

PLANNING COMMITTEE

MINUTES OF MEETING HELD ON 5 JUNE 2018

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PLANNING COMMITTEE

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Present:

Councillor H Laws	Chair
Councillor B Barnes	Vice-Chair
Councillor P Antcliff	Councillor C D Huckerby
“ W Armitage	“ S Peters
“ S Boyle	“ A Powell
“ G Butler	“ B Ridgway
“ C Cupit	“ K Rouse
“ P Elliott	“ C Smith
“ R Hall	

Substitutes Present:

Councillor J Ridgway - acted as substitute for Councillor C Hunt

Also Present:

Adrian Kirkham	- Planning Manager – Development Management
Steve Kimberley	- Principal Planning Officer
Jim Fieldsend	- Team Leader Solicitor (non contentious)
Jenny Owen	- Legal Executive
Donna Cairns	- Senior Governance Officer

25 Apologies for Absence and Substitutions

Apologies for absence were received from Councillors A Cooper, A Holmes, C Hunt and S Peters.

The meeting was advised that Councillor J Ridgway would act as a substitute for Councillor C Hunt.

26 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.

Councillor C Cupit declared an interest in Application Number NED/18/00226/RM arising from her property being located nearby. She left the room for this item and did not take part in the debate or vote.

Councillor B Barnes declared a significant other interest in Application Number NED/17/001243/OL arising from his position of Chair of the Shirland and Higham Parish Council. Councillor B Barnes left the meeting for consideration of this item and did not take part in the debate or vote.

Councillor C Cupit also declared that she would not take part in Application Number NED/17/001243/OL as she had publicly objected to the application prior to the meeting. Councillor C Cupit spoke against the application and then left the room for consideration of this item and did not participate in the debate or vote.

27 Minutes of Last Meeting

RESOLVED – That the Minutes of the last meeting of the Planning Committee held on 8 May 2018 be approved as a correct record and signed by the Chair.

28 Development Management Applications

The Committee considered Report No PM/01/18-19/AK of the Planning Manager – Development Management together with visual presentations for each of the following applications.

Councillor C Cupit left the room at this point.

NED/18/00226/RM

Approval of reserved matters (layout, scale, appearance and landscaping) for the erection of 28 dwellings pursuant to outline permission 15/00910/FL (Major Development)(Revised scheme of 17/00768/RM) (Amended Plan) (Further Amended Plans) – Land to the east of Prospect House, Highstairs Lane, Stretton - For Wildgoose Homes.

This application had been deferred from the Planning Committee meeting on 8 May 2018.

The Committee was directed to the recent late comments/update report which had been issued the afternoon prior to the meeting and were advised of further late comments which were read out at the meeting.

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

The agent and the applicant exercised their right to attend the meeting and spoke in support of the application. A 3D model of the application was shown, which entitled all speakers to speak for up to five minutes.

As outline planning permission had already been granted for the erection of dwellings on the land and therefore the principle of development on the site had already been established, and access issues were committed at the outline stage, Members considered the application having regard to the remaining reserved matters namely, layout, scale, landscaping and appearance.

It was moved and seconded that the application be refused contrary to the officer recommendation on the basis that it was considered to represent dense over-development and the proposed dwellings and design and layout of the scheme would not be in keeping with the character of the area. On being put to the vote, the vote

was tied. The Chair exercised his casting vote to vote against the motion. The motion was therefore lost.

It was then moved and seconded that the application be approved in line with the officer recommendation. On being put to the vote this motion was lost.

Members were advised that the Council Procedure Rule 13.2 prevents a motion being that has been rejected from being considered again within a six month period. It was moved and seconded that this procedure rule be suspended in accordance with Council Procedure Rule 23.

RESOLVED – That, in accordance with Council Procedure rule 23, Council Procedure Rule 13.2 be suspended for the remainder of this meeting.

It was again moved and seconded that the application be approved in line with the officer recommendation was put forward again, and was duly seconded. On being put to the vote the motion was lost.

The motion that the application be refused contrary to officer recommendation. The reason as outlined below. On being put to the vote it was:-

RESOLVED – That application number NED/18/00226/RM be refused, contrary to officer recommendation on the following grounds:-

The application is considered to be unacceptable as it represents dense over-development and the proposed dwellings and design and layout of the scheme would not be in keeping with the character of the surrounding area and have an adverse and imposing impact on it. It would therefore be contrary to Policies BE1 and H12 of the North East Derbyshire Local Plan and the National Planning Policy Framework when read as a whole.

Councillor C Cupit returned to the meeting at this point.

Councillor B Barnes, having declared an interest in this application, left the meeting at this point.

Councillor S Peters left the meeting at this point.

NED/17/01243/OL

Outline application (all matters other than access reserved for further approval) for the erection of 77 dwellings, new access and provision of open space on land to the north east of the A61, Chesterfield Road, Higham for Green 4 Developments Ltd (Major Development) (Departure from Development Plan) (Affecting the setting of a listed building/affecting the setting of a Conservation Area) (amended plans/amended title).

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

Councillor C Cupit exercised her right to speak against the application and then left the meeting at this point.

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

The agent for the application 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 the location in policy terms, its effect on the character of the site and the Higham Conservation Area, the amenity of neighbouring uses and highway safety issues.

RESOLVED – That application number NED/17/01243/OL be refused for the following reasons:-

1. The proposal would result in development in the countryside and outside of the defined Settlement Development Limits of Higham as defined in the North East Derbyshire Local Plan. The site comprises an irregular shaped area of land formed by two fields with boundaries delineated by hedgerows and trees and forms open land between the linear Settlement Development Limits of Higham.

The proposals if granted would result in the significant loss of open land and the development does not relate well to the settlement of Higham and would be incongruous in both scale and form. The proposals would be inappropriate within the landscape as it would result in the major loss of open agricultural land along the sensitive slopes which are valued as an integral part of the rural setting of Higham which tops the ridgeline.

The proposals would result in significant harm to the landscape and visual receptors and these negative environmental impacts significantly and demonstrably outweigh the social and economic benefits of the development.

The proposal is therefore deemed contrary to policies GS1, GS6, H3 and NE1 of the North East Derbyshire Local Plan as well as contrary to the National planning Policy Framework when read as a whole.

2. The proposed development would have a detrimental impact on the setting of the Higham Conservation Area and the setting of the grade II listed buildings Holly Tree Farmhouse and Bull Farmhouse. Higham developed as a farming settlement and the historic landscape setting contributes to the significance of the conservation area. The listed farmhouses are part of the historical development of the settlement of Higham, where the agricultural landscape surrounding the conservation area forms part of their settings. Paragraph 131 of the NPPF states that in determining planning applications, local planning authorities should take account of the desirability of new development making a positive contribution to local character and distinctiveness and paragraph 132 informs local planning authorities that significance can be harmed or lost through alteration or destruction of a heritage asset or development within its setting. The proposed residential development will involve the loss of part of this agricultural landscape which contributes positively to the setting of the Higham conservation area and the setting of listed buildings, therefore the proposal is not compliant with the historic environment section of the NPPF or Local Plan policies BE11 and BE9 of the North East Derbyshire Local Plan.

Councillor B Barnes and C Cupit returned to the meeting.

NED/18/00257/FL

Application for change of use of existing domestic garage to separate residential dwelling with alterations and extensions at Ash Mount Cottage, Hockley Lane, Ashover for Mr and Mrs Bailey (Conservation Area).

The agent and 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 the 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.

It was moved and seconded that the application be approved contrary to officer recommendation on the basis that the new dwelling would not have a severe impact on highway safety and there was adequate provision for parking and manoeuvring in accordance with North East Derbyshire Local Plan Policy T2. It was also proposed that conditions be attached to the approval with the wording of the conditions delegated to the Planning Manager but to include the removal of permitted development rights for any extensions/outbuildings.

RESOLVED – That application number NED/18/00257/FL be approved contrary to officer recommendation for the reason as set out below, and subject to conditions to be determined by the Planning Manager which would include the removal of permitted development for the extension/outbuildings.

Reason for approval:-

The Committee considered the new dwelling would not have a severe impact on highway safety and there is adequate provision for parking and manoeuvring in accordance with North East Derbyshire Local Plan Policy T2.

NED/18/00216/FL

Change of use from retail shop to cafe with take away (Conservation Area/Affecting the Setting of a Listed Building) at 7 Northgate House, Market Street, Eckington for Mr S Mahmood.

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

Members considered the application having regard to the suitability of the proposal in the location in policy terms, its impact on the character and appearance of the site, the relationship with neighbouring properties, the impact of the scheme on the vitality and viability of the designated Town Centre for Eckington, and highway safety considerations.

Members requested that it be noted that they did not consider the access to the disabled toilet within the proposed application to be acceptable on the basis that disabled persons would be required to leave the building and travel a long distance

around to the rear of the building in order to access the disabled toilet. It was recognised that this issue was covered by a separate legislation and was not relevant to the determination of the planning application.

It was moved and seconded that the application be refused contrary to officer recommendation for the reason as set out below:-

RESOLVED – That application number NED/18/00216/FL be refused for the following reason:-

The application is considered to be unacceptable as the application seeks consent for a café which if granted would consolidate and exacerbate the predominance of non-retail (specifically hot food takeaway) uses in the retail centre of Eckington that would have an adverse impact on the vitality and viability of Eckington, contrary to Policies GS1, SH3 and SH9 of the North East Derbyshire Local Plan, the aims and objectives of the Eckington Town Centre Development Framework Supplementary Planning Document and the National Planning Policy Framework when read as a whole.

NED/18/00121/FLH

Application for two storey extension to existing garage to provide hobby room and showroom with associated storage to the rear of 15 Deerpark Crescent, Wingerworth for Mr M Wells.

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 the location in policy terms, its effect on the character and appearance of the site and its surrounding street scene and the impacts upon the amenity of neighbouring occupiers.

RESOLVED – That application number NED/18/00121/FLH be approved subject to the following conditions:-

- 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, unless otherwise specifically agreed in writing by the Local Planning Authority or otherwise required by any other condition in this decision notice.
- 3 The proposed walling and pitched roof materials shall match those of the existing dwelling as closely as possible
- 4 The window proposed in the first floor side elevation of the extension shall be fitted with obscure glazing, prior to the extension hereby approved being brought into use. The obscure glazing shall be installed in order to provide a level of obscurity at least equivalent to level [3, 4 and 5] on the Pilkington Glass scale and the glazing shall be retained as such thereafter.

- 5 The extension to the garage hereby approved shall be used solely for domestic purposes and shall not be used for any trade or business

29 Planning Appeals Lodged and Determined

The Committee considered Report No PM/02/18-19/AK of the Planning Manager – Development Management.

The following appeals have been lodged:-

Mr R Dawson – Application for notification of prior approval for a change of use from agricultural barn to two dwellings at Land To Rear Of 133-143 Holmley Lane, Dronfield (17/00670/CUPDMB)

Mr C Ward – Application for change of use of land for permanent siting of a mobile home to accommodate the site warden and a caravan to provide a base for a security guard at Campsite at Mill Farm, Crow Hole, Barlow (17/00709/FL)

Mr and Mrs Hall – Outline application with all matter reserved for the erection of a detached dwelling house (Conservation Area) at Land North Of The Woodlands, Main Road, Old Brampton (17/01055/OL)

Mr J Hill – Application for proposed underground leisure extension following removal of void under/around/to existing swimming pool. Addition of rooflight (flat). Sedum roof in lieu of pool cover and retention of existing pool apron or removal (Amended Scheme of 16/01281/FLH) at Reservoir House, Wilday Green Lane, Barlow (17/01324/FLH)

No appeals have been allowed, dismissed or withdrawn.

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

30 Section 106 Agreements

The Committee considered Report No PM/03/18-19/AK of the Planning Manager – Development Management.

Members noted that the information provided on Section 106 Agreements was very useful and requested that all Members be made aware of the availability of the information as part of the Planning Committee papers.

RESOLVED –

- (1) That the information contained within Appendices A and B to the report be noted.
- (2) That the contents of paragraph 1.1 to 1.10 of the report be noted and endorsed.
- (3) That the issues contained in the report continue to be reported to Planning Committee on an approximately quarterly basis.

31 Urgent Business

There was no urgent business considered at the meeting.

PLAN MINS(0605)/MD