

PLANNING COMMITTEE

MINUTES OF MEETING HELD ON TUESDAY, 17 JANUARY 2023

Present:

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

Councillor William Armitage
Councillor Peter Elliott
Councillor Roger Hall
Councillor David Hancock
Councillor Heather Liggett

Councillor Andrew Cooper
Councillor Mark Foster
Councillor Lee Hartshorne
Councillor Maggie Jones
Councillor Kathy Rouse

Also Present:

A Kirkham	Planning Manager - Development Management
G Cooper	Principal Planning Officer
P Slater	Principal Planning Officer
L Ingram	Legal Team Manager & Deputy Monitoring Officer
A Bond	Governance Officer
A Maher	Interim Governance Manager

PLA/ Apologies for Absence and Substitutions

75/2

2-23 None

PLA/ Declarations of Interest

76/2

2-23 None

PLA/ Minutes of the Last Meetings

77/2

2-23 The minutes of the meeting held on Tuesday 13 December 2022 were approved as a true record.

The minutes of the meeting held on Tuesday 20 December 2022 were approved as a true record.

PLA/ NED/21/00987/OL - CALOW

78/2

2-23 The report to Committee explained that an Outline Application had been submitted, with all matters reserved except for means of access, for a development of up to the 36 dwellings at land to the North and West of 'The Homestead', Dark Lane, Calow. This would be a Major Development, which would affect a Public Right of Way. It would be a departure from the Council's Development Plan and affect the setting of a listed building. The Application involved both amended Titles and Plans. The Application had been referred to Committee by Ward Member, Councillor J Birkin, who had raised concerns about it.

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

Members were reminded that an Outline Application for a major development on the site had been put forward and rejected (NED/00154/OL). The current Application was for fewer dwellings, which would be built in a smaller area.

The report explained that the development would be outside of the Settlement Limit for Calow, but was partially bounded on three sides by existing housing. Officers felt that although the development would be in the countryside it would have only a limited and acceptable impact on the landscape. They believed that the Council could make sure the development was in keeping with the surrounding area and that issues involving its impact on neighbours could be addressed, at the Reserved Matters Stage (or when the detailed proposals were submitted).

The Outline Application proposed that the development should consist entirely of affordable dwellings. Officers felt that this would be a significant benefit to the District, which weighed heavily in its favour. They recommended that the Application be approved, subject to appropriate conditions.

Before Committee considered the Application it heard from J Flaxman, J Sabido, I Allcock, C Flaxman, S Ellis, C Wells, A Wells, C Winter, L Vardy, J Hancock, A Wood, O Downey, K Haywood, C McLaughlin, I Willets, I Koszegi, R Crowley, M Armstrong, G Ferraby and P Piredda, who all opposed the Application. K Hulse, Agent for the Application, spoke in support of it.

Committee considered the Application. It took into account the Principle of Development and the site's location outside of the Settlement Development Limit (SDL) for Calow in the countryside. It considered the relevant national and local planning policies. These included Local Plan Policy SS1, covering sustainable development, Local Plan Policy SS2 on the distribution of development in the District, Local Plan Policy SS9, setting out the categories for when development in the countryside would be acceptable. Committee also considered Policy LC3, which allowed for development of affordable housing in the countryside in appropriate circumstances.

Members discussed the Application. They considered the potential impact of the development on traffic in the area. Members noted the concerns which had been raised about the proposed access to the development. They also heard about the views of the Highway Authority.

Members asked for and received clarification about what would constitute affordable housing. They heard how the specific tenure details would be dealt with at the Reserved Matters stage. Some Members expressed concern that the commitment to only build affordable housing on the site might be altered at the Reserved Matters stage. Committee considered whether this could be dealt with through the use of appropriate conditions.

Committee discussed the potential implications of the Application on local infrastructure and facilities. In this context some Members highlighted the

concerns raised by the Chesterfield Royal Hospital NHS Trust about the additional demands which the development might place on its services and the need for appropriate 'Section 106' Agreement funding if the development was to take place (or funding provided as part of 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 discussed the location of the development within the countryside and outside the Settlement Development Limit for Calow. Some Members expressed concern that the development would not be in line with the relevant Planning Policies. In particular, they questioned whether the Application would accord with Local Plan Policy SS9, requiring developments in the countryside to respect the form, scale and character of the landscape. They also questioned whether it would accord with Policy LC3, requiring proposals for affordable housing in the countryside to have a close association with the built-up part of neighbouring settlements and the local landscape setting.

Some Members expressed their support for the proposed development and the contribution it would make to providing affordable housing within the District. They felt that it would be an appropriate development and that the case for its approval, subject to conditions, had been made.

At the conclusion of the discussion Councillor D Ruff and Councillor A Powell moved and seconded a Motion to approve the Application, in line with officer recommendations.

The Motion was put to the vote and was rejected.

Councillor P Elliot and Councillor M Foster then moved and seconded a Motion to reject the Application, contrary to officer recommendations, because of the location of the proposed development in the countryside and its impact on the landscape.

The Motion was put to the vote and was agreed.

RESOLVED -

That the Application be refused, contrary to officer recommendations

Reasons

The proposed development of 36 affordable dwellings would be located on a green field site outside the Settlement Development Limit as defined for Calow in the North East Derbyshire Local Plan and so in a countryside location. It is considered that the location, scale and design of the proposal would fail to respect the form, scale, quality and character of the landscape setting in this location. Furthermore the proposal would cause significant harm to the character of the landscape setting and result in irreversible changes to important features and views from Dark Lane and the surrounding right of way network. As such the proposal would fail to comply with policies SS9, SDC3 and LC3 of the North East Derbyshire Local Plan and the overarching aims of the National Planning Policy Framework.

PLA/ Planning Appeals - Lodged and Determined

79/2

2-23 The report to Committee explained that one appeal had been lodged and two appeals had been dismissed.

PLA/ Matters of Urgency

80/2

2-23 None