllr Patrick Brady declared a personal interest as he knows Mrs Linda Grainger who spoke on this item.

Cllr Mrs Judith Twigg declared a personal interest as she attends Bradwell Parish Council but does not take part in discussion on planning matters.

### **86/16 PUBLIC PARTICIPATION**

Eight members of the public were present to make representations to the Committee.

### **87/16 FULL APPLICATION (EIA): DEMOLITION OF EXISTING INDUSTRIAL BUILDINGS, DEVELOPMENT OF 55 DWELLINGS (C3), ERECTION OF 6 INDUSTRIAL STARTER UNITS (B1), CAR PARKING, LANDSCAPING AND DRAINAGE ATTENUATION WITH ACCESS FROM NETHERSIDE (STARTER UNITS) AND BRADWELL HEAD ROAD (RESIDENTIAL), AT NEWBURGH ENGINEERING CO LTD, NEWBURGH WORKS, NETHERSIDE, BRADWELL**

Members had visited the site on the previous day.

In introducing the report the Planning Officer highlighted corrections/additions to the report as follows:

- An officer declaration of interest has been received and can be viewed on the Authority's website.
- The Community Land Trust (CLT) do not have a management agreement with Peak District Rural Housing Association. No decision on which Housing Association to use will be made until after the Committee decision.
- The response from the Rural Housing Enabler, supporting the proposal, was briefly summarised as she would be speaking later to the points made.
- Archaeology – the Authority's archaeologist's comments had been omitted from the report in error. Those comments included an objection to the scheme due to insufficient information available about the site and a field evaluation was needed. Following work with the developers, the Authority's Archaeologist has agreed a plan to evaluate the site over two phases. The Authority's Archaeologist and Historic England are now happy to proceed.
- Adjustments to the wording of the phasing condition to allow discharge of detailed matters relating to each phase prior to work starting on that phase rather than for the whole site only.

Newburgh Engineering will move into one or more of the new industrial units once built and need a variation of conditions as currently the units are B1 and Newburgh Engineering required them to be B2 units. Condition 22 will be amended to show the change in condition and update development description but to ensure the units revert back to B1 should Newburgh Engineering decide to leave the premises. Delegated authority was requested for Director of Conservation and Planning to agree minor changes to the conditions in consultation with the Chair and Vice Chair of the Committee.

Limitations of traditional buildings and land ownership on the site along with the movement of Heavy Goods Vehicles (HGVs) had not allowed the provision of a footpath to the main street of the village but a piece of land has been set aside should there be a change in use of land on the site currently occupied by the Bradwell Autos HGV garage.

The applicants had put forward proposals to improve access and parking along Bradwell Head Road in response to local concerns over the expected increase in traffic as the only vehicle access to the housing development.

The Authority's Landscape Architect requested changes to the plans to add further structural tree planting in front gardens and a continuous wall on the eastern boundary as the choice of hedgerow is non-traditional in the village.

Further discussions had taken place with the Environmental Health Office following concerns about the noise level from the garage on the west side of the site identified during the site visit. A need for an acoustic fence and screen planting was identified and will be added to condition 19.

Bradwell Neighbourhood Plan placed a limit of 40 market homes on the Newburgh site. The development has 43 but the additional three homes are necessary to ensure viability and enable the developer to build 12 affordable homes to meet the local need and hand them to the Community Land Trust free of charge.

The following spoke under the Public Participation at Meetings Scheme:

- Cllr Chris Furness, member in Support

- Mr Barry Fletcher, local resident, Objector
- Mr Peter Higgs, Bradwell Parish Council, Supporter
- Ms Linda Grainger, Bradwell Parish Council Neighbourhood Planning Team, supporter
- Mr Andrew Nash, Bradwell Community Land Trust, Supporter
- Ms Isabel Frenzel, Rural Housing Enabler, Derbyshire Dales District Council, Supporter
- Mr Robert Cogings, Head of Housing, Derbyshire Dales District Council, Supporter
- Alistair Flatman - Agent

The Chair of Committee congratulated all involved in producing a planning application on such a large scale that could be approved.

The meeting was adjourned from 11.10 to 11.15 for a short break.

Members noted concerns regarding noise from the industrial units and requested the addition of a conditions restricting permitted development rights for alterations, preventing outside storage, to ensure there were the minimum number of openings on the rear of the buildings adjacent to the housing and that no external equipment (e.g. extractor fans) be fitted to this part of the building. The officer confirmed that this and more detail would be added to the condition to cover this.

Members noted the concerns raised regarding the access to the site via Bradwell Head Road and the proposal made by the developer in consultation with the Highways Authority to mitigate the impacts and provide additional parking. More off road parking would need to be provided than currently proposed.

Members noted the recommendation to change the plan to put a wall along the edge of the site adjoining the flood plain. This suggestion was rejected in favour of the planned proposal for a hedge along the road.

Members requested additions to condition 5 to include utility boxes for electricity/gas meters and their location out of sight of the road.

Members noted that the planning application does not mention renewables or sustainability and requested that the developers be encouraged to refer to Core Strategy CC1.

Three main areas to be clarified within the conditions are:

- Agreement to improve access via Bradwell Head Road with Highways Authority.
- Noise issues from Bradwell Autos and industrial units
- Sustainability and green credentials of development site

The recommendation for Approval was moved and seconded. The motion was then voted on and carried.

### **RESOLVED:**

**That subject to the prior entry into a Section 106 agreement which a) Transfers the 12 completed affordable units free of charge to the Bradwell Community Land Trust; and b) Restricts the occupation and affordability of the affordable houses, along with the prior completion and that the application be APPROVED subject to prior reporting of the results of an archaeological site evaluation (with any significant issues arising being reported back to Committee following**

**consultation with the Chair and Vice Chair) and the following conditions (and subject to minor amendments at the discretion of the Director of Conservation and Planning):**

- 1. Commence development within 3yrs**
- 2. Define approved plans**
- 3. Withdraw permitted development rights for extensions to the affordable houses only and for all housing - alterations to external appearance of the dwellings, porches, gates, fences walls or other means of boundary enclosure.**
- 4. No external noise generating machinery on industrial units; and excluding permitted development rights in relation to alternations or increases in size of industrial units.**
- 5. Phasing of development – to secure that the affordable housing and the industrial space is provided during development of the market dwellings.**
- 6. Specify architectural details relating to walls roofs, drives, paths, materials, doors/windows, boundaries and utility meter housing**
- 7. Agree final finished floor levels for the houses prior to work commencing on the construction on the residential development (other than demolition)**
- 8. Agree sample walling materials, roofing tiles, industrial sheeting profile/colour, surfacing and paving materials.**
- 9. Submit and agree all joinery details/finish**
- 10. Submit and agree with Implementation an amended landscaping scheme incorporating additional tree planting within the streetscene of the housing development and ecological enhancement of the open space comprising;**
- 11. Revised Suds basin location and design as well as connectivity with the brook.**
- 12. The retention of an increased area of unimproved grassland, with enhanced planting and seeding to maximise the ecological benefits.**
- 13. No development to take place until a detailed plan/methodology has been agreed in writing for the long term maintenance of the area of public open space and the balancing pond by a suitable organisation**
- 14. No development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site has been submitted to and approved in writing by the Authority.**

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15. No development shall take place until a detailed assessment has been provided to and approved in writing by the Authority to demonstrate that the proposed destination for surface water accords with the hierarchy in Approved Document Part H of the Building Regulations 2000.”

**Environment Agency Conditions**

16. Carry out development in accordance with the approved Flood Risk Assessment (FRA) June 2014 and the following mitigation measures - finished floor levels are set no lower than 300mm above the 1:100-year climate change flood level.
17. Development not be commenced until such time as a scheme to ensure no raising of ground levels within the 1:100 year climate change outline has been submitted and approved.
18. No development until a scheme of site investigation and risk assessment to assess the nature and extent of any contamination of the site and deal with the risks associated via the submission of a remediation scheme (if required) shall each be submitted for written approval by the Authority.
19. No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy including reporting of Unexpected Contamination Importation of soil to site and the effectiveness of the remediation shall be submitted to the Authority for written approval.
20. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters.
21. No development shall take place until a landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas (except privately owned domestic gardens), shall be submitted to and approved in writing by the Authority.

**Conditions covering construction and use**

22. Restrict the usage class of Industrial units to B1 except for those units used by Newburgh Engineering (the later B2). All units to be B1 when not used by Newburgh Engineering.
23. Submit and agree scheme to mitigate noise levels from the new industrial facility and from the rear of Bradwell Autos in relation to adjacent housing including the erection of an acoustic fence at the rear of Bradwell Autos. Restrict the openings on the housing side of the industrial units to those required for health and safety reasons and prohibit the installation of external equipment (e.g. extractor fans).

24. Specify and agree construction working hours - to be restricted to 8am - 6pm weekdays and 8am – 1pm Saturdays, no working on Sundays or bank holidays.
25. Restrict timing of delivery vehicles servicing the industrial units.
26. Mitigation measures recommended in Environmental Statement to limit dust generation during the construction phase.
27. Submit and agree in writing a scheme of environmental management for the dwellings and industrial facility

#### **Ecology Conditions**

28. No development shall take place until a construction environment management plan has been submitted to and approved in writing by the Authority
29. No development shall take place until a Species Protection Plan detailing the protection and/or mitigation of damage to protected and notable species such as bats, badger, breeding birds, reptiles, water vole, otters, white clawed crayfish and their associated habitats has been submitted to and approved in writing by the National Park Authority.
30. No removal of vegetation or works involving demolition of buildings that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site.
31. Prior submission and agreement (with implementation) of any external lighting to be installed on site with the Authority.

#### **Highway Conditions**

32. Submit, agree and implement a travel plan for the whole scheme
33. No development shall take place including any works of demolition until a construction management plan or construction method statement has been submitted to and approved in writing by the Authority.
34. Development shall not be commenced on the residential scheme until a detailed scheme of highway improvement works along Bradwell Head Road together with a programme for the implementation and completion of the works has been submitted to and approved in writing. Work to be completed before any dwellings are occupied.
35. No housing development shall take place until construction details of the residential estate road(s) and footway(s) (including layout, levels, gradients, surfacing and means of surface water

drainage) have been submitted to and approved in writing

36. The carriageway(s) of the proposed estate road(s) and footpaths shall be constructed up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access from that road(s) footpaths. Final surface course within twelve months (or three months in the case of a shared surface road) from the occupation of such dwelling,
37. Internal estate street junctions shall be provided with 2.4m x 25m visibility splays in either direction. The area in advance of the sightlines being levelled, constructed as footway and not being included in any plot or other sub-division of the site.
38. The estate street layout shall be provided with 25m forward visibility sightlines, 17m in the case of speed control bends, as laid out in the County Council's 6C's design guide, the area in advance of the sightline being laid out as an extended footway, forming part of the estate street and not part of any plot or other sub-division of the site.
39. Prior to the commencement of the development hereby permitted details of the means of refuse storage including details of any bin stores to be provided shall be submitted to and approved in writing by the Authority.
40. Prior to the commencement of the development details shall be submitted to and approved in writing by the Authority showing the means to prevent the discharge of water from the development onto the highway.
41. Works shall not commence on site until a scheme for the disposal of highway surface water has been submitted to and approved by the Authority.
42. Dwellings not to be occupied until the estate street has been provided with suitable turning arrangements to enable service and delivery vehicles to turn, all as may be agreed in writing with the Authority. Interim turning arrangements must remain available until any permanent estate street turning is available.
43. Premises not to be occupied until space has been provided within the property curtilage for the parking and manoeuvring of residents and visitors vehicles (including secure / covered cycle parking), and thereafter maintained
44. The dwellings the subject of the application shall not be occupied until a pedestrian link has been provided to Soft Water Lane, designed, laid out and constructed, all as may be agreed with the Local Planning Authority in writing.
45. Any pedestrian access from the new residential street into the proposed commercial area shall be for private access use only, and shall remain so until such time that a fully segregated route can be demonstrated.

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46. The private driveways / parking spaces from individual properties, to the proposed estate street, shall not be taken into use until they have been provided with 2.4m x 25m visibility splays in each direction the sightlines remaining free from any obstructions to visibility over 1m high, Individual driveway / parking spaces shall also be provided with 2m x 2m x 45 degree pedestrian inter-visibility splays being maintained clear of any object greater than 0.6m in height.
47. The garage / car parking spaces shall be kept available for the parking of motor vehicles at all times. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995.
48. No gates or barriers, including any parts of their opening arc, shall be permitted to open out over public highway limits. In the case of the commercial area, any gate shall be setback a minimum 15m from Netherside and shall open inwards only.
49. No building hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the Authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in Annex F of PPS25 (or any subsequent version), and the results of the assessment provided to the Local Planning Authority.
50. No commercial building shall be occupied or use commenced until the facilities for loading, unloading, circulation and manoeuvring have been completed. Thereafter, these areas shall be kept free of obstruction
51. No commercial building shall be occupied or use commenced until the car/vehicle parking area shown on the approved drawings has been completed and thereafter, the area shall be kept free of obstruction

**Archaeological conditions**

52. No development shall take place until a Written Scheme of Investigation for a programme of archaeological work has been submitted to and approved by the Authority in writing, and until any pre-start element of the approved scheme has been completed to the written satisfaction of the Authority.
53. No development shall take place other than in accordance with the approved archaeological Written Scheme of Investigation
54. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the approved archaeological Written Scheme of Investigation and the provision



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to be made for analysis, publication and dissemination of results and archive deposition has been secured."

**55. Highway Advisory Footnotes**

**56. DCC Advisory Footnotes**

**57. Environment Agency Footnotes/Advice**

**58. Erection of acoustic fence along boundary with garage.**

**88/16 ANNUAL REPORT ON PLANNING APPEALS 2015/16**

The motion to note the report was moved, seconded, put to the vote and carried.

**89/16 HEAD OF LAW REPORT - PLANNING APPEALS**

The motion to receive the report was moved, seconded, put to the vote and carried.

The meeting ended at 1.00 pm