

PLANNING COMMITTEE

MINUTES OF MEETING HELD ON TUESDAY 9 JULY 2019

Present:

Councillor Diana Ruff (Chair)
Councillor Pat Antcliff (Vice-Chair)

Councillor William Armitage
Councillor Andrew Cooper
Councillor Peter Elliott
Councillor David Hancock
Councillor Heather Liggett
Councillor Tracy Reader
Councillor Bette Hill
Councillor Philip Wright

Councillor Jayne Barry
Councillor Stephen Clough
Councillor Roger Hall
Councillor Maggie Jones
Councillor Alan Powell
Councillor Kathy Rouse
Councillor Oscar Gomez Reaney

Also Present:

A Kirkham	Planning Manager - Development Management
Phil Slater	Principal Planning Officer
Jim Fieldsend	Legal Team Manager (non contentious)
A Maher	Senior Governance Officer

96 Apologies for Absence and Substitutions

Apologies for absence were received from Councillors C Huckerby, C Hunt and M Potts.

The meeting was advised that Councillors O Gomez-Reaney, M Jones and P Wright would act as substitutes for those Members who had given apologies.

97 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 of interest.

98 Minutes of Last Meeting

RESOLVED – That the Minutes of the last meeting of the Planning Committee held on 4 June 2019 be approved as a correct record and signed by the Chair.

99 Reports of the Planning Manager - Development Management

The Committee considered Report No PM/4/19-20/AK of the Planning Manager – Development Management together with visual presentations for each of the

following applications.

NED/19/00056/OL

Outline application (all matters other than access reserved for further approval) for the erection of 24 dwellings, new access and provision of open space (revised scheme of NED/17/01243/OL) (Major development) (Departure from Development Plan) (affecting setting of Listed Building/Conservation Area)(Amended Plans/Amended Title) land north of Chesterfield Road, Shirland for Green4 Developments Limited.

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 was circulated on the day of the meeting/were read out at the meeting.

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

The 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 Higham Conservation Area, the amenity of neighbouring uses and highway safety issues.

RESOLVED – That application number NED/19/00056/OL be refused contrary to officer advice on the grounds that:-

- (1) The proposal would result in development in the countryside as defined in the North East Derbyshire Local Plan. The site comprises an area of land with boundaries delineated by hedgerows and trees and forms open land between settlements.

The proposals if granted would result in the 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 loss of open agricultural land valued as an integral part of the rural setting of Higham.

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, BE1 and NE1 of the North East Derbyshire Local Plan policies SS1, SS9, SDC3 and SDC 12 of the North East Derbyshire Local Plan 2014-2034 (Publication Draft) as well as the National Planning Policy Framework when read as a whole.

NED/19/00368/RM

Submission of reserved matters details for the layout, scale and appearance of the dwelling, the means of access and the landscaping of the site, including the scheme for mitigating climate change, levels plans and access and parking details as required under conditions 2, 3, 5, 8 and 9 of outline permission 17/00030/OL at land 50 metres west of 1 and 2 Overton Lodge, Jetting Street, Milltown, Ashover for Mr P Barltrop – Stenfold Resources Ltd.

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 was circulated on the day of the meeting/were read out at the meeting.

The 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.

RESOLVED – That application number NED/19/00368/RM be approved in accordance with officer recommendations, with the final wording of conditions delegated to the Planning Manager.

- 1 The development hereby approved shall be carried out in accordance with the details shown on the following drawings 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:
 - o 19-007-P-001 Rev B (Site Location Plan)
 - o 19-007-P-002 Rev B (Proposed Site Plan)
 - o 19-007-P-003 Rev A (Proposed Plans)
 - o 19-007-P-004 Rev B (Proposed Elevations)
 - o 19-007-P-005 Rev A (Proposed Levels Section)
 - o 0805.001 (Planting Plan)
 - o 19-007-D-001 (Flush Eaves Detail)
 - o Sustainability statement
- 2 The dwelling hereby approved shall be constructed from reclaimed sandstone and natural blue slate, in accordance with the details provided on the email from Charlotte Stainton, dated 21st June 2019 and to match the samples provided to the Council offices on 24th June 2019.
- 3 The lintels, sills and jamb detailing shall be finished in natural sandstone, all in accordance with the approved plans and details provided in the email from Charlotte Stainton dated 24th June 2019.

- 4 The mortar mix to be used on the development hereby approved shall be in accordance with the details provided on the email from Charlotte Stainton, dated 21st June 2019.
- 5 Windows and doors shall be set back 100mm from the face of the stonework and shall be constructed in painted timber and maintained as such thereafter.
- 6 The rainwater goods to be used on the development hereby approved shall be in accordance with the details provided on the email from Charlotte Stainton, dated 21st June 2019 and in accordance with drawings 19-007-D-001 and 19-007-P-004 Rev B.
- 7 With exception of the windows shown on the approved plans and notwithstanding the provisions of Article 3(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any Order revoking and re-enacting that Order), no further openings shall be installed in the dwelling.
- 8 Notwithstanding the provisions of Article 3(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any Order revoking and re-enacting that Order) no extensions (Part 1, Class A), dormer windows (Part 1, Class B), alterations to the roof (Part 1, Class C), curtilage buildings (Part 1, Class E), means of enclosure (Part 2, Class A) shall be erected without first obtaining planning permission.
- 9 Before the dwelling hereby approved is first occupied, the area shown on the approved plans as reserved for parking, 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.
- 10 Before the dwelling hereby approved is first occupied, the existing vehicular access onto Jetting Street shall be provided with a 2.4m parallel visibility sightline across the entire application site frontage with Jetting Street in accordance with the approved drawings, the area in advance of the sightlines being kept clear, in perpetuity, of any obstructions in excess of 1m, measured above the adjacent carriageway channel.

NED/19/00385/FL

Application for retention of existing canvas and timber frame tent at Press Manor Fishing Lakes, Birkin Lane, Ashover, Chesterfield for Press Manor Fisheries.

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 was circulated on the day of the meeting/were read out at the meeting.

The applicants exercised their right to attend the meeting.

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 countryside, the amenity of neighbouring residents and land uses, its ecological impact on a designated wildlife site and highway safety issues.

RESOLVED – That application number NED/19/00385/FL be approved in accordance with officer recommendations, with the final wording of conditions delegated to the Planning Manager.

- 1 The development hereby permitted shall be started within three years from the date of this permission.
- 2 The development hereby approved shall be carried out in accordance with the details shown on the following drawings 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:
 - o DRG.02A (Block, Floor and Elevation Plans)
 - o DRG.01 (Location Plan)
- 3 Notwithstanding the provisions of Part C, Class C3 "Dwelling House" to the Schedule of the Town and Country Planning (Use Classes) Order 1987, (or any Order revoking or re-enacting that Order), the premises shall be used for the purpose of holiday accommodation only and for no other purpose, including any other purpose within Class C3 of the Order. The property shall not be occupied by any persons for a total period exceeding 28 days in any calendar year. The owner shall maintain an up to date register of the name of all occupiers of the accommodation and their home addresses, and shall make this register available to the Local Planning Authority within 14 days of the receipt of any written request.
- 4 Within 14 days of the date of this decision, the area shown on the approved plans as reserved for the parking, circulation and standing of vehicles shall be provided in accordance with the approved details. Thereafter the area shall be used for those purposes only.
- 5 Within one month of the date of this permission, the applicant shall submit for approval in writing by the Local Planning Authority, a scheme of grassland re-seeding for the area of grassland to the north of the Local Wildlife Site, as identified on the attached 'Wildlife Plan'. The re-seeding scheme shall include details of scarifying, seeding, frequency of grass cutting and grassland management for a minimum period of ten years. The approved scheme shall then be implemented in full and the grassland managed in accordance with the approved grassland management scheme.
- 6 The outdoor amenity area associated with the safari tent hereby approved shall be restricted to that on the attached 'Wildlife Plan'. Occupants of the safari tent shall not use the area outside of this as a general outdoor amenity area.

- 7 Within one month of the date of this decision, the post and rail boundary treatments illustrated on the approved plan, drawing DRG.02A shall be implemented in full in accordance with the approved details and retained as such for the lifetime of the development.
- 8 The safari tent hereby approved shall have no external lighting.

NED/19/00391/FL

Change of use of paddock for the keeping of one horse and the retention of a chicken coop (Amended Title) at Cherry Tree Cottage, Alton Hill, Chesterfield S42 6AW for Mr & Mrs Leyland.

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 was circulated on the day of the meeting/were read out at the meeting.

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

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

Members considered the application having regard to the impact of the development on the character of the area and surrounding landscape and residential amenity.

RESOLVED – That application number NED/19/00391/FL be approved in accordance with officer recommendations, with the final wording of conditions delegated to the Planning Manager.

NED/19/00370/FLH

Change of use of part of woodland to domestic garden for retention of a summerhouse at 4 Highdale Fold, Dronfield S18 1TA for Mr Frazer Allen.

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 was circulated on the day of the meeting/were read out at the meeting.

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 of the proposal upon the privacy and amenity of neighbouring occupiers, impact of the proposal on the character and appearance of the site and the surrounding area and the potential impact of the proposal on the protected species living within the adjacent woodland.

RESOLVED – That application number NED/19/00370/FLH be approved in line with officer recommendations, with the final wording of conditions delegated to the

Planning Manager.

No conditions - but advisory note – that any development in the area outside the domestic curtilage requires the prior grant of planning permission.

100 Planning Appeals Lodged and Determined

The Committee considered Report No PM/5/19-20/AK of the Planning Manager – Development Management.

The following appeals had been allowed:-

Midlands Biomass Solutions Ltd – Erection of timber drying facility and change of use of agricultural building for associated storage purposes with improvements to access track (Amended Details) at Averill Farm, Evershill Lane, Morton (18/00359/FL)

Enforcement Appeals Allowed

Marsh Green Estates – Enforcement Notice Appeal - Renovation work to derelict building at Henstone Barn, Cripton Lane, Ashover (17/00139/OD)

A claim for costs was dismissed.

The following appeal had been dismissed:-

Mr Hadfield – Construction of a two-storey side extension, first floor extension over existing single-storey part of dwelling and erection of porch to front elevation at Brindwood House, Millthorpe Lane, Holmesfield (18/01221/FLH)

A claim for costs was dismissed

No appeals have been lodged or withdrawn.

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

101 Matters of Urgency

There was no urgent business.