

PLANNING COMMITTEE

MINUTES OF MEETING HELD ON TUESDAY, 16 JANUARY 2024

Present:

Councillor Lee Hartshorne (Chair) (in the Chair)

Councillor Andrew Cooper
Councillor Mark Foster
Councillor Heather Liggett
Councillor Kathy Rouse

Councillor Michael Durrant
Councillor Christine Gare
Councillor Fran Petersen
Councillor Pam Windley

Also Present:

A Kirkham	Planning Manager - Development Management
G Cooper	Principal Planning Officer
S Wraith	Principal Enforcement Officer
L Ingram	Legal Team Manager & Deputy Monitoring Officer
L Spinks	Senior Legal Officer
L Kassell	Principal Legal Officer/Solicitor
A Bond	Governance Officer
M E Derbyshire	Members ICT & Training Officer
T Scott	Governance and Scrutiny Officer
A Maher	Governance Manager

PLA/ Apologies for Absence and Substitutions

59/2

3-24 Councillor S Fawcett, substituted by Councillor C Gare. Apologies were also received from Councillor P Elliot and Councillor T Lacey.

PLA/ Declarations of Interest

60/2

3-24 None.

PLA/ Minutes of Last Meeting

61/2

3-24 The minutes of the meeting held on Tuesday 5 December 2023 were approved as a true record.

PLA/ NED/23/00685/FL - CLAY CROSS

62/2

3-24 The report to Committee explained that a retrospective Application for replacement window frames and doors at 6-8 Broadleys, in the Clay Cross Conservation Area. The Application had been referred to the Committee by Councillor C Cupit, who had raised issues about it.

Planning Committee was asked to approve the Application. The report to Committee explained the reasons for this.

Members were informed that that the premises, which are used as a café, previously had wooden doors and window frames. These had now been replaced

by UPVC doors and frames. Officers recognised that using UPVC to replace the wooden doors and window frames would not be in line with the built traditions and general approach taken to buildings located within conservation areas. However, they felt that the change had not adversely impacted on neighbouring residents or land use. Officers concluded that the installation of UPVC doors and window frames had, on balance, preserved the character and appearance of the surrounding Conservation Area and that the installation of the UPVC doors and window frames should receive retrospective Planning Permission.

Committee considered the Application. It took into account the site's location within the Clay Cross Conservation Area. It considered the relevant local and national planning policies. These included Local Plan Policy SS1, Sustainable Development, Local Plan Policy SP2, Clay Cross, and Local Plan Policy SD5, Development within Conservation areas. It also considered Local Plan Policy SDC12, on High Quality Design and Place Making.

Members discussed the Application. There was a consensus that the new UPVC doors and window frames were a significant improvement on the wooden ones which they had replaced. At the conclusion of the discussion Councillor L Hartshorne and Councillor M Durrant moved and seconded a motion that the Application for retrospective Planning Permission be approved.

RESOLVED -

That the Application be approved in line with officer recommendations and without conditions.

PLA/
63/2
3-24 **NED/23/00609/FL - MILLTOWN**

The report to Committee explained that an Application had been submitted for the proposed reconstruction of a two-storey dwelling house, rebuilding of an external WC and the construction of a new domestic outbuilding to form a tractor store and workshop at the site of the former Hay Lane Cottage, Hay Lane, Milltown. The development would have a private drainage system.

The Application had been referred to the Committee by Local Ward Member, Councillor H Wetherall, who had raised issues about it.

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

Officers contended that the proposed dwelling would not be in line with the permitted grounds for development in the countryside. This is because it would neither replace an existing building, nor be constructed on previously developed or derelict land. The report explained that although there had been a dwelling on the site until the early 1960s, this had long since fallen into ruins and these ruins had blended into surrounding pastoral landscape. Consequently, the dwelling and associated buildings would be an entirely new development, which would have an adverse impact on the surrounding high-quality landscape. In particular, it would be clearly visible but in an isolated location, which would be difficult to access except by motor vehicle. The development would also affect the dark skies of the local rural area and would reduce its tranquillity.

Officers had concluded that the proposed new dwelling would be contrary to the Development Plan, both in terms of its location and the Planning Policies intended to protect the character of the landscape. As there were no considerations that would outweigh this, they felt that the Application ought to be refused.

Before the Committee considered the Application it heard from local ward Member, Councillor H Wetherall. It also heard from T Shiels, who spoke against the Application, as well as R Sharpe, the Applicant, C Clarke, M Howe, K Haywood and the Agent, G Henshaw, who all spoke in support of the Application.

Committee considered the Application. It took into account the site's location in an Area of Multiple Environmental Sensitivity and outside of any settlement limits. It considered the relevant Local and National Planning Policies. These included Local Plan Policy SS1, on Sustainable Development, Local Plan Policy SS2, on Spatial Strategy and Local Plan Policy SDC3 on Landscape Character. It also took into account Local Policy SS9, restricting Development in the Countryside, and the National Planning Policy Framework (NPPF). In particular, the sections on rural housing (paragraphs 82-84) and the need to avoid the creation of isolated rural dwellings, making effective use of land (Chapter 11) and conserving and enhancing the natural environment. It considered the Ashover Neighbourhood Plan Policies. These included Policy AP2: Development Proposals Outside the Limits to Development, Policy AP13, Landscape Character and Policy AP19, Dark Skies.

Members discussed the Application. Some Members sought clarity on the status of the site and why it had not been classed as either previously developed land or as derelict land. The officers reiterated their contention that the ruins had blended into the pastoral landscape to such an extent that it could no longer be regarded as previously developed or derelict. Some Members highlighted the different terminology to describe the site used in the report. Some Members sought greater clarity and information about the specific planning policies referred to in the report as grounds for refusing the Application and were concerned that they could not determine the Application without this additional information.

Some Members expressed sympathy for aspects of the proposed development but felt that other aspects of it would be unacceptable. Committee was advised by officers that if it wished to consider further possible approval of specific aspects of the proposed development then it would be appropriate for it to defer the Application. Deferral would, it was explained, enable the Planning Service to discuss the Application with the Applicant and their Agent and to clarify whether they wished to alter it in any way. These discussions, it was emphasised, would be on a 'without prejudice' basis as regards to the Planning officer recommendations to Committee. Members also heard that deferral would enable the Planning Service to provide additional information and analysis of the relevant Local Plan and other Planning Policies requested by Members and especially Local Plan Policies SDC3 and SS9.

At the conclusion of the discussion Councillor M Foster and Councillor F Petersen moved and second a Motion to defer the Application. The Motion was put the vote and was approved.

RESOLVED -

That the Application be deferred, so that the issues raised by Committee could be addressed and that further discussions with the Applicant and Agent for the Application to take place and be reported back to Committee.

PLA/ Planning Appeals - Lodged and Determined

64/2

3-24

The report to Committee explained that five appeals had been lodged. One appeal had been dismissed. No appeals had been allowed.

PLA/ Matters of Urgency

65/2

3-24

None.