

COMMITTEE UPDATE SHEET

SUPPLEMENTARY REPORT OF THE PLANNING MANAGER

This sheet is to be read in conjunction with the main report.

Agenda Item No: 6 Planning Applications to be determined

Planning Site Visits held on 19 October 2018 commencing at 10:00hours.

PRESENT:-

Members: Councillors T Alexander, J Clifton, P. Cooper, P. Cooper, T Munro (Chair), S Peake, D Watson and J Wilson.

Officer: Peter Sawdon

APOLOGIES

Apologies were received from Councillors PM Bowmer, M Crane, S Fritchley, D McGregor, K Reid and R Turner (Vice Chair).

SITES VISITED

1) Land to the Rear of 17 To 95 Alfreton Road, Pinxton (17/00396/OUT).

The meeting concluded at 11:40 hours

Summary of representations received after the preparation of the original main Committee Report and any recommendation based thereon.

Agenda item No: 6.1: Land to the Rear of 17 to 95 Alfreton Road, Pinxton (17/00396/OUT).

The original report makes reference to amended details regarding the proposed pedestrian and cycle link onto Storth Lane on which the comments of the Highway Authority were awaited, which have now been received. The Highway Authority are now raising no objections but have suggested an amended condition to include a requirement for a pedestrian guard barrier; the agent has agreed to the suggested amended condition.

Since completion of the report, two additional letters of representation have been received. Both raise issues in respect of impacts from traffic including:

- Volume of traffic, especially heavy Lorries and associated congestion
- Traffic speeds on Alfreton Road
- Weekly accidents in and around Alfreton Road and worsening of congestion that results from this
- Difficulty in leaving private drives onto Alfreton Road

- Adding a further road junction close to West End junction
- Amount of traffic at that junction given this would be the single point of entry and exit from the development site onto Alfreton Road.
- Air quality effects of all the traffic that will be worsened by traffic from this development that is already affecting people's lives; residents can't open front windows as a result.
- Strongly believe that there needs to be further infrastructure in place, namely another road linking this land to the A38 and M1 other than Alfreton Road.
- Additional issues in the vicinity of the access due to presence of two bus stops and parked cars.⁵

The representations received do not alter the considerations in respect of highway safety or air quality and do not alter the conclusions or recommendations in this respect.

The Chair of Planning Committee has asked for clarification regarding the comments made in letters of representation suggesting that the Interim Planning Policy Manager stated that there is 'No room for sustainable development in Pinxton', along with additional comments on the basis that the Council have a five year housing supply. In this respect the Interim Planning Policy Manager has stated: -

"I note that the quotes relate back to October 2016, when there was local concern over the possible development of land at Town End in Pinxton, and at which time we had not allocated any sites within the village as we had "not been able to identify any suitable sites". Suitable would also mean sustainable, viable, deliverable and available, in this instance. Whilst the quotes slightly confuse issues around the 5 year supply and the Local Plan, I would confirm that in October 2016 we were unaware of any suitable sites for further growth within Pinxton. The site that had been promoted (off Talbot Road to the south east of the village) was not considered due to traffic issues to be suitable or sustainable.

The site now subject to the application has been within the development envelope for the area since the 2000 Adopted Local Plan, and had not come forward for development. We also had not had the site promoted to us during all of the earlier work on the Local Plan and therefore we considered that it was not a site we could claim was available and deliverable, and amended the village envelope at this point to exclude it, leaving us with no development sites in one of our larger villages.

Subsequently, this site was promoted to us and was included in the Publication Draft Local Plan in 2018, which we submitted to the Secretary of State on 31st August 2018.

It is currently subject to one Local Plan objection which states:

"I don't think there is a capacity for the village to have a new estate. Couple of new houses where the pubs were that's fine but not whole estates. The roads are already too busy, schools and surgery is already overcrowded, it's easy to say it will have easy access to a38 but why should people be travelling out of the village to seek medical advice or education"

You will note that the Planning Policy comments on the application clearly state that in terms of the current position:

“In principle, this site is in compliance with broad locational policies of both the existing adopted plan and emerging plan in that the area proposed for housing development is shown within the settlement framework for Pinxton in the adopted Local Plan and is shown as a proposed allocated site within the development envelope in the emerging plan (Policies LC1 and SC1 relate). This location is considered in general terms to represent a suitable location for new development, as one of the District’s large villages and more sustainable settlements”.

It is these comments and not considerations back in 2016 that did not include this site, which should be noted.”

Conclusions

None of the above points raise any issues that affect the principle conclusions of the original report that considers the site is a suitable housing site and so do not affect the main recommendation to grant planning permission. The conclusion of the issue relating to the proposed pedestrian and cycle access to Storth Lane do mean the need for an amendment to recommended condition 17.

Recommendation:

As included in the original report with the exception of a revised condition 17 as follows: -

17. Any reserved matters application shall include full details for the proposed new pedestrian/cycleway between the new housing estate roads and Storth Lane. The route must be laid out generally in the manner shown on drawing ref. ADC1559/004 Rev. P4, constructed in accordance Derbyshire County Council’s specifications for adopted highways and the crossing points provided with visibility sightlines of 2m x 51m to the south and 2m x 48m to the north. The footpath link shall be provided in accordance with the details granted reserved matters approval not later than the occupation of 50% of the dwellings for which reserved matters approval is granted. Notwithstanding the submitted drawing and for the avoidance of doubt, a pedestrian guard barrier shall be provided at the point where the footpath/cycleway meets Storth Lane.

Agenda item No: 6.2: Land off Hollin Hill, Clowne (18/00043/FUL)

The applicants have submitted further medical information relating to the two family members with protected characteristics, which confirms both have medical conditions that have been diagnosed by a suitably qualified medical practitioner through the NHS. In addition, it should be noted that the proposed businesses (microbrewery and scented products) may provide employment opportunities for the two family members with protected characteristics, who might otherwise find it difficult to find employment.

There are no further representations to report but additional drawings have been submitted to clarify the external appearance of (1) the new barn (2) the converted barn, and (3) the new house.

Finally, if the Council were to approve this application solely on the basis that all other planning considerations were simply outweighed by the needs of an individual (or individuals) with a protected characteristic (or the needs of an individual justified an exception to policy in its own right) then there is a risk that a 'precedent' would be set by such a decision.

However, in this case, the opportunity to meet the needs of an individual (or individuals) with a protected characteristic is just one of a range of planning considerations that have been afforded weight by officers in the planning balance. The other distinguishing features of this case that also weigh in favour of a recommendation of approval include:

- the relationship between the site and the settlement framework and the proximity of the site to local services and facilities;
- the limited encroachment of the proposed development into open countryside and the limited visual impact of the proposals;
- the bespoke live-work proposals and the potential employment opportunities for two individuals with protected characteristics; and
- the potential to bring under-utilised buildings back into a productive use.

In these respects, the proposals are considered to be acceptable on the individual planning merits of the case and the officer recommendation remains unchanged other than a change to the wording of Condition 2, which now incorporates the drawing no.s to correctly identify the 'approved plans' as set out below:

RECOMMENDATION

The current application be APPROVED subject to

A. prior entry into a S.106 legal agreement specifying named first occupants of the proposed dwelling and restricting occupancy of the dwelling to those named occupants for three years from first occupation; and

B. the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in complete accordance with the approved plans, Drawing No.s:
 - 17-126-08-02 (Revision A)
 - 17-126-08-10
 - 17-126-08-11
 - 17-126-08-12
 - 17-126-08-13
 - 17-126-08-14

3. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions A to D have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition D has been complied with in relation to that contamination.

A. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) 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,
- groundwaters and surface waters,
- ecological systems,
- archeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

B. Submission of Remediation Scheme

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 must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must 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.

C. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

D. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition A, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition B, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition C.

E. Importation of soil

In the event that it is proposed to import soil onto site in connection with the development, the proposed soil shall be sampled at source and analysed in a laboratory that is accredited under the MCERTS Chemical testing of Soil Scheme for all parameters requested (where this is available), the results of which shall be submitted to the LPA for consideration. Only the soil approved in writing by the LPA shall be used on site.

4. Prior to the conversion of the existing building hereby permitted, samples and specifications of all external facing materials and a scheme for the extraction, dispersal and control of odour, together with details of all elements of the inlet and extract systems and associated noise assessment shall be submitted to and agreed in writing by the local planning authority. Thereafter, the proposed conversion must be carried out in complete accordance with the approved details.
5. The dwelling hereby permitted shall not be occupied until the conversion of the existing building has been completed in accordance with the approved plans and the details approved under Condition 4 (above).
6. Prior to the erection of the new dwelling and/or the new storage building hereby permitted, samples and specifications of all external facing materials shall be submitted to and agreed in writing by the local planning authority. Thereafter, the

proposed conversion must be carried out in complete accordance with the approved details.

7. Prior to the installation of any roof-mounted solar array on any of the buildings on the land in the applicants' control, samples and specifications of the solar arrays shall be submitted to and agreed in writing by the local planning authority. Thereafter, the proposed solar arrays must be installed in complete accordance with the approved details.
8. The occupation of the dwelling hereby permitted shall be limited to a person solely or mainly employed or last employed in the microbrewery and/or commercial kitchen (also consented by this permission), or a widow or widower of such a person, and to any resident dependants.