

**PLANNING COMMITTEE****MINUTES OF MEETING HELD ON 4 JUNE 2019****I N D E X**

<b>Page No</b>	<b>Minute No</b>	<b>Heading</b>
1	20	Apologies for Absence and Substitutions
1	21	Declarations of Interest
1	22	Minutes of Last Meeting
2	23	Development Management Applications
5	24	Planning Appeals – Lodged & Determined
6	25	Section 106 (Legal) Agreements Update
6	26	Urgent Business – Open Session

## PLANNING COMMITTEE

### MINUTES OF MEETING HELD ON 4 JUNE 2019

#### **Present:**

Councillor D Ruff .....	Chair
Councillor P Antcliff .....	Vice-Chair
Councillor W Armitage	Councillor H Liggett
“ S Clough	“ M Potts
“ A Cooper	“ A Powell
“ P Elliott	“ T Reader
“ D Hancock	“ K Rouse
“ E Hill	

#### Substitutes Present:

Councillor J Birkin - acted as substitute for Councillor J Barry  
Councillor M Foster - acted as substitute for Councillor R Hall  
Councillor M Jones - acted as substitute for Councillor J Ridgway

#### Also Present:

Richard Purcell - Head of Planning  
Nigel Bryan - Principal Planning Officer  
Jim Fieldsend - Team Leader Solicitor (non contentious)  
Alan Maher - Senior Governance Officer

#### **20 Apologies for Absence and Substitutions**

Apologies for absence were received from Councillors J Barry, R Hall, C Huckerby, J Ridgway

The meeting was advised that Councillors J Birkin and M Foster and M Jones would act as substitutes for Members who had given apologies.

#### **21 Declarations of Interest**

Members were requested to declare the existence and nature of any disclosable pecuniary interests and/or other interests, not already on their register of interests, in any item on the agenda and withdraw from the meeting at the appropriate time.

No declarations were made at the meeting.

#### **22 Minutes of Last Meeting**

RESOLVED – That the Minutes of the last meeting of the Planning Committee held on 9 April 2019 be approved as a correct record and signed by the Chair.

**23 Development Management Applications**

The Committee considered Report No PM/1/19-20/AK of the Planning Manager – Development Management together with visual presentations for each of the following applications.

**NED/19/00154/FL**

Change of use of existing domestic garage to provide pre-school playroom facility and erection of canopy to form covered play area at 7 Fern Lea, Shirland, Alfreton for Mrs Isabel Alvey.

The Committee was directed to the recent late comments/update report which had been issued the afternoon prior to the meeting and were advised of further late comments which was circulated on the day of the meeting.

One objector exercised their right to attend the meeting and spoke against the application.

One supporter exercised their right to attend the meeting and spoke in favour of the application.

The applicant exercised their right to attend the meeting and spoke in support of the application.

Members considered the application having regard to whether or not the principle of commercial development was supported in the location having regard to the policies within the extant Local Plan and the Publication Draft Local Plan (PDLP), and guidance within the NPPF. Thereafter, whether or not the development would respect the character of the area and residential amenity, along with highway considerations.

**RESOLVED** – That application number NED/19/00154/FL be refused for the reasons specified in the report.

- 1 No adequate provision is included in the application proposals for the parking and manoeuvring of vehicles clear of the public highway, which would be likely to result in a significant increase in on-street parking on Fern Lea causing obstructions, or parking on the shared driveway leading to obstructions and onerous manoeuvres to and from the public highway. Either scenario is against the best interests of highway safety and is likely to lead to potential danger and inconvenience to other highway users and interfere with the safe and efficient movement of traffic on the adjoining highway. The proposal is, therefore, considered contrary to policies GS5, E8, T2 and T9 of the North East Derbyshire Local Plan.
- 2 The proposed use of the building and construction of the canopy, due to its design and siting, is not considered acceptable for the use as proposed and would materially alter the nature of the residential character of the area and cause harm to residential amenity as a result of noise and disturbance. In particular, the residents of no.5, Fern Lea would be adversely affected due to the close relationship with the site of both the property and residential curtilage. The

proposal is considered contrary to policies GS5, BE1 and E8 of the North East Derbyshire Local Plan.

**NED/19/00208/FL**

Conversion of existing outbuilding to a 3 bedroom, single storey dwelling (Conservation Area) at View House, Snowdon Lane, Troway, Marsh Lane, Sheffield S21 5RT for Mr K Lewis.

The Committee was directed to the recent late comments/update report which had been issued the afternoon prior to the meeting and were advised of further late comments which was circulated on the day of the meeting/were read out at the meeting.

The agent exercised their right to attend the meeting and spoke in support of the application.

Members considered the application having regard the key policy considerations of protection of the Green Belt, safeguarding the character of the area, highway safety, safeguarding residential amenity; and the character of the Conservation Area. The planning history for the site was also a material consideration. Whilst the planning permission granted had lapsed, the principle of conversion in the Green Belt had been accepted and was still pertinent to the current Green Belt policies, both nationally and locally.

**RESOLVED** – That application number NED/19/00208/FL be approved with the final wording of conditions delegated to the Planning Manager.

- 1 The development hereby permitted shall be started within three years from the date of this permission.
- 2 The development hereby approved shall be carried out in accordance with the drawings listed below:

325/00 rev A – Location plan  
325/10 rev A – Site plan  
325/11 rev A – Ground floor plan  
325/12 rev A - Elevations  
325/31 – Construction detail, floor plan  
325/33 – Construction detail, elevation plan

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.

- 3 The proposed walling materials shall match those of the existing building as closely as possible.
- 4 The roof shall be covered with natural slates to match the host dwelling. All fixings shall be corrosion resistant.

- 5 Windows and doors shall be set back 100mm from the face of the stonework and shall be constructed in painted timber and retained as such thereafter.
- 6 Prior to any above ground works commence, the following shall be submitted to and approved in writing by the Local Planning Authority:
  - a) a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land,
  - b) the details of any trees and hedgerows to be retained, together with measures for their protection during development,
  - c) a schedule of proposed plant species, size and density and planting locations and
  - d) an implementation programme.
- 7 All planting, seeding or turfing in the approved scheme of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
- 8 Notwithstanding any submitted details, before completion of the conversion works a plan to show the positions, design, materials, height and type of boundary treatments to be erected and/or retained shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full before the occupation of the dwelling hereby approved and it shall be retained as approved unless otherwise agreed in writing by the Local Planning Authority.
- 9 Before occupation of the proposed dwelling, the proposed vehicular access to Snowdon Lane (B6056) shall be created in accordance with the application drawings, laid out, constructed and maintained in perpetuity free from any impediment to its designated use.
- 10 There shall be no gates or other barriers within 5m of the nearside highway boundary and any gates shall open inwards only.
- 11 Before occupation, the area shown on the approved plans as reserved for parking, garaging, circulation and standing of vehicles shall be provided in accordance with the approved details. Thereafter the area shall be used for those purposes only and maintained free from any impediment to its designated use.
- 12 Notwithstanding the provisions of Article 3(1) of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order) no extensions (Part 1 Class A), dormer windows (Part 1 Class B) alterations to the roof (Part 1 Class C) and curtilage buildings (Part 1 Class E) shall be erected/constructed without first obtaining planning permission.
- 13 Notwithstanding the provisions of Article 3(1) of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-

enacting that Order), no doors or windows shall be installed in the building other than those shown on the approved application drawings.

- 14 The works shall be carried out strictly in accordance with the recommendations contained in the structural appraisal report produced by Freeman Design and Surveying Consultancy Limited dated 1st May 2019. In particular, the areas of demolition and rebuilding shall be limited to those set out in the structural survey and as shown on the approved drawings.

## **24 Planning Appeals Lodged and Determined**

The Committee considered Report No PM/2/19-20/AK of the Planning Manager – Development Management.

The following appeal had been lodged:-

Mr Chris Sinclair- Change of use from Public House to Residential dwelling with alterations to openings and new glass balustrade to front (revised scheme of 18/00690/FL) (Amended Plans) at The Barrack Hotel, Barrack Road, Apperknowle (18/01006/FL)

The following appeals had been allowed:-

Mr and Mrs Elliott – Application for 3 bedroom dwelling (Conservation area) at Ivydene, Palterton Lane, Sutton Scarsdale (18/00603/FL)

Mr Terry Rogers – Construction of a detached double garage (revised scheme of 18/00472/FLH) (Conservation Area) at South View, Main Road, West Handley (18/00979/FLH)

Mr and Mrs John Pritchard– Application for a Lawful Development Certificate for a Camp site for the siting of tents associated with leisure and recreation (for educational authorities) at Overton Park Camp, Coach Road, Overton, Ashover (18/00433/LDC)

The following appeals had been dismissed :-

Mr M P Nightingale – Proposed change of use and conversion of former reservoir structure to a single dwelling at Land Opposite Barn Close House, Matlock Road, Walton (18/00781/FL)

Mr and Mrs Sheldon– Proposed single storey rear extension (Conservation Area) at 4 Ridgeway Courtyard, Main Road, Ridgeway (18/00716/FLH)

Mr Jeremy White– Proposed demolition of garden centre buildings and the erection of one dwellinghouse (Revised scheme of 16/00398/FL)(Conservation Area) at Land To The Rear Of The Fieldings Greenway Northridge And Four Winds, High Lane, Ridgeway (17/00081/FL)

Mrs Margaret Simpson– Outline application with all matters reserved for the construction of 1no 3bed dwelling (Revised scheme of 17/01325/OL) at Land West Of Stables And Smithy Brook Farm, Smithy Moor, Stretton (18/00466/OL)

No appeals have been withdrawn.

RESOLVED – That the report setting out the appeals lodged and determined within the previous month be noted.

**25 Section 106 (Legal) Agreements Update**

The Committee considered Report No PM/3/19-20/AK concerning Section 106 Legal Agreements.

RESOLVED – That the report be noted.

**26 Urgent Business**

There was no urgent business considered at the meeting.

---