

PLANNING COMMITTEE

MINUTES OF MEETING HELD ON 26 JUNE 2018

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PLANNING COMMITTEE

MINUTES OF MEETING HELD ON 26 JUNE 2018

Present:

Councillor H Laws	Chair
Councillor B Barnes	Vice-Chair
Councillor P Antcliff	Councillor A Holmes
“ W Armitage	“ C Hunt
“ S Boyle	“ S Peters
“ G Butler	“ B Ridgway
“ A Cooper	“ K Rouse
“ P Elliott	“ C Smith
“ R Hall	

Also Present:

Adrian Kirkham	- Planning Manager – Development Management
Philip Slater	- Principal Planning Officer
Jenny Owen	- Legal Executive
Donna Cairns	- Senior Governance Officer

66 Apologies for Absence and Substitutions

Apologies for absence were received from Councillors Cupit and Huckerby

There were no substitutes at this meeting.

67 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.

There were no declarations made at the meeting.

68 Minutes of Last Meeting

RESOLVED – That the Minutes of the last meeting of the Planning Committee held on 5 June 2018 be approved as a correct record and signed by the Chair.

69 Development Management Applications

The Committee considered Report No PM/04/18-19/AK of the Planning Manager – Development Management together with visual presentations for each of the following applications.

NED/18/00117/FL

Demolition of the existing dwelling and garage and the construction of two new detached dwellings with integral garages, creating new vehicular access on to Highstairs Lane (Amended Plans) Erzamine, Highstairs Lane, Stretton, Alfreton for Mr H and J Rowles.

Three 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 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.

Members agreed that the relevant policies of the Publication Draft Local Plan also be referred to in the grounds for refusing the application.

RESOLVED – That application number NED/18/00117/FL be refused, on the following grounds:

The proposal would result in development in the countryside and outside of the defined Settlement Development Limits of Stretton as defined in the North East Derbyshire Local Plan. The proposals, if granted, would result in a development that would be incongruous in scale, massing, design, and orientation, fail to be in keeping with, and represent a prominent intrusion into, the countryside and fail to conserve or enhance the natural environment.

Furthermore, while allowing for replacement dwellings in the countryside planning policy seeks to ensure such dwellings are not materially larger than the one it replaces or have a greater impact on its setting. By reason of its scale, massing, design, orientation and positioning in the site the new dwelling would be materially larger than the one it replaces and have a greater impact on its setting.

Overall, the proposals would result in significant harm to the landscape and countryside and be contrary to policies GS1, GS6, BE1, H3 and NE1 of the North East Derbyshire Local Plan, policies SS1, SS9, SDC12 and SDC3 of the North East Derbyshire Local Plan (2014 - 2034) Publication Draft and the National Planning Policy Framework when read as a whole.

NED/18/00444/FL

Retention of stable block not built in accordance with previously approved scheme 15/00227/FL at land opposite Farriers Cottage, Gynn Lane, Ashover for Mr Ludlam.

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

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 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 Special Landscape Area, the amenity of neighbouring users and highway safety. It was noted that matters relating to the change of use of the application site had already been approved under planning application 15/00227/FL and were not considered as part of this application.

Members agreed that a single horse box be permitted on the site and that recommended condition 7 be amended accordingly.

RESOLVED – That application number NED/18/00444/FL be approved, with the final wording of the conditions delegated to the Planning Manager, save for the amendment to allow one horse box to be located on site.

- 1 The development hereby approved shall be carried out in accordance with the details shown on the approved drawings and photographs:
 - o Proposed floor plan (dated 30 January 2018)
 - o Photo A Rev 1/2 (View from east)
 - o Photo B Rev 1 (View from south)
 - o Photo 2B Rev 1 (View from south)
 - o Photo C Rev 1 (View of eastern elevation)
 - o Photo D Rev 1 (View up close from west)
 - o Photo E Rev 1 (View from north)
 - o Photo F (View from Gynn Lane to the west)
 - o Photo G Rev 1 (View along back edge of building)
 - o Photo H Rev 2 (Roof)
 - o SB3A (Proposed Site Plan)
 - o SB/1A (Location Plan)

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.

- 2 The building hereby approved shall retained in a medium oak painted finish to the walls with a black roof for the lifetime of the development.

- 3 The boundary treatments hereby approved shall be provided in accordance with the scheme set out on the approved plan SB3A and retained as such for the lifetime of the development.
- 4 The Beech hedge planted along the eastern boundary of the application site between the points A and B on the attached plan shall be grown to and maintained at a minimum height of 1m for the lifetime of the development.
- 5 The lighting scheme hereby approved under 15/00834/DISCON shall be implemented and retained as such for the lifetime of the development.
- 6 The stables hereby approved shall be retained for private use only of the owner of Farriers Cottage and their immediate family and shall not be used for livery or commercial purposes.
- 7 Only one horse box shall be kept on site at any one time. No further horse boxes, trailers, containers, caravans, other vehicles or storage areas shall be located or stored on the application site.
- 8 Within 30 days of the date of this permission, all boundary treatments on the roadside boundary of the site between the points A and B on the enclosed plan shall be reduced to a height no greater than 1m. The boundary treatments in this location shall then be retained at a height no greater than 1m for the lifetime of the development.
- 9 The area shown on the approved plans as reserved for the parking and manoeuvring of vehicles shall be provided in accordance with the approved details and retained for those purposes for the lifetime of the development.
- 10 Any gates must be hung as to open inwards only.
- 11 Within 3 months of this decision, any trees planted within 5m of the carriageway edge shall be permanently removed. No further trees shall be planted within 5m of the carriageway edge to avoid obstructing exit visibility from the site.

NED/18/00334/FLH

Construction of a double garage with storage space above, attached carport/log store and glazed link to the existing dwelling (Revised scheme of 18/00002/FLH) (Amended Plans) at Wellspring Farm, Loads Road, Holymoorside for Mr R Palfreyman.

Members considered the application having regard to the impact of the proposal on the character and appearance of the site and the openness of the North East Derbyshire Green Belt along with the impact of the proposal upon the privacy and amenity of neighbouring occupiers.

Members requested that an additional condition be included to prevent windows being added to the northern elevation of the extension.

RESOLVED – That application number NED/18/00334/FLH be approved, with the final wording of the conditions delegated to the Planning Manager but to include the restriction preventing windows being added to the northern elevation of the extension.

- 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 revised drawing number 14-451-4 received 23/05/2018; 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.
- 3 The proposed materials shall match those of the existing building as closely as possible.
- 4 The garage hereby approved shall be only used for a purpose ancillary to the residential use of the dwelling known as Wellspring Farm and shall not be used as an independent dwelling or any commercial use without first obtaining planning permission.
- 5 Notwithstanding the provisions of Article 3(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any order revoking or re-enacting that Order), no windows shall be installed in the north facing elevation of the garage hereby approved.

70 Planning Appeals Lodged and Determined

The Committee considered Report No PM/05/18-19/AK of the Planning Manager – Development Management.

Mr Robert Gray – Application for construction of a detached triple garage with feed store (Conservation Area) at Warren House Farm, Main Road, Marsh Lane, Eckington (17/01032/FLH)

Mr A Rowland – Application for Application for change of use of land for keeping horses and the erection of a stable block and store room with concrete apron and roof canopy (Revised scheme of 17/00734/FL)(Conservation area) at Land North Of Main Road, Troway, Marsh Lane, Eckington (18/00136/FL)

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.

71 Urgent Business

The Chair consented to a request from a Member to submit a query relating to the Council's enforcement procedures and for an update in relation to a specific case. The reason for urgency was due to the delay that was considered to have occurred in relation to enforcement action previously agreed by the Committee.

The Planning Manager, echoed by Members of the Committee, praised the Council's planning enforcement officers for their hard work in dealing with the numerous enforcement cases reported to Officers by all stakeholders, including Members of the Council. He advised Members that the Council was not able to pre-emptively take

action against individuals or organisations for commencing developments without planning consent as this was not an offence.

The department also did not have the resourcing necessary to either pro-actively monitor approved schemes to ensure they are being undertaken in accordance with the approved plans and in accord with imposed conditions or investigate and enforce other issues.

In relation to the specific case referred to, the Planning Manager outlined the steps that had been taken to progress this, such as the drafting of the legal notice, and took responsibility for the length of time that had occurred in ensuring the enforcement notice that had now been issued was legally secure. An appeal had now been lodged against that notice.

The Committee were also advised that there was no legal requirement for the Council to have an enforcement policy. It was a recommendation in the National Planning Policy Framework that authorities consider publishing an enforcement plan, and this Council was in the process of preparing one, jointly with Bolsover District Council. The Planning Manager confirmed that the Council's enforcement officers cover only North East Derbyshire District and are not joint officers.

Members discussed the difficulty in controlling developments taking place without consent and the limitations and consequences of the available enforcement resources and options, including the potential compensation resulting from the issuing of stop notices.

It was suggested that a report on enforcement cases be submitted periodically to the Planning Committee to provide an update on the progress and successful actions that had been taken.

RESOLVED – that the information provided on the Council's enforcement procedures be noted.
