

## **PLANNING COMMITTEE**

### **MINUTES OF MEETING HELD ON TUESDAY, 26 JULY 2022**

#### **Present:**

Councillor Diana Ruff (Chair) (in the Chair)  
Councillor Alan Powell (Vice-Chair)

Councillor Pat Antcliff  
Councillor Peter Elliott  
Councillor Roger Hall  
Councillor Maggie Jones  
Councillor Kathy Rouse

Councillor Andrew Cooper  
Councillor Mark Foster  
Councillor David Hancock  
Councillor Heather Liggett

#### **Also Present:**

R Purcell	Assistant Director of Planning
E Cartwright	Senior Planning Officer
P Slater	Principal Planning Officer
J Fieldsend	Legal Team Manager (non contentious)
L Ingram	Legal Team Manager - Contentious Team
M E Derbyshire	Members ICT & Training Officer
A Bond	Governance Officer
A Maher	Interim Governance Manager

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

**20/2**

**2-23** Apologies for absence were received from Councillor W Armitage, who was substituted by Councillor P Antcliff. Apologies for absence were also received by Councillor L Hartshorne.

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

**21/2**

**2-23** There were no Declarations of Interest.

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

**22/2**

**2-23** The minutes of the meeting held on Tuesday 26 July 2022 were approved as a true record.

#### **PLA/ NED/22/00519/FL - CLAY CROSS**

**23/2**

**2-23** The report to Committee explained that an Application had been submitted for the change of use of a commercial unit at the Church View Business Park, Clay Cross, into a pet crematorium (sui generis use). The Application also included an associated flue, warehousing and offices. This was a revised scheme of application 22/00195/FL, for which planning permission had not been granted. It had been referred to Committee by Councillor R Shipman, who had raised issues about it.

Planning Committee was recommended to refuse the Application. The report to

Committee explained the reasons for this.

Members were reminded that the site was located in the Church View Business Park, which formed part of the Coney Green 'Principal Employment Area'. These areas had been designated across the District for general industry, storage and distribution, light industrial and research and development purposes. Through the Local Plan, the Council sought to prevent them being used for other activities. These other activities, it was explained, should only be allowed if they were ancillary to the main use of the site and if they would not prejudice its future functioning or the viability of employment use on the site or nearby employment sites.

Officers had concluded that the proposed pet crematorium would not fall into one of these industrial categories or be an ancillary activity. Consequently, locating the facility on the site would be an inappropriate use. In particular, they were concerned about the impact which the facility would have on the rest of the Business Park and whether it might discourage other suitable industrial users from locating or remaining there.

Before the Committee discussed the Application those registered to speak were asked to address the Committee. R Slack, the Applicant and C Stainton, the Agent for the Application, spoke in support of it. No one had registered to speak against the Application.

Planning Committee considered the Application. It took into account the relevant Planning Issues, including the Principle of Development and the location of the site within the defined settlement limit for Clay Cross. Committee considered the status of the Church View Business Park as part of the Coney Green Principal Employment Area. It took into account Local Plan Policy WC2, which sets out the Council's approach to protecting Principal Employment Areas for use for 'Class B' development, such as general industrial use (Use Class B2), storage and distribution uses (Use Class B8), and office, light industrial and research and development uses (Use Class E(g)), only. It also considered Local Plan Policy WC3, which covers other commercial uses.

Members discussed the report. They heard about the scope of the business, the likely volume of cremations it would undertake and the processes involved, including the emissions of heat and other by-products. Members considered existing industrial uses within the business park and whether these fell into the categories covered by 'Class B'. They also discussed how they differed from uses on neighbouring, but separate, sites, which had not been designated as Principal Employment Areas.

Some Members queried whether in terms of the Council's planning policies the proposed crematorium could be classed as an appropriate development for the Church View Business Park site. They questioned whether it should be located on another site, designated for non-Class B industrial uses, as defined under Local Plan Policy WC3. Members also heard about the difficulties which the Applicants had experienced in identifying suitable alternative accommodation for their business. Committee reflected on whether this would be a sufficient reason not to comply with Local Plan Policy WC2 and what the implications of using a Principal Employment Areas for other commercial activities might be.

At the conclusion of the discussion, Councillor R Hall and Councillor D Ruff moved and seconded a motion to approve officer recommendations and to reject the Application.

The motion was put to the vote and was approved.

## RESOLVED

That the Application be refused, in line with officer recommendations.

### Reasons

The application site is situated within the Coney Green Principal Employment Area.

Local Plan Policy WC2 sets out the Council's approach to protecting the Principal Employment Areas within the District. The policy protects these areas for general industrial use (Use Class B2), storage and distribution uses (Use Class B8), and office, light industrial and research and development uses (Use Class E (g)) only. Other employment generating uses will only be permitted in these Principal Employment Areas where they would both be ancillary to the main use on the application site and would not prejudice the future functioning or viability of employment use on the site or nearby employment sites.

The sites identified in policy WC2 are so noted due to the important contribution the sites make to the local and strategic portfolio of B Class employment and it seeks to retain them for this purpose rather than for other peripheral commercial uses not directly falling within the normal commercial and employment uses. Importantly it provides areas where such uses can operate without the risk of causing undue noise and disturbance to neighbouring uses.

The proposal seeks a change of use to a Pet Crematorium (Sui Generis use). The use of the site for this purpose would be directly contrary to the provisions of the Development Plan, prejudice the Council's ability to deliver commercial development on appropriate sites and reduce the Council's employment land through its use for other non-mainstreamed commercial uses.

There are no other material considerations to outweigh the harm caused to the development plan and so the application is unacceptable and contrary to policy WC2 of the North East Derbyshire Local Plan.

### **PLA/ NED/22/00508/FL - HIGHAM**

**24/2**

**2-23**

The report to Committee explained that an Application had been submitted to remove Condition 12 (Removal of Permitted Development), pursuant to 97/00521/FL at The Barn Corner Farm, Main Road, in Higham. The Application had been referred to Committee by Councillor R Shipman, who had raised concerns about it.

Planning Committee was recommended to refuse the Application. The report to Committee explained the reasons for this.

Members were informed that the property had been designated as a Heritage Asset. They were advised that the Condition had allowed the Council, as Local Planning Authority, to consider and if necessary prevent developments that would have an adverse impact on it. Officers felt that that this Condition protected the Heritage Asset, that it continued to be reasonable and that it should be retained. The report also pointed out that the Condition was in line with the National Planning Policy Framework (NPPF) and the relevant Local Plan Policies.

Before the Committee discussed the Application the Applicant, F Cropper, spoke in support of it. No one had registered to speak against the Application.

Committee considered the Application. It took into account the relevant Planning Issues. These included the Principle of Development, which had been accepted with the grant of planning permission under Planning Reference 97/00521/FL. Committee considered the location of the property within the Settlement Development Limits (SDL) for Higham. It took into account Local Plan Policies SS1 and SDC5, which seek to ensure that any proposals protect the character, quality and setting of towns and villages and heritage assets. Committee considered Local Plan Policies SS7 and SDC12, which seek to ensure that proposals are appropriate in scale, design and location and are in keeping with the surrounding area.

Members discussed the Application. They reflected on the location in a Conservation Area and on what impact inappropriate developments at the property might have. They noted that applications for planning permission to carry out specific developments would still be required, even if Condition 12, Removal of Permitted Development, was rescinded, so that inappropriate changes could be prevented.

At the conclusion of the discussion, Councillor D Ruff and Councillor A Powell moved and seconded a motion to approve officer recommendations and to reject the Application. The motion was put to the vote and was approved.

## RESOLVED

That the Application be refused, in line with officer recommendations.

## Reasons

The removal of the permitted development rights described under condition 12 of planning permission NED/97/00521/FL relates to a former barn and workshop which has been converted to a residential dwelling. The building lies within the Higham Conservation Area and is part of a former traditional farmstead, which forms part of the historic environment, and is considered to be of significance within the Higham Conservation Area.

The removal of the permitted development rights remain justified in order for the Local Planning Authority to retain control of any additions to the building ensuring

the continuing protection of the historic character of this former farm building and its setting within the Conservation Area. To grant permission for the removal of this condition would be contrary to policies LC5, SDC5 and SDC12 of the North East Derbyshire Local Plan.

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

**25/2**

**2-23**

Committee that two appeals had been lodged, one appeal had been allowed and one appeal had been refused. Members asked and received clarification on specific aspects of the appeals.

**PLA/ Matters of Urgency**

**26/2**

**2-23**

None