

PLANNING COMMITTEE

MINUTES OF MEETING HELD ON TUESDAY, 22 NOVEMBER 2022

Present:

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

Councillor William Armitage
Councillor Peter Elliott
Councillor Kathy Rouse

Councillor Andrew Cooper
Councillor Lee Hartshorne
Councillor Pam Windley

Also Present:

R Purcell	Assistant Director of Planning
A Kirkham	Planning Manager - Development Management
C Wilson	Senior Planning Officer
L Ingram	Legal Team Manager - Contentious Team
T Scott	Governance and Scrutiny Officer
A Maher	Interim Governance Manager

PLA/ Apologies for Absence and Substitutions **49/2**

2-23 Apologies for absence were received from Councillor D Hancock, who was substituted by Councillor P Windley. Apologies for absence were also received from Councillor M Foster, R Hall and M Jones.

PLA/ Declarations of Interest **50/2**

2-23 None.

PLA/ Minutes of the Last Meeting **51/2**

2-23 The minutes of the meeting held on Tuesday 18 October 2022 were approved as a true record.

PLA/ NED/22/00349/FL - APPERKNOWLE **52/2**

2-23 The report to Committee explained that an Application had been submitted for the change of use of a Brownfield Site into Housing Land and for the construction of a five bedroom house, with an attached garage, at 37 High Street, Apperknowle. The Application involved amended plans. It had been referred to Committee by the local Ward Councillor, A Dale, who had raised issues about it. Members were informed that as the site was owned by the Council, it was appropriate for Planning Committee to determine the Application.

Planning Committee was recommended to approve the Application, subject to conditions. The report to Committee explained the reasons for this.

Officers contended that the building would be appropriate in scale, design and location to the character and function of the local settlement. They felt that,

subject to appropriate conditions, it would not cause unacceptable harm to the level of amenity currently enjoyed by the occupiers of adjacent properties. Officers concluded, therefore, that the proposal would be an acceptable form of development and that there were no technical reasons why the Application should be rejected.

Before the Committee discussed the Application it heard from G Flavell, the Agent for the Application, and V Jones, who spoke against the Application.

Planning Committee considered the Application. It took into account the relevant Planning Issues. In particular, the Principle of Development and the site's location as an Unallocated Site within the defined Settlement Development Limits (SDL) for Apperknowle. It considered National and Local Planning Policy, including Local Plan Policy SS7, which permits development on those sites within Settlement Development Limits that have not been allocated within the Local Plan or a Neighbourhood Plan. Committee also took into account Local Plan Policy SDC2, and its requirement for replacement trees to be planted, when possible, for those removed as a result of a development.

Members discussed the Application. They reflected on the amendments which had been made to the scale of the proposed development. Members heard how the building would now be significantly lower in overall height than originally proposed. They reflected on the officer assessment of how, following the changes to size, the proposed building would be a typically proportioned two-storey dwelling, consistent with the scale, proportions of other properties close to the site.

Members discussed the impact which the development might have on neighbouring properties and the concerns raised about the possible loss of privacy. Some Members sought clarification on vehicle access to the site and whether this would be adequate. Committee was reminded that the Highway Authority had not objected to the proposed development, subject to clarification about the garage size and bin storage areas.

Committee Members discussed the removal of certain trees as part of the development. Specific attention was paid to Sycamore trees close to the lane leading from the site to the road. Members heard the reasons why, given their location at the edge of the development, and their lack of amenity to the local area, a Tree Preservation Order should not be imposed on them. They also heard that because of their proximity to the development site, they would be unlikely to survive during the building works. Some Members felt that they should be retained and protected as far as possible during the construction and that this requirement be reflected in any conditions.

At the conclusion of the discussion Councillor P Elliot and Councillor W Armitage moved and seconded a Motion to approve officer recommendations, subject to a provision within Condition 8 that the specified trees be retained and measures to protect them as far as possible during construction.

The Motion was put to the vote and was approved.

RESOLVED -

- (1) That the Application be approved, in line with officer recommendations, subject to the inclusion within Condition 8 of a provision that the trees specified at the meeting be retained and protected as far as possible during the construction work.
- (2) That the final wording and content of the conditions be delegated to the Planning Manager (Development Management).

Conditions

- 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 details shown on the Location and Site Plan and drawings numbered 2693/19 B (Amended Floor Plans) and 2693/21 B (Amended Elevations) uploaded to the Council's website on 15.08.2022, and drawings numbered 2693/20 Rev C (Site Plan and Section as Proposed), 2693/22 Rev B (Proposed Elevations), 2693/23 Rev B (Cross Sectional Gable Elevation), which were uploaded to the Council's website on 24.08.2022, 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 above ground works start, a plan to show the positions, design, materials, height and type of boundary treatments to be erected shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be completed before the occupation of the dwelling hereby approved and shall be retained as approved thereafter.
- 4 The development shall be carried out in accordance with the proposed finished floor levels of the dwelling and the proposed finished ground levels of the site set out on the approved elevational and cross section drawings listed in condition 2 above.
- 5 Before above ground works start, precise specifications or samples of the walling and roofing materials to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.
- 6 Before the occupation the dwelling hereby approved, the window at the principal (south-west facing) elevation of the property, which serves the room identified as 'bedroom 4' on the approved floor plans, shall be fitted with obscure glazing. The obscure glazing shall be of an obscurity equivalent to at least Level 3 of the Pilkington obscure glazing range. The window shall be of a non-opening design or alternatively any opening parts must be more than 1.7m above the floor level of the room in which the window is installed. The window shall then be retained as such thereafter at all times.

- 7 Notwithstanding the submitted details, the first floor windows on the north-west and south-east facing side elevations of the dwelling hereby approved shall be fitted with obscure glazing. The obscure glazing shall be of an obscurity equivalent to at least Level 3 of the Pilkington obscure glazing range. The windows shall be of a non-opening design or alternatively any opening parts must be more than 1.7m above the floor level of the room in which the window is installed.
- 8 Before commencement of above ground works, the following shall be submitted to and approved in writing by the Local Planning Authority:
 - a) a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land,
 - b) the details of any trees and hedgerows to be retained, together with measures for their protection during development.
 - c) a schedule of proposed plant species, size and density and planting locations and
 - d) an implementation programme
- 9 All planting, seeding or turfing in the approved scheme of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
- 10 Notwithstanding any submitted details, before development commences, a detailed plan showing the positions, species and crown spread of trees to be retained within the application site, together with details of measures for their protection for the duration of the works shall be submitted to and approved in writing by the Local Planning Authority. This shall include measures for the protection of the two Sycamore Trees earmarked for removal on the approved Site Plan (2693/20 Rev C). The means of protection shall be installed in accordance with the approved scheme before any other works commence on site and retained in position until all the building works hereby approved have been completed. If any trees, which are the subject of the protection measures, die, are removed or become seriously damaged or diseased, they shall be replaced in the next planting season with replacement trees in accordance with a scheme of replacement trees to be agreed in writing by the Local Planning Authority.
- 11 Before any other operations are commenced, a construction method statement shall be submitted to and approved in writing by the Local Planning Authority. The agreed plan/statement shall be adhered to throughout the construction period. The construction method statement shall provide information about plant and materials, site accommodation,

loading, unloading and manoeuvring of goods vehicles, parking and manoeuvring of employees and visitors vehicles during the construction period.

- 12 Before development starts, a scheme for the provision of surface water drainage works shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full before the development is brought into use, and shall be retained as such thereafter.
- 13 Before development starts, a scheme for the provision of foul drainage works shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full before the development is brought into use and shall be retained as such thereafter.

Reasons for Conditions

- 1 The development hereby permitted shall be started within 3 years from the date of this permission.
- 2 For clarity and the avoidance of doubt.
- 3 In the interests of visual and neighbouring amenity.
- 4 In the interests of visual and neighbouring amenity.
- 5 In the interests of the character and appearance of the area.
- 6 In the interests of preserving the amenity levels currently enjoyed by the occupiers of neighbouring properties fronting High Street, which are positioned at a lower elevation than the proposed property subject of this application.
- 7 In the interests of preserving the amenity levels currently enjoyed by the occupiers of neighbouring properties.
- 8 In the interests of the character and appearance of the area.
- 9 In the interests of the character and appearance of the area.
- 10 In the interests of the protection and integration of existing trees of value, in accordance with Policy SDC2 of the North East Derbyshire Local Plan
- 11 In the interests of highway safety during the construction phase.
- 12 In the interests of satisfactory drainage from the site.
- 13 In the interests of satisfactory drainage from the site.

PLA/ Planning Appeals - Lodged and Determined

**53/2
2-23**

The report to Committee explained that two appeals had been lodged, two had

been dismissed and two appeals had been allowed.

PLA/ Matters of Urgency (Public)

54/2

2-23 None.

PLA/ Exclusion of Public

55/2

2-23 RESOLVED -

That the public be excluded from the meeting during the discussion of the following item of business to avoid the disclosure to them of exempt information as defined in Paragraphs 2, 3 and 5, Part 1 of Schedule 12A to the Local Government Act 1972". (As amended by the Local Government (Access to Information)(Variation) Order 2008).

PLA/ Planning Enforcement Service Progress Report

56/2

2-23 The report to Committee summarised the work of the Council's Planning Enforcement Service. The report set out information relating to the work carried out by the Planning Enforcement service during the first six months of the 2022-23 financial year and showed how this compared to the previous period.

Committee discussed the report and the action taken on specific enforcement issues. During their discussion, Members reiterated their support for the work of the Planning Enforcement Service and congratulated the officers for the good progress which they had made.

RESOLVED -

That the report and workload information on the Planning Enforcement Service be noted.

By Acclamation

PLA/ Section 106 (Legal) Agreements Update

57/2

2-23 The report to Committee provided information on specific 'Section 106' Agreements, or agreements reached between the Council as Planning Authority with developers to carry out specific work to help offset the impact of new developments on local people.

Members were informed of those agreements where the funding had now been secured. It also included information about Section 106 agreements where the funding had not yet been received or written-off.

RESOLVED -

- (1) That the information contained within Appendices A, B and C of the report be noted.
- (2) That the contents of paragraph 2.1 of the report be noted and endorsed.

- (3) That information on Section 106 Agreements continues to be reported to Planning Committee.

By Acclamation

PLA/ Planning Appeal, Killamarsh

58/2

2-23

Members were reminded that an appeal has been lodged against the refusal of planning permission for 397 dwellings at land west of Upperthorpe Road, Killamarsh (application NED/18/01003). The report to Committee explained that follow-on legal advice had been received, which Members were asked to consider.

At the conclusion of the discussion Councillor D Ruff and W Armitage moved and seconded a Motion that the Council cease to pursue its grounds for refusal to the Appeal, in order to minimise the costs to the Council.

The Motion was put to the vote and was agreed.

RESOLVED -

- (1) That the Council cease to pursue its grounds for objection to the Appeal, in order to minimise the costs to the Planning Authority

PLA/ Matters of Urgency (Private)

59/2

2-23

None.