

## **PLANNING COMMITTEE**

### **MINUTES OF MEETING HELD ON TUESDAY, 13 DECEMBER 2022**

#### **Present:**

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

Councillor William Armitage  
Councillor Peter Elliott  
Councillor Roger Hall  
Councillor Maggie Jones  
Councillor Kathy Rouse

Councillor Andrew Cooper  
Councillor Mark Foster  
Councillor David Hancock  
Councillor Heather Liggett

#### **Also Present:**

S Sternberg                      Assistant Director of Governance and Monitoring Officer  
R Purcell                         Assistant Director of Planning  
L Ingram                         Legal Team Manager - Contentious Team  
A Maher                         Interim Governance Manager

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

**60/2**

**2-23** Apologies were received from Councillor L Hartshorne.

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

**61/2**

**2-23** None.

#### **PLA/ Matters of Urgency (Public)**

**62/2**

**2-23** None.

#### **PLA/ Exclusion of Public**

**63/2**

**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 Paragraph 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/ Notice of Motion under Paragraph 13.1, and if appropriate under 13.2, of the Council's Constitution**

**64/2**

**2-23** The report to Committee explained that a Notice of Motion, to rescind a decision made by Planning Committee at its meeting on Tuesday 22 November 2022, had been received. Committee had resolved that the Council cease to defend its grounds for refusing planning permission to build 397 dwellings at land west of Upperthorpe Road, Killamarsh (Application NED/18/01003).

Committee had taken this decision in order to minimise possible costs to the Planning Authority at the forthcoming Public Enquiry into the Appeal against the refusal to grant planning permission (MIN: PLA/58/22-23).

Planning Committee heard the views of the Council's external legal adviser about the grounds originally put forward by the Committee for rejecting the Application. In particular, Members received his assessment of which of these might be upheld or rejected by the Planning Inspector at a Public Enquiry.

Committee discussed extensively its rejection of the original Application and the reasons why it had felt the proposed development would not be appropriate for the site. Some Members stressed their continued support for this decision. They believed it important that the Council should continue to oppose the development in the interests of local people. They felt that this could be best done by focusing on the two grounds specified at the meeting, where the Council would be able to offer the strongest case for refusing the Application.

Other Members highlighted their concerns both about the proposed development and the potentially significant costs which the Council might incur if it could not provide robust evidence to support its grounds for refusal during a Public Enquiry on the Appeal. They stressed how this might not be a good use of public money, especially if it was not successful. Some Members reflected on possible outcomes of any hearing and how the Planning Inspector might now approve the Application, with few if any changes, regardless of the Council defence of its original decision to reject the Application on specific grounds.

At the conclusion of the discussion, the Committee was reminded that decisions taken by the Council or its Committees could not normally be revisited or changed until six months had elapsed. However, it was explained that Council Procedure Rule 13.1 (as set out Part Four of the Council's Constitution) allowed for decisions to be revisited within six months, if the necessary number of Members requested this. The Monitoring Officer confirmed that the required number of Committee had done so.

Councillor M Foster and W Armitage then moved and seconded a motion to rescind the decision made by Planning Committee on Tuesday 22 November on Item 11, Planning Appeal Killamarsh.

The motion was put to a vote and was agreed.

### RESOLVED

- (1) That the Committee's decision that the Council cease to defend its grounds for refusing the Application (Application NED/18/01003), in order to minimise the costs to the Planning Authority, as set out in Minute: PLA/58/22-23, be rescinded.

Councillor M Foster and W Armitage moved and seconded a Motion that Council Procedure Rule 13.2 be suspended. Committee was reminded that this Procedure Rule prevents motions which had been rejected from being

considered and determined within six months of the decision. Committee would have to agree suspend the Procedure Rule if it now wished to consider and adopt a different Motion to that agreed at the 22 November 2022 meeting. The motion was put to a vote and was agreed.

### RESOLVED

- (1) That Council Procedure Rule 13.2 be suspended for the duration of the Meeting.

A series of Motions were then proposed, considered and rejected by Committee. As provided for under the Council's Constitution, at the request of three Members present the votes on these Motions were recorded. The details of the motions and the recorded votes on them have been appended to this minute.

Following these unsuccessful motions, Councillor A Powell and M Foster then moved and seconded a Motion for the Council to defend the original decision not to grant planning permission at any Public Inquiry or other hearing on the grounds specified at the meeting, that the Chair and Vice Chair be responsible for overseeing the collation of the required supporting evidence for this defence and that the work takes place in consultation with relevant Members and officers, as appropriate.

The Motion was put to the vote and was agreed

For

W Armitage, P Elliot, M Foster, D Hancock, H Liggett, M Jones, A Powell, D Ruff

Against

A Cooper, R Hall

Abstained

K Rouse

### RESOLVED

- (1) That the Council upholds the grounds specified at the meeting for refusing planning permission for the Application to erect 397 dwellings, on land west of Uppertorpe Road, Killamarsh (Application NED/18/01003), at its meeting on 27 May 2022.
- (2) That the Chair and Vice Chair oversee the collation of the required supporting evidence for these specified grounds in consultation with relevant Members and officers, as appropriate.

## **Appendix – Unsuccessful Motions**

Councillor M Foster and W Armitage moved and seconded a Motion that the Council continued to defend the specified grounds for its original decision not to grant planning permission in any Public Inquiry or other hearing. They also asked that arrangements be put in place for named Members and officers to oversee the collation of the required supporting evidence.

An amendment to the Motion was moved and seconded by Councillor D Ruff and A Powell that the Council continued to defend the specified grounds for its original decision not to grant planning permission in any Public Inquiry or other hearing, but that the Chair and Vice Chair oversee the collation of the required supporting evidence in consultation with relevant Members and officers, as appropriate.

The amendment to the substantive Motion was put to the vote and was defeated.

For

R Hall, D Hancock, A Powell, D Ruff

Against

W Armitage, A Cooper, P Elliot, M Foster, H Liggett, M Jones, K Rouse

The substantive Motion was then put to the vote and was defeated

For

W. Armitage, P. Elliot, M Foster, H Liggett, M Jones,

Against

A Cooper, R Hall, D Hancock, A Powell, K Rouse, D Ruff

Councillor D Hancock and A Cooper then moved and seconded a Motion to reinstate the original decision of the Committee taken at its meeting on 22 November 2022. The Motion was put to the vote and was defeated.

For

A Cooper, R Hall, D Hancock, M Jones

Against

W Armitage, P Elliot, M Foster, H Liggett, A Powell, K Rouse, D Ruff

**PLA/ Matters of Urgency (Private)**

**65/2**

**2-23** None.