

## **PLANNING COMMITTEE**

### **MINUTES OF MEETING HELD ON TUESDAY, 12 JANUARY 2021**

#### **Present:**

Councillor Diana Ruff (Chair) (in the Chair)

Councillor William Armitage  
Councillor Mark Foster  
Councillor Alan Powell  
Councillor Jacqueline Ridgway  
Councillor Ross Shipman

Councillor Andrew Cooper  
Councillor Maureen Potts  
Councillor Tracy Reader  
Councillor Kathy Rouse  
Councillor Heather Liggett

#### **Also Present:**

A Kirkham	Planning Manager - Development Management
Cartwright	Senior Planning Officer
J Fieldsend	Legal Team Manager (non contentious)
A Maher	Senior Governance Officer
M E Derbyshire	Members ICT & Training Officer

#### **PLA/ Apologies for Absence and Substitutions**

**65/2**

**0-21** Apologies were received from Councillor Carol Huckerby who was substituted by Councillor Heather Liggett. Apologies were also received from Councillor Jayne Barry and Councillor Peter Elliott.

#### **PLA/ Declarations of Interest**

**66/2**

**0-21** Councillor Heather Liggett declared an interest in Item 6. NED 20/00535/FL - Stretton in that she intended to speak on the application in her capacity as a Ward Councillor. She confirmed that following any questions from Members she would then take no further part in the committee's deliberations on this application.

#### **PLA/ Minutes of the Last Meeting**

**67/2**

**0-21** The minutes of the Planning Committee held on 15 December 2020 were APPROVED as a correct record.

#### **PLA/ NED/20/00484/FL - Ashover Hay**

**68/2**

**0-21** The Planning Officer presented the report and drew Members attention to the late updates report and comments from the Derbyshire Wildlife Trust. The Planning Manager confirmed that a preliminary ecological appraisal had neither been received nor requested from the applicant, as it was the view of Officers that to undertake such a survey for a small scale application would be neither appropriate nor proportionate and that any limited impact on ecology could be mitigated through conditions.

Verbal representations were heard in objection from Councillor Mike Thomas

(Ashover Parish Council), Emma King, Andrew King, Martin Howe, Susan Howe, Eileen Bagshaw, Philip Wilson and Alison Sparks. Representations were heard in support of the application from the Applicant's Agent, Ian Goodwin.

Members had the opportunity to question speakers and officers. The application was discussed in length, including confirmation from the Legal Officer that it is not a requirement for a survey to be undertaken if Officers believe the development would not affect relevant species, and therefore it would not be unlawful not to have a survey. The Planning Manager confirmed that planning policies do not preclude development from taking place but rather, they are taken into account when assessing an application against the relevant policies. He also clarified that the current use of land is for keeping horses, however, any land may be used for agricultural purposes without the granting of planning permission and that the appearance of the land is not a determining factor.

Following the discussion, Councillor Armitage moved a motion to refuse the application contrary to Officer's recommendations in that the application is considered unacceptable as by reason of the proposed building's location, scale, and design, and the consequent loss of, and impact on, dry stone walls it would have an adverse impact on the character and visual amenity of the area contrary to policies GS6, BE1, NE1 and NE2 of the North East Derbyshire Local Plan, policies SS9, SDC12, and SDC3 of the North East Derbyshire Local Plan (2014- 2034) Publication Draft, policies AP2, AP11, AP13 and AP16 of the Ashover Neighbourhood Plan and the policies of the National Planning Policy Framework when read as a whole. This was seconded by Councillor Foster.

**RESOLVED –**

That the application be REFUSED, contrary to Officer Recommendations, for the reasons detailed above with the final wording delegated to the Planning Manager in consultation with the Chair and Vice Chair of the Committee.

**PLA/ NED/19/00907/OL - Calow**

**69/2**

**0-21**

The Planning Manager presented the report and drew Members attention to the late updates report and the S106 request from Chesterfield Hospital. He noted that as amended the proposal is now in line with the Council's requirements and that the application is seeking to amend condition 4 of the current extant permission on the site, and/or the inclusion of 20% affordable housing under a S106 agreement.

Representations were heard in support of the application from the Applicant's Agent, Charles Dunn.

**RESOLVED –**

- (a) That the application be APPROVED in line with Officer Recommendations, with the additional requirement as per the request of the Chesterfield Hospital to be included in the accompanying Section 106.

- (b) That determination of the final conditions for approval be delegated to the Planning Manager (Development).

**PLA/ NED/20/00535/FL - Stretton**

**70/2**

**0-21**

The Planning Manager presented the report and drew Members attention to the late updates report. He noted that the application seeks assent for 40 holiday lodges and provision of leisure facilities which, although contrary to the extant Local Plan, is in accordance with the publication Draft Local Plan and the NPPF. He noted that the Applicant is seeking to have no time limits on the length the caravans could be occupied but that Officers felt a condition restricting the length of occupancy is deemed appropriate to avoid year-long residency. The suggested condition was to limit occupation to 24 weeks in a 52 week rolling period but it was noted that a stricter provision could be included that no person should occupy a lodge for more than a four weeks, for 24 weeks in a 52 week period.

Representations were heard in objection from Councillor Heather Liggett – Ward Member, who then left the virtual meeting room for the remainder of the discussion and the vote.

Representations were heard in support of the application from the Applicant's Agent, Peter Griffiths.

Members had the opportunity to question speakers and officers. The application was discussed in length. Following the discussion, Councillor Foster moved a motion to refuse by reason that the application is considered unacceptable as the provision of holiday lodges in this instance would be tantamount to the creation of new housing in an area where new housing would represent unsustainable development as there is no practical and reasonable way in which the occupation of the new units could be controlled.

The provision of the lodges would have an adverse impact on the character and appearance of the area and fail to protect and enhance the countryside in this location and any benefits of the scheme would not outweigh the harm caused.

As such the proposal is contrary to policies GS6 E10, E11 and E12 of the North East Derbyshire Local Plan, policies SS9, WC6 and WC7 of the North East Derbyshire Local Plan (2014- 2034) Publication Draft (and as amended in Main Modifications) and the policies of the National Planning Policy Framework when read as a whole.

This was seconded by Councillor Armitage.

**RESOLVED –**

That the application be REFUSED, contrary to Officer Recommendations, for the reasons detailed above with the final wording delegated to the Planning Manager in consultation with the Chair and Vice Chair of the Committee.

**PLA/ NED/20/00978/OL - Renishaw**

**71/2**

**0-21**

The Planning Manager presented the report and drew Members attention to the late updates report. He noted that this was an outline application with all matters reserved except for access, at this stage.

Representations were heard in objection from Samantha Farnsworth. Representations were heard in support of the application from the Applicant's Agent, Linda Trollope.

Members had the opportunity to question speakers and officers.

Councillor Shipman moved a motion to add an additional condition to require a 2 metre high fence (or similar) on the Southern, Western and Northern site boundaries. This was seconded by Councillor Armitage.

**RESOLVED –**

(a) That the application be APPROVED in line with Officer Recommendations with the additional condition stating that:

Prior to the first occupation of any dwelling, hereby approved and constructed on the site, a 2 metre high fence, wall or similar, the details of which shall have first been submitted to and been approved in writing by the Local Planning Authority, shall be constructed/erected on the site's western, southern and northern boundaries. The approved means of enclosure shall then be retained as agreed thereafter.

(b) That determination of the final conditions for approval be delegated to the Planning Manager (Development).

**PLA/ Planning Appeals - Lodged and Determined**

**72/2**

**0-21**

The report to Committee gave details of those Planning Appeals which had been lodged and determined. Members heard that two appeals had been lodged, one had been allowed and that one had been dismissed.

**Appeals Lodged**

Stenfold Resources Ltd – Outline application (all matters reserved) for the erection of one detached dwelling (affecting setting of a listed building) at Land Between Overton Lodge And Brookside Cottage, Fallgate, Milltown, Ashover (20/00166/OL)

Glen Gent – Change of use of double garage to beauty salon at 11 Wellington Park, Shirland (20/00500/FL)

**Appeal Allowed**

Mr & Mrs Kavanagh – Construction of detached 2 bed bungalow (revised scheme of 18/00685/FL)(Amended Plans) at 17 Green Lea, Dronfield Woodhouse

(19/00988/FL)

Appeal Dismissed

Mr J Cash – Construction of detached two storey two bed dwelling (revised scheme of 18/00251/OL) at The Angel Inn , 127 Rotherham Road, Killamarsh (20/00182/FL)

RESOLVED - The Committee noted the report.

**PLA/ Matters of Urgency**

**73/2**

**0-21**

There were no matters of urgency to consider. The Chairman noted that an officer would be providing training to the Committee regarding the work of the Highways Service and that if any Members had any specific training items or questions they wished to consider to please let her and Councillor Foster know.