

## **PLANNING COMMITTEE**

### **MINUTES OF MEETING HELD ON TUESDAY, 31 MAY 2022**

#### **Present:**

Councillor Alan Powell (in the Chair)

Councillor William Armitage  
Councillor Peter Elliott  
Councillor Roger Hall  
Councillor Maggie Jones  
Councillor Kathy Rouse

Councillor Andrew Cooper  
Councillor Mark Foster  
Councillor Lee Hartshorne  
Councillor Heather Liggett

#### **Also Present:**

A Kirkham	Planning Manager - Development Management
J Hawley	Principal Planning Enforcement Officer
F Todd	Senior Planning Enforcement Officer
J Edwards	Planning Technician Administrator
J Owen	Chartered Legal Executive
A Maher	Interim Governance Manager
A Bond	Governance Officer
M E Derbyshire	Members ICT & Training Officer

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

**1/22-**

**23** Apologies were received from Councillor D Ruff, Councillor D Hancock and Councillor J Ridgway.

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

**2/22-**

**23** There were no Declarations of Interest.

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

**3/22-**

**23** RESOLVED - The minutes of the meeting held on Tuesday 17 May 2022 were approved as a true record.

#### **PLA/ NED/22/00198/FL - STRETTON**

**4/22-**

**23** The report to Committee explained that a 'Section 73' Application had been submitted to substitute the existing plans, previously agreed by the Committee, with amended plans at Erzamine, High Street Lane, Stretton. Under these amended plans the plot for the new building would be re-located further west on the site, to that originally agreed. The Application had been referred to Committee at request of Councillor W Armitage, who had raised concerns about it.

Planning Committee was recommended to approve the Application, subject to the conditions set out in the report.

The report to Committee explained why Members were asked to approve the

recommendations. Re-positioning the plot would not alter the design, scale or massing of the new building. As such, Officers believed that the change would not have an unduly significant detrimental impact on the neighbouring property. Although the new dwelling would be closer to it, they contended that sufficient space would continue to exist between them and that no 'overlook' of the existing dwelling would be created.

Before Members discussed the Application those registered to speak were asked to address the Committee. S Ross objected to the Application. The Applicant, J Rowles, spoke in support of it.

Committee considered the Application. It took into account the previous planning history. Committee heard how the principle of residential development on the site in a countryside location had been accepted when planning permission had been granted for the original application NED/18/00801/FL. Committee considered the impact on the proposed change on the character of the surrounding area. It also took into account the implications of the changed plans on the Residential Amenity of neighbouring properties.

Members discussed the Application. They reflected on the original planning permission granted for the site. They considered the reasons for the proposed changes. In particular, they heard how under the revised plans a larger back garden area to the rear of the new property would be created. Some Members queried why the requirement for a larger back garden had not been taken into account when the original plans had been submitted.

Members also discussed what impact the proposed relocation of the plot would have on the amenity of neighbouring property, including its visual impact. They considered whether this could be ameliorated through the imposition of appropriate conditions, such as the addition of mature vegetation or other appropriate screening. During the discussion some Members expressed their concern that because of the topography of the site, the new dwelling might now appear overbearing to the neighbouring property. They did not think that this would be acceptable. Committee was reminded in this context of policy SDC12, to protect the amenity of existing occupiers when agreeing new developments

At the conclusion of the discussion, Councillor W Armitage and Councillor M Foster moved and seconded a motion to reject the Application, contrary to officer recommendations. The motion was put to the vote and was agreed.

#### RESOLVED -

That the Application be refused, contrary to officer recommendations.

#### Reasons

1. The proposal is considered unacceptable as by reason of its scale and location the dwelling proposed on plot 1 would be prominent, overbearing and adversely affect the residential amenity and living conditions of the occupiers of Moorfields contrary to North East Derbyshire Local Plan policies SS1, SS2, SS9, SDC3 and SDC12.

**PLA/ NED/22/00244/FL - ASHOVER**

**5/22-  
23**

The report to Committee explained that a retrospective Application had been submitted for the construction of a garage with store at Croftonvale, Alton Lane, Littlemoor, Ashover. The Application had been referred to Committee at the request of Ward Councillor W Armitage, who had raised concerns about it.

Planning Committee was recommended to approve the Application without condition.

The report to Committee explained why Members were asked to approve the recommendation. Officers had concluded that the building did not harm the character of the local area and that it had not impacted significantly on the residential amenity of the neighbouring property. The building was in line with the Development Plan and the relevant national and local planning policies. As such, it constituted an acceptable development. Officers felt that retrospective planning permission should now be granted and that no conditions on this approval would be required.

Before Members discussed the Application T.H Sanderson, who objected to the Application, was asked to address the Committee.

Committee considered the Application. It took into account the Principle of Development and in particular, the site's location in the open countryside. It considered whether the development would be in line with Local Plan Policy SS9, which supports developments that respects the form, scale and character of the landscape and SDC22, requiring new developments to make a positive contribution to the quality of the local environment. Committee also took into account Ashover Neighbourhood Policy APW2, to protect the countryside setting of Littlemoor.

Members discussed the Application. They considered the location of the garage and store. They heard how the rear of the building had been cut into the landscape, which had reduced its visibility and that a new stone wall been constructed, separating the site from the open countryside. Members also heard about the former buildings on the site and, specifically, how the location of the former garage differed from that of the garage store.

Member discussed what impact the garage store had had on the residential amenity of the neighbouring property. They considered the distances between the properties and whether the garage store overlooked the neighbouring property. In this context, Members heard how the building could only be viewed from certain parts of the neighbouring garden because of mature vegetation. Members also heard about other works which had been carried out on the site. They were reminded that these other works were not pertinent to the Committee's determination on this Application.

At the conclusion of the discussion Councillor P Elliot and Councillor W Armitage moved and seconded a motion to approve officer recommendations.

The motion was put to the vote and was agreed

RESOLVED -

- (1) That the Application be approved, in line with officer recommendations.
- (2) That in line with officer recommendations no conditions be placed on the approval.

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

**6/22-  
23**

The report to Committee informed Members that four appeals had been lodged. No appeals had been allowed, dismissed or withdrawn.

**PLA/ Planning Enforcement Service Progress Report**

**7/22-  
23**

The report to Committee summarised the work of the Council's Planning Enforcement Service. Members were reminded that the Council had provided additional resources, so that additional planning enforcement action could be taken. This had helped to reduce the backlog of outstanding cases which had built up.

The Planning Enforcement Service staff were introduced to the Committee. They explained their work and the enforcement action taken by the Service.

Committee discussed the report. Some Members welcomed the additional resources, which the Council had provided for Planning Enforcement Work. They asked that the Committee put on record its thanks to the Planning Enforcement Officers for the good progress that had been made. Committee assented to this.

RESOLVED -

That the report and workload information on the Planning Enforcement Service be noted (by acclamation).

**PLA/ Matters of Urgency**

**8/22-  
23**

None.