

## **PLANNING COMMITTEE**

### **MINUTES OF MEETING HELD ON TUESDAY, 20 DECEMBER 2022**

#### **Present:**

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

Councillor William Armitage  
Councillor Peter Elliott  
Councillor Lee Hartshorne  
Councillor Maggie Jones  
Councillor Kathy Rouse

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

#### **Also Present:**

A Kirkham	Planning Manager - Development Management
G Cooper	Principal Planning Officer
P Slater	Principal Planning Officer
S Sternberg	Assistant Director of Governance and Monitoring Officer
L Ingram	Legal Team Manager - Contentious Team
A Bond	Governance Officer
A Maher	Interim Governance Manager

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

**66/2**

**2-23** Apologies were received from Councillor R Hall and J Ridgway.

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

**67/2**

**2-23** Councillor H Liggett informed Committee that she would speak as a Ward Member on Item 4 (Application NED/21/01376/OL – Shirland). Councillor Liggett indicated that she would then leave the meeting and would not participate in the Committee's discussion of and determination on the Item.

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

**68/2**

**2-23** The minutes of the meeting held on Tuesday 22 November 2022 were approved as a true record.

#### **PLA/ NED/21/01376/OL - SHIRLAND**

**69/2**

**2-23** The report to Committee explained that an Application had been submitted to vary Condition 4 (Approved Plans), Condition 16 (Temporary Access) and Condition 17 (Highway Improvement Works) of Planning Approval 19/00335/OL. These changes would provide a revised site access for a Major Development on land to the South of Hallfieldgate Lane, Shirland. The Application had been referred to Committee by Ward Member, Councillor H Liggett, who had raised concerns about it.

Planning Committee was recommended to approve the Application, subject to

conditions and an appropriate 'Section 106' Agreement; or an agreement reached between the Council as Planning Authority with a developer to carry out specific work to help offset the impact of new developments on local people. The report to Committee explained the reasons for this.

Officers had concluded that because the proposed variations would only involve minor changes. It would be possible to deal with them through a 'Section 73 Application' under the Town and Country Planning Act 1990, to make minor amendments to approved plans.

Members heard that the Application proposed to change access to the site. However, the proposed variations would have some impact on the long term health of one of the trees covered by a Tree Preservation Order (TPO). Officers contended that this this would still be preferable to implementing the original access arrangements, as these would have a greater impact on the trees covered by the TPO than the suggested new access arrangements.

Officers felt that the proposed change to the access arrangements would not have an adverse impact on either the local street scene, or on the nearby Conservation Area. They recommended that as a condition for approval an appropriate Section 106 agreement should be put in place, to ensure that the financial contributions to education and affordable housing, which had been unilaterally offered by the developer, would now be carried over to this new permission.

Before the Committee discussed the Application it heard from Councillor C Cupit as local ward Member and Councillor H Liggett as local ward Member. After Councillor H Liggett had spoken she then left the meeting and took no part in the Committee's consideration and determination of the Application. Committee also heard from R Southey, K Bush and P Webster who objected to the Application. No one spoke in support of the Application.

Committee considered the Application. It took into account the relevant Planning Issues. It considered the Principle of Development and noted how outline planning permission had been granted on appeal, to construct up to 90 dwellings on the site. It took into account the implications for nearby heritage assets and the location of the proposed site access in relation to the Hallfieldgate Gate Conservation Area. It considered the impact on the local street scene, including those trees covered by a Tree Preservation Order, the necessity to remove a section of hedgerow and the effect on neighbouring properties.

Members discussed the Application. As part of this, they considered the possible implications for road safety of the proposed change. Members were informed that the Highway Authority had been consulted about the Application and that it had raised no road safety, traffic management or other objections.

Committee Members reflected on the concerns raised about how the changed access arrangements might make it more difficult for vehicles to safely enter and exit the site. They also discussed the volume of traffic likely to use the road network at and around the site. They noted the concerns raised that a more up to date assessment of this would be required.

Members discussed the impact on those trees covered by a Tree Preservation Order and the possible damage to them if the access granted under either the original permission or the proposed new access were put in place. They also discussed the impact on the street scene and especially the need to remove a section of hedgerow, so that the new access to the site could be created.

During the discussion, some Members felt that the revisions to access arrangements, the traffic management implications, the possible damage to trees and to the street scene, would amount to a major change to the existing Planning Permission. In this context, they queried whether the changes ought to have been covered by a new outline planning application.

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 Application 21/01376OL be refused, contrary to officer recommendations.

#### *[Reasons*

*That the proposed variations to conditions would cumulatively result in a major change to the agreed Planning Approval (19/00335/OL), especially in terms of road safety, traffic management, protected trees and the overall character of the area.]*

#### **PLA/ NED/22/00884/RM - STRETTON**

**70/2**

**2-23**

The report to Committee explained that an Application had been submitted to vary Condition 1 (Approved Plans) of Planning Approval 18/00812/RM in order to vary the layout and landscaping details of a major development at land to the east of 'Prospect House', Highstairs Lane, Stretton. The Application had been referred to Committee by Local Ward Member, Councillor A Cooper, 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.

Officers had concluded that it would be appropriate to deal with the variation through a 'Section 73 Application' under the Town and Country Planning Act 1990, to make minor amendments to already approved plans. Members were reminded that the site had planning permission for 28 dwellings. The proposed minor changes to the landscaping and layout details were necessary because a new company had now taken over the development of the site and had different house types to those of the previous company, which would require a different layout and landscaping on the site. Officers felt that the variations would be acceptable, the proposed changes would conform to the relevant Development Plan and National Planning Policies. They concluded that the Application should be approved.

Before the Committee discussed the Application it heard from L Harries, who objected to the Application and J Millhouse, the Agent for Application.

Committee considered the Application. It took into account the Principle of Development, the work on the site that was now underway and the landscaping changes which had been made. It considered the revised designs and how they compared with those originally agreed. It took into account the officer assessment of the proposed changes and in particular what impact they would have on those trees covered by the Root Protection Area at the boundary of the site. They heard the reasons why this area had been re-calculated. They discussed the protective fencing to be installed and the additional measures requested by Derbyshire Wildlife Trust.

At the conclusion of the discussion Councillor D Ruff and A Powell moved and seconded a Motion to agree the Application, in accordance with officer recommendations. The Motion was put to the vote and was agreed.

### RESOLVED

- (1) That Application NED/22/00885/RM be conditionally approved, in line with officer recommendations.
- (2) That the final wording of the conditions be delegated to the Planning Manager (Development Management).

### **Conditions**

- 1) The development hereby approved shall be carried out in accordance with the details shown on the following drawings unless otherwise subsequently agreed through a formal submission under the Non Material Amendment procedures and unless otherwise required by any condition contained in this decision notice:
  - STRET – 001 - proposed site plan; date scanned 14.10.22
  - 2016-458 005 rev A - Site location plan
  - 2016-458 045 rev E - Hedge Translocation
  - 2016-458 014 rev G - Refuse Collection Scheme
  - GL0779 - Hedge translocation Method Statement rev A
  - GL0779 - Landscape Management Plan rev D
  - GL0779 03 - Soft Landscaping proposals; date scanned 06.09.22  
[Officer note: this plan will be updated once amended details are submitted]
  - Highstairs Lane, Stretton - Mitigation Measures rev 1
  - JH\_TPP1/1 (Protective Fencing Plan); date scanned 05.12.22
  - Scheme for mitigating climate change

*[Reason: For clarity and the avoidance of doubt.]*

- 2) Within 14 days of this decision, the revised Root Protection Area (RPA) labelled "October 2022 Fenceline" on drawing JH\_TPP1/1 (Proposed Layout; Protective Fencing Plan) shall be protected with fencing, as identified in Figure 1 of the Arboricultural Survey Report & Method Statement, prepared by John Booth dated February 2019. The approved RPA fencing shall be retained in position until all building

works along the western boundary of the site have been completed. The area within the fenced/protected area shall not be used for storage or the parking of machinery or vehicles and the ground levels shall not be altered.

*[Reason: In the interest of protecting existing trees in accordance with policy SDC2 of the North East Derbyshire Local Plan.]*

- 3) Notwithstanding the provisions of Article 3(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any Order revoking and re-enacting that Order) no extensions (Part 1, Class A), curtilage buildings (Part 1, Class E), hard surfaces (Part 1, Class F) and means of enclosure (Part 2, Class A) shall be erected at Plots 1-7 hereby approved without first obtaining planning permission.

*[Reason: To offer protection to the trees covered by NEDDC TPO 266, in accordance with policy SDC2 of the North East Derbyshire Local Plan.]*

- 4) Within 14 days of the approved grouting works being completed within the agreed Root Protection Area (RPA) as identified on drawing JH\_TPP1/1 (Proposed Layout; Protective Fencing Plan), a scheme of soil amelioration within the RPA shall be submitted to and approved in writing by the Local Planning Authority. The scheme of soil amelioration could include air spade attendance to reduce soil bulk density or similar mitigation works. The agreed scheme of soil amelioration within the RPA shall be implemented in full prior to the 31<sup>st</sup> March 2023.

*[Reason: To mitigate soil compaction and to protect the health and wellbeing of the trees covered by NEDDC TPO 266, in accordance with policy SDC2 of the North East Derbyshire Local Plan.]*

**PLA/ NED/22/00885/RM - STRETTON**

**71/2**

**2-23**

The report to Committee explained that an Application had been submitted to vary Condition 1 (Approved Plans) of planning approval 17/00768/RM to change the scale and appearance details at land to the east of Prospect House, Highstairs Lane. This was the same site and development covered by the previous Application on the Agenda (NED/22/00884/RM). The Application had been referred to Committee by local Ward Member, Councillor A Cooper, 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.

Officers had concluded that it would be appropriate to deal with the variation through a 'Section 73 Application' under the Town and Country Planning Act 1990, which allow for minor amendments to approved plans. Members were reminded that the site had planning permission for 28 dwellings. The proposed changes to the approved scale and appearance details of the development would be required because a new company had now taken over the development of the site and had different housing types to the previous company. Officers felt that

the changes would be acceptable, that they would conform with relevant national and local planning policies and so should be approved.

Before the Committee discussed the Application it heard from L Harries, who objected to the Application and J Millhouse, the Agent for the Application.

Committee considered the Application. It took into account the Principle of Development and the work on the site. It considered the overall size and scale of the properties and how these compared to those originally approved. It took into account the relevant Local Plan Policies and the National Planning Policy Framework.

Members discussed the Application. They considered the new designs for properties and how they compared and contrasted to the original designs, as well as the size and scale of what was now proposed. Members heard how these dwellings would be in keeping with the character and appearance of the surrounding street scene. They also considered the possible impact of the proposed changes on neighbouring properties and the conditions that would be required to protect their privacy and amenity.

At the conclusion of the discussion Councillor D Ruff and Councillor A Powell moved and seconded a motion to approve the Application, subject to conditions

The Motion was put to the vote and was agreed.

### RESOLVED

- (1) That the Application is conditionally approved, in line with officer recommendations;
- (2) That the final wording of the conditions be delegated to the Planning Manager (Development Management).

### Conditions

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans insofar as they relate to scale and appearance:
  - Site Location Plan: 2016-458 005A
  - Site Survey as Existing: 2016 - 458 006A;
  - STRET 002 - House Type Bamburgh
  - STRET 003 – House Type Bamburgh (V4)
  - STRET 004 - House Type Barnard
  - STRET 005 – House Type Balmoral
  - STRET 006 - House Type Canterbury
  - STRET 007 - House Type Durham
  - STRET 008 – House Type Winchester
  - STRET 009 – House Type Hampton
  - STRET 010 - House Type Richmond
  - STRET 011 Rev A – House Type Warwick
  - STRET 012 – House Type Waterford

- STRET 013 – House Type Garages

*[Reason: For clarity and the avoidance of doubt.]*

- 2) Notwithstanding the provisions of Article 3(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any Order revoking and re-enacting that Order), no first floor rear facing windows, dormers in the roof or Juliet balconies shall be inserted into the rear elevation of plot 7, save for the windows shown on the approved drawing which shall have obscure glazing installed in order to provide a level of obscurity at least equivalent to levels 3, 4, or 5 on the Pilkington Glass scale and the glazing shall be retained as such thereafter.

*[Reason: To ensure that the privacy and amenity of residents at Prospect House is respected, all in accordance with policy SDC12 of the North East Derbyshire Local Plan.]*

- 3) Notwithstanding the submitted details, before work commences above Damp Proof Course (DPC) precise specifications or samples of the walling and roofing materials to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

*[Reason: In the interest of the character and appearance of the site and the surrounding street scene, all in accordance with policies SS9 and SDC12 of the North East Derbyshire Local Plan.]*

**PLA/ NED/21/1159/FLH - DRONFIELD**

**72/2**

**2-23**

The report to Committee explained that an Application had been submitted for a second storey extension to create rooms in a roof space and a two storey extension to the front of a property on Bents Crescent, Dronfield. The Application had been referred to Committee by local Ward Member, Councillor M Foster, 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.

Officers contended that the proposed development would be in keeping with the style, proportion and materials of the surrounding street scene. It would not have an adverse impact on the privacy and amenity of neighbouring residents. Officers had concluded that it would be an acceptable development, which would accord with the relevant national and local planning policies. They recommended that the Application should be approved, subject to conditions.

Before the Committee discussed the Application it heard from M Carr and K Rogers, who objected to the Application. They also heard from the Applicant, S Kay.

Committee considered the Application. It took into account the Principle of Development and the location of the property within the defined Settlement

Development Limit (SDL) for Dronfield. It considered the relevant planning policies and in particular: Local Plan Policy LC5, (requiring domestic extensions to be in keeping with the existing property and street scene and not cause significant loss of amenity and privacy for neighbouring residents) and Dronfield Local Plan Policy D3 (requiring developments to respect the character and historic context of existing developments).

Members discussed the Application. They reflected on the surrounding street scene and assessed whether the proposed extension would complement this. They discussed the impact the proposed development on the neighbouring properties and whether this could be mitigated through appropriate conditions.

At the conclusion of the discussion Councillor M Foster and H Liggett moved and seconded a Motion to refuse the Application, contrary to officer recommendations on the grounds that it would not be in line with the Dronfield Neighbourhood Plan Policy D3 (Loss of amenity and especially light to neighbouring properties) and Local Plan Policy LC5, (compatibility with the street scene).

The Motion was put to the vote and was defeated.

Councillor D Ruff and A Powell then moved and seconded a Motion to approve the Application subject to conditions, in line with officer recommendations. The Motion was put to the vote and was agreed.

## RESOLVED

- (1) That Application NED/21/1169/FLH be conditionally approved, in line with officer recommendations.
- (2) That the final wording of the conditions be delegated to the Planning Manager (Development Management).

## Conditions

- 1) The development hereby permitted shall be started within 3 years from the date of this permission.

*[Reason: To comply with the provision of Section 91 (as amended) of the Town and Country Planning Act 1990.]*

- 2) The development hereby approved shall be carried out in accordance with the details shown on the following drawings:
  - Amended First Floor Plan (date scanned 28<sup>th</sup> October 2022)
  - Amended Front Elevation Plan (date scanned 28<sup>th</sup> October 2022)
  - Amended Rear Elevation Plan (date scanned 28<sup>th</sup> October 2022)
  - Amended Existing and Proposed Ground Floor Plan (date scanned 26<sup>th</sup> October 2022)
  - Amended Side Elevation A (east) Plan (date scanned 26<sup>th</sup> October 2022)
  - Amended Side Elevation B (west) Plan (date scanned 26<sup>th</sup> October 2022)

- Location and Block Plan (date scanned 19<sup>th</sup> October 2022)

unless otherwise subsequently agreed through a formal submission under the Non Material Amendment procedures and unless otherwise required by any condition contained in this decision notice.

*[Reason: For clarity and the avoidance of doubt.]*

- 3) The proposed materials shall match those of the existing building as closely as possible.

*[Reason: In the interests of the appearance of the area and in accordance with policies SS7 and LC5 of the North East Derbyshire Local Plan and policy D3 of the Dronfield Neighbourhood Plan.]*

- 4) The bat and bird mitigation measures illustrated on the approved plans shall be incorporated in full prior to the first use of the first floor extension and retained as approved thereafter.

*[Reason: In the interest of providing ecological mitigation measures, in accordance with policy SDC4 of the North East Derbyshire Local Plan and ENV4 of the Dronfield Neighbourhood Plan.]*

- 5) The flat roof above the exiting kitchen to the rear of the property shall not be used as a raised platform or balcony.

*[Reason: For clarity and the avoidance of doubt.]*

- 6) Prior to the first use of the first floor extension hereby approved, the windows serving a bedroom, landing and bathroom in the first floor east and west elevations of the dwelling shall be fitted with obscure glazing. The obscure glazing shall be of an obscurity equivalent to at least Level 4 of the Pilkington obscure glazing range. The windows shall be of a non-opening design or alternatively any opening parts must be more than 1.7m above the floor level of the room in which the window is installed. The windows shall then be retained as such thereafter at all times.

*[Reason: To protect the privacy and amenity of neighbouring residents at numbers 18 and 22 Bents Crescent, Dronfield.]*

**PLA/ Planning Appeals - Lodged and Determined**

73/2

2-23

The report to Committee explained that two appeals had been lodged. No appeals had been allowed, dismissed or withdrawn.

**PLA/ Matters of Urgency**

74/2

2-23

None.