

## **PLANNING COMMITTEE**

### **MINUTES OF MEETING HELD ON TUESDAY, 21 MARCH 2023**

#### **Present:**

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

Councillor William Armitage  
Councillor Andrew Cooper  
Councillor Roger Hall  
Councillor Maggie Jones  
Councillor Heather Liggett

Councillor Stephen Clough  
Councillor Peter Elliott  
Councillor David Hancock  
Councillor Tony Lacey  
Councillor Kathy Rouse

#### **Also Present:**

A Kirkham	Planning Manager - Development Management
A Lockett	Senior Planning Officer
L Ingram	Legal Team Manager & Deputy Monitoring Officer
D Cunningham	Principal Arboricultural Officer
H Fairfax	Planning Policy Manager
A Bond	Governance Officer
A Maher	Interim Governance Manager

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

**89/2**

**2-23** Apologies were received from Councillor L Hartshorne, who was substituted by Councillor T Lacey. Apologies were also received from Councillor M Foster, who was substituted by Councillor S Clough.

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

**90/2**

**2-23** None.

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

**91/2**

**2-23** The minutes of the meeting held on Tuesday 14 February 2023 were approved as a true record.

#### **PLA/ NED/22/00574/FL - HOLMESFIELD**

**92/2**

**2-23** The report to Committee explained that a Planning Application had been submitted for the change of use from Agriculture to a Dog Exercise and Training facility at land to the south of Little Chatsworth Cottages, Millthorpe Lane, Holmesfield. The Application had been referred to Committee by Local Ward Member, Councillor B Strafford-Stephenson, 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 change of use would be in line National and Local

Planning Policies. Allowing dog training in the field would not cause any unacceptable harm to the amenity of neighbouring occupiers. But to make sure of this, and in response to the concerns which had been raised locally, they recommended that only temporary permission for the development be granted. This would allow the impact of the change of use to be monitored over the two year period covered by the temporary permission. If full permission for the development was subsequently granted then any identified problems could be rectified.

Before the Committee considered the Application, it heard from Local Ward Member B Trafford-Stephenson, C Brooks, R Barnes, K Botros, H Stuart-Bamford, A Turner, N Todd, H Geary, M Greenland and S Nash, who spoke against the Application. The Applicant, H Wordsworth, and the Agent for the Application, M Seddon, spoke in support of it.

Committee considered the Application. It took into account the Principle of Development and the site's location outside of the defined Settlement Limits for Holmesfield, but within the countryside and the Green Belt. It considered the relevant Planning Policies. These included Local Plan Policy SS9, on acceptable development in the Countryside and in particular, category 1(d) of the Policy, on small scale use related to recreation. It took into account Local Plan Policy SD3, requiring new developments to not significantly harm the character, quality distinctiveness or sensitivity of the landscape. It also took into account Local Plan Policy SS10, proscribing inappropriate development in the Green Belt, except in very special circumstances and Local Plan Policy SDC12, requiring that all new developments protect the amenity of neighbouring occupiers.

Members discussed the Application. They heard about how the Dog Training Facility would operate, the Parking and Access arrangements for those visiting it and how boundary fencing would be used to help prevent dogs from escaping into the neighbouring fields and properties. They discussed the noise and other impacts which the Development might have on the surrounding area. In this context, Members discussed the concerns raised that those travelling to use the Facility might generate additional traffic in the local area, and also that it was not required and so unlikely to be widely used.

Some Members felt that that the Application would be contrary to Local and National Planning Policies. They expressed concern that the proposed fencing to enclose the Field, the creation of hard surfacing for parked cars and the new access to the site would not preserve the openness of the Green Belt. They also queried what impact the change of use might have on possible future developments if it became classed as a Brownfield Site. Officers explained how the planning system could be used to prevent inappropriate development in such circumstances.

Some Members felt that the Development would be acceptable, with the imposition of appropriate conditions and if outstanding questions were clarified. They noted the conclusion of officers that the general principle of the proposed use and associated development would not be inappropriate, subject to it preserving openness and not conflicting with Green Belt uses.

At the conclusion of the discussion Councillor A Cooper and K Rouse moved and seconded a Motion to approve Application, in accordance with officer recommendations. The Motion was put the vote and was defeated.

Councillor D Ruff and H Liggett then moved and seconded a Motion to refuse 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 is considered unacceptable as by reason of the erection of the fencing to enclose the field, the creation of hard surfacing and a new access and the comings and goings associated with the proposed use it would fail to preserve the openness of the Green Belt. The development would, therefore, constitute inappropriate development and there are no very special circumstances to outweigh the harm caused.

As such, the application is contrary to policy SS10 of the North East Derbyshire Local Plan and the policies of the National Planning Policy Framework.

2. The application is considered unacceptable as by reason of the comings and goings of customers and their dogs when arriving at and leaving the site and the noise created whilst attending and using the facility there would be an unacceptable impact caused to the amenity and welfare of nearby residents and the local area.

This would be contrary to policies SDC3 and SDC12 of the North East Derbyshire Local Plan and the policies of the National Planning Policy Framework.

3. The application is considered to be unacceptable as by reason of the erection of fencing, the formation of a new access and car parking area and the impact of the new use there would be an unacceptable impact on the character, quality, distinctiveness, sensitivity and tranquillity of the area, one identified as a primary Area of Multiple Environmental Sensitivity.

As such, the development would be contrary to policies SS1, SDC3 and SDC12 of the North East Derbyshire Local Plan and the policies of the National Planning Policy Framework.

**PLA/ NED/23/00015/FL - ECKINGTON**

**93/2**

**2-23**

The report to Committee explained that a Planning Application had been submitted to install a 4 Metre high Acoustic Fence to the Air Source Heat Pump compound and to install an acoustic wall lining to internal brick work elevations of the compound at Eckington Swimming Pool, Gosber Street, Eckington. Under the Council's Constitution Planning Committee was required to consider and

determine on the Application, as an objection to the proposed development at this Council owned facility had been received.

Planning Committee was recommended to approve the Application, subject to conditions. The report to Committee explained the reasons for this.

Members were informed that the proposed 4 metre high fence was intended to ameliorate the impact noise coming from the Air Source Heat Pumps (ASHP) installed at the Swimming Pool. The Council's Environmental Health officers were confident that the Acoustic Fence would achieve this. However, they had suggested that a condition requiring that the impact should be tested once the fence was in place ought to be imposed.

In addition, Member heard that a Noise Report had been submitted. This report was subject to a public consultation period, which would only conclude after the Committee had met. Officers recommended, therefore, that if the Committee approved the Application then this should remain subject to the consultation period expiry date.

Before Committee considered the Application it heard from P Vardy who objected to the proposal. No one spoke in support of it.

Committee considered the Application. It took into account of the Principle of Development and the site's location within the settlement development limits for Eckington. It considered the relevant local and national planning policies. These included Local Plan Policy SS7, supporting appropriate development within settlements and in particular, the specific provision of Local Plan Policy SS7(c) requiring that developments be compatible with and not prejudice any intended use of adjacent sites and land uses. Committee also took into account Local Plan Policy SDC12, on the need for developments to protect the amenity of existing occupiers in relation to privacy.

Members discussed the Application. Some Members sought clarification on whether the proposed Fence would reduce the noise impact on the neighbouring property. Committee was reminded that the Council's Environmental Health Officers had advised that it would do so.

At the conclusion of the discussion Councillor R Hall and A Armitage moved a motion to approve the Application in line with officer recommendations. The motion was put to the vote and was agreed.

#### RESOLVED -

That the Application be conditionally approved, in line with officer recommendations, subject to expiry of the consultation date with any late matters relating to the noise report delegated to the Planning Manager in consultation with Chair and Vice Chair of the Committee.

## Conditions

### 1. (Full Condition)

The development hereby permitted shall be started within three years from the date of this permission.

**T1R Reason** - To comply with the provision of Section 91 (as amended) of the Town and Country Planning Act 1990.

### 2. (Submitted Plans)

The development hereby approved shall be carried out in accordance with the details shown on drawing numbers:

CS8593 - 101 REV B Plan  
CS8593-102 Elevations  
CS8593-102 Sections  
CS8593-104 REV B Non acoustic Discharges  
received 6<sup>th</sup> January 2023  
G1071/019 REV P1 Proposed Compound Fence line layout  
received 2<sup>nd</sup> March 2023;  
AS12321 Eckington Leisure Centre ASHP Sound Impact Assessment  
Uploaded 8<sup>th</sup> March 2023

unless otherwise subsequently agreed through a formal submission under the Non Material Amendment procedures.

**T5R Reason-** For clarity and the avoidance of doubt.

3. The Air Source Heat Pumps (ASHP) shall not be brought into use unless and until the scheme of acoustic mitigation is installed as described in the Clarke Saunders Acoustics report ref: AS12312.211021.NIA.V1.2. The scheme, as approved, shall be implemented in full and validated by a competent person. The scheme, as validated, shall be retained thereafter. The assessment shall demonstrate that the rating level of the sound, corrected for acoustic features, measured at or calculated to, a position representing any residential receptor (LT1-4) which may suffer a loss of aural amenity from sound associated with the development, does not exceed the referenced levels within the aforementioned report.

**Reason** – In the interest of the aural amenity of surrounding dwellings and in accordance with Policies of the North East Derbyshire Local Plan.

## **PLA/ 94/2 2-23**

### **Tree Preservation Order (TPO) 192/2022 - WINGERWORTH**

The report to Committee proposed that Tree Preservation Order (TPO) 192/2022, on land at the Rectory of All Saints Church, Wingerworth, should now be confirmed. Members were informed that this Order had been provisionally made on 12 December 2022. It would apply for six months from that date, or until it had been Confirmed or Modified.

Members were reminded 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. In this context, the report explained that two objections to it had been received.

Members considered the report and the assessment of the Council's Principal Arboriculture Officer (Tree Officer). He advised that should the Order not be confirmed in the interests of amenity then there would be a foreseeable threat to the tree described as T1 within the Order. This threat would be likely to result in the loss of the tree.

**RESOLVED -**

That Tree Preservation Order (TPO) 292/2022, Land at the Rectory of All Saints' Church, Wingerworth be confirmed without modification.

By Acclamation

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

**95/2**

**2-23** The report to Committee explained that four Appeals had been lodged. No Appeals had been allowed or withdrawn and one Appeal had been dismissed.

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

**96/2**

**2-23** None.

**PLA/ Exclusion of Public**

**97/2**

**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 Paragraphs 3 & 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/ Section 106 Legal Agreements Update**

**98/2**

**2-23** The report to Committee provided information on specific 'Section 106' Agreements, or agreements reached between the Council as Planning Authority with developers to carry out specific work to help offset the impact of new developments on local people.

Members were informed of those agreements where the funding had now been secured. It also included information about Section 106 agreements where the funding had not yet been received or written-off.

**RESOLVED -**

(1) That the information contained within Appendices A, B and C of the report be noted.

(2) That the contents of paragraph 2.1 of the report be noted and endorsed.

- (3) That information on Section 106 Agreements continues to be reported to Planning Committee.

By Acclamation

**PLA/** **Matters of Urgency (Private)**  
**99/2**  
**2-23** None.