

## **PLANNING COMMITTEE**

### **MINUTES OF MEETING HELD ON TUESDAY, 17 MAY 2022**

#### **Present:**

Councillor Alan Powell (Vice-Chair in the Chair)

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

Councillor Nigel Barker  
Councillor Peter Elliott  
Councillor Roger Hall  
Councillor David Hancock  
Councillor Heather Liggett

#### **Also Present:**

R Purcell	Assistant Director of Planning
A Kirkham	Planning Manager - Development Management
A Lockett	Senior Planning Officer
J Owen	Chartered Legal Executive
A Bond	Governance Officer
M E Derbyshire	Members ICT & Training Officer
A Maher	Interim Governance Manager

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

**92/2**

**1-22** Apologies were received from Councillor D Ruff. Apologies were also received from Councillor J Ridgway, who was substituted by Councillor N Barker.

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

**93/2**

**1-22** There were no Declarations of Interest.

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

**94/2**

**1-22** The minutes of the meeting held on Tuesday 26 April 2022 were approved as a true record.

#### **PLA/ NED/18/01003/OL - KILLAMARSH**

**95/2**

**1-22** The report to Committee explained that an outline Application had been submitted for the erection of 397 dwellings on land to the south-west of Upperthorpe Road, Killamarsh. The Application had been referred to Committee at the request of Ward Councillor S Clough, who had raised concerns about it.

Planning Committee was recommended to approve the Application, subject to the conditions set out in the report.

The report to Committee explained why Members were asked to approve the recommendations. Officers felt that the Development would be acceptable and sustainable in planning terms. The site had been allocated for residential

development under the Local Plan. Subject to final determination of the potential highway mitigation and the archaeological assessment of the Application, there were no technical reasons why the Development should not proceed. The full infrastructure mitigation package had been generally agreed with the Applicant and a Section 106 Agreement would be completed prior to the final determination of the Application.

Before Members discussed the Application those registered to speak were asked to address the Committee. L Rowley MP, Ward Councillor S Clough, Ward Councillor A Platts, Councillor C Renwick (in her capacity as Derbyshire County Council for the Division covering the area), W Tinley, K Whitworth, K Wood, P Johnson, K Bone, M Evans, K Warnes, A Whitaker, B Clamp, S Thompson, C Curzon, C Lacey, D Grzona, B Mahoney and E Thompson objected to the Application. The Applicant, J Neville, spoke in support of it.

Committee considered the Application. It took into account the location of the site, primarily within the Settlement Development Limits for Killamarsh, with a smaller area located within the Green Belt. It considered Local Plan Policies SS1, SS2 and SP4, which seek to focus housing development on Killamarsh and the District's three other main towns. Committee took into account Local Plan Policy SS10, on appropriate development outside of settlement limits and within the Green Belt.

Committee considered whether the Development would provide sufficient affordable housing, in line with Local Plan Policy LC4. It considered the provision of urban green space, as required by Local Plan Policy ID10. It also took into account the requirement of Policy LC1 that compensatory improvements to the environmental quality / accessibility should be made, where appropriate to offset the effect of removing land from the Green Belt.

Members discussed the Application. They reflected on the concerns raised about the proposed number of properties and how this would be significantly greater than that identified in the Local Plan. Members heard how the Local Plan figure was only indicative and was not intended to set a maximum limit for development. Rather, the number of properties that could be built on the site would depend on their size and design. It was explained that subject to this being agreed in advance, it would be possible to accommodate the proposed 397 units there.

Some Members expressed concern about the scale of the proposed development. In particular, they highlighted the possible burden which the large development would place on the social and physical infrastructure of the town. Specific concerns were raised about the limited access to public transport and whether because of the topography residents of the new properties would have to rely on cars in order to visit the facilities in Killamarsh Town Centre, and so increase traffic on surrounding roads.

Some Members raised concerns about the impact on the local road network and in particular, to the traffic management arrangements on the access and egress from the Development. They raised concerns that the Development might result in an unsustainable increase in the volume of traffic. Committee also discussed the proposed remedial measures and considered whether these would address adequately the concerns which had been raised.

Some Members raised concern about the proposal to construct 'Attenuation Ponds' to hold water on the part of the site within the Green Belt. They reflected on whether this would be an appropriate development for the location. Concern was also raised possible flood risks. Some Members sought clarification about possible land contamination on the site and the concerns which had been raised about air quality. In this context, Committee discussed the legacy of the coal mining industry and the safety concerns about subsidence and gas emissions which had been raised. Committee also considered the possible impact of the development on the heritage assets of the area.

At the conclusion of the discussion, Councillor M Foster and Councillor W Armitage moved and seconded a motion to reject the application, contrary to officer recommendations. The motion was put to the vote and was agreed.

### RESOLVED -

That the Application be refused, contrary to officer recommendations.

### Reasons

1. The application seeks consent for 397 dwellings. The North East Derbyshire Local Plan allocates the site to provide approximately 330 within the Plan Period. The figure proposed exceeds that set out in the Local Plan and so the application is unacceptable and contrary to policy LC1 of the North East Derbyshire Local Plan. density
2. The site extends beyond the Settlement Development Limit for Killamarsh into an area located within the Green Belt. Whilst only attenuation ponds and ancillary development are shown within this area on the indicative layout no details of the nature or scale of works necessary to form them has been submitted. Therefore, it is concluded that without information to the contrary the application would fail to preserve the openness of the Green Belt and conflict with its purposes. There are no very special circumstances identified that would override this harm and so the application is contrary to policies SS10 and ID10 of the North East Derbyshire Local Plan and the policies of the National Planning Policy Framework.
3. The site has limited access to public transport. The application therefore is proposed in a location that does not provide good access to frequent public transport services. It is therefore, contrary to policy SDC12 (h) of the North East Derbyshire Local Plan.
4. The level of development proposed is of such a scale that the level of traffic resulting would not be sustainable and the cumulative impact on the road network severe contrary to policy ID3 of the North East Derbyshire Local Plan and the NPPF.
5. The information submitted has failed to demonstrate that the coal mining legacy on the site has been properly addressed, one mine shaft remains

unfound, and can be properly mitigated. As such, the site remains contaminated and inherently unstable and its development would be contrary to North East Derbyshire Local Plan Policy SDC14.

6. Development should ensure that suitable measures are put in place to mitigate its impacts. In this case, insufficient mitigation is proposed to offset the development's impact on local schools and doctors contrary to policy ID1 of the North East Derbyshire Local Plan.
7. The development proposed would result in the re-alignment of footpaths that cross the site and a deterioration in their quality. Any new routes would not be as convenient or attractive and have an unacceptable impact on the environment contrary to policy ID8 of the North East Derbyshire Local Plan.

**PLA/** **Matters of Urgency**  
**96/2**  
**1-22** None.