

PLANNING COMMITTEE

MINUTES OF SPECIAL MEETING HELD ON 2 OCTOBER 2018

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PLANNING COMMITTEE

MINUTES OF SPECIAL MEETING HELD ON 2 OCTOBER 2018

Present:

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

Substitutes Present:

Councillor J Ridgway - acted as substitute for Councillor C Smith

Also Present:

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

247 Apologies for Absence and Substitutions

Apologies for absence were received from Councillors P Antcliff, A Cooper, C Smith.

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

248 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 B Barnes declared a Disclosable Pecuniary Interest in Application No NED/17/00585/OL as he was the applicant and land owner. Councillor B Barnes exercised his right to speak in favour of the application and then left the room. He did not take part in the discussion or the vote.

Councillor C Cupit declared that she would not take part in Application No NED/17/00585/OL as she had already determined to object to the application. Councillor C Cupit spoke against the application and then left the room. She did not take part in the discussion or the vote.

249 Development Management Applications

The Committee considered Report No PM/10/18-19/AK of the Planning Manager – Development Management together with visual presentations for each of the following applications

NED/18/00505/OL

Outline application (all matters reserved except access) for residential development and associated infrastructure (Major Development/Departure from Development Plan/Affecting a public right of way) on land east of Little Morton Road, North Wingfield for David Wilson, William Wilson, Robert Wilson and Zafeen Limited.

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

Councillors J Barry and N Barker exercised their right to attend the meeting and spoke against the application.

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

Members considered the application having regard to the the suitability of the proposal in the location in policy terms, its effect on the character of the site and the surrounding area and landscape, its effect upon biodiversity and highway safety. Other considerations were archaeological, land contamination, amenity and flooding/drainage.

It was noted that due to further information from the Derbyshire Wildlife Trust, the second ground on which the recommended refusal was based was withdrawn. The officer recommendation was therefore that the application be refused on the grounds of the principle of development and also the impact on landscape and other features. It was proposed that the final wording of these grounds be delegated to the Planning Manager.

RESOLVED – That application number NED/18/00505/OL be refused on the grounds set out below, with the final wording of these grounds delegated to the Planning Manager.

1. The site is positioned beyond the Settlement Development Limit for North Wingfield. The proposed residential development would be unacceptable development in the countryside. There are no overriding exceptional circumstances that would justify the proposal. The development is, therefore, contrary to policies GS1, GS6 and H3 of the North East Derbyshire Local Plan and policies SS1, SS2 and SS9 of the North East Derbyshire Local Plan Publication Draft and the NPPF when read as whole.
2. The development would result in significant harm to local landscape character. It would form a prominent intrusion into the countryside and would not conserve local distinctiveness. It would result in the loss of distinctive characteristics and features such as historic field patterns and areas of hedgerow, which add value to the local landscape. It would not protect or enhance the landscape setting to

North Wingfield or the local Public Rights of Way Network. The development is therefore contrary to policies GS1, GS6, NE1 and NE7 of the North East Derbyshire Local Plan and policies SS1, SS9, SDC2 and SDC3 of the North East Derbyshire Local Plan Publication Draft.

NED/18/00273/FL

Proposed residential development comprising 23no. dwellings (Amended Plans/Amended Title) – Watercress Farm, Watercress Lane, Danesmoor, Chesterfield for Mr Adam Gilbert – Woodsett Homes Ltd.

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

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 this location in policy terms, the principle of development, its effect on the character of the area, highway considerations and the impact on residential amenity through a dominating and overlooking impact.

RESOLVED – That application number NED/18/00273/FL be approved subject to the signing of a Section 106 agreement and with the final wording of conditions delegated to the Planning Manager.

NED/17/00585/OL

Outline application with all matters reserved for residential development of land to the north of West Street, Stonebroom for Mr Barnes and Ms Smith (Major Development/Departure from the development plan/ affecting a public footpath).

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

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

Councillor B Barnes, the applicant, spoke in support of the application.

Councillors B Barnes and C Cupit then both left the room.

Members considered the application having regard to whether or not the principle of residential development was supported in the location having regard to the policies within the adopted Local Plan, the Publication Draft Local Plan and guidance within the NPPF, the affect of the development on the character of the site and surrounding area, its effect upon biodiversity and highway safety.

It was moved and seconded that the application be refused in accordance with the officer recommendation. On being put to the vote, the vote was tied. The chair exercised his casting vote and voted against the motion.

Members discussed that the site should be limited to single storey dwellings if approved.

It was moved and seconded that the application be approved for the reasons as set out below and with conditions to be delegated to the Planning Manager but to include a condition to limit the dwellings on the site to single storeys. On being put to the vote, the vote was tied. The Chair exercised his casting vote and voted in favour of the motion. It was therefore,

RESOLVED – That application number NED/17/00585/OL be approved contrary to officer recommendation on the grounds set out below, subject to the signing of a Section 106 legal agreement and the final wording of conditions delegated to the Planning Manager but to include a condition restricting the dwellings on site to single storeys.

The application does not comply with the policies of the development plan but it is otherwise acceptable as there is no negative impact on the countryside or local landscape, there are no overriding technical reasons to refuse the application and there will be no impact on the local ecological interest occupying the site.

Councillor B Barnes and C Cupit returned to the meeting.

NED/18/00353/FL

Demolition of existing farm store/garage and construction of new single storey and two storey extensions to extend dining area, create new kitchen, new front entrance canopy, new raised terrace and construction of a new standalone tractor store (Affecting a public right of way) – Peak Edge Hotel, Darley Road, Stonedge, Ashover for Mr Seb Perez.

The Committee were advised that a site visit had not taken place contrary to what was indicated on the application report.

The applicant exercised their right to attend the meeting and spoke in support of the application.

Members considered the application having regard to the impact on the character of the area, residential amenity, highway safety and impacts on the rural economy.

RESOLVED – That application number NED/18/00353/FL be approved with the final wording of conditions delegated to the Planning Manager.

- 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 amended plans, as outlined below:

4432 A 02 002 rev E
4432 A 02 004 rev G
4432 A 02 006 rev B
4432 A 02 007 rev E

4432 A 02 008 rev G
4432 A 02 009 rev A
4432 A 02 010 rev B
4432 A 02 011 rev -

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 Before development starts, precise specifications (including the manufacturer, range and colour details where applicable) or samples of the walling and roofing materials to be used, shall be made available on site for inspection, and subsequent written approval, 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.
- 4 Before the kitchen and bistro extension is brought into use, the area shown on the approved plans as reserved for parking, garaging, circulation and standing of vehicles shall be provided in accordance with the approved details. Thereafter the area shall be used for those purposes only and maintained free from any impediment to its designated use.
- 5 No demolition works shall take place between 1st March and 31st August inclusive, unless a recent check has been undertaken by a competent ecologist to assess the nesting bird activity during this period and details of measures to protect the nesting bird interest on the site have first been submitted to and approved in writing by the Local Planning Authority and then implemented as approved.
- 6 Prior to above ground works commencing, details of bird and bat boxes (positions/specification/numbers) shall be submitted to and approved in writing by the Local Planning Authority; such approved measures shall be implemented in full and maintained thereafter.

NED/18/00683/FL

Conversion of existing stables to 1no dwelling at Stable Mallett, Main Road, Holmesfield for Ayre Mallett and Co Ltd.

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, impact on the privacy and amenity of neighbours, and highway safety issues.

RESOLVED – That application number NED/18/00683/FL be refused contrary to officer recommendation on the grounds set out below.

The application site is located in the North Derbyshire Green Belt. In such locations the change of use of buildings and material changes in the use of land are only appropriate development if they would preserve the openness of the Green Belt and not conflict with the purposes of including land within it.

In this case a large curtilage is proposed to serve the new dwelling. The change of use, when taken in association with the curtilage to be created and the domestic paraphernalia and activity that would be located in and take place there, would fail to preserve the openness of the Green Belt and unacceptably encroach into the countryside, the safeguarding of which constitutes one of the 5 purposes of Green Belts.

As such, the proposal would be contrary to polices GS1, GS2, GS6, H3 and H12 of the North East Derbyshire Local Plan, policies SS1, SS9, SS10, SDC1 and SDC12 of the North East Derbyshire local Plan (Publication Draft) (2014 – 2034) and the NPPF when read as a whole.

250 Urgent Business

There were no urgent business considered at the meeting.