

PLANNING COMMITTEE

MINUTES OF MEETING HELD ON TUESDAY, 20 FEBRUARY 2024

Present:

Councillor Lee Hartshorne (Chair) (in the Chair)
Councillor Tony Lacey (Vice-Chair)

Councillor David Cheetham
Councillor Mark Foster
Councillor Heather Liggett
Councillor Kathy Rouse

Councillor Andrew Cooper
Councillor Christine Gare
Councillor Fran Petersen

Also Present:

D Thompson	Assistant Director of Planning
A Kirkham	Planning Manager - Development Management
S Wigglesworth	Senior Planning Officer
K Hallam	Senior Planning Officer
C Wilson	Senior Planning Officer
G Cooper	Principal Planning Officer
D Cunningham	Principal Arboricultural Officer
A Bond	Governance Officer
M E Derbyshire	Members ICT & Training Officer
A Maher	Governance Manager

PLA/ Apologies for Absence and Substitutions

66/2

3-24 Councillor P Elliot, D Hancock.

PLA/ Declarations of Interest

67/2

3-24 Councillor F Petersen declared an interest on Item 8: NED/24/00078/DISCON – CLAY CROSS as a Member of Clay Cross Parish Council. Councillor K Rouse declared an interest Item 8: NED/24/00078/DISCON – CLAY CROSS as a Member of the Clay Cross Town Deal Board.

PLA/ Minutes of the Last Meeting

68/2

3-24 The minutes of the meeting held on Tuesday 16 January 2024 were approved as a true record, subject to clarification on Minute: PLA/59/23-24 that Councillor D Cheetham had not attended the meeting but had been substituted by Councillor M Durrant.

PLA/ NED/23/00609/FL - MILLTOWN

69/2

3-24 Members were reminded that at its 20 February 2024 meeting Planning Committee had deferred consideration of the Application. Committee had agreed the deferral so that further work could take place on the applicability of planning policies, including Local Plan Policies SDC3 and SS9, to the Application and in particular, whether in planning terms the site qualified as 'previously developed' or

'derelict' land. The deferral was also intended to provide the Applicant and their Agent with an opportunity to consider what changes, if any, they wished to make to the Application in response to the specific concerns raised by Members.

The 'addendum' report considered by Committee made clear that following on from the deferral and discussions with the Applicant, amended plans had now been submitted. Under these amended plans aspects of the proposed development had been either removed entirely or would now be constructed using stone, rather than the originally specified materials.

Despite these changes, Planning Committee was still recommended to reject the Application. The report to Committee explained the reasons for this.

Officers reiterated their original contention that the proposed development would not be located on 'previously developed land' or derelict land, and that it would have a greater impact on the countryside than if the existing ruins of the building were left in place. They had concluded that the development would not respect the distinctive landscape character of the area, but rather that it would cause significant harm to the character, quality, distinctiveness, and tranquillity of the landscape.

Before the Committee considered the Application it heard from local ward Member, Councillor H Wetherall, who had referred the Application to Committee. It also heard from A Marsh and N Marsh, who objected to the Application. Planning Committee then heard from the Applicant, R Sharpe, M Howe, C Clarke, K Haywood and the Agent for the Application, 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 development 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 considered 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) which explain that the creation of new isolated rural dwellings should be avoided, that effective use ought to be made of land (Chapter 11) and that the natural environment ought to be conserved and enhanced. Committee took into account 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 questioned the officer conclusion that the ruins had blended into the pastoral landscape to such an extent the site could no longer be classed as 'previously developed' or 'derelict' land. They highlighted the surviving structures and floor plan of the former Hay Cottage, which had become apparent following the removal of the vegetation which had progressively enveloped them. In this context, some Members suggested that the development would accord with Local Plan Policy SS9, permitting development in the countryside on previously developed land. They also felt that it the proposed development, which had been modified to reflect the

concerns expressed at the last meeting of the Committee, would respect the character and quality of the landscape, and so accord with Local Plan Policy SDC3.

At the conclusion of the discussion Councillor M Foster and H Liggett moved and seconded a motion to approve the Application. The Motion was put to the vote and was agreed.

RESOLVED -

That the Application be conditionally approved, contrary to officer recommendations.

That the imposition of appropriate conditions on the Application be delegated to the Planning Manager (Development Management)

Reasons

1. The development would accord with Local Plan Policy SS9 1(f) as it would be located on previously developed land.
2. The development would accord with Local Plan Policy SDC (3) as it would be respectful to the landscape character of the area.

PLA/ NED/23/00565/FL - WESSINGTON

70/2

3-24

The report to Committee explained that an Application had been submitted for a residential development of nine dwellings at land opposite to Wistanes Green, Matlock Road, Wessington. The Application involved amended plans and constituted a departure from the Development Plan.

The Application had been referred to Committee by local ward Member, Councillor C Cupit, who had raised concerns about it.

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

Officers accepted that the proposed development lay outside of any settlement development limits. This would be contrary to the Development Plan. However, they contended that there were other material matters which outweighed this and favoured its approval. In particular, that as planning permission had already been granted for eight dwellings on the site, there would a strong case for approving the Application for nine dwellings, as in many respects the new proposals would be superior to the permitted eight dwelling scheme.

Nevertheless, officers made clear that concerns had been raised about the road safety implications of the Application, and especially the lack of a direct public footpath to and from the development into Wessington. Those concerned feared that pedestrians would have to walk along the very busy A615 road to get into the village and which would put them at risk.

In this context Committee was informed that the Applicant had now submitted

revised plans to include a pedestrian access to and from the site.

Some Members felt that it would be appropriate for the Application be deferred so that these revised plans and the specific proposals for a pedestrian access to and from the site could be assessed and for this to be reported to Committee. Following a discussion there was a consensus that deferral of the Application would be the most appropriate course of action.

RESOLVED -

That the Application be deferred until the next meeting of Committee, so that the implications of the proposed pedestrian access could be assessed and reported to Committee.

By Acclamation.

PLA/ NED/23/01013/FL - CLAY CROSS

71/2

3-24

The report to Committee explained that a Retrospective Application had been submitted for the retention of an extended patio and the erection of Front Porch at Tanglewood, Newmarket Lane, Clay Cross. It related to a previously refused application 23/00657/FL and affected a public right of way.

The Application had been referred to the Committee by Local Ward Member, Councillor G Morley, 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 planning permission had previously been granted to convert the dwelling known as 'Tanglewood' into Tea Rooms. The latest Application sought retrospective permission for two of the specific developments that were constructed on the site, but which were not permitted as part of the original planning permission. These were the Front Porch and the 'wrap-around' Patio surrounding the building).

Officers felt that this retrospective planning permission should not be granted. They contended that the Porch and Patio constituted an unacceptable development, that did not respect the form, scale or character of the surrounding sensitive landscape. Rather, they had extended the built development into the open countryside, which had had an additional and overbearing urbanising impact on the area. Officers concluded that the potential benefits to the Tea Rooms from the Porch and the enlarged south facing Patio, in terms of attracting additional visitors, would not outweigh the harm they would have on the surrounding landscape. Consequently, the Application ought to be refused.

Before the Committee considered the Application it heard from local ward Member, Councillor G Morley. It also heard from the Applicant, M Meredith and from B Lyne, who both spoke in support of the Application. No one had registered to speak against the Application.

Committee considered the Application. It took into account the site's location

outside of any Settlement Development Limits and within open countryside, designated as an area of Secondary Area of Multiple Environmental Sensitivity (AMES). It considered the relevant local and national Planning Policies. These included Local Plan Policy SS1, directing developments to suitable locations in accordance with other appropriate policies within the Local Plan, Local Plan Policy SS9 on acceptable development within the countryside and Local Plan Policy SDC3, requiring developments in the countryside to respect the character or sensitivity of the landscape. Committee also took into account Local Plan Policy WC5, promoting Visitor and Tourism Development and Local Plan Policy SDC12, on High Quality Design and Place Making.

Members discussed the report. They reflected on what impact the construction of the Porch and Patio had had on the surrounding countryside and whether this was different to the impact of the permitted development as a whole. Some Members questioned whether conditions requiring appropriate landscaping to help reduce the visual impact of the developments might be imposed if retrospective planning permission was granted. Some Members felt that the additional features had benefited the Tea Rooms and promoted tourism in the area and so should be retained. Other Members queried whether the development would be in line with the appropriate planning policies preventing inappropriate development in the countryside.

At the conclusion of the discussion, Councillors F Petersen and D Cheetham moved and seconded a Motion that the Application should be approved. The Motion was put to the vote and was approved.

RESOLVED -

That the Application be conditionally approved, contrary to officer recommendations.

That the Planning Manager (Development Manager) be authorised to determine appropriate conditions on the development.

Reasons

The Development is in line with SDC 3, respecting the form and character of the countryside.

PLA/ NED/23/00592/FL - HOLYMOORSIDE

72/2

3-24

The report to Committee explained that an Application had been submitted for the demolition of an existing dwelling and the erection of a replacement two-storey dwelling at 'Woodlands' Harewood Road, Holymoorside. The Application had been referred to Committee by Local Ward Member, Councillor M Thacker, 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 represent an inappropriate development in the Green Belt. In particular, it would have a significantly greater

impact on the character and appearance of the rural landscape than the existing dwelling that it would replace. Officers had concluded that there were no special or exceptional reasons that would justify the proposed development or outweigh the identified harm to the Green Belt. To grant planning permission would be contrary to the policies of the Development Plan and the National Planning Policy Framework (NPPF), when read as whole.

Before the Committee considered the Application it heard from the Applicant, B Logan and the Agent for Application, C Stainton, who spoke in support of it. No one had registered to speak against the Application.

Committee considered the Application. It took into account the site's location in the Green Belt and the policy towards the protection of the Green Belt expressed in the National Planning Policy Framework (NPPF), including Paragraph 154 of the NPPF, making clear that local planning authorities should regard the construction of new buildings in the Green Belt as inappropriate, unless they could be justified on clearly identified exceptional grounds. In this context, Committee considered Local Plan Policy SS10, setting out a closed list of types of developments that would not be inappropriate within the North East Derbyshire Green Belt.

Members discussed the report. They reflected on the location of the site within the Green Belt and what impact the proposed new dwelling might have on it. Members also reflected on how Paragraph 153 of the National Planning Policy Framework (NPPF) required planning authorities to ensure that substantial weight was given to any harm to the Green Belt when determining on planning applications.

Members considered the 'Very Special Circumstances' which the Application contended would justify the proposed development. During the discussion some Members felt that the suggested Very Special Circumstances were not sufficient to justify the proposed new building and that they would not outweigh the damage that the development would do to the Green Belt. At the conclusion of the discussion Councillor T Lacey and D Cheetham moved and seconded a Motion to reject the Application. The Motion was put the vote and was approved.

RESOLVED -

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

That the final wording for the refusal be delegated to the Planning Manager (Development Management)

Reasons

- 1 The application seeks construct a replacement dwelling within an area of land designated as Green Belt. By reason its design, scale and character it is concluded that the new building would be materially larger than the existing building that it would replace.

Therefore, the new building would represent inappropriate development which is, by definition, harmful to the Green Belt and should not be

approved except in very special circumstances. In addition, the proposed replacement building would result in a loss of Green Belt openness, in spatial and visual terms. The impact on spatial and visual openness is considered to be moderate.

The identified Green Belt harm is not clearly outweighed by other considerations. Therefore, Very Special Circumstances do not exist.

As such, the application is considered unacceptable and contrary to policies SS1, SS10 of the North East Derbyshire Local Plan and Policy S2 of the Holymoorside and Walton Neighbourhood Plan and the NPPF when read as a whole.

2. The application seeks to construct a 2 storey dwelling in an area identified as an Area of Multiple Environmental Sensitivity wherein new development should contribute to the conservation and enhancement of the local landscape.

By reason of its design and scale, it is considered the dwelling would adversely impact on the character of the area and harm the quality and distinctiveness of the landscape.

Consequently the application is considered unacceptable and contrary to policies SDC3 and SS9 of the North East Derbyshire Local Plan and policy NE1 of the Holymoorside and Walton neighbourhood Plan and the NPPF when read as a whole.

PLA/ NED/24/00078/DISCON - CLAY CROSS

73/2

3-24

The report to Committee explained that an Application had been submitted to discharge Condition 45 (Works in Highway) pursuant to Planning Application NED/23/00601FL. Committee was informed that the Highways Authority had no objection to the discharge of Condition 45, which would ensure the minimal disruption to traffic flows around Clay Cross Town Centre whilst the re-development works there were undertaken, in line with the phased scheme of development. Committee was also informed that no comments on the Application to discharge Condition 45 had been received from the Public, the Parish Council or Local Ward Members.

RESOLVED -

That the details submitted in relation to Condition 45 (Works in Highways), pursuant to Planning Application NED 23/00601/FL be approved.

By Acclamation.

PLA/ Tree Preservation Order (TPO) 295 /2023 - DRONFIELD

74/2

3-24

The report to Committee proposed that Tree Preservation Order (TPO) 295/2023, on trees to the west of Netherdene Road Dronfield, be now confirmed with modifications. Members were reminded that this Order had been provisionally made on 26 October 2023.

Members were informed that the Council was required to take into account all 'Duly Made' objections and representations which had not been withdrawn, before confirming the Provisional Order. The report explained that one Duly Made objection to it had been received.

Members considered the report and the assessment of the Council's Principal Arboriculture Officer that there was a perceived threat to the trees situated to the west of Netherdene Road, Dronfield if the Order was not confirmed.

RESOLVED -

That Tree Preservation Order (TPO) 295/2023 on trees to the West of Netherdene Road, Woodhouse, Dronfield, with modifications as appended to the report be approved.

By Acclamation.

PLA/ Planning Appeals - Lodged and Determined

75/2

3-24

The report to Committee explained that five appeals had been lodged. One appeal had been dismissed. One appeal had been allowed.

PLA/ Matters of Urgency

76/2

3-24

None.